

ORDINANCE

NO. OR02-2018-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, ADOPTING, IMPOSING, AND ESTABLISHING WATER, WASTEWATER, AND ROADWAY IMPACT FEES ON NEW DEVELOPMENT IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION TO THE EXTENT ALLOWED BY LAW; ADOPTING ASSESSMENT AND COLLECTION RATES FOR WATER, WASTEWATER, AND ROADWAY IMPACT FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, new development causes and imposes increased demands on City public water and wastewater facilities, services, and roadways; and

WHEREAS, to the extent new development places demands upon the public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments creating the demands for them; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that roadway, water, and wastewater impact fees imposed upon development to finance specified roadway, water and wastewater facilities in the City, the demand for which is created by such development, are in the best interests of the general welfare of the City and its residents, are equitable, and do not impose an unfair burden on such development; and

WHEREAS, the amount of the roadway, water and wastewater impact fees to be imposed shall be determined by the cost of the additional public facilities needed to support such new development, which public facilities shall be identified in a capital improvements plan; and

WHEREAS, the Texas Local Government Code, Chapter 395, as amended, provides a procedure enabling municipalities to enact impact fees; and

WHEREAS, the Capital Improvements Advisory Committee has filed its written comments regarding the proposed roadway, water, and wastewater impact fees with the City Council; and

WHEREAS, on October 24, 2017, the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider land use assumptions and roadway, water and wastewater capital improvements plans pursuant to which roadway, water and wastewater impact fees would be imposed; and

WHEREAS, on October 24, 2017, after compliance with all legal prerequisites, the City Council approved and adopted the land use assumptions and roadway, water and wastewater capital improvements plans; and

WHEREAS, on February 13, 2018, the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider imposing roadway, water and wastewater impact fees within the designated service areas; and

WHEREAS, the land use assumptions and roadway, water and wastewater capital improvements plans were developed by qualified professionals using generally accepted engineering and planning practices in accordance with Chapter 395 of the Texas Local Government Code; and

WHEREAS, the imposition of roadway impact fees ensures that development bears a proportionate share of the cost of roadway facilities necessary to accommodate such development; and

WHEREAS, the report dated February 2018, prepared by Freese & Nichols, Inc., entitled Final Land Use Assumptions and Capital Improvements Plan Report for Water, Wastewater, and Roadway Impact Fee Study sets forth reasonable methodologies and analyses for the determination of the impact of new development on the need for costs for additional roadway, water, and wastewater facilities in the City of Cleburne, and are in accordance with the provisions of Chapter 395 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the City has complied with Chapter 395 in the notice, adoption, promulgation and methodology necessary to adopt impact fees.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, THAT:

SECTION ONE. *Adoption of Whereas Clauses.* All the above whereas clauses and the premises stated in them are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION TWO. *Land Use Assumptions and Capital Improvements Plans Approved.* In accordance with Chapter 395 of the Texas Local Government Code, the City Council has employed qualified professionals to prepare land use assumptions and capital improvements plans for the imposition of roadway, water and wastewater impact fees within the respective service areas. Those land use assumptions and capital improvements plans were approved after a public hearing in accordance with chapter 395 on October 24, 2017.

SECTION THREE. *Final Report Adopted.* The Water, Wastewater, and Roadway Impact Fee Report, which is attached to this Ordinance as **Exhibit "A"**, is incorporated into this Ordinance and is hereby adopted. To the extent of any conflict between Exhibit "A" and prior

versions of the report, Exhibit “A” shall control. To the extent of any conflict between Exhibit “A” and this Ordinance, Exhibit “A” shall control.

