

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL AMENDING CHAPTER 2, ARTICLE VIII, FEES, SECTION 2-201, EXHIBIT "A" AND CHAPTER 16, ARTICLE IV, WATER AND SEWER EXTENSIONS, SECTION 16-207(c) OF THE LEWISVILLE CITY CODE BY AMENDING THE SCHEDULE OF CAPITAL RECOVERY FEES AND THE EFFECTIVE DATE FOR SAID FEES; PROVIDING A REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, in accordance with chapter 395 of the Texas Local Government Code (the “Code”), the City of Lewisville performed a certain July 2018 Five-Year Water and Wastewater Impact Fee Review, which are updates of the land use assumptions, capital improvements plan, and the associated capital recovery impact fees; and,

WHEREAS, these updates recommended that the maximum water impact fee per living unit equivalent method (“LUE”) be decreased to \$2,614.89 and the maximum wastewater impact fee per LUE be increased to \$3,949.72; and

WHEREAS, city staff recommended that the maximum water impact fee per LUE be decreased to \$2,614.00 and that the maximum wastewater impact fee per LUE remain at its current amount of \$2,724.00; and

WHEREAS, the City’s Capital Improvements Advisory Committee reviewed the proposed updates and found the updated land use assumptions, capital improvements plan, and the associated capital recovery impact fees to be accurate projections of growth, development, required public improvements, and associated costs; and

WHEREAS, the proposed updates resulted in a need to modify the capital recovery impact fees assessed under sections 2-201 and 16-207(c) of the Lewisville City Code; and,

WHEREAS, the Lewisville City Council held a public hearing on September 17, 2018, in

accordance with chapter 395 of the Code to discuss and review the update and to determine whether to amend the land use assumptions, capital improvements plan and the proposed amended capital recovery impact fee per service unit; and

WHEREAS, notice and publication of said hearing was made in accordance with the requirements set forth in chapter 395 of the Code; and

WHEREAS, all of the provisions of chapter 395 of the Code, necessary for the approval of the provisions contained herein have been complied with; 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 Lewisville and its citizens that revisions of the land use assumptions, capital improvements plan and the associated capital recovery impact fees should be approved and adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. The above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2. The amendments to the land use assumptions and capital improvements plan and modifications of the capital recovery impact fees are approved and adopted.

SECTION 3. The current language of section 16-207(c) of the Lewisville City Code is hereby amended by deleting the current language and in its place inserting the following new language:

(c) *Effective date for fees.* The effective date for the amending of water and wastewater impact fees shall be November 1, 2018. Capital Recovery Fees shall be assessed in accordance with the schedule of capital recovery fees per LUE as established in Exhibit "A" of section 2-201.

SECTION 4. The current language of section 2-201, Exhibit "A," Schedule of Capital Recovery Fees per LUE, of the Lewisville City Code is hereby amended by deleting the current language and in its place inserting the following new language:

SCHEDULE OF CAPITAL RECOVERY FEES PER LUE

Water	Sewer
\$2,614	\$2,724

Meter Size	LUE	Capital Recovery Fee		Total
		Water	Wastewater	
3/4"	1	\$2,614	\$2,724	\$5,338
1"	1.7	\$4,444	\$4,631	\$9,075
1-1/2"	3.3	\$8,626	\$8,989	\$17,615
2"	6.7	\$17,514	\$18,251	\$35,765
3"	16	\$41,824	\$43,584	\$85,408
4"	28	\$73,192	\$76,272	\$149,464
6"	61.3	\$160,238	\$166,981	\$327,219
8"	106.7	\$278,914	\$290,651	\$569,565
10"	166.7	\$435,754	\$454,091	\$889,845
12"	220	\$575,080	\$599,280	\$1,174,360

(1) The city shall assess a capital recovery fee for water and sewer in association with new development and construction. If modification of an existing unit increases the potential for use of water and sewer services, a fee shall be assessed. The fee shall be calculated by the living unit equivalent method (or LUE) in which water and sewer usage is determined by a factor relative to one- and two-family dwellings. The capital recovery fee for water and sewer shall be per the schedule shown above. The following guideline has been established to provide a standard for the capital recovery fee determination.

(2) The meter equivalence shall be determined by the size of the required water meter at the city's delivery point with the exception of one- and two-family dwellings installing a NFPA 13D or townhouses with NFPA 13R type of fire sprinkler systems.

(3) Where a NFPA 13D or 13R fire sprinkler system is installed in accordance with section 2-201 Exhibit A(2), impact fees and water and sewer usage shall be based on the meter size required excluding the fire sprinkler

system water demand (i.e., a 3/4" meter required without a fire sprinkler system vs. a 1" meter requirement when a fire sprinkler system is installed would only be charged (LUE) and minimum water and sewer usage rates for the 3/4" meter).

The maximum water impact fee per LUE, as determined in the July 2018 Five-Year Water and Wastewater Impact Fee Review, is \$2,614.89. The maximum wastewater impact fee per LUE, as determined in the July 2018 Five-Year Water and Wastewater Impact Fee Review, is \$3,949.72.

SECTION 5. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. If any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance or this application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Lewisville in adopting this ordinance that no portion hereof, nor provision or regulation contained herein, become inoperative or fail by reason of any other portion, provision or regulation.

SECTION 7. This ordinance shall become effective in accordance with state law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 17TH DAY OF SEPTEMBER 2018.

SECOND READING BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON SECOND READING ON THIS 1ST DAY OF OCTOBER 2018.

THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIRD AND FINAL READING ON THIS 15TH DAY OF OCTOBER 2018.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY