

**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, 12-03-12, 14-05-29 AND FRISCO'S CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE V (IMPACT FEES), MODIFYING CERTAIN REGULATIONS RELATING TO SMOKING, 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 WATER, WASTEWATER AND ROADWAYS TO BE ASSESSED; MODIFYING CERTAIN PROVISIONS OF THE IMPACT FEE ORDINANCE TO USE CONSISTENT TERMINOLOGY; 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 (the "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, 12-03-12, 14-05-29 and the Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), Chapter 18 (Buildings and Building Regulations), Article V (Impact Fees) (individually and collectively, "Impact Fee Ordinance") of the City of Frisco, Texas ("City" and/or "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 of the Texas Local Government 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 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, the capital improvements plan, the amount of impact fees for water, wastewater and roadways 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 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 Capital Improvements Advisory Committee, created under Section 395.058 of the Code, filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan and impact fees for water, wastewater and roadways 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 proposed amendments to the land use assumptions, capital improvements plan and impact fees for water, wastewater and roadways; and

WHEREAS, within thirty (30) days after the date of the public hearing on the proposed amendments to the land use assumptions, capital improvements plan and impact fees for water, wastewater and roadways, the City Council is considering whether 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 impact fees for water, wastewater and roadways; 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 impact fees for water, wastewater and roadways to assure the provision of adequate water, wastewater and roadway improvements 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: Amendments to the Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article V (Impact Fees) and the Impact Fee Ordinance. The Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article V (Impact Fees) and the Impact Fee Ordinance are hereby amended as follows:

“ ...

**Sec. 18-395 Definitions**

...

*Impact fee* means a charge or assessment imposed as set forth in this Article against new development. The term does not include:

- (a) Required dedications of land for public parks or payments in lieu thereof;
- (b) Dedication of rights-of-way or easements or construction or dedication of onsite or off-site water distribution, waste water 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;
- (c) Lot or acreage fees or pro-rata fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or wastewater mains or lines; or
- (d) Other pro rata fees for reimbursement of water or wastewater mains or lines extended by Frisco.

...

*Study* means the “Water, Wastewater and Roadway Impact Fee Update” study, dated January 2019 and prepared by Kimley-Horn Associates, Inc. on behalf of the City, a copy of which is located in the Office of the City Secretary and incorporated by reference herein, as may be amended from time to time.

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**Sec. 18-399 Impact fees adopted**

The previously adopted impact fees for roadways, water and wastewater have been reviewed, evaluated, updated and revised. The City Council finds that:

- (a) the impact fees for roadways set forth in **Exhibit A**, “Roadway Impact Fee Schedule,” attached hereto and incorporated for all purposes, representing seventy percent (70%) of the total projected costs for single-family land

uses and one hundred percent (100%) of the total projected costs for all other land uses, are hereby adopted and approved; and

- (b) the impact fees for water set forth in **Exhibit B**, “Water Impact Fee Schedule,” attached hereto and incorporated for all purposes, representing seventy percent (70%) of the total projected costs for single-family land uses and one hundred percent (100%) of the total projected costs for all other land uses, are hereby adopted and approved; and
- (c) the impact fees for wastewater set forth in **Exhibit C**, “Wastewater Impact Fee Schedule,” attached hereto and incorporated for all purposes, representing seventy percent (70%) of the total projected costs for single-family land uses and one hundred percent (100%) of the total projected costs for all other land uses, are hereby adopted and approved.

...

#### **Sec. 18-401 Assessment of impact fees**

- (a) The assessment of impact fees for any new development shall be calculated and made at the time of final plat approval (as defined in Section 18-395 (Definitions)); however, for the sole purpose of phasing in the application of this Ordinance, final plats that have been approved by the City on or before May 2, 2019, pursuant to the City’s subdivision regulations, or for a final plat deemed approved by the City on or before May 2, 2019 due to the City’s failure to act, assessment for the new development to which the final plat applies shall be calculated and made in accordance with the impact fees existing on May 1, 2019.

- (b) ...

...”

SECTION 3: Amendment of Impact Fee Ordinance. The Impact Fee Ordinance is hereby amended as set forth herein and in the “Water, Wastewater and Roadway Impact Fee Update” study, dated January 2019 and prepared by Kimley-Horn Associates, Inc. on behalf of Frisco (“2019 Study”), 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 4: Applicability. The provisions of this Ordinance regarding water and wastewater impact fees apply to all new development within the corporate boundaries of Frisco and its extraterritorial jurisdiction. The provisions of this Ordinance regarding roadway impact fees apply 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 2019 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 2019 Study is hereby adopted and approved.

