

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER: 159 FEES**

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CHAPTER 159: FEES

159.01 Fees/Schedule

(A) *Fees.* Fees shall be imposed, as set forth below, to cover the cost of public notices and such other expenses as may be incurred in connection with processing of applications, plan reviews, amendments, permits, variances and other matters pertaining to the UDC.

(1) An alderman may present a resolution to the City Council to waive, or reduce development permit fees otherwise required by this chapter, elsewhere within the Unified Development Code. If the reduction, or waiver would serve the public interest, alleviate an unfair burden upon an applicant, or be beneficial to the city as a whole, the City Council may grant such reduction, or waiver of permit fee.

(B) *Fee schedule.*

(1) *General.* Unless specific fees are set forth below, the City Council shall, by resolution, establish a schedule of fees and a collection procedure. The schedule of fees shall be posted in the Planning Division.

(2) *Signs.*

(a) *Signs.* For each sign or other advertising structure regulated by Chapter 174; \$10.00 plus \$1.00 per square foot of sign face.

(b) *Windblown signs.* \$10.00.

(c) *Sign variance.* Filing fee: \$350.00

(3) *Development.*

Concurrent Plat

Nonresidential	\$800.00
10 or less residential units	\$200.00
25 or less residential units	\$400.00
26 or more residential units	\$800.00

Preliminary Plat

Nonresidential	\$800.00
10 or less residential units	\$200.00
25 or less residential units	\$400.00
26 or more residential units	\$800.00

Final Plat

Nonresidential	\$800.00
10 or less residential units	\$200.00
25 or less residential units	\$400.00
26 or more residential units	\$800.00

Concept Plat	\$50.00
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Lot split	\$200.00
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Large Scale Development

Nonresidential	\$800.00
10 or less residential units	\$200.00
25 or less residential units	\$400.00
26 or more residential units	\$800.00

Planned Zoning District

Nonresidential	\$1,125.00
Residential:	
10 or less residential units/lots	\$525.00
25 or less residential units/lots	\$725.00
26 or more residential units/lots	\$1,125.00

(4) *Physical alteration of land.*

Permit Fee

Less than 1/2 acre	\$75.00
1/2 to 1 acre	\$100.00
Over 1 acre	\$200.00
Appeals	\$100.00

(Ord. No. 4113, 8-18-98)

(5) *Drainage.* Non-refundable permit application fee.

Up to 0.5 acre	\$75.00
0.51 to 1.0 acre	\$100.00
Over 1.0 acre	\$200.00
Appeals	\$100.00

(6) *Zoning.*

Rezoning	\$325.00
Accessory Dwelling	\$100.00
Conditional use	\$100.00
Manufactured home:	
Initial permit	\$25.00
Renewal	\$12.50
Home occupation:	
Initial permit	\$25.00
Renewal	\$12.50
Variance:	
Before any violation has occurred	\$25.00
After any violation has occurred	\$100.00
Appeal of Zoning and Development Administrator interpretation	\$25.00
Certificate of Zoning Compliance	\$25.00

(7) *Streets and sidewalks.*

Driveway and curb cut	\$20.00
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Sidewalk	\$20.00
Driveway, curb cut and sidewalk	\$25.00
Excavation of streets and other public ways	\$5.00

Cross reference(s)--Excavations, §171.14

(8) *Tree preservation.*

Filing fee	\$120.00
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(9) *Floodplain determination.*

Administrative review fee	\$25.00
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(10) *Vacations.*

Filing fee	\$200.00
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(11) *Building permits.*

(a) *General fees.* The following general provisions shall apply to all permits, including but not limited to building, electrical, gas, mechanical and plumbing; and shall apply in addition to the fees and requirements set forth in each separate code.

(i) *Permit fees.*

- a. *Design/build fee.* In addition to the permit fees, a design/build fee for fast-track, design-build, and buildings permitted with construction progressing as design and construction plans are in progress shall be equal to one-half the permit fee but shall not be more than \$1,000.00.
- b. *Emergency, investigative and after hour(s).* In addition to the permit fee, an emergency fee for after hours inspection, investigations and emergency inspections shall be \$20.00 per inspection.
- c. *Outside city limits.* In addition to the permit fee, each inspection required outside Fayetteville city limits shall be \$20.00 per inspection.
- d. *Work without permit.* Where work for which a permit is required is started or proceeded prior to obtaining said permit, the fees herein

specified shall be doubled. Payment of such double fee shall not relieve any persons from fully complying with the requirement of any code in the execution of the work nor from any other applicable penalties.

e. *Re-inspection.* For each re-inspection for correction of violations and/or if installation is not ready for requested inspections the fee shall be \$20.00.

(ii) *Permit valuation.*

- a. Permit valuation is the reasonable valuation of all services, labor, materials, and appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy.
- b. The permit valuation shall include total cost such as plumbing, electrical, gas, mechanical, equipment, and other systems, however, the cost of excavation or grading, paying, and land cost are not deemed a part of such permit valuation.
- c. The building permit fee shall be based on the valuation as determined by the building code data or as submitted by the applicant, whichever is greater.

(iii) *Exemptions from permit fees.*

- a. *Historical buildings.*
 - 1. Buildings identified and classified as historical buildings or structures by state or local jurisdiction shall be exempt from permit fees.
 - 2. The Mayor may exempt all or part of the applicable permit fees for buildings that can be proven to be more than 50 years old. This exemption shall apply only to owner-occupied, single-family dwellings where there is to be no

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change of use or occupancy.

(b) *Building construction.* Building construction fees shall be as set forth in the building code, fees appendix, except as set forth below:

Partial C of O	\$25.00
Original C of O--new building	\$15.00
Certificate of completion	\$15.00
C of O--existing building and/or change of occupancy use	\$25.00
Demolition permit	\$50.00
Temporary C of O	\$25.00
Annual C of O renewal	\$12.50
Annual C of O renewal--if expired	\$25.00
Footing/foundation only	\$50.00
Appeal of building official to Construction Board of Adjustment and Appeal	\$50.00
Moving permit	\$100.00
Permit extension	\$50.00
Plan view fee--shall not exceed	\$1,000.00

(c) *Electrical.*

(i) *Electrical permit fees.* Fees for permit shall be paid to the city, as follows:

- a. First four meters, new or replacement, \$20.00
- b. For each additional meter on a building, \$5.00
- c. \$0.25 per outlet, and \$10.00 per inspection with electrical wiring in concrete.
- d. Neon tube lighting shall be \$10.00 for each transformer.
- e. A minimum fee for any electrical permit shall be \$20.00.

(ii) *Apprentice electrician.* Registration of an apprentice electrician, \$10.00.

(d) *Gas.*

(i) *Gas permit fees.* Fees for gas permit shall be paid to the city, as follows:

- a. First five fixtures for \$20.00 plus \$2.00 for each additional fixture.

(ii) *Exceptions.* Gas ranges/ovens, domestic clothes dryers, and space heaters not required to have a vent are exempted and gas permits are not required to connect these appliances to an existing gas outlet in an existing piping system.

(e) *Mechanical permit fees.* Fees for a mechanical permit shall be paid to the city as follows:

Minimum permit fee for the first unit	\$20.00
Additional units greater than 1/3 horse power	\$5.00
Fractional horse power mechanical exhaust	\$2.00
Gas vent per unit	\$5.00

(f) *Plumbing.*

(i) *Plumbing permit fees.* Fees for plumbing permits shall be paid to the city, as follows:

- a. First five fixtures for \$20.00, plus \$1.75 for each additional fixture, and
- b. \$10.00 for each inspection required for plumbing under slab.

(Code 1965, §§17B-3(c); 17B-7(k), 18-27, App. A., Art. 9(6), 10(2), 11, App. C., Art. II, §E; Ord. No. 1747, 6-29-70; Ord. No. 1790, 3-15-71; Ord. No. 1893, 12-19-72; Ord. No. 2198, 2-17-76; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Ord. No. 2581, 12-4-79; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3230, 11-8-86; Ord. No. 3298, 10-6-87; Code 1991, §§98.62, 158.22, 158.45, 159.15, 160.172, 160.195, 160.197; Ord. No. 3716, §2, 6-15-93; Ord. No. 3925, §4, 7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, § 1, 8-18-98; Ord. 4323, 6-19-01; Ord. No. 4806, 12-20-05)

159.02 Water And Wastewater Impact Fees

(A) Applicability.

(1) The following provisions shall apply to all of the territory within the City's water and wastewater service areas, including areas outside the corporate city limits and within service areas located within Washington County and other incorporated cities after June 16, 2003.

