

TOWN OF CAREFREE

ORDINANCE NO. 2006-09

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA, ADDING A NEW EXHIBIT "D" TO CHAPTER 6 OF THE TOWN SUBDIVISION ORDINANCE FOR THE TOWN OF CAREFREE, ARIZONA, TO PROVIDE FOR THE IMPOSITION OF A PUBLIC SAFETY DEVELOPMENT FEE, PAYABLE AT THE TIME OF BUILDING PERMIT ISSUANCE, ON ALL NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT TO PROVIDE PUBLIC SAFETY FACILITIES, EQUIPMENT AND APPURTENANCES 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 public safety facilities, equipment and appurtenances anticipated to be placed on Town; and

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

WHEREAS, the public safety development fee utilizes a *per capita* basis for residential development fees, non-residential vehicle trips for non-residential development fees, and an incremental expansion approach for vehicles; and

WHEREAS, residential development accounts for 83 percent of the demand for public safety facilities and non-residential development accounts for 17 percent of the demand for public safety facilities; and

WHEREAS, the Sheriff-vehicle-level-of-service standard is \$11.85 per person with respect to residential development, and \$0.97 per vehicle trip with respect to non-residential development; and

WHEREAS, the development fee study cost-per-demand unit is \$7.95 per person and \$.64 per non-residential trip; and

WHEREAS, the capital costs per demand unit are \$19.80 per person and \$1.61 per trip; and

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

WHEREAS, Town has conducted a public hearing on the proposed public safety 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 public safety 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 THE TOWN OF CAREFREE, ARIZONA THAT:

Section 1. Addition of New Appendix D.

A new Appendix D shall be added to Chapter 6 of Subdivision Ordinance of the Town of Carefree, Arizona, and is hereby enacted to establish and impose a public service 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 public safety development fee, payable at the time of building permit issuance, pursuant to this Chapter 6 of the Subdivision Ordinance of the Town of Carefree.

<i>Use Classification</i>	<i>Fee per Housing Unit</i>	<i>Fee per 1,000 S Feet</i>
<i>Residential Uses</i>		
Single-Family	\$ 44	
Multi-Family	\$ 32	
<i>Non-Residential Uses</i>		
Commercial, less than 75,000 square feet		\$ 43
Commercial, 75,001 to 150,000 square feet		\$ 36
Commercial, greater than 150,000 square feet		\$ 30
Office, less than 17,500 square feet		\$ 18
Office, 17,501 to 75,000 square feet		\$ 14
Office, greater than 75,000 square feet		\$ 12
Industrial Park		\$ 5
Manufacturing		\$ 3
Warehousing		\$ 3

Section 3. Annual Adjustment.

A. On July 1, 2007, and on July 1st of each year thereafter in which the public safety 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 public safety facilities utilizing the most recent applicable public safety facilities 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, Town may, at its option, determine the appropriate annual inflation factor for the public safety development fee pursuant to the Annual Review process as set forth in Chapter 6 of the Subdivision

Ordinance and amend the public safety development fee in compliance with applicable State law.

C. Nothing herein shall prevent the governing body of Town from electing to retain the existing public safety 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.

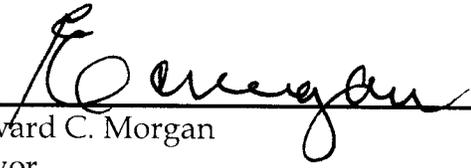
This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the governing body of the Town of Carefree.

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

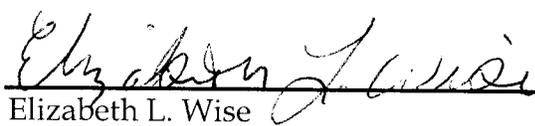
AYES 7 NOES 0 ABSETECTIONS 0 ABSENT 0

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