

ORDINANCE NO. 2024-1609

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING VARIOUS SECTIONS IN ARTICLE 9-8 (DEVELOPMENT FEES) OF THE GOODYEAR CITY CODE; PROVIDING FOR SEVERABILITY, CORRECTIONS AND AN EFFECTIVE DATE.

WHEREAS, Arizona law allows for the collection of development fees as a means to offset costs associated with providing necessary public services to development within service areas established by the city; and

WHEREAS, the process for adopting and collecting development fees is governed by state law, which allows development fees to be adopted by resolution, ordinance or order; and

WHEREAS, the city has enacted code provisions for the adoption of development fees consistent with the requirements of states law; and

WHEREAS, the city has in the past adopted development fees by ordinance but because of the growth that is occurring within the city, having the ability to adopt the development fees by resolution provides the city flexibility in revising boundaries of service areas within the city and adopting development fees as needed to offset costs associated with providing necessary public services to development with such service areas; and

WHEREAS the Mayor and Council of the City of Goodyear, Arizona, find that the interests of the City of Goodyear and its citizens are best served by amending provision in Article 9-8 (Development Fees) of the Goodyear City Code as needed to provide for the adoption of development fees by resolution of the Mayor and council of the City of Goodyear, Arizona.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. Section 9-8-3 (Definitions) of the Goodyear City Code is hereby amended by deleting the following definitions:

NORTH GOODYEAR

NORTHWEST RAINBOW VALLEY (NWRV)

SOUTH GOODYEAR

SECTION 2. Paragraph A of Section 9-8-6 (Service Areas) of the Goodyear City Code is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

(A) The provisions of this article relating to the collection of development fees shall apply to all new development within the corporate limits of the City and within the ~~established~~ Service Areas described in report(s) adopted by resolution of the Goodyear City Council adopting development fees ~~as those may be amended from time to time.~~

SECTION 3. Paragraph B of Section 9-8-6 (Service Areas) of the Goodyear City Code is hereby deleted in its entirety and replaced with the following:

(B) *RESERVED*

SECTION 4 Section 9-8-7 (Development fees) of the Goodyear City Code is hereby deleted in its entirety and replaced with the following:

Except as otherwise provided in Section 9-8-8 (Application of new and increased fees), all new development located within the corporate limits of the City of Goodyear and within a Service Area described in report(s) adopted by resolution of the Goodyear City Council adopting development fees, shall be charged the development fees included in the report(s) adopted by resolution of the Goodyear City Council.

SECTION 5 Section 9-8-9(D) (Adjustments) of the Goodyear City Code is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

(D) *Adjustments.* Development fees shall be adjusted and additional fees collected under the following circumstances.

(1) If at any time during the construction of the building or structure or following the completion of a building or structure, City staff, or its agents, determines that the information upon which development fees were originally calculated is not consistent with the actual construction or the operations following the issuance of a certificate of occupancy, the development fees shall be recalculated to reflect the actual Development Units regardless of whether an amended application is submitted. Any additional development fees owed pursuant to the recalculation shall be paid prior to the issuance of a certificate of occupancy if a certificate of occupancy is not provided. If a certificate of occupancy has already been issued, the additional development fees owed shall be paid within thirty days of receipt of a bill for the additional development fees. If the additional development fees owed are for water or wastewater related development impact fees, the City shall be able to terminate water service to the building or structure until the fees are paid. The failure to provide the additional development fees owed shall be a violation of this City Code subject to the penalties set forth in Section 1-8 of the Goodyear City Code.

(2) If City staff, or its agents, learns that an entire structure or a portion of the structure will be occupied by an occupancy that is inconsistent with the Category of Development upon which development fees were originally calculated, the development fees shall be recalculated to reflect the appropriate Category of Development at the time of occupancy. Any additional development fees owed shall be paid upon discovery of City staff of the change in occupancy, but no later than upon an application for a Building Permit or certificate of occupancy related to the occupancy. By way of example, if development fees on a building were calculated based on the assumption that an entire structure with 50,000 square feet of Gross Floor Area would be occupied as a professional office, but a certificate of occupancy was sought for a portion of the building consisting of 25,000 square feet of Gross Floor Area

for occupancy as a retail establishment, additional development fees would be owed based on the difference between the development fees owed for the building of which 25,000 square feet of GFA is used for Commercial and 25,000 square feet of GFA is used for Office and Other Services and the development fees owed for the building of which 50,000 square feet of GFA is used for Office and Other Services.

(3) Except as otherwise provided in a development agreement approved by the Governing Body, no certificate of occupancy shall be issued until all development fees have been paid, including additional development fees resulting from adjustments made pursuant to this subsection (D).

SECTION 6. Section 9-8-9(E) (Calculations) of the Goodyear City Code is hereby deleted in its entirety and replaced with the following:

Reserved.

SECTION 7. Section 9-8-10(D) (Application of Credits) of the Goodyear City Code is hereby amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

D) *Application of Credits.* The application of credits towards development fees is subject to the following:

(1) Credits may only be applied towards the development fee for the applicable Category of Necessary Public Services that included the Capital Facility for which the credit is being provided. ~~By way of example, if a Developer expands a wastewater facility to provide wastewater services to new development in the portion of South Goodyear identified as a Service Area for Wastewater Development Fees, credits for the cost of the Facility Expansion may only be applied against Wastewater Development Fees in the South Goodyear wastewater Service Area.~~

(2) Credits may only be applied to development located within the same Service Area for which the Development Fee being credited is collected. ~~By way of example, if a Developer is entitled to a credit for the costs of constructing a Capital Facility that is identified in an Infrastructure Improvements Plan as being necessary to provide water services to North Goodyear and it is included in the Water Development Fee for the Service Area North Goodyear, the credits provided may only be applied toward Water Development Fees for the Service Area North Goodyear.~~

(3) Credits shall be applied only to that portion of the applicable development fee attributable to the Capital Facility for which the credits are provided. By way of example, if a Developer constructs a Capital Facility that is included in an adopted IIP for which a wastewater development fee is assessed, and the costs of the Capital Facility in the IIP represents 10% of the total costs of all Capital Facilities included in the IIP the amount of the credit that can be applied towards a wastewater development fee will be 10% of the applicable

wastewater development fee. Thus if the wastewater development fee for a building in the North Goodyear Service Area was \$15,019 (calculated based on one two-inch meter) the amount of the credit that could be applied towards the wastewater development fee is \$1,502.

Dev Fee	Category of Development	Development Unit	Development Fee Per Development Unit for Applicable Service Area	Credit Portion (Percent of Cost in IIP)	Wastewater Credit
Wastewater	Commercial	Meter Size— 2"	\$15,2019	10%	\$1,502 (\$15,019 X 10%)

SECTION 8. Section 9-8-10(H)(5) is hereby deleted in its entirety.

SECTION 9. CORRECTIONS. The City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 10. SEVERABILITY. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective thirty days after adoption in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney