

§ 51.115 STORM WATER DRAINAGE SYSTEM IMPROVEMENT COSTS.

Costs for storm water drainage system improvements shall be determined and collected as described in this subchapter.

(1992 Code, § 41-85) (Ord. 5-02, passed 1-14-2002)

§ 51.116 DEFINITION.

A **DRAINAGE SYSTEM COST RECOVERY** is the process by which 50% of the applicable cost of the storm water drainage system is collected from all developing properties. The **STORM WATER DRAINAGE SYSTEM** applicable costs for drainage system cost recovery includes regional detention facilities excluding land, storm drainage appurtenances eligible for reimbursement pursuant to Reimbursement Procedures for Drainage System Cost Recovery- Executive Order, drainageway improvements or storm drainage facilities approved by city engineer. A **REGIONAL DETENTION CHARGE** is the process by which 50% of the cost of land acquisition for regional detention facilities is collected from development of parcels contributing stormwater runoff to a regional detention facility. **REGIONAL DETENTION FACILITIES** are identified in the Stormwater BMP Master Plan dated July 2003 and subsequent updates by city engineer.

(1992 Code, § 41-86) (Ord. 5-02, passed 1-14-2002; Ord. 97-03, passed 10-14-2003; Ord. 113-18, passed 12-4-2018)

§ 51.117 DRAINAGE BASIN BOUNDARIES.

Drainage basin boundaries shall be established by the city engineer.

(1992 Code, § 41-89) (Ord. 5-02, passed 1-14-2002)

§ 51.118 RECOVERY OF COST OF STORM WATER DRAINAGE SYSTEM.

The purpose of this subchapter is to facilitate and foster affordable and accessible housing within the city and the city's growth area by imposing a system to recover a developed real property's proportional share of the costs to expand and sustain storm water drainage systems necessitated by such development. The city shall recover 50% of the cost for the development of storm water drainage systems and regional detention facilities from all developing property as follows:

(a) The city shall determine and update annually the cost recovery per acre separating the drainage system cost recovery (cost for the development of storm drainage systems) from the regional detention charge (cost of land acquisition for regional detention facilities).

(b) The cost recovery shall, at a minimum, consider type of land use and runoff to calculate the drainage system cost recovery (DSCR) platting fee per classification indicated in Table IV and regional detention charge (RDC) platting fee per ~~classification~~ classification indicated in Table V.

(c) This subchapter incorporates the Development Area Maps as set forth in the city's comprehensive plan.

(d) (1) For platted or replatted property located in Tier I or Tier II of the city's comprehensive plan the drainage system cost recovery (DSCR) platting and regional detention charge (RDC) platting fee shall be paid prior to approval of any plat or replat.

(2) For platted or replatted property located outside of Tier I and Tier II but within the joint jurisdiction area of the city's comprehensive plan detailed in subsection (c), the City may defer payment of the drainage system cost recovery (DSCR) platting and regional detention charge (RDC) platting fees. Any deferred payment of the drainage system cost recovery (DSCR) platting and regional detention charge (RDC) platting fees shall be due and payable for the platted or replatted property at the earliest of:

a. Annexation of such platted or replatted real property or such platted or replatted real property's location within Tier I or Tier II; or

b. the Owner's application or request for a re-zoning or other required city conditional use permit or license on such platted or replatted real property; or

c. the City's provision of storm drainage systems to or immediately adjacent or adjoining the platted or replatted real property;

The amount of such platting fee shall be the amount in effect at the time of the event triggering the platting or replatting fee. Unpaid and deferred platting and replatting fees shall constitute an encumbrance and lien running with the land upon the platted and replatted real property and the obligation to pay shall be binding upon the Owner, and the Owner's successors, successors in title, and assigns.

(3) The City may increase, waive, reduce or defer the payments if: (a) the plat or replat is a minor plat or replat; (b) the plat or replat is a transfer of ownership; (c) as set forth in a Development Agreement; or (d) based on the City's individualized determination as to the nature and extent of the impact of the development.

(4) The City may condition approval of zoning or other city required conditional use permits and licenses until all platting fees are paid in full or arrangements for payment are made.

(5) For any property platted or replatted the plat or replat shall contain a note identifying the zoning classifications in effect at the time of plat or replat submittal. The owner's certificate of compliance for the plat or replat shall indicate the plat or replat is subject to the drainage system cost recovery (DSCR) platting and regional detention charge (RDC) platting fees and shall provide that the drainage system cost recovery (DSCR) platting and regional detention charge (RDC) platting fees shall be paid by an applicant requesting rezoning of the plat or replat in accordance with this section.

(e)(e) The Drainage System Cost Recovery (DSCR) platting fee shall be paid to the city prior to approval of the plat for development or replat of the real property parcels. The Regional Detention Charge (RDC) platting fee shall be paid to the city prior to approval of the plat for development or replat of the real property parcels contributing runoff to a regional detention facility. The city may defer the payment if the plat is for transfer of ownership. The platting fee amounts to be paid shall be based on the total of acres platted and right-of-way dedication. All real property parcels platted or replatted after the initial effective date of this subchapter shall be subject to the Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fee. Replats shall be subject to the Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fee if the replat involves rezoning to a

higher intensity zoning or if the parcel is not serviced by street and drainage infrastructure constructed according to city design standards.

~~(f)~~ The value of contributions made by the fee payer toward the cost of expanding and sustaining the public storm water drainage system may be credited to the amount of Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fees otherwise due for the parcel. The value of the contribution shall be determined by the city engineer, based on information submitted by the fee payer, and shall be in compliance with applicable law. No credit will be given for the value of land dedicated or to be dedicated to the city for right-of-way or areas zoned REC or CN. Credit for the contributions not claimed prior to payment of the Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fee shall be waived. A credit may be allowed against the Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fees for developer-constructed and funded public drainage improvements, including land, engineering, and construction costs providing a public drainage benefit as determined by city engineer.

~~(g)~~ The drainage system cost recovery (DSCR) platting fee classification shall be determined by city engineer based on Engineering Design Standards. The DSCR platting fees shall be based on classification as follows in Table IV:

DSCR Platting Fee Classification	Effective Date					
	1/1/2017	1/1/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Agricultural (AG, CN)	\$0.00	0	0	0	0	0
Commercial (C-2, C-3, C-4)	\$6,529.54	7,012.73	7,461.54	7,864.46	8,281.28	8,562.84
Industrial (I-1, I-2, AP)	\$4,946.62	5,312.67	5,652.68	5,957.93	6,273.70	6,487.00
Multifamily Residential (RA-1, RA-2, RA-3)	\$3,957.30	4,250.14	4,522.15	4,766.35	5,018.96	5,189.61
Office and Institutional (O, C-1, LW, S-1, S-2)	\$3,957.03	4,250.14	4,522.15	4,766.35	5,018.96	5,189.61
Recreational (REC)	\$0.00	0	0	0	0	0
Single-family residential (RS, RT-1, RT-2, RD, RCD, MH)	\$1,978.65	2,125.07	2,261.07	2,383.17	2,509.48	2,594.80
Hybrid	NA	3,187.61	3,391.61	3,574.76	3,764.22	3,892.20

If the property is not zoned or does not meet the criteria of a DSCR platting fee classification in Table IV, the DSCR platting fee shall be at the single-family residential rate.

~~(h)~~(f) The Drainage System Cost Recovery (DSCR) and Regional Detention Charge (RDC) platting fee shall be collected only once on each parcel if the zoning and storm water runoff remains the same as determined by city engineer. If the parcel is rezoned or redeveloped which results in a higher Drainage System Cost Recovery (DSCR) or Regional Detention Charge (RDC) platting fee, the property owner shall pay the difference between the previously paid platting fees and current platting fees for the rezone/redeveloped platting fee classification.

~~(i)~~(g) The ~~r~~Regional ~~d~~Detention ~~e~~Charge (RDC) platting fee classification shall be determined by city engineer based upon Engineering Design Standards. The Regional Detention Charge (RDC) platting fees shall be based on classification as follows in Table V:

RDC Platting Fee Classification	Effective Date					
	1/1/2017	1/1/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Agricultural (AG, CN)	\$0.00	0	0	0	0	0
Commercial (C-2, C-3, C-4)	\$2,671.79	2,818.74	2,931.49	3,034.09	3,125.11	3,218.87
Industrial (I-1, I-2, AP)	\$2,024.08	2,135.40	2,220.82	2,298.55	2,367.51	2,438.53
Multifamily residential (RA-1, RA-2, RA-3)	\$1,619.27	1,708.33	1,776.66	1,838.85	1,894.01	1,950.83
Office and Institutional (O, C-1, LW, S-1, S-2)	\$1,619.27	1,708.33	1,776.66	1,838.85	1,894.01	1,950.83
Recreational (REC)	\$0.00	0	0	0	0	0
Single-family residential (RS, RT-1, RT-2, RD, RCD, MH)	\$809.63	854.16	888.33	919.42	947.00	975.41
Hybrid	NA	1,281.24	1,332.49	1,379.13	1,420.50	1,463.11

~~(j)~~(h) A person harmed by an administrative decision of the city under this subchapter may appeal the decision through the procedures provided in Administrative Appeals subchapter, §§ 30.040 et seq. of this Code, as that subchapter may be amended from time to time, except as modified below.

(1) The appeal shall be heard in a closed hearing by a hearing examiner with substantial experience in land development, ~~and the whose~~ cost shall be ~~divided split~~ equally between the city and the appellant.

(2) The hearing examiner may amend, remand, or reverse the decision of the city only if clear error is found in:

- A. The determination of the number of acres subject to the cost recovery;
- B. The determination of the applicable classification for determination of the cost recovery;
- C. The value of any credit;
- D. Any mathematical computation; or
- E. Determining or applying any other objective fact on which the decision was based.

(3) If the hearing examiner finds an error and has adequate facts to correct the error (such as correcting the number of acres used in the computation or correcting a mathematical error), the hearing examiner shall amend the decision accordingly and the decision shall ~~be binding as amended. then stand.~~ Otherwise, the hearing examiner shall reverse the decision or remand it with instructions for correcting the error(s) found.

(4) The provision for appeals under this division (i) is not intended to serve as a provision for variances or waivers; issues of hardship or other factors that might be considered in granting a zoning variance shall not be considered by the hearing examiner in reaching a decision.

(5) Unless the hearing examiner finds clear error, the hearing officer shall affirm the original administrative decision.

(6) The decision of the hearing examiner may be subject to judicial review as provided by law.

(1992 Code, § 41-90) (Ord. 5-02, passed 1-14-2002; Ord. 97-03, passed 10-14-2003; Ord. 15-07, passed 1-16-2007; Ord. 10-13, passed 3-19-2013; Ord. 34-14, passed 6-17-2014; Ord. 113-18, passed 12-4-2018)