

ORDINANCE NO. 2016-11-14-01

AN ORDINANCE OF THE CITY OF PRINCETON, TEXAS, ADOPTING ROADWAY IMPACT FEES PER SERVICE UNIT; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND AND GENERAL ADMINISTRATION OF ROADWAY IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR ROADWAY IMPACT FEES; PROVIDING CONSTRUCTION, SEVERABILITY, AND CONFLICT CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 395, Tex. Loc. Gov't Code (the "Statute") provides the requirements and procedures for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and Roadway Impact Fees; and

WHEREAS, the City retained Kimley-Horn and Associates ("Kimley-Horn") to prepare a Roadway Impact Fee Study that contains Land Use Assumptions ("LUA") reflecting a description of the Service Area and projections of 10-year growth in residential and nonresidential land uses in the Service Area, a Roadway Impact Fee Capital Improvements Plan ("CIP") to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed, and a calculation of the Roadway Impact Fee. The Roadway Impact Fee Study is attached as Exhibit A hereto and incorporated by reference herein; and

WHEREAS, after notice of public hearing was published as required by the Statute, the City Council held a public hearing on September 26, 2016 in which the City Council adopted the CIP and LUA by Resolution No. 2016-09-26-R; and

WHEREAS, the Capital Improvement Advisory Committee of the City of Princeton ("CIAC"), created pursuant to Sec. 395.058, Tex. Loc. Gov't Code, filed its written comments on the proposed Roadway Impact Fees before the fifth (5th) business day before the date of the public hearing on the adoption of the Roadway Impact Fee; and

WHEREAS, as required by Section 395.054, Tex. Loc. Gov't Code, the City Council conducted a public hearing on November 14, 2016 on the adoption of Roadway Impact Fees in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee; and

WHEREAS, the City Council desires to adopt the Roadway Impact Fees and related administrative process as herein described and finds that it is in the best interest of the citizens of the City of Princeton; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS:

SECTION 1. Short Title. This Ordinance shall be known and cited as the “Princeton Roadway Impact Fee Regulations”.

SECTION 2. 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 Princeton, Texas.

SECTION 3. Purpose. This Ordinance is intended to assure the provision of adequate roadway facilities to serve New Development in the City by requiring each development to pay a share of the costs of such Capital Improvements or Roadway Facility expansions necessitated by and attributable to such New Development.

SECTION 4. Authority. This Ordinance is adopted pursuant to Texas Local Government Code (TLGC) Chapter 395 and the Princeton City Charter. Chapter 395 supplements this Ordinance to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference. The provisions of this Ordinance shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Ordinance. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Ordinance.

SECTION 5. Applicability. The provisions of this Ordinance apply to all new, non-exempt development within the corporate boundaries of the City located within a Roadway Service Area.

SECTION 6. Incorporation of Land Use Assumptions and Roadway Impact Fee Capital Improvements Plan. The Roadway Impact Fee Capital Improvements Plan and Land Use Assumptions identifying Capital Improvements or Facility Expansions pursuant to which Roadway Impact Fees may be assessed, as considered and adopted by the City Council Resolution No. 2016-09-26-R at the September 26, 2016 public hearing and attached with the Roadway Impact Fee Study as **Exhibit A** hereto is incorporated herein by reference for all purposes, including any future amendments thereto.

SECTION 7. Definitions. In this Ordinance:

- A. **Assessment** means the determination of the amount of the Maximum Assessable Roadway Impact Fee per Service Unit which can be imposed on New Development pursuant to this Ordinance.
- B. **Capital Improvement** means a Roadway Facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.

- C. City means the City of Princeton, Texas.
- D. Credit means a reduction in the amount of a Roadway Impact Fee(s), payments, or charges for approved construction or provision of the same type of Capital Improvement for which a fee has been assessed for a New Development. This is done by either by a proven decrease in the number of Service Units attributable to such development or a decrease in the amount of Roadway Impact Fees otherwise due, that results from contributions of land, improvements or funds to construct system improvements in accordance with the City's subdivision and development regulations, policies or requirements, as determined by the City.
- E. Final plat approval means authorization by the City Planning and Zoning Commission and City Council that the final map of a proposed subdivision meets all City standards and conditions in accordance with the City's subdivision regulations and the Chairman of the City Planning and Zoning Commission and Mayor executes the applicant's plat and that the plat may be recorded in the office of the county clerk of Collin County. The term applies both to original plats, replats and amending plats.
- F. Impact Fee, or "Roadway Impact Fee", means a fee, charge, or Assessment for Roadway Facilities imposed on New Development by the City pursuant to this Ordinance in order to generate revenue to fund or recoup all or part of the costs of Capital Improvements or facility expansion necessitated by and attributable to such New Development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this ordinance or the Statute. The term is inclusive of both the Maximum Assessable Roadway Impact Fee and the Roadway Impact Fee Collection Rate as herein described.
- G. Land Use Assumptions means the description of Service Areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the Roadway Impact Fee Capital Improvements Plan is based.
- H. Land Use Equivalency Table means a table converting the demands for Capital Improvements generated by various land uses to numbers of Service Units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of Impact Fee rates, attached as Exhibit C hereto and incorporated by reference herein.
- I. Maximum Assessable Roadway Impact Fee means the Impact Fee that is established for each Service Area computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development and subtracting a portion of ad valorem tax revenues to be generated by new Service Units, including the payment of debt, associated with the roadway CIP, and then dividing that amount

by the total number of Service Units anticipated within the Service Area based upon the land use assumptions. The Maximum Assessable Roadway Impact Fee shall be established and reflected in Exhibit B, Schedule 1, attached hereto and incorporated herein. The City may adopt a Roadway Impact Fee Collection Rate that is less than this amount, but in no instance shall the Roadway Impact Fee exceed the Maximum Assessable Roadway Impact Fee except by amendment of this ordinance.

- J. New Development means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for Capital Improvements or facility expansions, measured by the number of Service Units to be generated by such activity.
- K. Recoupment means the imposition of an Impact Fee to reimburse the City for Capital Improvements which the City has previously oversized to serve New Development.
- L. Roadway Impact Fee Collection Rate means the current amount of Roadway Impact Fee adopted by the Princeton City Council to be paid by the property owner, as may from time to time be amended, which is the result of a percentage reduction of the adopted Maximum Assessable Roadway Impact Fee. The adopted Roadway Impact Fee Collection Rate shall be established and reflected in Exhibit B, Schedule 2, attached hereto and incorporated herein. The adopted Roadway Impact Fee Collection Rate may be further reduced with Credits, designed to fairly reflect the value of Roadway Facilities provided by a developer in accordance with the City's development regulations or requirements.
- M. Roadway means any primary and secondary arterial or collector designated in the City's adopted Mobility Plan, as may be amended from time to time. Roadway also includes any thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs Capital Improvement costs for such facility.
- N. Roadway Facility means an improvement or appurtenance to a Roadway which includes, but is not limited to, rights-of-way, whether conveyed by deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the Roadway Facility; street lighting or curbs, and water and wastewater improvements affected by the Roadway Facility. Roadway Facility also includes any improvement or appurtenance to an intersection with a Roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway Facility

excludes those improvements or appurtenances to any Roadway which is a Site-related Facility.

- O. Roadway Facility expansion means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.
- P. Roadway Impact Fee Capital Improvements Plan, or “Capital Improvements Plan” (CIP) means the adopted plan included in **Exhibit A**, as may be amended from time to time, which identifies the roadway facilities or Roadway Facility expansions and their costs for each roadway Service Area, which are necessitated by and which are attributable to New Development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of Roadway Impact Fees pursuant to this Ordinance.
- Q. Service Area means a Roadway Service Area within the City’s corporate boundary, within which Impact Fees for Roadway Capital Improvements or Roadway Facility expansions may be collected for New Development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the Roadway Impact Fee Capital Improvements Plan applicable to the Service Area.
- R. Service Unit means a vehicle mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour as calculated herein.
- S. Site-related Facility means an improvement or facility which is for the primary use or benefit of one or more New Developments and/or which is for the primary purpose of safe and adequate provision of Roadway Facilities to serve the New Development, including access to the development, which is not included in the Roadway Capital Improvements Plan, and for which the developer (s) or property owner(s) is solely responsible under subdivision or other applicable development regulations. Site-related Facility may include a Roadway improvement which is located offsite, or within or on the perimeter of the development site.
- T. System Facility means a roadway improvement or facility expansion which is designated in the Roadway Impact Fee Capital Improvements Plan and which is not a Site-related Facility. System Facility may include a roadway improvement which is located offsite, or within or on the perimeter of the development site.

SECTION 8. Roadway Service Areas. The City hereby establishes one (1) Roadway Service Areas constituting land within the City’s corporate boundaries, as depicted in **Exhibit A** attached hereto and incorporated by reference herein. The boundaries of the Roadway Service Area may be amended

from time to time, or new Roadway Service Areas may be delineated, pursuant to the procedures of this ordinance.

SECTION 9. Roadway Impact Fees Adopted. The City hereby adopts the Maximum Assessable Roadway Impact Fee attached and incorporated as **Exhibit B, Schedule 1**, and the Roadway Impact Fee Collection Rate attached and incorporated as **Exhibit B, Schedule 2**. Each non-exempt New Development shall be assessed the Maximum Assessable Roadway Impact Fee and shall pay the Roadway Impact Fee Collection Rate, minus any applicable Credits, as described herein. Except as herein otherwise provided, the Assessment and collection of a Roadway Impact Fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

SECTION 10. Roadway Impact Fee Required. No Final Plat for New Development shall be released for recording with Collin County without Assessment of an Impact Fee pursuant to this ordinance; or, if no plat is required, then no building permit shall be issued until such Assessment is made and paid in accordance with the Assessment and collection procedures indicated herein.

SECTION 11. Assessment of Impact Fees. Assessment of the Impact Fee for any New Development shall be made as follows:

- A. For a New Development which has received final plat approval before the effective date of this ordinance, Assessment of Impact Fees shall occur on the effective date of this ordinance, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1**. However, the Roadway Impact Fee Collection Rate shall not be collected on any Service Unit which has received final plat approval before the effective date of this ordinance and for which a valid building permit is issued within one year after the date of adoption of this ordinance.
- B. For land which is not required to be platted at the time of application for a building permit pursuant to the City's subdivision regulations prior to development, Assessment of Roadway Impact Fees shall occur at the time application is made for the building permit, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- C. For New Development which has not received final plat approval before the effective date of this ordinance, Assessment of Impact Fees shall be at the time of final plat or replat approval, and shall be the amount of the Maximum Assessable Roadway Impact Fee per Service Unit as set forth in **Exhibit B, Schedule 1** then in effect.
- D. Following Assessment of the Impact Fee pursuant to this Section, the amount of the Impact Fee Assessment per Service Unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application that results

in approval of additional Service Units, in which case a new Assessment shall occur at the **Exhibit B, Schedule 1** rate then in effect for such additional Service Units.

- E. The Director of Engineering or his or her designee shall compute the Roadway Impact Fees for New Development by first determining whether the New Development is eligible for Credits calculated in accordance with this Ordinance, which would further reduce Impact Fees otherwise due in whole or in part. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.
- F. Approval of an amending plat pursuant to Tex. Loc. Gov't Code, Section 212.016 and the City's subdivision regulations is not subject to reassessment for an Impact Fee.

SECTION 12. Exemptions to Impact Fees. The following are exempt from the applicability of this Ordinance:

- A. Pursuant to Tex. Loc. Gov't Code Section 395.022, as amended, a public school district is not required to pay Roadway Impact Fees imposed under this Ordinance unless the board of trustees of the district consents to the payment of the fees by entering a contract with the City imposing the fees.
- B. A change in use that generates less than 10 times the number of Service Units attributable to the immediately preceding use is exempt from the payment of Impact Fees.

SECTION 13. Collection of Impact Fees. Roadway Impact Fees shall be collected in the following manner; however, the City has the ability to require construction greater than the Roadway Impact Fee Collection Rate for amounts up to the Maximum Assessable Roadway Impact Fee:

- A. The Roadway Impact Fee Collection Rate shall be paid at the time the City issues a building permit for a New Development.
- B. For properties requiring a plat, the Roadway Impact Fee Collection Rate to be paid and collected per Service Unit for New Development shall be the amount listed in **Exhibit B, Schedule 2** in effect at the time of final plat approval for up to a one-year period following such final plat approval. After the one-year period has expired, the Roadway Impact Fee Collection Rate shall be paid according to the current amount listed in **Exhibit B, Schedule 2** then in effect.
- C. For properties that do not require the filing of a plat, the Roadway Impact Fee Collection Rate shall be paid and collected per Service Unit for New Development in the amount listed in **Exhibit B, Schedule 2** in effect at the time that the building permit is filed.

- D. If the building permit for which an Impact Fee has been paid has expired, and a new application is thereafter filed, the Roadway Impact Fee Collection Rate shall be computed using **Exhibit B, Schedule 2** in effect at the time of the new application, with Credits for previous payment of Impact Fees being applied against the new Impact Fees due.
- E. Whenever the property owner proposes to increase the number of Service Units for a development, the additional Impact Fees collected for such new Service Units shall be determined by using **Exhibit B, Schedule 2** in effect at the time of the request, and such additional fee shall be collected at the times prescribed by this section.
- F. The City may vary the rates of collection or amount of Roadway Impact Fees per Service Unit among or within Service Areas in order to reasonably further goals and policies affecting the adequacy of roadway facilities serving New Development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such Service Areas.
- G. The Maximum Assessable Roadway Impact Fee per Service Unit for Roadway Facilities, as may be amended from time to time, hereby is declared to be a roughly proportionate measure of the impacts generated by a new unit of development on the City's Roadway System. To the extent that the Roadway Impact Fee Collection Rate charged against a New Development, as may be amended from time to time, is less than the Maximum Assessable Roadway Impact Fee per Service Unit assessed, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the New Development on the City's roadway system. The Maximum Assessable Roadway Impact Fee may be used in evaluating any claim by a property owner that the dedication or construction of a Capital Improvement within a Service Area imposed as a condition of development approval pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's Roadway System.

SECTION 14. Credits Against Impact Fees. The City may credit the contribution of land, improvements or funding for construction of any System Facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City with the following limitations:

- A. The Credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the Roadway Facility.
- B. Master Planned Community projects, including subdivisions containing multiple phases, and whether approved before or after the effective date of these Impact Fee regulations, may apply for Credits against Roadway Impact Fees for the entire project based upon contributions of land, improvements or funds toward construction of

system facilities, or other Roadway Capital Improvements supplying excess capacity.

Credits shall be determined by comparing costs of Roadway Capital Improvements supplied by the project with the costs of Roadway Capital Improvements to be utilized by development within the project, utilizing a methodology approved by the City. The Credit determination shall be incorporated within an agreement for Credits, in accordance with this ordinance. The Roadway requirements of an agreement for Credits shall not be less than what is required by the city's subdivision and development regulations.

- C. The City's current policies and regulations shall apply to determine a New Development's obligations to construct adjacent System Facilities. The obligation to construct, however, shall not exceed the Maximum Assessable Roadway Impact Fee assessed against the New Development under **Exhibit B, Schedule 1**. Construction required under such policies and regulations shall be a Credit against the amount of Impact Fees otherwise due. If the costs of constructing a System Facility in accordance with the current City policies and regulations are greater than the amount of the Roadway Impact Fee Collection Rate due, the amount of the Credit due shall be deemed to be 100% of the assessed Impact Fees and no Impact Fee shall be collected thereafter for the development, unless the number of Service Units is subsequently increased.
- D. All Credits against Roadway Impact Fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
- (1) No Credit shall be given for the dedication or construction of Site-related Facilities.
 - (2) No Credit shall be given for a Roadway Facility which is not identified within the Roadway Impact Fee Capital Improvements Plan, unless the facility is on or qualifies for inclusion on the Mobility Plan and the City agrees that such improvement supplies capacity to New Developments other than the development paying the Roadway Impact Fee and provisions for Credits are incorporated in an agreement for Credits pursuant to this Ordinance.
 - (3) In no event will the City grant a Credit when no Roadway Impact Fees can be collected pursuant to this Ordinance or for any amount exceeding the Roadway Impact Fee Collection Rate due for the development, unless expressly agreed to by the City in writing.
 - (4) The City may participate in the costs of a System Facility to be dedicated to the City, including costs that exceed the amount of the Impact Fees due for the development, in accordance with policies and rules established by the

City. The amount of any Credit for construction of a System Facility shall be reduced by the amount of any participation funds received from the City.

(5) Where funds for Roadway Facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this ordinance, the following rules apply:

(a) Funds expended under the agreement for Roadway Facilities shall first be credited against the amount of Roadway Impact Fees that would have been due under **Exhibit B, Schedule 2** for those units of development for which building permits already have been issued;

(b) Any remaining funds shall be credited against Impact Fees due for the development under **Exhibit B, Schedule 2** at the time building permits are issued.

E. Credits for construction of Capital Improvements shall be deemed created when the Capital Improvements are completed and the City has accepted the facility, or in the case of Capital Improvements constructed and accepted prior to the Effective Date of this Ordinance, on such effective date. Credits created after the Effective Date of this Ordinance shall expire ten (10) years from the date the Credit was created. Credits arising prior to such Effective Date shall expire ten (10) years from such effective date. Upon application by the property owner, the City may agree to extend the expiration date for the Credit on mutually agreeable terms.

F. Unless an agreement for Credits, as described herein, is executed providing for a different manner of applying Credits against Roadway Impact Fees due, a Credit associated with a plat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce Impact Fees due until the Credit is exhausted.

G. An owner of a New Development who has constructed or financed a Roadway Capital Improvement or Roadway Facility expansion designated in the Roadway Impact Fee Capital Improvements Plans, or other Roadway Capital Improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for Credits against Roadway Impact Fees due for the development in accordance with this paragraph. The agreement shall identify the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to consumption of road capacity by developed lots or tracts served by the Roadway Capital Improvements. For multi-phased projects, the City may require that total Credits be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of Credits among New Developments within the project, and provisions for the timing and collection of Impact Fees.

- H. Notwithstanding the foregoing or any other provision of this ordinance, the City Council may determine with respect to each final plat it approves, on a case-by-case basis, whether a redemption of Credits relates to service units within that final plat shall: (i) apply to the full amount of Roadway Impact Fees that would otherwise be collected until the Credit has been exhausted; or (ii) be accomplished by proportionally reducing the amount of all Roadway Impact Fees such that exhaustion of the Credit occurs as the result of a percentage reduction of all Roadway Impact Fees.

SECTION 15. Use of Proceeds of Impact Fee Accounts. The Roadway Impact Fees collected for each Service Area pursuant to these regulations may be used to finance or to recoup the costs of any roadway improvements or facility expansions identified in the Roadway Impact Fee Capital Improvements Plan for the Service Area, including but not limited to the construction contract price, surveying and engineering fees, and land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Roadway Impact Fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such roadway improvements or facility expansions. Roadway Impact Fees also may be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the Roadway Impact Fee Capital Improvements Plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.

SECTION 16. Establishment of Accounts. The City's Finance Department shall establish an account to which interest is allocated for each Service Area for which a Roadway Impact Fee is imposed pursuant to this ordinance. Each Impact Fee collected within the Service Area shall be deposited in such account with the following regulations:

- A. Interest earned on the account into which the Impact Fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this ordinance and the Statute.
- B. The City's Finance Department shall establish adequate financial and accounting controls to ensure that Roadway Impact Fees disbursed from the account are utilized solely for the purposes authorized in this ordinance and the Statute. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this ordinance; provided, however, that any Roadway Impact Fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- C. The City's Finance Department shall maintain and keep financial records for Roadway Impact Fees, which shall show the source and disbursement of all fees collected in or expended from each Service Area. The records of the account into

which Impact Fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.

SECTION 17. Impact Fee as Additional and Supplemental Regulation. Roadway Impact Fees established by these regulations are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such Impact Fees are intended to be consistent with and to further the policies of the Princeton Plan, the Capital Improvements Plan, the zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 18. Updates to Plans and Revision of Fees. The City shall update its Land Use Assumptions and Capital Improvements Plan and make any revision of fees as indicated below:

- A. The City shall update its Land Use Assumptions and Roadway Impact Fee Capital Improvements Plans and shall recalculate the Roadway Impact Fees based thereon in accordance with the procedures set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute. However, this does not preclude the City from reviewing its Land Use Assumptions, Roadway Impact Fee Capital Improvements Plans, Roadway Impact Fees, and other factors such as market conditions more frequently than provided for herein to determine whether the Land Use Assumptions and Roadway Capital Improvements Plans should be updated and the Roadway Impact Fees recalculated accordingly, utilizing statutory update procedures.
- B. **Exhibit B, Schedule 2** may be amended without revising the Land Use Assumptions and Roadway Capital Improvements Plans at any time prior to the update provided for in this section, provided that the Roadway Impact Fee Collection Rate to be collected under **Exhibit B, Schedule 2** do not exceed the Maximum Assessable Roadway Impact Fees assessed under **Exhibit B, Schedule 1**.
- C. If, at the time an update is required as indicated herein and the City Council determines that no change to the Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan or Roadway Impact Fees are needed, it may dispense with such update by following the procedures in Texas Local Gov't Code, Section 395.0575 or its successor statute.
- D. The City may amend any other provisions of this Ordinance in accordance with procedures for ordinance amendments contained in the City's Charter or State law.

