

RESOLUTION NO. 2019-1689

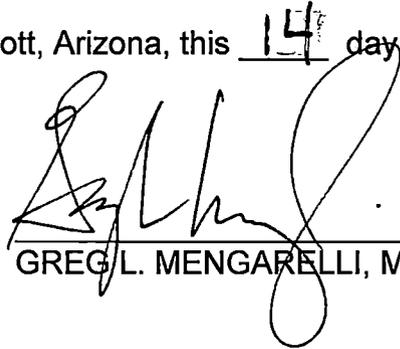
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PRESCOTT, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CHAPTER 3-14: DEVELOPMENT FEES", WHICH DOCUMENT AMENDS PRESCOTT CITY CODE TITLE III, CHAPTER 3-14 ("DEVELOPMENT FEES").

BE IT RESOLVED by the Mayor and Council of the City of Prescott, Arizona, as follows:

THAT certain document entitled "CHAPTER 3-14: DEVELOPMENT FEES", attached hereto and incorporated herein by reference as Exhibit "A", with one paper copy and one electronic copy maintained in compliance with A.R.S. Section 44-7041 filed in the Office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

THAT the document entitled "CHAPTER 3-14: DEVELOPMENT FEES" will amend Prescott City Code Title III, Chapter 3-14 ("CHAPTER 3:14: DEVELOPMENT FEES") referenced in Prescott City Ordinance No. 2019-1662.

PASSED AND ADOPTED by the City of Prescott, Arizona, this 14 day of May 2019.



GREG L. MENGARELLI, Mayor

Attest:



MAUREEN SCOTT, City Clerk

Approved As To Form:



JON M. PALADINI, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)

County of Yavapai) ss.

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Resolution No. 2019-1689 is a true, correct and accurate copy of Resolution No. 2019-1689, passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the 14th day of May 2019, at which a quorum was present and, by a 7-0 vote, 7 voted in favor of said resolution.

Given under my hand and sealed this 23rd day of May, 2019.



Maureen Scott
City Clerk

EXHIBIT "A"

CHAPTER 3-14: DEVELOPMENT FEES

SECTIONS:

- 3-14-1: DEFINITIONS:
- 3-14-2: DEVELOPMENT FEES FOR FIRE
- 3-14-3: DEVELOPMENT FEES FOR POLICE
- 3-14-4: [RESERVED FOR FUTURE USE/PARKS]:
- 3-14-5: [RESERVED FOR FUTURE USE/LIBRARY]:
- 3-14-6: RESTRICTED USE OF FEES:
- 3-14-7: IMPOSITION OF FEES:
- 3-14-8: EXEMPTION FROM FEES:
- 3-14-9: DETERMINATION OF CLASSIFICATION:
- 3-14-10: DEVELOPMENT FEES FOR STREETS
- 3-14-11: DEVELOPMENT FEES FOR WATER RESOURCES:
- 3-14-12: DEVELOPMENT FEES FOR WATER SYSTEM IMPACTS:
- 3-14-13: DEVELOPMENT FEES FOR WASTEWATER IMPACTS:
- 3-14-14: NONREFUNDABLE DEVELOPMENT FEES:
- 3-14-15: NONTRANSFERABILITY OF DEVELOPMENT FEES:

3-14-1 DEFINITIONS:

- (A) Residential Unit: A room or group of rooms within a building containing cooking accommodations, and used or designed or intended for use or occupancy by an individual or individuals as common living quarters. An apartment, manufactured home, modular home and mobile home shall be considered a residential unit, but a hotel room or motel room is not considered a residential unit under the provisions of this chapter. (Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4889-1427, 6-24-2014)
- (B) Livable Square Feet: The square footage of a residential unit under roof that is used for living, sleeping, eating, cooking. Livable square feet areas shall not include patios, porches, garages, sheds or accessory structures.

