

ORDINANCE NO. O2019-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE YUMA CITY CODE BY UPDATING AND AMENDING THE NORTH SERVICE AREA DEVELOPMENT FEES SET FORTH IN CHAPTER 157-06 THROUGH 157-13

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 City Code provides for updates to the development fees set forth therein; and,

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

WHEREAS, on June 5, 2013, the City adopted revised Street Facilities Development Fees for the North Service Area; and,

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

WHEREAS, City Council has adopted Land Use Assumptions dated February 27, 2018 and an Infrastructure Improvements Plan dated February 27, 2018 in order to update the North Service Area Development Fees; and,

WHEREAS, the adopted Land Use Assumptions and Infrastructure Improvements Plan, included four amendments: 1) 28th Street, 45th Avenue to Avenue C as a collector street and not as an arterial street; 2) a footnote to Figure 51 stating that this segment of 28th was amended to be included as a collector street; 3) to add the design for a 10 acre South Mesa Community Park at Avenue 6E, south of 32nd Street, on land already owned by the City of Yuma; and 4) for TischlerBise to make such changes to the Infrastructure Improvements Plan as necessary for consistency with the intent of the amendments; and,

WHEREAS, pursuant to Arizona Revised Statutes § 9-463.05, the City of Yuma published a Notice of Intent to adopt North Service Area Development Fees on March 4, 2019; and,

WHEREAS, pursuant to Arizona Revised Statutes § 9-463.05, the City of Yuma held a public hearing on the updated North Service Area Development Fees contained in the Infrastructure Improvements Plan and Development Fee Report (dated February 27, 2019), held on April 3, 2019; and,

WHEREAS, the City of Yuma has defined the North Service Area to be an area within the north of 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 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 according to 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 Pacific Avenue Athletic Complex; (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 approximately 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: City Council adopts the following development fees for the North Service Area recommended by City staff:

Residential Development (per unit fee)	Fire	General Government	Parks and Recreation	Police	Streets	Total Fees
Single-Family	\$324	\$24	\$1,003	\$359	\$862	\$2,572
Multi-Family	\$226	\$17	\$699	\$250	\$765	\$1,957
All Other Types	\$188	\$14	\$582	\$209	\$505	\$1,498
Non Residential Development (per square foot, except hotel rooms)						
Commercial Retail	\$0.52	\$0.01	N/A	\$0.55	\$0.84	\$1.92
Office/Institutional	\$0.86	\$0.01	N/A	\$0.22	\$0.09	\$1.18
Industrial	\$0.60	\$0.01	N/A	\$0.14	\$0.01	\$0.76
Hotel per room	\$114	\$2	N/A	\$110	\$272	\$498

SECTION 2: The existing Light Industrial, Warehousing, and Manufacturing development fee categories shall be combined into a single Industrial fee category of development fees.

SECTION 3: Yuma City Code, §§ 157-06 through 157-13, shall be amended to incorporate the updated development fees for the North Service Area described in Section 1 and the changes described in Section 2.

SECTION 4: The draft development fee report is approved and adopted with such amendments as are necessary to reflect the updated development fees for the North Service Area.

SECTION 5: 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 sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

ADOPTED this ____ day of _____, 2019.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney