

## **AN ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES APPENDIX A “FEE SCHEDULE,” ARTICLE A8.000 “SUBDIVISION/LAND DEVELOPMENT REGULATION FEES” TO INCLUDE NEW AND UPDATED DEVELOPMENT-RELATED FEES; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Appendix A “Fee Schedule” of the City’s Code of Ordinances, providing for fees assessed to cover the costs associated with the efficient operation of the City, was passed and approved on November 15, 2018; and,

**WHEREAS**, in accordance with the City’s Financial Management Policy, for services associated with a user fee or charge, the direct and indirect cost of providing that service will be offset by a fee where possible; and,

**WHEREAS**, City staff, after performing a review of the City’s Unified Development Code and Appendix A “Fee Schedule,” Article A8.000 “Subdivision/Land Development Regulation Fees,” have identified certain fees which do not cover the cost of service and other fees which are missing from the Schedule; and,

**WHEREAS**, City Council conducted a workshop on proposed development-related fee changes at their August 3, 2023 meeting; and,

**WHEREAS**, the fee schedule incorporates the 2023 Legislative H.B. 3492 related to municipal authority to impose certain value-based fees; and,

**WHEREAS**, the proposed fee changes meet the City Council’s desire that development-related fees cover the direct and indirect cost of reviewing and processing applications and permits; and,

**WHEREAS**, after careful consideration, the City Council finds that amending **Appendix A** “Fee Schedule,” Article A8.000 “Subdivision/Land Development Regulation Fees” is warranted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:**

- PART 1.** The City of Fair Oaks Ranch Code of Ordinances Appendix A “Fee Schedule,” Article A8.000 “Subdivision/Land Development Regulation Fees” is hereby amended as set forth in the attached **Exhibit A**.
- PART 2.** In accordance with Subchapter Z, Chapter 212, Local Government Code, Section 212.906, the fees imposed for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement shall be annually published on the City of Fair Oaks Ranch website.
- PART 3.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

- PART 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 5.** That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- PART 6.** This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.
- PART 7.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.
- PART 8.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

**PASSED and APPROVED on the first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 7<sup>th</sup> day of September 2023.**

**PASSED, APPROVED AND ADOPTED on the second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 21<sup>st</sup> day of September 2023.**

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Greg C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC  
City Secretary

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Denton Navarro Rocha Bernal & Zech, P.C.  
City Attorney

## Exhibit A

Appendix A “Fee Schedule,” Article A8.000 “Subdivision/Land Development Regulation Fees” is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### ARTICLE A8.000 - Subdivision/Land Development Regulation Fees

- ~~(a) Vested rights verification letter .....\$100.00.~~
- ~~(b) Zoning verification letter .....\$100.00.~~
- ~~(c) Rezoning application .....\$600.00.~~
- ~~(d) Zoning board of adjustment variance/appeal application .....\$300.00.~~
- ~~(e) Replat .....\$600.00.~~
- ~~(f) Amending plat: .....~~
  - ~~—— (1) Administratively .....\$250.00.~~
  - ~~—— (2) Public hearing .....\$600.00.~~
- ~~(g) Subdivision plat (includes preliminary and final) .....\$600.00 + \$50.00 per lot.~~
- ~~(h) Vacation of subdivision plat .....\$200.00.~~
- ~~(i) Development plats .....\$600.00 + \$50.00 per acre.~~
- ~~(j) Plat extension .....\$150.00.~~
- ~~(k) County recordation fees .....Actual as determined by the county clerk + federal mileage rate.~~
- ~~(l) Site plan .....\$100.00.~~
- ~~(m) Planned unit development: .....~~
  - ~~—— (1) Plan review .....\$600.00 + \$50.00 per acre.~~
  - ~~—— (2) Amendment .....\$600.00 + \$50.00 per acre.~~
- ~~(n) Specific use permit .....\$600.00 + \$50.00 per acre.~~
- ~~(o) Traffic impact analysis review fee .....Actual cost of consultant.~~
- ~~(p) Variance application to subdivision/development regulations .....\$100.00~~

<u>(a) Annexation (S1)</u>	<u>\$0.00</u>
<u>(b) Rezoning and Future Land Use Map, Thoroughfare Plan, and other Comprehensive Plan Amendments (S2)</u>	<u>\$850.00</u>
<u>(c) Special Use Permit (S3)</u>	<u>\$800.00 + \$50.00 per acre</u>
<u>(d) Planned Unit Development (S4)</u>	<u>\$2,000.00 + actual cost of legal review</u>
<u>(e) Planned Unit Development Amendment (substantial or non-substantial) (S4)</u>	<u>\$2,000.00 + actual cost of legal review</u>
<u>(f) Conservation Development Alternative (S5)</u>	<u>\$1,500.00</u>
<u>(g) Conservation Development Alternative Amendment (S5)</u>	<u>\$1,500.00</u>
<u>(h) Amending Plat (S6)</u>	<u>\$500.00</u>
<u>(i) Minor Plat (S7)</u>	<u>\$500.00</u>
<u>(j) Development Plat (S8)</u>	<u>\$600.00 + \$50.00 per acre</u>
<u>(k) Preliminary Plat (S10)</u>	<u>\$600.00 + \$50.00 per lot</u>
<u>(l) Final Plat (S11)</u>	<u>\$600.00 + \$50.00 per lot</u>
<u>(m) Replat (S12)</u>	<u>\$800.00 + \$50.00 per lot</u>

## Exhibit A

(n) Plat Submittal Extension Request (letter)	50% of original plat fee
(o) Construction Plans (S13)*	\$2,500.00 + \$50.00 per acre or lot whichever is greater
(p) Resubmittal Fee for Plats and Construction Plans (after second review)	\$500.00
(q) Temporary Use Permit (S14)	\$100.00
(r) Special Exception (S15)	\$650.00
(s) Site Development Permit (S16)	\$150+\$25 per acre
(t) Floodplain Development Permit (S17)	
(1) Residential:	\$75.00
(2) Commercial:	\$250.00
(u) Stormwater Permit (S18)	
(1) Residential:	\$75.00
(2) Commercial:	\$250.00
(v) Certificate of Design Compliance (S19)	\$100.00
(w) Variance (Judicial or Policy) (S20)	\$650.00
(x) Appeal of Administrative Decision (letter)	\$650.00
(y) Group Living Operation License (S22)	\$200.00
(z) Grading/Clearance Permit (S23)	\$150.00 + \$25.00 per acre
(aa) County Recordation Fees (not included in plat fees)	Actual Fees + Federal Mileage
(ab) Traffic Impact Analysis Review Fee (letter)	\$500 + actual cost of consultant
(ac) Vacation of Subdivision Plat (letter)	\$200.00
(ad) Vested Rights Verification Letter (letter)	\$300.00 + actual cost of legal review
(ae) Zoning Verification Letter (letter)	\$100.00
<b>OTHER RELATED FEES</b>	
(af) Development Agreement	\$500.00 + actual cost of legal and consultants
(ag) Development Agreement Amendment	\$500.00 + actual cost of legal and consultants
(ah) Tree Preservation/Mitigation Plan Review and Inspection	\$200 + \$10 per acre
(ai) Tree Removal Fee in Lieu of Mitigation	
(1) Heritage:	\$200/circumference inch
(2) Legacy and Protected:	\$100/circumference inch
(3) Standard:	\$50/circumference inch
(aj) Tree Removal (without an approved plan)	\$250/circumference inch
(ak) Mail Notification (Per Mailed Notice)	Actual Cost
(al) Postage and shipping	Actual cost
(am) Home Occupation Certification	\$25.00
(an) Floodplain plan review	\$1,500.00
(ao) CLOMR	\$2,500.00
(ap) LOMR without CLOMR	\$3,000.00
(aq) LOMR with CLOMR	\$1,500.00
(ar) LOMA	\$500.00
(as) CLOMR-F & LOMR-F	\$250.00

**Exhibit A**

(at) Flood zone verification letter	\$25.00
(au) Engineering Fees (labor)	\$100 per hour or actual consultant cost
(av) Engineering Staff Fees (labor)	\$50 per hour
(aw) Weekend or After-hours Fees (labor)	150% of the staff hourly rate
(ax) No inspection prior to installation	200% of permit fee or staff fees whichever is greater

Note: Corresponding application form number included in ( ) where applicable.

\* In accordance with Local Government Code, Chapter 212, Subchapter Z Miscellaneous Provisions, the City's Construction Plan fee reflects the estimated actual costs to review and process engineering and construction plans and inspect the public infrastructure improvements. A breakdown of the fee is shown below:

	<u>Hourly Rate</u>	<u>Estimated # Hours</u>	<u>Fee</u>
<u>Application Processing</u>	<u>\$50</u>	<u>2</u>	<u>\$100</u>
<u>Plan Review and Approval</u>	<u>\$100</u>	<u>24</u>	<u>\$2400</u>
<u>Inspection and Acceptance</u>	<u>\$50</u>	<u>1 hour per lot or acre</u>	<u>\$50 per lot or acre</u>
<u>TOTAL</u>			<u>\$2500 + \$50 per lot or acre</u>