3-14-2 DEVELOPMENT FEES FOR FIRE:

All new construction within the City limits, shall be assessed the following development fee for fire:

Residential (per residential unit by livable square feet (sf))	Fee
1,800 sf or less	\$187
1,801-2,600 sf	\$291
2,601 sf or more	\$343
Non-Residential (per square foot (sf))	
Industrial	\$0.19
Office and Other Services	\$0.35
Retail and Restaurants	\$0.28

3-14-3 DEVELOPMENT FEES FOR POLICE:

All new construction within the City limits, shall be assessed the following development fee for police:

Residential (per residential unit by livable square feet(sf))	Fee
1,800 sf or less	\$212
1,801-2,600 sf	\$328
2,601 sf or more	\$388
Non-Residential (per square foot (sf))	
Industrial	\$0.14

Office and Other Services	\$0.28
Retail and Restaurants	\$0.72

3-14-4 [RESERVED FOR FUTURE USE/PARKS]:

(Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4173, 11-27-2001, eff. 3-1-2002; Ord. 4889-1427, 6-24-14)

3-14-5 [RESERVED FOR FUTURE USE/LIBRARY]:

(Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4173, 11-27-2001, eff. 3-1-2002; Ord. 4889-1427, 6-24-2014. Formerly 3-14-6)

3-14-6 RESTRICTED USE OF FEES:

All development fees collected in accordance with this chapter shall be placed in a separate fund and accounted for separately, and may only be used for the purposes as set forth in this chapter. Notwithstanding the foregoing, the City Council reserves the right to amend this chapter, subject to compliance with A.R.S. § 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4889-1427, 6-24-2014. Formerly 3-14-7)

3-14-7 IMPOSITION OF FEES:

(A) All fees imposed pursuant to this chapter shall be payable at the time of obtaining a building permit or as otherwise allowed under a valid development agreement and consistent with the provisions of A.R.S. § 9-463.05.

(B) The City Manager and applicant for a building permit may agree upon the dedication of land or other capital improvements in lieu of a fee required pursuant to this chapter; provided, that the value of such space and improvements, as determined by the City Manager, is substantially equal to or greater than the amount of fee required by this chapter; and in the event the dedications referred to above do not substantially equal in value the amount of fees required by this chapter, as determined by the City Manager, the City Manager may accept such dedications in partial payment of such fees and collect the remainder thereof in cash, consistent with A.R.S. § 9-463.05. (Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4889-1427, 6-24-2014. Formerly 3-14-8)

3-14-8 EXEMPTION FROM FEES:

The following shall be exempted from the payment of any fees imposed by this chapter:

(A) Alterations or expansions of existing residential structures where no additional residential units are created and where no additional demand for services is created by the alteration or expansion.

(B) The residential construction of any accessory buildings or structures; provided, that no additional residential units are created and where no additional demand for services is created by the accessory building or structures.

(C) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use and where no additional demand for services is created by the new building or structure. (Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4889-1427, 6-24-2014. Formerly 3-14-9)

(D) In the event that it is unclear as to whether a proposed use or change in use will or will not create an additional demand for service, the City Manager is empowered to make the determination.

3-14-9 DETERMINATION OF CLASSIFICATION:

(A) In the event that it is unclear as to whether a proposed use of a structure is residential as defined in Section 3-14-1, then and in that event the City Manager is hereby empowered to designate the status of that structure or use; provided, however, that all future identical uses shall be accorded the same designation. Any such designation shall be deemed conclusive and final.

(B) The City Manager is authorized to determine the business classification (retail, industrial, office, restaurant, and/or hotel/motel) for application of nonresidential development fees. (Ord. 3310, 1-24-1995, eff. 4-24-1995; Ord. 4889-1427, 6-24-2014. Formerly 3-14-10)

3-14-10 DEVELOPMENT FEES FOR STREETS:

All new construction within the City limits, shall be assessed the following development fee for streets:

Residential (per residential unit by livable square feet (sf))	Fee
1,800 sf or less	\$672
1,801-2,600 sf	\$1,040
2,601 sf or more	\$1,222
Non-Residential (per square foot (sf))	
Industrial	\$0.51
Office and Other Services	\$1.01
Retail and Restaurants	\$2.33

3-14-11 DEVELOPMENT FEES FOR WATER RESOURCES:

(A) All new construction to be connected to the City’s water system, within or outside the City limits, shall be assessed the following development fee for water resources:

METER SIZE	FEE
5/8-inch	\$1,441
3/4-inch	\$2,161
1-inch	\$2,401
1.5-inch	\$4,803
2-inch	\$7,684
3-inch	\$14,408
4-inch	\$24,013
6-inch	\$48,025
8-inch	\$76,840

(B) In the event that a one (1) inch meter or larger is required solely as a result of a residential unit being equipped with an automatic fire sprinkler system, the development fee to be assessed pursuant to this section shall be based on the actual size meter needed to serve the fixtures within a residential unit(s).

(C) In the event that an upsizing of meter size is required as a result of remodeling, renovation or expansion of a structure, the development fee to be assessed pursuant to this section shall be the difference between the current development fee for the upsized meter versus the current development fee for the existing meter.

(D) Fees collected pursuant to this section may only be used for the acquisition of water resources, as identified in the City’s most recent infrastructure improvement plan ("IIP") and authorized pursuant to A.R.S. § 9-463.05. (Ord. 4390, 4-13-04; Ord. 4523, 2-7-06, eff. 5-08-06; Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4665 suspended by Ord. 4721-1018, eff. 03-23-2010; Ord. 4889-1427, 6-24-2014; Ord. 4935-1473, 7-14-2015. Formerly 3-14-13)

3-14-12 DEVELOPMENT FEES FOR WATER SYSTEM IMPACTS:

(A) All new construction to be connected to the City’s water system, within or outside the City limits, shall be assessed the following development fee for water system impacts:

METER SIZE	WATER SERVICE AREA A	WATER SERVICE AREA A & B

5/8-inch	\$862	\$5,303
3/4-inch	\$1,293	\$7,955
1-inch	\$1,437	\$8,839
1.5-inch	\$2,873	\$17,676
2-inch	\$4,597	\$28,282
3-inch	\$8,620	\$53,030
4-inch	\$14,367	\$88,384
6-inch	\$28,733	\$176,766
8-inch	\$45,973	\$282,826

(B) In the event that a one (1) inch meter or larger is required solely as a result of a residential unit being equipped with an automatic fire sprinkler system, the development fee to be assessed pursuant to this section shall be based on the actual size meter needed to serve the fixtures within a residential unit(s).

(C) In the event that an upsizing of meter size is required as a result of remodeling, renovation or expansion of a structure, the development fee to be assessed pursuant to this section shall be the difference between the current development fee for the upsized meter versus the current development fee for the existing meter.

(D) Fees collected pursuant to this section may only be used for purposes related to the City's water production, treatment, transmission and distribution system, as identified in the City's most recent infrastructure improvement plan ("IIP") and authorized pursuant to A.R.S. § 9-463.05, as amended. (Ord. 4523, 2-7-06, eff. 5-08-06; Ord. 4665, 10-28-2008, eff. 7-11-2009; Ord. 4665 suspended by Ord. 4721-1018, eff. 03-23-2010; Ord. 4889-1427, 6-24-2014. Formerly 3-14-14)

3-14-13 DEVELOPMENT FEES FOR WASTEWATER IMPACTS:

(A) All new construction to be connected to the City's wastewater system, within or outside the City limits, shall be assessed the following development fee for wastewater system impacts:

METER SIZE	WASTEWATER SERVICE AREA A
5/8-inch	\$3,020
3/4-inch	\$4,530
1-inch	\$5,033
1.5-inch	\$10,067
2-inch	\$16,107
3-inch	\$30,200
4-inch	\$50,334
6-inch	\$100,667
8-inch	\$161,068

(B) In the event that a one (1) inch meter or larger is required solely as a result of a residential unit being equipped with an automatic fire sprinkler system, the development fee to be assessed pursuant to this section shall be based on the actual size meter needed to serve the fixtures within a residential unit(s).

(C) In the event that the connection is solely for wastewater, the wastewater development fee shall be based on the size water meter needed to serve the fixtures within the residential unit(s).

(D) In the event that an upsizing of meter size is required as a result of remodeling, renovation or expansion of a structure, the development fee to be assessed pursuant to this section shall be the difference between the current development fee for the upsized meter versus the current development fee for the existing meter.

(E) Fees collected pursuant to this section may only be used for purposes related to the City's wastewater treatment and collections system, as identified in the City's most recent infrastructure improvement plan ("IIP") and authorized pursuant to A.R.S. § 9-463.05. (Ord. 4889-1427, 6-24-2014)

3-14-14 NONREFUNDABLE DEVELOPMENT FEES:

(A) There will no monetary or equitable payout by the City in the event that the differential between the current development fee and past development fee paid for by an applicant yields a credit.

(B) The payment of development fees is nonrefundable. (Ord. 4889-1427; 6-24-2014)

3-14-15 NONTRANSFERABILITY OF DEVELOPMENT FEES:

(A) All development fees paid pursuant to the Prescott City Code shall apply to the real property upon which the improvement is located.

(B) Development fees are not transferable between properties.

(C) Development fees shall apply to a single property and may not be transferred between properties. (Ord. 4889-1427, 6-24-2014)