SECTION 19. Refunds

- A. Upon application, any Roadway Impact Fee or portion thereof collected pursuant to this ordinance, which has not been expended within the Service Area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the Impact Fee was paid or, if the Impact Fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Sec. 302.002, Tex. Fin. Code, or its successor statute. The application for refund pursuant to this section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the Impact Fee. An Impact Fee shall be considered expended on a first-in, first out basis.
- B. An Impact Fee collected pursuant to this ordinance shall also be considered expended if the total expenditures for Capital Improvements or Roadway Facility expansions authorized within the Service Area within ten (10) years following the date of payment exceeds the total fees collected within the Service Area for such improvements or expansions during such period.
- C. If a refund is due pursuant to subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the Impact Fees collected by the total number of Service Units assumed within the Service Area for the period to determine the refund due per Service Unit. The refund to the record owner shall be calculated by multiplying the refund due per Service Unit by the number of Service Units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

SECTION 20. Rebates. If the building permit for a New Development for which a Roadway Impact Fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, rebate the amount of the Impact Fee to the record owner of the property for which the Impact Fee was paid. If no application for rebate pursuant to this subsection has been filed within 60 days of said six (6) month period, no rebate shall become due.

SECTION 21. Appeals. The property owner or applicant for New Development may appeal the applicability or amount of the Roadway Impact Fee or the availability or amount of Credits or Refunds to the City Council using the following procedure:

- A. The burden of proof shall be on the applicant to demonstrate that relief should be granted by the City.
- B. The applicant must file a written notice of appeal with the City Manager or his/her designee within thirty (30) days following the decision being appealed. Along with the notice of appeal, an applicant may request an alternative Service Unit

computation for land uses not contained with the latest edition of the ITE Trip Generation Manual by submitting a trip generation study demonstrating the appropriateness of the trip generation rates for the proposed development. An applicant may also include an alternative Service Unit calculation.

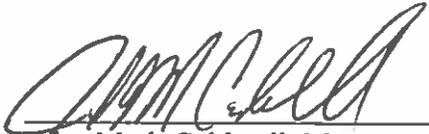
- C. The City Manager or his/her designee (“Manager”) may (1) resolve the appeal, if the applicant agrees with the Manager’s decision, or (2) if the applicant does not agree, refer the matter to the City Council for decision, along with the Manager’s recommendation and any trip generation study provided, if any.
- D. If City Council review is requested by the applicant after receiving the Manager’s decision, the City Secretary shall schedule a public hearing at which the applicant may present testimony and evidence before the City Council. The City Council shall act on the appeal within 60 days of receipt of the notice of appeal by the City, unless otherwise agreed by the Applicant.
- E. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the Roadway Impact Fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.
- F. If the City Council allows for a different amount of the Roadway Impact Fee due for a New Development under this section to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the Impact Fee to the account for the Service Area in which the property is located.
- G. Notwithstanding any provision of this section or other provisions of this ordinance, no appeal may be filed beyond any time limitation for appeals as set forth in the Statute.

SECTION 22. 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 23. Conflicts. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Princeton, Texas, as amended, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances or such Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

SECTION 24. Effective Date. This ordinance shall take effect on **November 14, 2016** or immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code, whichever is later, and it is accordingly so ordained.

PASSED AND APPROVED this the 11 day of November, 2016.



John-Mark Caldwell, Mayor

ATTEST:

BY: 

Lesia Gronemeier, City Secretary



EXHIBIT A
(ROADWAY IMPACT FEE STUDY)

EXHIBIT B

SCHEDULE 1

MAXIMUM ASSESSABLE ROADWAY IMPACT FEE PER SERVICE UNIT

Service Area	<u>Exhibit B – Schedule 1</u> Maximum Assessable Roadway Impact Fee Per Service Unit
City Limits	\$813.00

SCHEDULE 2

ROADWAY IMPACT FEE COLLECTION RATE PER SERVICE UNIT

<u>Exhibit B – Schedule 2</u> Roadway Impact Fee Collection Rate Per Service Unit				
Assessment Date	Before 11/14/2016		On or After 11/14/2016	
Service Area	Land Use Type		Land Use Type	
	Residential	Non-Residential	Residential	Non-Residential
City Limits	No Roadway Impact Fee Due		\$609.75	\$406.50

EXHIBIT C (LAND USE EQUIVALENCY TABLE)

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-MI Per Dev. Unit
PORT AND TERMINAL											
Truck Terminal	030	Acre	6.55			6.55	14.65	50%	7.33	6.00	39.30
INDUSTRIAL											
General Light Industrial	110	1,000 SF GFA	0.97			0.97	14.65	50%	7.33	6.00	5.82
General Heavy Industrial	120	1,000 SF GFA	0.68			0.68	14.65	50%	7.33	6.00	4.08
Industrial Park	130	1,000 SF GFA	0.85			0.85	14.65	50%	7.33	6.00	5.10
Warehousing	150	1,000 SF GFA	0.32			0.32	14.65	50%	7.33	6.00	1.92
Misc. Warehouse	151	1,000 SF GFA	0.26			0.26	14.65	50%	7.33	6.00	1.56
RESIDENTIAL											
Single-Family Detached Housing	210	Dwelling Unit	1.00			1.00	9.79	50%	4.90	4.90	4.90
Apartment/Multi-family	220	Dwelling Unit	0.62			0.62	9.79	50%	4.90	4.90	3.03
Residential Condominium/Townhome	230	Dwelling Unit	0.52			0.52	9.79	50%	4.90	4.90	2.55
Mobile Home Park / Manufactured Housing	240	Dwelling Unit	0.59			0.59	9.79	50%	4.90	4.90	2.89
Senior Adult Housing-Detached	251	Dwelling Unit	0.27			0.27	9.79	50%	4.90	4.90	1.32
Senior Adult Housing-Attached	252	Dwelling Unit	0.25			0.25	9.79	50%	4.90	4.90	1.22
Assisted Living	254	Beds	0.22			0.22	9.79	50%	4.90	4.90	1.08
LODGING											
Hotel	310	Room	0.60			0.60	6.43	50%	3.22	3.22	1.93
Motel / Other Lodging Facilities	320	Room	0.47			0.47	6.43	50%	3.22	3.22	1.51
RECREATIONAL											
Golf Driving Range	432	Tee	1.25			1.25	7.86	50%	3.93	3.93	4.91
Golf Course	430	Acre	0.30			0.30	7.86	50%	3.93	3.93	1.18
Recreational Community Center	495	1,000 SF GFA	2.74			2.74	7.86	50%	3.93	3.93	10.77
Ice Skating Rink	465	1,000 SF GFA	2.36			2.36	7.86	50%	3.93	3.93	9.27
Miniature Golf Course	431	Hole	0.33			0.33	7.86	50%	3.93	3.93	1.30
Multiplex/Movie Theater	445	Screens	13.64			13.64	7.86	50%	3.93	3.93	53.61
Racquet / Tennis Club	491	Court	3.35			3.35	7.86	50%	3.93	3.93	13.17
INSTITUTIONAL											
Church	560	1,000 SF GFA	0.55			0.55	8.31	50%	4.16	4.16	2.29
Day Care Center	565	1,000 SF GFA	12.33	34%	B	6.91	3.49	50%	1.75	1.75	12.06
Primary/Middle School (1-8)	522	Students	0.16			0.16	3.49	50%	1.75	1.75	0.28
High School	530	Students	0.13			0.13	3.49	50%	1.75	1.75	0.23
Junior / Community College	540	Students	0.12			0.12	10.44	50%	5.22	5.22	0.63
University / College	550	Students	0.17			0.17	10.44	50%	5.22	5.22	0.89
MEDICAL											
Clinic	630	1,000 SF GFA	5.18			5.18	9.85	50%	4.93	4.93	25.51
Hospital	610	Beds	1.42			1.42	9.85	50%	4.93	4.93	6.99
Nursing Home	620	Beds	0.22			0.22	9.85	50%	4.93	4.93	1.08
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	4.72	30%	B	3.30	9.85	50%	4.93	4.93	16.25

Key to Sources of Pass-by Rates:

