

ORDINANCE NO. 2003-2-32

AN ORDINANCE OF THE CITY OF PLANO, TEXAS ADOPTING REVISED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR THE CITY; ADOPTING A REVISED ASSESSMENT SCHEDULE AND COLLECTION SCHEDULE FOR WATER AND WASTEWATER IMPACT FEES; PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, as authorized by Chapter 395 of the Local Government Code, V.T.C.A., the City Council of Plano, Texas, pursuant to Ordinance No. 99-12-14 previously adopted updated Land Use Assumptions, Capital Improvements Plan and established revised impact fees for water and wastewater facilities to serve new development in the City, such Ordinance codified as Article VI, Impact Fees, of Chapter 21 of the Code of Ordinances of the City; and

WHEREAS, a review and evaluation with regard to updating of the Land Use Assumptions and Capital Improvements Plan is required at least once every three (3) years and, in accordance with the 2001 amendments to Chapter 395 of the Local Government Code, V.T.C.A., every five (5) years thereafter; and

WHEREAS, on January 21, 2003, the Planning and Zoning Commission acting in its capacity as the City's Capital Improvements Advisory Committee reviewed the proposed updates to the City's Impact Fee Program and determined that the updated Land Use Assumptions, the Capital Improvements Plan, and the Maximum Fee Schedule are a reasonable representation of the growth that is forecast to occur in the next ten years; and

WHEREAS, City staff has reviewed and evaluated the updated Land Use Assumptions and Capital Improvements Plan and found them to be acceptable; and

WHEREAS, City Council by Resolution No. 2003-1-10 (R) called and held a public hearing on February 24, 2003, to consider revisions to the Land Use Assumptions and Capital Improvements Plan, and water and wastewater impact fees at such time, date and place of the public hearing being advertised and notice given in accordance with the applicable law; and

WHEREAS, it is the City Council's intent to encourage the construction of safe and affordable housing for persons of low and moderate income as noted in Objective 2.300 of the Housing Element of the City's Comprehensive Plan (updated in Ordinance No. 99-9-38).

WHEREAS, upon full consideration of the recommended changes and updates, and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interests of the City and its citizens that revisions to the Land Use Assumptions, Capital Improvements Plan, and the water and waste water impact fees should be approved and adopted;

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

Section I. The revised Land Use Assumptions, a copy of which is attached hereto, made a part hereof and marked Exhibit 1, Appendix A, are hereby adopted, replacing and superseding any other Land Use Assumptions previously approved and adopted by the City.

Section II. The Assessment Schedule, Collection Schedule and Capital Improvements Plan of Ordinance No. 99-12-14 are hereby amended and superseded by the revised Schedules and Exhibits attached hereto and incorporated herein by reference as Capital Improvements Plan (Exhibit 1, Appendix B), Schedule 1 – Assessment Schedule (Exhibit 2) , and Schedule 2 – Collection Schedule (Exhibit 3) of this Ordinance.

Section III. Schedule 2 – Collection Schedule (Exhibit 3) shall not apply to new development located in an "Empowerment Zone" established by the City Council of the City of Plano, Texas, in accordance with Chapter 378 of the Local Government Code and/or any new residential unit and/or lot from which the impact fee has not previously been collected and which the developer or builder certifies meets U. S. Department of Housing and Urban Development criteria for low or moderate income housing, in such instances the impact fees shall be waived in their entirety. The City shall have the right to audit certifications prior to waiving the fee and to collect the impact fee at a later date if the unit, upon completion, does not qualify as low or moderate income housing.

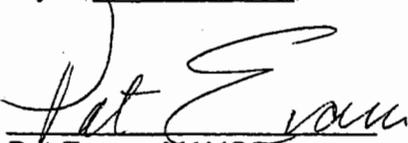
Section IV. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing , abating any rights of the municipality under section or provisions of any Ordinances at the time of passage of this Ordinance.

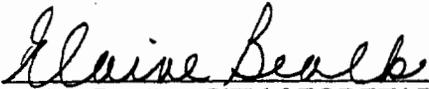
Section VI. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage. Should a new fee schedule be adopted that is lower than the current schedule, the city will refund the difference for fees assessed and collected after December 13, 2002 until February 25, 2003.

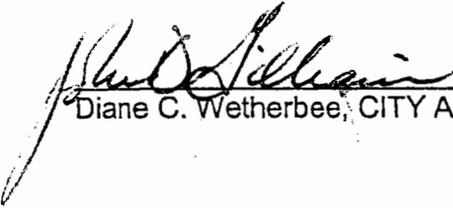
DULY PASSED AND APPROVED this the 24 day of February, 2003.


Pat Evans, MAYOR

ATTEST:


Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:


Diane C. Wetherbee, CITY ATTORNEY

**SCHEDULE 1
ASSESSMENT SCHEDULE FOR
WATER AND WASTEWATER FACILITIES**

METER SIZE	WATER	WASTEWATER	TOTAL
¾ Inch Meter	\$1,247	\$589	\$1,836
1 Inch Meter	\$2,120	\$1,001	\$3,121
1 ½ Inch Meter	\$4,115	\$1,944	\$6,059
2 Inch Meter	\$6,609	\$3,122	\$9,731
3 Inch Meter	\$13,343	\$6,302	\$19,645
4 Inch Meter	\$20,825	\$9,836	\$30,661
6 Inch Meter	\$41,563	\$19,631	\$61,194
8 Inch Meter	\$66,503	\$31,411	\$97,914
10 Inch Meter	\$191,165	\$90,294	\$281,459

**SCHEDULE 2
COLLECTION SCHEDULE FOR
WATER AND WASTEWATER FACILITIES**

METER SIZE	WATER	WASTEWATER	TOTAL
¾ Inch Meter	\$912	\$329	\$1,241
1 Inch Meter	\$1,550	\$559	\$2,109
1 ½ Inch Meter	\$3,648	\$1,316	\$4,964
2 Inch Meter	\$4,833	\$1,743	\$6,576
3 Inch Meter	\$9,757	\$3,519	\$13,276
4 Inch Meter	\$15,229	\$5,493	\$20,722
6 Inch Meter	\$30,366	\$10,952	\$41,318
8 Inch Meter	\$48,604	\$17,530	\$66,134
10 Inch Meter	\$69,943	\$25,227	\$95,170

The recommendation is to keep the fees that were used in the 1999 Update. Therefore, the City would use the same conversion factors from the American Water Works Association (AWWA) as used in the 1999 Update to extend out the base rate to arrive at the collected amount.