

CITY OF PRINCETON
ORDINANCE NO. 2016-11-14

AN ORDINANCE OF THE CITY OF PRINCETON, TEXAS, UPDATING AND AMENDING CHAPTER 78, ARTICLE IV, IMPACT FEES, DEFINING TERMS, REQUIRING AN IMPACT FEE AND PROVIDING FOR EXCEPTIONS; CALCULATING FEES, PROVIDING FOR CREDITS; PROVIDING FOR ACCOUNTING FOR FEES AND INTEREST; PROVIDING FOR REFUNDS; PROVIDING FOR APPEALS; REFERENCING ROADWAY IMPACT FEE ORDINANCE; REPEALING AND REPLACING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, subsequently amended and adopted as Chapter 395 of the Local Government Code authorizing impact fees for water and wastewater facilities; and

WHEREAS, the City established an impact fee program for water and wastewater facilities by Ordinance No. 2001-04-05 in 2001 pursuant to Chapter 395; and

WHEREAS, the City is required to update the Land Use Assumptions and Capital Improvement plans every five years; and

WHEREAS, the City Council of the City of Princeton pursuant to chapter 395.058 of the Texas Local Government Code has appointed an Impact Fee Advisory Committee to advise the City Council concerning the land use assumptions, impact fee capital improvement plans and impact fees for water and wastewater facilities;

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

Section 1. *Incorporation of Premises*

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. *Repeal of Prior Impact Fee Regulations*

The City Council hereby repeals in its entirety the following Impact Fee Regulation Ordinances, Ordinance Nos. 2001-04-05, 2009-04-14 and 2014-02-01, except to the extent rights have been vested in accordance with Chapter 245 of the Texas Local Government Code.

Section 3. *Adoption of Impact Fee Regulations*

The City Council of the City hereby adopts the Impact Fee Regulations set forth herein, as the Impact Fee Regulations for the City of Princeton whereby development in the City and its extra-territorial jurisdiction is governed.

Section 4. *Repeal of Conflicting Ordinances*

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Princeton, and this Ordinance shall not operate to repeal or affect any of such other ordinances 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, in such other ordinance or ordinances are hereby repealed.

Section 5. *Severability*

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of the Ordinances despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. *Penalty*

Any person violating the terms and provisions of this Ordinance shall, upon conviction, be punished by fine of not more than Two Thousand (\$2000.00) and each and every day this Ordinance is violated shall constitute a separate offense.

Section 7. *Providing an Effective Date*

The Ordinance shall become effective immediately upon its passage.

Section 8. *Amendment*

Article IV of the Code of Ordinances, City of Princeton, Texas, is hereby amended to read as follows with new text being underlined and deleted text being struck through. **ARTICLE IV. - IMPACT FEES**

DIVISION 1. - GENERAL PROVISIONS

Sec. 78-501. - Short title.

This article shall be known and cited as the "Princeton Impact Fee Regulations."

Sec. 78-502. - Purpose.

This article is adopted pursuant to the provisions of V.A.T.S., Local Government Code Ch. 395, as amended, as well as under the authority of Article XI, Section 5 of the Texas Constitution. This article implements a policy of the city to impose fees on each new development project to pay the costs of constructing capital improvements and facility expansions necessary to serve new development.

Sec. 78-503. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Advisory committee (also referred to as "impact fee advisory committee"). The city's planning and zoning commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by V.T.C.A., Local Government Code § 395.058.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to schedule 2 of this article.

Capital improvement. Either a water facility or facility expansion, or a wastewater facility or facility expansion, with a life expectancy of three or more years, to be owned and operated by or on behalf of the city.

Capital improvements plan. Either a water improvements plan or a wastewater improvements plan adopted or revised pursuant to these impact fee regulations.

City. City of Princeton, Collin County, Texas.

Collection. The receipt of impact fees by the city from a property owner in accordance with schedule 2 of this article.

Credit. A reduction in the amount of a water or a wastewater impact fee for a new development, by a decrease in the amount of 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.

Facility expansion. The expansion of capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Final plat approval of [or] approval of a final plat. The point at which the applicant has complied with all the conditions of approval and the plat has been released for filing with the county clerk.

Impact fee. A charge or assessment imposed against new development in order to generate revenue for funding or recovering the costs of capital improvements or facility expansions necessitated by and attributable to 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 definition. The term does not include:

- (1) Dedication of rights-of-way or easements, or the construction or dedication of on-site or offsite water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (2) Lot or acreage fees or pro-rata fees to be placed in trust funds for the purpose of reimbursing developers for constructing or over-sizing water or wastewater mains or lines; or
- (3) Other pro rata fees for reimbursement of water or wastewater mains or lines extended by the city.

Land use assumptions. A description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a ten-year period which has been adopted by the city and upon which the capital improvements plan is based.

Land use equivalency table. 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.

New development. 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, and which requires either the approval and filing with the county in which the property is located of a plat pursuant to the city's subdivision regulations or the issuance of a building permit, and which has not been exempted from these regulations by provisions herein.

Plat. The term defined in the city's subdivision regulations. Plat includes replat.

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 and which have been included in the applicable capital improvements plan.

Service area. The entire area within the corporate limits and extraterritorial jurisdiction of the city, within which impact fees for water or wastewater improvements or 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 capital improvements plan applicable to the service area.

Service unit. A living unit equivalent based upon a three-fourths-inch displacement type water meter, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development.

Site-related facility means an improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plans for such facilities and for which the developer or property owner is solely responsible under subdivision or other applicable development regulations.

System facility means a water or a wastewater facility or facility expansion which is designated in the capital improvements plan for that type of facility, and which is not a site-related facility. System facility may include a capital improvement which is located offsite, or within or on the perimeter of the development site.

Wastewater facility. A wastewater interceptor or main, lift station, treatment facility or other facility included within and comprising an integral component of the city's collection and transmission system for wastewater. Wastewater facility includes land, easements or structures associated with such facilities. Wastewater facility excludes a site-related facility.

Wastewater improvements plan. The adopted plan, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of impact fees for wastewater facilities pursuant to this article.

Water facility. A water transmission line or main, pump station, storage tank, water supply facility, treatment facility or other facility included within and comprising an integral component of the city's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities. Water facility excludes site-related facilities.

Water improvements plan. The adopted plan, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of impact fees for water facilities pursuant to this article.

Sec. 78-504. - Applicability.

The provisions of this chapter apply to all new, nonexempt development within the corporate boundaries or extraterritorial jurisdiction of the city located within a service area.

Note: reference is made to the City's adoption of a roadway impact fee under a separate ordinance, said ordinance not being incorporated herein for any purpose. This ordinance in no manner includes, implements, assesses, or otherwise addresses roadway impact fees and the reference to said fees made herein is solely for the sake of information and convenience.

Sec. 78-505. - Calculation of maximum impact fees.

Maximum impact fees per service unit shall be established for each service area for each type of capital improvement. The maximum impact fee per service unit for each service area shall be computed in the following manner:

- (1) Calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the capital improvements plan ("CIP costs");
- (2) From such amount, subtract a credit equal to the 50 percent of the amount determined in subsection (1); alternatively, subtract a credit equal to that portion of ad valorem tax revenues, if any, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the improvements in the plan from the amount determined in subsection (1) ("credits").
- (3) Divide the resultant amount by the total number of service units ("service units") anticipated within the service area, based upon the land use assumptions for that service area.
- (4) The formula for calculating the maximum impact fee per service unit described by subsections (1) through (3) may be expressed as:

(Total CIP Costs—Total Credits)/Total Service Units

Sec. 78-506. - Use of proceeds of impact fee accounts.

