

ORDINANCE NO. 6

SERIES OF 2016

AN ORDINANCE OF THE TOWN OF CARBONDALE APPROVING AMENDMENTS TO CHAPTER 1 OF THE CARBONDALE MUNICIPAL CODE (LAND USE FEES)

WHEREAS, the Town of Carbondale, Colorado ("Town") is a home rule municipal corporation duly organized and operating under the Carbondale Home Rule Charter ("Town Charter") and the Constitution and laws of the State of Colorado; and

WHEREAS, the Town, acting by and through its Board of Trustees ("Trustees"), has the power to amend the Municipal Code of the Town of Carbondale ("Town Code") pursuant to Section 1.2 of the Home Rule Charter of the Town of Carbondale; and

WHEREAS, when the Municipal Code was recently re-codified pursuant to Ordinance No. 8, Series of 2015, although the new Municipal Code includes an Appendix A that sets forth a table of applicable land use fees, other general code language concerning the obligations of land use applicants to pay and or reimburse the Town for certain costs and fees that was formerly located in Chapter 1.30 of the Municipal Code was inadvertently omitted during the recodification process; and

WHEREAS, the Board of Trustees desires to amend the new Municipal Code for purposes of continuing these land use fee requirements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that Chapter 1 of the Municipal Code is hereby amended to add an Article 8 entitled "Land Use Fees" to read as set forth on Exhibit A to this Ordinance, which is incorporated herein by reference. Except as specifically amended herein, the Municipal Code shall remain in full force and effect.

This Ordinance shall take effect upon posting and publication in accordance with the Town of Carbondale's Home Rule Charter.

THE TOWN OF CARBONDALE



By: Stacey Patch Bernot, Mayor

ATTEST:


Cathy Derby, Town Clerk

Exhibit A

ARTICLE 8

Land Use Fees

Sec. 1-8-10 Land Use Application Fees

Fees shall be assessed for the filing and processing by the Town of land use applications in accordance with the Fee Schedule set forth in Appendix A to this Code, which Schedule may be amended by resolution of the Board of Trustees. The entire fee for any application shall be paid by the applicant in full at the time of filing of the application, and unless paid, the application shall not be deemed properly filed. For purposes of this Article 8, land use applications shall be deemed to include any type of land use application that may be made to the Town, however denominated, including but not limited to zoning applications to rezone property or to establish a planned unit development, site plan review applications, subdivision or condominium applications, and subdivision or condominium exemption applications. (Ord. No. 6, 2016; prior code 1.30.010; Ord. No. 1, 2009; Ord. No. 17, 2003; Ord. No. 20-2002; Ord. No. 12-1996; Ord. No. 9, 1993).

Sec. 1-8-20 Publication and Recording Costs.

The applicant shall pay all costs for newspaper publications, signs, and any other notice costs including publication of ordinances and other documents, and costs of filing and recording documents with governmental entities. (Ord. No. 6, 2016; prior code 1.30.020; Ord. No. 9, 1993).

Sec. 1-8-30 Professional Fees.

The applicant shall reimburse the Town for professional fees charged by the Town Attorney or the Town Engineer in connection with review of land use applications. Final approval of a land use application may be withheld or revoked if the applicant does not reimburse the Town for these professional fees. Even though the applicant may reimburse the Town for professional fees as provided herein, the Town Attorney and the Town Engineer shall represent the interests of the Town only and no attorney-client or other professional relationship shall be deemed to exist between the professionals and the applicant. (Ord. No. 6, 2016; prior code 1.30.030; Ord. No. 17, 2003; Ord. No. 9, 1993).

Sec. 1-8-40 Special Studies.

If a land use proposal involves technical aspects or problems requiring the Town to hire or consult with specialists or experts to determine whether a project will comply with the

Municipal Code, or other applicable law or regulation, the applicant shall pay the fees and costs of such experts and consultants. The Planning Director shall notify the applicant of such required technical reports or identify unique problems as soon as possible in the application process. (Ord. No. 6, 2016; prior code 1.30.040; Ord. No. 9, 1993).

Sec. 1-8-50 Transportation and Traffic Impact Review.

(a) As part of review of any land use application, the Town may consider potential transportation and traffic impacts. The scope of review may include streets, roads, alleys, highways, sidewalks, bike paths, trails, the availability and proximity of public transit services, and related transportation and traffic facilities located either within or outside the Town that will reasonably be traveled by the public for access to or from the proposed development.

(b) In order to evaluate transportation and traffic impacts, the Town may require the applicant to prepare and submit traffic studies and reports prepared by a Colorado-registered professional engineer selected by the Town. Such studies and reports shall apply published standards and criteria commonly accepted by professional engineers licensed in the State of Colorado, including but not necessarily limited to criteria, models, standards, and data prepared by the Institute of Traffic Engineers (ITE). The scope of review may include potential impacts caused by motor vehicles, bicycles, and pedestrians upon any street, road, alley, highway, bike path, trail, and related transportation and traffic facilities, located within or outside the Town, that will reasonably be traveled or otherwise utilized by the public for access to or from the property that is the subject of the land use application or by the residents or occupants of the property to be developed.

(c) The decision-making authority on the land use application shall have discretion to condition the approval of any land use application as reasonably required to eliminate or mitigate transportation or traffic impacts that are reasonably foreseeable due to the proposed development. Such conditions may include, but shall not be limited to, the dedication to the Town of fee title to real property, easements, or rights-of-way, the construction of public improvements, or financial payment by the applicant to the Town of a fee-in-lieu of such dedication or construction obligations, provided that there is an essential nexus between the dedication or payment and a legitimate public interest and the dedication or payment is roughly proportional both in nature and extent to the reasonably foreseeable impacts of the proposed use or development. Nothing in this section shall be construed to preclude the Town and the applicant from mutually agreeing to appropriate conditions, dedications, construction of public improvements, or fees-in-lieu of dedication or construction, to address, mitigate, or eliminate transportation or traffic impacts resulting from a proposed development. (Ord. No. 6, 2016; prior code 1.35.050; Ord. No. 21, 2003).