

TOWN OF CAREFREE

ORDINANCE 2006-07

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, AMENDING SECTION 1 OF THE "MUNICIPAL FACILITIES AND EQUIPMENT DEVELOPMENT FEE SCHEDULE" APPEARING AS EXHIBIT "B" TO CHAPTER 6 OF THE SUBDIVISION ORDINANCE FOR THE TOWN OF CAREFREE, ARIZONA, TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF THE MUNICIPAL FACILITIES AND EQUIPMENT DEVELOPMENT FEE, PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE, ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT TO PROVIDE MUNICIPAL FACILITIES AND EQUIPMENT TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT OVER THE PERIOD 2006 TO 2020, AT OR ABOVE THE LEVEL-OF-SERVICE STANDARD CURRENTLY BEING PROVIDED IN THE TOWN; PROVIDING FOR AN ANNUAL INCREASE FOR INFLATION; AMENDING CHAPTER 6 OF THE SUBDIVISION ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA TO PROVIDE FOR A TEN (10) YEAR APPROPRIATION PERIOD; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Carefree, Arizona ("Town") retained TischlerBise ("Consultant") to analyze and assess growth and development projections for the period 2006 to 2020 to determine the additional demand for municipal office space in the Town Center, vehicles/equipment and other municipal facilities and equipment anticipated to be placed on Town; and

WHEREAS, Consultant has reviewed the existing demand for municipal facilities and equipment; the existing municipal facilities and equipment available to meet that demand; and the method of financing an increase in the municipal facilities and equipment development fee; and

WHEREAS, Consultant has reviewed and relied upon the existing levels of service to derive appropriate share factors for residential (per capita) and non-residential (employment) development; and

WHEREAS, the municipal facilities and equipment development fee schedule utilizes the buy-in methodology for the Town Center and the incremental expansion methodology for vehicles and equipment; and

WHEREAS, the cost-per-person and employee is \$551.27 with respect the Town Center buy-in component; and

WHEREAS, the cost-per-person and job is \$24.40 with respect to the equipment component; and

WHEREAS, the development fee study cost-per-demand unit is \$8.15 per person and job; and

WHEREAS, the net capital cost per demand unit is \$583.82; and

WHEREAS, Consultant has prepared a revised municipal facilities and equipment development fee study dated April, 2006, including the municipal facilities and equipment development assumptions, residential and non-residential development projections, capital improvements and municipal facilities and equipment development calculations, which revised study has been submitted to and reviewed by Town staff and officials; and

WHEREAS, the study has been presented to, and been reviewed by, the Mayor and the Common Council of the Town which have determined that: (1) the municipal facilities and equipment development fee, pursuant to the study, is necessary to offset the costs associated with meeting future municipal facilities and equipment demand pursuant to the development projections; (2) the revised municipal facilities and equipment development fee bears a reasonable relationship to the burden imposed upon Town to provide new municipal facilities and equipment to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the revised municipal facilities and equipment development fee per capita and per employee; (3) an "essential nexus" exists between projected new development and the need for additional municipal facilities and equipment to be funded via the increased municipal facilities and equipment development fee; and (4) the amount of the increased municipal facilities and equipment development fee is "roughly proportional" to the *pro rata* share of the additional municipal facilities and equipment needed to provide adequate municipal services to new residential and non-residential development, while maintaining or exceeding the existing level of service standard currently provided to Town residents, employees and businesses; and

WHEREAS, Town currently has a municipal facilities and equipment development fee in place; and

WHEREAS, Town has prepared and released to the public with at least sixty (60) days' advance notice, a written report, including all documentation that supports the imposition by Town of an increased municipal facilities and equipment development fee; and ,

WHEREAS, Town has conducted a public hearing on the proposed increased municipal facilities and equipment development fee at least sixty (60) days after the expiration of a 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 an increased development fee by the Mayor and the Common Council of Town; and

WHEREAS, the increased municipal facilities and equipment 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 Town; and

WHEREAS, Town desires to provide for a ten (10) year appropriation period.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA, THAT:

Section 1. Increase in the Amount of Municipal Facilities and Equipment Development Fee Schedule.

