

ORDINANCE NO. 16-67

AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS) OF ARTICLE 12 (ECONOMIC DEVELOPMENT AGREEMENTS) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO COMMERCIAL ACTIVITY

WHEREAS, the City of Colorado Springs ("City") has authority to levy and collect property, sales and use taxes within the City and to negotiate and offer incentive payments and credits of taxes paid by qualifying taxpayers; and

WHEREAS, to enhance and strengthen the City's economic vitality, promote job retention and creation and the City's business climate in general, encourage business spending and enhancing business transactions related to commercial aeronautical activities, attract new businesses to the City and allow existing businesses to expand within the City, City Council, by Ordinance No. 14-22, dated April 8, 2014, established the commercial aeronautical zone ("CAZ") within the City and adopted a sales and use tax exemption for certain commercial aeronautical activities within the CAZ; and

WHEREAS, the City controls, owns, operates and maintains the Colorado Springs Municipal Airport ("Municipal Airport"); and

WHEREAS, by Resolution No. 73-05, dated April 26, 2005, as amended by Resolution No. 22-15, dated March 10, 2015, City Council found that aviation and commercial development on the Municipal Airport property is an economic development activity; and

WHEREAS, City Council desires to authorize the negotiation and execution of economic development agreements with qualifying businesses performing commercial activities at the Municipal Airport to encourage development and expansion of opportunities for employment in the private sector in the City and further complement the objectives of the CAZ; and

WHEREAS, City Council believes that approving economic development agreements as set forth in this ordinance will expedite and improve the City's responsiveness to businesses desiring to relocate to or expand within the City.

WHEREAS, the previously adopted commercial aeronautical zone has surpassed its original projections

WHEREAS, the City desires to respond to emerging marketplace demand in relation to the recruitment of firms and job creation

WHEREAS, the amended ordinances will enhance the existing commercial aeronautical zone, providing for greater job creation potential

WHEREAS, these amended ordinances will further streamline the EDA process to follow marketplace realities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.102: DEFINITIONS:

* * *

COMMERCIAL ACTIVITY: Any lawful activity undertaken as part of a commercial enterprise or conduct or regular course of conduct that is of a commercial character.

~~COMMERCIAL AERONAUTICAL ACTIVITY:~~ Any activity engaged in for profit directly and substantially related to the sale, purchase, lease, rental, distribution, consumption, manufacture, maintenance, repair, overhaul, storage, or use of aircraft.

* * *

NEW BUSINESS FACILITY: A new-~~or~~, expanded **or renovated** business facility that is placed in use after the commencement date of an economic development agreement executed in accordance with this article.

* * *

~~PRIMARY BUSINESS: A business that derives the majority of its gross annual income attributable to a new business facility from the sale of products or services outside of El Paso County either directly or indirectly through the sale to prime contractors.~~

* * *

Section 2. Section 103 (Economic Development Agreements Authorized) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.103: ECONOMIC DEVELOPMENT AGREEMENTS AUTHORIZED:

As set forth by City Council in this article **and subject to the authorized incentives**, the Mayor is authorized to negotiate and execute one or more economic development agreements with any ~~primary~~ business that performs a **commercial activity in support of aeronautical activities or users** ~~commercial aeronautical activity~~ at a new business facility within the commercial aeronautical zone. **The Airport Director or his or her designee shall inform the Airport Advisory Commission and the City Council within sixty (60) days of the execution of any Economic Development Agreement executed pursuant to this Article 12.**

Section 3. Section 104 (Authorized Incentives) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.104: AUTHORIZED INCENTIVES:

An economic development agreement executed in accordance with this article may include one or more of the following incentives so long as the agreement will result in a positive financial impact to the City:

* * *

D. **As used herein, the phrase “by or for the benefit of the business” includes sales and use tax payments by any construction contractor engaged by the qualified business to construct and/or equip a new business facility.**

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 28th day of June, 2016.

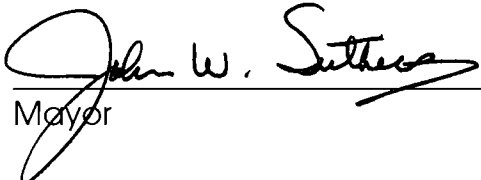
Finally passed: July 12, 2016



Council President

Mayor's Action:

- Approved on July 14, 2016.
- Disapproved on _____, based on the following objections:



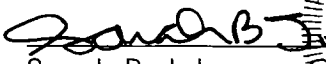
Mayor

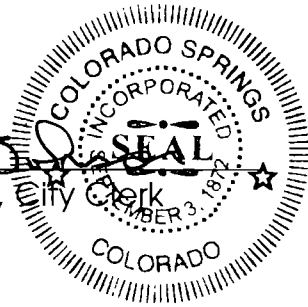
Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:


Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS) OF ARTICLE 12 (ECONOMIC DEVELOPMENT AGREEMENTS) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO COMMERCIAL ACTIVITY” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on June 28, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 12th day of July, 2016, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 14th day of July, 2016.


Sarah B. Johnson, City Clerk



1st Publication Date: July 1, 2016
2nd Publication Date: July 20, 2016

Effective Date: July 25, 2016

Initial: SBS
City Clerk