

ORDINANCE 2020-793

AN ORDINANCE OF THE CITY OF WACO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, BY ADDING APPENDIX C ENTITLED “IMPACT FEES”; PROVIDING FOR DEFINITIONS; ESTABLISHING ROADWAY IMPACT FEES WITHIN THE CITY LIMITS, AND WATER AND WASTEWATER IMPACT FEES IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION SERVICE AREA; PROVIDING FOR ASSESSMENT OF SAID IMPACT FEES; PROVIDING FOR THE GENERAL ADMINISTRATION OF SAID IMPACT FEES; PROVIDING FOR THE ACCOUNTING OF THE COLLECTED FEES; PROVIDING FOR WAIVERS OF IMPACT FEES; PROVIDING FOR A FEE REFUND; PROVIDING FOR AN APPEAL PROCEDURE; ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Chapter 395 of the Texas Local Government Code (the “Statute”) authorizes and provides the requirements for political subdivisions to impose impact fees on new developments in order to generate funding or recoup the costs of capital improvements or facility expansion necessitated by and attributable to the new development; and

WHEREAS, the Statute requires the City to conduct an impact fee study to determine the feasibility of adopting impact fees and the study includes development of the City’s Land Use Assumptions (LUA) and Capital Improvements Plan (CIP) Report and the calculation of the maximum allowable impact fees; and

WHEREAS, on December 18, 2018, City Council approved a consulting contract with Freese and Nichols, Inc., to perform an impact fee study for Water, Wastewater, and Roadways and to develop the LUA and CIP Report; and

WHEREAS, in July 2019, pursuant to sec. 395.058 of the Statute, the City appointed the Capital Improvement Advisory Committee, which is composed of the Plan Commission and four members of the development community, to assist Freese and Nichols in adopting land use assumptions and reviewing the capital improvements plan; and

WHEREAS, after notice of a public hearing was given as required by the Statute, the City Council held a public hearing on March 17, 2020, and on April 7, 2020, by Resolution No. 2020-237, approved the land use assumptions and capital improvements plan; and

WHEREAS, the City Council held a public hearing on October 6, 2020, to consider the imposition of impact fees, and the Capital Improvement Advisory Committee of the City of Waco filed its written comments on the proposed impact fees before the fifth business day of the date of said public hearing; and

WHEREAS, the City Council finds that the City has fully complied with the Statute in adopting and imposing the impact fees in this ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of the City of Waco to adopt and approve the impact fees and related administrative processes described herein,

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

Section 1. That the recitals stated above are hereby adopted and approved and incorporated into the body of this ordinance as fully set forth herein, and the impact fees set forth in this ordinance are hereby approved.

Section 2. That the Code of Ordinances of the City of Waco, Texas, shall be amended by adding "APPENDIX C IMPACT FEES", which shall read as follows:

APPENDIX C. IMPACT FEES

Part I. General Provisions

1.1 Purpose

This Chapter is intended to assure the provision of adequate public facilities to serve new development in the City by requiring each such development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

1.2 Definitions

Terms defined herein are specific to this Chapter and shall not be construed as conflicting with similar terms in other parts of the Municipal Code.

Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Chapter.

Capital improvement means any of the following facilities with a life expectancy of three or more years and owned or operated by or on behalf of the City:

- (1) water supply, treatment and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage and flood control facilities; whether or not they are located within the service area; and
- (2) roadway facilities.

Capital improvements plan means a plan approved by the City Council that identifies capital improvements or facility expansions for which impact fees may be assessed.

City means the City of Waco, Texas.

City core and traditional commercial corridors means a geographic location that encompasses the Image Waco master plan area and some additional area within Sanger Heights, University neighborhood and commercial corridors, as depicted in the map attached as “Map Exhibit 2,” which have been collectively selected by the City Council to receive special consideration in order to encourage economic development.

City Council means the City Council of the City of Waco, Texas.

City Manager means the City Manager of the City of Waco, Texas, or his or her designee.

Change of Use means a new development involving a change in use or occupancy of any existing structure, with the exception of shell structures never previously occupied, that has the effect of increasing the number of service units beyond those attributable to the immediately preceding use, which requires the issuance of a new permit and which may include, but is not limited to, the reconstruction, redevelopment, conversion, structural alteration or enlargement of any structure.

Director means the Director of the Development Services Department of the City of Waco, Texas, or his or her designee.

Effective date means June 1, 2021.

Extraterritorial jurisdiction (ETJ) means the extraterritorial range of the City's authority outside corporate limits of the City.

Facility expansion means the expansion of the 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.

Fee Phasing means upon adoption of this ordinance, developments with an approved preliminary plat or final plat will be assessed an impact fee according to the following schedule:

- (1) June 2021: twenty (20) percent of maximum fee of impact fee after application of credits
- (2) June 2022: forty (40) percent of maximum fee of impact fee after application of credits
- (3) June 2023: sixty (60) percent of maximum fee of impact fee after application of credits
- (4) June 2024: eighty (80) percent of maximum fee of impact fee after application of credits
- (5) June 2024: one hundred (100) percent of maximum fee of impact fee after application of credits

Final Plat means the map of a subdivision (and any required accompanying material) which is presented to the City Plan Commission, the City Council or authorized City staff for approval, and which, if approved, is recorded in the Official Public Records of McLennan County.

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

- (1) dedication of land for public parks or payment in lieu of the dedication to serve park needs;
- (2) dedication of rights-of-way or easements, or construction or dedication of on-site or off-site 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;
- (3) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or
- (4) other pro rata fees for reimbursement of water or sewer mains or lines extended by the City.

Land use assumptions means 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 (10) year period and approved by the City Council.

New development means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of 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 of a plat pursuant to the City's subdivision regulations, the issuance of a building permit or connection to the city's water or wastewater system, and which has not been exempted from these regulations by provisions herein or attached hereto. Installation of a larger water meter will constitute new development.

Owner means an owner of real property who is subject to this Chapter, or an agent, employee or representative thereof who is authorized to act on the real property owner's behalf or a person who has paid an impact fee under this Chapter.

Preliminary plat means the preliminary maps and plans approved by Plan Commission and City Council which indicate the proposed layout of the subdivision.

Roadway facilities means arterial or collector streets or roads which have been designated on an officially adopted thoroughfare plan of the City, together with all necessary appurtenances. The term includes the City's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including, but not limited to, local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.

School District means a geographic area that contains public or private institutions for the teaching of students. This includes colleges and universities.

Service area means:

- (1) for purposes of water (Map Exhibit 3) and wastewater (Map Exhibit 4), the area within the corporate boundaries of the City and ETJ to be served by the capital improvements or facilities expansions specified in the capital improvements plan; and
- (2) for purposes of roadways (Map Exhibit 5), an area within the corporate boundaries of the City that does not exceed six miles within which roadway impact fees for capital improvements will be collected for new development, and within which fees so collected will be expended for those capital improvements identified in the capital improvements plan to be located therein. The roadway service areas are more fully described in the Study.

Service unit means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the City during the previous ten (10) years. The service units for purposes of roadways, water, and wastewater are more fully described in the Study.

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 roadway, water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan and for which the owner is solely responsible under subdivision or other applicable regulations or which is located at least partially on the plat which is being considered for impact fee assessment. This term includes that portion of an off-site water or wastewater main, equivalent to a standard size water or wastewater main, which is necessary to connect any new development with the City's water or wastewater system, the cost of which has not been included in the City's impact fee capital improvements plan.

Study means, collectively, the roadway impact fee study and the water and wastewater impact fee study performed by Freese and Nichols, Inc., on file in the City's Development Services Department.

System-related facility means a capital improvement or facility expansion which is designated in the capital improvements plan and which is not a site-related facility. This term may include a capital improvement which is located off-site or within or on the perimeter of the development site.

Wastewater facility means a wastewater interceptor or main, lift station or other facility or improvement used for providing wastewater collection and treatment included within the City's collection system for wastewater. This term includes, but is not limited to, land, easements or structures associated with such facilities. This term excludes a site-related facility.

Water facility means a water interceptor or main, pump station, storage tank or other facility or improvement used for providing water supply, treatment and distribution service included within the City's water storage or distribution system. This term includes, but is not limited to, land, easements or structures associated with such facilities. This term excludes site-related facilities.

1.3 Study Adopted

The Study is hereby approved and adopted for all purposes consistent with this Chapter.

1.4 Applicability

The provisions of this Chapter apply to all new development within the corporate boundaries of the City for roadway fees and within the boundaries of the City and its extraterritorial jurisdiction for water and wastewater fees.

Part II. Impact Fees

2.1 Impact Fees Adopted

- (A) A pre-credit water impact fee of \$1,804.00 per service unit shall be assessed and charged against new development in the service area as set forth in Table 1.

For final plats approved before the effective date and final plats recorded on or after the effective date:

Table 1

Water Meter Size	Service Unit Equivalents	Maximum Assessed Impact Fee	Maximum Impact Fee after Application of General Credit (see Section 2.4 A)
5/8"	1.0	\$1,804.00	\$1,000.00
1"	2.67	\$4,817.00	\$2,670.00
1.5"	6.67	\$12,033.00	\$6,670.00
2"	10.67	\$19,249.00	\$10,670.00
3"	23.3	\$42,087.00	\$23,330.00
4"	42.00	\$75,768.00	\$42,000.00
6"	93.33	\$168,367.00	\$93,330.00
8"	160	\$288,640.00	\$160,000.00
10"	253.33	\$457,007.00	\$253,330.00

- (B) A pre-credit wastewater impact fee of \$3,574.00 per service unit shall be assessed and charged against new development in the service area as set forth in Table 2.

For final plats approved before the effective date and final plats recorded on or after the effective date:

Table 2

Water Meter Size	Service Unit Equivalents	Maximum Assessed Impact Fee	Maximum Impact Fee after Application of General Credit (see Section 2.4 A)
5/8"	1.0	\$3,574.00	\$2,000.00
1"	2.67	\$9,543.00	\$5,340.00
1.5"	6.67	\$23,839.00	\$13,340.00
2"	10.67	\$38,135.00	\$21,340.00
3"	23.3	\$83,381.00	\$46,660.00
4"	42.00	\$150,108.00	\$84,000.00
6"	93.33	\$333,561.00	\$186,660.00
8"	160	\$571,840.00	\$320,000.00
10"	253.33	\$905,401.00	\$506,660.00

(C) A pre-credit roadway impact fee of:

- (1) \$6.00 per service unit in Service Area 1;
- (2) \$697.00 per service unit in Service Area 2;
- (3) \$1,294.00 per service unit in Service Area 3;
- (4) \$259.00 per service unit in Service Area 4;
- (5) \$0.00 per service unit in Service Area 5;
- (6) \$236.00 per service unit in Service Area 6;
- (7) \$950.00 per service unit in Service Area 7;
- (8) \$0.00 per service unit in Service Area 8;
- (9) \$618.00 per service unit in Service Area 9;
- (10) \$1,324.00 per service unit in Service Area 10; and
- (11) \$1,169.00 per service unit in Service Area 11,

shall be assessed as shown in Table 3 and charged against new development in such service areas as set forth in Table 4.

For final plats approved before the effective date and for final plats recorded on or after the effective date:

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Table 3 – Roadway Maximum Assessed Impact Fee

Land Use Category	Roadway Maximum Assessed Impact Fee										
	Service Area 1	Service Area 2	Service Area 3	Service Area 4	Service Area 5	Service Area 6	Service Area 7	Service Area 8	Service Area 9	Service Area 10	Service Area 11
Industrial											
General Light Industrial	\$16.26	\$1,888.87	\$3,506.74	\$701.89	\$0.00	\$639.56	\$2,574.50	\$0.00	\$1,674.78	\$3,588.04	\$3,167.99
Manufacturing	\$17.28	\$2,007.36	\$3,726.72	\$745.92	\$0.00	\$679.68	\$2,736.00	\$0.00	\$1,779.84	\$3,813.12	\$3,366.72
Warehousing	\$4.92	\$571.54	\$1,061.08	\$212.38	\$0.00	\$193.52	\$779.00	\$0.00	\$506.76	\$1,085.68	\$958.58
Mini-Warehouse	\$2.22	\$257.89	\$478.78	\$95.83	\$0.00	\$87.32	\$351.50	\$0.00	\$228.66	\$489.88	\$432.53
High-Cube Fulfillment Center											
Warehouse	\$35.34	\$4,105.33	\$7,621.66	\$1,525.51	\$0.00	\$1,390.04	\$5,595.50	\$0.00	\$3,640.02	\$7,798.36	\$6,885.41
Data Center	\$2.34	\$271.83	\$504.66	\$101.01	\$0.00	\$92.04	\$370.50	\$0.00	\$241.02	\$516.36	\$455.91
Residential											
Single-Family Detached Housing	\$19.20	\$2,230.40	\$4,140.80	\$828.80	\$0.00	\$755.20	\$3,040.00	\$0.00	\$1,977.60	\$4,236.80	\$3,740.80
Multifamily Housing (Low-Rise)	\$10.86	\$1,261.57	\$2,342.14	\$468.79	\$0.00	\$427.16	\$1,719.50	\$0.00	\$1,118.58	\$2,396.44	\$2,115.89
Multifamily Housing (Mid-Rise)	\$8.52	\$989.74	\$1,837.48	\$367.78	\$0.00	\$335.12	\$1,349.00	\$0.00	\$877.56	\$1,880.08	\$1,659.98
Off-Campus Student Apartment	\$1.44	\$167.28	\$310.56	\$62.16	\$0.00	\$56.64	\$228.00	\$0.00	\$148.32	\$317.76	\$280.56
Mid-Rise Residential with 1st-Floor Commercial	\$6.00	\$697.00	\$1,294.00	\$259.00	\$0.00	\$236.00	\$950.00	\$0.00	\$618.00	\$1,324.00	\$1,169.00
Senior Adult Housing - Detached	\$5.16	\$599.42	\$1,112.84	\$222.74	\$0.00	\$202.96	\$817.00	\$0.00	\$531.48	\$1,138.64	\$1,005.34
Assisted Living	\$2.28	\$264.86	\$491.72	\$98.42	\$0.00	\$89.68	\$361.00	\$0.00	\$234.84	\$503.12	\$444.22
Continuing Care Retirement Community	\$2.76	\$320.62	\$595.24	\$119.14	\$0.00	\$108.56	\$437.00	\$0.00	\$284.28	\$609.04	\$537.74
Lodging											
Hotel	\$5.10	\$592.45	\$1,099.90	\$220.15	\$0.00	\$200.60	\$807.50	\$0.00	\$525.30	\$1,125.40	\$993.65
All Suites Hotel	\$3.06	\$355.47	\$659.94	\$132.09	\$0.00	\$120.36	\$484.50	\$0.00	\$315.18	\$675.24	\$596.19
Recreational											
Golf Course	\$34.74	\$4,035.63	\$7,492.26	\$1,499.61	\$0.00	\$1,366.44	\$5,500.50	\$0.00	\$3,578.22	\$7,665.96	\$6,768.51
Miniature Golf Course	\$2.82	\$327.59	\$608.18	\$121.73	\$0.00	\$110.92	\$446.50	\$0.00	\$290.46	\$622.28	\$549.43
Golf Driving Range	\$10.56	\$1,226.72	\$2,277.44	\$455.84	\$0.00	\$415.36	\$1,672.00	\$0.00	\$1,087.68	\$2,330.24	\$2,057.44
Multiplex Movie Theater	\$93.06	\$10,810.47	\$20,069.94	\$4,017.09	\$0.00	\$3,660.36	\$14,734.50	\$0.00	\$9,585.18	\$20,535.24	\$18,131.19
Health/Fitness Club	\$14.70	\$1,707.65	\$3,170.30	\$634.55	\$0.00	\$578.20	\$2,327.50	\$0.00	\$1,514.10	\$3,243.80	\$2,864.05
Institutional											
Private School (K-8)	\$2.22	\$257.89	\$478.78	\$95.83	\$0.00	\$87.32	\$351.50	\$0.00	\$228.66	\$489.88	\$432.53
Private School (K-12)	\$1.44	\$167.28	\$310.56	\$62.16	\$0.00	\$56.64	\$228.00	\$0.00	\$148.32	\$317.76	\$280.56
Charter Elementary School	\$1.20	\$139.40	\$258.80	\$51.80	\$0.00	\$47.20	\$190.00	\$0.00	\$123.60	\$264.80	\$233.80
Junior/Community College	\$0.96	\$111.52	\$207.04	\$41.44	\$0.00	\$37.76	\$152.00	\$0.00	\$98.88	\$211.84	\$187.04
University/College	\$1.56	\$181.22	\$336.44	\$67.34	\$0.00	\$61.36	\$247.00	\$0.00	\$160.68	\$344.24	\$303.94
Church	\$2.52	\$292.74	\$543.48	\$108.78	\$0.00	\$99.12	\$399.00	\$0.00	\$259.56	\$556.08	\$490.98
Day Care Center	\$0.66	\$76.67	\$142.34	\$28.49	\$0.00	\$25.96	\$104.50	\$0.00	\$67.98	\$145.64	\$128.59
Medical											
Hospital	\$10.32	\$1,198.84	\$2,225.68	\$445.48	\$0.00	\$405.92	\$1,634.00	\$0.00	\$1,062.96	\$2,277.28	\$2,010.68
Nursing Home	\$6.24	\$724.88	\$1,345.76	\$269.36	\$0.00	\$245.44	\$988.00	\$0.00	\$642.72	\$1,376.96	\$1,215.76
Clinic	\$34.86	\$4,049.57	\$7,518.14	\$1,504.79	\$0.00	\$1,371.16	\$5,519.50	\$0.00	\$3,590.58	\$7,692.44	\$6,791.89
Animal Hospital/Veterinary Clinic	\$37.50	\$4,356.25	\$8,087.50	\$1,618.75	\$0.00	\$1,475.00	\$5,937.50	\$0.00	\$3,862.50	\$8,275.00	\$7,306.25
Free-Standing Emergency Room	\$16.14	\$1,874.93	\$3,480.86	\$696.71	\$0.00	\$634.84	\$2,555.50	\$0.00	\$1,662.42	\$3,561.56	\$3,144.61
Office											
General Office Building	\$29.70	\$3,450.15	\$6,405.30	\$1,282.05	\$0.00	\$1,168.20	\$4,702.50	\$0.00	\$3,059.10	\$6,553.80	\$5,786.55
Medical-Dental Office Building	\$72.24	\$8,391.88	\$15,579.76	\$3,118.36	\$0.00	\$2,841.44	\$11,438.00	\$0.00	\$7,440.72	\$15,940.96	\$14,074.76
United States Post Office	\$58.08	\$6,746.96	\$12,525.92	\$2,507.12	\$0.00	\$2,284.48	\$9,196.00	\$0.00	\$5,982.24	\$12,816.32	\$11,315.92
Research and Development Center	\$12.66	\$1,470.67	\$2,730.34	\$546.49	\$0.00	\$497.96	\$2,004.50	\$0.00	\$1,303.98	\$2,793.64	\$2,466.59
Automotive											
Quick Lubrication Vehicle Shop	\$14.28	\$1,658.86	\$3,079.72	\$616.42	\$0.00	\$561.68	\$2,261.00	\$0.00	\$1,470.84	\$3,151.12	\$2,782.22
Automobile Parts Service Center	\$4.50	\$522.75	\$970.50	\$194.25	\$0.00	\$177.00	\$712.50	\$0.00	\$463.50	\$993.00	\$876.75
Car Wash and Detail Center	\$10.50	\$1,219.75	\$2,264.50	\$453.25	\$0.00	\$413.00	\$1,662.50	\$0.00	\$1,081.50	\$2,317.00	\$2,045.75

Table 3 (cont.) – Roadway Maximum Assessed Impact Fee

Land Use Category	Roadway Maximum Assessed Impact Fee										
	Service Area 1	Service Area 2	Service Area 3	Service Area 4	Service Area 5	Service Area 6	Service Area 7	Service Area 8	Service Area 9	Service Area 10	Service Area 11
Dining											
Quality Restaurant	\$17.34	\$2,014.33	\$3,739.66	\$748.51	\$0.00	\$682.04	\$2,745.50	\$0.00	\$1,786.02	\$3,826.36	\$3,378.41
High-Turnover (Sit-Down) Restaurant	\$24.18	\$2,808.91	\$5,214.82	\$1,043.77	\$0.00	\$951.08	\$3,828.50	\$0.00	\$2,490.54	\$5,335.72	\$4,711.07
Fast-Food Restaurant w/ Drive-Through Window	\$64.02	\$7,436.99	\$13,806.98	\$2,763.53	\$0.00	\$2,518.12	\$10,136.50	\$0.00	\$6,594.06	\$14,127.08	\$12,473.23
Bread/Donut/Bagel Shop w/o Drive-Through Window	\$18.60	\$2,160.70	\$4,011.40	\$802.90	\$0.00	\$731.60	\$2,945.00	\$0.00	\$1,915.80	\$4,104.40	\$3,623.90
Other Retail											
Shopping Center	\$22.26	\$2,585.87	\$4,800.74	\$960.89	\$0.00	\$875.56	\$3,524.50	\$0.00	\$2,292.78	\$4,912.04	\$4,336.99
Building Materials and Lumber Store	\$11.34	\$1,317.33	\$2,445.66	\$489.51	\$0.00	\$446.04	\$1,795.50	\$0.00	\$1,168.02	\$2,502.36	\$2,209.41
Free-Standing Discount Superstore	\$45.66	\$5,304.17	\$9,847.34	\$1,970.99	\$0.00	\$1,795.96	\$7,229.50	\$0.00	\$4,702.98	\$10,075.64	\$8,896.09
Variety Store	\$75.12	\$8,726.44	\$16,200.88	\$3,242.68	\$0.00	\$2,954.72	\$11,894.00	\$0.00	\$7,737.36	\$16,576.48	\$14,635.88
Free-Standing Discount Store	\$33.96	\$3,945.02	\$7,324.04	\$1,465.94	\$0.00	\$1,335.76	\$5,377.00	\$0.00	\$3,497.88	\$7,493.84	\$6,616.54
Hardware/Paint Store	\$9.00	\$1,045.50	\$1,941.00	\$388.50	\$0.00	\$354.00	\$1,425.00	\$0.00	\$927.00	\$1,986.00	\$1,753.50
Nursery (Garden Center)	\$38.16	\$4,432.92	\$8,229.84	\$1,647.24	\$0.00	\$1,500.96	\$6,042.00	\$0.00	\$3,930.48	\$8,420.64	\$7,434.84
Supermarket	\$15.54	\$1,805.23	\$3,351.46	\$670.81	\$0.00	\$611.24	\$2,460.50	\$0.00	\$1,600.62	\$3,429.16	\$3,027.71
Convenience Market w/ Gasoline Pumps	\$6.24	\$724.88	\$1,345.76	\$269.36	\$0.00	\$245.44	\$988.00	\$0.00	\$642.72	\$1,376.96	\$1,215.76
Discount Club	\$42.90	\$4,983.55	\$9,252.10	\$1,851.85	\$0.00	\$1,687.40	\$6,792.50	\$0.00	\$4,418.70	\$9,466.60	\$8,358.35
Sporting Goods Superstore	\$17.70	\$2,056.15	\$3,817.30	\$764.05	\$0.00	\$696.20	\$2,802.50	\$0.00	\$1,823.10	\$3,905.80	\$3,448.55
Home Improvement Superstore	\$9.54	\$1,108.23	\$2,057.46	\$411.81	\$0.00	\$375.24	\$1,510.50	\$0.00	\$982.62	\$2,105.16	\$1,858.71
Electronic Superstore	\$16.86	\$1,958.57	\$3,636.14	\$727.79	\$0.00	\$663.16	\$2,669.50	\$0.00	\$1,736.58	\$3,720.44	\$3,284.89
Pet Supply Superstore	\$36.48	\$4,237.76	\$7,867.52	\$1,574.72	\$0.00	\$1,434.88	\$5,776.00	\$0.00	\$3,757.44	\$8,049.92	\$7,107.52
Office Supply Superstore	\$28.38	\$3,296.81	\$6,120.62	\$1,225.07	\$0.00	\$1,116.28	\$4,493.50	\$0.00	\$2,923.14	\$6,262.52	\$5,529.37
Discount Home Furnishing Superstore	\$22.98	\$2,669.51	\$4,956.02	\$991.97	\$0.00	\$903.88	\$3,638.50	\$0.00	\$2,366.94	\$5,070.92	\$4,477.27
Department Store	\$20.04	\$2,327.98	\$4,321.96	\$865.06	\$0.00	\$788.24	\$3,173.00	\$0.00	\$2,064.12	\$4,422.16	\$3,904.46
Arts and Crafts Store	\$63.66	\$7,395.17	\$13,729.34	\$2,747.99	\$0.00	\$2,503.96	\$10,079.50	\$0.00	\$6,556.98	\$14,047.64	\$12,403.09
Pharmacy/Drugstore w/o Drive-Through Window	\$12.78	\$1,484.61	\$2,756.22	\$551.67	\$0.00	\$502.68	\$2,023.50	\$0.00	\$1,316.34	\$2,820.12	\$2,489.97
Pharmacy/Drugstore w/ Drive-Through Window	\$15.48	\$1,798.26	\$3,338.52	\$668.22	\$0.00	\$608.88	\$2,451.00	\$0.00	\$1,594.44	\$3,415.92	\$3,016.02
Furniture Store	\$1.20	\$139.40	\$258.80	\$51.80	\$0.00	\$47.20	\$190.00	\$0.00	\$123.60	\$264.80	\$233.80
Services											
Walk-in Bank	\$17.70	\$2,056.15	\$3,817.30	\$764.05	\$0.00	\$696.20	\$2,802.50	\$0.00	\$1,823.10	\$3,905.80	\$3,448.55
Drive-in Bank	\$39.60	\$4,600.20	\$8,540.40	\$1,709.40	\$0.00	\$1,557.60	\$6,270.00	\$0.00	\$4,078.80	\$8,738.40	\$7,715.40

Table 4 – Roadway Maximum Impact Fee after Application of General Credit

Land Use Category	Roadway Maximum Impact Fee after Application of General Credit										
	Service Area 1	Service Area 2	Service Area 3	Service Area 4	Service Area 5	Service Area 6	Service Area 7	Service Area 8	Service Area 9	Service Area 10	Service Area 11
Industrial											
General Light Industrial	\$16.26	\$1,270.31	\$1,270.31	\$701.89	\$0.00	\$639.56	\$1,270.31	\$0.00	\$1,270.31	\$1,270.31	\$1,270.31
Manufacturing	\$17.28	\$1,350.00	\$1,350.00	\$745.92	\$0.00	\$679.68	\$1,350.00	\$0.00	\$1,350.00	\$1,350.00	\$1,350.00
Warehousing	\$4.92	\$384.38	\$384.38	\$212.38	\$0.00	\$193.52	\$384.38	\$0.00	\$384.38	\$384.38	\$384.38
Mini-Warehouse	\$2.22	\$173.44	\$173.44	\$95.83	\$0.00	\$87.32	\$173.44	\$0.00	\$173.44	\$173.44	\$173.44
High-Cube Fulfillment Center Warehouse	\$35.34	\$2,760.94	\$2,760.94	\$1,525.51	\$0.00	\$1,390.04	\$2,760.94	\$0.00	\$2,760.94	\$2,760.94	\$2,760.94
Data Center	\$2.34	\$182.81	\$182.81	\$101.01	\$0.00	\$92.04	\$182.81	\$0.00	\$182.81	\$182.81	\$182.81
Residential											
Single-Family Detached Housing	\$19.20	\$1,500.00	\$1,500.00	\$828.80	\$0.00	\$755.20	\$1,500.00	\$0.00	\$1,500.00	\$1,500.00	\$1,500.00
Multifamily Housing (Low-Rise)	\$10.86	\$848.44	\$848.44	\$468.79	\$0.00	\$427.16	\$848.44	\$0.00	\$848.44	\$848.44	\$848.44
Multifamily Housing (Mid-Rise)	\$8.52	\$665.63	\$665.63	\$367.78	\$0.00	\$335.12	\$665.63	\$0.00	\$665.63	\$665.63	\$665.63
Off-Campus Student Apartment	\$1.44	\$112.50	\$112.50	\$62.16	\$0.00	\$56.64	\$112.50	\$0.00	\$112.50	\$112.50	\$112.50
Mid-Rise Residential with 1st-Floor Commercial	\$6.00	\$468.75	\$468.75	\$259.00	\$0.00	\$236.00	\$468.75	\$0.00	\$468.75	\$468.75	\$468.75
Senior Adult Housing - Detached	\$5.16	\$403.13	\$403.13	\$222.74	\$0.00	\$202.96	\$403.13	\$0.00	\$403.13	\$403.13	\$403.13
Assisted Living	\$2.28	\$178.13	\$178.13	\$98.42	\$0.00	\$89.68	\$178.13	\$0.00	\$178.13	\$178.13	\$178.13
Continuing Care Retirement Community	\$2.76	\$215.63	\$215.63	\$119.14	\$0.00	\$108.56	\$215.63	\$0.00	\$215.63	\$215.63	\$215.63
Lodging											
Hotel	\$5.10	\$398.44	\$398.44	\$220.15	\$0.00	\$200.60	\$398.44	\$0.00	\$398.44	\$398.44	\$398.44
All Suites Hotel	\$3.06	\$239.06	\$239.06	\$132.09	\$0.00	\$120.36	\$239.06	\$0.00	\$239.06	\$239.06	\$239.06
Recreational											
Golf Course	\$34.74	\$2,714.06	\$2,714.06	\$1,499.61	\$0.00	\$1,366.44	\$2,714.06	\$0.00	\$2,714.06	\$2,714.06	\$2,714.06
Miniature Golf Course	\$2.82	\$220.31	\$220.31	\$121.73	\$0.00	\$110.92	\$220.31	\$0.00	\$220.31	\$220.31	\$220.31
Golf Driving Range	\$10.56	\$825.00	\$825.00	\$455.84	\$0.00	\$415.36	\$825.00	\$0.00	\$825.00	\$825.00	\$825.00
Multiplex Movie Theater	\$93.06	\$7,270.31	\$7,270.31	\$4,017.09	\$0.00	\$3,660.36	\$7,270.31	\$0.00	\$7,270.31	\$7,270.31	\$7,270.31
Health/Fitness Club	\$14.70	\$1,148.44	\$1,148.44	\$634.55	\$0.00	\$578.20	\$1,148.44	\$0.00	\$1,148.44	\$1,148.44	\$1,148.44
Institutional											
Private School (K-8)	\$2.22	\$173.44	\$173.44	\$95.83	\$0.00	\$87.32	\$173.44	\$0.00	\$173.44	\$173.44	\$173.44
Private School (K-12)	\$1.44	\$112.50	\$112.50	\$62.16	\$0.00	\$56.64	\$112.50	\$0.00	\$112.50	\$112.50	\$112.50
Charter Elementary School	\$1.20	\$93.75	\$93.75	\$51.80	\$0.00	\$47.20	\$93.75	\$0.00	\$93.75	\$93.75	\$93.75
Junior/Community College	\$0.96	\$75.00	\$75.00	\$41.44	\$0.00	\$37.76	\$75.00	\$0.00	\$75.00	\$75.00	\$75.00
University/College	\$1.56	\$121.88	\$121.88	\$67.34	\$0.00	\$61.36	\$121.88	\$0.00	\$121.88	\$121.88	\$121.88
Church	\$2.52	\$196.88	\$196.88	\$108.78	\$0.00	\$99.12	\$196.88	\$0.00	\$196.88	\$196.88	\$196.88
Day Care Center	\$0.66	\$51.56	\$51.56	\$28.49	\$0.00	\$25.96	\$51.56	\$0.00	\$51.56	\$51.56	\$51.56
Medical											
Hospital	\$10.32	\$806.25	\$806.25	\$445.48	\$0.00	\$405.92	\$806.25	\$0.00	\$806.25	\$806.25	\$806.25
Nursing Home	\$6.24	\$487.50	\$487.50	\$269.36	\$0.00	\$245.44	\$487.50	\$0.00	\$487.50	\$487.50	\$487.50
Clinic	\$34.86	\$2,723.44	\$2,723.44	\$1,504.79	\$0.00	\$1,371.16	\$2,723.44	\$0.00	\$2,723.44	\$2,723.44	\$2,723.44
Animal Hospital/Veterinary Clinic	\$37.50	\$2,929.69	\$2,929.69	\$1,618.75	\$0.00	\$1,475.00	\$2,929.69	\$0.00	\$2,929.69	\$2,929.69	\$2,929.69
Free-Standing Emergency Room	\$16.14	\$1,260.94	\$1,260.94	\$696.71	\$0.00	\$634.84	\$1,260.94	\$0.00	\$1,260.94	\$1,260.94	\$1,260.94
Office											
General Office Building	\$29.70	\$2,320.31	\$2,320.31	\$1,282.05	\$0.00	\$1,168.20	\$2,320.31	\$0.00	\$2,320.31	\$2,320.31	\$2,320.31
Medical-Dental Office Building	\$72.24	\$5,643.75	\$5,643.75	\$3,118.36	\$0.00	\$2,841.44	\$5,643.75	\$0.00	\$5,643.75	\$5,643.75	\$5,643.75
United States Post Office	\$58.08	\$4,537.50	\$4,537.50	\$2,507.12	\$0.00	\$2,284.48	\$4,537.50	\$0.00	\$4,537.50	\$4,537.50	\$4,537.50
Research and Development Center	\$12.66	\$989.06	\$989.06	\$546.49	\$0.00	\$497.96	\$989.06	\$0.00	\$989.06	\$989.06	\$989.06
Automotive											
Quick Lubrication Vehicle Shop	\$14.28	\$1,115.63	\$1,115.63	\$616.42	\$0.00	\$561.68	\$1,115.63	\$0.00	\$1,115.63	\$1,115.63	\$1,115.63
Automobile Parts Service Center	\$4.50	\$351.56	\$351.56	\$194.25	\$0.00	\$177.00	\$351.56	\$0.00	\$351.56	\$351.56	\$351.56
Car Wash and Detail Center	\$10.50	\$820.31	\$820.31	\$453.25	\$0.00	\$413.00	\$820.31	\$0.00	\$820.31	\$820.31	\$820.31

Table 4 (cont.)– Roadway Maximum Impact Fee after Application of General Credit

Land Use Category	Roadway Maximum Impact Fee after Application of General Credit										
	Service Area 1	Service Area 2	Service Area 3	Service Area 4	Service Area 5	Service Area 6	Service Area 7	Service Area 8	Service Area 9	Service Area 10	Service Area 11
Dining											
Quality Restaurant	\$17.34	\$1,354.69	\$1,354.69	\$748.51	\$0.00	\$682.04	\$1,354.69	\$0.00	\$1,354.69	\$1,354.69	\$1,354.69
High-Turnover (Sit-Down) Restaurant	\$24.18	\$1,889.06	\$1,889.06	\$1,043.77	\$0.00	\$951.08	\$1,889.06	\$0.00	\$1,889.06	\$1,889.06	\$1,889.06
Fast-Food Restaurant w/ Drive-Through Window	\$64.02	\$5,001.56	\$5,001.56	\$2,763.53	\$0.00	\$2,518.12	\$5,001.56	\$0.00	\$5,001.56	\$5,001.56	\$5,001.56
Bread/Donut/Bagel Shop w/o Drive-Through Window	\$18.60	\$1,453.13	\$1,453.13	\$802.90	\$0.00	\$731.60	\$1,453.13	\$0.00	\$1,453.13	\$1,453.13	\$1,453.13
Other Retail											
Shopping Center	\$22.26	\$1,739.06	\$1,739.06	\$960.89	\$0.00	\$875.56	\$1,739.06	\$0.00	\$1,739.06	\$1,739.06	\$1,739.06
Building Materials and Lumber Store	\$11.34	\$885.94	\$885.94	\$489.51	\$0.00	\$446.04	\$885.94	\$0.00	\$885.94	\$885.94	\$885.94
Free-Standing Discount Superstore	\$45.66	\$3,567.19	\$3,567.19	\$1,970.99	\$0.00	\$1,795.96	\$3,567.19	\$0.00	\$3,567.19	\$3,567.19	\$3,567.19
Variety Store	\$75.12	\$5,868.75	\$5,868.75	\$3,242.68	\$0.00	\$2,954.72	\$5,868.75	\$0.00	\$5,868.75	\$5,868.75	\$5,868.75
Free-Standing Discount Store	\$33.96	\$2,653.13	\$2,653.13	\$1,465.94	\$0.00	\$1,335.76	\$2,653.13	\$0.00	\$2,653.13	\$2,653.13	\$2,653.13
Hardware/Paint Store	\$9.00	\$703.13	\$703.13	\$388.50	\$0.00	\$354.00	\$703.13	\$0.00	\$703.13	\$703.13	\$703.13
Nursery (Garden Center)	\$38.16	\$2,981.25	\$2,981.25	\$1,647.24	\$0.00	\$1,500.96	\$2,981.25	\$0.00	\$2,981.25	\$2,981.25	\$2,981.25
Supermarket	\$15.54	\$1,214.06	\$1,214.06	\$670.81	\$0.00	\$611.24	\$1,214.06	\$0.00	\$1,214.06	\$1,214.06	\$1,214.06
Convenience Market w/ Gasoline Pumps	\$6.24	\$487.50	\$487.50	\$269.36	\$0.00	\$245.44	\$487.50	\$0.00	\$487.50	\$487.50	\$487.50
Discount Club	\$42.90	\$3,351.56	\$3,351.56	\$1,851.85	\$0.00	\$1,687.40	\$3,351.56	\$0.00	\$3,351.56	\$3,351.56	\$3,351.56
Sporting Goods Superstore	\$17.70	\$1,382.81	\$1,382.81	\$764.05	\$0.00	\$696.20	\$1,382.81	\$0.00	\$1,382.81	\$1,382.81	\$1,382.81
Home Improvement Superstore	\$9.54	\$745.31	\$745.31	\$411.81	\$0.00	\$375.24	\$745.31	\$0.00	\$745.31	\$745.31	\$745.31
Electronic Superstore	\$16.86	\$1,317.19	\$1,317.19	\$727.79	\$0.00	\$663.16	\$1,317.19	\$0.00	\$1,317.19	\$1,317.19	\$1,317.19
Pet Supply Superstore	\$36.48	\$2,850.00	\$2,850.00	\$1,574.72	\$0.00	\$1,434.88	\$2,850.00	\$0.00	\$2,850.00	\$2,850.00	\$2,850.00
Office Supply Superstore	\$28.38	\$2,217.19	\$2,217.19	\$1,225.07	\$0.00	\$1,116.28	\$2,217.19	\$0.00	\$2,217.19	\$2,217.19	\$2,217.19
Discount Home Furnishing Superstore	\$22.98	\$1,795.31	\$1,795.31	\$991.97	\$0.00	\$903.88	\$1,795.31	\$0.00	\$1,795.31	\$1,795.31	\$1,795.31
Department Store	\$20.04	\$1,565.63	\$1,565.63	\$865.06	\$0.00	\$788.24	\$1,565.63	\$0.00	\$1,565.63	\$1,565.63	\$1,565.63
Arts and Crafts Store	\$63.66	\$4,973.44	\$4,973.44	\$2,747.99	\$0.00	\$2,503.96	\$4,973.44	\$0.00	\$4,973.44	\$4,973.44	\$4,973.44
Pharmacy/Drugstore w/o Drive-Through Window	\$12.78	\$998.44	\$998.44	\$551.67	\$0.00	\$502.68	\$998.44	\$0.00	\$998.44	\$998.44	\$998.44
Pharmacy/Drugstore w/ Drive-Through Window	\$15.48	\$1,209.38	\$1,209.38	\$668.22	\$0.00	\$608.88	\$1,209.38	\$0.00	\$1,209.38	\$1,209.38	\$1,209.38
Furniture Store	\$1.20	\$93.75	\$93.75	\$51.80	\$0.00	\$47.20	\$93.75	\$0.00	\$93.75	\$93.75	\$93.75
Services											
Walk-in Bank	\$17.70	\$1,382.81	\$1,382.81	\$764.05	\$0.00	\$696.20	\$1,382.81	\$0.00	\$1,382.81	\$1,382.81	\$1,382.81
Drive-in Bank	\$39.60	\$3,093.75	\$3,093.75	\$1,709.40	\$0.00	\$1,557.60	\$3,093.75	\$0.00	\$3,093.75	\$3,093.75	\$3,093.75

2.2 Assessment of Impact Fees as a Condition of Development

No final plat for new development shall be released for recordation, and no building permit and/or plumbing permit shall be issued, without the assessment of applicable impact fees pursuant to this Chapter. Except as otherwise provided in this Chapter, no building permit and/or plumbing permit shall be issued until the owner has paid the applicable impact fees or a contract for payment of the applicable impact fees has been approved by the City and executed by the parties.

2.3 Assessment of Impact Fees

- (A) Assessment of the impact fees for any new development shall be based on the applicable impact fees per service unit and any fee phasing in effect at the time of assessment. No specific act by the City is required to assess impact fees.
- (B) For a new development which has received final plat approval before the effective date, assessment of impact fees shall occur on the effective date.

- (C) For a new development which has received final plat approval on or after the effective date, assessment of impact fees shall occur at the time of recordation of the final plat.
- (D) After assessment of the impact fees attributable to a new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases through a change of use. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.
- (E) 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.

2.4 Credits Against Impact Fees

- (A) *General credit.* The City shall apply against assessed impact fees a credit equal to a variable percentage of the total projected cost of implementing the capital improvements plan based on the type of impact fee. The maximum impact fees after application of this credit are identified in Section 2.1 (Tables 1 and 2). This general credit only applies to developments in the corporate limits of the City and not to those in the ETJ.
- (B) *Roadway credit.* Any construction of, contributions to, or dedications of roadway facilities that are system-related facilities and are agreed to or required by the City as a condition of development approval shall be credited against assessed roadway impact fees. To the extent that a credit under this subsection exceeds the roadway impact fees for service units attributable to an owner's new development, the credit shall be applied against the roadway impact fees for service units attributable to each other new development of the owner located on a tract of land that was contained in the same preliminary plat of the new development for which the credit was granted.
- (C) *Water credit.* Any construction of, contributions to or dedications of water facilities that are system-related facilities and agreed to or required by the City as a condition of development approval shall be credited against assessed water impact fees. To the extent that a credit under this subsection exceeds the water impact fees for service units attributable to an owner's new development, the credit shall be applied against the water impact fees for service units attributable to each other new development of the owner that is located on a tract of land that was contained in the same preliminary plat of the new development for which the credit was granted.
- (D) *Wastewater credit.* Any construction of, contributions to or dedications of wastewater facilities that are system-related facilities and that are agreed to or required by the City as a condition of development approval shall be credited against assessed wastewater impact fees. To the extent that a credit under this subsection exceeds the wastewater impact fees for service units attributable to an owner's new development, the credit shall be applied against the wastewater impact fees for service units attributable to each other new development of the owner that is located on a tract of land that was contained in the same preliminary plat of the new development for which the credit was granted.
- (E) *Traditional commercial corridor and city core credit.* Non-residential (includes multi-

family residential) will be credited by an additional fifty (50) percent of the general credit fee. (See Map Exhibit 2)

- (F) *Credit by agreement.* The City and the owner of a new development may agree in writing that the owner may construct or finance system-related facilities and that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development. The City Manager is authorized to negotiate and execute such an agreement.
- (G) *No credit for rights-of-way or easements.* Rights-of-way and easements are not included in the Study, and no credit shall be granted for the dedication of rights-of-way or easements. Rights-of-way and easements are dedicated as required by the ordinances of the City, necessitated by and attributable to a new development and do not exceed the amount required for infrastructure improvements that are roughly proportionate to the new development.

2.5 Collection of Impact Fees

- (A) Impact fees shall be collected at the time of issuance of a building permit.
- (B) For a new development that received final plat approval before the effective date:

Impact fees may not be collected on any service unit for which a valid building permit is issued within two years after the effective date; provided, however, such a service unit shall be subject to the collection of impact fees upon the submission of a subsequent application for a building permit if the subsequent application is not submitted and approved within two years after the effective date.

2.6 Rebates

If the building permit has expired for a new development for which a roadway impact fee has been paid, 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 section has been filed within this period, no rebate shall become due.

2.7 Waivers

- (A) Impact fees will be waived for single-family residential dwellings located in the residential infill area (See Map Exhibit 1).
- (B) Impact fees will be waived for affordable housing (inside City limits only) subject to the following criteria:
 - (1) New development must include at least twenty-five (25) percent affordable housing units and an additional twenty-five (25) percent of units must either be affordable or workplace housing units. Affordable units and workplace units are defined as:
 - i. Affordable rentals units reserved for households earning at or below eighty

- (80) percent of the Area Median Income (AMI) for the Waco metropolitan area using Housing and Urban Development (HUD) and/or Texas Department of Housing and Community Affairs (TDHCA) income limits as applicable. To qualify under this waiver, rents charged for affordable units shall not exceed thirty (30) percent of the household's gross monthly income.
 - ii. Workforce rental units reserved for households earning between eighty (80) and one hundred twenty (120) percent of the Area Median Income (AMI) for the Waco metropolitan area using HUD and/or TDHCA income limits as applicable. To qualify under this waiver, rents charged for affordable units shall not exceed thirty (30) percent of the household's gross monthly income.
 - iii. For-sale units reserved for households earning at or below one hundred twenty (120) percent of the Area Median Income (AMI) for the Waco metropolitan area using HUD and/or TDHCA income limits as applicable. To qualify under this waiver, homes sold must be the owner's primary residence.
- (C) Roadway Impact Fees will be waived for manufacturing, distribution, warehouse, logistics, assembly, processing, fabrication, value added processing, aviation/aerospace, research and development, advanced technology, information technology, information and data centers, corporate and regional offices, and similar facilities.
- (D) Impact fees will be waived for existing business expansion or relocation subject to meeting all the following criteria:
 - (1) The existing business is located within the city limits of Waco.
 - (2) Business has been operating within the city limits of Waco for a period of at least 2 years.
 - (3) The expansion or relocation of the business is for the purpose of increasing production/ business capacity.
 - (4) The business is a manufacturing, distribution, warehouse, logistics, assembly, processing, fabrication, value added processing, aviation/aerospace, research and development, advanced technology, information technology, information and data centers, corporate and regional offices, or similar facilities.
 - (5) Documentation is provided verifying the total number of jobs and compensation per comparable positions at the new location is equal to or greater than the number of jobs and compensation per comparable positions at the original location.
- (E) Roadway impact fees will be waived if the total water and wastewater impact fees exceeds seventy-five thousand (\$75,000.00) dollars.
- (F) Impact fees will be waived for developments that have been approved for impact fee waivers by City Council through the City Abatement Policy and/or a program under Chapter 380 of the Statute.
- (G) Impact fees will be waived for the remaining lots in residential development that received final plat approval or final plat recordation before the effective date and at least eighty (80) percent of the lots have been issued building permits.

2.8 Impact Fee Cap

- (A) The total impact fee for water, wastewater, and roadway will be capped at seventy-five thousand (\$75,000.00) dollars if the total water and wastewater impact fees does not exceed seventy-five thousand (\$75,000.00) dollars.

2.9 Accounting for Fees and Interest

- (A) *Deposit of funds.* The City shall deposit all funds collected through the adoption of an impact fee in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.
- (B) *Interest.* Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under Chapter 395 of the Statute.
- (C) *Expenditure of funds.* The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by Chapter 395 of the Statute.
- (D) The City shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended within each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Part III. Appeals

3.1 Appeal Procedure; Remedies

- (A) *Decisions subject to appeal.* An owner may, in accordance with this Section, appeal the following decisions:
 - (1) The applicability of an impact fee to the owner's new development;
 - (2) The amount of an impact fee due;
 - (3) The availability of, the application of, or the amount of a credit against an impact fee due;
 - (4) The amount of an impact fee due in proportion to the benefit of the services for which the impact fee was assessed that are received by the new development; or
 - (5) The amount of any refund due.
- (B) *Notice of appeal.* Within thirty (30) days following the decision being appealed, the owner shall submit to the City Manager a written notice of appeal, by certified mail, return receipt requested or by e-mail, that states the basis for the appeal with particularity. Submitted means delivered to the City Secretary's Office of the City of Waco or certified mail postmarked within thirty (30) days of receipt of the decision. To the extent the owner relies on any studies or other documents as evidence that the owner is entitled to relief, the owner shall submit such studies and documents with the notice of appeal. If the notice of appeal is accompanied by cash or a letter of credit issued by a financial institution that

has an office for presentment located in Waco, Texas, in an amount equal to the original determination of the impact fee due, the building permit and/or plumbing permit associated with the matter being appealed may be issued while the appeal is pending.

(C) *Burden of proof.* The burden of proof shall be on the owner to demonstrate that the owner is entitled to relief.

(D) *Resolution of appeal by the City Manager.*

- (1) Within ten (10) days of receipt of the notice of appeal, the City Manager shall issue a written decision granting relief, granting partial relief or denying relief and shall send the decision to the owner by certified mail, return receipt requested or by e-mail if the owner's e-mail address is provided on the notice of appeal or the building permit application that gave rise to the matter being appealed. The City Manager's written decision shall ask the owner to respond in writing within ten (10) days of the date of the written decision, by certified mail, return receipt requested or by e-mail, regarding whether the owner agrees or disagrees with the City Manager's decision.
- (2) Upon issuing the written decision, the City Manager shall refer the appeal to the City Council for a hearing. The owner shall be provided written notice of the date, time and location of the hearing.
- (3) If prior to the City Council hearing the owner agrees in writing with the City Manager's written decision:
 - i. the appeal shall be considered resolved;
 - ii. the City Manager's referral of the notice of appeal to the City Council for a hearing shall be withdrawn;
 - iii. to the extent that the City Manager's decision grants relief or partial relief to the owner, the City Manager shall ensure that the owner receives such relief or partial relief; and
 - iv. to the extent that the City Manager's decision requires the owner to pay an impact fee, the owner shall promptly pay the impact fee. The owner's failure to pay the impact fee within five business days after agreeing with the City Manager's decision shall serve as authority for the City to present the letter of credit to the financial institution for performance with no other or further notice or contact with the owner.

(E) *Consideration of appeal by City Council.*

- (1) If the owner disagrees in writing with the City Manager's written decision or otherwise fails to agree in writing with the City Manager's written decision, the City Council shall hold a public hearing to consider the appeal and shall act on the appeal within sixty (60) days of the City Manager's receipt of the notice of appeal.
- (2) The City Council shall act on the appeal by granting relief, granting partial relief or denying relief.
- (3) To the extent that the City Council grants relief or partial relief to the owner, the City Manager shall ensure that the owner receives such relief or partial relief.
- (4) To the extent that the City Council's action on the appeal requires the owner to

pay an impact fee, the owner shall promptly pay the impact fee. The owner's failure to pay the impact fee within five business days after the date of the City Council's action on the appeal shall serve as authority for the City to present the letter of credit to the financial institution for performance with no other or further notice or contact with the owner.

- (5) The City Council's action on the appeal shall constitute the City's final decision on the matter appealed.

- (F) *Costs.* An owner shall bear all costs of the owner's appeal under this Section.

3.2. Other Relief; Variance; Waiver

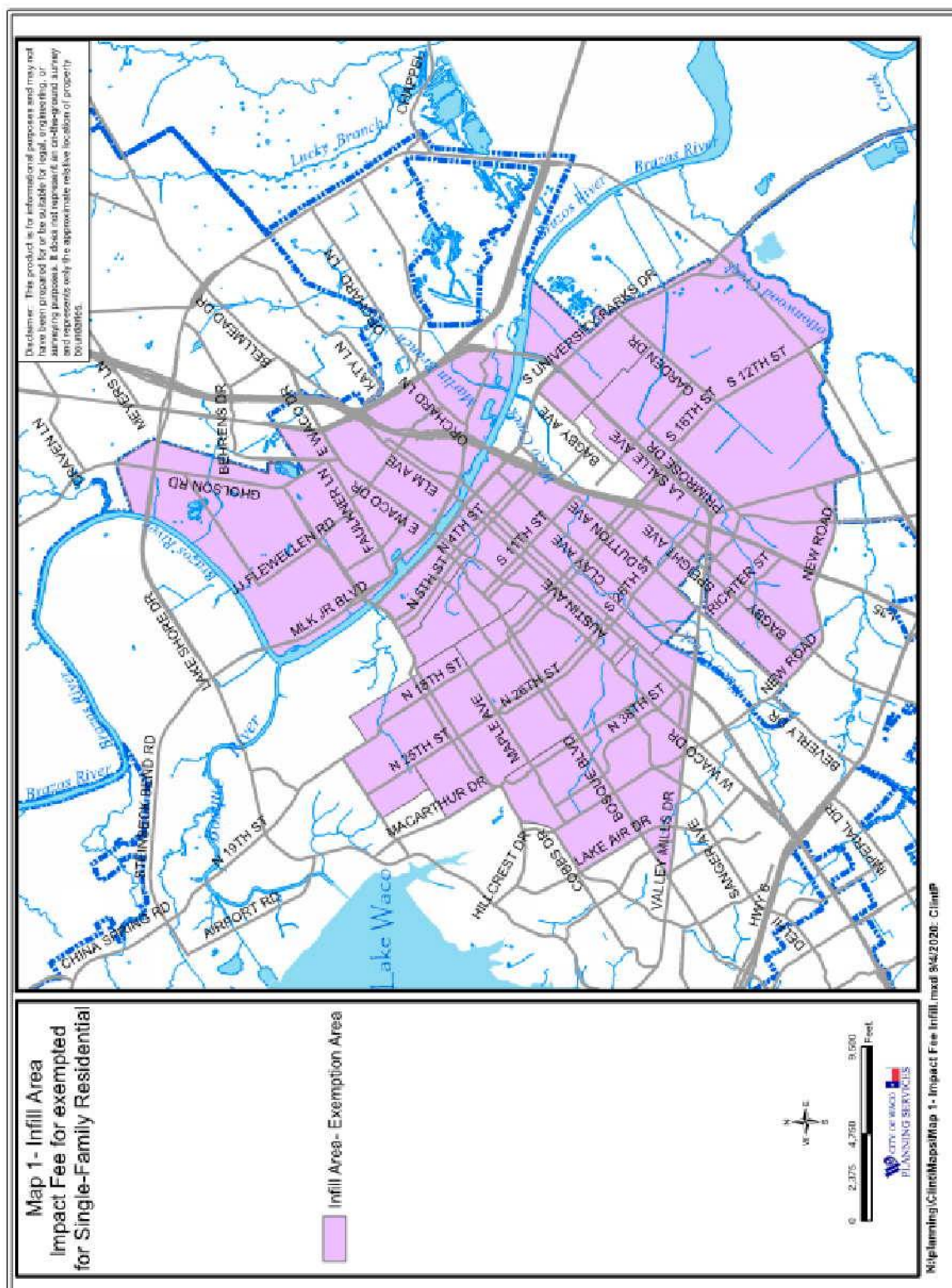
- (A) *Failure to perform a duty.*

- (1) A person who has paid an impact fee or an owner of land on which an impact fee has been paid may submit to the City Manager a written request for the City Council to determine whether the City has failed to perform a duty imposed under Chapter 395 of the Statute within the prescribed period. The written request must state the nature of the unperformed duty and request that it be performed within sixty (60) days after the date of the request.

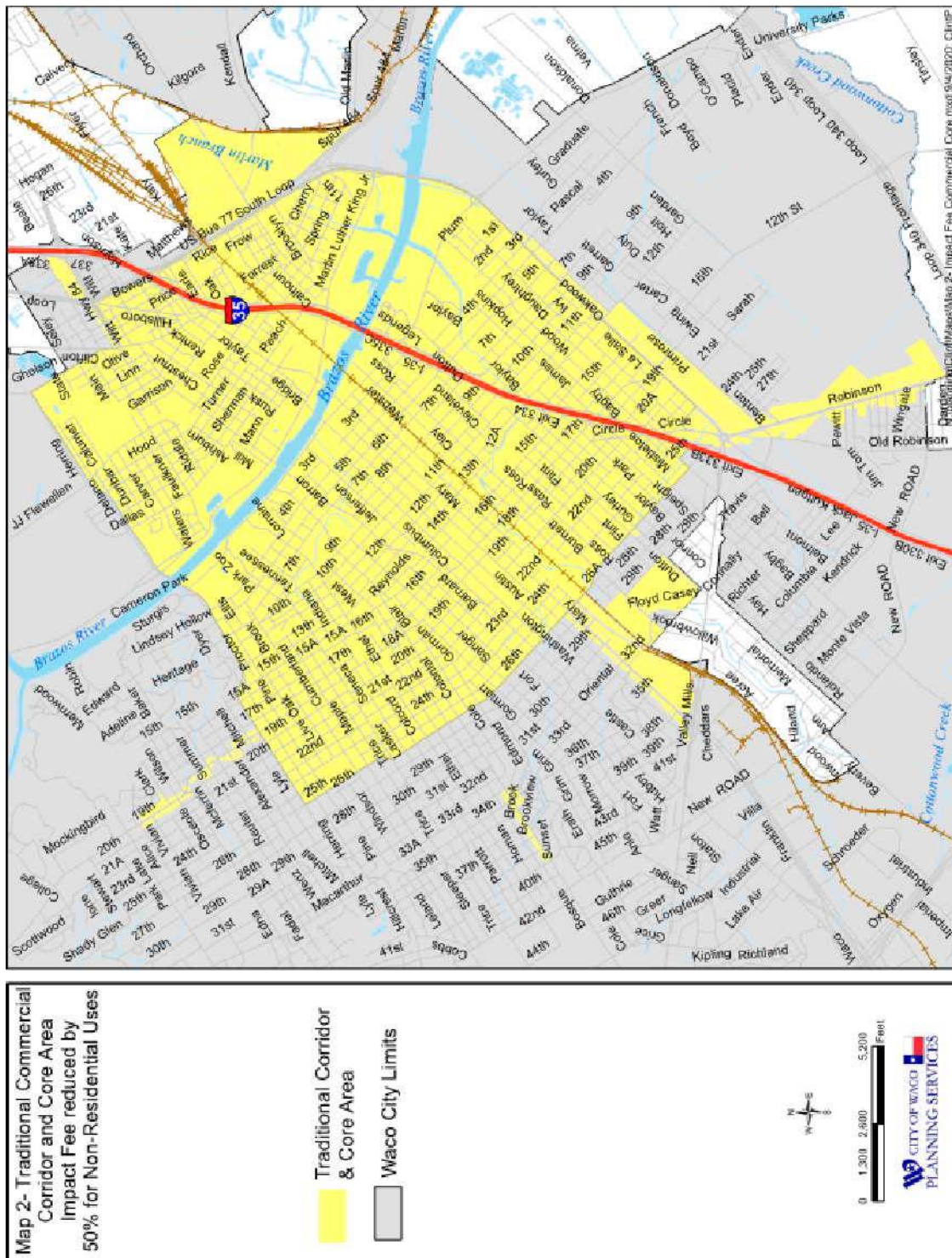
- (2) The City Council shall consider the request, and if the City Council finds that the duty is required under Chapter 395 of the Statute and is late in being performed, it shall cause the duty to commence within sixty (60) days after the date of the request and continue until completion.

- (B) *Variance or waiver.* The City Council may grant a variance or waiver from any requirement of this Chapter, upon written request by an owner, following a public hearing, and only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation or an unconstitutional taking of the property.

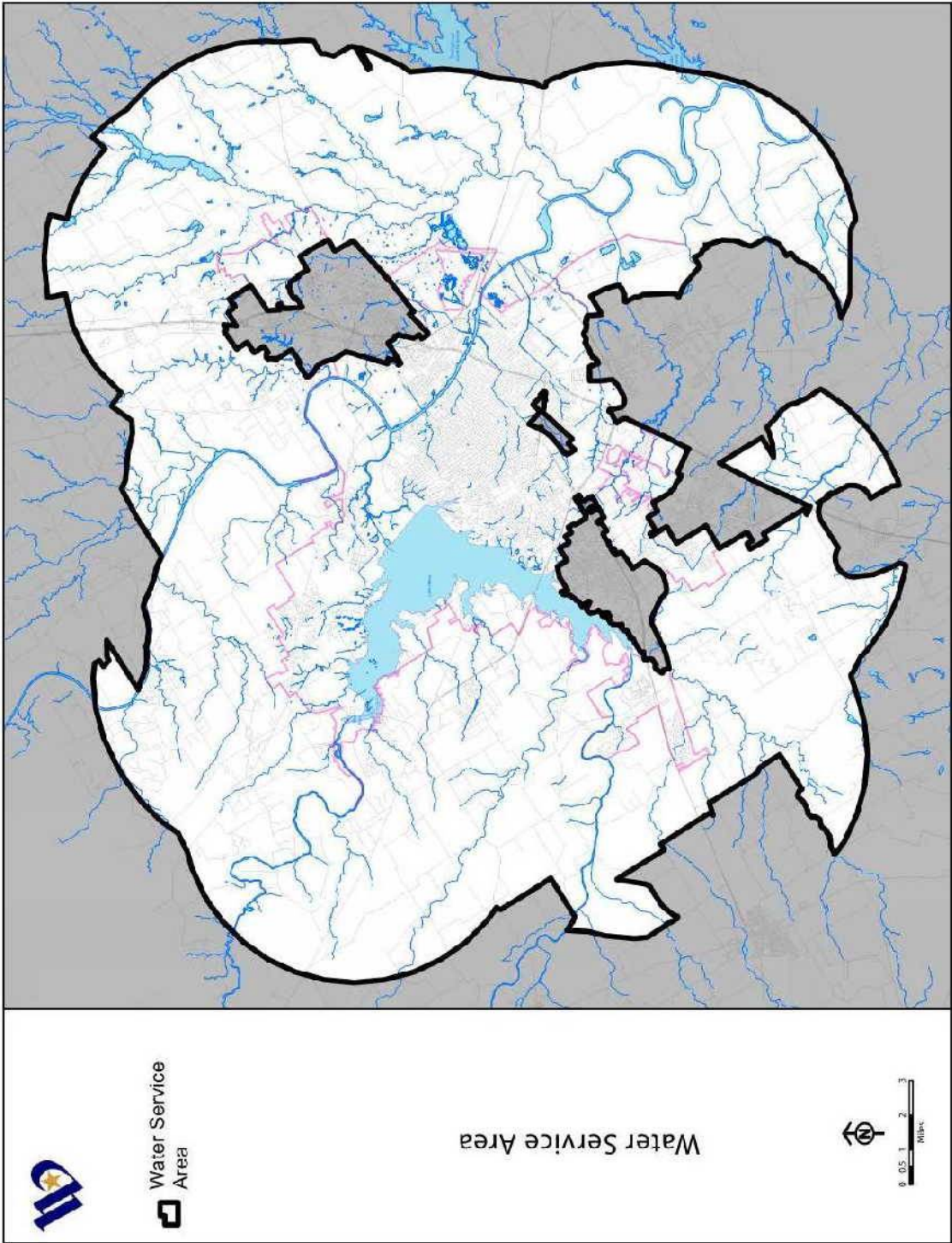
Map Exhibit 1 – Waco Infill Areas



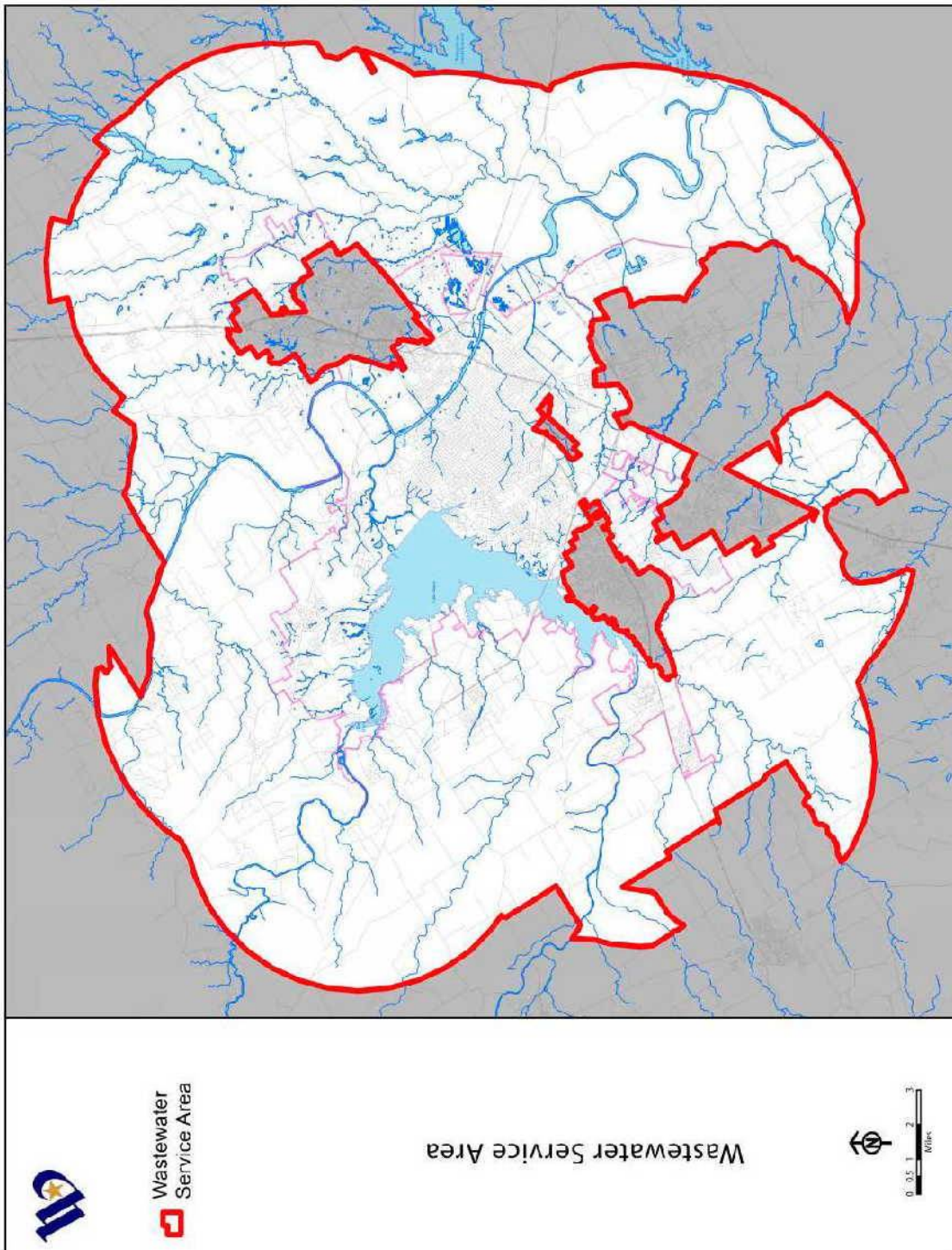
Map Exhibit 2 - City Core and Traditional Commercial Corridors



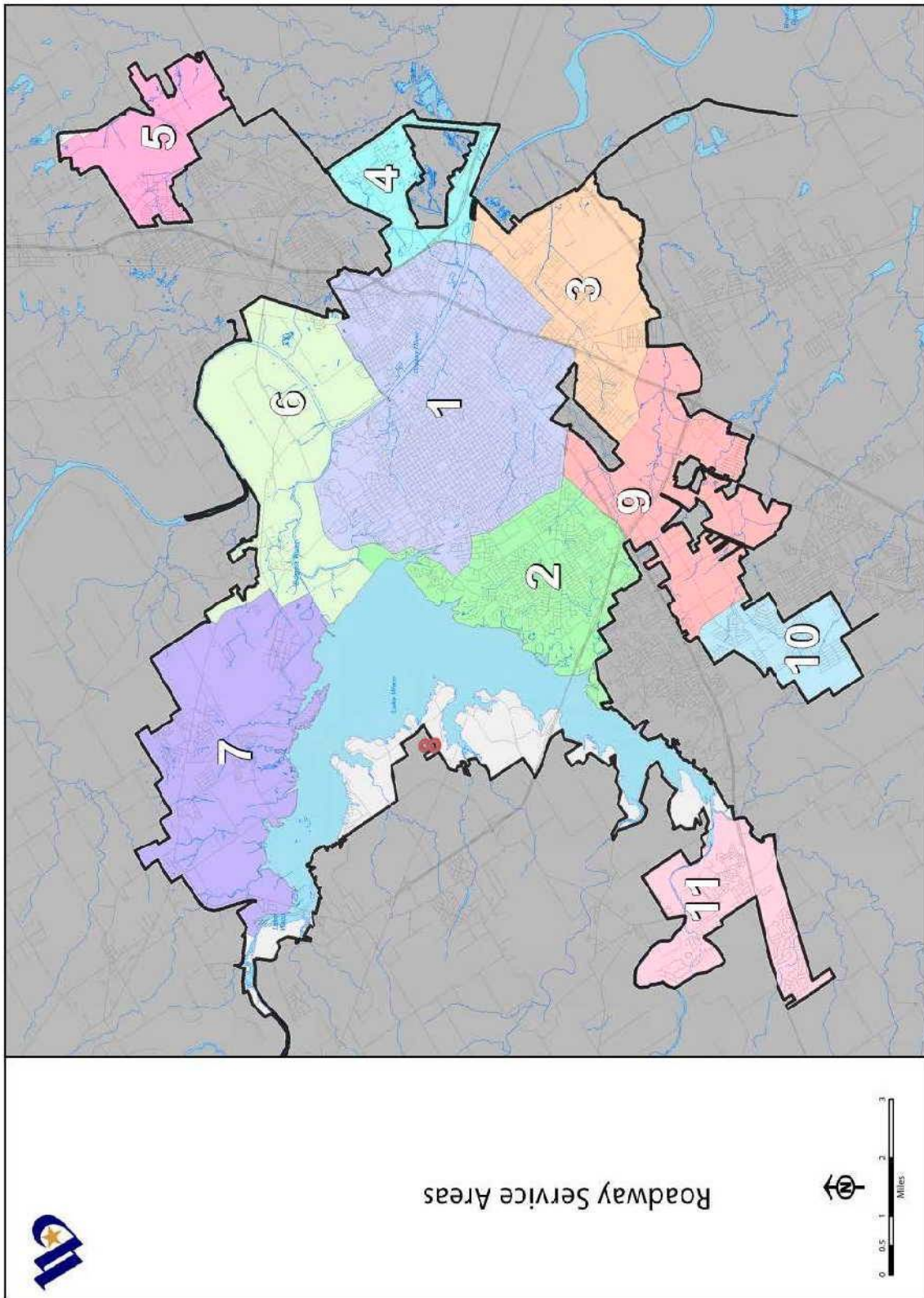
Map Exhibit 3 – Water Service Area



Map Exhibit 4 – Wastewater Service Area



Map Exhibit 5 – Roadway Service Areas



Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 6. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, Texas, which shall be a fine of not less than \$1.00 and no more than \$500.00, and each day a violation exists shall be a separate offense.

Section 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: this 20th day of October, 2020.

Second Reading: this 3rd day of November, 2020.

DocuSigned by:

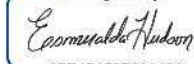


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Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:

DocuSigned by:



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Esmeralda Hudson, City Secretary



APPROVED AS TO FORM & LEGALITY:

DocuSigned by:



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Jennifer Richie, City Attorney