

ORDINANCE NO.

AN ORDINANCE ADOPTING FINDINGS; ADOPTING AND INCORPORATING INTO THE STREET IMPACT FEE PROGRAM UNDER CITY CODE CHAPTER 25 (*LAND DEVELOPMENT*) BY REFERENCE THE STREET IMPACT FEE LAND USE ASSUMPTIONS, ROADWAY CAPACITY PLAN, STREET IMPACT FEE SERVICE AREA BOUNDARIES, THE LAND USE VEHICLE-MILE EQUIVALENCY TABLE, AND THE STREET IMPACT FEES TO BE ASSESSED AND COLLECTED .

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS

- (A) Under Chapter 395, Texas Local Government Code, roadway (street) impact fees are neither taxes nor special assessments, but rather a regulatory tool that enables the City to offset the impacts of new development on the city's roadway network by collecting fees that are equal to or less than the costs of system roadway improvements attributable to such new development.
- (B) As a regulatory tool, the City may discount or exempt street impact fees for certain new developments in order to meet other important regulatory objectives.
- (C) Chapter 395 contains its own safeguards to assure that street impact fees that are collected from new developments can only be used for system facilities that are designated or eligible for funding under the roadway capacity plan. Similarly, any street impact fees that are not spent within a 10-year period within the service area in which the fees were collected must be refunded to the owner of the property containing the development from which the fees were collected. On the other hand, Chapter 395 expressly authorizes the City to charge less than the maximum assessable street impact fee per service unit.
- (D) The council has determined that it is in the public interest to recognize the actual differences in vehicular traffic that are generated in service areas inside the boundaries of State Highway 71 (SH 71), United States Highway S 183 (US 183), and State Loop 360 (SL 360)(Inside Loop

Service Areas) and outside such boundaries (Outside Loop Service Areas). For a given category of land uses, the trip lengths for Outside Loop Service Areas are different than for Inside Loop Service Areas. Correspondingly, for a given land use, the number of vehicle miles generated by a new development in the Outside Loop Services Areas is different than for a similar new development in Inside Loop Service Areas. These differences are reflected in the Land Use Vehicle-Mile Equivalency Table herein adopted.

(E) The council has also determined that it is in the public interest to establish the collection rate for street impact fees at less than the maximum assessable rate determined by the Impact Fee Study for each service area. The council finds that charging the maximum assessable street impact fee per service unit initially may inhibit the location of new residential and non-residential developments within the city, thus impacting the economic and general welfare of the community. This determination recognizes the fact that other cities within the central Texas region that are competitive with Austin also set impact fees lower than the maximum assessable impact fee per service unit in an effort to attract new developments to their communities. On the other hand, the collection rate for street impact fees may have to be raised in the future in order to assure that there are sufficient funds in the street impact fee program to provide needed system roadway improvements.

(F) The council also has determined that it is in the public interest to charge street impact fees at a uniform rate across all service areas rather to charge impact fees as a percentage of the maximum assessable street impact fee per service unit for each service area. While the City must calculate maximum street impact fees per service unit for each separate service area under Chapter 395, the constraints set by statute often do not take into account actual travel patterns within the city limits. The consultants and City staff thus calculated the average maximum cost per vehicle mile city-wide, approximately \$2,430 per service unit, which would result if the City were not obligated under Chapter 395 to calculate maximum impact fees for relatively small service areas. The council finds that the use of a city-wide average fee rate is equitable, in that the same type of land use pays the same street impact fee per service unit regardless of its location within the city. Such policy further creates predictability in residential and non-residential real estate markets citywide.

(G) The council has further determined that the uniform collection rates should be set at 50 percent of the average maximum assessable fee per service unit for non-residential developments, \$1,215 per vehicle mile, and at 35 percent of the average maximum assessable fee per service unit, \$850 per vehicle mile for residential developments. The council finds that a lower collection rate for residential developments is in the public interest, in accordance with the recommendations of the Impact Fee Advisory Committee, due to the current affordable housing shortage that exists within the City as detailed in the Austin Strategic Housing Blueprint.

(H) The council has further determined that it is in the public interest to reduce or waive impact fees for certain kinds of new development in order to incentivize such land uses. The council finds as follows:

- (1) It is necessary to provide incentives to encourage establishment of new small businesses, which provide a disproportionate share of employment opportunities citywide and which are currently subject to economic distress, by reducing or waiving impact fees for such uses in all service areas, thereby inducing economic recovery.
- (2) It is necessary to provide incentives to encourage the location of key new retail businesses in certain areas of the city, particularly in service areas “D,” “G,” “O,” and “P,” which lack such uses to the detriment of the residents of constituent neighborhoods, by waiving impact fees for specified uses.

PART 2. ADOPTIONS UNDER STREET IMPACT FEE PROGRAM.

The council hereby adopts and incorporates into the City Street Impact Fee Program under City Code Chapter 25 (*Land Development*) by reference each of the following:

- (A) The “Street Impact Fee Land Use Assumptions and Roadway Capacity Plan” attached as “Exhibit A” and incorporated by reference.
- (B) The “Street Impact Fee Services Areas” described in Exhibit A.
- (C) The “Maximum Assessable Street Impact Fee Per Service Unit” as described by the following schedule and as calculated in “Exhibit A”:

	\$1,472
A	\$4,479
B	\$3,642
C	\$2,218
D	\$1,361
DT	\$2,043
E	\$1,604
F	\$3,071
G	\$1,543
H	\$1,712
I	\$3,724
J	\$5,752
K	\$2,520
L	\$2,415
M	\$1,507
N	\$3,921
O	\$3,011
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(D) The “Collected Street Impact Fee Per Service Unit” as described by the following schedule:

Collection Rate Per Service Unit Residential Land Uses (per Vehicle-Mile)	Collection Rate Per Service Unit Non-Residential Land Uses (per Vehicle-Mile)
\$850	\$1,215

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- (1) A street impact fee shall not be collected from a new development for any building permit validly issued within one year of the effective day of this ordinance.

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- (2) For new developments with an approved transportation impact analysis on the effective date of this ordinance, a street impact fee shall not be collected or any building permit validly issued within three years of such effective date.

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- 126 (3) For any new development that does not increase net new trips comparative to
- 127 the existing land use by more than 10 PM peak hour trips, the collection rate
- 128 will be \$0 per vehicle mile. The collection rate then in effect shall apply to a
- 129 subsequent addition of service units.
- 130 (4) For new development of the following land uses as shown in the LUVMET
- 131 (“Dining,” “Animal Hospital/Veterinary Clinic,” “day Care Center,” “Hair
- 132 Salon,” “Other Retail.” Automobile Care Center”) with no drive-thru facility,
- 133 the collection rate is as follows:
- 134 a. Under 1,000 square feet, the collection rate is \$0 per vehicle- mile
- 135 b. Under 5,000 square feet, the collection rate is \$608 per vehicle- mile.
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- 138 (5) For “Walk-in Bank” and “Drive-in Bank” land uses per the
- 139 LUVMET in Services Areas “D,” “G,” “O,” and “P,” the
- 140 collection rate is \$0 per vehicle-mile.
- 141 (6) For “Supermarket” land uses per the LUVMET in Service Areas
- 142 “D,” “G,” “O,” and “P”, the collection rate is \$0 per vehicle-mile.
- 143 (E) The “Land Use Vehicle Mile Equivalency Table” (“LUVMET”). The
- 144 number of service units for a new development shall be determined by land
- 145 use category and number of development units as described by the
- 146 following LUVMET schedule and as calculated in Exhibit A:
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Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit Inside Loop (Service Unit)	Veh-Mi Per Dev-Unit Outside Loop (Service Unit)
PORT AND TERMINAL				
Truck Terminal	030	1,000 SF GFA	10.00	10.00
INDUSTRIAL				
General Light Industrial	110	1,000 SF GFA	1.93	3.78
Industrial Park	130	1,000 SF GFA	1.23	2.40
Manufacturing	140	1,000 SF GFA	2.06	4.02
Warehousing	150	1,000 SF GFA	0.58	1.14
Mini-Warehouse	151	1,000 SF GFA	0.52	1.02
RESIDENTIAL				
Single-Family Detached Housing	210	Dwelling Unit	2.87	4.26
Townhomes / Duplexes / Triplexes / 4-Plexes / ADUs	220	Dwelling Unit	1.62	2.41
Mid-Rise Apartments or Condominiums	221	Dwelling Unit	1.28	1.89
High-Rise Apartments or Condominiums	222	Dwelling Unit	1.04	1.55
Mobile Home Park	240	Dwelling Unit	1.33	1.98
Senior Adult Housing-Detached	251	Dwelling Unit	0.87	1.29
Senior Adult Housing-Attached	252	Dwelling Unit	0.75	1.12
Assisted Living	254	Beds	0.75	1.12
LODGING				
Hotel	310	Room	1.62	1.63
Motel / Other Lodging Facilities	320	Room	1.03	1.03
RECREATIONAL				
Golf Driving Range	432	Tee	3.64	3.98
Golf Course	430	Acre	0.81	0.89
Recreational Community Center	495	1,000 SF GFA	6.72	7.35
Ice Skating Rink	465	1,000 SF GFA	3.87	4.23
Miniature Golf Course	431	Hole	0.96	1.05
Multiplex Movie Theater	445	Screens	39.95	43.66
Racquet / Tennis Club	491	Court	11.12	12.15
INSTITUTIONAL				
Religious Place of Worship	560	1,000 SF GFA	1.54	1.54
Day Care Center	565	1,000 SF GFA	10.53	10.59
Elementary School	520	Students	0.29	0.29
Middle School / Junior High School	522	Students	0.29	0.29
High School	530	Students	0.24	0.24
Junior / Community College	540	Students	0.19	0.19
University / College	550	Students	0.25	0.26
MEDICAL				
Clinic	630	1,000 SF GFA	12.17	11.09
Hospital	610	1,000 SF GFA	3.60	3.28
Nursing Home	620	Beds	0.82	0.74
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	9.16	8.35

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit Inside Loop (Service Unit)	Veh-Mi Per Dev-Unit Outside Loop (Service Unit)
OFFICE				
Corporate Headquarters Building	714	1,000 SF GFA	2.23	2.03
General Office Building	710	1,000 SF GFA	4.27	3.89
Medical-Dental Office Building	720	1,000 SF GFA	12.84	11.69
Single Tenant Office Building	715	1,000 SF GFA	6.34	5.78
Office Park	750	1,000 SF GFA	3.97	3.62
COMMERCIAL				
Automobile Related				
Automobile Care Center	942	1,000 SF GFA	5.05	5.07
Automobile Parts Sales	843	1,000 SF GFA	7.56	7.59
Gasoline/Service Station	944	Vehicle Fueling Position	4.88	4.88
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	3.70	3.70
New Car Sales	841	1,000 SF GFA	5.24	5.26
Quick Lubrication Vehicle Shop	941	Servicing Positions	7.86	7.89
Self-Service Car Wash	947	Stall	1.99	1.99
Tire Store	848	1,000 SF GFA	7.75	7.78
Dining				
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	27.61	27.78
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	23.95	24.09
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	15.04	15.09
Quality Restaurant	931	1,000 SF GFA	11.80	11.84
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	7.81	7.81
Other Retail				
Free-Standing Discount Store	815	1,000 SF GFA	9.84	10.75
Nursery (Garden Center)	817	1,000 SF GFA	14.14	15.45
Home Improvement Superstore	862	1,000 SF GFA	3.52	3.85
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	11.64	12.72
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	15.28	16.70
Shopping Center	820	1,000 SF GLA	7.30	7.98
Supermarket	850	1,000 SF GFA	17.20	18.79
Toy/Children's Superstore	864	1,000 SF GFA	10.19	11.13
Department Store	875	1,000 SF GFA	3.99	4.36
SERVICES				
Walk-In Bank	911	1,000 SF GFA	12.30	12.38
Drive-In Bank	912	Drive-in Lanes	29.83	30.01
Hair Salon	918	1,000 SF GLA	1.72	1.73

- (1) Street Impact Fee Service Areas “F,” “I,” “J,” “DT,” “L,” and parts of “K” are located within the highway boundaries of SH 71, US 183, and SL 360. These are Inside Loop Service Areas.

- (2) Street Impact Fee Service Areas “A,” “B,” “C,” “D,” “E,” “G,” “H,” parts of “K,” “M,” “N,” “O,” and “P” are located outside the boundaries of SH 71, US 183, and SL 360. These are Outside Loop Service Areas.

This ordinance takes effect on _____, 2020.

PASSED AND APPROVED

_____, 2020

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Steve Adler
Mayor

APPROVED: _____

ATTEST: _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk