

ORDINANCE O-2020-

A BILL FOR AN ORDINANCE AMENDING CHAPTER 4.10 OF THE LONGMONT
MUNICIPAL CODE ON SPECIAL DISTRICTS POLICIES AND PROCEDURES

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

Section 2

The Council amends chapter 4.10 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

4.10.010. – Purpose of policies and procedures.

Under appropriate circumstances, financing districts, including special districts organized under the Special District Act (C.R.S. § 32-1-101 et seq.) ("districts") provide an alternative means of financing the construction of municipal infrastructure.

A. Objectives. The purpose of these policies is to accomplish the following objectives:

1. Have the district ~~pay for~~*finance* infrastructure or other public improvements that the city or developer would normally install.
2. Identify the types of benefits that are expected to occur to the city and its citizens generally in the proposed formation of a special district.

~~3. Avoid having indebtedness of special districts affect the credit rating of the city.~~

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1 1. *Creation of a residential district creates a differential property tax structure*
2 *among similar residential developments, and the district resident would pay*
3 *significantly more property tax without any commensurate public benefit.*

4 2. *Buyers of homes in district projects are often unaware of the higher*
5 *property taxes in their development and may become upset when property taxes*
6 *increase. Residents may be surprised to find out the price of their homes did not*
7 *include the price of streets and utilities in their development and that they must pay*
8 *for this over 30 or more year period through their property taxes.*

9 D. ~~C. Commercial districts. Case by case consideration.~~ In general, the city
10 will consider the formation of *commercial* districts ~~on a case-by-case basis~~, if there
11 are demonstrated benefits to the citizens and the city, such as implementing the
12 Envision Longmont Comprehensive Plan and increasing the city's tax base.

13 E. *Mixed-use residential districts. Mixed-use developments that include*
14 *residential uses may present the same or similar issues to those posed by residential*
15 *districts, outlined above. However, the council finds it in the public interest to*
16 *promote mixed-use developments. To balance these competing concerns, the city*
17 *may approve a particular residential district that includes mixed-use development*
18 *if, after considering the factors listed in the paragraphs below, and after public*
19 *notice and a public hearing, the council finds the proposed mixed-use residential*
20 *district at least satisfies the factors listed in the paragraphs below:*

21 (1) *There is a distinct need for the proposed development and special district,*
22 *to promote mixed-use development, consistent with the Envision Longmont*
23 *Comprehensive Plan, including the following:*

1 a. Strategy LUD 5.1 (a). Support development patterns that facilitate the
2 integration of residential and non-residential land uses and that are conducive to
3 transit, pedestrians, and bicycles; and

4 b. Strategy LUD 5.1 (c). Promote urban design and site planning in mixed-use
5 areas to make them pedestrian and bicycle friendly and to incorporate on-site
6 interconnections where appropriate;

7 (2) The likely public benefits resulting from the district outweigh the potential
8 adverse effects listed above;

9 (3) Use of the proposed district will reduce the cost of the proposed
10 improvements, and those cost savings will accrue to further occupants;

11 (4) The proposed mixed-use development:

12 a. Is extraordinary, by way of enhanced landscaping, artwork or other
13 physical features that create a “sense of place;” and

14 b. Provides a necessary or desired use or service not currently provided within
15 the city; and

16 c. Includes:

17 I. Retail, residential, office and entertainment uses that are pedestrian in scale
18 with architectural variety;

19 II. Connections between buildings, minimizing conflicts between pedestrians
20 and autos; and

21 III. Plaza spaces and special stopping points throughout the mixed-use
22 development to engage the pedestrian; and

1 *IV. Parking buffered by landscape plantings behind buildings and*
2 *supplemented by parking along the streets;*

3 *(5) The proposed mixed-use development will provide a large-scale regional*
4 *retail and mixed-use project that will provide significant sales tax revenues to the*
5 *city and will include high quality residential products integrated into the regional*
6 *retail area using exceptional architectural design;*

7 *(6) The proposed mixed-use development will provide a unique new urbanism*
8 *project that incorporates a retail commercial area, office buildings, retail space*
9 *and a variety of housing types, including single-family detached and attached*
10 *products along with recreational amenities (pool, clubhouse, etc.), private and*
11 *public parks, and common open space; or*

12 *(7) The cost of the proposed necessary infrastructure or additional amenities*
13 *is extraordinary or would otherwise prevent or limit construction of the proposed*
14 *mixed-use development and to pay for elements of added infrastructure and*
15 *amenities that are needed to achieve and meet the high standards of mixed-use*
16 *developments;*

17 *(8) A mixed-use district should not consist of more than 50 percent by square*
18 *footage of residential gross floor area.*

19 **4.10.020. - Definitions.**

20 ...

21 *Commercial means any development that does not include, or is not planned to*
22 *include, residential units.*

23 ...

Mixed use means a single building containing more than one principal permitted land use or a single development of more than one building containing more than one principal permitted land use. In a mixed-use development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

...

Residential means any development in which the residential units currently exist or are planned to exist.

...

4.10.050. - Application process.

The city council will use certain criteria in determining whether to accept a draft service plan to review for any given district:

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B. The proposed development *shall include commercial property and* shall conform to the Envision Longmont Comprehensive Plan and applicable city development code provisions.

...

4.10.070. - Service plan contents—See Appendix A for an illustrative service plan outline.

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A. Contents of proposed plan...

...

1 9. For a *mixed-used residential* district ~~that could include residential development,~~
2 a requirement that the district inform residential buyers of the additional tax burden
3 to be imposed....

4 ...

5 11. ...

6 ...

7 b. The city council will determine what change constitutes a “material
8 modification” of the service plan. Any *significant change* ~~material modification~~ in
9 the service plan shall be submitted to the city and shall first be subject to approval
10 by the city council in accordance with the provisions of the Special District Act and
11 the Longmont Municipal Code.

12 ...

13 4.10.080 – Annual report required and reviewed.

14 A.... The annual report shall include the following:

15 ...

16 6. A summary of *mixed-use residential and commercial* development (*whichever*
17 *is appropriate*) which has occurred within the district for the report year.

18 ...

19 Section 3

20 To the extent only that they conflict with this ordinance, the Council repeals any conflicting
21 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of
22 any part shall not affect the validity or effectiveness of the rest of this ordinance.

1 Introduced this _____ day of _____, 2020.

2 Passed and adopted this _____ day of _____, 2020.

6 _____
7 MAYOR

10 ATTEST:

13 _____
14 CITY CLERK

17 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
18 7:00 P.M. ON THE _____ DAY OF _____, 2020, AT
19 THE LONGMONT CITY COUNCIL MEETING.

22 APPROVED AS TO FORM:

25 _____
26 DEPUTY CITY ATTORNEY

_____ DATE

29 _____
30 PROOFREAD

_____ DATE

33 APPROVED AS TO FORM AND SUBSTANCE:

36 _____
37 ORIGINATING DEPARTMENT

_____ DATE

38 CA File: 20-000581
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