

ORDINANCE NO. 900 (19)

AN ORDINANCE AMENDING PART 12, CHAPTER 5, ARTICLE K, SECTION 12-611, SECTION 12-612, SECTION 12-613, SECTION 12-614, SECTION 12-615, SECTION 12-616, SECTION 12-617, AND SECTION 12-618 OF THE MOORE LAND DEVELOPMENT CODE BY ADDING LAND USE DEFINITIONS TO INCLUDE FAST CASUAL RESTAURANTS AND PERSONAL STORAGE FACILITIES AND AMENDING THE TRANSPORTATION IMPACT FEE SCHEDULE FOR FAST FOOD, FAST CASUAL, OTHER RESTAURANTS, RETAIL, AND PERSONAL STORAGE FACILITY; ESTABLISHING APPEALS PROCESS AND FEE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEALER.

Be it ordained by the Mayor and the Council of the City of Moore, Oklahoma that Part 12, Chapter 5, Article K, of the Moore City Code shall be amended as follows:

Sec. 12-611. - Definitions.

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

Capital improvement means and includes transportation system planning, preliminary facility engineering, engineering or design study, land surveys, land acquisition, permitting and construction, erection or placement of facilities, including, but not limited to:

- (1) Acquisition of land for right-of-way or facility purposes;
- (2) Construction of access, paving and parking facilities;
- (3) Provision for relocation of water, sewer, or other utility lines and mains to facilities;
- (4) Site development activities involving grading, shaping, berming and landscaping and vegetation; and
- (5) Provision, construction or erection of bridges, placement, and lighting.

Expansion of the capacity of a system facility applies to all land acquisition or to the addition, extension, or expansion of transportation facilities.

Fee payer means a person commencing a land development activity which generates construction or placement of a residential or nonresidential dwelling unit and which requires the issuance of a building permit, or the approval and recordation of a final subdivision plat or map.

Traffic impact study means a study which quantifies the changes in traffic levels and translates these changes into transportation impacts in the vicinity of the project. The traffic impact study will identify on-site and off-site transportation system improvements needed to accommodate the additional traffic associated with new development.

Senior Housing is a housing development intended for senior citizens as defined by the current AARP standards. For the intent and purposes of hits code, a senior housing development shall be one in which, at a minimum, sixty percent (60%) of the living units are

built to current ADA standards.

Restaurant, Fast Food/Fast Casual is an eating establishment that has a drive-thru window for service and/or convenience. These establishments are generally characterized by long hours of service, a high dining-in customer turnover rate of less than 1-hour, and do not provide full table service.

Restaurant, Other is an eating establishment with no drive-thru window. These establishments are generally characterized by low customer turnover rate of more than 1 hour, and provides full table service.

Personal Storage Facility, also known as mini-storage, is defined as buildings containing individual rental storage facilities not exceeding eight hundred (800) square feet per unit. These facilities are not used to house businesses of any kind.

Sec. 12-612. - Imposition of transportation impact fees.

Except as provided in section 12-613 of this code, any person after the effective date of this chapter seeking the issuance of a building permit for any structure subject to the provisions of the city’s building code, or any person seeking to record a final plat pursuant to the subdivision regulations of the city, shall be required to pay a transportation impact fee in the manner and amount set forth in this chapter.

Sec. 12-613. - Computation of transportation fees.

The amount of the impact fee shall be determined by the schedule set forth below. In the event of a single building with more than one land use category, the fees shall be computed proportionately by gross square footage within the building.

TRANSPORTATION IMPACT FEE SCHEDULE
LAND USE CLASSIFICATIONS

RESIDENTIAL		
Type of Land Use	Type of Assessment	Impact Fees
Single Family R-1	Per Lot	\$647.00
Multi Family R-2, R-3, R-4, R-5	Per Unit	\$453.00
Senior Housing	Per Unit	\$236.00
RETAIL AND COMMERCIAL*		

Gas or Convenience Stores	Gross Square Feet	\$3.44
Restaurant, Fast Food/Fast Casual	Gross Square Feet	\$3.00
Restaurant, Other	Gross Square Feet	\$0.35
All other retail or commercial	Gross Square Feet	\$0.35
Office**	Gross Square Feet	\$0.25
Industrial***	Gross Square Feet	\$0.36
Industrial, Personal Storage Facility	Gross Square Feet	\$0.10
Institutional	Gross Square Feet	\$0.25

*Commercial or Retail Developments that either generate two hundred (200) trips or greater per peak hour (A.M. or P.M.) or two thousand (2,000) or greater trips per day, or are fifty thousand (50,000) gross square feet or larger shall require the performance of a traffic impact study (TIS). The TIS shall be conducted by a qualified traffic engineer. Transportation impact fees or improvements shall be assessed based on the results of the study in lieu of the above impact fee.

**Office developments that are fifty thousand (50,000) square feet or larger shall require the performance of a TIS. The TIS shall be conducted by a qualified traffic engineer. Transportation impact fees or improvements shall be assessed based on the results of the study in lieu of the above impact fee.

***Industrial developments that are fifty thousand (50,000) square feet or larger shall require the performance of a TIS. The TIS shall be conducted by a qualified traffic engineer. Transportation impact fees or improvements shall be assessed based on the results of the study in lieu of the above impact fee.

Adjustments: On January 1, 2000, and on the first day of each year thereafter, the community development director shall review the fees. The director shall adjust the fees based on the most recent consumer price index published by the bureau of labor statistics.

Sec. 12-614. - Payment of fees.

The fee payer shall pay the transportation impact fee required by this chapter to the city manager or his designee prior to the issuance of a building permit for any structure subject to the provisions of the city's building code, or prior to the recordation of a final plat for any subdivision. No such permit may be issued or plat recorded for any such activity until the required fee is paid.

Sec. 12-615. - Transportation impact fee trust fund established.

There is hereby established a single transportation impact fee district, which includes the entire corporate limits of the city, for the collection and expenditure of all fees provided for herein.

Sec. 12-616. - Use of funds.

Funds collected from transportation impact fees shall be used only to pay for capital improvements to the transportation system within the corporate limits of the city, as recommended in the transportation system plan or the most current capital improvements plan. The funds may also be used as matching funds to obtain state or federal surface transportation program funds. No funds shall be used to pay for transportation operating or maintenance costs.

Sec. 12-617. - Credits.

A fee payer shall be given dollar for dollar credits for the actual development costs, if any, he may be required to make or may voluntarily make; or an equivalent offset of dollar for dollar for such improvements previously made in the course of land development activities, where such costs are or were for land, facilities, or improvements to the transportation system, adjacent to the fee payer's development.

Sec. 12-618. - Appeals.

A. If the fee payer disagrees with the land use classification assigned for the computation of the Transportation Impact Fee, or the fee payer disputes the result of such calculation as being not in proportion to the estimated traffic generation by the development, the fee payer shall have the option of appealing such fees to the Community Development Director. All appeals shall be made in writing to the Director.

1. Land Use Classification. If the fee payer disagrees with the how the development is classified in the computation of fees, the fee payer may appeal to the Community Development Director for a reclassification. The appeal shall be accompanied by supporting evidence and materials for City consideration and analysis.

2. Fee Adjustment. If the fee payer seeks to pay less fees than is established by the fee schedule for the particular land use classification, the fee payer may perform an independent fee calculation for the land use or business activity for which the permit is sought. Such independent calculation shall determine the proportionately different costs incurred by the city in the provision of transportation capital improvements to serve the development in question. Any such independent calculation shall be prepared and presented by qualified professionals and follow best practices and methodologies. Such calculations and evidence shall be provided by a licensed Traffic Engineer in the State of Oklahoma.

B. A fee shall be charged for the processing and analysis of all appeals, as established in the City's Schedule of Fees.

Severability. If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

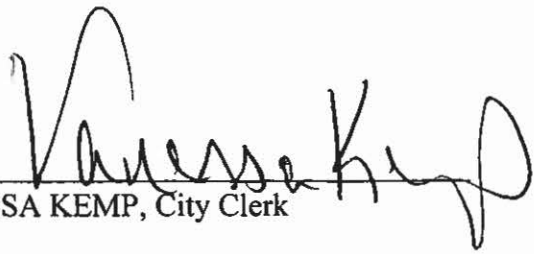
Repealer. Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 4th DAY OF MARCH, 2019.



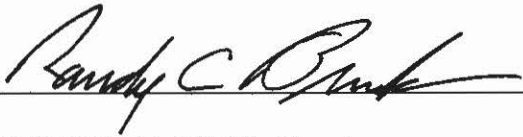
GLENN LEWIS, Mayor

ATTEST: (Seal)



VANESSA KEMP, City Clerk

APPROVED AS TO FORM AND LEGALITY:



RANDY C. BRINK, City Attorney