

ORDINANCE NO. 2099

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, AMENDING ORDINANCE NO. 1741 DATED JUNE 2, 2015 KELLER'S CODE OF ORDINANCES, CHAPTER 8.5 ENTITLED "IMPACT FEES", WHICH ESTABLISHED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS, AND IMPACT FEES TO BE ASSESSED AND COLLECTED BY THE CITY OF KELLER, TEXAS; UPDATING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND IMPACT FEES FOR WATER, WASTEWATER, AND ROADWAY TO BE ASSESSED; ADOPTING A REVISED SCHEDULE 1 ASSESSMENT RATES AND SCHEDULE 2 COLLECTION RATES FOR WATER, WASTEWATER, AND ROADWAY IMPACT FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION.

WHEREAS, as authorized by Chapter 395 of the Local Government Code, as amended, the City Council of the City of Keller, Texas, pursuant to Ordinance Nos. 547, 652, 740, 830, 1087, 1241, 1485, and 1741 previously adopted, updated Land Use Assumptions, updated Water, Wastewater, and Roadway Capital Improvements Plans, and established revised impact fees for water, wastewater, and roadway facilities to serve new development to the City, such ordinances codified as Chapter 8.5 of the City of Keller Code of Ordinances, approved and adopted by the City Council of the City of Keller, Texas; and

WHEREAS, a periodic update of the Land Use Assumptions and Capital Improvements Plans is required every five (5) years by Section 395.052 of the Local Government Code; and

WHEREAS, the City has retained consultants to prepare updates to the Land Use Assumptions, Capital Improvements Plans, Impact Fees, and ordinance provisions in order to meet the requirements of Chapter 395 of the Local Government Code; and

WHEREAS, notice has been published and a public hearing held concerning the revised Land Use Assumptions, Capital Improvements Plans, and Impact Fees for water, wastewater, and roadway facilities, as prepared by a qualified professional engineer; and

WHEREAS, the City' s Capital Improvements Advisory Committee has reviewed the proposed updates to the City' s Impact Fee Program, and found the updated Land Use Assumptions, Capital Improvements Plans and the Maximum Fee Schedule to be accurate projections of growth, development, required public improvements, and associated costs; and

WHEREAS, the City Council of the City of Keller, Texas authorized the City Staff to proceed with revisions and review of the Land Use Assumptions and Water, Wastewater, and Roadway Capital Improvements Plans, and providing for hearing to be given, in accordance with the applicable law, and such notices have been given; and

WHEREAS, all of the provisions of Chapter 395 of the Local Government Code, necessary for the approval of the provisions contained herein have been complied with; and

WHEREAS, a public hearing was held on September 20th, 2022, to receive public input relating to the 2021 Land Use Assumptions; Capital Improvements Plans; and Water, Wastewater, and Roadway Impact Fees; and

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 interest of the City of Keller and its citizens that revisions to Land Use Assumptions, the Water, Wastewater, and Roadway Capital Improvements Plans, and the Water, Wastewater, and Impact Fees should be approved and adopted.

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

SECTION 1. That the recitals stated above are hereby adopted and approved and incorporated into the body of this ordinance as if fully set forth herein, and the Impact Fees set forth in this ordinance are hereby approved.

SECTION 2. That the revised Land Use Assumptions, Water, Wastewater, and Roadway Capital Improvements Plan and Water, Wastewater, and Roadway Impact Fee Analysis are attached hereto as Exhibit "A" which includes the Water, Wastewater, and Roadway service areas, service units, and capital improvements plans.

SECTION 3. That the revised Schedule 1 Assessment Rates and Schedule 2 Collection Rates for Water, Wastewater, and Roadway Impact Fees, which are attached hereto as Exhibits "B" and "C" incorporated herein by reference, are hereby adopted, replacing and superseding any other Land Use Assumptions; Capital Improvements Plans; or Water, Wastewater, and Roadway Impact Fees, previously approved and adopted by the City Council of the City of Keller, Texas.

SECTION 4. That, if any section, sentence, clause, or phrase of this ordinance is declared unconstitutional for any reason, such holding shall not affect the constitutionality and the validity of any other section, sentence, clause, or phrase of this ordinance.

SECTION 5. That, this ordinance supersedes all ordinances or parts of ordinances in conflict.

SECTION 6: THAT, this ordinance shall become effective thirty-days after the date of passage and adoption by the City Council of the City of Keller, Texas.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 5 to 2 on this the 18th day of October, 2022.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney