

ORDINANCE NO. O2013-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE YUMA CITY CODE BY UPDATING THE STREETS FACILITIES DEVELOPMENT FEES FOR THE NORTH SERVICE AREA AS SET FORTH IN YUMA CITY CODE CHAPTER 157, SECTION 13

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 citywide development fees for new development to cover a portion of the costs necessitated by new development for capital public facilities; and,

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

WHEREAS, on January 4, 2012, the City adopted the Land Use Assumptions and an Infrastructure Improvements Plan; and,

WHEREAS, on March 21, 2012, the City adopted the North Service Area Development Fees; and,

WHEREAS, the City hired TischlerBise, Inc. to update the Infrastructure Improvements Plan, North Service Area development fees in compliance with Arizona Revised Statutes (ARS) § 9-463.05; and,

WHEREAS, TischlerBise has prepared a revised Infrastructure Improvements Plan, and Development Fee Report dated March 20, 2013 to update the Streets Facilities Development Fee for the North Service Area; and,

WHEREAS, pursuant to ARS § 9-463.05, the City of Yuma held a public hearing for a revised Infrastructure Improvements Plan on February 6, 2013; and,

WHEREAS, on March 20, 2013 the City Council adopted the Revised Infrastructure Improvements Plan; and,

WHEREAS, pursuant to ARS § 9-463.05, on March 29, 2013 the City of Yuma published a Notice of Intent to adopt City of Yuma North Service Area Development Fees for Streets Facilities with a scheduled public hearing to be held on May 1, 2013; and,

WHEREAS, the City of Yuma has defined the North Service Area to be City 56th Street and those properties lying to the North of same, between Avenue D and Avenue 10E; 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 by projected new residential and non-residential development as listed in the Land Use Assumptions; (2) that the amount of the development fees bear a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Infrastructure Improvements Plan to new development, (3) the expenditure of development fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the development fees, per dwelling unit, by type and per increment of non-residential development; (4) that an "essential nexus" exists between the projected new residential development and the need for additional public facilities to be funded via the development fees; and (5) that the amount of the development fees is "roughly proportional" to the fair share of the additional public facilities needed to provide adequate service to new development, 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 157-13 reads as follows:

§ 157-13 Streets Facilities Development Fee.

(A) Definitions.

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.

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) Street Facilities development fee schedule for residential development. In the North Service Area.

Development Type	Fee Per Dwelling Unit
Single-Family	\$696
Multi-Family	\$479
All Other Housing	\$363

(E) Street Facilities development fee schedule for non-residential development.

Development Type	Fee Per Sq. Ft.
Commercial/Retail	\$0.804
Office/Institutional	\$0.436
Light Industrial	\$0.276
Warehousing	\$0.196
Manufacturing	\$0.151
Hotel (per room)	\$223

SECTION 2: Pursuant to Arizona statute, this fee shall go into effect 75 days following adoption by the City Council.

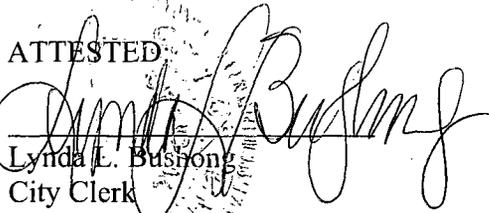
SECTION 3. It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this Ordinance. Any person, firm or corporation violating any provisions in this Ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said Ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

ADOPTED this 5th day of June, 2013.

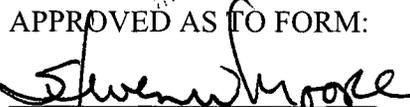
APPROVED:


Alan L. Krieger
Mayor

ATTESTED:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Steven W. Moore
City Attorney