

ORDINANCE NO. 2002-02

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA ADDING A NEW APPENDIX B TO THE TOWN CODE TO PROVIDE FOR THE IMPOSITION OF A MUNICIPAL FACILITIES DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT OVER THE PERIOD 2002 TO 2020 AT THE LEVEL OF SERVICE (LOS) STANDARD CURRENTLY BEING PROVIDED IN THE TOWN; PROVIDING FOR AN ANNUAL ADJUSTMENT FOR INFLATION; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Carefree 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 municipal office space, vehicles/equipment and other facilities anticipated to be placed on the Town; and

WHEREAS, the Consultant additionally reviewed the existing demand for municipal facilities, vehicles and equipment, the town center vehicles/equipment currently available to meet that demand and the method of financing the town center, annex and vehicles and equipment; and

WHEREAS, the Consultant has reviewed and relied upon the existing levels of service to derive appropriate proportionate share factors for residential (per capita) and non-residential (employment) development; 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 types of public facilities that are included in this development fee cover the town center and other necessary town office space, and town-owned and operated vehicles and major equipment; and

WHEREAS, the town facilities development fee calculation methodology is "plan-based" for the additional vehicles/equipment needed to serve projected development and a "buy-in" approach for office space; and

WHEREAS, the level of service (LOS) standards used to maintain the ratio of municipal space and vehicles/equipment to residents and employees is approximately 18.5 hydrants per 1,000 population and jobs, 0.87 vehicles per 1,000 population and jobs, and approximately \$324 of planned town center improvements per 1,000 population and jobs; and

WHEREAS, the cost per demand unit is \$418 per person or job for town office space and fire hydrants and \$14 per person or job for vehicles/equipment; and

WHEREAS, the resultant capital cost per capita and per employee for town facilities is \$432; and

WHEREAS, the Consultant has prepared the Development Fees Study, including the town facilities 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 Fees Study has been presented to, and reviewed by, the Mayor and Town Council of the Town, which has determined: (1) that the town facilities development fee is necessary to offset the costs associated with meeting future town facilities demand pursuant to the development projections; (2) that the town facilities development fee bears a reasonable relationship to the burden imposed upon the Town to provide new town facilities to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the town facilities development fee, per capita and per employee; (3) that an "essential nexus" exists between the projected new residential and non-residential development and the need for additional town facilities to be funded via the town facilities development fee; and (4) that the amount of the town facilities development fee is "roughly proportional" to the pro rata share of the additional town facilities needed to provide adequate municipal services 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 currently does not have a town facilities development fee in place; 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 town facilities development fee; and

WHEREAS, the Town has conducted a public hearing on the proposed town facilities 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 Common Council; and

WHEREAS, the town facilities 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 Common Council of the Town.

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

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

***"Appendix B. Municipal Facilities Development Fee Schedule***

**Section 1. Schedule.**

All new residential and non-residential development in the Town of Carefree shall be subject to the payment of a municipal facilities development fee payable at the time of building permit issuance by the Town, 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>
<b><i>Residential Uses</i></b>		
Single-Family Detached Dwelling Units	\$963	
All Other Dwelling Units	\$725	
<b><i>Non-Residential Uses</i></b>		
Commercial, less than 75,000 square feet		\$1,438
Commercial, less than 75,000 to 150,000 square feet		\$1,080

Commercial, greater than 150,000 square feet		\$864
Office, less than 17,500 square feet		\$1,896
Office, less than 17,500 to 75,000 square feet		\$1,745
Office, greater than 75,000 square feet		\$1,637
Industrial Park		\$898
Manufacturing		\$786
Warehousing		\$552

## **Section 2. Adjustments.**

1. On July 1, 2002, and on July 1st of each year thereafter in which the Town Facilities Development Fee is in effect, the amount of the development fee, per dwelling unit and per 1,000 square feet of gross floor area for non-residential development, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing municipal facilities utilizing the most recent applicable data and construction cost 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 municipal facilities, vehicles and equipment 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. Provided, however, that nothing herein shall prevent the governing body of the Town from electing to retain the existing Municipal Facilities 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 Carefree.

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

FOR THE TOWN OF CAREFREE ATTESTED TO:

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Mayor Town Clerk

REVIEWED BY: APPROVED AS TO FORM:

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Town Manager Town Attorney