

ARTICLE II. RESIDENTIAL DEVELOPMENT TAX^{1[2]}

Sec. 16A-40. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling unit means a room or group of rooms within a building, containing cooking accommodations. An apartment and a mobile home shall be considered a dwelling unit, but a hotel room, a motel room or a travel trailer shall not be considered a dwelling unit under the provisions of this article.

Mobile home space means any lot or space contained in a mobile home park, as defined by the Zoning and Development Code.
(Code 1967, § 33-49; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88; Ord. No. 2004.42, 1-20-05)

Sec. 16A-41. Levy; exception.

(a) There is hereby levied and shall be collected by the community development director, for the purpose of defraying the cost of acquiring sites and providing public improvements required by the city as a result of residential development, an occupational fee or tax upon every person constructing any dwelling unit or units establishing mobile home spaces within the city. Fee shall be established by city council (see Appendix A).

(b) A development tax is not required for a caretaker's residence where allowed pursuant to the Zoning and Development Code.
(Code 1967, § 33-50; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88; Ord. No. 88.82, 1-26-89; Ord. No. 97.20, 4-10-97; Ord. No. 97.04, 7-10-97; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.42, 1-20-05; Ord. No. 2010.02, 2-4-10)

Sec. 16A-42. Collection.

The fee or tax imposed by this article shall be collected by the community development director who shall be charged with the administration of this article. The fee for each dwelling unit shall be collected by the community development director prior to the issuance of a building permit for the construction of any dwelling unit, and the fee with respect to any mobile home space shall be collected prior to the issuance of a construction permit for the development of a mobile home park. The community development director shall not issue a building permit or construction permit until the fees required by this article have been paid.
(Code 1967, § 33-51; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88; Ord. No. 97.20, 4-10-97; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

Sec. 16A-43. Capital improvement fund.

All funds collected by the community development director pursuant to this article shall be deposited in a nonlapsing fund called "Capital Improvement Fund No. " and such fund is hereby created. All funds deposited in the capital improvement fund shall be used exclusively for purchases of sites and capital improvements.

(Code 1967, § 33-52; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88; Ord. No. 97.20, 4-10-97; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

Sec. 16A-44. Dedication of sites in lieu of tax.

If a person proposes a subdivision which includes a plan and a program for a complete community or neighborhood, including the dedication of adequate public sites and improvements, the city council may, upon recommendation by the development review commission, accept the dedication of such sites and improvements in lieu of the tax levied by this article; provided, that the value of such space and improvements, as determined by the city council, apportioned over the number of dwelling units proposed to be erected and mobile home spaces to be developed is substantially equal to the amount of tax levied by § 16A-41; and, if the dedications referred to above do not substantially equal in value the amount of taxes levied and measured as set forth in § 16A-41, as determined by the city council, the city council may accept such dedications in partial payment of such taxes and collect the remainder thereof in cash.

(Code 1967, § 33-53; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88; Ord. No. 2006.01, 1-5-06)

Sec. 16A-45. Penalties.

Any person who shall construct a dwelling unit or develop a mobile home park without payment of the prescribed fee or who shall violate any of the provisions of this article shall be guilty of a misdemeanor.

(Code 1967, § 33-54; Ord. No. 87.17, § 5, 4-23-87; Ord. No. 88.32, § 5, 4-28-88)

Secs. 16A-46—16A-55. Reserved.