

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A COLLECTION RATE FOR TRANSPORTATION IMPACT FEES (SCHEDULE 2); AND AMENDING CHAPTER 30 (STREETS AND SIDEWALKS), ARTICLE VIII (TRANSPORTATION IMPACT FEES) OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING PROVISIONS ADMINISTERING THE TRANSPORTATION IMPACT FEE PROGRAM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395, Tex. Loc. Gov't Code, provides procedures for updating land use assumptions, capital improvements plans and impact fees, including procedures for determining that no update is required; and

WHEREAS, on May 13, 2008, the City of Fort Worth adopted Ordinance No. 18083-05-2008 creating impact fees for transportation facilities in accordance with the statutory procedures for initially adopting such fees, known as the Fort Worth Transportation Impact Fee Regulations, which were effective July 1, 2008, now codified at Chapter 30, Article VIII of the Code of the City of Fort Worth (2015); and

WHEREAS, the City of Fort Worth updated its transportation impact fee land use assumptions, capital improvements plan and transportation impact fees by Ordinance No. 20605-02-2013, effective April 1, 2013, by Ordinance No. 23084-01-2018, effective April 1, 2018, and by Ordinance 25810-10-2022, effective November 1, 2022; and

WHEREAS, the City of Fort Worth's Capital Improvements Advisory Committee for Transportation Impact Fees submitted its recommendation regarding the Collection Rate on August 24, 2022; and

WHEREAS, the City Council desires to adopt a Collection Rate (Schedule 2) for transportation impact fees for roadway facilities; and

WHEREAS, the City Council desires to adopt revisions to certain provisions of Chapter 30, Article VIII of the Code of the City of Fort Worth (2015) to provide for a small business discount of transportation impact fees;

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

SECTION 1.

2022 TRANSPORTATION IMPACT FEES COLLECTION RATE (SCHEDULE 2)

The 2022 Transportation Impact Fee collection rate, Schedule 2, attached hereto as "Attachment A" shall replace the previous Schedule 2 as referred to in Section 30-171 of the Code of the City of Fort Worth, Texas, as amended, to be maintained in the Office of City Secretary. The Schedule 2 shall be effective June 1, 2023.

SECTION 2.

AMENDMENTS TO CHAPTER 30 (STREETS AND SIDEWALKS), ARTICLE VIII (TRANSPORTATION IMPACT FEES) OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED.

Chapter 30, Article VIII of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended as provided herein for all purposes.

Section § 30-173 COLLECTION OF IMPACT FEES, at subsection (b), shall read as follows:

(b) The impact fees to be paid per service unit for a new development, less any applicable discounts in accordance with § 30-173(d), shall be the amount listed in Schedule 2 in effect at the time of building permit submittal, and shall be based on the amount listed in Schedule 1 in effect at the time of final plat approval. The city may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

**SECTION 3.
AMENDMENTS TO CHAPTER 30 (STREETS AND SIDEWALKS), ARTICLE VIII
(TRANSPORTATION IMPACT FEES) OF THE CODE OF THE CITY OF FORT WORTH,
TEXAS (2015), AS AMENDED.**

Chapter 30, Article VIII of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended as provided herein for all purposes.

Section § 30-173 COLLECTION OF IMPACT FEES, at subsection (d), shall have added:

- (4) Small business discount.
- a. The amount of transportation impact fees due under Schedule 2 shall be reduced by 25% for a non-franchise development that meets all of the following qualifications, as jointly determined by the Development Services Department and the Department of Economic Development:
 1. A corporation or a sole proprietorship, whether a registered DBA (Doing Business As) or not, with a physical Fort Worth business address
 2. Business must not be a subsidiary of a larger company nor a franchisee of a chain with more than 5 franchises
 3. Annual revenues of less than \$500,000
 4. 25 Employees or less
 5. Business operations of 3 years or less
 6. Business must be registered in Fort Worth
 - b. Sexually Oriented Businesses and Game Rooms are not eligible for this discount.
 - c. The terms related to this discount shall be incorporated within an agreement for credits pursuant to § 30-182.

All subsequent numbered subsections of subsection (d) shall be renumbered accordingly.

**SECTION 4.
SEVERABILITY**

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 the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

**SECTION 5.
CONFLICTS**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Fort Worth, Texas, 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 Code are hereby repealed.

**SECTION 6.
EFFECTIVE DATE.**

This ordinance shall take effect on December 1, 2022. The Schedule 2 adopted by this ordinance shall take effect on June 1, 2023

APPROVED AS TO FORM AND LEGALITY:

CITY SECRETARY

Douglas W Black
Sr. Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED: _____
EFFECTIVE: _____

ATTACHMENT A

