

ORDINANCE NO. 3928-7-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AS AMENDED, 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, in full compliance with the provisions of Chapter 395, Texas Government Code, the City Council of the City of Allen, Collin County, Texas, (the “City”) previously adopted Ordinance No. 1783-11-99, regulating impact fees for roadways, water, and wastewater facilities for the financing of capital improvements required by new development in the City, said regulations being subsequently amended by Ordinance Nos. 2005-11-01, 2070-6-02, and 3501-7-17, and codified as Article XI “Impact Fees” of the Allen Land Development Code; and,

WHEREAS, the City has reviewed the current land use assumptions and capital improvements plan, and the impact fees for water, wastewater and roadways previously adopted by ordinance of the City, in compliance with Chapter 395, Local Government Code; and,

WHEREAS, the City has, within sixty (60) days after the date of receiving the proposed updated land use assumptions, capital improvements plans and assessment of impact fees, adopted a resolution setting a public hearing to review, discuss and amend the same; and ,

WHEREAS, on or before the date of the first publication of the notice of the hearing on the proposed amendments, including the amount of the proposed impact fee per service unit, such information was made available to the public; and,

WHEREAS, the City Council held a public hearing to discuss the proposed amendments to the land use assumptions and the capital improvements plans; and,

WHEREAS, the Capital Improvement Advisory Committee, created under Section 395.058, Local Government Code, filed its written comments on the proposed amendments to the land use assumptions and capital improvements plans before the fifth (5th) business day before the date of the public hearing on the amendments; and,

WHEREAS, within thirty (30) days after the date of the public hearing on the proposed amendments to the land use assumptions and capital improvements plans, the City Council is approving amendments to the land use assumptions and capital improvements plans, as more fully set forth herein; and,

WHEREAS, the City has fully complied with Chapter 395, Local Government Code, to approve the proposed amendments to the land use assumptions and capital improvements plans; and,

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Midlothian to amend the capital improvements plans, land use assumptions, and assessments set forth and previously adopted pursuant to Article XI of the Allen Land Development Code.

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

SECTION 1. Article XI “Impact Fees” of the Allen Land Development Code is hereby amended as follows:

- A. Section 11.02 “Definitions” is amended by amending the definition of the phrase “Impact Fee Study” to read as follows:

Impact Fee Study means that certain study titled "Water, Wastewater, and Roadway Impact Fee Update 2022-2032" prepared 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.

- B. Section 11.05 “Calculation of Impact Fees” is retitled as “Calculation and Payment of Impact Fees” amended to read in its entirety as follows:

Section 11.05. – Calculation and Payment 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	LUE	Impact Fee		Total
			Water*	Wastewater**	
Ultrasonic	5/8” or 3/4”	1	\$ 3,137.90	\$ 1,989.69	\$ 5,127.59
Ultrasonic	1”	2.8	\$ 8,660.60	\$ 5,491.55	\$ 14,152.15
Ultrasonic	1-1/2”	4.2	\$ 13,179.17	\$ 8,356.71	\$ 21,535.88
Ultrasonic	2”	10	\$ 31,378.98	\$ 19,896.92	\$ 51,275.91
Ultrasonic	3”	20	\$ 62,757.96	\$ 39,793.85	\$ 102,551.81
Ultrasonic	4”	40	\$ 125,515.93	\$ 79,587.70	\$ 205,103.62
Ultrasonic	6”	76	\$ 238,480.26	\$ 151,216.62	\$ 389,696.88
Ultrasonic	8”	112	\$ 351,444.60	\$ 222,845.55	\$ 574,290.14

*Water Impact fees based on Living Unit Equivalent equal to \$3,137.90

**Wastewater Impact fees based on Living Unit Equivalent equal to \$1,989.69

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

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

Category Land Use	Development Units ¹	Impact Fee / Development Unit ⁶		
		Service Area 1	Service Area 2	Service Area 3
RESIDENTIAL				
Single-Family Detached	Dwelling Unit	\$1,673.60	\$926.64	\$843.48
Multi-Family – High Rise	Dwelling Unit	\$540.96	\$299.52	375.72
Multi-Family – Mid Rise	Dwelling Unit	\$659.30	\$365.04	\$332.28
Multifamily/Townhouse – Low Rise	Dwelling Unit	\$862.16	\$477.36	\$434.52
Senior Living Facility / Community	Dwelling Unit	\$422.63	\$234.00	\$213.00
OFFICE				
Office Building	1,000 ft ² GFA	\$2,434.32	\$1,347.84	\$1,226.88
Medical Office	1,000 ft ² GFA	\$6,643.67	\$3,678.48	\$3,348.36
COMMERCIAL				
Automobile Care Center	1,000 ft ² GFA	\$4,484.03	\$2,427.36	\$2,209.52
Bank	1,000 ft ² GFA	\$13,084.47	\$7,244.64	\$6,594.48
Car Wash (Automated)	Tunnels	\$52,405.50	\$29,016.00	\$26,412.00
Convenience Store/Gas Station	Fueling Positions	\$1,284.78	\$711.36	\$647.52
Home Improvement Store	1,000 ft ² GFA	\$2,242.73	\$1,241.76	\$1,130.32
Hotel	Rooms	\$997.40	\$552.24	\$502.68
Pharmacy/Drugstore	1,000 ft ² GFA	\$7,364.95	\$4,077.84	\$3,711.88
Restaurant with Drive-In/Through	1,000 ft ² GFA	\$16,752.86	\$9,275.76	\$8,443.32
Restaurant without Drive-In/Through	1,000 ft ² GFA	\$9,675.30	\$5,357.04	\$4,876.28
Sit-Down Restaurant	1,000 ft ² GFA	\$6,976.13	\$3,862.56	\$3,515.92
Shopping Center (>150,000 ft ²)	1,000 ft ² GFA	\$4,097.74	\$2,258.88	\$2,056.16
Shopping Center (40,000-150,000 ft ²)	1,000 ft ² GFA	\$5,263.09	\$2,914.08	\$2,652.56
Shopping Center (<40,000 ft ²)	1,000 ft ² GFA	\$6,683.11	\$3,700.32	\$3,368.24
Supermarket	1,000 ft ² GFA	\$9,585.14	\$5,307.12	\$4,830.84
INDUSTRIAL				
Light Industrial	1,000 ft ² GFA	\$1,098.83	\$608.40	\$553.80
Mini-Warehouse	1,000 ft ² GFA	\$253.58	\$140.40	\$127.80
Warehouse / Distribution Center	1,000 ft ² GFA	\$304.39	\$168.48	\$153.36
High-Cube	1,000 ft ² GFA	\$2,028.60	\$1,123.20	\$1,022.40
INSTITUTIONAL				
Day Care Center	1,000 ft ² GFA	\$9,472.44	\$5,244.72	\$4,774.04
Nursing Home / Assisted Living	Beds	\$338.10	\$187.20	\$170.40
House of Worship	1,000 ft ² GFA	\$580.41	\$321.36	\$292.52

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

⁶Based on impact fee of \$563.50/service unit for Service Area 1, \$312/service unit for Service Area 2, and \$284/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

[Insert Service Area Map here]

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 prior to July 12, 2022, shall apply with respect to a valid building permit issued prior to July 12, 2023, for construction of a building on a lot for which a subdivision plat was approved prior to July 12, 2022, in accordance with applicable provisions of the ALDC, state law, and/or prior applicable city ordinances.

SECTION 2. The Revised Land Use Assumptions and Revised Capital Improvement Plan set forth in that certain document titled “*Water, Wastewater, and Roadway Impact Fee Update 2022 to 2032*” prepared 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 is hereby adopted as the City’s current land use assumptions and capital improvements plan in accordance with Texas Local Government Code §395.045.

SECTION 3. 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 4. 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 5. 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 6. 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 12TH OF JULY 2022.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:5/20/2022:129700)

Shelley B. George, TRMC, CITY SECRETARY