

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 153 OF THE MANSFIELD CODE OF ORDINANCES BY ADOPTING AMENDMENTS TO ROADWAY IMPACT FEES; ADOPTING UPDATED LAND USE ASSUMPTIONS AND UPDATED ROADWAY CAPITAL IMPROVEMENTS PLAN; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395 of the Texas Local Government Code sets forth certain procedures to be followed by municipalities in imposing, collecting, updating and expending impact fees; and

WHEREAS, The City Council of the City of Mansfield, Texas, has directed City staff to prepare updated land use assumptions and updated capital improvement plans for roadway facilities and impact fees based thereon; and

WHEREAS, the City Council has given the notices and conducted the public hearings required by Chapter 395 of the Local Government Code for amendment of the land use assumptions, capital improvements plan, and impact fees; and

WHEREAS, the Capital Improvements Advisory Committee has filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fees as required by Chapter 395 of the Local Government Code; and

WHEREAS, the City Council finds that the roadway improvements proposed in the updated roadway capital improvement plans will best address the requirements imposed upon the City by new development; and

WHEREAS, the City Council finds that the revised roadway impact fees set forth below provide the appropriate level of cost recovery to the City attributable to new development;

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

SECTION 1.

That Subsection (A)(1) of Section 153.07 (Establishment of Roadway Service Areas) of the Code of Ordinances, City of Mansfield, Texas, is hereby amended by adopting the Service Areas as depicted in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2.

That Section 153.08 (Land Use Assumptions) of the Code of Ordinances, City of Mansfield, is hereby amended by adopting the updated Land Use Assumptions as set forth in Exhibit B, attached hereto and incorporated herein by reference.

SECTION 3.

That subsection (B) of Section 153.09 (Service Units) of the Code of Ordinances, City of Mansfield, is hereby amended to read as follows:

“§153.09 SERVICE UNITS

...

- (B) A single family residential household will generate 4.04 vehicle miles of demand. Other developments will generate demand based upon size and type of development. The demand factors are set forth in the updated Land Use/Vehicle-Mile Equivalency Table as set forth in Exhibit C, attached hereto and incorporated herein by reference.”

SECTION 4.

That Section 153.10 (Impact Fees per Service Unit) of the Code of Ordinances, City of Mansfield, is hereby amended by adopting the updated Maximum Assessable Roadway Impact Fees per Service Unit as set forth in Exhibit D and the updated Current Collected Roadway Impact Fees per Service Unit as set forth in Exhibit E; said exhibits are attached hereto and incorporated herein by reference. This amendment shall also apply to Section 153.25 of the Code of Ordinances.

SECTION 5.

That Subsection (A) of Section 153.11 (Roadway Improvement Plan) of the Code of Ordinances, City of Mansfield, is hereby amended by adopting the updated Roadway Improvement Plan as set forth in Exhibit G, attached hereto and incorporated herein by reference.

SECTION 6.

That Subsection (B)(2)(b) of Section 153.25 (Assessment of Impact Fees) of the Code of Ordinances, City of Mansfield, is hereby amended to read as follows:

“§153.25 ASSESSMENT OF IMPACT FEES.

- (B) Nonresidential development.

(2) Assessment of the impact fee for any new nonresidential development shall be made as follows:

(b) For a development which has received preliminary or final plat approval pursuant to the city subdivision regulations before the effective date of this Ordinance, an impact fee shall be assessed and collected on development within the approved subdivision plat at the time of building permit issuance, except for one year after the effective date of this Ordinance, the fee to be collected at the time of building permit issuance shall be at the Current Collected Roadway Impact Fee Per Land Use Category Per Service Area previously adopted via Ordinance No. 1509.”

SECTION 7.

That Subsections (A) and (B) of Section 153.26 (Calculation of Impact Fees) of the Code of Ordinances, City of Mansfield, is hereby amended by adopting the updated Current Collected Roadway Impact Fee Per Land Use Category Per Service Area as set forth in Exhibit F, attached hereto and incorporated herein by reference.

SECTION 8.

That subsections (A) of Section 153.27 (Collection of Impact Fees) of the Code of Ordinances, City of Mansfield, is hereby deleted in its entirety and all subsequent subsections shall be renumbered accordingly; and

That the existing subsections (C) and (D) of Section 153.27 (Collection of Impact Fees) of the Code of Ordinances, City of Mansfield, is hereby amended to read as follows:

“§153.27 COLLECTION OF IMPACT FEES.

(C) All roadway impact fees shall be collected for nonresidential development at the time of building permit issuance.

(D) For one year after the effective date of this Ordinance, the roadway impact fees to be collected from development on lots within a subdivision that has either preliminary or final plat approval from the City before the effective date of this Ordinance shall be at the Current Collected Roadway Impact Fee Per Land Use Category Per Service Area previously adopted via Ordinance No. 1509. Following the expiration of one year from the effective date of this Ordinance, development on lots previously platted shall be subject to the Current Collected Roadway Impact Fee Per Land Use Category Per Service Area then in effect, as provided in Exhibit F to this Chapter.

SECTION 9.

That the provisions and title of Section 153.28 shall be deleted and the section number reserved for future use.

SECTION 10.

That the Exhibits attached to this ordinance shall be controlling and shall supersede the Exhibits previously adopted via Ordinance No. 1509.

SECTION 11.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City and shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof are inconsistent or in conflict with the provisions hereof, and to the extent of such conflict, if any, such other ordinances are hereby repealed. Any other ordinance of the City requiring dedication of land for public parks, requiring dedication of right-of-way or easements, or construction or dedication of on-site water distribution, wastewater collection or drainage

facilities, or streets, sidewalks, or curbs necessitated by and attributable to new development, or fees to be placed in trust for the purpose of reimbursing the City or developers for oversizing or constructing water or sewer mains or lines shall remain in full force and effect and not be repealed by the terms of this ordinance.

SECTION 12.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

This ordinance shall take effect on NOVEMBER 23, 2009.

First reading approved on the _____ day of _____, 2009.

Second reading approved on the _____ day of _____, 2009.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2009.

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

EXHIBIT A
ROADWAY SERVICE AREAS

EXHIBIT B
LAND USE ASSUMPTIONS

EXHIBIT C
LAND USE/VEHICLE-MILE EQUIVALENCY TABLE

EXHIBIT D
MAXIMUM ASSESSABLE IMPACT FEES PER SERVICE UNIT

EXHIBIT E
CURRENT COLLECTED IMPACT FEES PER SERVICE UNIT

EXHIBIT F
CURRENT COLLECTED ROADWAY IMPACT FEES
PER LAND USE CATEGORY PER SERVICE AREA

EXHIBIT G
ROADWAY IMPROVEMENT PLAN