

ORDINANCE NO. 2017-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 144, CHAPTER 118, AND CHAPTER 62 BY ADOPTING NEW FEES FOR DEVELOPMENT-RELATED SERVICES; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of New Braunfels, Texas, **provides as part of its municipal business to the public** development application processes and services pursuant to federal law, state statute and local ordinance; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas seeks to provide for reasonable administrative fees in order to recoup the cost of conducting such processes and services on the public's behalf without unduly relying on taxes; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas directed a benchmark fee study be conducted **which reflected that many Texas municipalities charge development fees, such as those set forth below, to offset the cost of providing such development services**; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas directed the City implement new fees to pay for required services; and

**WHEREAS**, the local development community provided feedback on the proposed new fees at a meeting on September 29, 2016; and

**WHEREAS**, the Planning Commission was briefed on the proposed new fees at their regular meeting on November 1, 2016; and,

**WHEREAS**, New Braunfels' City Council finds **that the attached schedule of fees, is reasonable and prudent in light of the municipal effort and resources that must be expended to operate a regulatory program and provide certain municipal authorizations, permits, and approvals, and** that adopting new fees for development-related services will reduce the amount of taxpayer subsidization of development activities and allow for the Planning and Community Development Department to increase staff and in turn the speed of the development process **in a rapidly growing city.**

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

**Section 1. Findings of Fact**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes. The City Council hereby finds and determines that the rules, regulations, terms, conditions, provisions, and requirements are reasonable and necessary to protect the public health, safety, and quality of life.

**Section 2. Amendment.**

Chapter 144 of City of New Braunfels Code of Ordinances is hereby amended so as to read in accord with the following table of fees in a new Article VII, as set forth below:

**ARTICLE VII – Fees.**

**Sec. 144-7.1 *Fee Schedule.*** The following is a list of applications with associated required fees that are not specified in other sections of this chapter.

Residential Buffer Wall Exemption	\$100
Street Name Change	\$550
Tree Removal Permit	\$100
Future Land Use Plan Amendment	\$500
Registration of a Nonconforming Use	\$75
Newspaper notification (per published notice)	\$115
Mail notification (per mailed notice)	\$2.15
Voluntary Annexation	\$1,000
Vested Rights Determination	\$200

**Section 3. Amendment**

Chapter 118 of City of New Braunfels Code of Ordinances is hereby amended so as to read in accord with the following table of fees in a new Article VII, as set forth below:

**ARTICLE VII – Fees.**

**Sec. 118-68 Fee Schedule.** The following is a list of applications with associated required fees that are not specified in other sections of this chapter.

Sidewalk Waiver	\$300
Legal Lot Determination	\$150
Plat Waiver/Variance	\$150
Plat Vacation	\$200
Plat Extension	\$200
Plat Appeal (Rough Proportionality Claims)	\$100
Plat Revision	\$200
Voluntary Annexation	\$1,000
License Agreement	\$250
Regional Thoroughfare Plan Amendment	\$900
Right-of-Way Determination	\$500
Vested Rights Determination	\$200
Newspaper notification (per published notice)	\$115
Mail notification (per mailed notice)	\$2.15

#### **Section 4. Amendment**

**Chapter 62, Section 118 of City of New Braunfels Code of Ordinances is hereby amended with the following additional subsection (c)(7):**

62-118. – Permits – Required; posting; fees.

(c) Fee. The following nonrefundable fees shall be paid for permits under this section:

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- (7) Expired Health Permit Late Fee. Health permit applications submitted after January 1 of each calendar year shall be assessed a late fee of \$65.00.

#### **Section 5. Severability**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**Section 6. Repealer**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**Section 7. Effective Date and Publication.**

**THIS** ordinance shall become adopted and effective on April 1, 2017. This Ordinance must also be **published** in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 13<sup>th</sup> day of February, 2017.

**PASSED AND APPROVED:** Second reading this 27<sup>th</sup> day of February, 2017.

**CITY OF NEW BRAUNFELS, TEXAS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**