

Exhibit A

CHAPTER 12.46. - TRANSPORTATION IMPACT FEES

Sec. 12.46.01. Short title.

This Chapter shall be known and cited as the Georgetown Transportation Impact Fee Regulations.

Sec. 12.46.02. Purpose.

This Chapter is intended to assure the provision of adequate transportation facilities to serve New Development in the City by requiring each development to pay a share of the costs of such improvements necessitated by and attributable to such New Development.

Sec. 12.46.03. Authority.

This Chapter is adopted pursuant to Texas Local Government Code (“TLGC”) Chapter 395 and the Georgetown City Charter. The provisions of this Chapter shall not be construed to limit the power of the City to utilize 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 Chapter. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Chapter.

Sec. 12.46.04. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

“Assessment” means the determination of the amount of the Maximum Assessable Transportation Impact Fee per Service Unit which can be imposed on New Development pursuant to this Chapter.

“Capital Improvement” means a Transportation 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 infrastructure and associated improvements designated on the City’s Overall Transportation Plan but constructed by another entity.

“City” means the City of Georgetown, Texas.

“Credit” means a reduction in the amount of a Transportation Impact Fee(s), payments, or charges for approved construction or provision of the same type of Capital Improvement for which a fee has been assessed for a New Development. This is done by either by a proven decrease in the number of Service Units attributable to such development or a decrease in the amount of Transportation Impact Fees otherwise due, that results from improvements or funds to construct system improvements in accordance with the City’s subdivision and development regulations, policies or requirements, as determined by the City. “Credit” does not refer to the ad valorem tax

credit considered in the study referenced in **Section 12.46.07** used in development of the financial credit calculations as allowed for by TLGC Chapter 395 to determine a Maximum Assessable Transportation Impact Fee.

“Effective Date” means March 1, 2023.

“Impact Fee” or “Transportation Impact Fee” charge or assessment imposed as set forth in this Chapter against New Development in order to generate revenue for funding or recouping the costs of Capacity Improvements or Roadway facility expansions necessitated by and attributable to the New Development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction and any other fee that functions as described by this Chapter. The term is inclusive of both the maximum assessable Transportation Impact Fee and the Transportation Impact Fee collection rate as herein described. The term does not include:

- A. Dedication of land for public parks or payment in lieu of the dedication to serve park needs; or
- B. Dedication of rights-of-way or easements or construction or dedication of on-site or off-site 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.

“Land Use Assumptions” means the description of 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, upon which the Transportation Impact Fee Capital Improvements Plan is based.

“Land Use Vehicle-Mile Equivalency Table” or “LUVMET” are tables set forth in the Transportation Impact Fee Study and in **Schedule 12.46.07 (c)** that provide the standardized measure of consumption or use of roadway facilities attributable to a New Development. The LUVMET expresses the number of service units consumed by each individual land use application as vehicle miles per development unit based on regionalized Georgetown values

“Maximum Assessable Transportation Impact Fee” means the Impact Fee that is established for each Service Area computed by calculating the total projected costs of Capital Improvements necessitated by and attributable to New Development and subtracting a portion of ad valorem tax revenues to be generated by new Service Units, including the payment of debt, associated with the Transportation Impact Fee CIP, and then dividing that amount by the total number of Service Units anticipated within the Service Area based upon the land use assumptions. The Maximum Assessable Transportation Impact Fee shall be established and reflected in **Schedule 12.46.07 (a)**, attached hereto and incorporated herein. The City may adopt a Transportation Impact Fee Collection Rate that is less than this amount, but in no instance shall the Transportation Impact Fee exceed the Maximum Assessable Transportation Impact Fee except by amendment of this Chapter. The Maximum Assessable Transportation Impact Fee shall be

declared to be an approximate and appropriate measure of the impacts generated by a new Development Unit on the City's roadway network and is founded to be used in evaluating proportionality based on the dedication or construction of a Capital Improvement imposed as a condition of development approval.

"New Development" means a subdivision of land, a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for Capital Improvements or Roadway facility expansions, measured by the number of Service Units to be generated by such activity.

"Preliminary plat submission" means authorization by City Planning Department staff that the application for a proposed subdivision meets the requirements for a completeness check pursuant to the City's Unified Development Code.

"Transportation Impact Fee Collection Rate" means the current amount of Transportation Impact Fee adopted by Georgetown City Council to be paid by the property owner, as may from time to time be amended, which is the result of a percentage reduction of the adopted Maximum Assessable Transportation Impact Fee. The adopted Transportation Impact Fee Collection Rate shall be established and reflected in **Schedule 12.46.07 (b)**, attached hereto and incorporated herein. The adopted Transportation Impact Fee Collection Rate may be further reduced with Credits, designed to fairly reflect the value of Transportation Facilities provided by a developer in accordance with the City's development regulations or requirements.

"Roadway" means any arterial or collector designated in the City's adopted Overall Transportation Plan, as may be amended from time to time. Roadway also includes any thoroughfare designated as a numbered highway on the official federal or Texas highway system; to the extent that the City incurs Capital Improvement costs for such facility.

"Roadway facility" means an improvement or appurtenance to a Roadway which includes, but is not limited to, intersection improvements; traffic signals; turn lanes; drainage facilities associated with the Roadway Facility; street lighting or curbs, and water and wastewater improvements affected by the Roadway Facility. Roadway Facility also includes any improvement or appurtenance to an intersection with a Roadway officially enumerated in the federal or Texas highway system, and to any improvements or appurtenances to such federal or Texas 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, and drainage appurtenances. Roadway Facility excludes those improvements or appurtenances to any Roadway which is a Site-related Facility.

"Roadway facility expansion" means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.

"Transportation impact fee capital improvements plan" or "capital improvements plan" or "CIP" means the adopted plan referenced in **Section 12.46.07**, as may be amended from time to

time, which identifies the roadway facilities or Roadway Facility expansions and their costs for each roadway Service Area, which are necessitated by and which are attributable to New Development, for a period not to exceed 10 years, which are to be financed in whole or in part through the imposition of Transportation Impact Fees pursuant to this Chapter.

“Service area” means a Transportation Service Area within the City’s corporate boundary, within which Impact Fees for Roadway Capital Improvements or Roadway Facility expansions may be collected for New Development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the Transportation Impact Fee Capital Improvements Plan applicable to the Service Area.

“Service unit” means a vehicle-mile. A vehicle-mile shall be defined as one (1) vehicle traveling a distance of one (1) mile during the afternoon peak hour as calculated herein.

“Site-related facility” means an improvement or facility which is for the primary use or benefit of one or more New Developments and/or which is for the primary purpose of safe and adequate provision of Roadway Facilities to serve the New Development, including access to the development, which is not included in the Transportation Impact Fee Capital Improvements Plan, and for which the developer (s) or property owner(s) is solely responsible under subdivision or other applicable development regulations. Site-related Facility may include a Roadway improvement which is located offsite, or within or on the perimeter of the development site.

“System facility” means a roadway improvement or roadway facility expansion which is designated in the Transportation Impact Fee Capital Improvements Plan and which is not a Site-related Facility. System Facility may include a roadway improvement which is located offsite, or within or on the perimeter of the development site.

Sec. 12.46.05. Applicability.

The provisions of this Chapter apply to all new, non-exempt development within the corporate boundaries of the City located within a transportation service area.

Sec. 12.46.06. Transportation service areas.

The City hereby establishes nine (9) Transportation Service Areas, constituting land within the City’s corporate boundaries. The Transportation Service Areas shall be as shown on the official Transportation Service Area Map. The official Transportation 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 Transportation Service Area map shall be identified in the Transportation Impact Fee study adopted by Council as **Resolution ##-####**. The boundaries of the Transportation Service Areas may be amended from time to time, or new Transportation Service Areas may be delineated, pursuant to the procedures of this Chapter.

Sec. 12.46.07. Transportation impact fees per service unit.

A. The City hereby adopts the Maximum Assessable Transportation Impact Fee as shall be set forth in the table below:

Schedule 12.46.07 (a)
MAXIMUM ASSESSABLE TRANSPORTATION IMPACT FEE PER SERVICE UNIT

Service Area	Maximum Fee Per Service Unit (per Vehicle-Mile)
A	\$1,699
B	\$2,152
C	\$3,315
D	\$1,405
E	\$3,101
F	\$4,577
Sun City	\$1,247
Lake Georgetown	\$0
Downtown	\$0

B. The Transportation Impact Fee Collection Rate shall be adopted, assessed, and collected in two phases as set forth below:

1. Phase 1: Effective March 1, 2023 through February 28, 2026

- i. No transportation impact fees shall be charged on building permits for any Preliminary Plat Submission dated before March 1, 2023.
- ii. For all property with Preliminary Plat Submission on or after March 1, 2023, but before February 28, 2026, the transportation impact fees will be assessed at Preliminary Plat Submission, and will be charged at building permit application as set forth in the following table:

Schedule 12.46.07 (b) (1)
PHASE 1 TRANSPORTATION IMPACT FEE COLLECTION RATE PER SERVICE UNIT

Service Areas	Single-Family Residential	Other Residential	Non-Residential
A	\$849.43	\$1,274.15	\$339.77
B	\$1,075.87	\$1,613.81	\$430.35
C	\$1,075.87	\$1,613.81	\$430.35
D	\$702.41	\$1,053.61	\$280.96
E	\$1,075.87	\$1,613.81	\$430.35
F	\$1,075.87	\$1,613.81	\$430.35
Sun City	\$623.29	\$935.08	\$249.36
Lake Georgetown	\$0	\$0	\$0
Downtown	\$0	\$0	\$0

2. Phase 2: Effective March 1, 2026

- i. For all property with Preliminary Plat Submission on or after March 1, 2026 the transportation impact fees will be assessed at Preliminary Plat Submission, and will be charged at building permit application as set forth in the following table:

Schedule 12.46.07 (b) (2)
PHASE 2 TRANSPORTATION IMPACT FEE COLLECTION RATE PER SERVICE UNIT

Service Areas	Single-Family Residential	Other Residential	Non-Residential
A	\$1,274.15	\$1,699	\$509.66
B	\$1,613.81	\$2,152	\$645.52
C	\$1,613.81	\$3,315	\$645.52
D	\$1,053.61	\$1,405	\$421.44
E	\$1,613.81	\$3,101	\$645.52
F	\$1,613.81	\$4,577	\$645.52
Sun City	\$935.08	\$1,247	\$374.03
Lake Georgetown	\$0	\$0	\$0
Downtown	\$0	\$0	\$0

- C. The land use vehicle-mile equivalency tables are set forth below:

Schedule 12.46.07 (c)
LAND USE VEHICLE-MILE EQUIVALENCY TABLE (“LUVMET”)

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) (Max. 6.00)	Veh-Mile 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 Home	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											
Religious Place of Worship	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
Elementary and Middle School (K-8)	520/2	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
COMMERCIAL - 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
COMMERCIAL - 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/Drug store 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/Drug store 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 based on ITE rates for similar categories											
C: ITE rate adjusted upward based on logical relationship to other categories											

D. Each non-exempt New Development shall be assessed the Maximum Assessable Transportation Impact Fee and shall pay the Transportation Impact Fee Collection Rate, minus any applicable Credits, as described herein. Except as herein otherwise provided, the Assessment and collection of a Transportation 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 property.

Sec. 12.46.08. Transportation impact fee required.

No building permit shall be issued until an Assessment of an Impact Fee pursuant to this Chapter is made and paid in accordance with the Assessment and collection procedures indicated herein. **Sec. 12.46.10** includes exemptions from collection of impact fees.

Sec. 12.46.09. Assessment of impact fees.

The Maximum Assessable Transportation Impact Fee per Service Unit for Roadway Facilities, as may be amended from time to time, hereby is declared to be an approximate and appropriate measure of the impacts generated by a new Development Unit on the City's Transportation System. To the extent that the Transportation Impact Fee Collection Rate charged against a New Development, as may be amended from time to time, is less than the Maximum Assessable Transportation Impact Fee per Service Unit assessed, such difference hereby is declared to be founded on policies unrelated to measurement of the impacts of the New Development on the City's roadway system. The Maximum Assessable Transportation Impact Fee may be used in evaluating any claim by a Property Owner that the dedication or construction of a Capital Improvement within a Service Area imposed as a condition of development approval pursuant to the City's subdivision or development regulations is disproportionate to the impacts created by the development on the City's transportation System. Assessment of the Impact Fee for any New Development shall be made as follows:

A. For land on which New Development occurs or is proposed to occur which is submitted for approval pursuant to the City's subdivision regulations or which is proposed for replatting on or after the effective date of this Chapter, Assessment of Impact Fees shall be at the time the preliminary plat or replat application is deemed complete pursuant to the UDC, and shall be the amount of the Maximum Assessable Transportation Impact Fee per Service Unit as set forth in **Schedule 12.46.07 (a)** then in effect.

B. For New Development which is not required to be platted at the time of application

for a building permit pursuant to the City's subdivision regulations prior to development, Assessment of Transportation Impact Fees shall occur at the time application is made for the building permit, and shall be the amount of the Maximum Assessable Transportation Impact Fee per Service Unit as set forth in **Schedule 12.46.07 (a)** then in effect.

- C. Following Assessment of the Impact Fee pursuant to this Section, the amount of the Impact Fee Assessment per Service Unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for preliminary plat approval or other development application that results in approval of additional Service Units beyond the exemption in **Sec 12.46.10 (B)**, in which case a new Assessment shall occur at the **Schedule 12.46.07 (a)** rate then in effect for such additional Service Units.
- D. The City Manager or designee shall compute the Transportation Impact Fees for New Development by first determining whether the New Development is eligible for Credits calculated in accordance with this Chapter, which would further reduce Impact Fees otherwise due in whole or in part. The total amount of Impact Fees for the New Development shall be attached to the development application as a condition of approval.
- E. Approval of an amending plat pursuant to Tex. Loc. Gov't Code, Sec.212.016 and the City's subdivision regulations is not subject to reassessment for an Impact Fee.

Sec. 12.46.10. Exemptions to impact fees.

The following are exempt from the applicability of this Chapter:

- A. Pursuant to Tex. Loc. Gov't Code Sec.395.022, as amended, a public school district is not required to pay Transportation Impact Fees imposed under this Chapter 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.
- B. A change in use that generates less than 40 additional Service Units compared to the Service Units generated by the immediately preceding developed use is exempt from the payment of Impact Fees.
- C. New Development with an approved Traffic Impact Analysis or a Development Agreement or Consent Agreement with defined transportation improvement requirements prior to the effective date of this Chapter shall be subject to the requirements of the Traffic Impact Analysis, Development Agreement, or Consent Agreement and be exempt from collection of Transportation Impact Fees. The property boundary that is defined within the Traffic Impact Analysis or Agreement is the only property that shall qualify for the exemption. If a Traffic Impact Analysis update is required or an increase of more than 40 Service Units is anticipated for the development, then the exemption does not apply to the remaining property without an approved building permit.

Sec. 12.46.11. Collection of impact fees.

Transportation Impact Fees shall be collected in the following manner; however, the City has the ability to require construction greater than the Transportation Impact Fee Collection Rate for amounts up to the Maximum Assessable Transportation Impact Fee:

- A. The Transportation Impact Fee Collection Rate shall be paid at the time the City issues a building permit for a New Development.
- B. For properties requiring a plat, the Transportation Impact Fee Collection Rate to be paid and collected per Service Unit for New Development shall be the amount listed in **Schedule 12.46.07 (b)** in effect at the time of Preliminary Plat Submission until such time the preliminary plat expires per the City's Unified Development Code. After the preliminary plat has expired, the Transportation Impact Fee Collection Rate shall be paid according to the current amount listed in **Schedule 12.46.07 (b)** then in effect.
- C. For properties that do not require the filing of a plat, the Transportation Impact Fee Collection Rate shall be paid and collected per Service Unit for New Development in the amount listed in **Schedule 12.46.07 (b)** in effect at the time that the building permit is filed
- D. The City shall compute the Transportation 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 the Land Use / Vehicle-Mile Equivalency Table (LUVMET) provided in **Schedule 12.46.07 (c)**.
 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 the Land Use / Vehicle-Mile Equivalency Table (LUVMET), provided in **Schedule 12.46.07 (c)**, to determine the number of Service Units attributable to the New Development.
 3. The amount of Transportation Impact Fees to be collected shall be determined by multiplying the number of Service Units for the New Development by the Transportation Impact Fee per Service Unit for the applicable Service Area and applicable land use 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 **Sec.12.46.12**, providing for Credits exists, the amount of the Credits based on actual costs shall be deducted from the Transportation Impact Fees as calculated above.