A. ITE Trip Generation Handbook 3rd Edition (August 2014)

B. Derived by Kistley-Helm based on ITE rates for similar categories

C. ITE rate adjusted upward by KJA based on logical relationship to other categories

**EXHIBIT C (Continued)
(LAND USE EQUIVALENCY TABLE)**

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-MI Per Dev. Unit
OFFICE											
Corporate Headquarters Building	714	1,000 SF GFA	1.41			1.41	14.65	50%	7.33	6.00	8.46
General Office Building	710	1,000 SF GFA	1.49			1.49	14.65	50%	7.33	6.00	8.94
Medical-Dental Office Building	720	1,000 SF GFA	3.57			3.57	9.85	50%	4.93	4.93	17.58
Single Tenant Office Building	715	1,000 SF GFA	1.74			1.74	14.65	50%	7.33	6.00	10.43
Office Park	750	1,000 SF GFA	1.48			1.48	14.65	50%	7.33	6.00	8.88
COMMERCIAL											
Automobile Related											
Automobile Care Center	942	1,000 SF Occ. GLA	3.11	40%	B	1.87	4.45	50%	2.23	2.23	4.15
Automobile Parts Sales	843	1,000 SF GFA	5.98	43%	A	3.41	4.45	50%	2.23	2.23	7.58
Gasoline/Service Station	944	Vehicle Fueling Position	13.87	42%	A	8.04	1.20	50%	0.60	0.60	4.83
Gasoline/Service Station w/ Conv. Market	945	Vehicle Fueling Position	13.51	56%	B	5.94	1.20	50%	0.60	0.60	3.57
Gasoline/Service Station w/ Conv. Market and Car Wash	946	Vehicle Fueling Position	13.86	56%	A	6.10	1.20	50%	0.60	0.60	3.66
New Car Sales	841	1,000 SF GFA	2.62	20%	B	2.10	4.45	50%	2.23	2.23	4.66
Quick Lubrication Vehicle Shop	941	Service Position	5.19	40%	B	3.11	4.45	50%	2.23	2.23	6.93
Self-Service Car Wash	947	Self	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	4.15	28%	A	2.99	4.45	50%	2.23	2.23	6.63
Dining											
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	32.63	50%	A	16.33	5.64	50%	2.82	2.82	46.04
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	26.15	50%	B	13.08	5.64	50%	2.82	2.82	36.87
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	9.85	43%	A	5.61	6.07	50%	3.04	3.04	17.04
Quality Restaurant	931	1,000 SF GFA	7.49	44%	A	4.19	6.07	50%	3.04	3.04	12.73
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	42.80	70%	A	12.84	4.53	50%	2.27	2.27	29.08
Other Retail											
Free Standing Discount Store	815	1,000 SF GFA	4.98	30%	C	3.49	5.60	50%	2.80	2.80	9.76
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	5.60	50%	2.80	2.80	13.60
Home Improvement Superstore	862	1,000 SF GFA	2.33	48%	A	1.21	5.60	50%	2.80	2.80	3.39
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	8.40	53%	A	3.95	5.60	50%	2.80	2.80	11.05
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	9.91	49%	A	5.05	5.60	50%	2.80	2.80	14.13
Shopping Center	870	1,000 SF GFA	1.71	34%	A	2.45	5.60	50%	2.80	2.80	6.86
Supermarket	850	1,000 SF GFA	9.48	36%	A	6.07	5.60	50%	2.80	2.80	16.99
Toys/Children's Superstore	864	1,000 SF GFA	4.99	30%	B	3.49	5.60	50%	2.80	2.80	9.78
Department Store	875	1,000 SF GFA	1.87	30%	B	1.31	5.60	50%	2.80	2.80	3.67
Video Rental Store	896	1,000 SF GFA	13.60	50%	B	6.80	5.60	50%	2.80	2.80	19.04
SERVICES											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	4.45	50%	2.23	2.23	16.19
Drive-In Bank	912	Drive-in Lanes	33.24	47%	A	17.62	4.45	50%	2.23	2.23	39.20
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	4.45	50%	2.23	2.23	2.26

Key to Sources of Pass-by Rates:
A ITE Trip Generation Handbook 3rd Edition (August 2004)
B Estimated by Kistner-Helm based on ITE rates for similar categories
C ITE rate adjusted upward by FHWA based on typical relationship to other categories