SECTION FOUR. *Water and Wastewater Impact Fees.* A fee shall be charged against new development in the city or its extraterritorial jurisdiction within the respective water and wastewater service areas defined in Exhibit “A”. The fee shall be assessed and collected at rates based on the water meter size. The maximum assessable water and wastewater impact fees are in an amount equal to the amounts set forth in the table below multiplied by a factor of two. The water and wastewater impact fees shall be collected only in the following amounts:

Meter Size (Type)	Water	Wastewater	Service Unit Equivalent
¾” (Multijet)	\$1,358.00	\$1,821.00	1.0
1” (Multijet)	\$1,901.20	\$2,549.40	1.4
1 ½” (Multijet)	\$3,802.40	\$5,098.80	2.8
2” (Multijet)	\$5,432.00	\$7,284.00	4.0
3” (Compound)	\$17,382.40	\$23,308.80	12.8
4” (Compound)	\$27,160.00	\$36,420.00	20.0
6” (Compound)	\$54,320.00	\$72,840.00	40.0
6” (Turbine)	\$67,900.00	\$91,050.00	50.0
8” (Compound)	\$86,912.00	\$116,544.00	64.0
8” (Turbine)	\$130,368.00	\$174,816.00	96.0

The current collected water and wastewater fees may be amended by the City Council from time to time, provided they do not exceed the maximum assessable water and wastewater impact fees.

SECTION FIVE. *Roadway Impact Fees.* A fee shall be charged against new development in the City limits within the respective roadway service areas defined in Exhibit “A”. The maximum assessable roadway impact fee per service unit for each service area and the roadway impact fee collection rate per service unit for each service area are as follows:

Service Area	Maximum Assessable Roadway Impact Fee Per Service Unit	Roadway Impact Fee Collection Rate Per Service Unit
1, 7, 8, 9	\$0.00	\$0.00
2	\$171.00	\$171.00
3	\$1,164.00	\$437.00
4	\$898.00	\$437.00
5	\$1,178	\$437.00
6	\$958.00	\$437.00

The current collected roadway impact fee may be amended by the City Council from time to time, provided they do not exceed the maximum assessable roadway impact fees calculated for respective service areas.

SECTION SIX. *Calculation of Roadway Impact Fees.* The service unit measurement is stated in vehicle-miles. A development unit is equal to one single-family or multi-family dwelling unit or 1,000 square feet of gross floor area for non-residential uses. Gross floor area includes the square feet of each floor of a building. The City shall identify the service area in which the new development is located and classify the development into one of the categories in the Service Unit Equivalency Table, set forth below. The number of development units for the development is calculated and multiplied by the vehicle-miles per development unit set forth in the Service Unit Equivalency Table to give the total vehicle-miles for the development. The total vehicle-miles for the development is multiplied by the current collected roadway impact fee per service unit for the corresponding service area. The result is the total roadway impact fee for the development.

ITE Land Use	ITE Code	Development Unit	Total Service Units (Veh-mi/Dev Unit)
Residential			
Single-family detached housing	210	DU	4.38
Apartment	220	DU	2.71
Residential Condominium / Townhouse	230	DU	2.28
Senior Adult Housing - Detached	251	DU	1.09
Continuing Care Retirement Community	255	DU	0.64
Office			
General Office	710	1000 sq. ft.	5.73
Corporate Headquarters Bldg	714	1000 sq. ft.	6.70
Medical-Dental Office	720	1000 sq. ft.	13.34
U.S. Post Office	732	1000 sq. ft.	35.95
Research and Development Center	760	1000 sq. ft.	5.08
Business Park	770	1000 sq. ft.	5.99
Commercial / Retail			
Hotel	310	Rooms	1.00
All Suites Hotel	311	Rooms	0.66
Motel	320	Rooms	0.78
Movie Theater with Matinee	444	Screens	22.69
Building Materials and Lumber Store	812	1000 sq. ft.	1.50
Free standing Discount Superstore	813	1000 sq. ft.	4.99
Variety Store	814	1000 sq. ft.	10.86
Specialty Retail Center	814 (8th Ed.)	1000 sq. ft.	0.99
Hardware/Paint Store	816	1000 sq. ft.	0.99
Garden Center	817	1000 sq. ft.	7.30
Nursery (Wholesale)	818	1000 sq. ft.	4.08
Shopping Center	820	1000 sq. ft.	3.35
Automobile Sales	841	1000 sq. ft.	2.81
Auto Parts Sales	843	1000 sq. ft.	2.42
Tire Store	848	1000 sq. ft.	4.24
Tire Superstore	849	1000 sq. ft.	2.16
Super market	850	1000 sq. ft.	1.82
Convenience Market with Gasoline Pumps	853	Fueling Positions	1.49
Discount Club	857	1000 sq. ft.	3.85

