

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 152, SUBCHAPTER B, ROADWAY IMPACT FEES, ASSESSMENT OF IMPACT FEES, TO INCLUDE PROVISIONS FOR NEWLY ANNEXED AREAS; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City adopted a roadway impact fee ordinance by amending Chapter 152 of the Code of Ordinances on November 24, 2020, per Ordinance No. 1470-20-11-24, to include: 1) a Roadway Impact Fee Capital Improvements Plan ("CIP") to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed; 2) the establishment of Service Areas; 3) the establishment of a roadway impact fee per service unit within the Service Areas; 4) the establishment of procedures for the assessment, collection, computation, expenditure, refund, and general administration of the roadway impact fees; and 5) provide for the establishment of accounts for roadway impact fees; and

WHEREAS, the City adopted a subsequent amendments on March 8, 2022, per Ordinance No. 1543-22-03-08, October 10, 2023, per Ordinance No. 1612-23-10-10, and October 8, 2024 to include: 1) updated roadway impact fee service area maps following annexations and associated study updates; and

WHEREAS, on November 4, 2024, the Capital Improvement Advisory Committee (CIAC) reviewed the ordinance amendment to incorporate newly annexed areas; and

WHEREAS, the RIF Capital Improvements Plan, Land Use Assumptions, and RIF Rates are not being amended as part of this ordinance amendment; and

WHEREAS, the City Council desires to incorporate newly annexed territory administratively in accordance with the provisions of this ordinance and finds that it is in the best interest of the citizens of the City of Pflugerville.

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

Section I. 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 Pflugerville, Texas.

Section II. Assessment of Impact Fees

The Assessment of Impact Fees is hereby amended and adopted for all purposes consistent with this Ordinance and is incorporated herein by reference for all purposes.

Section III. Code Amendments

That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 152, Subchapter B Roadway Impact Fees, Section 152.107 is hereby amended to include:

(H) Newly Annexed Territories: Upon Annexation, a newly annexed area shall be immediately incorporated into the nearest, adjacent Roadway Services Area so long as in doing so the Roadway Service Area still complies with the distance requirements in Chapter 395 of the Texas Local Government Code. The collection rate shall be assessed at the rate of the existing Roadway Service Area and may be adjusted upon a future study update.

(1) In the event that said addition to the nearest, adjacent Roadway Service Area brings that Roadway Service Area out of compliance with the distance requirements in Chapter 395 of the Texas Local Government Code, a new impact fee study shall be commenced as soon as possible, and upon adoption of an updated study, the Roadway Service Areas shall be adjusted to incorporate the newly annexed areas.

Section IV. 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 V. Repealer

This Ordinance shall be cumulative of all other ordinances, resolutions or acts of the City of Pflugerville, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section VI. Effective Date

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

PASSED AND APPROVED this _____ day of _____, 2024.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE
& ZECH, P.C