

ORDINANCE NO. 2016-089

AN ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS APPROVING, ADOPTING AND IMPOSING AMENDED WATER AND WASTEWATER IMPACT FEES; AMENDING SECTION 25-25, DIVISION I, ARTICLE II, CHAPTER 25 OF THE GRAPEVINE CODE OF ORDINANCES RELATING TO UTILITIES AND SERVICES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Texas Local Government Code, Chapter 395, as amended (the "Code") (formerly Tex.Rev.Civ.Stat.Ann. art. 1269j-4.11, as amended), provides a procedure enabling municipalities to enact impact fees; and

WHEREAS, on November 15, 2016 the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider amended Land Use Assumptions and an amended Capital Improvements Plan pursuant to which Water and Wastewater Impact Fees would be imposed; and

WHEREAS, on November 15, 2016, after compliance with all legal prerequisites, the City Council approved the amended Land Use Assumptions and an amended Capital Improvements Plan upon the adoption of Resolution No. 2016-087; and

WHEREAS, on November 15, 2016, the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider imposing amended Water and Wastewater Impact Fees within the designated service area identified in the amended Land Use Assumption Map; and

WHEREAS, the City Council hereby desires to adopt the amended Water and Wastewater Impact Fees which were considered in the November 15, 2016 public hearing; and

WHEREAS, the amended Water and Wastewater Impact Fees were developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014 of the Texas Local Government Code; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance is in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated herein above are true and correct and are incorporated herein by reference, as if copied in their entirety.

Section 2. The City Council hereby approves and adopts the amended Water and Wastewater Impact Fees identified in the Update of Water and Wastewater System Impact Fees Report dated October, 2016, prepared by Freese and Nichols, Inc. A copy of said Report shall be maintained at all times in the office of the City Secretary.

Section 3. Section 25-25, (a), Division I, Article II, Chapter 25 of the Grapevine Code of Ordinances relating to Utilities and Services is hereby amended in its entirety to read as follows:

“Section 25-25. Same – Water and Wastewater impact fee.

(a) Amount of impact fee

(1) An impact fee shall be assessed at the time the subdivision plat is approved and recorded against each lot or tract of land and the owner thereof whose water and/or wastewater line shall be connected with any water and/or wastewater line in the city, and the fee shall be assessed at the rates as follows:

<u>Category</u>	<u>Water</u>	<u>Wastewater</u>
<u>Residential</u>		
Per unit of Single Family	\$1,622	\$792
Per unit of Multi-family	\$762	\$372
Per unit of Mixed Use	\$487	\$357
<u>Non-Residential</u>		
Per Acre of Commercial/Industrial	\$3,925	\$1,814
Per Acre of Hotel > 50Ft	\$25,465	\$18,167

<u>Category</u>	<u>Water</u>	<u>Wastewater</u>
Per Acre of Corporate Office	\$11,435	\$9,088
Per Acre of Government Use	\$2,449	\$1,965
Per 10,000 SF of Mixed Use		
Restaurant	\$16,317	\$15,656
Retail	\$973	\$982
Per 10,000 SF of High Use Commercial	\$16,317	\$15,656

- (2) For purposes of determining the capital impact fee, Single Family shall include the following zoning districts and any other districts developed for single family purposes: R-20, R-12.5, R-7.5, R-5.0, R-MH, R-MODH, PRD-6, PRD-12, and any other districts and conditional uses developed for single family purposes.
- (3) For purposes of determining the capital impact fee, Multi-family shall include the following zoning districts and any other districts developed for multi-family purposes: R-3.5, R-3.75, R-TH, R-MF, PRD-6, PRD-12 and any other districts and conditional uses developed for multi-family purposes.
- (4) For purposes of determining the capital impact fee, Commercial/Industrial shall include the following zoning districts and any other districts developed for commercial or industrial purposes, except hotel, and corporate office: LB, CN, CC, HC, CBD, LI, PCD, PID, GU, BP, GV, HGT, RA, and any other districts and conditional uses developed for commercial and industrial purposes
- (5) For purposes of determining the capital impact fee, Corporate Office shall include the following zoning districts and any other districts developed for hotels less than fifty feet (50') in height and corporate office purposes: HCO, PCD, PID, BP, PO, CC, GU and any other districts and conditional uses developed for hotels less than fifty feet (50') in height and all corporate office purposes.
- (6) For purposes of determining the capital impact fee, Hotel shall include the following zoning districts and any other districts developed for hotel or corporate purposes: HCO, PCD, PID, BP, CC, GU and any other districts and conditional uses developed for hotel development purposes consisting of hotels greater than fifty feet (50') feet in height.
- (7) For purposes of determining the capital impact fee, Mixed Use shall include the MXU zoning district and any other districts developed for mixed use purposes.

- (8) For purposes of determining the capital impact fee, High Use Commercial shall include restaurants, wineries, and wine tasting shops within the CBD zoning district and any other districts developed for high use commercial restaurant, wineries and wine tasting shop purposes.
- (9) The capital impact fees for both water and wastewater are based upon a Single Family Living Unit Equivalent (“SFLUE”) unit of measurement. The SFLUE is established from the average usage of both water and wastewater by a single family residence. The ten land use categories, Single Family, Multi-Family, Mixed Use Residential, Commercial/Industrial, Hotel, Corporate Office, Government Use, Mixed Use Restaurant, Mixed Use Retail, and High Use Commercial are each assigned the following SFLUE:

<u>Category</u>	<u>Water</u>	<u>Wastewater</u>
Per unit of Single Family	1.00	1.00
Per unit of Multi-family	0.47	0.42
Per unit of Mixed Use	0.30	0.45
Per Acre of Commercial/Industrial	2.42	2.29
Per Acre of Hotel > 50Ft	15.70	22.93
Per Acre of Corporate Office	7.05	11.47
Per Acre of Government Use	1.51	2.48

<u>Category</u>	<u>Water</u>	<u>Wastewater</u>
Per 10,000 SF of Mixed Use		
Restaurant	10.06	19.76
Retail	0.60	1.24

Per 10,000 SF of High Use Commercial	10.06	19.76
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The assigned SFLUE's are based upon the anticipated usages per unit or acre for each land use category compared to the usage per single family residence. Being the basis for the SFLUE, Single Family is assigned an SFLUE of 1.00. Depending on the amount of water and wastewater usage, land use categories other than Single Family have a greater or lesser SFLUE than the SFLUE assigned to Single Family."

Section 4. All of the provisions of Chapter 25, Division 1, Article II of the Grapevine Code of Ordinances relating to Utilities and Services is ratified and approved except for those provisions that are in conflict with this ordinance.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. This ordinance shall become effective immediately from and after its final passage and approval.

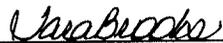
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, on first reading on this the 15th day of November, 2016.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, on second reading on this the 6th day of December, 2016.

APPROVED:

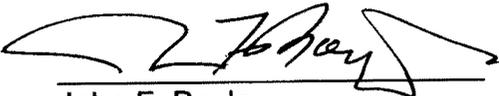
  
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William D. Tate  
Mayor

ATTEST:

  
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Tara Brooks  
City Secretary



APPROVED AS TO FORM:

  
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John F. Boyle  
City Attorney