Home Improvement Superstore	862	1000 sq. ft.	1.02
Electronic Superstore	863	1000 sq. ft.	1.71
Toy Superstore	864	1000 sq. ft.	9.24
Apparel Store	876	1000 sq. ft.	5.19
Arts and Crafts Store	879	1000 sq. ft.	5.71
Pharmacy with drive thru	881	1000 sq. ft.	1.58
Furniture Store	890	1000 sq. ft.	0.13
DVD/Video Rental Store	896	1000 sq. ft.	4.20
Bank with Drive Thru	912	1000 sq. ft.	6.99
Quality Restaurant	931	1000 sq. ft.	3.26
Restaurant	932	1000 sq. ft.	4.83
Fast food with drive thru	934	1000 sq. ft.	12.32
Quick Lubrication Vehicle Stop	941	Serving Positions	2.67
Automotive Care Center	942	1000 sq. ft.	5.60
Gas/Service Station with Convenience Market	945	Fueling Positions	1.22
Light Industrial			
General Light Industrial	110	1000 sq. ft.	3.86
Industrial Park	130	1000 sq. ft.	3.38
Manufacturing	140	1000 sq. ft.	3.00
Mini Warehouse (Self Storage)	151	1000 sq. ft.	0.66
Utilities	170	1000 sq. ft.	3.02
Public / Institutional			
Middle/Jr high school	522	1000 sq. ft.	1.43
High School	530	1000 sq. ft.	1.55
Private School (K-8)	534	Students	0.99
Jr. / Community College	540	Students	0.20
Church	560	1000 sq. ft.	0.53
Day Care Center	565	Students	0.53

SECTION SEVEN. Copies of Exhibit “A” and the land use assumptions and capital improvements plans shall be made available to the public in the Office of the City Secretary at City Hall on and after the date this Ordinance is passed and approved.

SECTION EIGHT. *Adoption.* The impact fees set forth in this Ordinance are hereby adopted, imposed, approved, and established as of the date this Ordinance is passed and approved as set forth below. Any suit to contest the impact fees must be filed within 90 days after that date.

SECTION NINE. *Assessment.* Assessment of the impact fees for any new development shall be based on the impact fee per service unit in effect at the time of assessment. For a new development which has received final plat approval before the effective date of this Ordinance, the impact fees shall be assessed as of the effective date. For a development which has received final plat approval on or following the effective date of this Ordinance, assessment shall be at the time of final plat recordation.

SECTION TEN. *Collection.* No building permit shall be issued or water or wastewater connection allowed until all impact fees have been paid to the City. Impact fees shall be collected at the time of issuance of the building permit or, for property outside the city limits, at the time an application for connection to the City's water or wastewater system is filed. On property that receives final plat approval before the effective date of this Ordinance, no impact fees shall be collected on any service unit for which a valid building permit is issued within one (1) year of the effective date of this Ordinance. If a building permit obtained within one (1) year of the effective date of this Ordinance subsequently expires, and no new application is made and approved within such period, the new development shall be subject to the payment of the impact fees adopted in this Ordinance. On property that receives final plat approval on or after the effective date of this Ordinance, and before July 1, 2018, no impact fees shall be collected on any service unit for which a valid building permit is issued before July 1, 2018.

SECTION ELEVEN. *Cumulative Clause.* This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION TWELVE. *Severability Clause.* That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION THIRTEEN. *Effective Date.* This Ordinance shall become effective on February 13, 2018.

PASSED AND APPROVED this the 13th day of February, 2018 at a Regular Meeting of the City Council of the City of Cleburne, Texas.

CITY OF CLEBURNE

BY: 

Scott Cain, Mayor





Shelly Doty, City Secretary