

ORDINANCE NO. O2012-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE YUMA CITY CODE BY REVISING THE CITYWIDE DEVELOPMENT FEES SET FORTH IN CHAPTER 157-06 THROUGH 157-13, AS AMENDED, TO ESTABLISH A NORTH SERVICE AREA AND A SOUTH SERVICE AREA, AND ADOPTING A SCHEDULE FOR DEVELOPMENT FEES TO BE COLLECTED IN THE NORTH SERVICE AREA

WHEREAS, the City of Yuma, Arizona, (City) has determined that parks and recreation facilities, police facilities, fire and emergency medical service facilities, general government facilities, and transportation facilities are necessary public services; and,

WHEREAS, the City must provide and fund capital public facilities required to provide such necessary services; and,

WHEREAS, on September 7, 2005, the City adopted a Citywide Development Fee Ordinance, as amended, to pay for such necessary services attributable to growth; and,

WHEREAS, Chapter 157 of the Yuma City Code provides for updates to the development fees set forth therein; and,

WHEREAS, Arizona Senate Bill 1525 amended Arizona Revised Statutes (A.R.S.) § 9-463.05 concerning Development Fees; and,

WHEREAS, on July 6, 2011, the City repealed Yuma City Code, Title 15, Chapter 157, Section 7, Arts and Cultural Facilities Development Fee; and,

WHEREAS, on December 21, 2011, the City repealed Yuma City Code, Title 15, Chapter 157, Section 8, Sanitation Facilities Development Fee, and Section 12, Public Works Facilities Development Fee; and,

WHEREAS, the City hired TischlerBise, Inc. to update the citywide development fees in compliance with revised A.R.S. § 9-463.05, as amended; and,

WHEREAS, TischlerBise prepared the requisite Land Use Assumptions, Infrastructure Improvements Plan, and Development fees to update the City's Citywide Development Fees; and,

WHEREAS, pursuant to A.R.S. § 9-463.05, the City of Yuma published a Notice of Intention to Adopt a "Land Use Assumptions" and "Infrastructure Improvements Plan" on September 2, 2011; and,

WHEREAS, pursuant to A.R.S. § 9-463.05, the City Council held a public hearing for the Land Use Assumptions and Infrastructure Improvements Plan on November 2, 2012, which was continued to and completed on November 16, 2011; and,

WHEREAS, pursuant to A.R.S. § 9-463.05, the Land Use Assumptions, dated December 30, 2011, and Infrastructure Improvements Plan, dated December 30, 2011, were adopted by the City Council on January 4, 2012, and became effective on February 3, 2012; and,

WHEREAS, pursuant to A.R.S. § 9-463.05, the City of Yuma published a Notice of Intention to adopt Development Fees on January 14, 2012; and,

WHEREAS, the City of Yuma has defined the North Service Area to be an area within the City limits north of and including City 56th Street and the South Service Area to be an area within the City limits south of City 56th Street; and,

WHEREAS, the City Council has determined that it will collect development fees within the North Service Area and will not collect development fees within the South Service Area until the Land Use Assumptions and Infrastructure Improvements Plan have been revised to include necessary public services for the South Service Area, but that the City may also collect development fees in any area, including outside the City limits, pursuant to an approved development agreement; and,

WHEREAS, the City Council held a public hearing on the proposed North Service Area Development Fees on February 15, 2012; and,

WHEREAS, the Development Fee Report has been presented to and reviewed by the City Council, which has determined: (1) that development fees are necessary to offset the costs to the City associated with meeting the necessary public service and facility demand created in the North Service Area by projected new residential and non-residential development listed in the Land Use Assumptions; (2) that the amount of the development fees (a) have a substantial nexus with the burden imposed upon the City to provide new public facilities addressed in the Infrastructure Improvements Plan to new development in the North Service Area; (b) do not exceed a proportionate share of the cost of necessary public services, based on service units, needed to provide necessary public services to new development; and (c) are based on the adopted infrastructure improvements plan; (3) the expenditure of development fees, pursuant to the terms of this Ordinance, will result in a beneficial use to new development in the North Service Area, per dwelling unit, and by type and per increment of non-residential development; (4) that a substantial nexus exists between the necessary public services or facility expansions and the development being served as prescribed in the infrastructure improvements plan; (5) that the North Service Area receives or will receive a direct benefit from the West Wetlands Park and the Yuma East Athletic Park; and (6) that collecting the development fees established in this Ordinance will provide additional public facilities needed to serve new development in the North Service Area, while maintaining the existing level of service (LOS) standard currently provided to City residents in the North Service Area; and,

WHEREAS, the Ordinance limits the expenditure of development fee funds to those allowed by applicable state laws.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma, Arizona, as follows:

SECTION 1. That the Yuma City Code be amended such that Section 157-06 through 157-13 reads as follows:

§ 157-06 Parks and Recreation Facilities Development Fee.

(A) Definitions.

(1) **PARKS AND RECREATION FACILITIES.** A Public Facility, including but not limited to parks, swimming pools, and related facilities. Parks and Recreation Facilities do not include vehicles, equipment or that portion of any facility that is used for amusement parks, aquariums, aquatic centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

(2) **PARKS AND RECREATION FACILITIES DEVELOPMENT FEE.** A Development Fee imposed to offset the impacts of New Development on parks and recreation facilities set forth in the Infrastructure Improvements Plan, subject to the limitations set forth in this chapter.

(B) Service Area. There are hereby established two Service Areas for Parks and Recreation Facilities Development Fees as follows:

- (1) North Service Area: All lands within the City of Yuma located north of and including 56th Street; and
- (2) South Service Area: All lands within the City of Yuma located south of 56th Street.

(C) Applicability and appropriation of Development Fees. Parks and Recreation Facilities Development Fees shall only be assessed against Residential development, as further provided in this chapter. Parks and Recreation Facilities Development Fees may be Appropriated for Public Facilities included in the Infrastructure Improvements Plan.

(D) Parks and Recreation Facilities Development Fee schedule for residential development in the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$1,011
Multi-Family	\$ 797
All Other Housing	\$ 612

§ 157-07 (Repealed)

§ 157-08 (Repealed)

§ 157-09 Police Facilities Development Fee.

(A) Definitions.

- (1) **POLICE FACILITIES.** A Public Facility, including but not limited to vehicles and equipment, that are used by City law enforcement to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment, and communications systems. Police Facilities do not include vehicles and equipment used to provide administrative services, or helicopters or airplanes or any facility used for training officers from more than one station or substation.
- (2) **POLICE FACILITIES DEVELOPMENT FEE.** A development fee imposed to offset the impacts of New Development on Police Facilities set forth in the Infrastructure Improvements Plan, subject to the limitations set forth in this chapter.

(B) Service Area. There are hereby established two Service Areas for Police Facilities Development Fees as follows:

- (1) North Service Area: All lands within the City of Yuma located north of and including 56th Street; and
- (2) South Service Area: All lands within the City of Yuma located south of 56th Street.

(C) Applicability and appropriation of Development Fees. Police Facilities Development Fees shall be assessed against both Residential and Non-Residential development as further provided in this chapter. Police Facilities Development Fees may be Appropriated for Public Facilities included in the Infrastructure Improvements Plan.

(D) Police Facilities Development Fee schedule for residential development in the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$506
Multi-Family	\$399
All Other Housing	\$306

(E) Police Facilities Development Fee schedule for non-residential development in the North Service Area.

Development Type	Fee Per Sq. Ft.
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Commercial/Retail	\$0.949
Office/Institutional	\$0.468
Light Industrial	\$0.296
Warehousing	\$0.211
Manufacturing	\$0.162
Hotel (per room)	\$239.00

§ 157-10 Fire Facilities Development Fee.

(A) Definitions.

- (1) **FIRE FACILITIES.** A Public Facility, including but not limited to fire stations, fire equipment, fire vehicles and all appurtenances for fire stations. Fire Facilities do not include vehicles or equipment used to provide administrative services, or helicopters or airplanes, and do not include any facility used for training firefighters from more than one station or substation.
- (2) **FIRE FACILITIES DEVELOPMENT FEE.** A development fee imposed to offset the impacts of New Development on Fire Facilities set forth in the Infrastructure Improvements Plan, subject to the limitations set forth in this chapter.

(B) Service Area. There are hereby established two Service Areas for Fire Facilities Development Fees as follows:

- (1) North Service Area: All lands within the City of Yuma located north of and including 56th Street; and
- (2) South Service Area: All lands within the City of Yuma located south of 56th Street.

(C) Applicability and appropriation of Development Fees. Fire Facilities fees shall be assessed against both Residential and Non-Residential development as further provided in this chapter. Fire Facilities Development Fees may be appropriated for Public Facilities included in the Infrastructure Improvements Plan.

(D) Fire Facilities Development Fee schedule for Residential development in the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$339
Multi-Family	\$267
All Other Housing	\$205

(E) Fire Facilities Development Fee schedule for Residential development in the North Service Area.

Development Type	Fee Per Sq. Ft.
Commercial/Retail	\$0.152
Office/Institutional	\$0.258
Light Industrial	\$0.171
Warehousing	\$0.068
Manufacturing	\$0.132
Hotel (per room)	\$33.00

§ 157-11 General Government Facilities Development Fee.

(A) Definitions.

GENERAL GOVERNMENT FACILITIES DEVELOPMENT FEE. A development fee imposed to offset the impacts of New Development on City Hall, as described in the Infrastructure Improvements Plan, subject to the limitations set forth in this chapter.

(B) Service Area. There are hereby established two Service Areas for General Government Facilities Development Fees as follows:

- (1) North Service Area: All lands within the City of Yuma located north of and including 56th Street; and
- (2) South Service Area: All lands within the City of Yuma located south of 56th Street.

(C) Applicability and appropriation of development fees. General Government Facilities Development Fees may be Appropriated solely for payment of principal and interest on the portion of the bonds, notes, or other debt service obligations issued before June 1, 2011 to finance construction of the City Hall, as provided in the Infrastructure Improvements Plan.

(D) General government Facilities Development Fee schedule for Residential development in the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$20
Multi-Family	\$15
All Other Housing	\$12

(E) General Government Facilities Development Fee schedule for Non-Residential development in the North Service Area.

Development Type	Fee Per Sq. Ft.
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Commercial/Retail	\$0.013
Office/Institutional	\$0.022
Light Industrial	\$0.015
Warehousing	\$0.006
Manufacturing	\$0.011
Hotel (per room)	\$3.00

§ 157-12 (Repealed)

§ 157-13 Streets Facilities Development Fee.

(A) Definitions.

- (1) **STREETS FACILITIES.** A Public Facility, including arterial or collector streets or roads, traffic signals, rights-of-way, and improvements thereon, bridges, culverts, irrigation tiling, storm drains, and regional transportation facilities.
- (2) **STREETS FACILITIES DEVELOPMENT FEE.** A Development Fee imposed to offset the impacts of New Development on Streets Facilities set forth in the Infrastructure Improvements Plan, subject to the limitations set forth in this chapter.

(B) Service Area. There are hereby established two Service Areas for Streets Facilities Development Fees as follows:

- (1) North Service Area: All lands within the City of Yuma located north of and including 56th Street; and
- (2) South Service Area: All lands within the City of Yuma located south of 56th Street.

(C) Applicability and appropriation of Development Fees. Streets Facilities Development Fees shall be assessed against both Residential and Non-Residential development as further provided in this chapter. Streets Facilities Development Fees may be Appropriated for Public Facilities included in the Infrastructure Improvements Plan.

(D) Streets Facilities Development Fee schedule for Residential development in the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$856
Multi-Family	\$590
All Other Housing	\$446

(E) Streets Facilities Development Fee schedule for Non-Residential development in the North Service Area.

Development Type	Fee Per Sq. Ft.
Commercial/Retail	\$0.986
Office/Institutional	\$0.535
Light Industrial	\$0.339
Warehousing	\$0.241
Manufacturing	\$0.186
Hotel (per room)	\$274.00

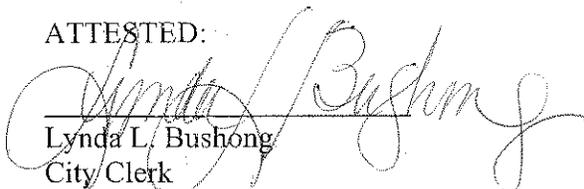
SECTION 2. It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this chapter. Any person, firm or corporation violating any provisions in this chapter shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more that ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

ADOPTED this 21st day of March, 2012.

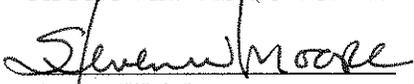
APPROVED:


Alan L. Krieger
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Steven W. Moore
City Attorney