

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 30 “STREETS AND SIDEWALKS,” ARTICLE VIII “TRANSPORTATION,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTIONS 30-154, 30-159 AND 30-173 TO REVISE PROVISIONS ADMINISTERING THE TRANSPORTATION IMPACT FEE PROGRAM; AND AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE III “BOARDS AND COMMISSIONS,” DIVISION 4 “RULES AND PROCEDURES FOR CERTAIN BOARDS,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED BY AMENDING SECTION 2-83 TO REVISE THE LIST OF BOARDS THAT ARE NOT APPOINTED BY DISTRICT TO ADD THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TRANSPORTATION IMPACT FEES; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395 of the Texas Local Government Code governs the establishment, imposition and management of impact fees; and

**WHEREAS**, on May 13, 2008, the City of Fort Worth adopted Ordinance No. 18083-05-2008 creating impact fees for transportation facilities, now codified in Chapter 30, Article VIII of the Code of the City of Fort Worth (2015); and

**WHEREAS**, the 89th Texas Legislature, Regular Session, adopted Senate Bill 1883, signed by Governor Abbott on June 20, 2025, effective September 1, 2025 which makes changes to Chapter 395 of the Texas Local Government Code; and

**WHEREAS**, Senate Bill 1883 changes the qualification requirements for impact fee advisory committees and no longer allows a planning and zoning commission to serve as the advisory committee, which requires corresponding amendments to the City Code; and

**WHEREAS**, the 89th Texas Legislature, Regular Session, adopted Senate Bill 840, signed by Governor Abbott on June 20, 2025, effective September 1, 2025 creating Chapter 218 of the Texas Local Government Code which regulates conversions of buildings and the collection of impact fees related thereto; and

**WHEREAS**, the City Council desires to amend the City Code to comply with the changes to Chapter 395 of the Texas Local Government Code, to make revisions in keeping with Senate Bill 840, and to make other minor text revisions; and

**WHEREAS**, the City Council desires to amend the City Code to codify the terms of service, composition, qualification, and duties the Capital Improvements Advisory Committee for Transportation Impact Fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:**

**SECTION 1.**

Chapter 30, Article VIII, Division 1, §30-154 “Definitions” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to delete the definition of Capital Improvements Advisory Committee in its entirety and revise the definitions of Change of Use and Shell Building to be and read as follows:

~~**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE.** The city's plan commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Tex. Local Government Code §395.058.~~

**CHANGE OF USE.** A new development involving a change in the use or occupancy of any existing structure, with the exception of shell building(s) never previously occupied, for which a certificate of occupancy has been issued, that does not add square footage to the existing structure the effect of increasing the number of service units beyond those attributable to the immediately preceding use, which requires the issuance of a new permit and which may include, but is not limited to, the reconstruction, redevelopment, conversion, structural alteration or enlargement of any structure.

**SHELL BUILDING.** A new, non-residential building that is built without a final use determined. Finish-out permits for a building or areas within a building that have not been issued a final certificate of occupancy do not constitute a Change of Use and must pay impact fees based on their final use.

**SECTION 2.**

Chapter 30, Article VIII, Division 1, §30-159 “Functions of Capital Improvements Advisory Committee for Transportation Impact Fees” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

**Sec. 30-159 ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TRANSPORTATION IMPACT FEES.**

- (a) There is hereby created a Capital Improvements Advisory Committee (“Committee”) for Transportation Impact Fees, which shall act in an advisory capacity, in accordance with Section 395.058 of the Texas Local Government Code.
- (b) The Committee shall consist of seven regular members and two alternate members, each of whom shall be a resident of the City. The members of the Committee shall be appointed by the City Council. At least four of the regular members and one of the alternate members shall be representatives of the real estate, development, or building industries who are not

employees or officials of a political subdivision or governmental entity. The alternate members shall serve when regular committee members are unable to attend or participate.

- (c) The regular members of the Committee shall be identified by place numbers one through seven. The odd-numbered places shall expire on October 1 of each odd-numbered year and the even-numbered places shall expire on October 1 of each even-numbered year. The term of the alternate members shall expire on October 1 in each odd numbered year. Members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms but no members may be appointed to a term in excess of two years.

Four members of the Committee constitute a quorum for the conduct of business. The members of the Committee shall regularly attend meetings and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

- (ad) ~~The capital improvements advisory Committee for transportation impact fees shall perform the following functions:~~

- (1) Advise and assist the City in adopting land use assumptions;
- (2) Review the ~~transportation~~ capital improvements plans and file written comments on impact fees;
- (3) Monitor and evaluate implementation of the ~~transportation~~ capital improvements plans;
- (4) File semiannual reports with respect to the progress of the capital improvements plans and report to the City Council any perceived inequities in implementing the plans or imposing the impact fee. ~~Advise the city of the need to update or revise the land use assumptions, transportation improvements plans and transportation impact fees; and~~
- (5) Advise the City Council of the need to update or revise the land use assumptions, capital improvements plans, and impact fees. ~~File a semiannual report, which shall be circulated among interested organizations, evaluating the progress of the transportation improvements plans and identifying perceived inequities in implementing the plans or administering the transportation impact fees.~~

- (be) The City shall make available to the ~~capital improvements advisory~~ Committee for ~~transportation impact fees~~ any professional reports prepared in the development or implementation of the transportation improvements plans.

