

ORDINANCE NO. 2021-025

**AN ORDINANCE AMENDING ORDINANCE NO. 2021-014 REGARDING
THE PROPOSED EXCISE TAX ON NEW HOUSING CONSTRUCTION**

WHEREAS, on August 17, 2021, Town Council approved Ordinance No. 2021-014 (the “Ordinance”) to ask Castle Rock voters to consider approval of an excise tax on new housing construction; and

WHEREAS, in addition to authorizing the submission of a ballot issue at the upcoming November election, the Ordinance provided for the amendment of the Castle Rock Municipal Code, which amendment would take effect on January 1, 2022, contingent upon voter approval of the tax; and

WHEREAS, among other things, the proposed amendment provided that the tax would be levied and imposed on all new housing construction at the rate of \$7.00 per square foot of usable space; and

WHEREAS, the Town’s initial revenue projections for the tax were based upon the average home size within the Town, including only above grade, liveable square footage; and

WHEREAS, the proposed amendment, however, inadvertently included the total square footage of the home, including basements and garages; and

WHEREAS, Town staff is now seeking Town Council approval of an ordinance correcting the definition of “usable space” in the proposed amendment so that the Town will collect no more than the amount of revenues it had initially projected.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Amendment. The definition of “usable space” in proposed section 3.12.020 of the Castle Rock Municipal Code, as set forth in Section 1 of Ordinance No. 2021-014, is hereby amended to read as follows:

Usable space means the total square footage of the floor area enclosed within a building. The floor area shall be determined from the plans and specifications submitted to the Chief Building Official as a part of the application for a building permit, and shall include living spaces, storage, basements, restrooms, hallways, garages (attached or unattached if related to the dwelling), common areas, and similar spaces, as measured from the outside dimensions, BUT SHALL EXCLUDE BASEMENTS, WHETHER FINISHED OR UNFINISHED, AND GARAGES RELATED TO THE DWELLING, WHETHER ATTACHED OR UNATTACHED.

Section 2. Remaining Provisions. All other provisions of Ordinance No. 2021-014 shall remain in full force and effect.

APPROVED ON FIRST READING this 21st day of September, 2021 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 5th day of October, 2021, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK




Lisa Anderson, Town Clerk



Jason Gray, Mayor

Approved as to form:

Approved as to content:



Michael J. Hyman, Town Attorney



David L. Corliss, Town Manager