- (a) Impact fees and the interest earned thereon for each service area may be used to finance or to recoup the costs of any capital improvements or facility expansions identified in the 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). 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 capital improvements or facility expansions. 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 capital improvements plan.
- (b) Impact fees collected pursuant to this article shall not be used to pay for any of the following expenses:
 - (1) Construction, acquisition or expansion of capital improvements or assets other than those identified in the applicable capital improvements plan;
 - (2) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;
 - (3) Upgrade, expansion or replacement of existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - (4) Upgrade, expansion, or replacement of existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
 - (5) Administrative and operating costs of the city.

Sec. 78-507. - Accounting for fees and interest.

- (a) All impact fees collected shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee is adopted.
- (b) Interest earned will be credited to the account and is subject to the same restrictions on expenditures under this section as the funds generating such interest.
- (c) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours consistent with the Public Information Act.

Sec. 78-508. - Use of other financing mechanisms.

- (a) The city may finance water and wastewater improvements or facility expansions designated in the applicable capital improvements plan through the issuance of bonds or through any other authorized

mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

- (b) Except as herein otherwise provided, the assessment and collection of an 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.
- (c) The city council may decide that the city shall pay all or a part of impact fees due for a new development pursuant to duly adopted criteria.

Sec. 78-509. - Impact fee as additional and supplemental regulation.

- (a) 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 fee is intended to be consistent with and to further the policies of city's comprehensive land use plan, the capital improvements plan, the zoning ordinance, 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.
- (b) This article 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 of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development.
- (c) The maximum impact fee per service unit for water or wastewater facilities, as set forth in schedule 1 and as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new unit of development on the city's water or wastewater system. To the extent that the impact fee collected for a new development under Schedule 2, as may be amended from time to time, is less than the maximum impact fee per service unit under Schedule 1, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the new development on the city's water or wastewater system. The maximum impact fee may be used in evaluating any claim by a property owner that the dedication or construction of a capital improvement 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 water or wastewater system.

DIVISION 2. - ASSESSMENT AND COLLECTION OF IMPACT FEES

Sec. 78-510. - Assessment and collection schedules for impact fees.

The amount of the impact fees to be assessed per service unit shall be as set forth in schedule 1, which is incorporated in divisions 5 (water impact fees) and 6 (wastewater impact fees) of this article. The amount of the impact fees which are to be collected per service unit shall be as set forth in Schedule 2, which also is incorporated in divisions 5 (water impact fees) and 6 (wastewater impact fees). Schedules 1 and 2 may be amended from time to time utilizing the amendment procedure set forth in section 78-514 of this article.

Sec. 78-511. - Assessment of impact fees.

- (a) Assessment of the impact fee for any new development shall be made as follows:
 - (1) For a new development subject to a final plat that was approved pursuant to the city's subdivision regulations before or on the effective date of Ordinance No. 2008-02-26, assessment of impact fees shall occur on the date the final plat for the development was approved, and shall be the amount of the maximum impact fee per service unit set forth in Schedule 1.

- (2) For a new development subject to a final plat that was approved pursuant to the city's subdivision regulations after the effective date of Ordinance No. 2008-02-26, assessment of impact fees shall occur on the date the final plat is released for recordation, and shall be the amount of the maximum impact fee per service unit set forth in Schedule 1.
 - (3) For land which is unplatted at the time of application for a building permit or utility connection, or which is subject to a final plat approved prior to April 10, 2001, and for which no platting is necessary pursuant to the city's subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, and shall be the amount of the maximum impact fee per service unit as set forth in Schedule 1 then in effect.
- (b) Following assessment of the impact fee pursuant to subsection (a), 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 Schedule 1 rate then in effect for such additional service units.
- (1) Following the submittal of any replat that results in an increase in the number of service units, a new assessment must be made in accordance with subsection (a) for the development subject to the replat.
 - (2) Approval of an amending plat pursuant to V.T.C.A., Local Government Code § 212.016 and the city's subdivision regulations is not subject to reassessment for an impact fee.

Sec. 78-512. - Collection of impact fees.

- (a) Impact fees shall be collected at the time the city issues a building permit for a new development within the corporate limits of the city, or at the time of application for an individual meter connection to the water or wastewater system, for land outside city limits, unless a different time is provided for in an agreement for capital improvements pursuant to subsection (b).
- (b) The impact fees to be collected per service unit for a new development shall be the amount listed in Schedule 2. The city may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.
- (c) The city shall compute the impact fees for a new development in the following manner:
 - (1) The amount of each impact fee shall be determined by multiplying the number of service units generated by the new development by the impact fee per service unit for the service area using Schedule 2. The number of service units shall be determined by using the land equivalency table below. For single-family residential developments, each irrigation meter shall be counted as additional service unit(s).

Land Use Equivalency Table for Water and Wastewater Impact Fees

<u>WATER METER SIZE</u>	<u>SERVICE UNIT EQUIVALENT</u>
<u>5/8"x3/4" PD</u>	<u>1.0</u>
<u>3/4" PD</u>	<u>1.5</u>
<u>1" PD</u>	<u>2.5</u>
<u>1 1/2" PD</u>	<u>5</u>

<u>2" PD</u>	<u>8</u>
<u>2" Compound</u>	<u>8</u>
<u>2" Turbine</u>	<u>16</u>
<u>3" Compound</u>	<u>17.5</u>
<u>3" Turbine</u>	<u>35</u>
<u>4" Compound</u>	<u>30</u>
<u>4" Turbine</u>	<u>65</u>
<u>6" Compound</u>	<u>67.5</u>
<u>6" Turbine</u>	<u>140</u>
<u>8" Compound</u>	<u>90</u>
<u>8" Turbine</u>	<u>240</u>
<u>10" Turbine</u>	<u>350</u>

**PD = Positive Displacement Meter (typical residential meter)*

***Operating capacities obtained from American Water Works Association (AWWA) C700-15, C701-15, and C702-15. Turbine and Compound meter flows are based on Class II (in-line) meters.*

- (2) The amount of each impact fee shall be reduced by any allowable credits for that category of capital improvements, in the manner provided in section 78-513.
- (3) The total amount of the impact fees for the new development shall be attached to the development application as a condition of approval.
- (4) The amount of each impact fee for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to section 78-511 under Schedule 1 by the number of service units generated by the development.
- (5) If the building permit or a utility connection for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using Schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.
- (6) 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 Schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.
- (d) Impact fees may be assessed but not collected for property where service is not available unless:
- (1) The city commits to commence construction of necessary facilities identified in the capital improvements plan within two years and have service available in five years; or
 - (2) The city agrees in writing to permit the owner of the property to construct or finance the capital improvement or facility expansion and agrees that the costs incurred or funds advanced will either:
 - a. Be credited against the impact fees otherwise due from new development; or

- b. Reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, in which case fees shall be reimbursed to the owner at the time collected as other new development plats are recorded; or
- c. The owner voluntarily requests that the city reserve capacity to serve future development and enters into a valid written agreement.

DIVISION 3. - CREDITS AGAINST IMPACT FEES

Sec. 78-513. - Credits against impact fees.

