

ORDINANCE NO. 2002-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFEE, ARIZONA ADDING A NEW APPENDIX C TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE TO PROVIDE FOR THE IMPOSITION OF A STREET SYSTEM DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PAYABLE AT THE TIME OF BUILDING PERMIT SYSTEM TO PROVIDE STREET FACILITIES, APPURTENANCES AND CAPITAL IMPROVEMENTS TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT OVER THE PERIOD 2002 TO 2020 PROVIDING FOR AN ANNUAL ADJUSTMENT FOR INFLATION; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Carefee retained Tischler & Associates, Inc. (hereinafter the "Consultant") to analyze and assess growth and development projections for the period 2002 to 2020 to determine the additional demand for Street facilities anticipated to be placed on the Town; and

WHEREAS, the Consultant additionally reviewed the existing demand for Street system available to meet that demand and the method of financing the existing Street system; and

WHEREAS, the development projections for the Town indicate: (1) that population will increase from 3,547 persons in 2000 to 6,605 persons in the year 2020; (2) that housing units will increase from 1,769 in 2000 to 3,295 in the year 2020; (3) that non-residential floor area will increase from approximately 500,000 square feet in 2000 to approximately 1,089,000 square feet in the year 2010; and

WHEREAS, the level of service standard need to maintain street capacity within the Town is 0.2 square feet per vehicle trip street buildings, 0.55 vehicles per 1,000 vehicle trips for street vehicles, and 0.19 roundabouts per 1,000 vehicle trips for roundabouts; and

WHEREAS, the types of public facilities that are included in this development fee cover both the vehicles and equipment and roundabout; and

WHEREAS, the total estimated cost of meeting the year 2020 demand, based on the development projections cited above is \$313,400 for vehicles and equipment plus \$504,000 for roundabouts;

WHEREAS, the Consultant has prepared a Development Fees Study, including the Street development fee assumptions, residential and non-residential development projections, capital improvements and development fee calculations, which Study has been submitted to and reviewed by Town staff and officials; and

WHEREAS, the Development Fee Study has been presented to, and reviewed by, the Mayor and Town Council of the Town, which has determined: (1) that the Street

development fee is necessary to offset the costs associated with meeting future Street facilities demand pursuant to the development projections; (2) that the Street development fee bears a reasonable relationship to the burden imposed upon the Town to provide new Street facilities to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the Street development fee, by water meter size; (3) that an "essential nexus" exists between the projected new development and the need for additional Street facilities to be funded via the Street development fee; and (4) that the amount of the Street development fee is "roughly proportional" to the pro rata share of the additional Street facilities needed to provide adequate Street service to new residential and non-residential development, while maintaining the existing level of service (LOS) standard currently provided to Town residents, employees and businesses; and

WHEREAS, the Town has prepared and released to the public with at least thirty (30) days advance notice, a written report, including all documentation that support the imposition of the Street development fee; and

WHEREAS, the Town has conducted a public hearing on the proposed Street development fee at least thirty (30) days after the expiration of the notice of intention to impose a new or increased development fee and at least fourteen (14) days prior to the scheduled date of adoption of the new or increased development fee by the Mayor and Town Council; and

WHEREAS, the Street development fee adopted pursuant to this Ordinance shall not be effective until at least ninety (90) days after its formal adoption by the Mayor and Town Council of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Carefee, Arizona that:

SECTION 1. A NEW APPENDIX C SHALL BE ADDED TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE, AND IS HEREBY ENACTED TO ESTABLISH AND IMPOSE A STREET DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT IN THE TOWN, AS FOLLOWS:.

"Appendix C. Streets Development Fee Schedule

Section 1: Fee Schedule

All new residential and non-residential development in the Town of Carefee shall be subject to the payment of a Street development fee payable at the time of building permit issuance, pursuant to this Chapter as follows:

<i>Use Classification</i>	<i>Fee per Dwelling Unit</i>	<i>Fee per 1,000 Square Feet Gross Floor Area</i>
<i>Residential Uses</i>		
Single-Family Detached Dwelling Units	\$237	
All Other Dwelling Units	\$145	
<i>Non-Residential Uses</i>		
Commercial, less than 75,000 square feet		\$1,124
Commercial, less than 75,000 to 150,000 square feet		\$979
Commercial, greater than 150,000 square feet		\$843
Office, less than 17,500 square feet		\$560
Office, less than 17,500 to 75,000 square feet		\$453
Office, greater than 75,000 square feet		\$386
Industrial Park		\$172
Manufacturing		\$94
Warehousing		\$122

Section 2: Annual Adjustment

1. On July 1, 2002, and on July 1st of each year thereafter in which the Street Development Fee is in effect, the amount of the development fee, by equivalent residential unit, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing Street facilities utilizing the most recent applicable Street facilities construction cost data or index from the Engineering News Record for the Phoenix metropolitan area.
2. In lieu of an automatic annual adjustment, the Town may, at its option, determine the appropriate annual inflation factor for Street facilities pursuant to the Annual Review process as set forth in Article 6 of this Chapter and amend the development fee in compliance with applicable State law.
3. Nothing herein shall prevent the governing body of the Town from electing to retain the existing Street Development Fee or from electing to waive the inflation adjustment for any given fiscal year, or years."

Section 2: Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3: Effective Date.

This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the governing body of the Town of Carefee.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefee this day of , 2002.

FOR THE TOWN OF CAREFEE ATTESTED TO:

Mayor Town Clerk

REVIEWED BY: APPROVED AS TO FORM:

Town Manager Town Attorney