

ORDINANCE NO. 21-_____

AN ORDINANCE CREATING A NEW PART 19 (SCHOOL SITE DEDICATIONS) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SCHOOL SITE DEDICATION

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

Section 1. Part 19 (School Site Dedications) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

PART 19 SCHOOL SITE DEDICATIONS

7.7.1901: POLICY AND PURPOSE:

7.7.1902: SCHOOL STANDARDS:

7.7.1903: STUDENT POPULATION DENSITY:

7.7.1904: SCHOOL LAND DEDICATION REQUIREMENTS:

7.7.1905: DEDICATION OF LAND REQUIRED FOR PUBLIC USES:

7.7.1906: APPLICABILITY OF PROVISIONS:

7.7.1907: REPLATTING OR RESUBDIVIDING:

7.7.1901: POLICY AND PURPOSE:

It is hereby declared to be the policy of the City that whenever land is proposed for residential use, the owner of the land should provide land for school needs generated by the proposed residential use. It is the purpose of this part to require the dedication of land or the payment of fees in lieu thereof or both to fulfill such needs. In the case of the dedication or conveyance and acceptance of land, the appropriate school district will be required to pay their share of costs incurred in the development of the school including, but not limited to, adjacent roads, drainage, sidewalks and utility extensions. The payment of these costs will be deferred until funds are appropriated and may be deferred pursuant to a recovery agreement between the landowner and the school district so that the costs need not be paid by the school district until improvements to the land are completed and the land is put to public use. If payment of costs are deferred pursuant to a recovery agreement, ten percent (10%) of the costs shall be added to the costs for each year up to fifteen (15) years.

7.7.1902: SCHOOL STANDARDS:

It is hereby found and determined that minimum acreage requirements for schools, assuming ideal site topography, are as follows:

Elementary school	790 students	10 acres	0.0127 site acres/student
Junior high school	1,000 students	20 acres	0.02 site acres/student
Senior high school	2,000 students	45 acres	0.0225 site acres/stud

7.7.1903: STUDENT POPULATION DENSITY:

It is hereby found and determined:

A. That the survey area for the school population study of June 1973, is typical of the developing areas in the City:

STUDENTS PER DWELLING UNIT

		Students/DU
Elementary		
5,499 single-family and duplex at 4,032 students		0.7332
2,651 multi-family at 469 students		0.1769
Junior High School		
5,499 single-family and duplex at 1,691 students		0.3075
2,651 multi-family at 135 students		0.0509
Senior High School		
5,499 single-family and duplex at 1,139 students		0.2071
2,651 multi-family at 193 students		0.0728

REQUIRED ACRES PER DWELLING UNIT

					Acres/DU
Low Density					
Elementary	0.7332	x	0.0127	=	0.0093
Junior high school	0.3075	x	0.02	=	0.0061
Senior high school	0.2071	x	0.0225	=	0.0046
					0.0200
High Density					
Elementary	0.1769	x	0.0127	=	0.0022
Junior high school	0.0509	x	0.02	=	0.0010
Senior high school	0.07	x	0.0225	=	0.0016
					0.0048

B. That the survey data is a reasonable and valid basis for determining a school land dedication requirement.

7.7.1904: SCHOOL LAND DEDICATION REQUIREMENTS:

Based upon the foregoing school standards and school population density data, it is hereby found and determined that for residential land having a density greater than eight (8) dwelling units per acre, there is a requirement for 0.0048 acres (209 square feet) per dwelling unit and for residential land having a density of eight (8) dwelling units per acre or less there is a requirement of 0.02 acre (871 square feet) per dwelling unit.

7.7.1905: DEDICATION OF LAND REQUIRED FOR PUBLIC USES:

A. As a condition of final plat approval, every subdivider shall dedicate land areas for schools or shall agree to pay a sum of money sufficient to provide for such needs at time of building permit issuance.

B. School Sites:

Amount Of Land To Be Dedicated. Section 7.7.1904 provides a minimum requirement for land to be dedicated. The site shall meet the following criteria:

1. Adequate access;
2. Proper general configuration; and
3. Suitable physical characteristics, such as drainage, vegetation and soil type.

