

ORDINANCE NO. 6879

AN ORDINANCE AMENDING CHAPTER 31, "ENGINEERING", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 31.152 by adding a new definition to read as follows:

"Schedule or Schedules means the approved Roadway Impact Fee Rate Schedule 1 (Max Fee), the Roadway Impact Fee Rate Schedule 2 (Collection Rates), the Water Impact Fee Rate Schedule 1 (Max Fee), the Water Impact Fee Rate Schedule 2 (Collection Rate), and the official maps of service areas for Roadway Impact Fees and Water Impact fees, as applicable, then current and in effect as of the date of assessment of impact fees pursuant to this Chapter 31."

Section 2

That Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 31.155(A) to read as follows:

"(A) Impact fees per service unit for each service area shall be calculated, determined, and assessed in accordance with the approved schedules."

Section 3

That Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 31.155(B) to read as follows:

"(B) As an alternative to the calculation made pursuant to subsection (A)(3), the City may, but is not obligated to, incorporate within the capital improvements plan for any category of capital improvements a discount against the total cost of capital improvements, in the amount of the portion of ad valorem tax and utility service revenues, if any, including the payment of debt, to be generated by new service units during the period the

capital improvements plan is in effect, including the payment of debt, associated with the capital improvements in the plan.”

Section 4

That Chapter 31, “Engineering”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 31.155(D) to read as follows:

“(D) The amount of the impact fees to be assessed by water meter type and size or by vehicle mile shall be as set forth in schedule 1. The amount of the impact fees to be paid by water meter type and size or by vehicle mile shall be as set forth in schedule 2. Impact fee schedules may be amended from time to time utilizing an amendment procedure set forth in this article.

Section 5

That Chapter 31, “Engineering”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 31.160(B) to read as follows:

(B) The burden of proof is on the property owner/applicant to demonstrate the basis of the appeal. A notice of appeal must be submitted in writing and shall be filed with the Director of Planning within thirty days following the assessment of impact fees under section 31.156. If the appeal pertains to assessments on non-residential development, the Director of Planning shall forward a copy of the notice of appeal to the Director of Economic Development who shall promptly provide any recommendations on the merits of the appeal to the Director of Planning prior to submission of the appeal to the City Council.”

Section 6

That the Roadway Impact Fee Rate Schedule 1 (Max Fee), the Roadway Impact Fee Rate Schedule 2 (Collection Rates), the Water Impact Fee Rate Schedule 1 (Max Fee), the Water Impact Fee Rate Schedule 2 (Collection Rates), and the official maps of service areas for Roadway Impact Fees and Water Impact fees attached to this Ordinance are hereby approved and adopted as the Schedules referenced in Article XI, Chapter 31 of the Code of Ordinances, and shall remain in effect until further amended, updated or repealed by the City Council.

Section 7

That Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 9

That this Ordinance shall be and become effective March 1, 2017.

PASSED AND APPROVED this the 6th day of December, 2016.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published: