

TOWN OF CAREFREE

ORDINANCE NO. 2006-10

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, ADDING A NEW EXHIBIT "E" TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE TO PROVIDE FOR THE IMPOSITION OF A FIRE DEVELOPMENT FEE ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT, PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE, TO PROVIDE FIRE SERVICE FACILITIES, EQUIPMENT, APPURTENANCES AND CAPITAL IMPROVEMENTS 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 ADJUSTMENT FOR INFLATION; AMENDING CHAPTER 6 OF THE SUBDIVISION ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA TO PROVIDE FOR A TEN (10) APPROPRIATION PERIOD; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Carefree ("Town") retained TischlerBise ("Consultant") to analyze and assess growth and development projections for the period 2006 to 2020 to determine the additional demand for fire service facilities, equipment, appurtenances and capital improvements anticipated to be placed on Town; and

WHEREAS, Consultant reviewed the existing demand for fire service facilities; the existing fire service facilities available to meet that demand; and the method of financing an increase in fire service facilities; and

WHEREAS, the buy-in approach is used for the land component; the plan-based methodology is used for stations; the incremental expansion approach is used for calculating the level-of-service standards for fire apparatus; and capital costs are applied per person to residential development and per employee to non-residential development; and

WHEREAS, according to the functional population analysis, residential development accounts for 83 per cent of the demand for fire service facilities and non-residential development accounts for 17 per cent of the demand for fire services facilities; and

WHEREAS, with respect to land for fire service facilities, the residential cost-per-unit is \$55.95, and the non-residential cost-per-job is \$24.05; and

WHEREAS, with respect to fire service facilities, the residential cost-per-unit is \$271.61, and the non-residential cost-per-unit is \$116.75; and

WHEREAS, with respect to fire apparatus, the residential cost-per-unit is \$84.99, and the non-residential cost-per-unit is \$47.78; and

WHEREAS, with respect to the development fee study, the cost-per-demand unit is \$13.70 per person and \$4.23 per job; and

WHEREAS, with respect to the fire development fee, the applicable cost-per-demand unit is \$426.26 per person, and \$192.81 per job; and

WHEREAS, Consultant has prepared a fire development fee study dated April, 2006, including the fire 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 study has been presented to, and reviewed by, the Mayor and Common Council of Town, which have determined that: (1) the fire development fee is necessary to offset the costs associated with meeting future fire service demand pursuant to the development projections; (2) the fire development fee bears a reasonable relationship to the burden imposed upon Town to provide new fire service to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the fire service; (3) an "essential nexus" exists between the projected new development and the need for fire service to be funded by the fire development fee; and (4) the amount of the fire development fee is "roughly proportional" to the *pro rata* share of the additional fire service needed to provide adequate fire service to new residential and non-residential development, while maintaining the level-of-service standard currently provided to Town residents, employees and businesses; 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 of the fire development fee; and

WHEREAS, Town has conducted a public hearing on the proposed fire development fee at least sixty (60) days after the expiration of the notice of intention to impose a new development fee and at least fourteen (14) days prior to the scheduled date of adoption of the new development fee by the Mayor and Common Council of Town; and

WHEREAS, the fire 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; and

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

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

Section 1. Addition of New Appendix "E."

A new Appendix "E" shall be added to Chapter 6 of the Subdivision Ordinance of the Town of Carefree, and is hereby enacted to establish and impose a fire development fee on all new residential and non-residential development in Town, as follows:

Section 2. Fee Schedule.

All new residential and non-residential development in the Town of Carefree shall be subject to the payment of a fire development fee payable at the time of building permit issuance, pursuant to this Chapter 6, of the Subdivision Ordinance of the Town of Carefree as follows:

<i>Use Classification</i>	<i>Fee per Dw Unit</i>	<i>Fee per 1,000 S Feet</i>
<i>Residential Uses</i>		
Single-Family Detached Dwelling Units	\$948	
All Other Dwelling Units	\$682	
<i>Non-Residential Uses</i>		
Commercial, less than 75,000 square feet		\$ 551
Commercial, 75,001 to 150,000 square feet		\$ 482
Commercial, greater than 150,000 square feet		\$ 428
Office, less than 17,500 square feet		\$ 863
Office, 17,501 to 75,000 square feet		\$ 800
Office, greater than 75,000 square feet		\$ 771
Industrial Park		\$ 445
Manufacturing		\$ 345
Warehousing		\$ 266

Section 3. Annual Adjustment.

A. On July 1, 2007, and on July 1st of each year thereafter in which the fire development fee is in effect, the amount of the fire development fee per dwelling unit, shall be automatically adjusted in compliance with applicable State law to account for

inflationary increases in the cost of providing fire service utilizing the most recent applicable fire service construction cost data or index from the *Engineering News Record* for the Phoenix metropolitan area, utilizing data from Consultant, and or utilizing data based on Town experience and records.

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

C. Nothing herein shall prevent the governing body of Town from electing to retain the existing fire development fee or from electing to waive the inflation adjustment for any given fiscal year, or years."

Section 4. 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 5. 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 6. Effective Date.

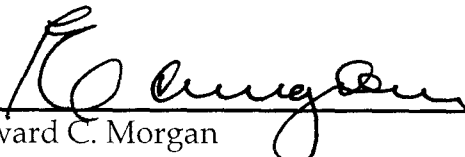
This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the governing body of the Town of Carefree.

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

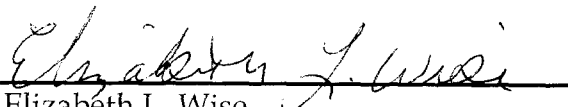
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FOR THE TOWN OF CAREFREE:

ATTESTED TO:

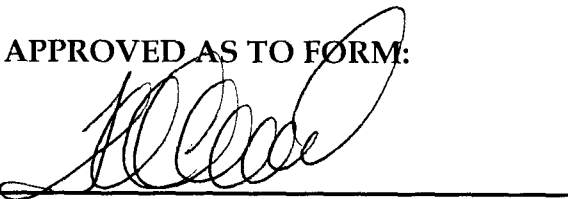


Edward C. Morgan
Mayor



Elizabeth L. Wise
Town Clerk

APPROVED AS TO FORM:



Thomas K. Chenal
Town Attorney