

**ORDINANCE NO. 4982**

AN ORDINANCE TO AMEND TABLE A, IMPACT FEES IN § 159.03(D)(1), § 159.04(D)(1), AND § 159.05(D)(1) OF THE UNIFIED DEVELOPMENT CODE TO COMBINE LAND USE CATEGORIES IN TABLE A TO MATCH THE ROAD IMPACT FEE ORDINANCE AND THE STATUTORY DEFINITION OF "DEVELOPMENT"

**WHEREAS**, the City Council passed the Road Impact Fee Ordinance (to be referred for a public vote on April 10, 2007) after combining several land use categories to lessen the cost for new single family, commercial and industrial development and to ease administration of the impact fee ordinance; and

**WHEREAS**, the ordinances for Police and Public Safety System Impact Fees and Fire Protection System Impact Fees should be modified to match the reduced number of land use categories of the Road Impact Fee Ordinance; and

**WHEREAS**, new institutional development such as churches and schools, should not be assessed impact fees as long as they are not commercial (for profit) enterprises pursuant to the statutory definition of "development".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Table A. Impact Fees in § 159.03(D)(1); § 159.04(D)(1) and § 159.05(D)(1) in their entirety and enacts a new Table A for § 159.03(D)(1), § 159.04(D)(1) and § 159.05(D)(1) as shown below:



“§ 159.03(D)(1)

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

<b>LAND USE</b>	<b>UNIT</b>	<b>IMPACT FEE</b>
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

“§ 159.04(D)(1)

**TABLE A  
FIRE PROTECTION  
SYSTEM IMPACT FEES**

<b>LAND USE</b>	<b>UNIT</b>	<b>IMPACT FEE</b>
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

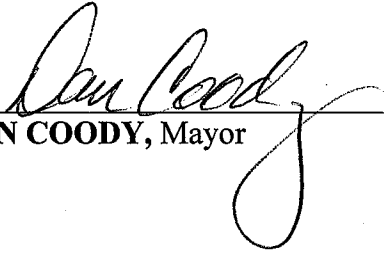
“§159.05(D)(1)

**TABLE A  
ROAD IMPACT FEES**

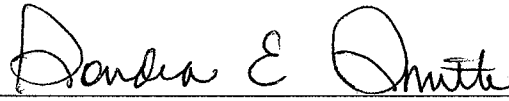
<b>LAND USE</b>	<b>UNIT</b>	<b>IMPACT FEE</b>
Residential	Dwelling	\$2,363
Nursing Home	1000 sq. ft.	\$1,495
Manufactured Home Park	Pad	\$1,779
Hotel/Motel	Room	\$1,319
Commercial/Office	1000 sq. ft.	\$2,701
Industrial/Warehouse	1000 sq. ft.	\$1,676
Industrial/Mini-Warehouse	1000 sq. ft.	\$ 587

**PASSED** and **APPROVED** this 6<sup>th</sup> day of February, 2007.

APPROVED:

By:   
**DAN COODY, Mayor**

ATTEST:

By:   
**SONDRA SMITH, City Clerk/Treasurer**



CITY ATTORNEY AGENDA REQUEST

ORD  
216107  
4982

159.05  
Amend Impact  
Fees Table A

FOR: COUNCIL MEETING OF FEBRUARY 6, 2007

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FROM:  
KIT WILLIAMS, CITY ATTORNEY

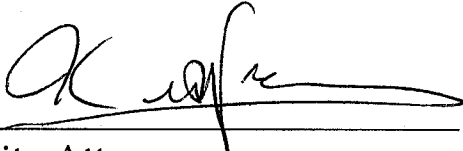
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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

An Ordinance To Amend Table A, Impact Fees In §159.03(D)(1), §159.04(D)(1), and 159.05(D)(1) Of The Unified Development Code To Combine Land Use Categories In Table A To Match The Road Impact Fee Ordinance And The Statutory Definition Of "Development"

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**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
City Attorney

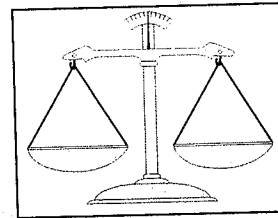
1-24-07  
Date

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY  
DAVID WHITAKER, ASST. CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor  
**City Council**

CC: **Tim Conklin**, Planning & Development Management Director

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: **January 24, 2007**

RE: **Impact Fee Table of Charges Amendment**

I believe we should standardize the administration of Fire and Police Impact Fees to match the City council's decision for the Road Impact Fees to combine land use categories rather than use all the different categories detailed in the original Table A of Impact Fees. This will result in lessening the impact fees for single family house construction, as well as commercial and industrial development in the identical fashion approved by the City Council for Road Impact Fees.

Standardizing the application of fees for a reduced number of land use categories not only will make administration of these impact fee ordinances easier and more uniform, but I believe more legally defensible. Another change I recommend is removing the impact fees from all churches and schools that would not be considered commercial development under our code.

Fire, Police and Road Impact Fees were all authorized by and had to be adopted pursuant to the new Impact Fee Statute (A.C.A. §14-56-101 *et seq.*). Even though our Impact Fee experts who prepared our studies helped to write this legislature, their recommended impact fee tables which we adopted may have gone too far. "Development" is defined in this statute to

mean “any residential, multi-family, commercial or industrial improvements ....” Although this is a broad definition, it does not specifically cover such non-profit or governmental institutional development such as churches or schools. Therefore, I recommend these types of development be removed from the impact fee tables for Police, Fire and Road Impact Fees.

I have checked with Accounting to ensure that we have not collected these types of impact fees yet. This is not an issue for the Water and Wastewater Impact Fees that were adopted under a different state statute (now supported by A.C.A. §14-56-101). Except for differentiating between single family and multi-family, the water and wastewater fees were based solely on water meter size regardless of the type of development.

Please pass this ordinance quickly so that the ballot for the Road Impact Fee election will have the proper Table A, Road Impact Fees, when submitted to the voters.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND TABLE A, IMPACT FEES IN §159.03(D)(1), §159.04(D)(1), AND 159.05(D)(1) OF THE UNIFIED DEVELOPMENT CODE TO COMBINE LAND USE CATEGORIES IN TABLE A TO MATCH THE ROAD IMPACT FEE ORDINANCE AND THE STATUTORY DEFINITION OF "DEVELOPMENT"**

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Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Table A. Impact Fees in §159.03(D)(1); §159.04(D)(1) and §159.05(D)(1) in their entirety and enacts a new Table A for §159.03(D)(1), §159.04(D)(1) and §159.05(D)(1) as shown below:

“§159.03(D)(1)

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SYSTEM IMPACT FEES**

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FIRE PROTECTION  
SYSTEM IMPACT FEES**

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“§159.05(D)(1)

**TABLE A  
ROAD IMPACT FEES**

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APPROVED:

ATTEST:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**