

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ADOPTING TRANSPORTATION IMPACT FEES PER VEHICLE MILE; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND AND GENERAL ADMINISTRATION OF TRANSPORTATION IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR TRANSPORTATION IMPACT FEES; PROVIDING CONSTRUCTION, SEVERABILITY, AND CONFLICT CLAUSES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395, Texas Local Government Code (“Statute”) provides the requirements and procedures for the adoption of Land Use Assumptions, Transportation Impact Fee Capital Improvements Plan, and Transportation Impact Fees; and

**WHEREAS**, the City retained George Butler Associates to prepare a Transportation Impact Fee Study that contains Land Use Assumptions (LUA) reflecting a description of the Service Area and projections of 10-year growth in residential and non-residential land uses in the Service Area, a Transportation Impact Fee Capital Improvements Plan (CIP) to identify Capital Improvements or Roadway Facility expansions for which Transportation Impact Fees may be assessed, and a calculation of the Transportation Impact Fee. The Transportation Impact Fee Study is referenced as Exhibit A hereto and incorporated by reference herein; and

**WHEREAS**, after notice of public hearing was published as required by the Statute, the City Council held a public hearing on \_\_\_\_\_, 2024 in which the City Council adopted the CIP and LUA by Ordinance No, and;

**WHEREAS**, the Planning and Zoning Commission, in its role as the Capital Improvements Plan Advisory Committee of the City of Manor, The CIP Advisory Committee, reviewed the LUA and the 10-year CIP on \_\_\_\_\_, 2024 and the Transportation Impact Fees per vehicle mile on \_\_\_\_\_, 2024 and filed its written comments on the proposed Transportation Impact Fees before the fifth (5th) business day before the date of the public hearing (insert date) on the adoption of the Transportation Impact Fee; and

**WHEREAS**, as required by Section 395.054, Texas Local Government Code, the City Council conducted a public hearing in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee; and

**WHEREAS**, the City Council desires to adopt the Transportation Impact Fees and related administrative process as herein described and finds that it is in the best interest of the citizens of the City of Manor; Now therefore

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

**SECTION I. Short Title**

This Ordinance shall be known and cited as the “Manor Transportation Impact Fee Regulations”.

## **SECTION II. Findings Incorporated**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found to be true and correct factual and legislative determinations of the City of Manor, Texas.

## **SECTION III. Purpose**

This Ordinance is intended to assure the provision of adequate roadway facilities to serve New Development in the City by requiring each development to pay a share of the costs of such Capital Improvements necessitated by and attributable to such New Development.

## **SECTION IV. Authority**

This Ordinance is adopted pursuant to Texas Local Government Code Chapter 395 and the Manor City Charter. Chapter 395 supplements this Ordinance to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference. The provisions of this Ordinance shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Ordinance. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Ordinance.

## **SECTION V. Applicability**

The provisions of this Ordinance apply to all new development within the corporate boundaries of the City. The provisions of this article apply uniformly within each Service Area.

## **SECTION VI. Incorporation of Land Use Assumptions and Transportation Impact Fee Capital Improvements Plan**

This Transportation Impact Fee Capital Improvements Plan and Land Use Assumptions identifying Capital Improvements or Facility Expansions pursuant to which Transportation Impact Fees may be assessed, as considered and adopted by the City Council Ordinance No. \_\_\_\_\_ at the \_\_\_\_\_ public hearing and with the Transportation Impact Fee Study as referenced in Exhibit A hereto is incorporated herein by reference for all purposes, including any future amendments thereto.

## **SECTION VII. Definitions**

Definitions of terms defined in Local Government Code Section 395 are incorporated. Some definitions are repeated herein for convenience.

In this Ordinance:

- A. Assessment means the determination of the amount of the Maximum Assessable Transportation Impact Fee per Vehicle Mile which can be imposed on New Development pursuant to this Ordinance.