- (a) The city shall 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. The credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the facility.
- (b) Master planned projects, including subdivisions containing multiple phases may apply for credits against impact fees for the entire project based upon contributions of land, improvements or funds toward construction of system facilities, or other capital improvements supplying excess capacity. The credit determination shall be incorporated within an agreement for credits, in accordance with subsection (f).
- (c) All credits against 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) The unit costs used to calculate offsets and credits may be those assumed for the water or wastewater improvements included in the applicable capital improvements plan, or other costs used by the city in the ordinary course of administering its capital facilities agreements.
 - (3) No credit shall be given for a capital improvement which is not identified within the applicable capital improvements plan, unless the city agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for credits are incorporated in an agreement for credits pursuant to subsection (6).
 - (4) In no event will the city grant a credit against impact fees due for a category of capital improvements when no impact fees can be collected pursuant to this Ordinance, or for any amount exceeding the total impact fees due for the development for the same type of improvement, unless expressly agreed to by the city in writing.
 - (5) In no event will the city grant credit against impact fees due for a category of capital improvements based upon contributions of a different category of capital improvements.
 - (6) Credits for system facilities dedicated to and accepted by the city for a development prior to the effective date of Ordinance No. 2008-02-26 shall be prorated among the total number of service units within such development, including existing service units, and shall be further reduced by the amount of any participation funds received from the city.
 - (7) The city may participate in the costs of a system improvement 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.
- (d) Credits for construction of improvements shall be deemed created when the improvements are completed and the city has accepted the facility. Credits created shall expire ten years from the date the credit was created. Upon application by the property owner, the city may agree to extend the expiration date for the credit on mutually agreeable terms.

- (e) Unless an agreement for credits under subsection (f) is executed providing for a different manner of applying credits against impact fees due, a credit associated with a plat shall be applied at the time of application for the first building permit, or, for land outside the city, for each utility connection, and, at each application for a building permit or utility connection thereafter, to reduce impact fees due until the credit is exhausted.
- (f) An owner of a new development who has constructed or financed a capital improvement or facility expansion designated in the applicable capital improvements plan, or other 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 impact fees due for the development. The agreement shall identify the basis for, the method for computing and the amount of the credit due and any reduction in credits attributable to consumption of capacity by developed lots or tracts served by the capital improvements. For multiphased 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.
- (g) Notwithstanding the foregoing or any other provision of this article, the City Council may determine with respect to each final plat it approves, on a case-by-case basis, whether a credit, as relates to service units within that final plat, shall: (i) apply to the full amount of a category of impact fees that would otherwise be collected until the credit for such category has been exhausted; or (ii) be accomplished by proportionally reducing the amount of all impact fees within a category such that exhaustion of the credit occurs as the result of a percentage reduction of all impact fees within such category.

DIVISION 4. - UPDATE AND RELIEF PROCEDURES

Sec. 78-514. - Updates to plans and revision of fees.

- (a) The city shall update its land use assumptions and capital improvements plans at least every five years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in V.T.C.A., Local Government Code ch. 395, or in any successor statute.
- (b) The city may review its land use assumptions, impact fees, capital improvements plans and other factors such as market conditions more frequently than provided in subsection (a) to determine whether the land use assumptions and capital improvements plans should be updated and the impact fees recalculated accordingly, utilizing statutory update procedures.
- (c) Schedule 2 may be amended without revising land use assumptions and capital improvements plans at any time prior to the update provided for in subsection (a), provided that the impact fees to be collected under Schedule 2 do not exceed the impact fees assessed under Schedule 1. Public notice and hearing is required to amend Schedule 2 in accordance with the procedure for amending impact fees set forth in V.T.C.A., Local Government Code ch. 395, or in any successor statute.
- (d) If, at the time an update is required pursuant to subsection (a), the city council determines that no change to the land use assumptions, capital improvements plans or impact fees are needed, it may dispense with such update by following the procedures in V.T.C.A., Local Government Code § 395.0575 or successor statute.

Sec. 78-515. - Refunds.

- (a) Upon application, any impact fee or portion thereof collected pursuant to these regulations, which has not been expended within the service area within ten 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 V.T.C.A., Finance Code § 302.002, or its successor statute. The application for refund pursuant to this section shall be submitted

within 60 days after the expiration of the ten-year period for expenditure of the fee. An impact fee shall be considered expended on a first-in, first-out basis.

- (b) An impact fee collected pursuant to these regulations shall also be considered expended if the total expenditures for capital improvements or facility expansions authorized within the service area within ten 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 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.
- (d) If the building permit for a new development for which an impact fee has been paid has expired, and a modified or new application has not been filed within six 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 this period, no rebate shall become due.

Sec. 78-516. - Appeals.

- (a) The property owner or applicant for new development may appeal the following administrative decisions to the city council.
 - (1) The applicability of an impact fee to the development;
 - (2) The amount of the impact fee due;
 - (3) The availability of, the amount of, or the expiration of a credit;
 - (4) The application of a credit against a roadway impact fee due;
 - (5) The amount of the impact fee in proportion to the benefit received by the new development; or
 - (6) The amount of a refund due, if any.
- (b) The burden of proof shall be on the appellant to demonstrate that relief should be granted by the city.
- (c) The appellant must file a written notice of appeal with the city administrator within 30 days following the decision appealed from. The city administrator may resolve the appeal, if the appellant agrees with the administrator's decision, or refer the matter to the city council for decision with his recommendation, if the appellant requests council review. If council review is requested, the city secretary shall schedule a public hearing at which the appellant may present testimony and evidence before the city council. The council shall act on the appeal within 90 days of receipt of the notice of appeal by the city.
- (d) If the notice of appeal is accompanied by a payment in an amount equal to the original determination of the impact fee due, the city shall process and may issue a building permit if other requirements are met while the appeal is pending.
- (e) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the city council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the duty be performed within 60 days of the request. If the city council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within 60 days of the date of the request and to continue until completion. This subsection is not applicable to matters which may be appealed pursuant to subsection (a).
- (f) Notwithstanding any provision of this section or other provisions of this article, no appeal may be filed beyond any time limitation for appeals as set forth in Chapter 395 of the Local Government Code.

Sec. 78-517. - Waivers and exemptions.

- (a) Pursuant to V.T.C.A. Local Government Code § 395.022, as amended, a school district is not required to pay impact fees imposed under this article 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, unless the statute is amended to allow such imposition.
- (b) Local restriction. Under a duly adopted development agreement the City Council may, for the purpose of promoting economic development within the City, forgo its entitlement to collect some or all of the impact fees that would otherwise become subject to collection under this article.

DIVISION 5. - WATER IMPACT FEES

Sec. 78-518. - Water facilities land use assumptions and service area.

- (a) The land use assumptions and service area for water facilities shall be those initially established by Ordinance No. 2008-01-22-02, which are incorporated by reference herein, or those as may be modified by any replacement ordinance.
- (b) The land use assumptions for water facilities and the boundaries of the water facilities service area may be amended from time to time, or new land use assumptions for water facilities or water facilities service areas may be designated, pursuant to the procedures in section 78-514.

Sec. 78-519. - Water improvements plan.

- (a) The water improvements plan shall be that initially established by Ordinance No. 2008-01-22-02, which is incorporated by reference herein, or that as may be modified by any replacement ordinance.
- (b) The water improvements plan may be amended from time to time, pursuant to the procedures in section 78-514.

Sec. 78-520. - Water impact fees.

- (a) The maximum impact fees per service unit for water facilities are hereby adopted and incorporated in Schedule 1 as hereinafter set forth.

SCHEDULE 1				
ASSESSMENT OF IMPACT FEES				
MAXIMUM IMPACT FEES FOR SERVICE UNIT FOR WATER FACILITIES				
<u>IMPACT FEES</u>	<u>LAND PLATTED OR REPLATTED BETWEEN 4/10/2001 AND 2/26/2008</u>	<u>LAND PLATTED BETWEEN 2/26/2008 AND 2/10/2014</u>	<u>LAND PLATTED BETWEEN 2/10/2014 AND 11/14/2016 [adoption date of new ord]</u>	<u>LAND PLATTED AFTER 11/14/2016 [adoption date of new ord]</u>
<u>WATER FACILITIES PER SERVICE UNIT</u>	<u>\$ 3,011</u>	<u>\$ 2,023</u>	<u>\$ 4,248</u>	<u>\$1,692</u>

- (b) The impact fees per service unit for water facilities, which are to be collected for each new development, are hereby adopted and incorporated in Schedule 2 as hereinafter set forth.