Section 1 of the Municipal Facilities and Equipment Development Fee Schedule appearing as Exhibit "B" to Chapter 6 of the Subdivision Ordinance for the Town of Carefree, Arizona, is hereby amended to read as follows:

<i>Use Classification</i>	<i>Fee Per Housing Unit</i>	<i>Fee Per 1,000 Square Feet</i>
<i>Residential Uses</i>		
Single-Family Detached Dwelling Units	\$1,298	
All Other Types of Housing Units	\$ 934	
<i>Non-Residential Uses</i>		
Commercial, less than 75,000 square feet		\$1,669
Commercial, 75,001 to 150,000 square feet		\$1,459
Commercial, 150,001 or more square feet		\$1,296
Office, less than 17,500 square feet		\$2,615
Office, 17,501 to 75,000 square feet		\$2,422
Office, 75,001 square feet or more		\$2,335
Industrial Park		\$1,348
Manufacturing		\$1,045
Warehousing		\$ 747

Section 2. Adjustments.

A. On July 1, 2007, and on July 1 of each year thereafter in which the increased municipal facilities and equipment development fee is in effect, the amount of the municipal facilities and equipment development fee, per dwelling unit and per 1,000 square feet 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 and equipment utilizing the most recent applicable data and construction cost index from the *Engineering News Record* for the Phoenix metropolitan area, utilizing data from Consultant, and/or utilizing data based upon Town experience and records.

B. In lieu of the automatic annual adjustment provided for in Section 2(A) hereof, Town may, at its option, determine the appropriate annual inflation factor for municipal facilities and equipment pursuant to the Annual Review process set forth in Article 6 of this Chapter and amend the municipal facilities and equipment development fee in compliance with State law.

C. Provided, however, that nothing herein shall prevent the Town from electing to retain the existing municipal facilities and equipment development fee or from electing to waive the inflation adjustment for any given fiscal year or years.

Section 3. 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 4. Appropriation Period.

Section 609(2)(c) is hereby amended to read as follows:

within **ten (10)** years of the beginning of the Fiscal Year immediately succeeding the date of collection, unless such time period is extended as provided herein.

Section 609(4) is hereby amended to read as follows:

Appropriation of Development Fee Funds Beyond **Ten (10)** Years of Collection. Notwithstanding subsection 2 of this Section, development fee funds may be appropriated beyond **ten (10)** years from the beginning of the Fiscal Year immediately succeeding the date of collection if the appropriation is for a public facility which

requires more than **ten (10)** years to plan, design and construct, and the demand for the public facility is generated in whole or in part by the new development, or if the public facility will actually serve the new development. Such appropriations shall be documented by the Town.

Section 5. Effective Date.

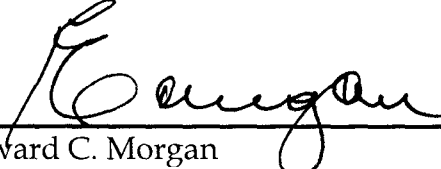
This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the governing body of the Town of Carefree

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona this 1 day of August, 2006.

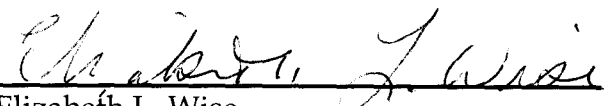
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FOR THE TOWN OF CAREFREE

ATTEST TO:

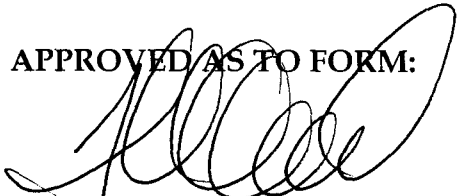


Edward C. Morgan
Mayor



Elizabeth L. Wise
Town Clerk

APPROVED AS TO FORM:



Thomas K. Chenal
Town Attorney