- E. If the building permit for which an Impact Fee has been paid has expired, and a new application is thereafter filed, the Transportation Impact Fee Collection Rate shall be computed using **Schedule 12.46.07 (b)** in effect at the time of the new application, with Credits for previous payment of Impact Fees being applied against the new Impact Fees due.
- F. Whenever the property owner proposes to increase the number of Service Units for a development, the additional Impact Fees collected for such new Service Units shall be determined by using **Schedule 12.46.07 (b)** in effect at the time of the request, and such additional fee shall be collected at the times prescribed by this section.
- G. The City may vary the rates of collection or amount of Transportation Impact Fees per Service Unit among or within Service Areas in order to reasonably further goals and policies affecting the adequacy of roadway facilities serving New Development, or other regulatory purposes affecting the type, quality, intensity, economic development potential or development timing of land uses within such Service Areas.
- H. Where an application for a building permit is for a “shell” or speculative building, the amount of the Transportation Impact Fee shall be calculated assuming that the entire building will be used as either “General Office”, “General Light Industrial”, or “Shopping Center” as shown in the Land Use / Vehicle-Mile Equivalency Table (LUVMET). 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 Transportation Impact Fee shall be charged and paid if the ultimate use is different from “General Office”, “General Light Industrial”, or “Shopping Center.”
- I. An Owner may submit an alternative Service Unit computation based upon a trip generation study as defined by the Institute of Transportation Engineers for the proposed land use not included in the Land Use / Vehicle-Mile Equivalency Table (LUVMET) by following the process for appeals pursuant to **Sec.12.46.17** Appeals.

Sec. 12.46.12. Credits against impact fees.

The City may credit 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:

- A. The Credit shall be associated with the plat or other detailed plan of development for the property that is to be served by the Roadway Facility.
- B. Before Impact Fees can be reduced by Credits authorized under this section, the Owner of the property shall apply for Credits based on actual costs with the City. An Owner of a New Development who has constructed or financed a Transportation Capital Improvement or Roadway Facility expansion designated in the Transportation Impact Fee Capital Improvements Plans, or other Transportation

Capital Improvement that supplies excess capacity, as required or authorized by the City, is eligible to enter into an agreement with the City to provide for Credits against Transportation Impact Fees due. The agreement shall identify the basis for and the method for computing and the amount of the Credit due and any reduction in Credits attributable to the consumption of road capacity by developed lots or tracts served by the Transportation Capital Improvements.

- C. Credits shall be determined by comparing 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 Credit determination shall be incorporated within an agreement for Credits, in accordance with this Chapter. The Roadway requirements of an agreement for Credits shall not be less than what is required by the Georgetown Unified Development Code. Unless the agreement specifies otherwise, a Credit associated with a plat shall be applied when the first building permit is submitted and to each subsequent building permit application to reduce the Impact Fees due until the amount associated with Credit is exhausted.
- D. Master Planned Community projects, including subdivisions containing multiple phases, and whether approved before or after the Effective Date of these Impact Fee regulations, may apply for Credits against Transportation Impact Fees for the entire project based upon contributions of Capital Improvements or funds toward construction of system facilities, or other Roadway Capital Improvements supplying excess capacity.
- E. 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 Transportation Impact Fee assessed against the New Development under **Schedule 12.46.07 (a)**. Construction required under such policies and regulations shall be a Credit 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 Transportation Impact Fee Collection Rate due, the amount of the Credit due shall be deemed to be 100% of the assessed Impact Fees and no Impact Fee shall be collected thereafter for the development, unless the number of Service Units is subsequently increased.
- F. All Credits against Transportation Impact Fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines, including the following standards:
 - 1. No Credit shall be given for the dedication or construction of Site-related Facilities.
 - 2. No Credit shall be given for a Roadway Facility which is not identified within the Transportation Impact Fee Capital Improvements Plan, unless

the facility is on or qualifies for inclusion on the Overall Transportation Plan and the City agrees that such improvement supplies capacity to New Developments other than the development paying the Transportation Impact Fee and provisions for Credits are incorporated in an agreement for Credits pursuant to this Chapter.

3. In no event will the City grant a Credit when no Transportation Impact Fees can be collected pursuant to this Chapter or for any amount exceeding the Transportation Impact Fee Collection Rate due for the development, unless expressly agreed to by the City in writing.
 4. The City or the Georgetown Transportation Enhancement Corporation (GTEC) 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 Credit for construction of a System Facility shall be reduced by the amount of any participation funds received from the City or GTEC.
 5. Where funds for Roadway Facilities have been escrowed under an agreement that was executed with the City prior to the effective date of this Chapter, the following rules apply:
 - a. Funds expended under the agreement for Roadway Facilities shall first be credited against the amount of Transportation Impact Fees that would have been due under **Schedule 12.46.07 (b)** for those units of development for which building permits already have been issued;
 - b. Any remaining funds shall be credited against Impact Fees due for the development under **Schedule 12.46.07 (b)** at the time building permits are issued.
- G. Credits 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 Effective Date of this Chapter, on such effective date. Credits created after the Effective Date of this Chapter shall expire ten (10) years from the date the Credit was created. Credits 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 Credit on mutually agreeable terms.
- H. Unless an agreement for Credits, as described herein, is executed providing for a different manner of applying Credits against Transportation 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 Impact Fees due until the Credit is exhausted.

- I. No Credits for rights-of-way or easements. Rights-of-way and easements are not included in the study, and no Credits 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.
- J. An item included in the CIP may not be required to be constructed except in accordance with Section 395.019(2) of the Texas Local Government Code, and an Owner of a New Development may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

Sec. 12.46.13. Use of proceeds of impact fee accounts.

The Transportation Impact Fees collected for each Service Area pursuant to these regulations may be used to finance or to recoup the costs of any roadway improvements or Roadway facility expansions identified in the Transportation Impact Fee Capital Improvements Plan for the Service Area, including but not limited to the construction contract price, surveying and engineering fees. Transportation Impact Fees may also 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 roadway improvements or Roadway facility expansions. Transportation Impact Fees also may be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the Transportation Impact Fee Capital Improvements Plan. Impact Fees collected may not be used to pay for the expenses prohibited by Statute.

Sec. 12.46.14. Establishment of accounts.

The City's Finance Department shall establish an account to which interest is allocated for each Service Area for which a Transportation Impact Fee is imposed pursuant to this Chapter. Each Impact Fee collected within the Service Area shall be deposited in such account with the following regulations:

- A. Interest earned on the account into which the Impact Fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Chapter and the Statute.
- B. The City's Finance Department shall establish adequate financial and accounting controls to ensure that Transportation Impact Fees disbursed from the account are utilized solely for the purposes authorized in this Chapter and the Statute. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any Transportation Impact Fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

- C. The City's Finance Department shall maintain and keep financial records for Transportation Impact Fees, which shall show the source and disbursement of all fees collected in or expended from 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. The City may establish a fee for copying services.

Sec. 12.46.15. Impact fee as additional and supplemental regulation.

- A. Transportation impact fees established by these regulations 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 fee is intended to be consistent with and to further the policies of City's comprehensive land use plan, Overall Transportation Plan, the capital improvements plan, the zoning ordinance, 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.
- B. This Chapter 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. 12.46.16. Updates to plans and revision of fees.

