

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NOS. 90-06-08, 91-03-01, 93-02-07, 94-04-07, 00-02-29, 01-09-66, 05-07-53 AND 12-03-12, WHICH ESTABLISHED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLANS AND IMPACT FEES TO BE ASSESSED BY THE CITY OF FRISCO, TEXAS; UPDATING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND IMPACT FEES FOR ROADWAYS TO BE ASSESSED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has previously adopted Ordinance Nos. 90-06-08, 91-03-01, 93-02-07, 94-04-07, 00-02-29, 01-09-66, 05-07-53 and 12-03-12 (individually and collectively, "Impact Fee Ordinance") of the City of Frisco, Texas ("Frisco"), establishing land use assumptions, a capital improvements plan and impact fees to be assessed by Frisco; and

WHEREAS, the City Council has investigated and determined that Frisco has fully complied with Chapter 395, TEX. LOC. GOV'T CODE ("Code"), concerning the notice, adoption, promulgation and methodology necessary to adopt land use assumptions and a capital improvements plan establishing impact fees and has properly adopted the Impact Fee Ordinance; and

WHEREAS, the City Council has further investigated and determined that Frisco has reviewed the land use assumptions, capital improvements plan and impact fees adopted under the Impact Fee Ordinance in compliance with the Code; and

WHEREAS, the City Council desires to amend the land use assumptions, capital improvements plan, the amount of roadway impact fees and the Impact Fee Ordinance; and

WHEREAS, Frisco has, within sixty (60) days after the date it received the updated land use assumptions and capital improvements plan, adopted an order setting a public hearing to discuss and review the same and to determine whether to amend the same; and

WHEREAS, before the thirtieth (30th) day before the date of the hearing on the updated land use assumptions and capital improvements plan, Frisco sent a notice of the hearing by certified mail to all persons who have given written notice by certified or registered mail to the Frisco City Secretary requesting notice of the hearing within two (2) years preceding the date of adoption of the order setting the public hearing; and

WHEREAS, Frisco published the required notice of the hearing in one or more newspapers of general circulation in each county in which Frisco lies before the thirtieth (30th) day before the date set for the hearing; and

WHEREAS, on or before the date of the first publication of the notice of the hearing, the updated land use assumptions and capital improvements plan, including the amount of the proposed impact fee per service unit, were made available to the public; and

WHEREAS, the Capital Improvements Advisory Committee, created under § 395.058 of the Code, filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan and roadway impact fees before the fifth (5th) business day before the date of the public hearing on the amendments; and

WHEREAS, the City Council held a public hearing to discuss the amendments to the land use assumptions, capital improvements plan and roadway impact fees; and

WHEREAS, within thirty (30) days after the date of the public hearing on the amendments to the land use assumptions, capital improvements plan and roadway impact fees, the City Council is considering to approve or disapprove the amendments as more fully set forth below; and

WHEREAS, the City Council has investigated and determined that Frisco has fully complied with Chapter 395 of the Code to approve the amendments to the land use assumptions, capital improvements plan and roadway impact fees; and

WHEREAS, the City Council has further investigated and determined and hereby finds that it is in the best interest of the citizens of Frisco to adopt such amendments to the land use assumptions, capital improvements plan and roadway impact fees to assure the provision of adequate roadways to serve new development by requiring each such development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment of Impact Fee Ordinance. The Impact Fee Ordinance is hereby amended as set forth herein and in the “2014 Roadway Impact Fee Update” study (“2014 Study”), dated March 2014 and prepared by Kimley-Horn Associates, Inc. on behalf of Frisco, a true and correct copy of which is located in the Office of the Frisco City Secretary and is incorporated herein by reference for all purposes.

SECTION 3: Definitions. Unless otherwise defined herein, the words used in this Ordinance shall have the meaning given such words in Article 2 of Ordinance No. 12-03-12.

SECTION 4: Applicability. This Ordinance applies to all new development within the corporate boundaries of Frisco.

SECTION 5: Land Use Assumptions Adopted. The previously adopted land use assumptions have been reviewed, evaluated, updated and revised, and the City Council finds that

the land use assumptions that are set forth in the 2014 Study are hereby adopted and approved.

SECTION 6: Capital Improvements Plan Adopted. The previously adopted capital improvements plan has been reviewed, evaluated, updated and revised, and the City Council finds that the capital improvements plan that is set forth in the 2014 Study is hereby adopted and approved.

SECTION 7: Impact Fees for Roadways Adopted. The previously adopted impact fees for roadways have been reviewed, evaluated, updated and revised. The City Council finds that the impact fees for roadways set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, representing sixty percent (60%) of the total projected costs, are hereby adopted and approved.

SECTION 8: Water and Wastewater Impact Fees. The impact fees for water and wastewater shall be as set forth in the Impact Fee Ordinance and are unchanged by this Ordinance.

SECTION 9: Assessment of Impact Fees for Roadways.

- (a) The assessment of the roadway impact fee for any new development shall be calculated and made at the time of final plat approval (as defined in Article 2 of Ordinance No. 12-03-12); however, for the sole purpose of phasing in the application of this Ordinance, final plats that have been approved by Frisco on or before June 20, 2014, pursuant to Frisco's subdivision regulations, or for a final plat deemed approved by Frisco on or before June 20, 2014 due to Frisco's failure to act, assessment for the new development to which the final plat applies shall be calculated and made in accordance with the roadway impact fees existing on June 19, 2014.
- (b) Following initial assessment of the roadway impact fee for a new development pursuant to subsection (a), the amount of the impact fee per service unit for that development cannot be increased, unless the approved final plat expires or lapses under applicable ordinances or law or the owner proposes to change the approved development by the submission of a new development application or application to increase the number of service units, in which case the impact fee will be reassessed for increased meter size or additional meters or service units at the impact fee rate then in effect.
- (c) Following the lapse or expiration of a final plat that has been approved or a final plat deemed approved due to Frisco's failure to act, pursuant to Frisco's subdivision regulations, a new assessment shall be performed at the time of new final plat approval in accordance with this Ordinance.

SECTION 10: Savings/Repealing Clause. The Impact Fee Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any other ordinances in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if

occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 11: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 12: Severability. Should any section, subsection, sentence, clause and/or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause and/or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional and/or invalid.

SECTION 13: Effective Date. This Ordinance shall become effective immediately upon its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____, 2014.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

APPROVED AS TO FORM:

Jenny Page, City Secretary



Abemathy, Roeder, Boyd & Joplin, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A: Roadway Impact Fee Schedule, City of Frisco

