

ORDINANCE

AN ORDINANCE OF THE CITY OF DESOTO, TEXAS, AMENDING CHAPTER 13 TITLED "UTILITIES" BY AMENDING ARTICLE 13.700 TITLED "IMPACT FEES"; BY AMENDING SECTION 13.702 TITLED "DEFINITIONS" AND BY AMENDING SECTION 13.705 TITLED "CALCULATION OF AMOUNT OF IMPACT FEES"; BY AMENDING APPENDIX A TITLED "FEE SCHEDULE" BY AMENDING ARTICLE 24.000 TITLED "IMPACT FEE SCHEDULES"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of DeSoto ("the City") has previously enacted Code of Ordinances Article 13.700 titled "Impact Fees" establishing impact fees relating to water facilities, sanitary sewer facilities, and roadway facilities to be assessed by the City; and

WHEREAS, the City Council of the City of DeSoto, Texas, hired Freese and Nichols to develop an Impact Fee Capital Improvement Plan (CIP) and Land Use Assumptions (LUA) Plan to determine the feasibility of imposing water, wastewater, and roadway facilities impact fees in accordance with Tex. Loc. Gov't Code Chapter 395; and

WHEREAS, the City Council has previously approved the Impact Fee Capital Improvement Plan (CIP) and Land Use Assumptions (LUA) Plan; and

WHEREAS, the City Council held a public hearing to discuss the adoption of impact fees; and

WHEREAS, the City Council finds that it is in the best interest of the City of DeSoto, Dallas County, Texas, and its citizens to amend Chapter 13; Article 13.700 of the DeSoto Code of Ordinances by adopting impact fees roadway and water and wastewater facilities in accordance with Chapter 395, TEX. LOC. GOV'T CODE, as amended.

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

SECTION 1. The City of DeSoto Code of Ordinances is amended by amending Chapter 13 "Utilities" by amending Article 13.700 titled "Impact Fees" by amending Section 13.702 titled "Definitions" and Section 13.705 titled "Calculation of Amount of Impact Fees", to read as follows:

"CHAPTER 13**ARTICLE 13.700 IMPACT FEES**

AMEND SECTION 13.702 AS FOLLOWS:

Sec. 13.702 Definitions

ADD NEW DEFINITION FOR IMPACT FEE STUDY TO READ AS FOLLOWS:

Impact Fee Study. The report prepared by Freese & Nichols, Inc. dated July 2021 titled *Roadway, Water and Wastewater Impact Fee Report prepared for the City of DeSoto*, a true and correct copy of which is on file in the Office of the City Secretary and is incorporated herein by reference.

DELETE DEFINITION FOR LAND USE ASSUMPTIONS AND REPLACE WITH NEW DEFINITION FOR LAND USE ASSUMPTIONS AS FOLLOWS:

DELETE:

~~Land Use Assumptions. The land use assumptions adopted by the city council, as updated and amended pursuant to this article. The land use assumptions serve as the basis for the capital improvements plan and project changes in land uses, densities, intensities, and population in the service areas of the city. The land use assumptions include the description of the service area and projections of changes in the land uses, densities and population in the service area over a ten (10) year period.~~

REPLACE WITH:

Land Use Assumptions. The projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the city, as set forth in Chapter of the Impact Fee Study, as amended from time to time, upon which the impact fee capital improvements plans are based.

ADD NEW DEFINITION FOR LAND USE EQUIVALENCY TABLE TO READ AS FOLLOWS:

Land use equivalency table. A table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time. The land use equivalency table may be incorporated in a schedule of impact fee rates.

DELETE DEFINITION FOR ROADWAY FACILITIES AND REPLACE WITH NEW DEFINITION FOR ROADWAY FACILITY AS FOLLOWS:

DELETE:

~~Roadway Facilities. Arterial or collector streets or roads which have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary~~

~~appurtenances, but does not include any roadways or associated improvements designated on the Federal or Texas Highway System.~~

REPLACE WITH:

Roadway facility. An improvement or appurtenance to a roadway which includes, but is not limited to, rights-of-way, whether conveyed by deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the roadway facility; streetlighting or curbs; and water and wastewater improvements affected by the roadway facility.

(1) The term "roadway facility" also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system, and to any improvements or appurtenances to such federal or state highway, to the extent that the city has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way.

(2) The term "roadway facility" does not include those improvements or appurtenances to any roadway which is a site-related facility.

AMEND SECTION 13.705 AS FOLLOWS:

Sec. 13.705 Calculation of Amount of Impact Fees

ADD NEW SUBSECTION (b); RENUMBER REMAINING SUBSECTIONS

(a) For roadway facilities, the amount of the impact fee payable (exclusive of any credits) shall be calculated by multiplying the number of service units attributable to the new development by the payment and collection rate established in Schedule 2 found in the fee schedule found in the appendix of this code. The number of service units attributable to the new development shall be determined by multiplying the applicable service unit equivalency factor established in Schedule 7 found in the fee schedule found in the appendix of this code for each land use of the new development by the size or amount of the new development (in dwelling units, floor area, or other units of measurement as appropriate for the service unit equivalency factor).

ADD (b):

(b) The impact fee per service unit which is to be paid by each new development within a service area shall be that established by ordinance by the city council, as such may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in section (a) of this section.

(c) If no service unit equivalency factor in Schedule 7 found in the fee schedule found in the appendix of this code applies, the determination of the appropriate category will be made by the director of planning based on the most similar listed use. The applicant may submit studies for land use equivalencies not listed based on traffic engineering methodologies pursuant to city guidelines.

(d) For water and wastewater facilities, the amount of the impact fee payable (exclusive of any credits) shall be calculated by multiplying the number of service units attributable to the new development by the payment and collection rate established in Schedules 4 and 6 found in the fee schedule found in the appendix of this code. The number of service units attributable to the new development shall be the equivalent number of service units for the water meter size (or in the case of a replacement water meter, the incremental increase in water meter size) serving the new development determined in accordance with Schedule 8 found in the fee schedule found in the appendix of this code.

(e) The payment and collection rate used in calculating impact fees payable may change as the result of future amendments to this article. If the payment and collection rate established in this article changes, the applicable payment and collection rate for purposes of calculating impact fees payable shall be the lesser of (1) the payment and collection rate in effect under this article at the time the impact fee is payable and (2) the rate assessed as follows:

(1) If a plat is approved by the city planning and zoning commission after the effective date of this article, the assessed rate for the property on that plan shall be the maximum fee rate as shown in Schedules 1, 3 and 5 found in the fee schedule found in the appendix of this code in effect on the date that the plat is approved unless a subsequent plat or zoning change occurs that increases the number of service units that may be attributable to that property. In that case, the assessed rate for the additional service units only shall be the maximum fee rate in effect on the date of approval of the subsequent plat or zoning change, and for all other service units, the assessed rate shall be the maximum fee rate in effect on the date that the initial plat was approved.

(2) In all other circumstances, the assessed rate shall be the maximum fee rate in effect on the date that the impact fee is payable.

SECTION 2. The City of DeSoto Code of Ordinances is amended by amending Appendix A titled "Fee Schedule" by amending Article 24.000, to read as follows:

APPENDIX A

FEE SCHEDULE

ARTICLE 24.000 IMPACT FEE SCHEDULES

DELETE SCHEDULE 1 AND SCHEDULE 2 IN THEIR ENTIRETY AND REPLACE WITH NEW SCHEDULE 1 AND SCHEDULE 2

DELETE:

Schedule 1 Roadway Facility Maximum Fee Per Service Unit		Schedule 2 Roadway Facility Payment and Collection Fee Per Service Unit	
Service Area	Maximum Fee Per Vehicle Mile	Service Area	Payment & Collection Fee Per Vehicle Mile
1	— \$ 795.00	1	\$0
2	— \$ 531.00	2	\$0
3	— \$ 722.00	3	\$0
4	— \$1,083.00	4	\$0
5	— \$ 699.00	5	\$0
6	— \$ 671.00	6	\$0
7	— \$ 683.00	7	\$0
8	— \$ 769.00	8	\$0

REPLACE WITH NEW SCHEDULE 1 AND SCHEDULE 2 AS FOLLOWS:

Schedule 1 Roadway Facility Maximum Fee Per Service Unit		Schedule 2 Roadway Facility Payment and Collection Fee Per Service Unit	
Service Area	Maximum Fee Per Vehicle Mile	Service Area	Payment & Collection Fee Per Vehicle Mile
1	\$2,444	1	\$926
2	\$2,315	2	\$926

DELETE SCHEDULE 3 AND SCHEDULE 4 IN THEIR ENTIRETY AND REPLACE WITH NEW SCHEDULE 3 AND SCHEDULE 4
DELETE:

Schedule-3		Schedule-4	
Water Facility		Water Facility	
Maximum Fee Per Service Unit		Payment and Collection Fee Per Service Unit	
Service Area	Maximum Fee Per 5/8" Water Meter Equivalent	Service Area	Payment & Collection Fee Per Service Unit
Entire City	\$471.43	Entire City	\$0

REPLACE WITH NEW SCHEDULE 3 AND SCHEDULE 4 AS FOLLOWS:

Schedule 3 Water Facility Maximum Fee Per Service Unit		Schedule 4 Water Facility Payment and Collection Fee Per Service Unit	
Service Area	Maximum Fee Per 5/8" Water Meter Equivalent	Service Area	Payment & Collection Fee Per Service Unit
Entire City	\$5,121	Entire City	\$2,048

DELETE SCHEDULE 5 AND SCHEDULE 6 IN THEIR ENTIRETY AND REPLACE WITH NEW SCHEDULE 5 AND SCHEDULE 6

DELETE:

Schedule-5		Schedule-6	
Waste Water Facility		Waste Water Facility	
Maximum Fee Per Service Unit		Payment and Collection Fee Per Service Unit	

Service Area	Maximum Fee Per 5/8" Water Meter Equivalent	Service Area	Payment & Collection Fee Per Service Unit
Entire City	\$79.53	Entire City	\$0

REPLACE WITH NEW SCHEDULE 5 AND 6 AS FOLLOWS:

Schedule 5 Waste Water Facility Maximum Fee Per Service Unit		Schedule 6 Waste Water Facility Payment and Collection Fee Per Service Unit	
Service Area	Maximum Fee Per 5/8" Water Meter Equivalent	Service Area	Payment & Collection Fee Per Service Unit
Entire City	\$1,411	Entire City	\$564

DELETE SCHEDULE 7 IN ITS ENTIRETY AND REPLACE WITH NEW SCHEDULE 7 AS FOLLOWS:

DELETE:

Schedule 7 DeSoto Roadway Impact Fee—Land Use/Vehicle-Mile-Equivalency Table					
Category	Land Use	Development Units (x)	Trip Rate	Trip Length (Mi)	Total Service Units (Veh- Mi/Dev Unit)
Residential:	Single-Family Detached	D.U.	0.950	3.00	2.85
	Multi-Family	D.U.	0.670	3.00	2.01
	Mobile Home	D.U.	0.559	3.00	1.68
	Retirement	D.U.	0.400	3.00	1.20
	Community	D.U.	0.950	3.00	2.85
	Others Not Specified*				
Office:	General Office Building	1,000 GFA	1.330	3.00	3.99
	Business Park	1,000 GFA	1.350	3.00	4.05
		1,000 GFA	1.330	3.00	3.99

	Others Not Specified*				
Commercial:	Shopping Center	1,000 GFA	1.504	2.94	4.42
	Restaurant	1,000 GFA	1.600	2.19	3.50
	Fast Food Restaurant	1,000 GFA	1.660	2.19	3.64
	Convenience Store	1,000 GFA	8.570	0.32	2.74
	— >2,400 sq. ft.	Site	3.750	0.32	1.20
	Service Station	Site	20.00	0.32	6.40
	Gas Station w/	1,000 GFA	1.360	1.55	2.11
	Conv. Store <2,400	Rooms	0.460	2.92	1.34
	sq. ft.	Rooms	0.630	2.92	1.84
	Bank	1,000 GFA	1.570	2.94	4.62
	Hotel	1,000 GFA	0.350	2.94	1.03
	Motel	1,000 GFA	1.504	2.94	4.42
	New Car Sales				
	Furniture Store				
	Others Not Specified*				
Industrial:	General Light	1,000 GFA	0.353	3.00	1.06
	Industrial	1,000 GFA	0.870	3.00	2.61
	Industrial Park	1,000 GFA	0.220	3.00	0.66
	Mini-Warehouse	1,000 GFA	0.870	3.00	2.61
	Others Not Specified*				
Institutional:	Elementary School	Students	0.015	1.92	0.03
	High School	Students	0.040	1.92	0.08
	Junior/Community	Students	0.120	3.00	0.36
	— College	Students	0.150	2.46	0.37
	Day Care Center	Beds	0.820	3.00	2.46
	Hospital	1,000 GFA	0.290	1.78	0.52
	Church/Synagogue	1,000 GFA	0.290	1.78	0.52
	Others Not Specified				
* This represents total service unit equivalency for land uses not specified in this category. Actual equivalency may vary and may be demonstrated by property owner to be different pursuant to city guidelines.					

REPLACE WITH NEW SCHEDULE 7 AS FOLLOWS:

Schedule 7					
DeSoto Roadway Impact Fee--Land Use/Vehicle-Mile-Equivalency Table					
Category	Land Use	Development Units (x)	Trip Rate	Trip Length	Total Service Units (Veh-Mi/Dev Unit)
Residential:					

	Single-Family Detached Housing	DU	0.99	3.42	3.39
	Multifamily Housing (Low-Rise)	DU	0.56	2.86	1.6
	Multifamily Housing (Mid-Rise)	DU	0.44	2.86	1.26
	Off-Campus Student Apartment	Bedrooms	0.25	2.86	0.72
	Mid-Rise Residential with 1st-Floor Commercial	DU	0.36	2.86	1.03
	Senior Adult Housing - Detached	DU	0.30	2.59	0.78
	Senior Adult Housing - Attached	DU	0.26	2.59	0.67
	Congregate Care Facility	DU	0.18	2.59	0.47
	Assisted Living	Beds	0.26	2.59	0.67
	Continuing Care Retirement Community	DU	0.16	2.59	0.41
Office:	General Office Building	1000 sq. ft.	1.15	3.61	4.15
	Small Office Building (<5,000 Sq Ft GFA)	1000 sq. ft.	2.45	3.61	8.84
	Corporate Headquarters Building	1000 sq. ft.	0.60	3.61	2.17
	Single Tenant Office Building	1000 sq. ft.	1.71	2.92	4.99
	Medical-Dental Office Building	1000 sq. ft.	3.46	2.93	10.14
	United States Post Office	1000 sq. ft.	3.36	2.43	8.16
Commercial:	Hotel	Rooms	0.60	1.26	0.65
	All Suites Hotel	Rooms	0.36	1.26	0.39
	Motel	Rooms	0.38	1.26	0.41
	Movie Theater	Screens	14.60	3.43	50.08
	Health/Fitness Club	1000 sq. ft.	3.45	1	3.45
	Hospital	1000 sq. ft.	0.97	3.43	3.33
	Nursing Home	1000 sq. ft.	0.59	3.43	2.02
	Clinic	1000 sq. ft.	3.28	3.43	11.25
	Animal Hospital/Veterinary Clinic	1000 sq. ft.	3.53	3.43	12.11
	Free-Standing Emergency Room	1000 sq. ft.	1.52	3.43	5.21
	Shopping Center	1000 sq. ft.	1.52	1.25	1.9
	Tractor Supply Store	1000 sq. ft.	1.40	2.16	3.02
	Construction Equipment Rental Store	1000 sq. ft.	0.99	2.16	2.14
	Building Materials and Lumber Store	1000 sq. ft.	1.55	2.16	3.35
	Free-Standing Discount Store	1000 sq. ft.	2.32	2.16	5.01
	Hardware/Paint Store	1000 sq. ft.	1.23	2.16	2.66
	Nursery (Garden Center)	1000 sq. ft.	5.21	2.16	11.25
	Supermarket	1000 sq. ft.	2.40	0.56	1.34
	Discount Supermarket	1000 sq. ft.	2.18	2.16	4.71
	Discount Club	1000 sq. ft.	2.93	2.16	6.33
	Sporting Goods Superstore	1000 sq. ft.	1.21	2.16	2.61
	Home Improvement Superstore	1000 sq. ft.	0.65	2.16	1.4
	Electronic Superstore	1000 sq. ft.	1.15	2.16	2.48
	Baby Superstore	1000 sq. ft.	1.27	2.16	2.74
	Pet Supply Superstore	1000 sq. ft.	2.49	2.16	5.38
	Office Supply Superstore	1000 sq. ft.	1.94	2.16	4.19
	Book Superstore	1000 sq. ft.	11.08	2.16	23.93
	Bed and Linen Superstore	1000 sq. ft.	1.55	2.16	3.35
	Department Store	1000 sq. ft.	1.37	2.16	2.96
	Apparel Store	1000 sq. ft.	2.88	2.16	6.22
	Arts and Crafts Store	1000 sq. ft.	4.35	2.16	9.4
	Pharmacy/Drugstore w/o Drive-Through Window	1000 sq. ft.	3.23	0.36	1.16
	Pharmacy/Drugstore w/ Drive-Through Window	1000 sq. ft.	3.91	0.36	1.41
	Furniture Store	1000 sq. ft.	0.08	2.16	0.17
	Walk-in Bank	1000 sq. ft.	3.28	0.8	2.62
	Drive-in Bank	Drive-in Lanes	7.33	0.8	5.86
	Hair Salon	1000 sq. ft.	1.09	0.8	0.87
	Copy, Print, and Express Ship Store	1000 sq. ft.	4.45	0.8	3.56
	Fast Casual Restaurant	1000 sq. ft.	4.38	1.18	5.17
	Quality Restaurant	1000 sq. ft.	2.26	1.14	2.58
	High-Turnover (Sit-Down) Restaurant	1000 sq. ft.	3.03	1.07	3.24
	Fast-Food Restaurant w/ Drive-Through Window	1000 sq. ft.	8.82	1.07	9.44
	Coffee/Donut Shop w/ Drive-Through Window	1000 sq. ft.	11.71	0.46	5.39
	Quick Lubrication Vehicle Shop	Service Positions	2.43	0.87	2.11

	Automobile Care Center	1000 sq. ft.	3.75	1.37	5.14
	Automobile Parts Service Center	1000 sq. ft.	0.77	1.37	1.05
	Gasoline/Service Station	Fueling Positions	2.47	0.54	1.33
	Gasoline/Service Station w/ Convenience Market	Fueling Positions	2.40	0.54	1.3
	Self-Service Car Wash	Wash Stalls	5.40	1.37	7.4
	Automated Car Wash	Wash Tunnels	5.42	1.37	7.43
	Car Wash and Detail Center	Wash Stalls	2.53	1.37	3.47
Industrial:	General Light Industrial	1000 sq. ft.	0.63	3.02	1.90
	Industrial Park	1000 sq. ft.	0.40	3.02	1.21
	Manufacturing	1000 sq. ft.	0.67	3.12	2.09
	Warehousing	1000 sq. ft.	0.19	3.02	0.57
	Mini-Warehouse	1000 sq. ft.	0.17	1.92	0.33
Institutional:	Private School (K-8)	Students	0.26	1.07	0.28
	Private School (K-12)	Students	0.17	1.07	0.18
	Charter Elementary School	Students	0.14	1.07	0.15
	Church	1000 sq. ft.	0.49	0.63	0.31
	Day Care Center	Students	0.20	0.43	0.09

DELETE SCHEDULE 8 IN ITS ENTIRETY AND REPLACE WITH NEW SCHEDULE 8 AS FOLLOWS:

DELETE:

Schedule 8 Service Unit Equivalencies for Various Types and Sizes of Water Meters				
Meter Type	Meter Size	Continuous Duty Maximum Rate (GPM)	Ratio to 5/8" Meter	Example of User
Simple	5/8"	10	1.0	Single-Family Home Duplex
Simple	3/4"	15	1.5	Convenience Food Store Clothing Store
Simple	1"	25	2.5	Auto Parts Store Clothing Store
Simple	1-1/2"	50	5.0	Apartment Complex Laundry
Simple Compound Turbine	2"	80	8.0	Trailer Park Car Wash Restaurant
	2"	80	8.0	
	2"	100	10.0	
Compound	3"	160	16.0	Office Building

Turbine	3"	240	24.0	Golf Club Manuf.
Compound Turbine	4"	250	25.0	Grocery Store Warehouse Food Manuf. Co.
	4"	450	45.0	
Compound Turbine	6"	500	50.0	Hotel Pharmaceutical Co.
	6"	920	92.0	
Compound Turbine	8"	800	80.0	Shopping Center Air Conditioning Manuf. Co.
	8"	1,600	160.0	

REPLACE WITH NEW SCHEDULE 8 AS FOLLOWS:

<p style="text-align: center;">Schedule 8 Service Unit Equivalencies for Various Types and Sizes of Water Meters</p>			
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Meter Size	Continuous Duty Maximum Rate (GPM)	Ratio to 5/8" Meter
3/4"	30	1.0
1"	50	1.7
1 1/2"	100	3.3
2"	160	5.3
3"	350	11.7
4"	600	20.0
6"	1,350	45.0
8"	1,600	53.3

SECTION 3. That all provisions of the ordinances of the City of DeSoto in conflict with the provisions of this Ordinance be and the same are hereby, repealed, and all other

provisions of the ordinances of the City of DeSoto not in conflict with the provisions of this ordinance shall remain in full force and effect.

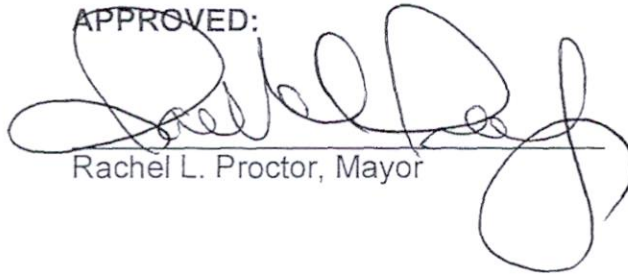
SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 5. This Ordinance shall take effect immediately from and after its passage.

IT IS ACCORDINGLY SO ORDAINED.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DESOTO, TEXAS ON THIS THE 21ST DAY OF SEPTEMBER, 2021.

APPROVED:



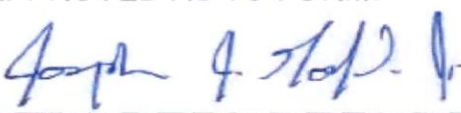
Rachel L. Proctor, Mayor

ATTEST:



Alicia Thomas, Interim City Secretary

APPROVED AS TO FORM:



Joseph J. Gorfida, Jr., City Attorney
(09-16-2021: TM 124813)

