

CITY OF GEORGETOWN, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN, TEXAS, BY ADDING CHAPTER 12.46, TRANSPORTATION IMPACT FEES, TO TITLE 12, STREETS, SIDEWALKS AND PUBLIC SPACES, ESTABLISHING IMPACT FEES FOR TRANSPORTATION PER SERVICE UNIT; INCORPORATING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLANS FOR TRANSPORTATION FACILITIES; ESTABLISHING SERVICE AREAS FOR TRANSPORTATION FACILITIES; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND AND GENERAL ADMINISTRATION OF IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR IMPACT FEES; ESTABLISHING AN APPEAL PROCEDURE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 395, Tex. Loc. Gov't Code (the "Statute") provides the requirements and procedures for the adoption of Land Use Assumptions, Transportation Impact Fee Capital Improvements Plan, and Transportation Impact Fees; and

WHEREAS, the City retained Kimley-Horn and Associates ("Kimley-Horn") to prepare a Transportation Impact Fee Study that contains Land Use Assumptions ("LUA") reflecting a description of nine (9) Service Areas and projections of 10-year growth in residential and nonresidential land uses in each Service Area, a Transportation Impact Fee Capital Improvements Plan ("CIP") to identify Capital Improvements or Roadway Facility expansions for which Transportation Impact Fees may be assessed, and a calculation of the Transportation Impact Fee. The Transportation Impact Fee Study is attached as **Exhibit B** hereto and incorporated by reference herein; and

WHEREAS, the City of Georgetown has appointed an Impact Fee Advisory Committee pursuant to Sec. 395.058, Tex. Loc. Gov't Code for Transportation Impact Fees to advise the City Council concerning the land use assumptions, transportation impact fee capital improvements plans and transportation impact fees; and

WHEREAS, the Impact Fee Advisory Committee filed its written comments on the proposed LUA and CIP before the fifth (5th) business day before the date of the public hearing on the adoption of the LUA and CIP; and

WHEREAS, after notice of public hearing was published as required by the Statute, the City Council held a public hearing on October 27, 2020 in which the City Council adopted the CIP and LUA by Resolution No. 102720-AD; and

WHEREAS, the Impact Fee Advisory Committee filed its written comments on the proposed Transportation Impact Fees before the fifth (5th) business day before the date of the public hearing on the adoption of the Transportation Impact Fee; and

WHEREAS, as required by Section 395.054, Tex. Loc. Gov't Code, the City Council conducted a public hearing on February 23, 2021 and continued on March 9, 2021 on the adoption of Transportation Impact Fees in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee; and

WHEREAS, this Ordinance is intended to and satisfies the statutory requirements for adoption of impact fees; and

WHEREAS, the City Council finds that in all things the City has complied with Chapter 395 of the Texas Local Government Code in the notice, adoption, promulgation and methodology necessary to adopt impact fees; and

WHEREAS, the City Council further finds that construction and funding of new roads to serve new development in the City is essential to the continued public health, safety and general welfare of the citizens of Georgetown; and

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

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. Chapter 12.46 entitled "Transportation Impact Fees" is hereby added to the Code of Ordinances as attached in Exhibit "A."

Section 4. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. All ordinances and resolutions in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective after publication in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the ____ day of _____, 2021.

PASSED AND APPROVED on Second Reading on the ____ day of _____, 2021.

ATTEST:

THE CITY OF GEORGETOWN

Robyn Densmore, City Secretary

By: _____
Josh Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney