

Chapter 16.56**SCHOOL DEVELOPMENT FEE****Sections:**

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Section 16.56.010 Purpose.

The Master Plan Study of Educational and Recreational Facilities for the City of Riverside, California, July, 1965, recognizes the responsibility of the City to insure that school facilities are included in the City's planning efforts and further recognizes the need for a planned financial program to assure adequate educational facilities. The Riverside general plan states that many new schools will be needed to serve anticipated population growth. Future residential development has the potential to have a significant environmental effect on school services. The voters of the City have found that residential development without adequate plans and policies causes overcrowding of schools. For the purpose of implementing the general plan and the City's growth management policies and to mitigate the impact of residential development on the ability of the school districts to provide quality education in the City, a school development fee may be required pursuant to the provisions of this chapter. (Ord. 6393 § 40, 1997; Ord. 5018 § 1 (part), 1982)

Section 16.56.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given to them below:

"Dwelling" means a building or portion thereof or a mobile home or manufactured house designed primarily for residential occupancy. The term dwelling does not include hotels or motels.

"Dwelling unit" means two or more rooms in a dwelling as defined above designed for occupancy by one family and having no more than one kitchen.

"Educational level" means elementary school, middle school and high school.

"Impacted school district" means a school district which is at eighty-five percent of capacity or above at any education level.

"Residential development" means the construction of a dwelling or dwellings, the location of a moved dwelling or dwellings, the assembly of a prefabricated dwelling or dwellings and/or the placement of a mobile home or mobile homes.

"School development fee" means a fee established pursuant to this chapter.

"School district" means any school district any part of which is located within the City. (Ord. 6393 § 40, 1997; Ord. 5111 § 1, 1983; Ord. 5018 § 1 (part), 1982)

Section 16.56.030 Determination of impaction--School development fees.

A determination that a school district is an impacted school district shall be made by the school board of the school district after a public hearing thereon. When the school board has

determined that the district is impacted at any educational level it shall so notify the City. Thereafter all residential subdivision approvals in the impacted school district shall be conditioned upon mitigation of the adverse impacts of the additional residential development on the schools, and no residential development shall be approved by the City in the impacted school district until the adverse impacts of the additional residential development on the schools have been adequately mitigated. Mitigation may be accomplished by the payment of a school development fee. If such mitigation is to be accomplished by such a fee, the amount of the fee per dwelling unit for each educational level shall not exceed the cost of construction of school district instructional facilities for that educational level for one student multiplied times the number of students as that educational level projected per dwelling unit. (Ord. 6393 § 40, 1997; Ord. 5018 § 1 (part), 1982)

Section 16.56.040 Payment of fees.

When school development fees are established by an impacted school district pursuant to Section 16.05.030, such fees shall be paid prior to the issuance of a building permit or a mobile home set up permit for a proposed residential development. No building permit or mobile home set up permit for residential development shall be issued until such fees are paid. No school development fee shall be required for lots in a mobile home park subdivision recorded prior to August 1, 1982 or for lots or spaces for which the fee has previously been paid. No school development fee shall be required for residential development which replaces on the same lot previously existing residential development, unit for unit, within one year from the date of destruction or relocation of the previously existing residential development. (Ord. 6393 § 40, 1997; Ord. 5111 § 2, 1983; Ord. 5018 § 1 (part), 1982)

Section 16.56.050 Exemption from fees.

There shall be exempted from the fees required by this chapter, the construction of any dwelling unit to be used exclusively for housing the elderly or handicapped persons and financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701g), as amended, or Section 236 of Public Law 90-448 (12 U.S.C. 1715z), and owned and operated by religions, hospital, scientific or charitable funds, foundations or corporations, and entitled to the welfare exemption provided for in Section 4b of Article XIII of the State Constitution. (Ord. 6393 § 40, 1997; Ord. 5018 § 1 (part), 1982)

Section 16.56.060 Separate fund.

All school development fees collected pursuant to this chapter shall be placed in a separate fund to be established by the school district. (Ord. 6393 § 40, 1997; Ord. 5018 § 1 (part), 1982)

Section 16.56.070 Annual report.

Any impacted school district which has established a school development fee shall make an annual report to the City Council which shall include a statement of the amount of school development fees collected and spent in that year and a summary of the facilities acquired. (Ord. 6393 § 40, 1997; Ord. 5018 § 1 (part), 1982)