

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING ARTICLE XI. IMPACT FEES OF THE ALLEN LAND DEVELOPMENT CODE AS AMENDED BY ORDINANCE 2005-11-01 AND ORDINANCE NO. 2070-6-02, RELATING TO CAPITAL IMPROVEMENTS PLAN, LAND USE ASSUMPTIONS AND IMPACT FEES FOR WATER, WASTEWATER AND ROADWAY FACILITIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Allen, Collin County, Texas, previously adopted Ordinance No. 1783-11-99, as amended by Ordinance No. 2005-11-01 and Ordinance No. 2070-6-02 regulating impact fees for roadways, water and wastewater facilities for the financing of capital improvements required by new development in the City; and,

**WHEREAS**, the City Council of the City of Allen, Collin County, Texas, desires to amend Article XI of the Allen Land Development Code regulating impact fees in conformance with Chapter 395, TEX. LOC. GOV'T CODE, as amended; and,

**WHEREAS**, the City Council established and appointed a Capital Improvements Advisory Committee; and,

**WHEREAS**, the Capital Improvements Advisory Committee has filed written comments on the capital improvements plan, land use assumptions and impact fees for water, wastewater and roadway facilities, and the City Council has received and reviewed those written comments; and,

**WHEREAS**, the City Council of the City of Allen, Collin County, Texas, has given the requisite notice and conducted public hearings required by Chapter 395 of the TEX. LOC. GOV'T CODE for amending the land use assumptions, the capital improvements plan and impact fees; and,

**WHEREAS**, the City Council finds that it is in the best interest of the City of Allen, Collin County, Texas, and its citizens to amend Article XI of the Allen Land Development Code by amending the land use assumptions, capital improvement plan and impacts fees for roadways, water and wastewater facilities in accordance with Chapter 395, TEX. LOC. GOV'T CODE, as amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** Allen Land Development Code, Article XI "Impact Fees" Section 11.02 "Definitions" is amended by adding a new definition for "Impact Fee Study" and amending the definitions of "Roadway Facilities," "Service Unit," and "Service Area" to read as follows:

*"Impact Fee Study* means that certain study titled *"Water, Wastewater, and Impact Fee Study 2017-2027"* by Birkhoff, Hendricks & Carter, the official copy of which is on file in the office of the City Secretary and incorporated into this Article by reference.

*Roadway facilities* means those streets and roadways, together with interests in land, traffic lanes, curbs, gutters, intersection improvements, traffic control devices, turn lanes, drainage facilities associated with the roadway, street lighting, and all other necessary appurtenances, designated as capital improvements in the Impact Fee Study. The term also includes the city's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including

local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way. .

*Service unit* means, for purposes of determining an impact fee assessment, the applicable standard units of measure shown in the footnotes of Schedules A and B and derived from the Impact Fee Study.

*Service area* means:

1. with respect to water supply, treatment and distribution facilities, wastewater collection and treatment, the entire area within the corporate limits of the city and its extraterritorial jurisdiction to be served by the capital improvements and facilities expansions specified in the capital improvements plan;
2. with respect to roadway facilities, each individual service area designated in the capital improvements plan served by the roadway facilities designated in the capital improvements plan. The service area is limited to an area within the corporate boundaries and shall not exceed six miles.”

**SECTION 2.** Allen Land Development Code, Article XI “Impact Fees,” Section 11.04.02 is amended to read as follows:

- “2. Additional impact fees or increases in impact fees shall not be assessed for property described in an approved final plat unless the number of service units to be developed on the property increases or unless a building permit is issued on or after the first anniversary of the increase in the impact fee rate. Such additional and/or increase in impact fees shall be calculated pursuant to Section 11.05.4.”

**SECTION 3.** Allen Land Development Code, Article XI “Impact Fees,” Section 11.05 “Calculation of Impact Fees” is amended to read in its entirety as follows:

**“Section 11.05. Calculation of Impact Fees.**

1. The water and wastewater impact fee for each development shall be determined by the size of the meter(s) to be purchased for the subject development as set forth in Schedule A as follows:

**Schedule A. Water and Sewer Impact Fees by Meter Size**

Meter Type	Meter Size	SUE	Impact Fee		Total
			Water*	Wastewater**	
Simple	5/8" or 3/4"	1	\$ 2,840.03	\$ 1,644.09	\$ 4,484.12
Simple	1"	2.5	\$ 7,100.08	\$ 4,110.22	\$ 11,210.30
Simple	1-1/2"	5	\$ 14,200.17	\$ 8,220.43	\$ 22,420.60
Simple	2"	8	\$ 22,720.26	\$ 13,152.69	\$ 35,872.96
Compound	2"	8	\$ 22,720.26	\$ 13,152.69	\$ 35,872.96
Turbine	2"	10	\$ 28,400.33	\$ 16,440.86	\$ 44,841.19
Compound	3"	16	\$ 45,440.53	\$ 26,305.38	\$ 71,745.91
Turbine	3"	24	\$ 68,160.79	\$ 39,458.07	\$ 107,618.87
Compound	4"	25	\$ 71,000.83	\$ 41,102.16	\$ 112,102.99
Turbine	4"	42	\$ 119,281.39	\$ 69,051.63	\$ 188,333.02
Compound	6"	50	\$ 142,001.65	\$ 82,204.32	\$ 224,205.97
Turbine	6"	92	\$ 261,283.04	\$ 151,255.95	\$ 412,538.99
Compound	8"	80	\$ 227,202.64	\$ 131,526.92	\$ 358,729.56
Turbine	8"	160	\$ 454,405.29	\$ 263,053.83	\$ 717,459.12
Compound	10"	115	\$ 326,603.80	\$ 189,069.94	\$ 515,673.74
Turbine	10"	250	\$ 710,008.26	\$ 411,021.61	\$1,121,029.87
Turbine	12"	330	\$ 937,210.91	\$ 542,548.53	\$1,479,759.43

\*Water Impact fees based on Service Unit Equivalent equal to \$2,840.03

\*\*Wastewater Impact fees based on Service Unit Equivalent equal to \$1,644.00

2. The roadway impact fee for each development shall be determined by multiplying:
  - (a) the impact fee as set forth in Schedule B, below, for the service area shown on MAP 11.05 in which the development is located by;
  - (b) the number of service units created by the development.

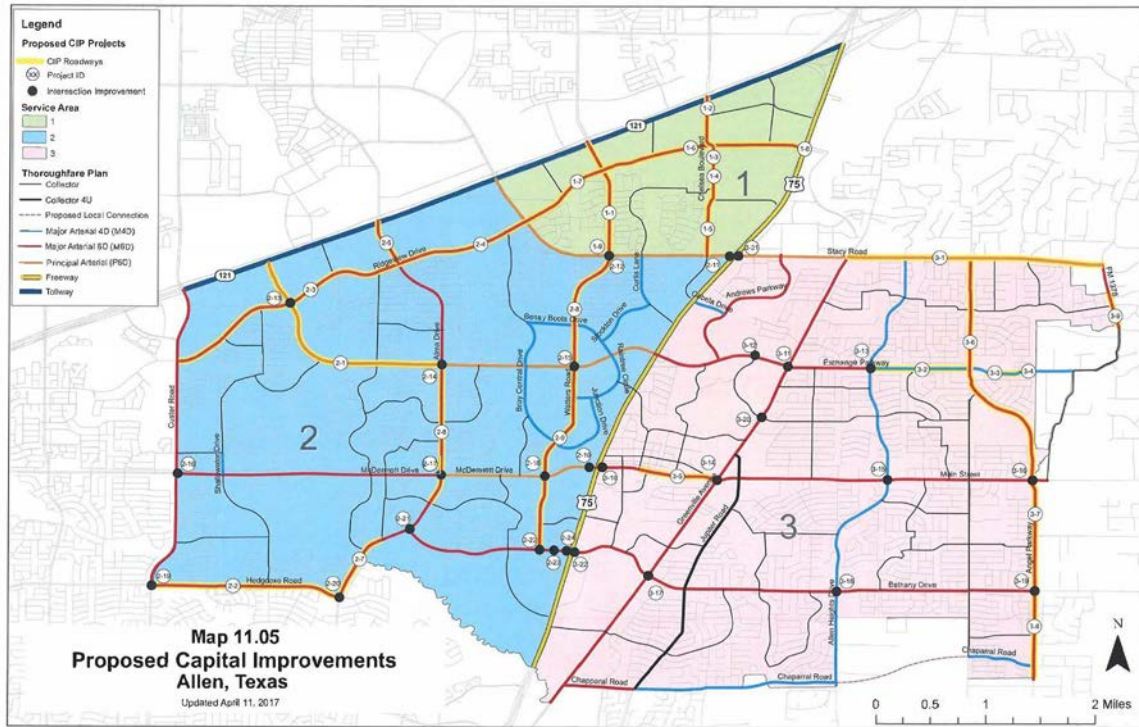
**Schedule B**  
**Roadway Impact Fee by Land Use and Service Area**

Category	Land Use	Development Units <sup>1</sup>	Impact Fee / Development Unit <sup>6</sup>		
			Service Area 1	Service Area 2	Service Area 3
RESIDENTIAL					
	Single-Family Detached	Dwelling Unit	\$1,350.00	\$777.00	\$606.00
	Apartment/Multi-Family	Dwelling Unit	\$837.00	\$481.74	375.72
	Condominium/Townhouse	Dwelling Unit	\$702.00	\$404.04	\$315.12
	Senior Living Facility / Community	Dwelling Unit	\$337.50	\$194.25	\$151.50
OFFICE					
	Office Building	1,000 ft <sup>2</sup> GFA	\$2,011.50	\$1,157.73	\$902.94
	Medical Office	1,000 ft <sup>2</sup> GFA	\$4,819.50	\$2,773.89	\$2,183.42
COMMERCIAL					
	Automobile Care Center	1,000 ft <sup>2</sup> GFA	\$2,448.00	\$1,408.96	\$1098.88
	Bank	1,000 ft <sup>2</sup> GFA	\$9,850.50	\$5,669.51	\$4,421.78
	Car Wash (Full Service)	1,000 ft <sup>2</sup> GFA	\$5,085.00	\$2,926.70	\$2,282.60
	Car Wash (Self-Service)	Stalls	\$1,993.50	\$1,147.37	\$894.86
	Convenience Store w/Gas Pumps	1,000 ft <sup>2</sup> GFA	\$3,393.00	\$1,952.86	\$1,523.08
	Home Improvement Store	1,000 ft <sup>2</sup> GFA	\$1,833.50	\$940.17	\$733.26
	Hotel	Rooms	\$810.00	\$466.20	\$363.60
	Pharmacy/Drugstore	1,000 ft <sup>2</sup> GFA	\$5,688.00	\$3,273.76	\$2,553.28
	Restaurant with Drive-In/Through	1,000 ft <sup>2</sup> GFA	\$14,692.50	\$8,456.35	\$6,595.30
	Restaurant without Drive-In/Through	1,000 ft <sup>2</sup> GFA	\$6,061.50	\$3,488.73	\$2,720.94
	Shopping Center / General Retail	1,000 ft <sup>2</sup> GFA	\$3,307.50	\$1,903.65	\$1,484.70
	Supermarket	1,000 ft <sup>2</sup> GFA	\$6,826.50	\$3,929.03	\$3,064.34
INDUSTRIAL					
	Industrial	1,000 ft <sup>2</sup> GFA	\$1,309.50	\$753.69	\$587.82
	Mini-Warehouse	1,000 ft <sup>2</sup> GFA	\$351.00	\$202.02	\$157.56
	Warehouse / Distribution Center	1,000 ft <sup>2</sup> GFA	\$432.00	\$248.64	\$193.92
INSTITUTIONAL					
	Day Care Center	1,000 ft <sup>2</sup> GFA	\$1,498.50	\$862.47	\$672.66
	Nursing Home / Assisted Living	Beds	\$247.50	\$142.45	\$111.10
	House of Worship	1,000 ft <sup>2</sup> GFA	\$522.00	\$300.44	\$234.32

<sup>1</sup> GFA = Gross Floor Area (applies to ALL roofed areas including free-standing canopies and all areas of all floors/levels within the building)

<sup>6</sup> Based on impact fee of \$450/service unit for Service Area 1, \$259/service unit for Service Area 2, and \$202/service unit for Service Area 3

\* This table reflects individual land uses within each category. For land uses not included in the table above, an applicant may provide supporting documentation for the use of a similar land use or an alternative service unit calculation.



3. Except as provided in subsection 4, below, the impact fees to be collected with respect to property described in an approved final plat shall be calculated based on the rate of the impact fees in effect at the time the approved final plat is released for recording.
4. The number of service units with respect to a property shall be recalculated upon the change in land use and/or replatting of the property. If the change in land use and/or replatting of the property results in an increase in the number of service units with respect to the property, the impact fees to be collected with respect to each service unit relating to development of the property shall be calculated as follows:
  - (a) The rate of the impact fees per service unit in effect prior to the change in land use and/or replatting of the property shall apply with respect to the number of service units relating to the property prior to the change in land use and/or replatting; and
  - (b) The rate of the impact fees per service unit in effect at the time of the change in land use and/or replatting of the property shall apply with respect to the number of service units exceeding those determined pursuant to paragraph (a), above.
5. The total amount of unpaid impact fees shall be attached to the request for permit or connection.
6. The rate of impact fees per service unit in effect at the time of issuance of a valid building permit for development of property that is part of a final plat approved prior to the effective date of said rate shall apply in calculating the impact fee to be collected only if the permit is issued on or after the first anniversary of the effective date of the current impact fee rates.”

**SECTION 4.** The Revised Land Use Assumptions and Revised Capital Improvement Plan attached hereto as “*Water, Wastewater, and Roadway Impact Fee Update 2017 to 2027*” is hereby adopted.

**SECTION 5.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, as amended hereby, which shall remain in full force and effect.

**SECTION 6.** All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** Any violation of this ordinance may be enjoined by suit filed in the name of the City of Allen, Collin County, Texas, in a court of competent jurisdiction; and this remedy shall be in addition to any penal provision in this ordinance or in the Code of Ordinances of the City of Allen, Collin County, Texas, as amended.

**SECTION 8.** This ordinance shall take effect immediately from and after its passage and publication in accordance with its provisions of the Charter of the City of Allen, Collin County, Texas.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 25<sup>TH</sup> OF JULY 2017.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(PGS:7-14-17:36.87771)

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**Shelley B. George, TRMC, CITY SECRETARY**