

TOWN OF CAREFREE

ORDINANCE 2006-08

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, AMENDING SECTION 1 OF THE "STREET SYSTEM DEVELOPMENT FEE" SCHEDULE APPEARING AS EXHIBIT "C" TO CHAPTER 6 OF THE SUBDIVISION ORDINANCE FOR THE TOWN OF CAREFREE, ARIZONA, TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF THE STREET SYSTEM DEVELOPMENT FEE, PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE, ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT TO PROVIDE STREET FACILITIES, 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) 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 the street system anticipated to be placed on Town; and

WHEREAS, Consultant has reviewed the existing demand for a street system; the existing street system available to meet that demand; and the method of financing an increase in the street system; and

WHEREAS, the street system development fee utilizes a plan-based methodology for street and bridge improvements and an incremental expansion methodology for support facilities and support vehicles and equipment; and

WHEREAS, the cost-per-trip with respect to planned street improvements is \$8.74; and

WHEREAS, the cost-per-trip is \$144.05 with respect to planned bridge improvements; and

WHEREAS, the cost-per-trip is \$22.30 with respect to support facilities; and

WHEREAS, the cost-per-trip is \$20.91 with respect to support vehicles and equipment; and

WHEREAS, the development fee study cost-per-trip is \$5.85; and

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

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

WHEREAS, Town currently has a street system 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 of the increased street system development fee; and

WHEREAS, Town conducted a public hearing on the proposed increased street system development fee, at least sixty (60) days after the expiration of the notice of intention to impose an 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 Common Council of Town; and

WHEREAS, the increased street system 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 the Common Council of 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. Revision of Street System Development Fee Schedule.

Section 1 of the Street System Development Fee Schedule appearing as Exhibit "C" 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>
Residential Uses		
Single-Family	\$965	
Multi-Family	\$591	
Non-Residential Uses		
		Per 1,000 Square Feet
Commercial, less than 75,000 square feet		\$5,416
Commercial, 75,001 to 150,000 square feet		\$4,523
Commercial, 150,001 or more square feet		\$3,871
Office, less than 17,500 square feet		\$2,287
Office, 17,501 to 75,000 square feet		\$1,852
Office, 75,001 square feet or more		\$1,579
Industrial Park		\$ 703
Manufacturing		\$ 385
Warehousing		\$500

Section 2. Adjustments.

A. On July 1, 2007, and on July 1 of each year thereafter in which the increased street system development fee is in effect, the amount of the 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 a street system 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 street system development fee pursuant to the Annual Review process set forth in Article 6 of this Chapter, and amend the street system development fee in compliance with State law.

C. Provided, however, that nothing herein shall prevent Town from electing to retain the existing street system 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.

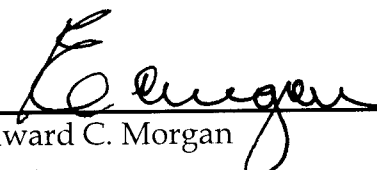
This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the governing body of the Town of Carefree.

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

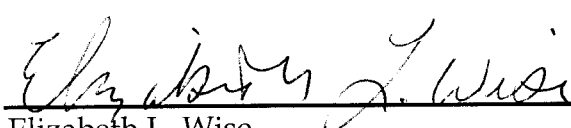
AYES 7 NOES 0 ABSETEENTIONS 0 ABSENT 0

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