

ORDINANCE NO. 4243

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING TABLE 1 OF CHAPTER 7.5 IN ITS ENTIRETY AND ADDING A NEW TABLE 1 OF CHAPTER 7.5 THEREBY AMENDING CERTAIN PROVISIONS RELATING TO LAND USE AND VEHICLE MILE EQUIVALENCIES FOR ROADWAY FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE.

WHEREAS, Texas Local Government Code, Chapter 395, authorizes impact fees for roadway facilities; and

WHEREAS, on November 3, 2003, the City Council adopted Ordinance No. 3615, codified as Chapter 7.5 of the City Code, establishing an impact fee capital improvements plan and impact fees for roadway facilities; and

WHEREAS, Section 7.5(17)(d) states that Table 1, the Land Use/Vehicle Mile Equivalencies table, may be amended at any time without the necessity of updating land use assumptions; and

WHEREAS, the development of corporate aircraft hangars at the Mesquite Metro Airport is a low-trip generation use that is not comparable to the types of land uses enumerated in the Industrial category of Table 1, and applying the "Others Not Specified" trip rate calculations to corporate aircraft hangars results in the allocation of excessive service units to that use; and

WHEREAS, the Director of Community Development, in consultation with the Director of the Mesquite Metro Airport, has determined that the trip generation associated with corporate aircraft hangars is de minimus and that such uses have little to no impact on the surrounding roadway facilities; and

WHEREAS, on October 8, 2012, the Capital Improvements Advisory Committee met to consider the advice of the Director of Community Development and has recommended that Table 1, Land Use/Vehicle Mile Equivalencies, be amended to reflect that no service units should be attributable to corporate aircraft hangars; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City and the Mesquite Metro Airport to adopt the proposed amendment to Table 1.

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

SECTION 1. That the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Table 1 of Chapter 7.5 in its entirety and adding a new Table 1

Chapter 7.5 relating to land use and vehicle mile equivalencies for roadway facilities, to read as follows, in all other respects said Code to remain in full force and effect.

Table 1
Land Use/Vehicle Mile Equivalencies
(Roadway Facilities)

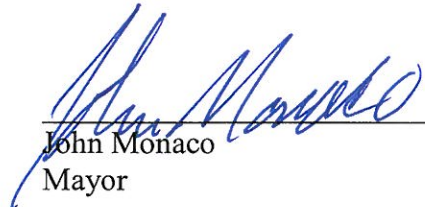
Category	Land Use	Development Units (X)	Trip Rate	Trip Length (Mile)	Total Service Units (Veh Mi/Dev Unit)
RESIDENTIAL	Single Family Detached	D.U.	0.95(X)	3.0	2.85
	Townhouse-Condominium	D.U.	0.58(X)	3.0	1.74
	Multifamily	D.U.	0.49(X)	3.0	1.47
	Retirement Community	D.U.	0.28(X)	3.0	0.84
	Others Not Specified*	D.U.	0.95(X)	3.0	2.85
OFFICE	General Office Building	1000 GFA	1.33(X)	3.0	3.99
	Office Park	1000 GFA	1.51(X)	3.0	4.53
	Business Park	1000 GFA	1.48(X)	3.0	4.44
	Others Not Specified*	1000 GFA	1.33(X)	3.0	3.99
COMMERCIAL	General Retail	1000 GFA	1.62(X)	2.3	3.65
	Shopping Center	1000 GLA	2.04(X)	2.3	4.69
	Discount Club	1000 GFA	2.63(X)	2.3	6.05
	Quality Restaurant	1000 GFA	2.07(X)	1.7	3.52
	Fast Food Restaurant	1000 GFA	7.31(X)	1.7	12.43
	High-Turnover Restaurant	1000 GFA	3.61(X)	1.7	6.14
	Convenience Store	1000 GFA	10.01(X)	0.2	2.00
	Service Station	FUEL POS.	2.05(X)	0.2	0.41
	Gas Station w/Convenience Store	FUEL POS.	2.19(X)	0.2	0.44
	Bank	1000 GFA	6.38(X)	1.1	7.02
	Hotel	ROOMS	0.76(X)	2.2	1.67
	Motel	ROOMS	0.60(X)	2.2	1.32
	New Car Sales	1000 GFA	1.57(X)	2.3	3.61
	Auto Care Center	1000 GLA	2.16(X)	2.7	5.83
	Furniture Store	1000 GFA	0.35(X)	2.3	0.81
	Apparel Store	1000 GFA	1.83(X)	2.3	4.21
	Building Mat'l/Lumber Store	1000 GFA	2.94(X)	2.3	6.76
	Golf Course/Driving Range	ACRES	0.39(X)	3.0	1.17
	Others Not Specified*	1000 GFA	1.62(X)	2.3	3.65
INDUSTRIAL	General Light Industrial	1000 GFA	0.72(X)	3.0	2.16
	Industrial Park	1000 GFA	0.91(X)	3.0	2.73
	Manufacturing	1000 GFA	0.63(X)	3.0	1.89
	Warehouse	1000 GFA	0.74(X)	3.0	2.22
	Mini-warehouse	1000 GFA	0.20(X)	3.0	0.60
	Hangar, Corporate Aircraft	—	—	—	0.00
Others Not Specified*	1000 GFA	0.91(X)	3.0	2.73	
INSTITUTIONAL	Elementary School	STUDENTS	0.015(X)	1.5	0.02
	High School	STUDENTS	0.04(X)	1.5	0.06
	Junior/Community College	STUDENTS	0.12(X)	2.1	0.25
	Day Care Center	STUDENTS	0.10(X)	1.9	0.38
	Hospital	BEDS	1.05(X)	2.6	2.73
	Nursing Home	BEDS	0.17(X)	2.6	0.44
	Church/Synagogue	1000 GFA	0.29(X)	1.5	0.44
	Others Not Specified*	1000 GFA	0.29(X)	1.5	0.44
*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.			D.U. = Dwelling Unit GFA = Gross Floor Area GLA = Gross Leasable Area FUEL POS = Fuel Position		

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, 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 hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Mesquite as a whole.

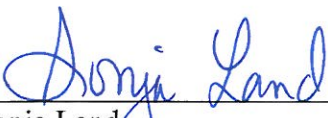
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$500.00 for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of October, 2012.



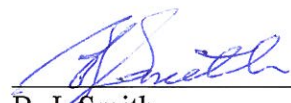
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney