

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 7.5 “IMPACT FEES” WHICH PROVIDES FOR THE ESTABLISHMENT OF PROCEDURES FOR ASSESSING AND COLLECTING IMPACT FEES; ESTABLISHING PROVISIONS FOR CREDITS AGAINST IMPACT FEES; PROVIDING AN APPEALS PROCEDURE; ADOPTING REVISED LAND USE ASSUMPTIONS; ADOPTING CAPITAL IMPROVEMENTS PLANS AND IMPACT FEES FOR ROADWAY, WATER, AND WASTEWATER FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, [Chapter 395](#) of the Texas Local Government Code (“**Chapter 395**”), authorizes impact fees for water, wastewater, and roadway facilities; and

WHEREAS, roadway impact fees were established and have been assessed in the City of Mesquite, Texas (“**City**”) since 1996; and

WHEREAS, the City appointed a *Capital Improvements Advisory Committee* to advise the City Council concerning adoption of land use assumptions, impact fee capital improvements plans, and impact fees for roadway, water, and wastewater facilities on April 2, 1990, by [Resolution No. 15-\[19\]90](#) and in accordance with Texas Local Government Code, Chapter 395, [§ 395.058](#); and

WHEREAS, Resolution No. 15-[19]90 was repealed, and the current provisions related to the *Capital Improvements Advisory Committee* have been codified in Mesquite City Code, Chapter 20, Article V, [Division 2](#) – Capital Improvements Advisory Committee; and

WHEREAS, the City retained qualified professionals and consultants, as required by Chapter 395, to prepare land use assumptions, impact fee capital improvements plans, impact fees and ordinance provisions in order to meet the requirements for updating roadway impact fees in the City and enacting water and wastewater impact fees in the City, and the City’s extra territorial jurisdiction; and

WHEREAS, pursuant to Texas Local Government Code, Chapter 395, [§ 395.011](#), water impact fees and wastewater impact fees apply in *both* the city limits, and the extraterritorial jurisdiction, whereas roadway impact fees only apply within the city limits; and

WHEREAS, when imposing impact fees, updates to the land use assumptions and capital improvements plan must be conducted every five (5) years in accordance with Chapter 395, and the most recent full study was completed in 2015 when new fees were established; and

WHEREAS, in 2020 the City completed, and the City Council approved an update only to the Roadway Impact Fees in the *Water, Wastewater & Roadway 2015 Impact Fee Study (2019 Update)* pursuant to the passage of [Ordinance No. 4756](#); and

WHEREAS, presently in 2022, the Water and Wastewater Impact Fees in the *Water, Wastewater & Roadway 2015 Impact Fee Study* is being updated (**2022 Update**)(See **EXHIBIT B**) whereby this update to the land use assumptions, Capital Improvements Program, and fees will allow the City to continue to assess and collect impact fees; and

WHEREAS, although **EXHIBIT B (2022 Update)** also includes Roadway Impact Fees, *no changes* were made (regarding roadway impact fees) to the *2019 Update to the Water, Wastewater & Roadway 2015 Impact Fee Study (2019 Update)*; and

WHEREAS, on **September 12, 2022**, the *Capital Improvements Advisory Committee* unanimously voted to recommend the proposed amendments (**2022 Update**) to Mesquite City Code, Chapter 7.5 “Impact Fees” also cited as “*Mesquite Impact Fee Regulations*,” and

WHEREAS, updated land use assumptions, and capital improvements plan were prepared in accordance with [Chapter 395](#) of the Texas Local Government Code, and provided to the City Council; and

WHEREAS, State law requires the City Council, within sixty (60) days after the date it receives the update of land use assumptions and the capital improvements plan, to adopt an ORDER setting a public hearing date to discuss and review the plan and determine whether to amend the plan, and said ORDER was issued in [Resolution No. 31-2022](#), on September 6, 2022, along with providing a NOTICE published in the Dallas County and Kaufman County newspapers of general circulation in accordance with State law; and

WHEREAS, [Resolution No. 31-2022](#) ordered the public hearing, and said public hearing was held by the City Council on October 17, 2022; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to adopt an ordinance establishing land use assumptions, capital improvements plans impact fees for water and wastewater facilities, and to adopt an ordinance amending land use assumptions, capital improvements plans and impact fees for roadway facilities.

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:

Amending Chapter 7.5 – Impact Fees.

The Mesquite City Code, Chapter 7.5 “Impact Fees” also cited as “*Mesquite Impact Fee Regulations*” is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and said Exhibit is attached hereto and made a part hereof, and in all other respects, said Code, and its chapters, articles, divisions, and sections shall remain in full force and effect.

SECTION 3. MESQUITE CITY CODE TEXT AMENDMENT:

Amending Tables and Schedules referenced in Chapter 7.5.

That, the Tables and Schedules referenced in Mesquite City Code, Chapter 7.5, are hereby repealed and replaced with the following Tables and Schedules identified in **EXHIBIT B**:

SCHEDULE 1 –	Assessment Rates
SCHEDULE 2 –	Collection Rates
TABLE 1 –	Service Unit Equivalencies for Various Types and Sizes of Water Meters (Water and Wastewater Facilities)
TABLE 2 –	Land Use/Vehicle Mileage Equivalencies (Roadway Facilities)

EXHIBIT B is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 4. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6. Penalty Clause.

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 7. Publication.

This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date.

This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 17th DAY OF OCTOBER, 2022.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. _____

Mesquite City Code
Amending Chapter 7.5 – Impact Fees

Mesquite City Code

* * *

CHAPTER 7.5. – IMPACT FEES

ARTICLE I. – GENERAL PROVISIONS

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[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

Sec. 7.5-4. Definitions.

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Director means the Director of Planning and Development Services ~~Community Development~~, or other City official designated by the City Manager to administer these regulations.

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Section 7.5-9. Assessment of impact fees.

(a) Assessment of impact fees for any new development shall be made as follows:

* * *

(3) No impact fees shall be assessed for development on any lot governed by an approved final plat for single-family ~~single-family~~ residential development filed prior to the initial adoption of impact fees on March 1, 1997.

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ARTICLE II. – LAND USE ASSUMPTIONS

Section 7.5-23. Land Use Assumptions.

(a) The Land Use Assumptions for the City of Mesquite found in Part 3 of *the Water, Wastewater & Roadway 2015 Impact Fee Study*, as amended by the 2022 Update to the Water, Wastewater & Roadway 2015 Impact Fee Study, (2022 Update), ~~2015 Roadway Impact Fee Study (2019 Update)~~, are hereby adopted and incorporated by reference herein.

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ARTICLE III. – WATER FACILITIES IMPACT FEES

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Section 7.5-25. Water Capital Improvements Plan.

- (a) The Water Capital Improvements Plan for the City of Mesquite found in Part 1 of the *Water, Wastewater & Roadway 2015 Impact Fee Study*, as amended by the *2022 Update to the Water, Wastewater & Roadway 2015 Impact Fee Study, (2022 Update)*, ~~*2015 Roadway Impact Fee Study (2019 Update)*~~, is hereby adopted and incorporated by reference herein.

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ARTICLE IV. – WASTEWATER FACILITIES IMPACT FEES

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Section 7.5-28. Wastewater Capital Improvements Plan.

- (a) The Wastewater Capital Improvements Plan for the City of Mesquite found in Part 1 of the *Water, Wastewater & Roadway 2015 Impact Fee Study*, as amended by the *2022 Update to the Water, Wastewater & Roadway 2015 Impact Fee Study, (2022 Update)*, ~~*2015 Roadway Impact Fee Study (2019 Update)*~~, is hereby adopted and incorporated by reference herein.

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ARTICLE V. – ROADWAY FACILITIES IMPACT FEES

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Section 7.5-31. Roadway Capital Improvements Plan.

- (a) The Roadway Capital Improvements Plan for the City of Mesquite found in Part 2 of the *Water, Wastewater & Roadway 2015 Impact Fee Study*, as amended by the *2022 Update to the Water, Wastewater & Roadway 2015 Impact Fee Study, (2022 Update)*, ~~*2015 Roadway Impact Fee Study (2019 Update)*~~, is hereby adopted and incorporated by reference herein.

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EXHIBIT B

To Ordinance No. _____

SCHEDULE 1 – Assessment Rates

SCHEDULE 2 – Collection Rates

TABLE 1 – Service Unit Equivalencies for Various Types and Sizes of Water Meters
(Water and Wastewater Facilities)

TABLE 2 – Land Use/Vehicle Mileage Equivalencies (Roadway Facilities)

SCHEDULE 1
Assessment Rates
***** 2022 UPDATE *****

City of Mesquite
Maximum Rates for Water Facility Impact Fees

<u>Service Area*</u>	<u>Maximum Fee Per Service Unit</u>
City of Mesquite	\$7,759.00

Maximum Rates for Wastewater Facility Impact Fees

<u>Service Area*</u>	<u>Maximum Fee Per Service Unit</u>
City of Mesquite and North Mesquite Drainage Basin Service Area	\$5,809.00

Maximum Rates for Roadway Facility Impact Fees

<u>Service Area*</u>	<u>Maximum Fee Per Service Unit</u>
1	\$1,097.00
2	\$976.00
3	\$891.00

*The entire City of Mesquite and Extra-territorial Jurisdiction (ETJ) constitutes one (1) service area for purposes of water facility impact fees. The entire City of Mesquite and Extra-territorial Jurisdiction constitute one (1) service area for purposes of wastewater facility impact fees. Consult the service area map to determine the service areas for roadway impact fees.

SCHEDULE 2
Collection Rates
***** 2022 UPDATE *****

City of Mesquite
Collection Rates for Water Facility Impact Fees

<u>Service Area*</u>	<u>Maximum Fee Per Service Unit</u>
City of Mesquite and ETJ	\$?,???.00

Collection Rates for Wastewater Facility Impact Fees

<u>Service Area*</u>	<u>Maximum Fee Per Service Unit</u>
City of Mesquite and ETJ	\$?,???.00

Collection Rates for Roadway Facility Impact Fees

See Table 2

*The entire City of Mesquite and Extra-territorial Jurisdiction (ETJ) constitutes one (1) service area for purposes of water facility impact fees. The entire City of Mesquite and Extra-territorial Jurisdiction constitute one (1) service area for purposes of wastewater facility impact fees. Consult the service area map to determine the service areas for roadway impact fees.

TABLE 1
Service Unit Equivalencies
For Various Types and Sizes of Water Meters
(Water and Wastewater Facilities)

***** 2022 UPDATE *****

Table 1.01. Maximum Assessable Water and Wastewater Impact Fee for Commonly Used Meters

Meter Size	Maximum Continuous Operating Capacity	Service Unit Equivalent	Maximum Assessable Water Impact Fee (\$)	Maximum Assessable Wastewater Impact Fee (\$)
5/8"	10	1	\$ 7,759	\$5,809
1"	25	2.5	\$ 19,398	\$14,523
1-1/2"	50	5	\$ 38,795	\$29,045
2"	80	8	\$ 62,072	\$46,472
3"	175	17.5	\$ 137,783	\$101,658
4"	300	30	\$ 232,770	\$174,270
6"	675	67.5	\$ 523,733	\$392,108
8"	900	90	\$ 698,310	\$522,810
10"	3500	350	\$ 2,715,650	\$2,033,150

Table 2
Land Use/Vehicle Mileage Equivalencies
(Roadway Facilities)

*** 2022 Update ***

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit	Maximum Fee Per Development Unit SA A (North)	Maximum Fee Per Development Unit SA B (Central)	Maximum Fee Per Development Unit SA C (South)	Collected Fee Per Development Unit All Service Areas
PORT AND TERMINAL							
Truck Terminal	030	Acre	32.82	\$36,004	\$32,032	\$29,243	\$8,500
INDUSTRIAL							
General Light Industrial	110	1,000 SF GFA	4.86	\$5,331	\$4,743	\$4,330	\$1,259
General Heavy Industrial	120	1,000 SF GFA	3.41	\$3,741	\$3,328	\$3,038	\$883
Industrial Park	130	1,000 SF GFA	4.26	\$4,673	\$4,158	\$3,796	\$1,103
Warehousing	150	1,000 SF GFA	1.73	\$1,898	\$1,688	\$1,541	\$448
Mini-Warehouse	151	1,000 SF GFA	1.41	\$1,547	\$1,376	\$1,256	\$365
RESIDENTIAL							
Single-Family Detached Housing	210	Dwelling Unit	6.00	\$6,582	\$5,856	\$5,346	\$3,108
Apartment/Multi-family	220	Dwelling Unit	3.72	\$4,081	\$3,631	\$3,315	\$1,927
Residential Condominium/Townhome	230	Dwelling Unit	3.12	\$3,423	\$3,045	\$2,780	\$1,616
Senior Adult Housing-Detached	251	Dwelling Unit	1.62	\$1,777	\$1,581	\$1,443	\$839
Senior Adult Housing-Attached	252	Dwelling Unit	1.50	\$1,646	\$1,464	\$1,337	\$777
Assisted Living	254	Beds	1.32	\$1,448	\$1,288	\$1,176	\$684
LODGING							
Hotel	310	Room	1.93	\$2,117	\$1,884	\$1,720	\$500
Hotel / Other Lodging Facilities	320	Room	1.51	\$1,656	\$1,474	\$1,345	\$391
RECREATIONAL							
Golf Driving Range	432	Tee	4.03	\$4,421	\$3,933	\$3,591	\$1,044
Golf Course	430	Acre	0.97	\$1,064	\$947	\$864	\$251
Recreational Community Center	495	1,000 SF GFA	8.82	\$9,676	\$8,608	\$7,859	\$2,284
Ice Skating Rink	465	1,000 SF GFA	7.60	\$8,337	\$7,418	\$6,772	\$1,968
Miniature Golf Course	431	Hole	1.06	\$1,163	\$1,035	\$944	\$275
Multiplex Movie Theater	445	Screens	43.92	\$48,180	\$42,866	\$39,133	\$11,375
Racquet / Tennis Club	491	Court	10.79	\$11,837	\$10,531	\$9,614	\$2,795
INSTITUTIONAL							
Church	560	1,000 SF GFA	1.16	\$1,273	\$1,132	\$1,034	\$300
Day Care Center	565	1,000 SF GFA	14.51	\$15,917	\$14,162	\$12,928	\$3,758
Primary/Middle School (1-8)	522	Students	0.34	\$373	\$332	\$303	\$88
High School	530	Students	0.27	\$296	\$264	\$241	\$70
Junior / Community College	540	Students	0.25	\$274	\$244	\$223	\$65
University / College	550	Students	0.36	\$395	\$351	\$321	\$93
MEDICAL							
Clinic	630	1,000 SF GFA	19.58	\$21,479	\$19,110	\$17,446	\$5,071
Hospital	610	1,000 SF GFA	3.52	\$3,861	\$3,436	\$3,136	\$912
Nursing Home	620	Beds	0.83	\$911	\$810	\$740	\$215
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	12.47	\$13,680	\$12,171	\$11,111	\$3,230
OFFICE							
Corporate Headquarters Building	714	1,000 SF GFA	7.70	\$8,447	\$7,515	\$6,861	\$1,994
General Office Building	710	1,000 SF GFA	8.14	\$8,930	\$7,945	\$7,253	\$2,108
Medical-Dental Office Building	720	1,000 SF GFA	19.49	\$21,381	\$19,022	\$17,366	\$5,048
Single Tenant Office Building	715	1,000 SF GFA	9.50	\$10,422	\$9,272	\$8,465	\$2,461
Office Park	750	1,000 SF GFA	8.08	\$8,864	\$7,886	\$7,199	\$2,093
COMMERCIAL							
Automobile Related							
Automobile Care Center	942	1,000 SF Occ. GLA	6.02	\$6,604	\$5,876	\$5,364	\$1,559
Automobile Parts Sales	843	1,000 SF GFA	10.98	\$12,045	\$10,716	\$9,783	\$2,844
Gasoline/Service Station	944	Vehicle Fueling Position	4.82	\$5,288	\$4,704	\$4,295	\$1,248
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	3.56	\$3,905	\$3,475	\$3,172	\$922
Gasoline/Service Station w/ Conv Market and Car Wash	946	Vehicle Fueling Position	3.66	\$4,015	\$3,572	\$3,261	\$948
New Car Sales	841	1,000 SF GFA	6.76	\$7,416	\$6,598	\$6,023	\$1,751
Quick Lubrication Vehicle Shop	941	Servicing Positions	10.01	\$10,981	\$9,770	\$8,919	\$2,593
Self-Service Car Wash	947	Stall	1.99	\$2,183	\$1,942	\$1,773	\$515
Tire Store	848	1,000 SF GFA	9.63	\$10,564	\$9,399	\$8,580	\$2,494
Dining							
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	39.19	\$42,991	\$38,249	\$34,918	\$10,150
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	31.39	\$34,435	\$30,637	\$27,968	\$8,130
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	13.46	\$14,766	\$13,137	\$11,993	\$3,486
Quality Restaurant	931	1,000 SF GFA	10.06	\$11,036	\$9,819	\$8,963	\$2,606
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	30.82	\$33,810	\$30,080	\$27,461	\$7,982
Other Retail							
Free-Standing Discount Store	815	1,000 SF GFA	11.24	\$12,330	\$10,970	\$10,015	\$2,911
Nursery (Garden Center)	817	1,000 SF GFA	15.65	\$17,168	\$15,274	\$13,944	\$4,053
Home Improvement Superstore	862	1,000 SF GFA	3.90	\$4,278	\$3,806	\$3,475	\$1,010
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	12.72	\$13,954	\$12,415	\$11,334	\$3,294
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	16.26	\$17,837	\$15,870	\$14,488	\$4,211
Shopping Center	820	1,000 SF GLA	7.89	\$8,655	\$7,701	\$7,030	\$2,044
Supermarket	850	1,000 SF GFA	19.55	\$21,446	\$19,081	\$17,419	\$5,063
Toy/Children's Superstore	864	1,000 SF GFA	11.24	\$12,330	\$10,970	\$10,015	\$2,911
Department Store	875	1,000 SF GFA	4.22	\$4,629	\$4,119	\$3,760	\$1,093
SERVICES							
Walk-In Bank	911	1,000 SF GFA	12.38	\$13,581	\$12,083	\$11,031	\$3,206
Drive-In Bank	912	Drive-in Lanes	29.95	\$32,855	\$29,231	\$26,685	\$7,757
Hair Salon	918	1,000 SF GLA	1.73	\$1,898	\$1,688	\$1,541	\$448