(2) The following types of development shall be required to pay a water and/or wastewater impact fee:

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- (a) New and existing development seeking a new connection to the City's water or wastewater system resulting in increased demand from water and/or wastewater facilities. This shall not apply to existing development that is connecting to the wastewater system in order to eliminate an individual sewage disposal system.
- (b) New and existing development as stated in (a) above seeking a new connection to the system of a wholesale customer of the City's water or wastewater system, where collection of the City's impact fee is required by the City's contract with the wholesale customer.
- (c) Nonresidential or residential redevelopment seeking a larger capacity or additional water meter.

connection to the wastewater system, whichever comes first.

- (2) Development projects which have obtained building permits prior to the effective date of this ordinance shall not have to pay impact fees if the building is completed with water and sewer hook-ups installed and certificate of occupancy issued no later than six (6) months from the effective date of this ordinance.

(D) Fee Determination

- (1) Schedule of Fees. The Impact Fee Administrator shall determine the amount of the water and wastewater impact fees for residential uses based on the type or size of the water meter and for nonresidential uses based on the size of the water meter using the following schedule:

(B) Intent

- (1) The intent of wastewater and water impact fees is to ensure that new development bears a proportionate share of the cost of improvements to the City's water and wastewater systems; to ensure that the proportionate share does not exceed the cost of providing water and wastewater facilities to the development that paid the fee; and to ensure that funds collected from developments are used to construct water and wastewater facilities that serve such developments. It is further the intent of this Ordinance to use the impact fees to implement the City's Comprehensive Land Use Plan and future plan updates and to implement the City's Five Year Capital Improvements Program.
- (2) It is not the intent of this Ordinance to collect any money from any development in excess of the actual amount necessary to offset demands generated by that development for the water and wastewater facilities for which the fee was paid.
- (3) It is not the intent of this Ordinance that any monies collected for the water impact fee and the wastewater impact fee ever be commingled or ever be used for a type of facility different from that for which the fee was paid.

Land Use	Unit	Water	Waste-Water	Total
Single-Family (average)	Dwelling	\$971	\$872	\$1,843
Multi-Family (per dwelling unit)	Dwelling	\$691	\$620	\$1,311
Nonresidential (5/8" x 3/4" meter)	Meter	\$971	\$872	\$1,843
Nonresidential (1" meter)	Meter	\$2,428	\$2,180	\$4,608
Nonresidential (1-1/2" meter)	Meter	\$4,855	\$4,360	\$9,215
Nonresidential (2" meter)	Meter	\$7,768	\$6,976	\$14,744
Nonresidential (3" meter)	Meter	\$15,536	\$13,952	\$29,488
Nonresidential (4" meter)	Meter	\$24,275	\$21,800	\$46,075
Nonresidential (6" meter)	Meter	\$48,550	\$43,600	\$92,150
Nonresidential (8" meter)	Meter	\$77,680	\$69,760	\$147,440
Nonresidential (10" meter)	Meter	\$111,665	\$100,280	\$211,945

- (2) Redevelopment, Reconstruction, Change of Use. In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between what the fee would be for the entire redevelopment or reconstruction project and what the fee would have been for the existing development or use. Existing development must be connected to the water or wastewater system at the time of redevelopment in order to apply this credit.

(C) Time of Collection

- (1) Water and wastewater impact fees shall be paid at the time of installation of the water meter serving the property or of the

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- (3) Mixed Use. If the proposed development includes a mix of the residential land uses and/or nonresidential meter sizes that are listed in the impact fee schedule, the fee shall be determined by adding up all the water and wastewater impact fees that would be applicable for each residential land use type and/or nonresidential meter size as if it was a freestanding land use type.
- (4) Fire Suppression / Low Pressure. It is the intent of this ordinance to base water and wastewater impact fees on the typical usage in a new building or other facility. Extinguishing of fires is not a part of typical usage; to allow adequate fire flow to sprinklers and internal hydrants at some large and at-risk properties, it may be necessary for fire protection purposes to install a larger water meter than would be necessary to meet day-to-day needs of that facility. In addition, a larger meter may be required in areas of low water pressure than in areas of normal water pressure for the same type of use. In those cases, it is the policy of the City that the impact fee for water and wastewater should be based on the meter size needed by that facility for its typical usage, without regard to fire-flow or unusual pressure conditions.
- (5) Irrigation. Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the wastewater impact fee.
- (6) Affordable Housing Exemption.
 - (a) Single family and non-profit multi-family supportive housing. Construction of single family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing shall be exempted from payment of impact fees pursuant to this ordinance by the Impact Fee Administrator.
- (7) Master Meters. In the event that a water master meter is utilized for any development including multi-family or mixed use, the fee shall be based on the Master Meter size

(E) Use of Fees.

- (1) Establishment of Accounts. An Impact Fee Fund that is distinct from the General Fund of the City is hereby created, and the impact fees received will be deposited in the following interest-bearing accounts of the Impact Fee Fund:
 - (a) Water Impact Fee Account, and
 - (b) Wastewater Impact Fee Account.
- (2) Water Impact Fee Accounts. The Water Impact Fee Account shall contain only those water impact fees collected pursuant to this Ordinance plus any interest which may accrue from time to time on such amounts.
- (3) Wastewater Impact Fee Account. The Wastewater Impact Fee Account shall contain only those wastewater impact fees collected pursuant to this Ordinance plus any interest which may accrue from time to time on such amounts.
- (4) Order of Use. Monies in each impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (5) Use of Fees. The monies in each impact fee account shall be used only for the following:
 - (a) Acquisition. To acquire land for and/or acquire or construct water or wastewater system improvements of the type reflected in the title of the account and as described in the Impact Fee Study as well as extension of service to new development paying an impact fee.
 - (b) Debt service. To pay debt service on any portion of any current or future general obligation bond issue or revenue bond issue used to finance water or wastewater system improvements of the type reflected in the title of the account that created or will create capacity to serve new development.
 - (c) As described in subsection F, Refunds.

(F) Refunds.

- (1) The City of Fayetteville shall refund the portion of collected development impact fees, including the accrued interest that has not been expended seven (7) years from the date the fees were paid. Interest shall be based on a four percent (4%) annual rate.

- (2) A refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (3) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- (4) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (5) At the time of payment of the water or wastewater impact fee under this Ordinance, the Impact Fee Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this Ordinance."

Ord. No. 4447, §1, 12-17-02; Ord. No. 4492, §159.02 C.1, 6-03-03; Ord. 4496 § 159.02 "F", 6-17-03; Ord. No. 4919, 9-05-06; Ord. 4975, 1-16-07; Ord. 5206, 12-16-08).

159.03 Police and Public Safety Impact Fees

(A) Applicability

- (1) The following provisions shall apply to all of the territory within the City's corporate city limits, and any area near the corporate limits if specifically agreed by the owner.
- (2) The following types of development shall be required to pay a Police and Public Safety System Impact Fee:
 - (a) New development within one of the categories of development in Table A.
 - (b) Redevelopment involving the construction of one or more additional units within one of the categories of development in Table A.

(B) Intent

- (1) The intent of the Police and Public Safety System Impact Fee is to offset costs to the

City of Fayetteville taxpayers that are reasonably attributable to providing necessary police and public safety facilities to new development.

- (2) This impact fee charged to new development is to generate revenue for funding or recouping expenditures of the City of Fayetteville that are reasonably attributable to the use and occupancy of the new development.
- (3) This impact fee is to be collected and expended only for the planning, design or construction of new police and public safety system facilities or of capital improvements to existing police and public safety system public facilities that expand their capacity or for the recoupment of prior capital improvements to such public facilities that created capacity available to serve new development.
- (4) The intent of this impact fee requirement is to ensure that new development bears a proportionate share of a the costs of capacity improvements to the police and public safety system facilities, but also to ensure that this proportional share does not exceed the costs of the demand for additional capacity in public facilities that is reasonably attributable to providing these facilities to the use and occupancy of that new development.
- (5) This police and public safety system impact fee is based upon previous and current City Five Year Capital Improvement Project documents approved annually by City Council Resolution and level of service standards adopted within the Police Impact Fee Study of June 2004 and elsewhere by the City Council. Pages 27 through 32 of the Impact Fee Study are incorporated herein and attached as Exhibit 1 to explain the methodology and formulas for the Police and Public Safety System Impact Fees, the levels of services and increases in capacity needed for the Police and Public Safety System.
- (6) It is not the intent of this section that any monies collected for the police and public safety system impact fee ever be commingled or ever be used for a type of facility different from that for which the fee was paid. No impact fee revenue may be used for operational expenses.

(C) Time of Collection

This impact fee shall be paid to the City by the owner of the property before a certificate of occupancy is

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issued for the new development or at the closing on the property by the purchasing owner.

(D) *Fee Determination*

(1) *Police and Public Safety System Impact Fee Table.*

The Impact Fee Administrator shall determine the correct amount of the Police and Public Safety System Impact Fee by use of Table A and information about the type and size of the new development.

**TABLE A
POLICE AND PUBLIC SAFETY
SYSTEM IMPACT FEES**

LAND USE	UNIT	IMPACT FEE
Residential	Dwelling	\$162
Nursing Home	1000 sq. ft.	\$167
Manufactured Home Park	Pad	\$239
Hotel/Motel	Room	\$274
Commercial/Office	1000 sq. ft.	\$388
Industrial/Warehouse	1000 sq. ft.	\$155
Industrial/Mini-Warehouse	1000 sq. ft.	\$ 29

(2) *Redevelopment, Reconstruction, Change of Use.* In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between what the fee would be for the entire redevelopment or reconstruction project and what the fee would have been for the existing development or use. Enlargement of a single family home will not require any impact fee.

(3) *Mixed Use.* If the proposed development includes a mix of the residential, commercial, industrial or other uses listed in the impact fee schedule, the fee shall be determined by adding up all the police and public safety impact fees that would be applicable for each use type as if it was a freestanding land use type.

(4) *Affordable Housing Exemption.*

(a) Single family and non-profit multi-family supportive housing. Construction of single family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit

service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing shall be exempted from payment of impact fees pursuant to this ordinance by the Impact Fee Administrator.

(E) *Use of Fees.*

(1) *Establishment of Accounts.* A Police and Public Safety Impact Fee Fund that is distinct from the General Fund of the City is hereby created, and the impact fees received will be deposited in this Police and Public Safety Impact Fee Account.

(2) *Impact Fee Account.* The Police and Public Safety Impact Fee Account shall contain only those Police and Public Safety impact fees collected pursuant to this Ordinance plus any interest which may accrue from time to time on such accounts.

(F) *Order of Use.* Monies in the Police and Public Safety impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.

(G) *Use of Fees.* The funds in the Police and Public Safety Impact Fee account shall be used only for the following:

(1) The use of the Police and Public Safety System Impact Fees shall be to offset costs to the City of Fayetteville taxpayers that are reasonably attributable to providing necessary police and public safety facilities to new development.

(2) This impact fee charged to new development shall generate revenue for funding or recouping expenditures of the City of Fayetteville that are reasonably attributable to the use and occupancy of the new development.

(3) This impact fee shall be collected and expended only for the planning, design or construction of new police and public safety system facilities or of capital improvements to existing police and public safety system public facilities that expand their capacity or for the recoupment of prior capital improvements to such public facilities that created capacity available to serve new development.

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- (4) No monies collected for the Police and Public Safety System Impact Fee shall ever be commingled or ever be used for a type of facility different from that for which the fee was paid.
- (5) No impact fee revenue shall be used for operational expenses.
- (6) All Police and Public Safety Impact Fee revenues shall be spent in accordance with subsection (B) *Intent*.

(H) *Refunds*.

- (1) The City of Fayetteville shall refund the portion of collected development impact fees, including the accrued interest that has not been expended seven (7) years from the date the fees were paid. Interest shall be based on a four percent (4%) annual rate.
- (2) A refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (3) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- (4) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (5) At the time of payment of the Police and Public Safety Impact Fee under this Ordinance, the Police and Public Safety Impact Fee Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this ordinance.

(Ord. 4788, 11-01-05; Ord. 4975, 1-16-07; Ord. 4982, 2-06-07; Ord. 5206, 12-16-08)

159.04 Fire Protection System Impact Fees

(A) *Applicability*

- (1) The following provisions shall apply to all of the territory within the City's corporate city limits, and any area near the corporate limits if specifically agreed by the owner.
- (2) The following types of development shall be required to pay a Fire Protection System Impact Fee:
 - (a) New development within one of the categories of development in Table A.
 - (b) Redevelopment involving the construction of one or more additional units within one of the categories of development in Table A.

(B) *Intent*

- (1) The intent of the Fire Protection System Impact Fee is to offset costs to the City of Fayetteville taxpayers that are reasonably attributable to providing necessary Fire Protection System facilities to new development.
- (2) This impact fee charged to new development is to generate revenue for funding or recouping expenditures of the City of Fayetteville that are reasonably attributable to the use and occupancy of the new development.
- (3) This impact fee is to be collected and expended only for the planning, design or construction of new Fire Protection System facilities or of capital improvements to existing Fire Protection System public facilities that expand their capacity or for the recoupment of prior capital improvements to such public facilities that created capacity available to serve new development.
- (4) The intent of this impact fee requirement is to ensure that new development bears a proportionate share of a the costs of capacity improvements to the Fire Protection System facilities, but also to ensure that this proportional share does not exceed the costs of the demand for additional capacity in public facilities that is reasonably attributable to providing these facilities to the use and occupancy of that new development.
- (5) This Fire Protection System Impact Fee is based upon previous and current City Five Year Capital Improvement Project documents approved annually by City Council Resolution and level of service standards adopted within the Fire Impact Fee Study of June 2004 and elsewhere by

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the City Council. Pages 21 through 26 of the Impact Fee Study are incorporated herein as Exhibit 1 to explain the methodology and formulas for the Fire Protection System Impact Fees, the levels of service and increases in capacity needed for the Fire Protection System..

- (6) It is not the intent of this section that any monies collected for the Fire Protection System Impact Fee ever be commingled or ever be used for a type of facility different from that for which the fee was paid. No impact fee revenue may be used for operational expenses.

(C) *Time of Collection*

This impact fee shall be paid to the City by the owner of the property before a certificate of occupancy is issued for the new development or at the closing on the property by the purchasing owner.

(D) *Fee Determination*

- (1) *Fire Protection System Impact Fee Table.* The Impact Fee Administrator shall determine the correct amount of the Fire Protection System Impact Fee by use of Table A and information about the type and size of the new development.

**TABLE A
FIRE PROTECTION
SYSTEM IMPACT FEES**

LAND USE	UNIT	IMPACT FEE
Residential	Dwelling	\$150
Nursing Home	1000 sq. ft.	\$126
Manufactured Home Park	Pad	\$222
Hotel/Motel	Room	\$207
Commercial/Office	1000 sq. ft.	\$293
Industrial/Warehouse	1000 sq. ft.	\$117
Industrial/Mini-Warehouse	1000 sq. ft.	\$ 22

- (2) *Redevelopment, Reconstruction, Change of Use.* In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between what the fee would be for the entire redevelopment or reconstruction project and what the fee would have been for the existing development or use. Enlargement of a single family home will not require any impact fee.

- (3) *Mixed Use.* If the proposed development includes a mix of the residential, commercial, industrial or other uses listed in the impact fee schedule, the fee shall be determined by adding up all the Fire Protection System impact fees that would be applicable for each use type as if it was a freestanding land use type.

(4) *Affordable Housing Exemption.*

- (a) Single family and non-profit multi-family supportive housing. Construction of single family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing shall be exempted from payment of impact fees pursuant to this ordinance by the Impact Fee Administrator.

(E) *Use of Fees.*

- (1) *Establishment of Accounts.* A Fire Protection System Impact Fee Fund that is distinct from the General Fund of the City is hereby created, and the impact fees received will be deposited in this Fire Protection System Impact Fee Account.

- (2) *Impact Fee Account.* The Fire Protection System Impact Fee Account shall contain only those Fire Protection System impact fees collected pursuant to this Ordinance plus any interest which may accrue from time to time on such accounts.

- (F) *Order of Use.* Monies in the Fire Protection System Impact Fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.

- (G) *Use of Fees.* The funds in the Fire Protection System Impact Fee Account shall be used only for the following:

- (1) The use of the Fire Protection System Impact Fees shall be to offset costs to the City of Fayetteville taxpayers that are reasonably attributable to providing necessary Fire Protection System facilities to new development.

- (2) This impact fee charged to new development

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shall generate revenue for funding or recouping expenditures of the City of Fayetteville that are reasonably attributable to the use and occupancy of the new development.

- (3) This impact fee shall be collected and expended only for the planning, design or construction of new Fire Protection System facilities or of capital improvements to existing Fire Protection System public facilities that expand their capacity or for the recoupment of prior capital improvements to such public facilities that created capacity available to serve new development.
- (4) No monies collected for the Fire Protection System Impact Fee shall ever be commingled or ever be used for a type of facility different from that for which the fee was paid.
- (5) No impact fee revenue shall be used for operational expenses.
- (6) All Fire Protection Impact Fee revenue shall be spent in accordance with Subsection (B) *Intent*.

(H) *Refunds.*

- (1) The City of Fayetteville shall refund the portion of collected development impact fees, including the accrued interest that has not been expended seven (7) years from the date the fees were paid. Interest shall be based on a four percent (4%) annual rate.
- (2) A refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (3) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- (4) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (5) At the time of payment of the Fire Protection System Impact Fee under this Ordinance, the Fire Protection System Impact Fee

Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this ordinance.

(Ord. 4789, 11-01-05; Ord. 4975, 1-16-07; Ord. 4982, 2-06-07; Ord. 5206, 12-16-08)

159.05-159.99 Reserved