

Ordinance amending the Unified Development Code to delegate approval of wastewater lot or acreage fee exemptions to the Director of Development Services

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City's Unified Development Code ("UDC");

WHEREAS, a public hearing was held during a meeting of the Planning Commission when said Commission recommended approval of the proposed UDC amendments, and with proper notice to the public, an additional public hearing was conducted during a meeting of the City Council, during which all interested persons were allowed to appear and be heard;

WHEREAS, amendments are to promote public safety, enhance quality of life through visual relief and facilitate development and redevelopment; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, convenience and the general welfare of the City and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The recitals contained in the preamble of this Ordinance are determined to true and correct and are hereby adopted as a part of this Ordinance.

SECTION 2. UDC Article 8 "SUBDIVISION DESIGN AND IMPROVEMENTS", Section 8.5.2.G. "Exemptions" is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.5.2.G. Exemptions

1. No Wastewater Trust Fund lot or acreage fee shall be paid if such land for which the fees are paid lies within an area exempted by the Director of Development Services or City Council from the payment of such fees. Such exempted areas shall be those determined by the Director of Development Services or City Council to not likely to be served by City wastewater services within the next 15 years. The Director of Development Services may make such determination when the fees of the area being exempted are \$50,000 or less. City Council, with the advice of the Assistant City Manager of Development Services and the Planning Commission, ~~may make such determinations whenever~~ the fees of the area being exempted are more than \$50,000. ~~necessary.~~ Any request for a determination of exemption, other than from the Assistant City Manager of Development Services, Planning Commission, or the City Council, shall be submitted in writing to the ~~Assistant City Manager of~~ Director of Development Services, along with the filing fee published in the Development Services Fee Schedule, Chapter 14, Municipal Code. For areas with fees greater than \$50,000, the Assistant City Manager of Development Services shall make its recommendation to the Planning Commission and such request will be scheduled for a Planning Commission hearing within 60 days after the filing of such request. Thereafter, the Planning Commission shall make its recommendation to the City Council, which shall make the final determination. The City Council, may, at any time, cease to exempt any area previously exempted, and thereafter such fees shall apply. Owners of property for which a wastewater lot or acreage fee has been paid under conditions of this paragraph, may receive a refund of their pro-rata portions (based on the total lots or acreage) of the lot or acreage fee paid if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50% of the property within said final plat petition the City Council for a hearing to determine whether the fees should be refunded. A refund may be made if the City Council finds:
 - a. The petitioners are the property owners of lots for which a wastewater lot or acreage fee has been paid;

- b. No wastewater lines serve the petitioners' property from the City's wastewater system, from another governmental entity, or from existing wastewater control districts, or authorities which provide for the collection or treatment of sanitary sewage; and
- c. The property is not likely to be served with such wastewater lines within five years.
 - i. Any refunds shall only be made when monies are fully available in and appropriated from the Wastewater Trunk Line Trust Fund. The order of reimbursement will be determined according to the date the application for refund is approved by the City Council.
 - ii. Governmental entities, wastewater control districts, or authorities other than the City which have provided for the collection or treatment of sanitary sewage to a tract of land for which a lot or acreage fee has been paid to the City may apply to the City for a reimbursement of the lot or acreage fee paid on such tract if such fee has not already been refunded to the lot owners. Any refunds only shall be made when monies are fully available in and appropriated from the Wastewater Trunk Line Trust Fund. The order of reimbursement will be determined according to the date the application for reimbursements is approved by the City Council.
 - iii. The foregoing shall apply with respect to exempting from payment or refunding of lot and acreage fees only and is not intended to exempt or waive any other platting or other requirements.

2. Government subdivisions, being defined as federal, state, county, or municipal entities and their subsidiary or affiliate corporations, whose operation is funded by collection of taxes, including sales tax, property tax, income tax, and other forms of taxes as may be established and assessed by such government subdivisions, shall be exempt from payment of acreage fees and surcharge fees described herein. Entities exempt from payment of said fees shall be prohibited from receiving reimbursement from any fund established as a depository of such fees.

3. The exemption in this section only applies lot or acreage fees to be deposited into the Wastewater Trunk Line Trust Fund. The exemption in this section does not apply to impact fees or any other fee not specifically identified in this subsection.

SECTION 2. Section 14- 1341, Unified Development Code fees, of the Corpus Christi Code is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 14- 1341. Unified Development Code fees.

This division sets the amounts of the fees required by the Unified Development Code.

UNIFIED DEVELOPMENT CODE FEES				
Fee Description	Year 1	Year 2	Year 3	Year 4
	10/1/2021-9/30/2022	10/1/2022-9/30/2023	10/1/2023-9/30/2024	10/1/2024-9/30/2025

Wastewater fee exemption for City Council consideration	\$600.00	\$660.00	\$726.00	\$798.60
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SECTION 3. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 5. This Ordinance shall become effective upon publication.

That the foregoing Ordinance was read for the first time and passed to its second reading on this day, the _____ day of _____, 2022, by the following vote:

Paulette Guajardo _____	John Martinez _____
Roland Barrera _____	Ben Molina _____
Gil Hernandez _____	Mike Pusley _____
Michael Hunter _____	Greg Smith _____
Billy Lerma _____	

That the foregoing Ordinance was read for the second time and passed finally on this day, the _____ day of _____, 2022, by the following vote:

Paulette Guajardo _____	John Martinez _____
Roland Barrera _____	Ben Molina _____
Gil Hernandez _____	Mike Pusley _____
Michael Hunter _____	Greg Smith _____
Billy Lerma _____	

PASSED AND APPROVED on this day, the _____ day of _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor