

Chapter 29 DEVELOPMENT IMPACT FEE ORDINANCE*

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***Cross references:** Building regulations, ch. 9; sewer residential development occupational fee, ch. 19A; sewer commercial and industrial development occupational fee, ch. 19B; water residential development occupational fee, ch. 19C; water commercial and industrial development occupational fee, ch. 19D; water resources acquisition fee, ch. 30; subdivisions, ch. 32.

State law references: Development fees, A.R.S. § 9-463.05.

Sec. 29-1. Title.

This chapter shall be known as the "Development Impact Fee Ordinance of the City of Phoenix," may be cited as such, and will be referred to hereinafter as "ordinance".
(Ord. No. G-3040, § 1; Ord. No. G-3968, § 2, passed 11-6-1996, eff. 2-5-1997)

Sec. 29-2. Legislative intent and purpose.

This ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of the City by:

- A. Implementing the City of Phoenix General Plan, in conjunction with the use of specific plans authorized under Section 9-461.08, Arizona Revised Statutes, for the preparation of specific infrastructure financing plans;
 - B. Requiring new development to pay its proportionate share of the costs to the municipality associated with providing necessary public services to the development as shown on the specific infrastructure financing plan;
 - C. Setting forth standards and procedures for assessing development impact fees and administering the development impact fee program.
- (Ord. No. G-3040, § 1; Ord. No. G-3968, § 3, passed 11-6-1996, eff. 2-5-1997)

Sec. 29-3. Definitions.

Alternative revenue offset: The net present value of future revenues obtained from secondary property tax, water and sewer rates, development occupational fees, and other sources used to pay for facilities included in the infrastructure financing plans calculated by the Planning Department and provided on a per EDU basis for different land uses.

Arena: A large indoor or outdoor structure in which spectator events are held. These facilities could be made available for many uses including but not limited to ice hockey, basketball, concerts, shows and religious services.

Average trip rate: A weighted average of the number of vehicle trips or trip ends per unit of independent variable or conversion unit (e.g., trip ends per dwelling unit or per one thousand square feet of floor area) using a site's driveway(s).

Average weekday trips or *AWT:* The average twenty-four hour total of all vehicle trips counted to and from a site from Monday through Friday.

Bank with drive-in facility: Banks providing banking facilities for the motorist while in a vehicle.

Building materials, lumber, paint, hardware stores: A retail establishment whose primary products include hardware, building materials, lumber, paint or hardware.

Capital facilities: Necessary public services that are permanent additions to the City's assets, that are primarily financed by long-term debt instruments and not from the City's annual operating budget, and which include purchase of land, studies leading to design, design and construction, of buildings and facilities. Capital facilities and infrastructure are terms that may be used interchangeably.

Capital facility category: A classification of capital facilities as set out in Section 29-5.B.1. of this chapter and corresponding to the capital program area of the most recent City of Phoenix Capital Improvement Program.

Capture rate: A percentage reduction in traditionally developed trip forecasts to account for trips internal to a development. Capture rates are not applicable and should not be utilized in forecasting of trips for shopping centers and other mixed-use developments where trip generation data already includes reductions for trips internal to the development.

Church: A facility for public worship services which may include an assembly hall, sanctuary, meeting rooms, classrooms, and kitchen. Day care centers, open to the public, elementary schools or high schools operating on the site of a church shall be considered primary uses and not part of the church.

Convenience market, with or without gasoline pumps: A small scale retail establishment the primary purpose of which is the sale of fresh and packaged food, dry goods and nonprescription medicine primarily to customers from the immediate area. A convenience market may include sale of gasoline and package liquor.

Core land use: A mix of uses including office, retail, public, governmental, and residential. The variety of uses is determined by the uniqueness of each village core and the development character of each urban village. Core land uses are limited to areas identified as village cores on one or more adopted planning documents including the Phoenix General Plan, specific plans and zoning maps.

Credit agreement: An agreement between the City of Phoenix and the master developer permitting the distribution of credits over contiguous developments.

Credits: Reductions in development impact fees charged to developments resulting from developer contributions, payments, construction or dedications.

Day care center: A facility for the daily care of dependent populations including infants, preschool and young children as well as elderly persons, typically taking place during daylight hours, although they may also offer care at other hours of the day. Such facilities may include classrooms, offices, eating and sleeping areas, and playgrounds or outdoor recreation areas.

Development area: Is either a single parcel or contiguous parcels which have been planned together at one time under a unified plan of development or contiguous parcels which have been planned separately but which have a single master developer who has provided or caused to be provided the infrastructure for all of the contiguous parcels, and the master developer has filed with the City a credit agreement to assign its credits to each of the contiguous parcels.

Diverted linked trips: Those trips attracted from the traffic volume on roadways within the vicinity of the generator but which require a diversion from that roadway to another roadway to gain access to the site. These roadways could include streets or freeways adjacent to the generator, but without access to the generator.

Dwelling unit or DU: A house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters. Dwelling unit and housing unit are terms that may be used interchangeably.

Elementary school: An institution of learning offering education for children, including some or all of the grades from kindergarten through 8th grade. The site may contain athletic, dining, assembly and recreation facilities.

Equipment repair facilities: A category of capital facilities including but not limited to service centers for the repair and maintenance of City vehicles and office and storage space serving the planning area in which the development fees will be applied.

Equivalent dwelling unit or EDU: A number which represents the demand that a particular land use type places on each capital facility category compared to the demand created by a standard density detached single-family dwelling unit on each category except for the wastewater and water capital facility categories where EDU are determined by water meter size or sewer size. The EDU number will be represented as the ratio determined by dividing an indicator of the use type demand by an indicator of the standard density detached single-family dwelling unit demand.

Fire protection: A category of capital facilities including but not limited to fire stations, related equipment and vehicles and other facilities necessary for fire protection.

Freeway oriented uses: Land uses where more than half of the site traffic is to and from a freeway interchange. Industrial, manufacturing and warehousing uses located less than four miles from a freeway interchange are deemed to be freeway oriented uses.

Golf course: A tract of land laid out for playing golf with nine or more holes. Some golf courses have driving ranges and clubhouses with a pro shop, restaurant, lounge and banquet facilities others have no ancillary facilities.

Gross fee per EDU: The total facility costs listed in the specific infrastructure financing plan for a capital facility category divided by the total equivalent dwelling units projected in that area for that facility category.

Gross floor area: The sum in square feet of the area of each floor level of a building including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet-six inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, the area of this space is considered part of the overall area of the building. However, unroofed spaces, except those contained within the principle outside faces of exterior walls, are excluded from the building area. Parking spaces within the building are excluded from the building area.

High school: A secondary education level institution with an instructional program leading to issuing a high school diploma. The site may contain athletic, dining, assembly and recreation facilities.

Home furnishings store: A retail business dealing primarily with the sale of home or business furniture and which may also include the sale of furnishings such as carpeting, lighting and accessories. Home furnishing stores may include inventory storage areas.

Hospital: An institution for the diagnosis, care or treatment of two or more unrelated persons suffering from illness, injury, or deformity or for the rendering of obstetrical or other professional care, other than in an emergency, where overnight accommodations are provided. The term "hospital" shall not be construed to include the office of a physician or practitioner.

Industrial: A category of nonresidential land uses used in preparing infrastructure financing plans that includes business parks, light and heavy industrial uses, industrial parks, manufacturing, warehousing and mini-warehouses.

Industry and manufacturing: A land use which may include one or more of the following: fabrication, processing, assembly, storage and distribution of raw materials and goods, including agricultural products and may also include office and maintenance areas. The office use may not be more than fifty percent of the gross floor area of the structure.

Land use type: An inclusive term that includes two generic land uses, namely all residential and all non-residential land uses as a group.

Libraries: A category of capital facilities including but not limited to libraries, related equipment, furnishings, books and other circulating items.

Lodging: hotel, motel or resort: A residence facility designed for occupancy by transients or as a residence for periods of less than one year. A hotel shall contain rooming units and customarily provides housekeeping, bellhop, laundry, and on site recreation services. Where appropriately zoned, restaurant, bar, personal and retail services, and entertainment may also be available. Motels may maintain separate outside guest room entrances. Resorts may offer outdoor recreation activities such as golf, tennis, horseback riding, or swimming for guests and may have dwelling units in conjunction with guest rooms. Conference or convention centers on the premises of a hotel, motel or resort hotel shall be considered separately for the purposes of this chapter.

Low density detached single-family dwelling: Detached single-family dwelling on a lot size greater than or equal to one-half acre or 21,780 square feet.

Major streets and bridges: A category of capital facilities including but not limited to major streets and bridges and culverts that are included in or are a continuation of a major street. This category of capital facility may also include that portion of storm sewers providing drainage for major street projects.

Mini-warehouse: A building in which a storage unit or vault is rented for the storage of goods. Each unit is physically separated from the other units and access is usually provided through an overhead door or other common access point.

Multifamily: A category of residential land uses used in preparing infrastructure financing plans. Mobile homes to which no permanent rooms have been added are counted as multifamily dwelling units only for projections of EDU in infrastructure financing plans.

Multifamily dwelling unit: A structure designed or used for living quarters and containing two or more separate living quarters.

New and used car sales: A retail business selling new or used automobiles or light trucks which maintains inventory on the premises. Such businesses may include vehicle servicing and repair, retail sale of parts and vehicle leasing.

Nursery (garden center): A retail business selling plant materials and gardening supplies. The nursery may have enclosed selling areas, greenhouses and outdoor plant growing or display areas. It may also contain office, storage and shipping facilities.

Nursery, wholesale or landscape contractor: A nursery, not open to the public, which may also contain equipment and materials necessary for the installation of plant materials and landscape features. The nursery may have enclosed selling areas, greenhouses and outdoor plant growing or display areas. It may also contain office, storage and shipping facilities.

Nursing home: A health care institution which is licensed by the Arizona State Department of Health Services as a skilled nursing facility for two or more unrelated persons.

Office: A category of nonresidential land uses used in preparing infrastructure financing plans that includes general office buildings and medical and dental offices.

Office, general: A general office building houses multiple tenants; it is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services such as a bank or savings and loan, a restaurant or cafeteria, and service retail facilities.

Office, medical-dental: A facility that provides diagnoses and outpatient care on a routine basis but which is unable to provide prolonged in-house medical or surgical care.

Other nonresidential: A category of nonresidential land uses used in preparing infrastructure financing plans that includes large assembly areas, transportation facilities, and agriculture.

Parks: A category of capital facilities including but not limited to neighborhood, community and district parks and related facilities and equipment; aquatics facilities; neighborhood, community, adult, teen and multi-generation centers, and trails.

Pass-by trips: Those trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway.

Planning area: A geographic area encompassed within a specific infrastructure financing plan and corresponding to either a village or a peripheral area designated in the City of Phoenix General Plan or such geographic area as the City Council may designate.

Police: A category of capital facilities including but not limited to police precinct and briefing stations and related equipment and vehicles, and police communications facilities.

Post secondary schools: A post secondary institution of learning which may offer academic or trade curriculum and which may offer an associates degree. The site may contain athletic, dining, housing, assembly and recreation facilities.

Primary trips: Those trips made for the specific purpose of visiting the trip generator. The stop at the generator is the primary reason for the trip.

Public and quasi-public: A category of nonresidential land uses used in preparing infrastructure financing plans that includes schools, hospitals, churches and cemeteries and public facilities such as community centers, libraries, and police and fire stations.

Restaurant: An establishment other than a boarding house where meals which are prepared therein may be secured by the public.

Restaurant with drive through: A type of restaurant characterized by a large carry out clientele, drive-through service, long hours of service, and high turnover rates for eat-in customers.

Restaurant, general: Sit-down restaurants with no drive-through service.

Retail: A category of nonresidential land uses used in preparing infrastructure financing plans that includes shopping centers, specialty retail, discount stores, hardware and paint stores, garden nurseries, restaurants, car sales, supermarkets, convenience markets, furniture stores, banks and savings and loans.

Retail center: A site on which three or more commercial establishments are located which share a common parking facility. In addition, the site may contain incidental offices, services, financial establishments, restaurants, bars, lounges and recreation establishments. A retail center may contain one or more buildings and businesses located in freestanding buildings or within integrated multi-tenant structures. Bank with drive-in facility, convenience market with gasoline pumps and restaurant with drive-through are not considered part of a retail center for the purpose of administering the development impact fee.

Retail, general: Any retail business or service not otherwise defined in this section.

Service station: A place of business having pumps or storage tanks from which liquid fuel or lubricants are dispensed at retail directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections, and cleaning, but not steam cleaning, may be carried on incidental to the sale of such fuel and lubricants.

Service station with convenience market: A use type with a service station as the primary use and a convenience market of not more than one thousand square feet as an accessory use.

Single-family dwelling unit: Detached or attached dwelling units including one-unit structures designed or used as separate living quarters including structures detached from any other house and structures with primary ground floor access to the outside and structures with one or more walls extending from ground to roof separating them from adjoining structures. Attached dwelling units with ground-to-roof walls are primarily townhouses.

Solid waste disposal: A category of capital facilities including but not limited to landfills, transfer stations with related equipment and vehicles, and materials recycling facilities.

Square feet or square footage: A conversion factor used in calculating equivalent dwelling units. The gross floor area of a building in square feet shall be used.

Standard density detached single-family dwelling unit: Single-family detached dwelling on a lot size less than one-half acre or 21,780 square feet.

Standard density multifamily dwelling: Multifamily dwelling with more than four dwelling units per structure.

Standard of service: The amount and quality of service provided by a capital facility for the population and land uses it serves.

Storm drainage: A category of capital facilities including but not limited to storm sewers constructed in sizes needed to provide for stormwater management for areas beyond major street projects and stormwater detention basins and channels necessary to provide for proper stormwater management.

Theater, motion picture: A structure containing one or more halls or auditoriums for the showing of motion pictures to the public. A theater may have the incidental sale of food and merchandise.

Time share: A category of residential land use designed for occupancy by transients or as a residence for periods of less than one month.

Trip length: The distance in miles between a trip's origin and destination.

Unified plan of development: A plan acceptable to the Planning Director such as a subdivision, site plan, planned community district or specific plan covering a contiguous area served by capital facilities provided by a common entity.

University: An institution of higher learning offering bachelors and higher degrees. The site may contain athletic, dining, assembly, housing and recreation facilities.

Vehicle trip: A single or one-direction vehicle movement with either the origin or destination (exiting or entering) inside a site.

Warehousing: A category of land use primarily devoted to the storage of materials. Warehouses may also include office and maintenance areas. The office use may not be more than fifty percent of the gross floor area of the structure.

Wastewater: A category of capital facilities including but not limited to sewers, lift stations, reclamation plants, wastewater treatment plants and related equipment and facilities.

Water: A category of capital facilities including but not limited to those facilities necessary to provide for water use such as water production facilities and equipment including water treatment plants, wells, booster stations and reservoirs and water distribution facilities and equipment including water mains and valves, but excluding Water Resource Projects as defined in Section 30-3.

(Ord. No. G-3040, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-21-1996; Ord. No. G-3947, § 1, passed 7-3-1996, eff. 8-2-1996; Ord. No. G-3968, § 4, passed 11-6-1996, eff. 2-5-1997; Ord. No. G-4169, § 1, passed 3-31-1999, eff. 4-30-1999; Ord. No. G-4225, § 1, passed 12-8-1999, eff. 1/7/00; Ord. No. G-4268 § 1 passed 5-10-2000, eff. 6-9-2000; Ord. No. G-4333 § 1 passed 2-21-2001, eff. 3-23-2001, Ord. No. G-4364, § 2, passed 6-27-2001, eff. 7/27/01; Ord. No. G-4431 § 1, passed 5-1-2002, eff. 5-31-2002; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-4. Applicability.

Except as provided below, this ordinance shall apply to all development within any planning area of the City of Phoenix at such time as an infrastructure financing plan for that planning area has been adopted pursuant to Section 29-5. This ordinance shall not apply to the development of any public school or City of Phoenix facility located within any planning area or to any development having an infill housing program contract or located in an infill incentive district.

(Ord. No. G-3040, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-21-1996, Ord. No. G-4268 § 2 passed 5-10-2000, eff. 6-9-2000; Ord. No. G-4333 § 2, passed 2-21-2001, eff. 3-23-2001, Ord. No. G-4364, § 2, passed 6-27-2001, eff. 7-27-2001; Ord. No. G-4431 § 2, passed 5-1-2002, eff. 5-31-2002; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-5. Specific infrastructure financing plans.

Prior to assessment of a development impact fee in a geographic area, the City of Phoenix shall adopt an infrastructure financing plan for the area. If the geographic area is smaller than the Phoenix metropolitan planning area, a specific infrastructure financing plan shall be used. Each infrastructure financing plan shall comply with the following requirements:

A. The plan shall be prepared by the Planning Department and adopted and amended in accordance with Section 9-463.05, Arizona Revised Statutes. If the plan is a specific plan it shall also comply with Section 9-461.09, Arizona Revised Statutes and any applicable provisions of this Code.

B. The plan shall determine the extent of capital facilities needed to serve the anticipated future development of the planning area consistent with the Phoenix General Plan.

1. The plan shall specify needs for one or more of the following categories of capital facilities:

- a. Equipment repair facilities;
- b. Fire protection;
- c. Libraries;
- d. Major streets and bridges;
- e. Parks;
- f. Police;
- g. Solid waste disposal;
- h. Storm drainage;
- i. Wastewater;
- j. Water.

2. The capital facility needs for each capital facility category shall reflect current facility design and be based on the same standard of service for that category being required in other areas of the city with adopted infrastructure financing plans.

3. Only capital facilities as herein defined shall be included in the infrastructure financing plans.

C. The plan shall estimate the total cost for capital facilities made necessary by new development including land acquisition, studies leading to design, design, construction, financing, and administrative costs, but shall not include costs for ongoing operation and maintenance, nor for replacement to the extent that replacement facilities do not increase service capacity.

D. The infrastructure financing plan shall project the number of equivalent dwelling units for all applicable development within the planning area based on the General Plan and studies pursuant thereto.

E. Projected capital facility costs shall be allocated to equivalent dwelling units for all applicable development projected to be constructed within the planning area according to the Equivalent Dwelling Unit Table for Infrastructure Financing Plan Preparation. This table will be reviewed and amended if necessary in accord with Section 29-14. This table is to be used only for long-range projections as required by this Section.

**EQUIVALENT DWELLING UNIT TABLE FOR
INFRASTRUCTURE FINANCING PLAN PREPARATION**

Facility Category	Residential EDU/DU		Nonresidential EDU/1,000 Square Feet*				
	Single-Family DU	Multifamily DU**	Retail	Office	Industrial	Public, Quasipublic	Other
Equipment repair facilities	1.00	0.42	1.02	0.88	0.40	0.30	0.57
Fire protection	1.00	0.68	0.59	0.59	0.59	0.59	0.59
Libraries	0.95	0.45	0.18	0.25	0.14	0.11	0.17
Major streets and bridges***	0.97	0.64	2.30	2.18	0.86	0.54	1.37
Parks	0.95	0.38	0.00	0.00	0.00	0.00	0.00
Open space	1.00	0.77	0.00	0.00	0.00	0.00	0.49
Police	1.00	0.42	0.65	0.65	0.65	0.65	0.65
Solid waste disposal	1.00	0.02	0.00	0.00	0.00	0.00	0.00
Storm drainage	1.00	4.00	4.00	4.00	4.00	4.00	4.00
Wastewater	1.00	.76	.58	0.19	0.28	0.15	0.15
Water	1.00	.49	.49	0.22	0.20	0.19	0.19

*Except major streets- other and storm drainage, which are EDU per acre.

**Except for storm drainage, which is EDU per acre.

***Major street and bridge EDU factors may be reduced in areas with a predominance of freeway oriented uses.

F. The gross fee per EDU shall be calculated by dividing the projected cost for a capital facility category by the number of EDU projected for the facility category.

G. Pursuant to a phasing schedule included in an infrastructure financing plan, the gross fee per EDU may be reduced for a period of time not to exceed four years for one or more capital facility categories. The phasing schedule in the infrastructure financing plan shall identify the date on which the full fee shall be charged and the dates on which increases in the fee shall take place prior to charging of the full fee.

(Ord. No. G-3040, § 1; Ord. No. G-3328, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-24-1996; Ord. No. G-3947, § 2-3, passed 7-3-1996, eff. 8-2-1996; Ord. No. G-3968, § 5, passed 11-6-1996, eff. 2-5-1997; Ord. No. G-4169, §§ 2-4, passed 3-31-1999, eff. 4-30-1999; Ord. No. G-4211, § 1, passed 11-3-1999, eff. 2-1-2000; Ord. No. G-4212, § 1, passed 11-3-1999, eff. 2-1-2000; Ord. G-4213, § 1, passed 11-3-1999, eff. 12-3-1999; Ord. No. G-4225, § 2, passed 12-8-1999, eff. 1-7-2000; Ord. No. G-4268 § 3 passed 5-10-2000, eff. 6-9-2000, Ord. No. G-4364, § 2, passed 6-27-2001, eff. 7-27-2001; Ord. No. G-4431 § 3, passed 5-1-2002, eff. 5-31-2002; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004; Ord. No. G-4838, § 1, adopted 11-15-2006, eff. 12-15-2006)

Sec. 29-6. Schedule for plan adoption.

The Planning Department shall recommend to the City Council a schedule for the preparation of specific infrastructure financing plans for each of the villages in the General Plan or other areas as may be designated by the City Council. In recommending an order of priority for the preparation of such plans, the department shall take into consideration (1) the anticipated growth of each village; (2) the extent to which existing capital facilities can serve more intensive development than now exists; and (3) such other factors as will further the implementation of the General Plan.

(Ord. No. G-3040, § 1; Ord. No. G-3126, §1; Ord. No. G-3756, §1; Ord. No. G-3904, §1, passed 2-21-1996, eff. 2-24-1996; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-7. Administration of development impact fees.

A. The development impact fee program shall be administered by the Phoenix Planning and Development Services Departments.

B. The development impact fee shall be paid as follows:

1. If construction permits for buildings or water or sewer connections are required the applicable fees shall be paid at the time of the issuance of the construction permits for the development. No construction permit shall be issued until any applicable development impact fee has been paid. If the construction permit is for an expansion of an existing use or a change to a different use type, the fee shall be assessed only for the additional impacts of the expansion or change. The development impact fee shall be assessed using gross fee per EDU by capital facility category as determined from the applicable specific infrastructure financing plan in effect at the time the construction permit is issued.

2. Wastewater and water development impact fees shall be paid at the time of connection to the City of Phoenix sewer or water system. If no permit for construction of a building is required, a wastewater development impact fee shall be paid prior to approval of a connection of a use which discharges, or as determined by the Water Services Director is capable of discharging sewage to a public sewer. A water development impact fee shall be paid upon approval of setting of a water meter.

However, fees shall not be required if the sewer connection or water meter is to serve a public right-of-way or other City of Phoenix facility or if the connection is being made to a building constructed before October 21, 1987. The wastewater or water development impact fee shall be assessed using the gross fee per EDU by capital facility category as determined from the applicable specific infrastructure financing plan in effect at the time the connection is approved.

C. Development impact fees collected pursuant to these regulations shall be placed in separate, interest-bearing accounts for each capital facility category within the planning area.

D. Development impact fees and any interest thereon collected pursuant to these regulations shall be spent for improvements that provide a beneficial use to the development that paid the fee, including debt service costs that relate to such improvements.

(Ord. No. G-3040, § 1; Ord. No. G-3328, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-24-1996; Ord. No. G-3968, § 7, passed 11-6-1996, eff. 2-5-1997; Ord. No. G-4028, § 1, passed 6-25-1997, eff. 7-25-1997; Ord. No. G-4169, §§ 6-9, passed 3-31-1999, eff. 4-30-1999; Ord. No. G-4211, §§ 2-3, passed 11-3-1999, eff. 2-1-2000; Ord. No. G-4212, §§ 3-5, passed 11-3-1999, eff. 2-1-2000; Ord. No. G-4225, § 1, passed 12-8-1999, eff. 1-7-2000; Ord. No. G-4268 §§ 6-8 and 10-11, passed 5-10-2000, eff. 6-9-2000 and 8-1-2000, and § 9 passed 5-10-2000, eff. 6-12-2000; Ord. No. G-4333 § 4 passed 2-21-2001, eff. 3-23-2001; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-8. Calculation of the development impact fee.

Each new development within a planning area for which an infrastructure financing plan has been adopted shall be assessed a development impact fee according to the following calculations:

A. The infrastructure financing plan will determine the gross fee per EDU.

B. Determine the gross impact fee by multiplying the EDUs for each capital facility category by the gross fee per EDU listed in the specific infrastructure financing plan. Determine the total offsets per capital facility category by multiplying the EDUs for each capital facility by the alternative revenue offset (excluding the development occupational fee) for the particular use. Determine the project credit by multiplying the EDUs for each capital facility category by

the credit per capital facility category. Credits per EDU are determined per Section 29-9.

C. Determine the net impact fee by subtracting from the gross impact fee per capital facility, the alternative revenue offsets per capital facility (including development occupational fees), and the credits per EDU. The net impact fee cannot be less than zero for any capital facility category.

D. EDU calculation methodologies: The equivalent dwelling units projected for a particular new development, for each use type and capital facility category shall be based on the provisions in Section 29-8.E., or an independent impact analysis prepared in accordance with Section 29-8.F. The base for the EDU table and the independent impact analysis shall be a standard density single-family detached dwelling unit. The Planning Director shall maintain a report, available to the public, showing the EDU factors and their derivation.

1. *Equipment repair facilities.* EDU for equipment repair facilities shall be based on the proportion of the total services provided by service center offices, storage and vehicle maintenance facilities that is used by each of the city departments in the provision of fire, library, major street, park, police, solid waste, wastewater and water services and the use of a land use category of the fire, library, major street, park, police, solid waste, wastewater and water services. Services provided to one single-family dwelling unit shall be one EDU.

2. *Fire protection.* EDU for fire protection facilities shall be based on the average time spent on calls for fire protection services to various land use categories compared to the time spent on calls for one single-family dwelling unit. Average length of time spent per call for one single-family dwelling unit shall be one EDU.

3. *Libraries.* EDU for libraries shall be based on per capita use factors and the ratio of persons per dwelling unit to standard density single-family per capita use factors and persons per standard density single-family dwelling unit.

4. *Major streets and bridges.* EDU for major streets and bridges shall be based on average weekday vehicle trip generation rates derived from the most recent edition of Trip Generation and updates thereto by the Institute of Transportation Engineers. Where Trip Generation provides no reliable data for the type of land use being proposed, the Planning Director may use other sources or require a traffic study acceptable to the Street Transportation Director. If an applicant determines that the EDU factor per unit in the Section 29-8.E Equivalent Dwelling Unit Table for Development Impact Fee Calculation is not reflective of the impact of developments in the use type category or of his development on major

streets, he may perform a traffic study acceptable to the Street Transportation Director to identify the proper EDU factor. Adjustments in EDU shall be made to reflect differences in the length of trips and the proportion of vehicle trips that are primary trips, pass-by trips and diverted linked trips. For freeway oriented uses the EDU factor shall be adjusted by the ratio of the shortest length of trip on major streets between the development and the nearest freeway interchange to the average length of major street trip included in the total trip length used in calculating street EDU factors. Only primary trips shall be considered in determining EDU. A capture rate shall also be applied where needed to accurately reflect a reduction in external primary trips from multi-use developments where traditionally developed trip forecasts do not account for trips captured within the site. Vehicle trips for one standard density detached single-family dwelling unit shall be one EDU. EDU for other land uses are calculated as follows:

$$EDUF_{MS} = AWT \times PT\% \times ATL$$

$$EDU_{OTHER} = \frac{EDUF_{MS \text{ FOR OTHER THAN STANDARD DENSITY SINGLE-FAMILY DETACHED}}}{EDUF_{MS \text{ FOR STANDARD DENSITY DETACHED SINGLE-FAMILY}}}$$

Where:

ATL = Average trip length

AWT = Average weekday vehicle trips.

EDUF_{MS} = A factor used to compare the impact of land uses on major streets and related facilities.

EDU_{OTHER} = The ratio of the number of EDU for land uses other than single-family when compared to single-family.

PT% = Proportion of total trips that are primary trips.

5. *Open space.* EDU for open space shall be as specified in the table below:

OPEN SPACE EDU FACTORS PER USE TYPE

Single-Family Dwellings		
Use Type	Conversion Unit	EDU Per Unit
Low density detached (0 to 2 DU per acre)	DU	1.00
Standard density detached	DU	1.00
Standard density attached	DU	0.79
<i>Multifamily Dwellings and Similar Structures</i>		
2 to 4 units in a structure	DU	0.91
Standard density	DU	0.72
Mobile home or recreational vehicle park	DU	0.85
Time share	DU	0.49

6. *Parks.* EDU for parks shall be based on per capita use factors and the ratio of persons per dwelling unit to standard density single-family per capita use factors and persons per standard density detached single-family dwelling unit.

7. *Police.* EDU for police facilities shall be based on the average time spent on calls for police services to various land use categories. Average time spent per call for one single-family dwelling unit shall be one EDU.

8. *Solid waste disposal.* Solid waste disposal service to one single-family dwelling unit and any other individually owned dwelling unit eligible for solid waste disposal service shall be one EDU.

9. *Storm drainage.* Equivalent dwelling units (EDU) for major trunk storm sewers, storm detention basins and channels shall be based on one EDU for each standard density single-family dwelling unit and one EDU for each one quarter acre of gross site area.

10. *Wastewater facilities.* Equivalent dwelling unit (EDU) for wastewater facilities shall be based on the number of net new drainage fixture units in the building for which the construction permit is being issued. A single-family home with twenty-three drainage fixture units is equal to one EDU. All single-family units are deemed to be one EDU. EDU for other land uses are calculated as follows:

$$EDUF_{WW} = FU \div FU_{SF}$$

Where:

$EDUF_{WW}$ = A factor used to compare the impact of land uses on wastewater facilities.

FU = Fixture units.

FU_{SF} = The number of drainage fixture units in a single-family house.

11. *Water facilities.* Equivalent dwelling units shall be based on water meter size as specified in the table below.

Meter Size and Type to Water EDU Table

Meter Size (inches)	Meter Type	EDU for Single-Family Unit or Individually Metered Multi-family Unit	EDU for Multifamily Units Sharing Common Meters (any meter size)	EDU for All Other Users
5/8 × 3/4	Displacement or multi-jet	1.00	.49 per MF unit	1.00
3/4	Displacement or multi-jet	1.00		1.50
1	Displacement or multi-jet	1.00		2.50
1 1/2	Displacement or turbine	5.00		5.00
2	Displacement or turbine	8.00		8.00
3	Displacement	15.00		15.00
3	Compound	16.00		16.00
3	Turbine	17.50		17.50
4	Displacement or compound	25.00		25.00
4	Turbine	30.00		30.00
6	Displacement or compound	50.00		50.00
6	Turbine	62.50		62.50
8	Compound	80.00		80.00
8	Turbine	90.00		90.00

E. Use specific EDU conversions shall be made in accord with the following:

1. Equivalent dwelling units (EDU) for equipment repair facilities, fire protection, libraries, parks, police, and major streets shall be based on the equivalent dwelling unit table for development impact fee calculation for use types listed in the table unless the use requires an independent impact analysis as provided in Section 29-8.F. Other uses not in the table shall be required to prepare an independent impact analysis as provided in

Section 29-8.F.

EQUIVALENT DWELLING UNIT TABLE FOR DEVELOPMENT
IMPACT FEE CALCULATION*

***Editor's note:** Ord. No. G-4861, § 1, adopted January 31, 2007, effective March 2, 2007, set out provisions to amend § 29-11.E.1(Table). The intent of said ordinance was to amend § 29-8.E.1(Table).

		Capital Facility Category EDU per Unit						
Use Type	Conversion Unit	Equipment Repair	Fire Protection	Libraries	Major Streets	Parks	Police	
SINGLE-FAMILY DWELLING:								
Low density detached (0 to 2 DU per acre)	DU	1.00	1.00	1.00	1.23	1.00	1.00	
Standard density detached	DU	1.00	1.00	1.00	1.00	1.00	1.00	
Attached	DU	1.00	1.00	0.49	0.61	0.41	1.00	
MULTIFAMILY DWELLING:								
2 to 4 units in a structure	DU	0.42	0.68	0.55	0.84	0.46	0.42	
Standard density	DU	0.42	0.68	0.43	0.69	0.36	0.42	
Mobile home or recreational vehicle park	Space	0.42	0.68	0.46	0.43	0.39	0.42	
Timeshare	DU except 1,000 sq. ft. for Libraries and Parks	0.42	0.68	0.18	0.69	0.14	0.42	

RETAIL:								
Bank with drive-in facility	1,000 sq. ft.	1.02	0.59	0.18	7.24	0.00	0.65	
Building materials, lumber, paint, hardware store	1,000 sq. ft.	1.02	0.59	0.18	1.92	0.00	0.65	
Convenience market with gasoline pumps	1,000 sq. ft. except vehicle fueling position for Streets	1.02	0.59	0.18	6.30	0.00	0.65	
Convenience market without gasoline pumps	1,000 sq. ft.	1.02	0.59	0.18	8.57	0.00	0.65	
Home furnishings store	1,000 sq. ft.	1.02	0.59	0.18	0.21	0.00	0.65	
Lodging, hotel, motel or resort	1,000 sq. ft. except room for Streets	1.02	0.59	0.18	0.70	0.00	0.65	
New and used car sales	1,000 sq. ft.	1.02	0.59	0.18	7.41	0.00	0.65	
Nursery (garden center)	1,000 sq. ft. except acres for Streets	1.02	0.59	0.18	1.52	0.00	0.65	
Restaurant with drive-through	1,000 sq. ft.	1.02	0.59	0.18	22.79	0.00	0.65	
Restaurant, general	1,000 sq. ft.	1.02	0.59	0.18	5.06	0.00	0.65	

	Service station	1,000 sq. ft. except vehicle fueling position for Streets	1.02	0.59	0.18	3.01	0.00	0.65
	Service station with convenience market	1,000 sq. ft. except vehicle fueling position for streets	1.02	0.59	0.18	2.90	0.00	0.65
	Theaters, motion picture	1,000 sq. ft.	1.02	0.59	0.18	6.20	0.00	0.65
OFFICE:								
	General office:							
	Less than 12,500 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	2.70	0.00	0.65
	12,500 sq. ft. to 19,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	2.46	0.00	0.65
	20,000 sq. ft. to 29,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	2.18	0.00	0.65
	30,000 sq. ft. to 42,499 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	2.02	0.00	0.65
	42,500 sq. ft. to 74,499 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.86	0.00	0.65
	75,000 sq. ft. to 149,499 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.58	0.00	0.65
	150,000 sq. ft. to 249,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.44	0.00	0.65
	250,000 sq. ft. to 349,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.31	0.00	0.65

350,000 sq. ft. to 449,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.22	0.00	0.65
450,000 sq. ft. to 549,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.16	0.00	0.65
550,000 sq. ft. to 649,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.11	0.00	0.65
650,000 sq. ft. to 899,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	1.04	0.00	0.65
900,000 sq. ft. to 1,099,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	0.99	0.00	0.65
1,100,000 sq. ft. to 1,299,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	0.95	0.00	0.65
1,300,000 sq. ft. to 1,499,999 sq. ft.	1,000 sq. ft.	0.88	0.59	0.25	0.91	0.00	0.65
1,500,000 sq. ft. or more	1,000 sq. ft.	0.88	0.59	0.25	0.89	0.00	0.65
Medical-dental office	1,000 sq. ft.	0.88	0.59	0.25	2.74	0.00	0.65
INDUSTRIAL:							
Industry and manufacturing	1,000 sq. ft.	0.40	0.59	0.14	0.82	0.00	0.65
Warehousing	1,000 sq. ft.	0.40	0.59	0.04	0.82	0.00	0.65
Miniwarehouse	1,000 sq. ft.	0.40	0.59	0.14	0.10	0.00	0.65
Nursery, wholesale or landscape contractor	Acre	Requires an independent impact analysis.					

PUBLIC/QUASIPUBLIC:								
Church or synagogue	1,000 sq. ft.	0.30	0.59	0.11	0.54	0.00	0.65	
Day care center	1,000 sq. ft.	0.30	0.59	0.11	2.35	0.00	0.65	
Elementary school, private	1,000 sq. ft.	0.30	0.59	0.11	0.46	0.00	0.65	
Golf course	Acre	Requires an independent impact analysis.						
High school, private	1,000 sq. ft.	0.30	0.59	0.11	0.94	0.00	0.65	
Hospital	1,000 sq. ft.	0.30	0.59	0.11	2.01	0.00	0.65	
Nursing home	1,000 sq. ft. except occupied beds for Streets	0.30	0.59	0.11	0.31	0.00	0.65	
Post-secondary school	1,000 sq. ft.	0.30	0.59	0.11	3.00	0.00	0.65	
U.S. post office, privately owned	1,000 sq. ft.	0.30	0.59	0.11	6.41	0.00	0.65	
University	Student	Requires an independent impact analysis.						
OTHER NONRESIDENTIAL:								
Agriculture	Acre	Requires an independent impact analysis.						
Bus depot	1,000 sq. ft.	Requires an independent impact analysis.						
Indoor arena	Acre	Requires an independent impact analysis.						
Outdoor arena	Acre	Requires an independent impact analysis.						
CORE LAND USE:								
Core land use	1,000 sq. ft.	Requires an independent impact analysis.						

2. Equivalent dwelling units for solid waste disposal, storm drainage, and wastewater and water facilities shall be based on the calculation methodology in Section 29-8.D.

F. At the option of the applicant or the Planning Director, the equivalent dwelling units used to calculate the fee may be determined pursuant to an independent impact analysis if the type of proposed use is not within or comparable to the use type in the Equivalent Dwelling Unit Table for Development Impact Fee Calculation in Section 29-8.E. If this option is chosen, the following shall apply:

1. The applicant shall be responsible for preparing the independent impact analysis, which shall be reviewed for approval by the Planning Director or his designee prior to payment of the fee.
2. The independent impact analysis shall measure the impact the proposed development will have on the capital facility categories included in the infrastructure financing plan and shall be based on the same methodologies used in the calculation of the EDU for the Equivalent Dwelling Unit Table for Development Impact Fee Calculation and shall be supported by professionally acceptable data and assumptions.
3. After review of the independent impact analysis submitted by the applicant, the Planning Director or his designee shall accept or reject the analysis and provide written notice to the applicant of the decision. If an independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.
4. The final decision of the Planning Director or his designee may be appealed pursuant to Section 29-12.

(Ord. No. G-3040, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-24-1996; Ord. No. G-3947, § 4, passed 7-3-1996, eff. 8-2-1996; Ord. No. G-3968, § 6, passed 11-6-1996, eff. 2-5-1997; Ord. No. G-4169, § 5, passed 3-31-1999, eff. 4-30-1999; Ord. No. G-4212, § 2, passed 11-3-1999, eff. 2-1-2000; Ord. No. G-4268 § 5 passed 5-10-2000 eff. 6-9-2000; Ord. No. 4333, § 3 passed 2-21-2001, eff. 3-23-2001, Ord. No. G-4364, § 2, passed 6-27-2001, eff. 7-27-2001; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004; Ord. No. G-4861, § 1, adopted 1-31-2007, eff. 3-2-2007)

Sec. 29-9. Development credits.

Impact fee credits are provided in return for infrastructure dedications, improvements and/or financial contributions for those capital facilities listed in infrastructure financing plans. It is the responsibility of the developer to apply for impact fee credits. Credits will be provided in accordance with the following procedures:

- A. The facilities for which credits are given will reduce the need for capital facilities that were identified or should have been identified in the specific infrastructure financing plan.
- B. The amount of the credits provided will be equal to the cost of the type of improvement used for establishing costs in the infrastructure financing plan,

notwithstanding the developer's actual cost unless the director of the department responsible for the capital facility category determines that a higher cost is warranted as specified in Section 29-9.M.

C. The amount of credits calculated prior to the amendment of an infrastructure financing plan may be increased or decreased in proportion to the change in the gross fee per EDU associated with the amended plan. Credits provided on the basis of public bid or appraised value to reflect actual costs, or have been specified in development agreements, or that have been provided for facilities that were not required by the city as part of the development approval process, may be adjusted in a manner to be determined by the Planning Director when the specific plan is next amended.

The value of the credit is reduced in proportion to the reduction in the infrastructure financing plan cost per EDU for capital facility categories with costs reduced pursuant to a phasing schedule.

D. The developer is not being repaid for the contributions, payments, construction or dedications resulting in the credits from any City of Phoenix funding source.

E. The value of the credits does not exceed the amount due for the capital facility category against which it is to be subtracted.

F. The credits are not transferred from one capital facility category to another.

G. The credits are not transferred from one development area to another unless contiguous developments using common infrastructure are combined in a manner acceptable to the Planning Director, as specified in Section 29-11.D.

H. The credits are not transferred outside of the area used to aggregate facility costs.

I. The developer has made known in writing the intent to receive credits and has provided the information necessary to calculate the amount of the credits within one year of securing the first construction permit assessed development impact fees that would be eligible for credits or within one year of final acceptance of the facility being credited, whichever date is later.

J. Any applicant for annexation, rezoning, subdivision or site plan approval by the City of Phoenix who may be eligible for credits against the development impact fee otherwise assessable to the development may receive a fee determination from the Development Services Department or the Planning Department. Credits for improvements identified in a specific infrastructure financing plan and constructed pursuant to any agreement, stipulation or condition adopted at the time of any annexation, rezoning, subdivision or site plan approval

shall be recorded in such a manner as to allow the appropriate allocation of the credit to future applicants for building permits within the property.

K. The portion of the fee represented by a credit for construction of improvements shall be deemed paid when the construction is completed and approved by the applicable City official or when adequate security for the completion of the construction has been provided in the manner required by this Code.

L. Credits will be calculated using costs in the specific infrastructure financing plan for the type and size of facility being provided except for the credit for partially completed facilities. Credit for partially completed facilities will be calculated using facility component costs provided by the Planning Department and the department responsible for the capital facility category, except under circumstances specified in Section 29-9.N.

M. Where city-mandated over-sizing of facilities such as booster or lift stations is required and facility specifications do not match those provided in the specific infrastructure financing plan, the director of the department responsible for the capital facility category may calculate the credit value of the dedicated facility using other methods. These methods will be: utilizing actual cost as indicated by the lowest bid from a public bid process; utilizing the lowest bid from a minimum of three sealed bids provided by contractors acceptable to the City; interpolation of values in the specific infrastructure financing plan; utilizing component costs used in the infrastructure financing plan; or subtracting remaining completion costs from the amount specified in the infrastructure financing plan. In all cases the amount of credit provided for design, construction management, and similar costs shall be no more than the percentage included for those categories in the specific infrastructure plan.

N. In situations where the City desires the dedication of a facility that is not required as a condition of a site plan, PCD or subdivision approval, the director of the department responsible for the capital facility category may provide credit at values higher than that provided in the specific infrastructure financing plan. The level of credit shall not exceed actual cost as indicated by the lowest bid from a public bid process, the lowest bid from a minimum of three sealed bids provided by contractors acceptable to the City, or in the case of land acquisition, the amount indicated by an independent appraisal obtained by the City. In all cases the amount of credit provided for design, construction management and similar costs should be no more than the percentage included for those categories in the specific infrastructure plan.