**SECTION 7: Savings/Repealing Clause.** The Impact Fee Ordinance and the Code of Ordinances 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 8: 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 9: Severability.** Should any Section, subsection, sentence, clause 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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

**SECTION 10: Effective Date.** This Ordinance shall become effective immediately upon its adoption and publication as required by law and the City Charter.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 2nd day of April, 2019.



APPROVED AS TO FORM:

Jeff Cheney  
Jeff Cheney, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

Kristi Morrow  
Kristi Morrow, City Secretary

APPROVED AS TO FORM:

Ryan Pittman  
Abernathy, Roeder, Boyd & Hullett, P.C.  
Ryan Pittman, City Attorneys

Dates of Publication: April 5 and 12, 2019, *Frisco Enterprise*

## Exhibit A

### Roadway Impact Fee Schedule

Land Use Category	ITE Land Use Code	Development Unit	Roadway Impact Fee Per Development Unit Collection Rate (100% of the Maximum, unless otherwise noted)			
			A	B	C	D
<b>PORT AND TERMINAL</b>						
Truck Terminal	030	1,000 SF GFA	\$11,750	\$6,700	\$6,690	\$5,341
<b>INDUSTRIAL</b>						
General Light Industrial	110	1,000 SF GFA	\$3,963	\$2,259	\$2,256	\$1,801
Industrial Park	130	1,000 SF GFA	\$2,508	\$1,430	\$1,428	\$1,140
Warehousing	150	1,000 SF GFA	\$1,191	\$679	\$678	\$542
Mini-Warehouse	151	1,000 SF GFA	\$1,066	\$608	\$607	\$485
<b>RESIDENTIAL</b>						
Single-Family Detached Housing (70% of Max)	210	Dwelling Unit	\$4,257	\$2,427	\$2,424	\$1,935
Townhomes (70% of Max)	220	Dwelling Unit	\$2,405	\$1,371	\$1,369	\$1,093
Multi-family Housing (Low-Rise)	220	Dwelling Unit	\$3,436	\$1,959	\$1,956	\$1,562
Multi-family Housing (Mid-Rise)	221	Dwelling Unit	\$2,696	\$1,537	\$1,535	\$1,226
Multi-family Housing (High-Rise)	222	Dwelling Unit	\$2,207	\$1,258	\$1,257	\$1,003
Mid-Rise Residential with 1st Floor Commercial	231	Dwelling Unit	\$2,207	\$1,258	\$1,257	\$1,003
Mobile Home Park / Manufactured Housing	240	Dwelling Unit	\$2,822	\$1,609	\$1,607	\$1,283
Senior Adult Housing-Detached	251	Dwelling Unit	\$1,843	\$1,051	\$1,050	\$838
Senior Adult Housing-Attached	252	Dwelling Unit	\$1,593	\$908	\$907	\$724
Assisted Living	254	Beds	\$1,593	\$908	\$907	\$724
<b>LODGING</b>						
Hotel	310	Room	\$2,420	\$1,380	\$1,378	\$1,100
Motel / Other Lodging Facilities	320	Room	\$1,530	\$872	\$871	\$695
<b>RECREATIONAL</b>						
Golf Course	430	Acre	\$1,379	\$787	\$785	\$627
Miniature Golf Course	431	Hole	\$1,630	\$930	\$928	\$741
Golf Driving Range	432	Tec	\$6,157	\$3,511	\$3,506	\$2,799
Multiplex Movie Theater	445	Screens	\$103,305	\$58,902	\$58,819	\$46,957
Ice Skating Rink	465	1,000 SF GFA	\$6,558	\$3,739	\$3,734	\$2,981
Racquet / Tennis Club	491	Court	\$18,823	\$10,732	\$10,717	\$8,556
Recreational Community Center	495	1,000 SF GFA	\$11,386	\$6,492	\$6,483	\$5,176
<b>INSTITUTIONAL</b>						
Church	560	1,000 SF GFA	\$2,558	\$1,459	\$1,457	\$1,163
Day Care Center	565	1,000 SF GFA	\$13,631	\$7,772	\$7,761	\$6,196
Primary/Middle School (1-8)	522	Students	\$376	\$215	\$214	\$171
High School	530	Students	\$301	\$172	\$171	\$137
Junior / Community College	540	Students	\$715	\$408	\$407	\$325
University / College	550	Students	\$978	\$558	\$557	\$445

Land Use Category	ITE Land Use Code	Development Unit	Roadway Impact Fee Per Development Unit Collection Rate (100% of the Maximum, unless otherwise noted)			
<b>MEDICAL</b>						
Clinic	630	1,000 SF GFA	\$20,252	\$11,547	\$11,531	\$9,206
Hospital	610	1,000 SF GFA	\$5,994	\$3,418	\$3,413	\$2,725
Nursing Home	620	Beds	\$1,354	\$772	\$771	\$616
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	\$15,249	\$8,694	\$8,682	\$6,931
<b>OFFICE</b>						
Corporate Headquarters Building	714	1,000 SF GFA	\$4,514	\$2,574	\$2,570	\$2,052
General Office Building	710	1,000 SF GFA	\$8,653	\$4,934	\$4,927	\$3,933
Medical-Dental Office Building	720	1,000 SF GFA	\$21,368	\$12,184	\$12,167	\$9,713
Single Tenant Office Building	715	1,000 SF GFA	\$12,866	\$7,336	\$7,326	\$5,848
Office Park	750	1,000 SF GFA	\$8,051	\$4,590	\$4,584	\$3,659
<b>COMMERCIAL</b>						
<b>Automobile Related</b>						
Automobile Care Center	942	1,000 SF GFA	\$5,204	\$2,967	\$2,963	\$2,366
Automobile Parts Sales	843	1,000 SF GFA	\$7,812	\$4,454	\$4,448	\$3,551
Gasoline/Service Station	944	Vehicle Fueling Position	\$6,120	\$3,489	\$3,484	\$2,782
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	\$4,627	\$2,638	\$2,635	\$2,103
New Car Sales	840	1,000 SF GFA	\$6,822	\$3,890	\$3,884	\$3,101
Quick Lubrication Vehicle Shop	941	Servicing Positions	\$8,113	\$4,626	\$4,620	\$3,688
Self-Service Car Wash	947	Stall	\$2,495	\$1,423	\$1,421	\$1,134
Tire Store	848	1,000 SF GFA	\$8,001	\$4,562	\$4,555	\$3,637
<b>Dining</b>						
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	\$57,759	\$32,933	\$32,887	\$26,254
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	\$50,110	\$28,571	\$28,531	\$22,777
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	\$19,688	\$11,226	\$11,210	\$8,949
Quality Restaurant	931	1,000 SF GFA	\$15,449	\$8,809	\$8,796	\$7,022
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	\$46,022	\$26,241	\$26,204	\$20,919
<b>Other Retail</b>						
Free-Standing Discount Store	815	1,000 SF GFA	\$11,875	\$6,771	\$6,762	\$5,398
Nursery (Garden Center)	817	1,000 SF GFA	\$17,054	\$9,724	\$9,710	\$7,752
Home Improvement Superstore	862	1,000 SF GFA	\$4,740	\$2,703	\$2,699	\$2,155
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	\$14,045	\$8,008	\$7,997	\$6,384
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	\$18,421	\$10,503	\$10,489	\$8,373
Shopping Center	820	1,000 SF GFA	\$8,828	\$5,034	\$5,027	\$4,013
Supermarket	850	1,000 SF GFA	\$20,766	\$11,840	\$11,824	\$9,439
Toy/Children's Superstore	864	1,000 SF GFA	\$12,289	\$7,007	\$6,997	\$5,586
Department Store	875	1,000 SF GFA	\$4,790	\$2,731	\$2,727	\$2,177
<b>SERVICES</b>						
Walk-In Bank	911	1,000 SF GFA	\$20,302	\$11,576	\$11,560	\$9,228
Drive-In Bank	912	Drive-in Lanes	\$49,245	\$28,078	\$28,039	\$22,384
Hair Salon	918	1,000 SF GLA	\$4,076	\$2,324	\$2,321	\$1,853



**Exhibit B  
Water Impact Fee  
Schedule**

<b>Meter Size and Type*</b>	<b>Water Impact Fee Per Service Unit for single-family land use (70% of the Maximum)</b>	<b>Water Impact Fee Per Service Unit for all other land uses (100% of the Maximum)</b>
1" PD	\$2,120	\$3,028
2" PD	\$6,783	\$9,690
3" COMP	\$14,837	\$21,196
4" COMP	\$25,435	\$36,336
6" COMP	\$57,229	\$81,756

\*PD=Positive Displacement Meter, COMP=Compound Meter

**Exhibit C  
Wastewater Impact Fee  
Schedule**

<b>Meter Size and Type*</b>	<b>Wastewater Impact Fee Per Service Unit for single-family land use (70% of the Maximum)</b>	<b>Wastewater Impact Fee Per Service Unit for all other land uses (100% of the Maximum)</b>
1" PD	\$2,344	\$3,348
2" PD	\$7,500	\$10,714
3" COMP	\$16,405	\$23,436
4" COMP	\$28,123	\$40,176
6" COMP	\$63,277	\$90,396

\*PD - Positive Displacement Meter, COMP - Compound Meter