

ORDINANCE NO. 1482

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 4: FEES; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2019 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOLUME 1, CHAPTER 4: FEES, ARTICLE 4-4: DEVELOPMENT SERVICES FEES, § 4-4-1 BUILDING PERMIT FEES, § 4-4-2 GRADING PERMIT FEES, AND § 4-4-3 PLANNING, SUBDIVISION AND ZONING FEES"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE AND A REVOLVING SIXTY MONTH REVIEW PERIOD.

WHEREAS, pursuant to Arizona Revised Statutes ("A.R.S.") Title 9, cities and towns are authorized to charge administrative fees for planning, building, zoning services and subdivision reviews; and

WHEREAS, on October 19, 1999, the mayor and city council passed Ordinance No. 1084 which created Article 4-4: Planning, Zoning Review and Subdivision Fees; and

WHEREAS, to keep up with inflation and general governmental practice, the mayor and city council amended the fee schedule on September 5, 2006 by passage of Ordinance No. 1274, on October 3, 2006 by passage of Ordinance No. 1278, on April 5, 2016 by passage of Ordinance No. 1422, and on March 19, 2019 by passage of Ordinance No. 1469; and

WHEREAS, staff recommends in order to more accurately reflect the actual cost of providing governmental services to the public the fee schedule for development services including planning, building, and zoning fees, be amended to create flat fees for legal advertising and art in public and private development; adjust fees for park model settings, manufactured home awnings and remodeling, commercial roof replacements, commercial heating, ventilation and air conditioning ("HVAC") permits, commercial water/sewer lines, and residential toilet and shower/tub relocation/alteration; and amend fees for grading permits; and

WHEREAS, pursuant to A.R.S §§ 9-801 (1) and 9-802, Apache Junction City Code, Volume 1, Chapter 4: Fees, Article 4-4: Development Services Fees, may be adopted after posting for 60 days on the city website and after a public hearing, and

WHEREAS, such fees were posted on the city website for 60 days

starting on September 23, 2019, and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence by reference without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three paper copies or one paper copy and one electronic copy of the code or public record are filed in the office of the city clerk of the municipality and are made available for public use and inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

A) SECTION I IN GENERAL

B) That certain fees be amended and/or created in Apache Junction City Code, Volume I, Chapter 4: Fees, Article 4-4: Development Services Fees.

C) That certain document known as "2019 Amendments to Apache Junction City Code, Volume 1, Chapter 4: Fees, Article 4-4 Development Services Fees; § 4-4-1 Building Permit Fees, § 4-4-2 Grading Permit Fees; and § 4-4-3 Planning, Subdivision and Zoning Fees", at least three paper copies or one paper copy and one electronic copy of which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 19-36 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the codes or regulations adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

SECTION IV

ESTABLISHING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective February 3, 2020.

SECTION V

ESTABLISHING A REVIEW PERIOD

Before the end of each sixty month period after its passage, adoption and approval by the mayor and city council, staff shall review the fees and provide a recommendation to the mayor and city council for any amendments.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 17 DAY OF December, 2019.

SIGNED AND ATTESTED TO THIS 17 DAY OF December, 2019.

\_\_\_\_\_  
JEFF SERDY  
Mayor

*Jeff Serdy*

ATTEST:

*Jennifer D. Peña*  
\_\_\_\_\_  
JENNIFER PEÑA  
Deputy City Clerk

APPROVED AS TO FORM:

*R. Joel Stern*  
\_\_\_\_\_  
R. JOEL STERN  
City Attorney

2019 AMENDMENTS TO APACHE JUNCTION CITY CODE, VOLUME 1, CHAPTER  
4: FEEES; ARTICLE 4-4: DEVELOPMENT SERVICES FEES, § 4-4-1 BUILDING  
PERMIT FEES, § 4-4-2 GRADING PERMIT FEES, AND § 4-4-3 PLANNING,  
SUBDIVISION AND ZONING FEES

§ 4-4-1 BUILDING PERMIT FEES (Art in Public and Private Development)

1. Developers of any private new mixed-use and/or commercial (including retail, office, lodging, planned development) building, or the expansion of any mixed-use and/or commercial building, including all phases of a multi-phase project and including religious institutions and nonprofit organizations, shall: 1) devote an amount equal to one percent (1%) of building construction costs for the acquisition and installation of publicly accessible art with a maximum of \$100,000 per building on the development site; or 2) contribute an equal amount to city's segregated Art in Public Places Fund ("APPF"). The required expenditure shall be based on the building permit valuation which shall be confirmed by the building and safety manager.
  - a. For smaller projects a floor is established at .25 percent of the valuation for commercial projects under 5,000 square feet. Projects between 5,000 square feet and 10,000 square feet shall be .5 percent of the valuation and all other projects exceeding 10,000 square feet shall be one percent (1%) of the valuation. A ceiling is established at \$100,000 per building for larger projects.
  - b. Developers of any new multifamily building(s) of 10 dwelling units or more, and/or the expansion of any existing multifamily residential building(s) by 10 dwelling units or more, shall; 1) devote an amount equal to one percent (1%) of building construction costs for the acquisition and installation of publicly accessible art on the development site; or 2) contribute an equal amount to the city's segregated APPF. The required expenditure shall be calculated based on the total number of dwelling units in the project and the building permit valuation which shall be confirmed by the building and safety manager.
2. For new public construction projects involving construction costs over fifty thousand dollars (\$50,000), one percent (1%) of the construction cost shall be used for public art. All allocations of funds for eligible projects shall include an amount equal to one percent (1%) of the projected construction project cost at the time the project is included in the city's capital improvement program to be used for the selection, acquisition, commissioning and display of art.
3. Renovation exceeding 50% or more of the gross floor area of a mixed use and/or nonresidential building calculated based on

the gross floor area of the entire building at the rate applicable to construction of the same type triggers the one percent (1%) contribution.

§ 4-4-1 BUILDING PERMIT FEES

FEE TYPE	Unit	Fee
Park Model Set- permanent connections includes up to 480 sq. ft. of attached awning (HVAC requires separate permit.)	flat (Per unit)	\$300
MH Awning (not part of original set permit)	per sq. ft. (\$240 min.)	\$0.80
MH Remodeling, Repair residential interior remodel		
Commercial Roof Replacement (use 10% of occupancy "U", Type VB for val.)	total val. (\$225 min.)	1.00%
Commercial HVAC add or replace mini-split, central air or remote cooler/freezer condenser (plus \$50.00 each additional unit on same building)	per building or unit	\$175
Commercial HVAC add/replace/repair IMC required ventilation equipment	per building or unit	\$150
Residential water/sewer line addition/repair/replace up to 50 feet (plus \$25.00 each additional 50 foot increment)	per 50 ft. (\$115 min.)	\$25
<u>Commercial water/sewer line addition/repair/replace up to 50 feet (plus \$30.00 each additional 50 foot increment)</u>	<u>per 50 ft. (\$200 min.)</u>	<u>\$30</u>
Residential relocate toilet or <u>relocate/alter</u> shower/ <u>tub</u>	per dwelling unit	\$100

§ 4-4-2 GRADING PERMIT FEES

Single Family Residential Lot \_ outside of a subdivision  
\$150 (including plan review) for up to 1,000 cubic yards

Commercial Development\* individual lot -  
commercial/industrial/multi-family  
\$350 (including plan review) (under 1 acre)

§4-4-3 PLANNING, SUBDIVISION AND ZONING FEES

DESCRIPTION	LEGAL ADVERTISING FEES
Required public hearing notice advertising	Flat Fees
Board of Adjustment and Appeals	\$100
Appeal of Zoning Administrator's Decision (Residential)	Board of Adjustment and Appeals - \$100, plus \$400 (stenographer and 3rd party Attorney to represent the Board) - Total of \$500
Appeal of Zoning Administrator's Decision (Non-residential)	Board of Adjustment and Appeals - \$100, plus \$400 (stenographer and 3rd party Attorney to represent the Board) - Total of \$500
Conditional Use Permit	\$250
General Plan Amendment	\$400
Rezoning	\$1,000
Planned Development/Master Planned Community Rezoning	\$1,500
Zoning Text Amendment	\$1,000