I.

ARTICLE V. ROADWAY IMPACT FEES

Sec. 42-500. Short title.

This Article V. shall be known and cited as the Round Rock Roadway Impact Fees.

Sec. 42-501. Purpose.

This Article V. is intended to ensure the provision of adequate roadway facilities to serve new development in the city by requiring each development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Sec. 42-502. Authority.

This Article V. is adopted pursuant to V.T.C.A., Local Government Code ch. 395 and the city Charter. The provisions of this article shall not be construed to limit the power of the city to utilize all powers and procedures authorized under V.T.C.A., Local Government Code ch. 395, or other methods authorized under state law or pursuant to other city powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this article. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this article.

Sec. 42-503. Definitions.

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 article.

Capital improvement means a roadway facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city (including the city's share of costs for roadways and associated improvements designated as a numbered highway on the official federal or state highway system). "Capital improvement" includes a newly constructed roadway facility or to the expansion of an existing roadway facility necessary to serve new development.

City means the City of Round Rock, Texas.

Credit means an amount equal to:

a. That portion of ad valorem tax revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or

b. In the alternative, a credit equal to 50 percent of the total projected cost of implementing the roadway improvements plan.

(*Credit* is not to be confused with *offset* which is defined below.)

Development unit(s) is the expression of the size of each land use planned within a particular development and is used to compute the number of service units consumed by each individual land use application.

Final plat approval means the point at which the applicant has complied with all conditions of approval and the plat has been released for filing with the county. This term applies to both original plats and replats.

Final plat recordation means the point at which the applicant has complied with all conditions precedent to recording an approved final plat in the county, including the final completion of and acceptance by the city of any infrastructure or other improvements required by the subdivision ordinance or any other ordinance and the plat is filed for record with the county clerk's office.

Land use assumptions means and includes a description of the service areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the city, as may be amended from time to time, in each service area over a ten-year period upon which the roadway improvements plan is based. The land use assumptions are set out in the most recently updated land use assumptions for roadway impact fees adopted by resolution of the city council as amended from time to time.

Land use vehicle-mile equivalency tables or *LUVMET* are tables set forth in Section 42-505(c) that provide the standardized measure of consumption or use of roadway facilities attributable to a new development based on the land use category of the development and historical data and trends applicable to the city during the previous ten years. The LUVMET recognizes and expresses the magnitude of the transportation demand created by different land use categories within a particular development and allow different uses of land to more accurately bear the cost and expense of the impacts generated by such uses. The LUVMET expresses the number of service units consumed by each individual land use application as "vehicle miles (per development unit)."

Maximum assessible roadway impact fees mean the fees set out in schedule 42-505(a).

New development means a project involving the subdivision of land and/or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land which has the effect of increasing the requirements for capital improvements, measured by an increase in the number of service units to be generated by such activity, and which requires either the approval and filing with the county of a plat pursuant to the city's subdivision ordinance or the issuance of a building permit.

Offset or *offsets* means the amount of the reduction of an impact fee designed to fairly reflect the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the city as a condition of development approval, pursuant to rules herein established or pursuant to city council-approved administrative guidelines which value shall be credited on an actual cost basis against roadway facilities impact fees otherwise due from the development. (*Offset* is not to be confused with "*credit",* which is defined above.

Recoup means to reimburse the city for capital improvements which the city has previously installed or caused to be installed.

Roadway means any freeway, expressway or arterial or collector streets or roads designated in the city's adopted master thoroughfare plan, as may be amended from time to time. The term includes the city's share of costs for roadways designated as a numbered highway on the official federal or state highway system.

Roadway facility means 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; street lighting or curbs. "Roadway facility" also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system. "Roadway facility" includes the city's share of costs for roadways and associated improvements designated as a numbered highway on the official federal or state highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, drainage appurtenances, and rights-of-way. "Roadway facility" excludes those improvements or appurtenances to a roadway which are site-related facilities.

Roadway impact fee means a charge or assessment imposed by the city, as set forth in Section 42-505(b), against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. "Impact fees" or "roadway impact fees" do not include road escrow payments for site-related facilities imposed under facility agreements in existence on the 1st day of October, 2019. The term also does not include dedication of rights-of-way or easements or construction or dedication of drainage facilities, streets, sidewalks, or curbs if the dedication or construction is required by the subdivision ordinance and is necessitated by and attributable to the new development.

Roadway improvements plan identifies the capital improvements or facility expansions and associated costs for each roadway service area that are necessitated by and which are attributable to new development within the service area, for a period not to exceed ten years, which capital improvements are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this article. The roadway improvements plan and land use assumptions were adopted by resolution of the city council, and may be amended from time to time.

Roadway service area means the geographic area(s) within the city's corporate limits, which do not exceed six miles and within which geographic area(s) roadway impact fees for capital improvements will be collected for new development occurring within such area, and within which fees so collected will be expended for those capital improvements identified in the roadway improvements plan to be located within the roadway service area. "Roadway service area" does not include any land outside the city limits.

Service unit means one vehicle mile of travel in the afternoon peak hour of traffic and is also referred to as a "vehicle mile."

Service unit equivalent means the amount of capacity created by contribution of a capital improvement on behalf of a new development, expressed in vehicle miles.

Site-related facility means an improvement or facility which is constructed 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 facilities to serve the new development and which is not included in the roadway improvements plan and for which the developer or property owner is solely responsible under the subdivision, and/or other applicable, regulations.

System facility means a capital improvement which is designated in the roadway improvements plan and which is not a site-related facility. A system facility may include a capital improvement which is located off-site, within, or on and along the perimeter of the new development site.

Sec. 42-504. Service Areas and Applicability.

(a) The City is hereby divided into three roadway service areas as shown on the official roadway service area map. The official roadway service area map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article. The official roadway service area map shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the City of Round Rock under the following words:

"This is to certify that this is the official roadway service area map referred to in subsection 42-504 of the Code of Ordinances, City of Round Rock, Texas, 2010."

(b) The provisions of this article apply to all new development within the service areas described above. The provisions of this article apply uniformly within each roadway service area.

Sec. 42-505. Roadway impact fees per service unit.

(a) The maximum assessable roadway impact fee per service unit for each roadway service area shall be as set forth in the table below:

Schedule 42-505 (a)

MAXIMUM ASSESSABLE ROADWAY IMPACT FEE PER SERVICE UNIT

Service Area A	$ 2,743
Service Area B	$ 2,933
Service Area C	$ 2,511

(b) The roadway impact fee per service unit for all service areas shall be assessed and collected as set forth below:

(1) Effective October 1, 2019

For all property with a recorded plat dated on or before October 1, 2019, the roadway impact fees will be assessed as set forth below, but there will be no roadway impact fees charged for any building permit application dated on or before October 1, 2020:

1)	Residential land uses	$ 753 per service unit
2)	Non-residential land uses`	$ 502 per service unit

For all property with a recorded plat dated on or before October 1, 2019, roadway impact fees assessed above will be charged for any building permit application dated after October 1, 2020, as follows:

1)	Residential land uses	$ 753 per service unit
2)	Non-residential land uses`	$ 502 per service unit

For all property with a recorded plat dated after October 1, 2019, but before October 1, 2021, roadway impact fees will be assessed at final plat recordation, and will be charged as follows:

1)	Residential land uses	$ 753 per service unit
2)	Non-residential land uses`	$ 502 per service unit

(2) Effective October 1, 2021

For all property with a recorded plat dated on or after October 1, 2021, but before October 1, 2022, roadway impact fees will be assessed at final plat recordation, and will be charged as follows:

1)	Residential land uses	$ 1,130 per service unit
2)	Non-residential land uses`	$ 628 per service unit

(3) Effective October 1, 2022

For all property with a recorded plat dated on or after October 1, 2022, roadway impact fee will be assessed at final plat recordation, and will be assessed at final plat recordation, and charged as follows:

1)	Residential land uses	$ 1,507 per service unit
2)	Non-residential land uses`	$ 753 per service unit

(c) The land use vehicle-mile equivalency tables are set forth below:

Schedule 42-505 (c)

Land Use Vehicle-Mile Equivalency Table (“LUMET”)

Land Use Category	ITE Land Use Code	Development Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	Trip Length (mi)	Adj. For O-D	Adj. Trip Length (mi)	Max Trip Length (mi)	Veh-Mi Per Dev-Unit
PORT AND TERMINAL											
Truck Terminal	030	1,000 SF GFA	1.87			1.87	10.70	50%	5.35	5.35	10.00
INDUSTRIAL											
General Light Industrial	110	1,000 SF GFA	0.63			0.63	12.89	50%	6.45	6.00	3.78
Industrial Park	130	1,000 SF GFA	0.40			0.40	12.89	50%	6.45	6.00	2.40
Manufacturing	140	1,000 SF GFA	0.67			0.67	12.89	50%	6.45	6.00	4.02
Warehousing	150	1,000 SF GFA	0.19			0.19	12.89	50%	6.45	6.00	1.14
Mini-Warehouse	151	1,000 SF GFA	0.17			0.17	12.89	50%	6.45	6.00	1.02
RESIDENTIAL											
Single-Family Detached Housing	210	Dwelling Unit	0.99			0.99	8.59	50%	4.30	4.30	4.26
Multifamily Housing (Low-Rise)	220	Dwelling Unit	0.56			0.56	8.59	50%	4.30	4.30	2.41
Multifamily Housing (Mid-Rise)	221	Dwelling Unit	0.44			0.44	8.59	50%	4.30	4.30	1.89
Multifamily Housing (High-Rise)	222	Dwelling Unit	0.36			0.36	8.59	50%	4.30	4.30	1.55
Mobile Home Park / Manufactured Hom	240	Dwelling Unit	0.46			0.46	8.59	50%	4.30	4.30	1.98
Senior Adult Housing-Detached	251	Dwelling Unit	0.30			0.30	8.59	50%	4.30	4.30	1.29
Senior Adult Housing-Attached	252	Dwelling Unit	0.26			0.26	8.59	50%	4.30	4.30	1.12
Assisted Living	254	Beds	0.26			0.26	8.59	50%	4.30	4.30	1.12
LODGING											
Hotel	310	Room	0.60			0.60	5.41	50%	2.71	2.71	1.63
Motel / Other Lodging Facilities	320	Room	0.38			0.38	5.41	50%	2.71	2.71	1.03
RECREATIONAL											
Golf Driving Range	432	Tee	1.25			1.25	6.35	50%	3.18	3.18	3.98
Golf Course	430	Acre	0.28			0.28	6.35	50%	3.18	3.18	0.89
Recreational Community Center	495	1,000 SF GFA	2.31			2.31	6.35	50%	3.18	3.18	7.35
Ice Skating Rink	465	1,000 SF GFA	1.33			1.33	6.35	50%	3.18	3.18	4.23
Miniature Golf Course	431	Hole	0.33			0.33	6.35	50%	3.18	3.18	1.05
Multiplex Movie Theater	445	Screens	13.73			13.73	6.35	50%	3.18	3.18	43.66
Racquet / Tennis Club	491	Court	3.82			3.82	6.35	50%	3.18	3.18	12.15
INSTITUTIONAL											
Church	560	1,000 SF GFA	0.49			0.49	6.30	50%	3.15	3.15	1.54
Day Care Center	565	1,000 SF GFA	11.12	44%	B	6.23	3.39	50%	1.70	1.70	10.59
Primary/Middle School (1-8)	522	Students	0.17			0.17	3.39	50%	1.70	1.70	0.29
High School	530	Students	0.14			0.14	3.39	50%	1.70	1.70	0.24
Junior / Community College	540	Students	0.11			0.11	3.39	50%	1.70	1.70	0.19
University / College	550	Students	0.15			0.15	3.39	50%	1.70	1.70	0.26
MEDICAL											
Clinic	630	1,000 SF GFA	3.28			3.28	6.76	50%	3.38	3.38	11.09
Hospital	610	1,000 SF GFA	0.97			0.97	6.76	50%	3.38	3.38	3.28
Nursing Home	620	Beds	0.22			0.22	6.76	50%	3.38	3.38	0.74
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	3.53	30%	B	2.47	6.76	50%	3.38	3.38	8.35
OFFICE											
Corporate Headquarters Building	714	1,000 SF GFA	0.60			0.60	6.76	50%	3.38	3.38	2.03
General Office Building	710	1,000 SF GFA	1.15			1.15	6.76	50%	3.38	3.38	3.89
Medical-Dental Office Building	720	1,000 SF GFA	3.46			3.46	6.76	50%	3.38	3.38	11.69
Single Tenant Office Building	715	1,000 SF GFA	1.71			1.71	6.76	50%	3.38	3.38	5.78
Office Park	750	1,000 SF GFA	1.07			1.07	6.76	50%	3.38	3.38	3.62
COMMERCIAL											
Automobile Related											
Automobile Care Center	942	1,000 SF GFA	3.11	40%	B	1.87	5.41	50%	2.71	2.71	5.07
Automobile Parts Sales	843	1,000 SF GFA	4.91	43%	A	2.80	5.41	50%	2.71	2.71	7.59
Gasoline/Service Station	944	Vehicle Fueling Position	14.03	42%	A	8.14	1.20	50%	0.60	0.60	4.88
Gasoline/Service Station w/ Conv Market and Car Wash	945	Vehicle Fueling Position	13.99	56%	B	6.16	1.20	50%	0.60	0.60	3.70
New Car Sales	841	1,000 SF GFA	2.43	20%	B	1.94	5.41	50%	2.71	2.71	5.26
Quick Lubrication Vehicle Shop	941	Servicing Positions	4.85	40%	B	2.91	5.41	50%	2.71	2.71	7.89
Self-Service Car Wash	947	Stall	5.54	40%	B	3.32	1.20	50%	0.60	0.60	1.99
Tire Store	848	1,000 SF GFA	3.98	28%	A	2.87	5.41	50%	2.71	2.71	7.78
Dining											
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	32.67	50%	A	16.34	3.39	50%	1.70	1.70	27.78
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	28.34	50%	B	14.17	3.39	50%	1.70	1.70	24.09
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	9.77	43%	A	5.57	5.41	50%	2.71	2.71	15.09
Quality Restaurant	931	1,000 SF GFA	7.80	44%	A	4.37	5.41	50%	2.71	2.71	11.84
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	43.38	70%	A	13.01	1.20	50%	0.60	0.60	7.81
Other Retail											
Free-Standing Store	815	1,000 SF GFA	4.83	30%	C	3.38	6.35	50%	3.18	3.18	10.75
Nursery (Garden Center)	817	1,000 SF GFA	6.94	30%	B	4.86	6.35	50%	3.18	3.18	15.45
Home Improvement Superstore	862	1,000 SF GFA	2.33	48%	A	1.21	6.35	50%	3.18	3.18	3.85
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	8.51	53%	A	4.00	6.35	50%	3.18	3.18	12.72
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	10.29	49%	A	5.25	6.35	50%	3.18	3.18	16.70
Shopping Center	820	1,000 SF GLA	3.81	34%	A	2.51	6.35	50%	3.18	3.18	7.98
Supermarket	850	1,000 SF GFA	9.24	36%	A	5.91	6.35	50%	3.18	3.18	18.79
Toy/Children's Superstore	864	1,000 SF GFA	5.00	30%	B	3.50	6.35	50%	3.18	3.18	11.13
Department Store	875	1,000 SF GFA	1.95	30%	B	1.37	6.35	50%	3.18	3.18	4.36
SERVICES											
Walk-In Bank	911	1,000 SF GFA	12.13	40%	B	7.28	3.39	50%	1.70	1.70	12.38
Drive-In Bank	912	Drive-in Lanes	27.15	35%	A	17.65	3.39	50%	1.70	1.70	30.01
Hair Salon	918	1,000 SF GLA	1.45	30%	B	1.02	3.39	50%	1.70	1.70	1.73

Key to Sources of Pass-by Rates:

A: ITE Trip Generation Handbook 3rd Edition (August 2014)

B: Estimated by Kimley-Horn based on ITE rates for similar categories

C: ITE rate adjusted upward by KHA based on logical relationship to other categories

(d) The maximum assessable roadway impact fee per service unit set forth in Schedule 42-505(a) that is assessed to new development is declared to be the roughly proportionate measure of the impact(s) generated by a new unit of development on the city's transportation system. To the extent that the roadway impact fee per service unit collected is less than the maximum assessable roadway impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to the measurement of the actual impacts of the development on the city's transportation system. The maximum assessable roadway impact fee per service unit may be used in evaluating any claim by an applicant, developer, or property owner that the dedication, construction, or contribution of a capital improvement imposed as a condition of development approval pursuant to the city's regulations is not roughly proportionate to the impact(s) of the new development on the city's transportation system.

(e) Except as herein otherwise provided, the payment of a roadway impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the new development.

Sec. 42-506. Assessment of Roadway Impact Fees.

(a) Assessment of the roadway impact fee per service unit for any new development shall be made as set forth Section 42-505(b). Roadway impact fees shall be charged and collected at the time an application is made for a building permit.

(b) Following assessment of the roadway impact fee pursuant to subsection (a), the amount of the roadway impact fee assessed per service unit for that new development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or replat approval, in which case new assessment shall occur at the rate then in effect, as set forth in Section 42-505(b).

(c) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with the then current impact fee as set forth in Section 42-505(b).

(d) Approval of an amending plat pursuant to Texas Local Government Code § 212.016 is not subject to reassessment of a roadway impact fee hereunder provided that the use of the property remains the same.

(e) The Director of Transportation shall compute the assessment of roadway impact fees for new development by first determining whether the new development is eligible for offsets calculated in accordance with section 42-508, which would further reduce roadway impact fees otherwise due in whole or in part.

Sec. 42-507. Payment and Collection of Roadway Impact Fees.

(a) For all new developments, roadway impact fees shall be collected at the time of application for and in conjunction with the issuance of a building permit. The roadway impact fees to be paid and collected are listed in schedule 42-505. The city reserves the right to enter into an agreement with a developer for a different time and manner of payment of roadway impact fees in which case the agreement shall determine the time and manner of payment.

(b) The city shall compute the roadway impact fees to be paid and collected for the new development in the following manner:

(1) Determine the number of development units for each land use category in the new development using schedule 42-505(c) then in effect.

(2) Multiply the number of development units for each land use category in the new development by the vehicle miles (per development unit) for each such land use category also found in schedule

42-505(c) then in effect to determine the number of service units attributable to the new development.

(3) The amount of roadway impact fees to be collected shall be determined by multiplying the number of service units for the new development by the roadway impact fee per service unit for the applicable roadway service area and shall be calculated at the time of application for and in conjunction with the issuance of a building permit.

(4) If an agreement as described in section 42-508 providing for offsets exists, the amount of the offsets shall be deducted from the roadway impact fees as calculated above.

(e) If the building permit for which a roadway impact fee has been paid has expired, and a new application is thereafter filed, the roadway impact fees shall be computed using the LUVMET found in schedule 42-505(c) and schedule 42-505(a) then in effect with credits for previous payment of fees being applied against any new fees due.

(f) Whenever the property owner proposes to increase the number of service units for a development, the additional roadway impact fees collected for such new service units shall be determined by using the LUVMET and schedule 42-505(a) then in effect, and such additional fees shall be collected at the times prescribed by this section.

(g) Where an application for a building permit is for a "shell" or speculative building on a parcel zoned C-1, C-1a, or C-2, the amount of the roadway impact fee will be calculated assuming that the entire building will be used as a "Shopping Center" as shown on Schedule 42-505 (c). Where a subsequent application for a building permit is made for the finish-out of the shell building, or portion thereof, for the ultimate use, an additional roadway impact fee shall be charged and paid if the ultimate use is different from a "Shopping Center".

(h) Where an application for a building permit is for a "shell" or speculative building on a parcel zoned OF or OF-2, the amount of the roadway impact fee will be calculated assuming that the entire building will be used as a "General Office Building" as shown on Schedule 42-505 (c). Where a subsequent application for a building permit is made for the finish-out of the shell building, or portion thereof, for the ultimate use, an additional roadway impact fee shall be charged and paid if the ultimate use is different from a "General Office Building".

Sec. 42-508. Offsets against Roadway Impact Fees.

(a) The City may offset the improvements or funding for construction of any system facility that is required or agreed to by the City, pursuant to rules established in this section or pursuant to administrative guidelines promulgated by the City with the following limitations:

(1) The offset shall be associated with the plat or other detailed plan of development for the property that is to be served by the roadway facility.

(2) Projects that consist of multiple phases, whether approved before or after the effective date of this Article, may apply for offsets against roadway impact fees for the entire project based upon improvements or funds toward construction of system facilities, or other roadway capital improvements supplying excess capacity. Offset shall be determined by comparing the actual costs of roadway capital improvements supplied by the project with the costs of roadway capital improvements to be utilized by development within the project, utilizing a methodology approved by the City. The offset determination shall be incorporated within an agreement for offsets, in accordance with this Article. The roadway requirements of an agreement for offsets shall not be less than what is required by the Zoning and Development Code.

(3) The City's current policies and regulations shall apply to determine a new development's obligations to construct adjacent system facilities. The obligation to construct, however, shall not exceed the maximum assessable roadway impact fees assessed against new development under **Schedule 42-505(a)**. Construction required under such policies and regulations shall be an offset against the amount of impact fees otherwise due. If the costs of constructing a system facility in accordance with the current City policies and regulations are greater than the amount of the roadway impact fees due, the amount of the credit due shall be deemed to be 100% of the assessed impact fees and no roadway impact fees shall be collected thereafter for the development, unless the number of service units is subsequently increased.

(4) All offsets against roadway impact fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:

(1) No offset shall be given for the dedication or construction of site-related facilities.

(2) No offset shall be given for a roadway facility which is not identified within the roadway impact fee capital improvements plan, unless the facility is on or qualifies for inclusion on the Transportation Master Plan and the City agrees that such improvement supplies capacity to new development other than the development paying the roadway impact fee and provisions for offsets are incorporated in an agreement for credits pursuant to this Article.

(3) In no event will the City grant an offset when no roadway impact fees can be collected pursuant to this Article or for any amount exceeding the roadway impact fees due for the new development, unless expressly agreed to by the City in writing.

(4) The value of right of way dedicated for site related facilities will not be considered for an offset.

(5) The fair market value of right of way conveyed for roadway facilities that are not required by the new development will be entitled to an offset. If said roadway facilities are partially required by the new development, said portion shall not be entitled to an offset. The fair market value of the conveyed right of way will be determined by either:

(i) the appropriate Central Appraisal District,
(ii) by agreement, or
(iii) by a MAI appraisal obtained by the City.

(6) If the City requires a Traffic Impact Analysis ("TIA") the cost of said TIA shall be included as an offset.

(7) The City may participate in the costs of a system facility to be dedicated to the City, including costs that exceed the amount of the impact fees due for the development, in accordance with policies and rules established by the City. The amount of any offset for construction of a system facility shall be reduced by the amount of any participation funds received from the City.

(8) Where funds for roadway facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this Article, the following rules apply:

i. Funds expended under the agreement for roadway facilities shall first be credited against the amount of roadway impact fees that would have been due under **Section 42-505(b)** for those units of development for which building permits already have been issued;

ii. Any remaining funds shall be credited against roadway impact fees due for the development under **Section 42-505(b)** at the time building permits are issued.

(b) Offsets for construction of capital improvements shall be deemed created when the capital improvements are completed and the City has accepted the facility, or in the case of capital improvements constructed and accepted prior to the October 1, 2019, on such effective date. Offsets created after October 1, 2019 shall expire ten (10) years from the date the credit was created. Offsets arising prior to such effective date shall expire ten (10) years from such effective date. Upon application by the property owner, the City may agree to extend the expiration date for the offset on mutually agreeable terms.

(c) Unless an agreement for offsets, as described herein, is executed providing for a different manner of applying offsets against roadway impact fees due, a credit associated with a plat shall be applied at the time of application for the first building permit and, at each building permit application thereafter, to reduce roadway impact fees due until the offset is exhausted.

(d) An owner of new development who has constructed or financed a roadway capital improvement or roadway facility expansion designated in the roadway impact fee capital improvements plans, or other roadway capital improvement that supplies excess capacity, as required or authorized by the City, shall enter into an agreement with the City to provide for offsets against roadway impact fees due for the development in accordance with this subsection. The agreement shall identify the basis for and the method for computing and the amount of the offset due and any reduction in offsets attributable to consumption of road capacity by developed lots or tracts served by the roadway capital improvements. For multi-phased projects, the City may require that total offsets be proportionally allocated among the phases. If authorized by the City, the agreement also may provide for allocation of offsets among new developments within the project, and provisions for the timing and collection of roadway impact fees.

Sec. 42-509. Use of proceeds of roadway impact fees.

(a) The roadway impact fees collected within each roadway service area may be used to finance, pay for or to recoup the costs of any roadway facility identified in the roadway improvements plan for the roadway service area, including the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and amounts designated in any reimbursement agreements executed pursuant to section 42-508.

(b) Roadway impact fees may be used to pay for the contract services of an independent qualified engineer or financial consultant preparing or updating the roadway improvements plan who is not an employee of the political subdivision.

(c) Roadway impact fees also may be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvement.

Sec. 42-510. Impact Fee as Additional and Supplemental Regulation

Roadway impact fees established by this Article are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. Such roadway impact fees are intended to be consistent with and to further the policies of the Round Rock Comprehensive Plan, the Capital Improvements Plan, the zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land. This Article shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations and policies of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 42-511. Appeals.

(a) The property owner or applicant for a new development may appeal the following administrative decisions to the city council:

(1) The applicability of an impact fee to the new development; roadway

(2) The amount of the roadway impact fee due;

(3) The availability of, the amount of, or the expiration of an offset;

(4) The application of an offset against a roadway impact fee due;

(5) The amount of the roadway impact fee in proportion to the benefit received by the new development; or

(6) The amount of a refund due, if any.

(b) The appellant shall state the basis for the appeal in writing with particularity. The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset was not calculated according to the rules set forth in this ordinance or by administrative guideline adopted by the city council. The appellant shall submit any traffic study or other documents upon which he relies to the city with the request for appeal.

(c) The appellant must file a notice of appeal with the city clerk within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety with offices for local presentment in a form satisfactory to the city attorney in an amount equal to the original determination of the roadway impact fee due, the development application may be processed while the appeal is pending.

(d) Along with the notice of appeal, an applicant may request an alternative service unit computation for land uses not contained with the latest edition of the ITE Trip Generation Manual by submitting a trip generation study demonstrating the appropriateness of the trip generation rates for the proposed development. An applicant may also include an alternative Service Unit calculation

(e) The city manager or his/her designee may (1) resolve the appeal, if the appellant agrees with the manager's decision, or (2) if the appellant does not agree, refer the matter to the City Council for decision, along with the Manager's recommendation and any trip generation study provided, if any.

(f) If city council review is requested by the appellant after receiving the city manager's decision, the city clerk shall schedule a public hearing at which the applicant may present testimony and evidence

before the city council. The city council shall act on the appeal within 60 days of receipt of the notice of appeal by the City, unless otherwise agreed by the appellant.

(g) If the notice of appeal is accompanied by a payment or other bond or other sufficient surety with offices for local presentment in a form satisfactory to the city attorney in an amount equal to the original determination of the roadway impact fee due, satisfactory to the city attorney in an amount equal to the original determination of the roadway impact fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.

(h) If the city council allows for a different amount of the roadway impact fee due for new development under this section to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the roadway impact fee to the account for the service area in which the new development is located.

(i) The appellant shall promptly pay to the city the full amount of the roadway impact fee determined to be due by the city council regarding such appeal. Failure to promptly pay such roadway impact fee within five business days after the city council's determination on the appeal shall serve as authority for the city to present the bond or other surety to the bonding company or financial institution for performance with no other or further notice or contact with the appellant.

Sec. 42-512. Refunds.

(a) Any roadway impact fee or portion thereof collected pursuant to this article which has not been expended within the applicable roadway service area for an authorized purpose within ten years from the date of payment shall be refunded, upon application, to the record owner of the property at the time the refund is paid or, if the roadway impact fee, was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in § 302.002 of the Texas Finance Code or its successor statute. The application for refund pursuant to this section shall be submitted in writing within 60 days after the expiration of the ten-year period for expenditure of the fee. A roadway impact fee shall be considered expended on a first-in, first-out basis.

(b) A roadway impact fee collected pursuant to this article shall be considered expended if the total expenditures for capital improvements authorized in section 42-509 within the roadway service area within ten years following the date of payment exceed the total fees collected for such improvements during that time period.

(c) If a refund is due pursuant to subsections (a) or (b), the city shall prorate the refund by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the roadway service area for the period to determine the refund due per service unit. The refund to the record owner shall be calculated by multiplying the refund due per service unit by the number of service units for the new development for which the fee was paid, and interest due shall be calculated upon that amount.

(d) If the building permit for a new development for which a roadway impact fee has been paid has expired and a modified or new application has not been filed within six (6) months of such expiration, the city shall, upon written application, refund the amount of the roadway impact fee to the applicant. The city may establish guidelines for refunding of roadway impact fees collected for which construction plans have been abandoned.

Sec. 42-513. Relief Procedures.

(a) Any person who has paid a roadway impact fee or an owner of land upon which a roadway impact fee has been paid may petition the city council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing, filed with the

City Clerk, and shall state the nature of the unperformed duty and request that the act be performed within 60 days of the request. If the city council determines that the duty is required, pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within 60 days of the date of the request and to continue until completion.

(b) The city council may grant a variance or waiver from any requirement of this article, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would when regarded as a whole result in confiscation of the property.

(c) If the city council grants a variance or waiver to the amount of the roadway impact fee due for a new development under this section, it may cause to be appropriated from other city funds the amount of the reduction in the roadway impact fee to the account, for the roadway service area, in which the property is located.

II.

This ordinance shall be effective as of October 1, 2019.