- A. The City shall update its Land Use Assumptions and Transportation Impact Fee Capital Improvements Plans and shall recalculate the Transportation Impact Fees based thereon in accordance with the procedures set forth in Texas Local Gov't Code, Ch. 395, or in any successor statute. The City shall also update these items for all annexations ten acres or greater, to be completed in conjunction with the annexation process and prior to final acceptance of the annexed property(s) into the corporate City Limits. For annexations of less than ten acres, the Service Area map will be updated in conjunction with annexation. This update will be for mapping purposes and no updates to the Transportation Impact Fee Capital Improvements Plans or Land Use Assumptions will be completed. The annexation will absorb the applicable service areas rates. However, this does not preclude the City from reviewing its Land Use Assumptions, Transportation Impact Fee Capital Improvements Plans, Transportation Impact Fees, and other factors such as market conditions more frequently than provided for herein to determine whether the Land Use Assumptions and Transportation Capital Improvements Plans should be updated and the Transportation Impact Fees recalculated accordingly, utilizing statutory update procedures.
- B. **Schedule 12.46.07 (b)** may be amended without revising the Land Use Assumptions and Transportation Capital Improvements Plans at any time prior to the update provided for in this Section, provided that the Transportation Impact Fee

Collection Rate to be collected under **Schedule 12.46.07 (b)** do not exceed the Maximum Assessable Transportation Impact Fees assessed under **Schedule 12.46.07 (a)**.

- C. If, at the time an update is required as indicated herein and the City Council determines that no change to the Land Use Assumptions, Transportation Impact Fee Capital Improvements Plan or Transportation Impact Fees are needed, it may dispense with such update by following the procedures in Texas Local Gov't Code, Sec.395.0575 or its successor statute.
- D. The City may amend any other provisions of this Chapter in accordance with procedures for ordinance amendments contained in the City's Charter or State law.

Sec. 12.46.17. Refunds.

- A. Upon application, any Transportation Impact Fee or portion thereof collected pursuant to this Chapter, which has not been expended within the Service Area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the Impact Fee was paid or, if the 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 Sec. 302.002, Tex. Fin. Code, or its successor statute. The application for refund pursuant to this Section shall be submitted within sixty (60) days after the expiration of the ten-year period for expenditure of the Impact Fee. An Impact Fee shall be considered expended on a first-in, first out basis.
- B. An Impact Fee collected pursuant to this Chapter shall also be considered expended if the total expenditures for Capital Improvements or Roadway Facility expansions authorized within the Service Area within ten (10) years following the date of payment exceeds the total fees collected within the Service Area for such improvements or expansions during such period.
- C. If a refund is due pursuant to Subsections A or B, the City shall divide the difference between the amount of expenditures and the amount of the Impact Fees collected by the total number of Service Units assumed within the 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 development for which the fee was paid, and interest due shall be calculated upon that amount.

Sec. 12.46.18. Rebates.

If the building permit for a New Development for which a Transportation 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, 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 subsection has been filed within this period, no rebate shall become due.

Sec. 12.46.19. Appeals.

The property owner or applicant for New Development may appeal the applicability or amount of the Transportation Impact Fee or the availability or amount of Credits or Refunds to the City Council using the following procedure:

- A. *Burden of Proof.* The burden of proof shall be on the applicant to demonstrate that relief should be granted by the City.
- B. *Notice of Appeal.* The applicant must file a written notice of appeal with the City Manager or his/her designee within thirty (30) days following the decision being appealed. 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.
- C. *Resolution of appeal.* The City Manager or his/her designee will respond to the appeal within 30 days of receipt of completed appeal packet as described above.
- D. *Consideration of Appeal by City Council.* Following the determination of the City Manager, the owner may petition the City Council. The petition of appeal to City Council shall be filed within 30 days of the City Manager or his/her designee's written decision. 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 within five (5) business days after the City Council's action on the appeal. The City Council's action on the appeal shall constitute the City's final decision on the matter appealed.
- E. If the notice of appeal is accompanied by a payment or other security satisfactory to the City Attorney in an amount equal to the original determination of the Transportation Impact Fee due, the City shall process and may issue a building permit if other requirements are met while the appeal is pending.
- F. If the City Council allows for a different amount of the Transportation Impact Fee due for a New Development under this Sec. to be paid, it may cause to be appropriated from other City funds the amount of the reduction in the Impact Fee to the account for the Service Area in which the property is located.