

TOWN OF CAREFREE

ORDINANCE 2006-06

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, AMENDING SECTION 1 OF THE "OPEN SPACE DEVELOPMENT FEE SCHEDULE" APPEARING AS EXHIBIT "A" TO CHAPTER 6 OF THE SUBDIVISION ORDINANCE FOR THE TOWN OF CAREFREE, ARIZONA, TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF OPEN SPACE DEVELOPMENT FEE, PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE, ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT TO PROVIDE OPEN SPACE LAND 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 TishlerBise ("Consultant") to analyze and assess growth and development projections for the period 2006 to 2020, to determine the additional demand for open space facilities anticipated to be placed on Town; and

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

WHEREAS, the open space facilities development fee utilizes the plan-based methodology for residential development; and

WHEREAS, Town's current development fee study prescribes a planned level of service of 11.4 acres of open space per 1,000 persons; and

WHEREAS, when Town reaches residential build-out, it will need to provide access to approximately 87 acres of open space; and

WHEREAS, based on the current population estimate, existing development will be responsible for 50 of those 87 acres with new growth responsible for the other 37 acres; and

WHEREAS, the open space cost per person is \$364.80; and

WHEREAS, the development fee study cost per demand unit is \$15.62 per person; and

WHEREAS, the net capital cost per person is \$380.42; and

WHEREAS, the single family detached open space development fee is \$846.00 (2.22 persons per household X \$380.42); and

WHEREAS, the open space development fee for all other types of housing is \$609.00; and

WHEREAS, Consultant has prepared a revised open space development fee study dated April, 2006, including the open space development assumptions, residential development projections, and development fee calculations, which revised 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 open space development fee is necessary to offset the costs associated with meeting future open space facilities demand pursuant to the development projections; (2) the open space development fee bears a reasonable relationship to the burden imposed upon Town to provide open space facilities to new residents and provides a benefit to such new residents reasonably related to the open space development fee per dwelling unit, by type; (3) an "essential nexus" exists between the projected new development and the need for additional open space facilities to be funded by the open space development fee; and (4) the amount of the open space development fee is "roughly proportional" to the *pro rata* share of the additional open space facilities needed to provide adequate open space facilities to new residential development, while maintaining or exceeding the existing level-of-service standard currently provided to Town residents; and

WHEREAS, Town currently has an open space 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 open space development fee; and

WHEREAS, Town has conducted a public hearing on the proposed open space facilities development fee at least sixty (60) 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 a new or increased development fee by the Mayor and Common Council of Town; and

WHEREAS, the 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 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 TOWN OF CAREEFREE, THAT:

Section 1. Revision of Open Space Development Fee Schedule.

Section 1 of the Open Space Development Fee Schedule appearing as Exhibit "A" to Chapter 6 of the Subdivision Ordinance for the Town of Carefree, Arizona is hereby amended to read as follows:

Single-Family Detached Dwelling Units: \$846.00 per dwelling unit

All Other Types of Housing: \$609.00 per dwelling unit

Section 2. Adjustments.

A. On July 1, 2007, and on July 1st of each year thereafter in which the open space development fee is in effect, the amount of the open space 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 open space facilities utilizing the most recent applicable open space cost data for the Phoenix metropolitan area, utilizing data from Consultant, and/or utilizing data based on Town experience and records, especially with respect to land acquisition costs.

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 open space development fee pursuant to the Annual Review process set forth in Article 6 of this Chapter and amend the open space development fee in compliance with applicable State law.

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

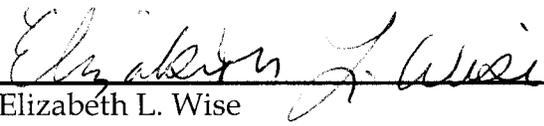
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FOR THE TOWN OF CAREFREE

ATTESTED TO:

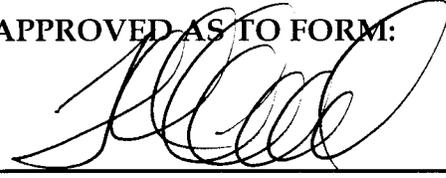


Edward C. Morgan
Mayor



Elizabeth L. Wise
Town Clerk

APPROVED AS TO FORM:



Thomas K. Chenal
Town Attorney