Land Use Category	ITE Land Use Code	Development Unit
INDUSTRIAL		
General Light Industrial	110	1,000 SF GFA
General Heavy Industrial	120	1,000 SF GFA
Industrial Park	130	1,000 SF GFA
Manufacturing	140	1,000 SF GFA
Warehousing	150	1,000 SF GFA
Mini-Warehouse	151	1,000 SF GFA
RESIDENTIAL		
Single-Family Detached Housing	210	Dwelling Unit
Apartment/Multi-family/Condominium	220	Dwelling Unit
Residential Townhome	230	Dwelling Unit
Mobile Home Park / Manufactured Housing	240	Dwelling Unit
Seniors Adult Housing-Detached	251	Dwelling Unit
Seniors Adult Housing-Attached	252	Dwelling Unit
Assisted Living	254	Beds
LODGING		
Hotel	310	Room
Motel / Other Lodging Facilities	320	Room
RECREATIONAL		
Golf Driving Range	432	Tee
Golf Course	430	Acre
Multipurpose Recreational Facility	435	1,000 SF GFA
Recreational Community Center	495	1,000 SF GFA
Ice Skating Rink	465	1,000 SF GFA
Miniature Golf Course	431	Hole
Multiplex Movie Theater	445	Screens
Racquet / Tennis Club	491	Court
INSTITUTIONAL		
Church	560	1,000 SF GFA
Day Care Center	565	1,000 SF GFA
Elementary School	520	Students
Middle School/Junior High School	522	Students
High School	530	Students
Junior / Community College	540	Students
University / College	550	Students
MEDICAL		
Clinic	630	1,000 SF GFA
Hospital	610	1,000 SF GFA
Nursing Home	620	Beds
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA
OFFICE		
Corporate Headquarters Building	714	1,000 SF GFA
General Office Building	710	1,000 SF GFA
Medical-Dental Office Building	720	1,000 SF GFA
Office Park	750	1,000 SF GFA
COMMERCIAL		
Automobile Related		
Automobile Care Center	942	1,000 SF Occ. GLA
Automobile Parts Sales	843	1,000 SF GFA
Gasoline/Service Station	944	Vehicle Fueling Position
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position
Gasoline/Service Station w/ Conv Market and Car Wash	946	Vehicle Fueling Position
New and Used Car Sales	841	1,000 SF GFA
Quick Lubrication Vehicle Shop	941	Servicing Positions
Self-Service Car Wash	947	Spall
Tire Store	848	1,000 SF GFA
Dining		
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA
Quality Restaurant	931	1,000 SF GFA
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA
Other Retail		
Free-Standing Discount Superstore	813	1,000 SF GFA
Free-Standing Discount Store	815	1,000 SF GFA
Nursery (Garden Center)	817	1,000 SF GFA
Home Improvement Superstore	862	1,000 SF GFA
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA
Shopping Center	820	1,000 SF GFA
Specialty Retail Center	826	1,000 SF GFA
Supermarket	850	1,000 SF GFA
Toy/Children's Superstore	864	1,000 SF GFA
Department Store	875	1,000 SF GFA
SERVICES		
Walk-In Bank	911	1,000 SF GFA
Drive-In Bank	912	Drive-in Lanes

Roadway Impact Fee Per Development Unit 60% of the Maximum)			
Service Area			
A	B	C	D
\$ 4,260	\$ 2,656	\$ 3,091	\$ 1,910
\$ 2,989	\$ 1,864	\$ 2,169	\$ 1,340
\$ 3,734	\$ 2,329	\$ 2,709	\$ 1,674
\$ 3,208	\$ 2,001	\$ 2,328	\$ 1,438
\$ 1,517	\$ 946	\$ 1,100	\$ 680
\$ 1,236	\$ 771	\$ 897	\$ 554
\$ 5,260	\$ 3,280	\$ 3,816	\$ 2,358
\$ 3,261	\$ 2,033	\$ 2,366	\$ 1,462
\$ 2,735	\$ 1,705	\$ 1,984	\$ 1,226
\$ 3,103	\$ 1,935	\$ 2,251	\$ 1,391
\$ 1,420	\$ 885	\$ 1,030	\$ 637
\$ 1,315	\$ 820	\$ 954	\$ 590
\$ 1,157	\$ 722	\$ 840	\$ 519
\$ 1,692	\$ 1,055	\$ 1,227	\$ 758
\$ 1,324	\$ 825	\$ 960	\$ 593
\$ 3,524	\$ 2,197	\$ 2,557	\$ 1,580
\$ 842	\$ 525	\$ 611	\$ 377
\$ 10,090	\$ 6,291	\$ 7,320	\$ 4,523
\$ 7,723	\$ 4,816	\$ 5,603	\$ 3,462
\$ 6,653	\$ 4,149	\$ 4,827	\$ 2,983
\$ 929	\$ 579	\$ 674	\$ 417
\$ 38,439	\$ 23,968	\$ 27,889	\$ 17,233
\$ 9,441	\$ 5,887	\$ 6,850	\$ 4,233
\$ 1,017	\$ 634	\$ 738	\$ 456
\$ 15,902	\$ 9,915	\$ 11,537	\$ 7,129
\$ 281	\$ 175	\$ 204	\$ 126
\$ 298	\$ 186	\$ 216	\$ 134
\$ 237	\$ 148	\$ 172	\$ 106
\$ 219	\$ 137	\$ 159	\$ 98
\$ 316	\$ 197	\$ 229	\$ 141
\$ 17,138	\$ 10,686	\$ 12,434	\$ 7,683
\$ 3,077	\$ 1,919	\$ 2,232	\$ 1,379
\$ 728	\$ 454	\$ 528	\$ 326
\$ 10,922	\$ 6,811	\$ 7,925	\$ 4,897
\$ 6,750	\$ 4,209	\$ 4,897	\$ 3,026
\$ 7,136	\$ 4,449	\$ 5,177	\$ 3,199
\$ 17,085	\$ 10,653	\$ 12,396	\$ 7,660
\$ 7,083	\$ 4,417	\$ 5,139	\$ 3,175
\$ 5,259	\$ 3,279	\$ 3,815	\$ 2,358
\$ 9,606	\$ 5,990	\$ 6,970	\$ 4,307
\$ 4,231	\$ 2,638	\$ 3,070	\$ 1,897
\$ 3,127	\$ 1,950	\$ 2,268	\$ 1,402
\$ 3,208	\$ 2,000	\$ 2,327	\$ 1,438
\$ 5,907	\$ 3,683	\$ 4,286	\$ 2,648
\$ 8,776	\$ 5,472	\$ 6,367	\$ 3,935
\$ 1,748	\$ 1,090	\$ 1,268	\$ 784
\$ 7,183	\$ 4,479	\$ 5,212	\$ 3,220
\$ 34,274	\$ 21,371	\$ 24,867	\$ 15,366
\$ 27,450	\$ 17,117	\$ 19,916	\$ 12,307
\$ 11,787	\$ 7,350	\$ 8,552	\$ 5,285
\$ 8,806	\$ 5,491	\$ 6,389	\$ 3,948
\$ 26,957	\$ 16,809	\$ 19,558	\$ 12,085
\$ 12,259	\$ 7,644	\$ 8,895	\$ 5,496
\$ 9,824	\$ 6,126	\$ 7,128	\$ 4,405
\$ 13,691	\$ 8,537	\$ 9,933	\$ 6,138
\$ 3,415	\$ 2,129	\$ 2,477	\$ 1,531
\$ 11,127	\$ 6,938	\$ 8,073	\$ 4,988
\$ 14,244	\$ 8,882	\$ 10,334	\$ 6,386
\$ 6,901	\$ 4,303	\$ 5,007	\$ 3,094
\$ 7,638	\$ 4,762	\$ 5,541	\$ 3,424
\$ 17,099	\$ 10,662	\$ 12,406	\$ 7,666
\$ 9,844	\$ 6,138	\$ 7,142	\$ 4,413
\$ 3,689	\$ 2,300	\$ 2,677	\$ 1,654
\$ 10,814	\$ 6,743	\$ 7,846	\$ 4,848
\$ 26,176	\$ 16,322	\$ 18,992	\$ 11,735

Roadway Impact Fee Per Development Unit (100% of the Maximum)			
Service Area			
A	B	C	D
\$ 7,100	\$ 4,427	\$ 5,152	\$ 3,183
\$ 4,982	\$ 3,107	\$ 3,615	\$ 2,234
\$ 6,224	\$ 3,881	\$ 4,516	\$ 2,790
\$ 5,347	\$ 3,334	\$ 3,880	\$ 2,397
\$ 2,528	\$ 1,576	\$ 1,834	\$ 1,133
\$ 2,060	\$ 1,285	\$ 1,495	\$ 924
\$ 8,766	\$ 5,466	\$ 6,360	\$ 3,930
\$ 5,435	\$ 3,389	\$ 3,943	\$ 2,437
\$ 4,558	\$ 2,842	\$ 3,307	\$ 2,044
\$ 5,172	\$ 3,225	\$ 3,752	\$ 2,319
\$ 2,367	\$ 1,476	\$ 1,717	\$ 1,061
\$ 2,192	\$ 1,367	\$ 1,590	\$ 983
\$ 1,929	\$ 1,203	\$ 1,399	\$ 865
\$ 2,820	\$ 1,758	\$ 2,046	\$ 1,264
\$ 2,206	\$ 1,376	\$ 1,601	\$ 989
\$ 5,873	\$ 3,662	\$ 4,261	\$ 2,633
\$ 1,403	\$ 875	\$ 1,018	\$ 629
\$ 16,816	\$ 10,486	\$ 12,201	\$ 7,539
\$ 12,871	\$ 8,026	\$ 9,339	\$ 5,771
\$ 11,089	\$ 6,914	\$ 8,045	\$ 4,971
\$ 1,549	\$ 966	\$ 1,124	\$ 694
\$ 64,065	\$ 39,947	\$ 46,481	\$ 28,722
\$ 15,735	\$ 9,811	\$ 11,416	\$ 7,054
\$ 1,695	\$ 1,057	\$ 1,230	\$ 760
\$ 26,503	\$ 16,526	\$ 19,228	\$ 11,882
\$ 468	\$ 292	\$ 339	\$ 210
\$ 497	\$ 310	\$ 360	\$ 223
\$ 394	\$ 246	\$ 286	\$ 177
\$ 365	\$ 228	\$ 265	\$ 164
\$ 526	\$ 328	\$ 382	\$ 236
\$ 28,563	\$ 17,810	\$ 20,723	\$ 12,805
\$ 5,128	\$ 3,198	\$ 3,721	\$ 2,299
\$ 1,213	\$ 756	\$ 880	\$ 544
\$ 18,204	\$ 11,351	\$ 13,208	\$ 8,161
\$ 11,250	\$ 7,015	\$ 8,162	\$ 5,044
\$ 11,893	\$ 7,416	\$ 8,628	\$ 5,332
\$ 28,475	\$ 17,755	\$ 20,659	\$ 12,766
\$ 11,805	\$ 7,361	\$ 8,565	\$ 5,292
\$ 8,765	\$ 5,465	\$ 6,359	\$ 3,929
\$ 16,011	\$ 9,983	\$ 11,616	\$ 7,178
\$ 7,052	\$ 4,397	\$ 5,116	\$ 3,162
\$ 5,211	\$ 3,249	\$ 3,781	\$ 2,336
\$ 5,346	\$ 3,333	\$ 3,879	\$ 2,397
\$ 9,845	\$ 6,139	\$ 7,143	\$ 4,414
\$ 14,627	\$ 9,120	\$ 10,612	\$ 6,558
\$ 2,914	\$ 1,817	\$ 2,114	\$ 1,306
\$ 11,972	\$ 7,465	\$ 8,686	\$ 5,367
\$ 57,123	\$ 35,619	\$ 41,444	\$ 25,609
\$ 45,751	\$ 28,528	\$ 33,194	\$ 20,511
\$ 19,646	\$ 12,250	\$ 14,254	\$ 8,808
\$ 14,677	\$ 9,152	\$ 10,648	\$ 6,580
\$ 44,928	\$ 28,015	\$ 32,597	\$ 20,142
\$ 20,432	\$ 12,741	\$ 14,824	\$ 9,160
\$ 16,374	\$ 10,210	\$ 11,880	\$ 7,341
\$ 22,819	\$ 14,228	\$ 16,556	\$ 10,230
\$ 5,691	\$ 3,549	\$ 4,129	\$ 2,551
\$ 18,544	\$ 11,563	\$ 13,454	\$ 8,314
\$ 23,740	\$ 14,803	\$ 17,224	\$ 10,643
\$ 11,501	\$ 7,172	\$ 8,345	\$ 5,156
\$ 12,729	\$ 7,937	\$ 9,235	\$ 5,707
\$ 28,498	\$ 17,770	\$ 20,676	\$ 12,776
\$ 16,407	\$ 10,231	\$ 11,904	\$ 7,356
\$ 6,149	\$ 3,834	\$ 4,461	\$ 2,757
\$ 18,023	\$ 11,238	\$ 13,076	\$ 8,080
\$ 43,627	\$ 27,204	\$ 31,653	\$ 19,559