- (ef) The City Council shall adopt procedural rules for the ~~capital improvements advisory~~ Committee for ~~transportation impact fees~~ to follow in carrying out its duties.

### SECTION 3.

Chapter 30, Article VIII, Division 2, §30-173, “Collection of Impact Fees,” Subsection (a) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

**Sec. 30-173 COLLECTION OF IMPACT FEES.**

- (a) Transportation impact fees shall be collected at the time the City issues a building permit for a new development, unless a different time is provided for ~~in an agreement for capital improvements~~ pursuant to subsections (b) or (c) below.

**SECTION 4.**

Chapter 30, Article VIII, Division 2, §30-173, “Collection of Impact Fees,” Subsection (c)(4) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

**Sec. 30-173 COLLECTION OF IMPACT FEES.**

...

- (c) The Director of Development Services or his or her delegate shall compute the transportation impact fees for a new development in the following manner.

...

- (4) Impact fees for Shell Buildings ~~are will~~ based on a general land use category to establish an impact fee amount to be collected at the time of the building permit for the Shell Building application is issued. Impact fees will be calculated based upon the ultimate land use corresponding with the subsequent finish-out permits for the building reduced by the impact fees initially paid on that portion of the Shell Building. Tenant finish-out permits will be reviewed and compared against the original shell building land use for collection of additional impact fees owed, if any. Any difference in impact fees will be due at the time the building permit is issued for the finish-out.

## SECTION 5.

Chapter 30, Article VIII, Division 2, §30-173, “Collection of Impact Fees,” Subsection (d), Subdivision (3) *Extraordinary investment discount* at subpart a. 2. of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

### Sec. 30-173 COLLECTION OF IMPACT FEES.

...

- (d) The following discounts shall apply to reduce Schedule 2 transportation impact fees otherwise due:

...

(3) *Extraordinary investment discount.*

- a. The amount of transportation impact fees due under Schedule 2 shall be reduced 25% for any development that results in all of the following qualifications, as jointly determined by the Development Services Department and the Department of Economic Development:

...

2. Creation of 75 new, permanent jobs; and

## SECTION 6.

Chapter 30, Article VIII, Division Two, §30-173, “Collection of Impact Fees,” Subsection (d), Subdivision (3) *Extraordinary investment discount* at subpart b. of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby specifically amended to read as follows:

### Sec. 30-173 COLLECTION OF IMPACT FEES.

- (d) The following discounts shall apply to reduce Schedule 2 transportation impact fees otherwise due:

...

(3) *Extraordinary investment discount.*

...

- b. For each additional \$10,000,000 in capital investment or additional 75 qualified new, permanent jobs, the impact fee amount due under Schedule 2 will be further reduced by an additional 5% up to a maximum reduction of 50%. A development may receive this discount and have a period of up to four years from the issuance of a building permit to qualify under the terms of this discount. Impact fees otherwise paid shall be refunded to the original payor at the time of issuance of the building permit. A development shall refund a pro rata share of this discount should the development not continue to maintain the number of new, permanent jobs for a period of at least ten years from the date of building permit (or the date of qualification for this discount), equal to 10% per annum for each year that the number of jobs is not maintained. The terms related to this discount shall be incorporated within an agreement for credits pursuant to § [30-182](#).

## SECTION 7.

Chapter 30, Article VIII, Division 2, §30-173, "Collection of Impact Fees," Subsection (d), Subdivision (4) *Small business discount* at subpart a. of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

### Sec. 30-173 COLLECTION OF IMPACT FEES.

(d) The following discounts shall apply to reduce Schedule 2 transportation impact fees otherwise due:

...

(4) *Small business discount.*

- a. The amount of transportation impact fees due under Schedule 2 for non-residential building permits, other than new construction building permits, shall be reduced by 25% for a development that meets all of the following qualifications, as jointly determined by the Development Services Department and the Department of Economic Development:

## SECTION 8.

Chapter 2, Article III, Section 2-83, "Numbers of Members and Terms of Service; Establishment of Places," of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended by amending Subsection (b) to add subdivision (8) to read as follows:

(8) Capital Improvements Advisory Committee for Transportation Impact Fees; and

## SECTION 9.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

## SECTION 10.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 11.**

That all rights and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition of the courts.

**SECTION 12.**

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

CITY SECRETARY

\_\_\_\_\_  
Douglas W Black  
Sr. Assistant City Attorney

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Jannette S. Goodall  
City Secretary

ADOPTED and EFFECTIVE: \_\_\_\_\_