

CITY OF WILLARD, MISSOURI

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**Ordinance to Add a New Section Titled Commercial
Construction, to the Willard Code of Ordinances
Establishing an Ordinance for Regulation and Establishing
Facility and Capacity Fees, in the City of Willard.
(2nd Read)**

Discussion & Vote

First Reading: 06/24/2024

Second Reading: 07/08/2024

Council Bill No.: 24-28

Ordinance No: 240624C

AN ORDINANCE TO ADD A NEW SECTION TITLED COMMERCIAL CONSTRUCTION, TO THE WILLARD CODE OF ORDINANCES ESTABLISHING AN ORDINANCE FOR REGULATION AND ESTABLISHING FACILITY AND CAPACITY FEES, IN THE CITY OF WILLARD, MISSOURI.

WHEREAS, the Board of Aldermen of the City of Willard, Missouri (the “Board”), has determined that certain fees and charges shall be listed in the City code for facility and capacity; and

WHEREAS, the Board of Aldermen should review and adjust the city fee schedules and establish proper fees when necessary

BE IT HEREBY ORDAINED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLARD, GREENE COUNTY, MISSOURI, AS FOLLOWS:

Section I: Section 500 of the Willard Code of Ordinances in hereby amended by adding section 500.115 Facility and Capacity Fee to read as follows:

Section 500.115 Facility and Capacity Fees

1. This chapter shall be known as the "Facility & Capacity Fee Section.”
2. Definitions and Rules of Development: The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person who files an application with the city for a development permit to undertake a new project within the city.

Boundaries means where a road right-of-way is used to define benefit district boundaries, that portion of the road right-of-way demarcating the boundary shall be considered as part of the benefit district it bounds.

Building permit. See Section 500.110

Capacity fee means a fee that:

- Is imposed on new development as a condition of the issuance of a plat or building permit.
- Is calculated to defray all or a portion of the costs of the public facilities required to accommodate new development at city-designated level of service.
- That provides a roughly proportionate benefit to new development; and is proportionate in amount to actual impact of new development on the public facilities to be funded with the capacity fee funds. See Section 500.115.B.

Capital Improvements budget means the portion of the city's budget that reflects capital improvements scheduled for a fiscal year.

Certificate of Occupancy means an official document evidencing that a building satisfies the requirements of the city for the occupancy of a building. See Section 400.290

Commencement of land development means and occurs upon any of the following events:

- The issuance of any permit to authorize building or development of any kind on the property; or
- The completion of a project ending in the issuance of any certificate of occupancy.

Contribution means construction, payment, or dedication of land accepted and received by the city, that increases the capacity of a public facility.

Credit means a reduction in the amount of an fee due pursuant to this chapter that:

- Is granted pursuant to an approved reimbursement and validly executed development agreement between the city and the applicant or a previous applicant; and
- Resulted in the provision of excess public facility capacity sufficient to offset the impacts of the proposed new development on public facilities.

Development order means any action by the applicable decision-making authority that approves any rezoning, use permit, special-use permit, preliminary plat, final plat, variance, appeal, or any other valid permit or decision that is needed to establish, or is part of a sequence of permits that is needed to establish, a capacity affecting land development.

Fee payer means a person commencing capacity affecting land development who is obligated to pay fees in accordance with the terms of this chapter.

Finance director means the finance director for the city, or an authorized designee of the finance director.

Capacity affecting land development means land development designed or intended to permit a use of the land that:

- Will contain more dwelling units or floor space than the then existing use of the land; or
- The making of any material change in the use of any structure or land in a manner that increases the generation of vehicular traffic or the demand on a public facility.
- The type of proposed incapacity affecting land development is based on the proposed use of the land.
- Fee Table See Section 500.115 (E),(F),(G),(H)

Land means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. The level of service is the capacity per unit of demand for each public facility.

New development means any construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use within the city that requires a building permit after the effective date of this chapter, including any change in use of an existing building, structure, or lot that increases the demand for public facilities.

Park or Park facility means land and improvements, such as playgrounds, fountains, or swimming pools, used or to be used for recreational purposes by the general public, including both the acquisition of such land, the construction of improvements on the land, and the expenditure of funds incidental to these purposes, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of improvements, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment, the need for which are attributable to new residential development. A park facility includes any recreational center such as a fitness center, aquatic center, or related building that provides opportunities for recreation, exercise, or leisure activities for the general public. See Section 500.155.6.A

Pocket Park: Pocket parks are small neighborhood parks designed as meeting places, play areas, trailheads, lunch spots and spaces for people to relax

Police facility means public facilities, including headquarters, land acquisition, auxiliary buildings, vehicles, and equipment that provide law enforcement services added capacity to serve new development. See Section 500.115.6.B

Public facility means any capital park, police, or sewer facility.

Reimbursement means repayment of fees in an amount that fairly reflects the value of public facilities dedicated or constructed by an applicant.

Sewer facility means any sanitary sewer, sewage treatment plant, sewage works, treatment works.

Technology Fee is assessed to all permits for the maintenance of the building department software. The technology fee shall be 25% of the building fee.

Time of payment. All capacity fees shall be collected prior to issuance of the final plat. Facility fees shall be collected before the issuance of the building permit..

Treatment Facility: Means all high-pressure sewer installations, pumpstations, pumps, ponds, generators and facilities.

Dedication of land or facilities. Any land or facilities agreed to be dedicated to the city as a condition of development approval shall be dedicated by either easement or deed, at the discretion of the city, no later than the time at which capacity fees are required to be paid under this section.

Fee agreement. At any time prior to issuance of a Final Plat, the owner of the property may enter into a fee agreement with the Board of Aldermen providing for payment of the fee pursuant to the terms of this chapter.

3. Authority and findings.

Capacity fees are charges or rents for the use of the city utilities, and that are paid by persons who develop and use the public infrastructure of the city.

4. Purpose.

This chapter requires all new capacity affecting land development to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts on public facilities having a rational nexus to the proposed land development for which the need is reasonably attributable to the proposed development.

5. Applicability.

Land area. This chapter applies to the incorporated area of the city.

Fee obligation, determination, and payment.

After the effective date of the ordinance from which this chapter is derived, any person or governmental body who commences any capacity affecting land development shall pay a capacity fee.

The capacity fee shall be determined and paid to the city prior to the recording of the final plat, or any such approval as may be required to initiate a capacity affecting land development.

If the building permit or other approval is for less than the entire development, the fee shall be computed separately for the amount of development covered by the permit.

If the fee is required for capacity affecting land development that increases impact because of a change in use or the expansion of an existing use, the fee shall be determined by computing the difference in the fee schedule between the new capacity affecting land development and the existing capacity affecting land development.

The obligation to pay the capacity fees runs with the land.

Exemptions. The following development is exempt from the terms of this chapter. An exemption shall be claimed by the fee payer at the time of application for a building permit.

- Alterations or expansion of an existing building where no additional dwelling units are created, or no additional impact will be made on the demand for public facilities.
- The construction of accessory buildings or structures will not increase the demand for public facilities.
- The replacement of a residential building or structure of the same size and use if no additional dwellings are added.
- The replacement of a nonresidential building or structure with a building of the same size and use if there is no increase in the demand for public facilities.
- Any building permit issued pursuant to a final plat that was validly approved as of the date that this chapter was adopted.

6. Facility Fee Schedule

- a. Park Facility* \$400.00 Per Home - \$350.00 Per Unit
- b. Police Facility* \$350.00 - per residential unit (.22 per sq ft commercial)
- c. Technology Fee:* 15% of Building Fee
- d. Treatment Facility* Per Residential Unit
 - i. Meter Size

1. ¾" \$200.00
2. 1" \$500.00
3. 2" \$2200.00
4. 4" TBD++

e. Water Capacity* Section 705-095-Per Home

f. Meter Size

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1. ¾" \$800.00
2. 1" \$1700.00
3. 2" \$4100.00
4. 4" \$9600.00

f. Sewer Capacity** section 710.475

iii. Meter Size

1. ¾" \$1000.00
2. 1" \$3000.00
3. 2" \$7200.00
4. 3" \$22,500.00
5. 4" \$45,500.00

g. Street Impact: \$1850.00

a. \$1850 Per acre Capacity Fee

h. Storm Drain Capacity: \$300.00

1. Unable to define at this time

*Fees to be accessed on the Building Permit.

**Fees to be accessed before recording of Preliminary Plat.

++Commercial Development Impact reviewed separately.

Section 2: This Ordinance shall be in full force and effect from and after the date of its passage by the Board of Aldermen and approval of the Mayor.

Read two times and passed at meeting: _____.

Approved as to form: _____
City Attorney

Attested by:

Approved by:

Janice Gargus, City Clerk

Troy Smith, Mayor