O. Credit will be provided for capital facilities specified in the specific infrastructure financing plan when the facilities are accepted by the City, and the department responsible for the capital facility category has verified that the facilities have met all of the requirements of that department. In situations where

the capital facility was not included in the specific infrastructure financing plan but is of a class and type that is normally included in the specific infrastructure financing plan, credit may be provided by the director of the department responsible if it can be shown that the facility should have been included in the plan.

(Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-10. Credit agreements and credit documentation.

A credit agreement is required for a master developer to assign credit to a contiguous development that benefits from the improvement for which credit has been given. The Planning Department Director must review and approve the credit agreement. When more than one developer is providing a capital facility, documentation is required to specify the exact allocation of credit among the contributing developers.

A. Credit agreements shall provide:

1. A listing of the capital facilities, associated physical attributes, and the costs listed in the specific infrastructure financing plan.
2. A map depicting the location of the facilities that have been or will be provided.
3. A legal description and map depicting the location of the development area over which credit is being distributed.
4. An estimate of the total EDUs that will be developed within the specified parcels, properties or areas depicted in the map and given in the legal description.
5. A uniform distribution of the credit among all EDUs within the development area.
6. Signatures of the Planning Department Director and the master developer.

B. In instances where a facility is being voluntarily dedicated to the City in return for credits, but where those credits are not distributed beyond the boundaries of the development to which the credits are being provided, the following administrative process shall be followed.

1. The department accepting the dedicated facilities will provide a letter to the developer(s) specifying which facilities are to be dedicated in return for a specified number of development impact fee credits. The letter shall include instructions as to how the facilities should be provided to the city, including the types of documentation needed to ensure full transfer of ownership.

2. The developer(s) transfer ownership of the dedicated facilities to the City using a method acceptable to the City.

3. The department accepting the facilities must verify that the capital facilities have been dedicated as requested, and provide evidence to both the developer(s) and the Planning Department that the facilities have been accepted.

4. The Planning Department will provide a letter to the developer(s) acknowledging the dedicated facilities have been accepted and specifying the amount of credits available to reduce impact fees on the properties. A copy of the letter will be provided to the Development Services Department to ensure that the impact fee credits are made available.

(Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004; Ord. No. G-4839, § 2, adopted 11-15-2006, eff. 12-15-2006)

Sec. 29-11. Development agreements.

Development agreements involving the adjustment of impact fees and/or disbursement of revenues from impact fee accounts shall be prepared and executed in accordance with the following procedures:

A. Credit values for dedicated capital facilities allocated to developers to reduce development impact fees must be based on the methodology stated in Section 29-9.

B. Reimbursement to developers for capital facilities using funds collected and deposited in impact fee accounts must be based on standard procedures for the use of City funds in construction or acquisition of capital facilities. Permitted methods for using impact fee account funds include:

1. Construction expenditures must be based on public bids, unless less than some nominal amount, as required by A.R.S. 34. Design, construction management and similar additional costs may be included as a percentage of total construction costs, if those percentage rates are the same or less than those assumed for similar facilities in the specific infrastructure financing plan.

2. Expenditures for acquisition of land and existing facilities shall be based on appraisals.

C. Credits that reduce impact fees or reimbursements that provide actual cash payments can only be provided for capital facilities included in the area used to aggregate those capital facility costs. If credits or reimbursement of impact fee funds are provided for a capital facility not listed in the plan, the facility shall be

included as a necessary facility in the next amendment to the specific infrastructure financing plan.

D. Credits may be distributed to non-contiguous developments provided the developments are within the area used to aggregate the capital facilities costs, the capital facilities benefit the areas where credits are being distributed, and the development agreement specifies the credit distribution.

E. Unless otherwise specified in the development agreement, credits will be spread evenly on a per EDU basis across the entire development.

F. The Planning Department, Law Department and the department(s) responsible for the facilities specified in the development agreement shall review and approve the agreement.

(Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-12. Appeals.

A final fee determination may be appealed in accordance with the following procedures:

A. Appeals shall be limited to disputes regarding the calculation of the costs of the particular development including adjustment of fees based on an independent impact analysis, calculation of equivalent dwelling units for the particular development, and the eligibility and amount of offsets to be credited against the preliminary new development EDU cost.

B. Appeals shall be initiated on such written form as the Planning Department may prescribe, within seven calendar days of a final fee determination.

C. The Planning Director or his designee shall consider the appeal within seven calendar days of the filing of an appeal form.

D. Appeals of the decision of the Planning Director or his designee shall be made to a hearing officer appointed by the City Council, within seven days of the decision of the Planning Director.

E. Appeal of the decision of the hearing officer shall be made to the City Council within seven days of the decision of the hearing officer.

F. Building permits may be issued during the pendency of an appeal if the applicant pays the fee at the time the appeal is filed. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered and a refund paid.

(Ord. No. G-3040, § 1; Ord. No. G-4268 § 12 passed 5-10-2000, eff. 6-9-2000; Ord. No. G-4333 § 5 passed 2-21-2000, eff. 3-23-2001; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-13. Consideration at time of land use change.

A. When considering applications for rezoning of land within a planning area for which a specific infrastructure financing plan has been adopted, the City Council shall take into consideration the effect of the proposed rezoning on capital facility needs.

B. When approving subdivisions of land, the consistency of the proposed improvements with any applicable specific infrastructure financing plan shall be taken into consideration.

(Ord. No. G-3040, § 1; Ord. No. G-3904, § 1, passed 2-21-1996, eff. 2-24-1996; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004)

Sec. 29-14. Annual review of the Development Impact Fee Program.

An independent evaluation of the Development Impact Fee Program shall be performed on one-third of our categories once every year beginning in 2007 and a report on the results of the evaluation shall be prepared for City Council review. This report shall address:

A. Development projections used in the infrastructure financing plans;

B. Service standards used in infrastructure financing plans;

C. Capital facility needs identified in infrastructure financing plans;

D. Capital facility costs (including unit costs);

E. Indexing to evaluate land and construction costs.

F. Equivalent dwelling unit factors;

G. Offsets for new development;

H. Revenues received from development impact fees and interest on impact fee accounts;

I. Expenditures from impact fee accounts;

J. Expenditures of revenues used for offsets in areas with impact fees;

K. Program administration.

(Ord. No. G-4431 § 4, passed 5-1-2002, eff. 5-31-2002; Ord. No. G-4565, § 1(Exh. A), passed 12-17-2003, eff. 1-16-2004; Ord. No. G-4839, § 3, adopted 11-15-2006, eff. 12-15-2006)