

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 “STREETS AND SIDEWALKS”, ARTICLE VIII “TRANSPORTATION IMPACT FEES” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, TO REVISE PROVISIONS RELATING TO CREDITS FOR DEDICATION AND CONSTRUCTION OF RIGHT OF WAY AND APPEALS OF TRANSPORTATION IMPACT FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City’s transportation impact fee program was established and subsequently updated pursuant to Chapter 395, Tex. Loc. Gov’t Code; and

WHEREAS, on May 13, 2008, the City of Fort Worth adopted Ordinance No. 18083-05-2008 creating impact fees for transportation facilities, then known as the Fort Worth Transportation Impact Fee Regulations, 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 regulations by Ordinance Nos. 20605-02-2013, effective April 1, 2013, 23084-01-2018, effective April 1, 2018, 25810-10-2022, effective November 1, 2022, 25889-11-2022, effective December 1, 2022, and 26099-04-2023, effective April 26, 2023; and

WHEREAS, the City Council desires to make those certain changes described herein to revise provisions relating to transportation impact fee credits and to clarify the appeal procedures within Chapter 30, Article VIII of the Code of the City of Fort Worth (2015)

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

SECTION 1.

Chapter 30, Article VIII, Division 3, Section 30-181 “Credits Against Transportation Impact Fees,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to revise subsection (e) to be and read as follows:

(e) Credits for right-of-way dedication shall be ~~deemed~~ created when the right-of-way dedication instrument has been executed, ~~and credits~~ Credits for construction of improvements shall be ~~deemed~~ created when the improvements are completed and the city has accepted the ~~facility~~ improvements. A development is eligible to receive 75% of the estimated credits when a Community Facilities Agreement for constructing transportation impact fee eligible improvements has been executed and an acceptable financial guarantee in the form of a development bond, cash escrow, escrow agreement, or letter of credit has

~~been delivered to the city. The remaining credits shall be created when the improvements are completed and the city has accepted the improvements, or in the case of improvements constructed and accepted prior to the effective date of this article, on such effective date. Credits created after the effective date of this article shall expire ten years from the date the credit was created. Credits arising prior to such effective date shall expire ten years from such effective date.~~ Upon application by the property owner, the city may agree to extend the expiration date for the credit on mutually agreeable terms.

SECTION 2.

Chapter 30, Article VIII, Division 4, Section 30-192 “Appeals,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to revise subsection (a)(2) to be and read as follows:

(2) An error in the calculation of ~~The amount of the~~ transportation impact fee due;

SECTION 3.

Chapter 30, Article VIII, Division 4, Section 30-192 “Appeals,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to revise subsection (c) to be and read as follows:

(c) The appellant must file a written notice specifying the specific grounds of the appeal with the Director of Development Services within 30 days following the decision appealed from. A statement that the impact fees owed are too high, by itself, is insufficient grounds for an appeal. The Director or his or her designee may resolve the appeal if the appellant agrees with the Director's decision, or refer the matter to the City Manager for decision with the Director's recommendation. If the appellant disagrees with the City Manager's decision, the appellant may request city council review after receiving the manager's written decision. City council review shall be requested within 30 days from the date the appellant has received the manager's decision. The city secretary shall schedule a public hearing to be held within 30 days of the date the request for city council review has been received, unless otherwise mutually determined, at which the appellant may present testimony and evidence before the city council. The city council may act at the time of the public hearing and must act on the appeal no later than 30 days after the public hearing.

SECTION 4.

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 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 sections 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 6.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, 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, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 7.

This ordinance shall take effect on January 23, 2024.

APPROVED AS TO FORM AND LEGALITY:

CITY SECRETARY

Douglas W Black
Sr. Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED: _____

EFFECTIVE: _____