- B. Capital Improvement means a Transportation Facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
- C. City means the City of Manor, Texas.
- D. Credit means a reduction in the amount of a Transportation Impact Fee(s), payments, or charges for approved construction or provision of the same type of Capital Improvement for which a fee has been assessed for a New Development. This is done by either a proven decrease in the number of Service Units attributable to such development or a decrease in the amount of Transportation Impact Fees otherwise due, that results from contributions of land, improvements or funds to construct system improvements in accordance with the City's subdivision and development regulations, policies or requirements, as determined and approved by the City.
- E. Final plat approval means authorization by City Council or designee that the final map of a proposed subdivision meets all City standards and conditions in accordance with the City's subdivision regulations and the City Council or designee executes the applicant's plat, and that the plat may be recorded in the office of the county clerk of Travis County. The term applies both to original plats and replats.
- F. Impact Fee, or "Transportation Impact Fee", means a fee, charge, or Assessment for Transportation Facilities imposed on New Development by the City pursuant to this Ordinance in order to generate revenue to fund or recoup all or part of the costs of Capital Improvements or facility expansion necessitated by and attributable to such New Development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this Ordinance or the Statute. The term is inclusive of both the Maximum Assessable Transportation Impact Fee and the Transportation Impact Fee Collection Rate as herein described.
- G. Land Use Assumptions means the description of Service Area(s) and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the Transportation Impact Fee Capital Improvements Plan is based.
- H. Land Use Equivalency Table means a table approved by the City Manager converting the demands for Capital Improvements generated by various land uses to numbers of Service Units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of Impact Fee rates, attached as Exhibit C hereto and incorporated by reference herein.
- I. Maximum Assessable Transportation Impact Fee means the Impact fee that is established for the Service Area(s) computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development associated with the Transportation CIP, and then dividing that amount by the total number of Service Units anticipated with the Service Area(s) based upon the land use assumptions. The Maximum Assessable Transportation Impact Fee shall be established and reflected in Exhibit B, Schedule 1, attached hereto and incorporated herein. The City may adopt a Transportation Impact Fee Collection Rate that is less than this amount, but in no instance shall the collected Transportation Impact Fee exceed the Maximum Assessed Transportation Impact Fee.

- J. New Development means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for Capital Improvements or facility expansion, measured by the number of Service Units to be generated by such activity and which applies for any City permit or approval after the effective date of this ordinance.
- K. Recoupment means the imposition of an Impact Fee to reimburse the City for Capital Improvements which the City has previously oversized to serve New Development.
- L. Roadway means any arterial or collector streets or roads that have been designated in the City's adopted Mobility Plan, as may be amended from time to time. Roadway also includes and thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs Capital Improvement costs for such facility.
- M. Roadway Facility means an improvement or appurtenance to a Roadway which includes, but is not limited to, rights-of-way, whether conveyed by plat, deed, condemnation, or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the Roadway Facility; street lighting or curbs, and water and wastewater improvements affected by the Roadway Facility. Roadway Facility also includes any improvement or appurtenance to an intersection with a Roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway Facility excludes those improvements or appurtenances to any Roadway which is a Site-related Facility.
- N. Roadway Facility expansion means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.
- O. Transportation Impact Fee Capital Improvements Plan, or "Capital Improvements Plan" (CIP) means the adopted plan included in Exhibit A, as may be amended from time to time, which identifies the roadway facilities or Roadway Facility expansions and their costs for each roadway Service Area, which are necessitated by and which are attributable to New Development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of Transportation Impact Fees pursuant to this Ordinance.
- P. Transportation Impact Fee Collection Rate means the current amount of Transportation Impact Fee adopted by Manor City Council to be paid by the developer of any new development, as may from time to time be amended. The adopted Transportation Impact Fee Collection Rate shall be established and reflected in Exhibit B, Schedule 2, attached hereto and incorporated herein.
- Q. Service Area means a Transportation Service Area within the City's corporate boundary, within which Impact Fees for Transportation Capital Improvements or Roadway Facility expansions may be collected for New Development occurring within such area and within

which fees so collected will be expended for those types of improvements or expansions identified in the Transportation Impact Fee Capital Improvements Plan applicable to the Service Area.

- R. Service Unit means a vehicle mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour as defined in the Transportation Impact Fee Study.
- S. Site-related Facility means an improvement or facility which is for the primary use or benefit of one or more New Developments and/or which is for the primary purpose of safe and adequate provision of Roadway Facilities to serve the New Development, including access to the development, which is not included in the Transportation Capital Improvements Plan, and for which the developer(s) or property owner(s) is solely responsible under subdivision or other applicable development regulations. Site-related Facility may include a Roadway improvement which is located offsite, within or on the perimeter of the development site.
- T. System Facility means a roadway improvement or facility expansion which is designated in the Transportation Capital Improvements Plan and which is not a Site-related Facility. System Facility may include, as determined by the City Engineer, a roadway improvement which is located offsite, within or on the perimeter of the development site.

#### **SECTION VIII. Transportation Service Areas**

The City hereby established the Service Area, constituting land within the City's corporate boundary, as depicted in Exhibit A, referenced hereto and incorporated by reference herein. The boundaries of the Transportation Service Areas may be amended from time to time, or new Transportation Service Areas may be delineated, pursuant to the procedures of this Ordinance.

#### **SECTION IX. Transportation Impact Fees Adopted**

The City hereby adopts the Maximum Assessable Transportation Impact Fee attached and incorporated as Exhibit B, Schedule 1, and the Transportation Impact Collection Rate attached and incorporated as Exhibit B, Schedule 2. Each non-exempt New Development shall be assessed the Maximum Assessable Transportation Impact Fee and shall pay the Transportation Impact Fee Collection Rate, minus any applicable Credits, as described herein. Except as herein otherwise provided, the Assessment and collection of a Transportation Impact Fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

#### **SECTION X. Roadway Impact Fee Required**

No Final Plat or Replat for New Development shall be released for filing with Travis County without Assessment of an Impact Fee pursuant to this Ordinance; or, if no plat is required, then no building permit shall be issued until such Assessment is made and the Transportation Impact Fee Collection Rate is paid in accordance with the Assessment and collection procedures indicated herein.

## **SECTION XI. Assessment of Impact Fees**

Assessment of the Impact Fee for any New Development shall be made as follows:

- A. For a New Development which has received final plat or replat approval before the effective date of this Ordinance, Assessment of Impact Fees shall occur on the effective date of this Ordinance, and shall be the amount of the Maximum Assessable Transportation Impact Fee per Service Unit as set forth in Exhibit B, Schedule 1. However, the Transportation Impact Fee Collection Rate shall not be collected on any Service Unit which has received final plat approval before the effective date of this Ordinance and for which a valid building permit is issued within one year after the date of adoption of this Ordinance. In the event of the expiration of a final plat or replat, the resubmittal of said final plat or replat, after the effective date of this Ordinance, shall require the Assessment of Impact Fees.
- B. For land which is not required to be platted at the time of application for a building permit pursuant to the City's subdivision regulations prior to development, Assessment of Transportation Impact Fees shall occur at the time application is made for the building permit, and shall be the amount of the Maximum Assessable Transportation Impact Fee per Service Unit as set forth in Exhibit B, Schedule 1 then in effect.
- C. For New Development which is submitted for approval pursuant to the City's subdivision regulations or which is proposed for replatting on or after the effective date of this Ordinance, Assessment of Impact Fees shall be at the time of final plat or replat approval, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in Exhibit B, Schedule 1 then in effect.
- D. Following Assessment of the Impact Fee pursuant to this Section, the amount of the Impact Fee Assessment per Service Unit for that development cannot be increased, unless the developer of the property in the Service Area proposes to change the approved development by the submission of a new application or amendment for final approval, or other development application that results in approval of additional Service Units, in which case a new Assessment shall occur at the Exhibit B, Schedule 1 rate then in effect for such additional Service Unit.
- E. The City Engineer, or his or her designee, shall compute the Transportation Impact Fees for New Development by first determining whether the New Development is eligible for Credits calculated in accordance with this Ordinance, which would further reduce Impact Fees otherwise due in whole or in part. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.
- F. Approval of an amending plat pursuant to Texas Local Government Code, Section 212.016 and the City's subdivision regulations is not subject to reassessment for an Impact Fee, unless as a result of the amendment the use changes and results in additional Service Units.

## **SECTION XII. Exemptions to Impact Fees**

Pursuant to Texas Local Government Code Section 395.022, as amended, a public school district is not required to pay Transportation Impact Fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees or they voluntarily elect to contribute to road improvements

### **SECTION XIII. Collection of Impact Fees**

Transportation Impact Fees shall be collected in the following manner; however, the City has the ability to require construction greater than the Transportation Impact Fee Collection Rate for amounts up to the Maximum Assessable Transportation Impact Fee:

- A. The Transportation Impact Fee Collection Rate shall be paid at the time the City issues a building permit for a New Development. For New Development which does not require a building permit (such as a change in use), the Transportation Impact Fee Collection Rate shall be paid prior to the issuance of a Certificate of Occupancy.
- B. For properties requiring a plat, the Transportation Impact Fee Collection Rate to be paid and collected per Service Unit for New Development shall be the amount listed in Exhibit B, Schedule 2 in effect at the time of final plat or replat for approval for up to a one-year period following such final plat or replat approval. After the one-year period has expired, the Transportation Impact Fee collection Rate shall be paid according to the current amount listed in Exhibit B, Schedule 2 then in effect.
- C. For properties that do not require the filing of a plat, the Transportation Impact Fee Collection Rate shall be paid and collected per Service Unit for New Development in the amount listed in Exhibit B, Schedule 2 in effect at the time that the building permit application is filed.
- D. If the building permit for which an Impact Fee has been paid has expired, and a new application is thereafter filed, the Transportation Impact Fee Collection Rate shall be computed using Exhibit B, Schedule 2 in effect at the time of the new application, with Credits for previous payment of Impact Fees being applied against the new Impact Fees due.
- E. Whenever the property owner proposes to increase the number of Service Units for a development, the additional Impact Fees collected for such new Service Units shall be determined by using Exhibit B, Schedule 2 in effect at the time of the request and such additional fee shall be collected at the times prescribed by this section.
- F. The City may vary the rates of collection or amount of Transportation Impact Fees per Service Unit among or within Service Areas in order to reasonably further goals and policies affecting the adequacy of roadway facilities serving New Development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such Service Areas.
- G. The Maximum Assessable Roadway Impact Fee per Service Unit for Roadway Facilities, as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the City's Roadway System. To the extent that the Transportation Impact Fee Collection Rate charged against a New Development, as may be amended from time to time, is less than the Maximum Assessable Transportation Impact Fee per Service Unit assessed, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the New Development on the City's roadway system. The Maximum Assessable Roadway Impact Fee may be used in evaluating any claim by a property owner that the dedication or construction of a Capital Improvement within a Service Area imposed as a condition of development approval pursuant to the City's subdivision or

development regulations is disproportionate to the impacts created by the development on the City's Roadway System.

#### **SECTION XIV. Credits against Impact Fees**

The City may credit the contribution of land, improvements or funding for construction of any System Facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City with the following limitation:

- A. The Credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the Roadway Facility.
- B. Master Planned Community projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of these Impact Fee regulations, may apply for Credits against Transportation Impact Fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities. Credits shall be determined by comparing costs of Transportation Capital Improvements supplied by the project with the costs of Transportation Capital Improvements to be utilized by development within the project, utilizing a methodology approved by the City. The Credit determination shall be incorporated within an agreement for Credits, in accordance with this Ordinance. The Roadway requirements of an agreement for Credits shall not be less than what is required by the City's adopted Codes.
- C. The City's current policies and regulations shall apply to determine a New Development's obligations to construct adjacent System Facilities. The obligation to construct, however, shall not exceed the Maximum Assessable Transportation Impact Fee assessed against the New Development under Exhibit B, Schedule 1. Construction required under such policies and regulations shall be a Credit against the amount of Impact Fees otherwise due. If the costs of constructing a System Facility in accordance with the current City policies and regulations are greater than the amount of the Transportation Impact Fee Collection Rate due, the amount of the Credit due shall be deemed to be 100% of the assessable Impact Fees and no Impact Fee shall be collected thereafter for the development, unless the number of Service Units is subsequently increased.
- D. All Credits against Transportation Impact Fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
  - a. No Credit shall be given for the dedication or construction of Site-related Facilities.
  - b. No Credit shall be given for a Roadway Facility which is not identified within the Transportation Impact Fee Capital Improvement Plan, unless the facility is on or qualifies for inclusion on the Plan and the City agrees that such improvement supplies capacity to New Developments other than the development paying the Transportation Impact Fee and provisions for Credits are incorporated in an agreement for Credits pursuant to this Ordinance.
  - c. In no event will the City grant a Credit when no Transportation Impact Fees can be collected pursuant to this Ordinance or for any amount exceeding the

Transportation Impact Fee Collection Rate due for the development, unless expressly agreed to by the City in writing.

- d. The City may participate in the costs of a System Facility to be dedicated to the City, including costs that exceed the amount of the Maximum Assessable Impact Fees for the development, in accordance with policies and rules established by the City. The amount of any Credit for construction of System Facility shall be reduced by the amount of any participation funds received from the City.
- e. Where funds for Roadway Facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this Ordinance, the following rules apply:
  - 1. Funds expended under the agreement for Roadway Facilities shall first be credited against the amount of Transportation Impact Fees that would have been due under Exhibit B, Schedule 2 for those units of development for which building permits already have been issued;
  - 2. Any remaining funds shall be credited against Impact Fees due for the development under Exhibit B, Schedule 2 at the time building permits are issued.

- E. Credits for construction of Capital Improvements shall be deemed created when the Capital Improvements are completed and the City has accepted the facility, or in the case of Capital Improvements constructed and accepted prior to the Effective Date of this Ordinance shall expire ten (10) years from the date the Credit was created. Credits arising prior to such Effective Date shall expire ten (10) 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.
- F. Unless an agreement for Credits, as described herein, is executed providing for a different manner of applying Credits against Transportation Impact Fees due, a Credit associated with a plat or replat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce Impact Fees due until the Credit is exhausted.
- G. An owner of a New Development who has constructed or financed a Transportation Capital Improvement or Roadway Facility expansion designated in the Transportation Impact Fee Capital Improvements Plans, or other Transportation Capital Improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for Credits against Transportation Impact Fees due for the development in accordance with this paragraph. The agreement shall identify the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to consumption of road capacity by developed lots or tracts served by the Transportation Capital Improvements. For multi-phased projects, the City may require that total Credits be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of Credits among New Developments within the project, and provisions for the timing and collection of Impact Fees.

## SECTION XV. Use of Proceeds of Impact Fee Accounts

- A. The Transportation Impact Fees collected for each Service Area pursuant to these regulations may be used to finance or to recoup the costs of all or a portion of any roadway improvements or facility expansions identified in the Transportation Impact Fee Capital Improvements Plan for the Service Area, including but not limited to the construction contract price, surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Transportation Impact Fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such roadway improvement or facility expansions. Transportation Impact Fees may also be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the Transportation Impact Fee Capital Improvements Plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.
- B. The Capital Improvements Advisory Committee shall annually recommend a Transportation Impact Fee Funding Plan identifying the projects to be funded with Transportation Impact Fees to the City Manager or their designee, which may be the City Council or a sub-committee of the City Council. The funding plan shall be submitted at least five months prior to the beginning of the budget year and shall be for the forthcoming five-year period. City Council shall have final approval of the funding plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.

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## SECTION XVI. Establishment of Accounts

The City's Finance Department shall establish an account to which interest is allocated for each Service Area for which a Transportation Impact Fee is imposed pursuant to this Ordinance. Each Impact Fee collected within the Service Area shall be deposited in such account with the following regulations:

- A. Interest earned on the account into which the Impact Fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Ordinance and the Statute.
- B. The City's Finance Department shall establish adequate financial and accounting controls to ensure that Transportation Impact Fees disbursed from the account are utilized solely for the purposes authorized in this Ordinance and the Statute. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any Transportation Impact Fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- C. The City's Finance Department shall maintain and keep financial records for Transportation Impact Fees, which shall show the source and disbursement of all fees collected in or expended from each Service Area. The records of the account into which Impact Fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.

## SECTION XVII. Impact Fee as Additional and Supplemental Regulation

Transportation Impact Fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such Impact Fees are intended to be consistent with and to further the policies of the Capital Improvements Plan, the zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

### **SECTION XVIII. Updates to Plans and Revision of Fees**

The City shall update its Land Use Assumptions and Capital Improvements Plan and make any revision of fees as indicated below:

- A. The City shall update its Land Use Assumptions and Transportation Impact Fee Capital Improvements Plans and shall recalculate the Transportation Impact Fees based thereon in accordance with the procedures set forth in Texas Local Government Code, Ch. 395, or in any successor statute.
- B. Exhibit B, Schedule 2 may be amended without revising the Land Use Assumptions and Transportation Capital Improvements Plans at any time prior to the updated provided for in this Section, provided that the Transportation Impact Fee Collection Rate to be collected under Exhibit B, Schedule 2 do not exceed the Maximum Assessable Transportation Impact Fees assessed under Exhibit B, Schedule 1.
- C. If, at the time an update is required as indicated herein and the City Council determines that no change to the Land Use Assumptions, Transportation Impact Fee Capital Improvements Plan or Transportation Impact Fees are needed, it may dispense with such update by following the procedures in Texas Local Government Code, Section 395.0575 or its successor statute.
- D. The City may amend any other provisions of this Ordinance in accordance with procedures for ordinance amendments contained in the City's Charter or State law.

### **SECTION XIX. Refunds**

- A. Upon application, and Transportation Impact Fee or portion thereof collected pursuant to this Ordinance, which has not been expended within the Service Area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the Impact Fee was paid or, if the Impact Fee was paid by another entity, to such entity. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the Impact Fee. An Impact Fee shall be considered expended on a first-in, first out basis.
- B. An Impact Fee collected pursuant to this Ordinance shall also be considered expended if the total expenditures for Capital Improvements or Roadway Facility expansions authorized within the Service Area within ten (10) years following the date of payment exceeds the total fees collected within the Service Area for such improvements or expansions during such period.

- C. If a refund is due pursuant to Subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the Impact Fees collected by the total number of Service Units assumed within the Service Area for the period to determine the refund due per Service Unit. The refund to the record owner shall be calculated by multiplying the refund due per Service Unit by the number of Service Units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

#### **SECTION XX. Rebates**

If the building permit for a New Development for which a Transportation Impact Fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, rebate the amount of the Impact Fee to the record owner of the property for which the Impact Fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

#### **SECTION XXI. Appeals**

The property owner or applicant for New Development may appeal the applicability or amount of the Transportation Impact Fee or the availability or amount of Credits or Refunds to the City Council using the following procedure:

- A. The burden of proof shall be on the applicant to demonstrate that relief should be granted by the City.
- B. The applicant must file a written notice of appeal with the City Manager or his/her designee within thirty (30) days following the decision being appealed. Along with the notice of appeal, an applicant may request an alternative Service Unit computation for land uses not contained with the latest edition of the ITE Trip Generation Manual by submitting a trip generation study demonstrating the appropriateness of the trip generation rates for the proposed development. An applicant may also include an alternative Service Unit Calculation.
- C. The City Manager or his/her designee ("Manager") may (1) resolve the appeal, if the applicant agrees with the Manager's decision, or (2) if the applicant does not agree, refer the matter to the Capital Improvements Advisory Committee to make a decision, along with the City Manager's recommendation and any trip generation study provided, if any.
- D. If City Council review is requested by the applicant after receiving the City Manager's and/or Capital Improvements Advisory Committee decision, the City secretary shall schedule a public hearing at which the applicant may present testimony and evidence before the city Council. The City Council shall act on the appeal within 60 days of receipt of the notice of appeal by the City, unless otherwise agreed by the Applicant.
- E. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the Transportation Impact Fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.
- F. If the City Council allows for a different amount of the Transportation Impact Fee due for a New Development under this section to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the Impact Fee to the account for the Service Area in which the property is located.

**SECTION XXII. Severability**

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION XXIII. Conflicts**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Manor, Texas, as amended, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances or such Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

**SECTION XXIV. Effective Date**

This Ordinance shall take effect on \_\_\_\_\_ or immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code, whichever is later, and it is accordingly so ordained.

READ and APPROVED on first reading on this the \_\_\_\_ day of \_\_\_\_\_, 2024 at a meeting of the Manor, Texas City Council; there being a quorum present.

By motion duly made, seconded and passed with an affirmative vote of all the Councilmembers present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED and ADOPTED on first reading of ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at a meeting of the Manor, Texas City Council; there being a quorum present.

THE CITY OF MANOR, TEXAS

\_\_\_\_\_  
Dr. Christopher Harvey, Mayor

Attest:

\_\_\_\_\_  
Lluvia Almaraz, City Secretary

**EXHIBIT A (TRANSPORTATION IMPACT FEE STUDY)**

The Transportation Impact Fee Study is on file in the Engineering Department and the City Secretary's Offices. Due to size, it is not attached to the Ordinance but is referenced and incorporated herein as if attached.

**EXHIBIT B**

**SCHEDULE 1**

**MAXIMUM ASSESSABLE ROADWAY IMPACT FEE PER SERVICE UNIT**

Maximum Assessable Impact Fee	Service Unit
	Vehicle Mile

**SCHEDULE 2**

**TRANSPORTATION IMPACT FEE COLLECTION RATE PER SERVICE UNIT**

Transportation Impact Fee	Service Unit
	Vehicle Mile

Exhibit C

**SERVICE AREA ROADWAY IMPROVEMENTS PRIORITIZATION LISTS**

