

TOWN OF CAREFREE

ORDINANCE 2003-09

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AMENDING SECTION 1 OF THE “MUNICIPAL FACILITIES DEVELOPMENT FEE SCHEDULE” APPEARING AS EXHIBIT “B” TO CHAPTER 6 OF THE SUBDIVISION ORDINANCE FOR THE TOWN OF CAREFREE, ARIZONA, TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF THE MUNICIPAL FACILITIES DEVELOPMENT FEE TO COVER THE PROJECTED COST OF IMPROVING, MAINTAINING, AND EXPANDING THE TOWN’S FIRE HYDRANT AND FIRE LINE SYSTEM OVER THE PERIOD 2002 TO 2020 AT 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, Arizona (the “Town”) 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 the supply of water for fire suppression purposes and related infrastructure, including but not limited to fire hydrants, during this period; and

WHEREAS, the Consultant has reviewed and relied upon the existing levels of service to derive appropriate share factors for residential (per capita) and non-residential (employment) development; and

WHEREAS the development projections for the Town indicate: (1) that population will increase from 3,457 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 town facilities development fee calculation methodology is “plan-based;” and

WHEREAS the level of service (LOS) standards used to maintain the ratio of municipal space and equipment to residents and employees is approximately 18.5 hydrants per 1,000 population and jobs; and

WHEREAS, the cost per demand unit is \$671 per person and job; and

WHEREAS, the Consultant has prepared a revised Development Fees Study dated March 14, 2003 (the “Study”) pertaining to the projected demand for and cost of the supply of water for fire suppression purposes and related infrastructure, including but not limited to fire hydrants, which includes the town facilities 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 been reviewed by, the Mayor and the Common Council of the Town of Carefree, Arizona (the "Council"), which have determined that: (1) the Municipal Facilities Development Fee, as revised in the Study, is necessary to offset the costs associated with meeting future Town facilities demand pursuant to the development projections; (2) that the revised Municipal Facilities Development Fee bears a reasonable relationship to the burden imposed upon the Town to provide new Town facilities to new residents, employees and businesses and provides a benefit to such new residents, employees and businesses reasonably related to the revised Municipal Facilities Development Fee, per capita and per employee; (3) that the amount of the revised Municipal Facilities Development Fee is "roughly proportional" to the pro rata share of the additional Town facilities needed to provide adequate municipal services to new residential and non-residential development, while maintaining the existing level of service (LOS) standard currently provided to Town residents, employees and businesses; and

WHEREAS on April 24, 2003, the Town notified the public of its intention to consider and adopt the revised Municipal Facilities Development Fee and released to the public, for review, a written report, including all documentation that supports the imposition of the revised Municipal Facilities Development Fee, which date was at least thirty (30) days in advance of the public hearing scheduled for purposes of taking public input thereon; and

WHEREAS on July 1, 2003, the Town conducted a public hearing on the proposed revised Municipal Facilities Development Fee, which date was at least thirty (30) days after the expiration of the notice of intention to impose a new or revised Municipal Facilities Development Fee and at least fourteen (14) days prior to the scheduled date of adoption of the revised Municipal Facilities Development Fee by the Mayor and the Council, which date was specified in the April 24, 2003 notice as being August 5, 2003; and

WHEREAS, as a result thereof, the Council has complied with the requirements imposed upon it by Sections 463.05 and 812(A) of Title 9, Section 431.02 of Title 38, and Section 204(A) of Title 39, Arizona Revised Statutes, pertaining to any new or revised development fee; and

WHEREAS, the revised Municipal Facilities 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,

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

Section 1. Revision of Municipal Facilities Development Fee Schedule.

Section 1 of the "Municipal Facilities Development Fee Schedule" appearing as Exhibit "B" to chapter 6 of the Subdivision Ordinance for the Town of Carefree, Arizona, is hereby amended to read as follows:

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<i>Use Classification</i>	<i>Fee Per Dwelling Unit</i>	<i>Fee Per 1,000 Square Feet Gross Floor Area</i>
<i>Residential Uses</i>		
Single-Family Detached Dwelling Units	\$1,528	
All Other Dwelling Units	\$1,151	
<i>Non-Residential Uses</i>		
Commercial, less than 75,000 square feet		\$2,281
Commercial, 75,001 to 150,000 square feet		\$1,712
Commercial, 150,001 or more square feet		\$1,370
Office, less than 17,500 square feet		\$3,007
Office, 17,501 to 75,000 square feet		\$2,767
Office, 75,001 square feet or more		\$2,596
Industrial Park		\$1,425
Manufacturing		\$1,246
Warehousing		\$877

Section 2. Adjustments.

- (A) On July 1, 2004, and on July 1 of each year thereafter in which the revised Municipal Facilities Development Fee is in effect, the amount of the development fee, per dwelling unit and per 1,000 square feet of gross floor area for non-residential development, shall be automatically adjusted in compliance with applicable State law to account for inflationary increases in the cost of providing municipal facilities utilizing the most recent applicable data and construction cost index from the Engineering News Record for the Phoenix metropolitan area.
- (B) In lieu of the automatic annual adjustment provided for in Section 2(A) hereof, the Council may, at its option, determine the appropriate annual inflation factor for municipal facilities and equipment pursuant to the Annual Review process set forth in Article 6 of this Chapter and amend the Municipal Facilities Development Fee in compliance with State law.
- (C) Provided, however, that nothing herein shall prevent the Council from electing to retain the existing Municipal Facilities 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. Effective Date.

This Ordinance shall be effective on the ninety-first (91st) day following its adoption by the Council.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree this _____ day of _____, 2003.

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

FOR THE TOWN OF CAREFREE

ATTESTED TO:

Mayor

Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Town Administrator

Town Attorney