SCHEDULE 2 COLLECTION RATE IMPACT FEES FOR SERVICE UNIT FOR WATER FACILITIES				
<u>IMPACT FEES</u>	<u>LAND PLATTED OR REPLATTED BETWEEN 4/10/2001 AND 2/26/2008</u>	<u>LAND PLATTED BETWEEN 2/26/2008 AND 2/10/2014</u>	<u>LAND PLATTED BETWEEN 2/10/2014 AND 11/14/2016 [adoption date of new ord]</u>	<u>LAND PLATTED AFTER 11/14/2016 [adoption date of new ord]</u>
<u>WATER FACILITIES PER SERVICE UNIT</u>	<u>\$ 800</u>	<u>\$ 2,023</u>	<u>\$2,124</u>	<u>\$1,692</u>

- (c) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in section 78-514.

DIVISION 6. - WASTEWATER IMPACT FEES

Sec. 78-521. - Wastewater facilities land use assumptions and service area.

- (a) The land use assumptions and service area for wastewater facilities shall be those initially established by Ordinance No. 2008-01-22-02, which are incorporated by reference herein, or those as may be modified by any replacement ordinance.
- (b) The land use assumptions for wastewater facilities and the boundaries of the wastewater facilities service area may be amended from time to time, or new land use assumptions for wastewater facilities or wastewater facilities service areas may be designated, pursuant to the procedures in section 78-514.

Sec. 78-522. - Wastewater improvements plan.

- (a) The wastewater improvements plan shall be that initially established by Ordinance No. 2008-01-22-02, which is incorporated by reference herein, or that as may be modified by any replacement ordinance.
- (b) The wastewater improvements plan may be amended from time to time, pursuant to the procedures in section 78-514.

Sec. 78-523. - Wastewater impact fees.

- (a) The maximum impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Schedule 1 as hereinafter set forth.

**SCHEDULE 1
ASSESSMENT OF IMPACT FEES
MAXIMUM IMPACT FEES FOR SERVICE UNIT FOR WASTEWATER FACILITIES**

<u>IMPACT FEES</u>	<u>LAND PLATTED OR REPLATTED BETWEEN 4/10/2001 AND 2/26/2008</u>	<u>LAND PLATTED BETWEEN 2/26/2008 AND 2/10/2014</u>	<u>LAND PLATTED BETWEEN 2/10/2014 AND 11/14/2016 [adoption date of new ord]</u>	<u>LAND PLATTED AFTER 11/14/2016 [adoption date of new ord]</u>
<u>WASTEWATER FACILITIES PER SERVICE UNIT</u>	\$ 1,565	\$ 1,251	\$ 2,663	\$1,551

(b) The impact fees per service unit for wastewater facilities, which are to be collected for each new development, are hereby adopted and incorporated in Schedule 2 as hereinafter set forth.

**SCHEDULE 2
COLLECTION RATE
IMPACT FEES FOR SERVICE UNIT FOR WASTEWATER FACILITIES**

<u>IMPACT FEES</u>	<u>LAND PLATTED OR REPLATTED BETWEEN 4/10/2001 AND 2/26/2008</u>	<u>LAND PLATTED BETWEEN 2/26/2008 AND 2/10/2014</u>	<u>LAND PLATTED BETWEEN 2/10/2014 AND 11/14/2016 [adoption date of new ord]</u>	<u>LAND PLATTED AFTER 11/14/2016 [adoption date of new ord]</u>
<u>WASTEWATER FACILITIES PER SERVICE UNIT</u>	\$ 400	\$ 1,251	\$ 1,332	\$1,551

(c) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in section 78-514.

Passed, Approved and Adopted by the City Council of the City of Princeton, Texas this the 14 Day of November, 2016.


 John-Mark Caldwell, Mayor

ATTEST: 
 Lesia Gronemeier, City Secretary

