

ORDINANCE NO. 2002-03

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA ADDING A NEW APPENDIX A TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE TO PROVIDE FOR THE IMPOSITION OF A OPEN SPACE DEVELOPMENT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE TO PROVIDE FOR THE ACQUISITION OF OPEN SPACE LAND TO SERVE PROJECTED DEMAND RESULTING FROM NEW RESIDENTIAL DEVELOPMENT OVER THE PERIOD 2002 TO 2020 AT, OR ABOVE, 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 Open Space facilities, excluding neighborhood parks, anticipated to be placed on the Town; and

WHEREAS, the Consultant additionally reviewed the existing demand for Open Space facilities, the existing Open Space facilities available to meet that demand and the method of financing the existing Open Space facilities; 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 facilities and associated costs that are included in this development fee cover community park improvements, acquisition of open space lands, including agricultural land preservation, desert mountain preserves and trails, all of which may be acquired for Town use via purchase in fee, purchase of development rights, acquisition of conservation easements, and acquisition of trails and trail development and improvements; and

WHEREAS, the park/open space development fee calculation methodology is "plan-based" and "incremental expansion" based, as described in the Development Fee Study; and

WHEREAS, the total estimated cost of meeting the year 2020 demand, based on the facilities, level of service (LOS) standards, costs and development projections cited above is approximately \$ 3.72 million; and

WHEREAS, the capital cost per person is \$ 563 for open space facilities; and

WHEREAS, the Consultant has prepared a Development Fee Study, including the open space facilities development fee assumptions, population and 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 Common Council of the Town, which has determined: (1) that the park/open space development fee is necessary to offset the costs associated with meeting future park/open space facilities demand pursuant to the development projections; (2) that the park/open space development fee bears a reasonable relationship to the burden imposed upon the Town to provide new park/open space facilities to new residents and provides a benefit to such new residents reasonably related to the park/open space development fee, per dwelling unit, by type; (3) that an "essential nexus" exists between the projected new development and the need for additional park/open space facilities to be funded via the park/open space development fee; and (4) that the amount of the park/open space development fee is "roughly proportional" to the pro rata share of the additional park/open space facilities needed to provide adequate park/open space service to new residential development, while maintaining or exceeding the existing level of service (LOS) standard currently provided to Town residents; 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 park/open space development fee; and

WHEREAS, the Town has conducted a public hearing on the proposed park/open space 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 park/open space 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 Common Council of the Town of Carefree, Arizona that:

SECTION 1. A NEW APPENDIX A SHALL BE ADDED TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE, WHICH APPENDIX A IS HEREBY ENACTED TO ESTABLISH AND IMPOSE AN OPEN SPACE DEVELOPMENT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT IN THE TOWN.

"Appendix A. Open Space Development Fee Schedule

Section 1. Schedule.

All new residential development in the Town of Carefree shall be subject to the payment of a park/open space development fee payable at the time of building permit issuance by the Town, pursuant to this Chapter, as follows:

Single-Family Detached Dwelling Units	\$1,255 per dwelling unit
All Other Dwelling Units	\$946 per dwelling unit

Section 2. Adjustments.

1. On July 1, 2002, and on July 1st of each year thereafter in which the Park/Open Space Development Fee is in effect, the amount of the development fee, per person and per dwelling unit, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing park/open space facilities utilizing the most recent applicable data or construction cost index from the Engineering News Record for the Phoenix metropolitan area, utilizing data from the Town's parks, recreation and open space consultant, and/or utilizing data based on Town experience and records, especially with respect to land acquisition costs.
2. In lieu of an automatic annual adjustment, the Town may, at its option, determine the appropriate annual inflation factor for the park/open space development fee pursuant to the Annual Review process as set forth 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 Park/Open Space 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:

Mayor Town Clerk

REVIEWED BY: APPROVED AS TO FORM:

Town Manager Town Attorney