C. Fees In Lieu Of Land:

1. Procedure: The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:
 - a. Subdivider: At the time of filing a preliminary or final plat, if the City approved master plan for the area indicated a future school site, the subdivider shall contact the school district to determine the desire of both agencies regarding the area.
 - b. School District: At the time of filing a preliminary or final plat, the appropriate school district shall indicate whether land dedication or fees in lieu of land are required for school purposes.
 - c. Review: The appropriate school district shall submit their recommendations to the Community Development Department within ten (10) days of notification that a plat has been filed.

d. Prerequisites For Approval Of A Preliminary/Final Or Final Plat: Dedication when required shall be accomplished by transfer of deed or dedication by plat. This must be done prior to approval of the preliminary/final or final plat. The subdivider shall be required to convey clear title to the land to be deeded or dedicated to the school district. Where the subdivider cannot convey clear title at the time of final plat approval, the City Council may, in its discretion, accept a contract to convey the land at a later time certain accompanied by an acceptable assurance guaranteeing payment of a sum equal to the value of the land. Where the site is under the control of a third party, a similar three (3) party arrangement may be made.

e. Where fees are required such fees shall be paid at the time of platting. School fees shall be made payable to the appropriate school district.

2. Amount Of Fee In Lieu Of Land Dedication: The fee in lieu of land dedication shall be set at \$76,602 per acre.

D. Additional Information Required On All Plats: In addition to the Park Land Dedication requirements within Part 12 of this Article, the final plat shall record the manner of compliance with the provisions of this part for school purposes. As appropriate, the plat shall record acreage dedicated. Dedication or conveyance and acceptance of the land shall state that land is to be used for school purposes.

E. Disposal Of Surplus School Land: In the event any school district, which has received school site land as a result of the provisions of this part, determines that the school site will not be used for school purposes, the following disposal procedure shall be followed:

1. That portion of the school site adjacent to the park site that was to be used as a joint site for recreational activities by both the City and school district or that portion of the school site that can be used for recreational activities or any portion thereof that can be used for recreational activities, as determined by the Parks, Recreation and Cultural Services Manager, shall be offered to the City for park or open space purposes, and if the City accepts such offer the City shall reimburse the school district and/or the landowner in an amount equal to the amount of land times the current school fee in effect at the time of the school site disposal plus any actual costs incurred by the school district in the development of the portion of the school site acquired including, but not limited to, adjacent roads, drainage, or sidewalks. Ten percent (10%) of the actual costs shall be added to the actual costs for each year up to fifteen (15) years.

2. If the Parks, Recreation and Cultural Services Manager determines that the City does not desire the recreational portion of the school site or only desires a portion of the recreational portion of the school site, then the school district shall offer all of the remaining surplus school site to the person who dedicated

such real property for school purposes, and if the person who dedicated the property desires to acquire the land from the school district, that person shall trade, if possible, for other land the school district desires or that person shall pay the current school fee in effect at the time of the school site abandonment plus any actual costs incurred by the school district in the development of the site including, but not limited to, adjacent roads, drainage, or sidewalks. Ten percent (10%) of the actual costs shall be added to the actual costs for each year up to fifteen (15) years.

3. If there is any school site land left over after the City and original dedicating person have made their decisions regarding acquisition of such site, the school district may offer the land for sale subject to applicable State statutes, rules and regulations.

4. Anyone other than the City acquiring surplus school site property shall be required to meet all the terms and conditions of the Zoning Code of this chapter pertaining to zoning and subdivision in seeking to develop such land.

7.7.1906: APPLICABILITY OF PROVISIONS:

This part shall apply to all plats, which have not satisfied both of the following conditions prior to August 28, 1974:

A. The preliminary or final plat must have been approved by the City Council or the Board of County Commissioners of the County of El Paso; and

B. The preliminary or final plat must have satisfied all prerequisites of plat approval imposed by this chapter and all provisions and stipulations imposed by the City Council or all prerequisites of plat approval imposed by the Board of County Commissioners of the County of El Paso.

7.7.1907: REPLATTING OR RESUBDIVIDING:

The following considerations will be taken in account in any replat of land platted prior to September 6, 1973, for which land fees were paid or land was dedicated:

A. If such replat is to correct engineering errors (legal descriptions) such replat will be exempt from this part.

B. If school fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this part unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this part as applied only to additional numbers of residential units increasing the density. If residential density is decreased, the provisions of this part shall not apply.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. 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 ____ day of _____, 2019.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- 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