

ORDINANCE NO. 2023 - ____

AN ORDINANCE AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144-1.4 BY ADDING DEFINITIONS OF HERITAGE AND PROTECTED TREES AMENDING SECTION 144-5.3-1 BY EXTENDING APPROVAL AUTHORITY FOR TREE REPLACEMENTS TO INCLUDE DEPARTMENT STAFF, CREATING THE TREE MITIGATION FUND OPTION TO TREE REPLACEMENT; AND AMENDING APPENDIX D, FEE SCHEDULE, BY ADOPTING NEW FEES FOR DEVELOPMENT-RELATED SERVICES; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 144 of the Code of Ordinances of the City of New Braunfels, Texas, provides fees, charges and rates for development-related services provided by the City of New Braunfels; and

WHEREAS, the fees for development-related services have not been adjusted since 2018; and

WHEREAS, the City Council of New Braunfels, Texas was briefed on fees for cost of development-related services at a public meeting on July 6, 2023; and

WHEREAS, the current fees for development-related services are not reflective of the current market of benchmark cities and need to be adjusted in order to cover the City's costs and ensure consistency across all fees.

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

SECTION 1: That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 144 – Zoning and Appendix D of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows with strikethrough font indicating deleted language, and additions reflected as underlined language:

Chapter 144 – ZONING

ARTICLE I. – GENERAL PROVISIONS.

Sec. 144-1.4. - Definitions.

Helistop, hospital means a helistop limited to serving helicopters engaged in air ambulance.

Heritage tree means any tree attaining a circumference of one-half of the state record for that

tree species as defined by the Texas Forest Service or having a trunk circumference of 75 inches or more (about 24 inches in diameter) measured four and one half feet (4 ½') above the ground.

Home occupation means an occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Private club means an establishment providing social or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code tit. 3, ch. 32, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Protected tree is any tree, on the Approved Plant List (Appendix A), having a trunk circumference of 25 inches or more (about eight inches in diameter) measured four and one half feet (4 1/2') above the ground. As used in the text of this Chapter, the term "protected tree" includes all heritage trees.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

ARTICLE V. – DEVELOPMENT STANDARDS

Sec. 144-5.3. - Landscaping, tree preservation, public trees, screening, fences, buffering and lighting.

5.3-1. *Landscaping, tree preservation, public trees and screening.*

(c) *Tree protection and tree removal.*

(7) *Tree replacement.*

(iii) If the planning ~~director~~and development services department determines that it is not practical to plant the number of replacement trees required at the removal property, then the planning ~~director~~and development services department may require only the amount of trees that are practical at the removal property and may authorize the remainder to be planted on other public properties.

(iv) Tree mitigation fund option. In lieu of meeting the minimum tree replacement standards of this section, a payment to the tree mitigation fund may be provided in accordance with Appendix D.

(8) *Penalties.*

(i) The violation of any provision of this section shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$2,000.00.

(ii) *Tree Removal Violations.* Removing trees without a tree removal permit or removing trees in violation of any provision of this section shall be punishable, upon conviction, by a fine as noted in Appendix D.

APPENDIX D FEE SCHEDULE

Sec. A. Schedule of development fees.

APPLICATION	FEE
BUILDING PERMITTING, PLAN REVIEW, INSPECTIONS	
Permit application fee (all new construction, additions and substantial alterations)	Residential: \$50.00 Commercial: \$100.00
Residential plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Residential: 25% of permit cost not to exceed \$2,500.00
Commercial plan review fee (all new construction, additions, alterations, change in use, existing C of O and interior)	Commercial: 25% of permit cost not to exceed \$15,000.00 (Shall be paid prior to 2nd round of comprehensive commercial plan review)
Building permit fee	See Section B
Inspection fees	Residential—\$35.00 Commercial—\$50.00 Re-inspections—\$35.00 (double for each re-inspection)
Airport hazard inside city limits—One- and two-family dwelling	\$100.00
Airport hazard inside city limits—Anything other than one- and two-family dwelling	\$250.00
Airport hazard in ETJ—One- and two-family dwelling	\$100.00
Airport hazard in ETJ anything other than one- and two-family dwelling	\$250.00
New occupant permit (previously referred to as "existing certificate of occupancy")	\$150.00
Building moving fee	\$100.00
Building demolition fee (up to 100,000 cubic feet) <u>residential</u>	\$5 <u>100.00</u>
Building demolition fee (over 100,000 cubic feet) <u>commercial</u>	\$50.00 plus \$0.50/1,000 cubic feet over 100,000 <u>\$100.00 per story</u>
Temporary C of O	See Section B
Temporary C of O extension	See Section B
Electrical, plumbing, mechanical, fuel gas	See Section B
Contractor registration	See Chapter 14
Alternate method request (building-related codes)	\$150.00
Stop-work order—Issued	\$100.00
Stop-work order—Lift	\$100.00
Work without permit—Residential (includes all permit types)	Double permit fee per lot—\$500.00 maximum per lot
Work without permit—Commercial (includes all permit types, as well as site preparation and public infrastructure permits for all types of development and uses including commercial and residential subdivision development)	Double permit fee—\$10,000.00 maximum

PLATTING RELATED	
Right-of-way abandonment and closures	\$500.00
Legal lot/ <u>Plat exemption</u> determination	\$150.00
Plat appeal (rough proportionality claims)	\$100.00
Plat extension	\$200.00
Plat revision	\$200.00
Vacation of previously recorded plat	\$200.00
Plat/ <u>Master Plan</u> waiver/subdivision variance <u>Administrative</u>	\$150.00

Plat/Master Plan waiver/subdivision variance – Planning Commission	\$300.00
Master plan	\$1,000.00 plus \$50.00/acre (\$2,500.00 max)
Minor revision to approved master plan (administrative)	50% of original application fee
Preliminary plat	\$1,000.00 plus \$50.00/acre (\$2,500.00 max)
Final plat/minor plat/development plat	\$1,250.00 plus \$100.00/acre, plus \$50.00/single-family residential lot, plus \$500.00 if the plat includes public infrastructure (\$2,500.00 max)
Replat, not administrative	\$1,000.00 plus \$50.00/acre (\$3,000.00 max) , plus \$52.00 if mail notification is required
Amending plat/amendment to plat—Administrative	\$500.00 plus \$100.00/acre (\$1,000.00 max)
Right-of-way determination	\$500.00
Mail notification (per mailed notice)	\$2.15
Newspaper notification (per published notice)	\$115.00

ZONING	
Future Land Use Plan amendment	\$500.00
Historic landmark designation	\$0.00
Certificate of alteration	\$0.00
Zoning change	\$1,000.00 plus \$100.00/acre (max. \$3,000.00), plus \$52.00 for mail notification
Special use permit	\$1,500.00 plus \$100.00/acre (max. \$4,000.00), plus \$52.00 for mail notification
Planned development	\$2,000.00 plus \$100.00/acre (max. \$5,000.00), plus \$52.00 for mail notification
PD Administrative revision	\$200.00
Rezoning case signs	\$15.00 each
Mail notification (per mailed notice)	\$2.15
Newspaper notification (per published notice)	\$115.00
Registration of a nonconforming use	\$200.00
Zoning verification—Basic	\$25.00
Zoning verification— Detailed letter	\$100.00
Home Occupation Certification	\$25.00
Cemetery application	\$500.00
ZBA AND AMBA	
Variance application	Homestead: \$350.00 (plus \$50.00 for each additional variance request), plus \$52.00 for mail notification Non-homestead: \$700.00 (plus \$50.00 for each additional variance request), plus \$52.00 for mail notification
Special exception	\$700.00, plus \$52.00 for mail notification
Appeal of an administrative determination	\$700.00, plus \$52.00 for mail notification
ZBA case signs	\$15.00 each
Mail notification (per mailed notice)	\$2.15
HEALTH AND FOOD SAFETY	
The fees in this section below are based on the number of employees.	
Type 1 (1-6 Employees)	\$300
Type 2 (7-10 Employees)	\$470
Type 3 (11-20 Employees)	\$650
Type 4 (21 and more Employees)	\$790
Non Profit (regardless of employee count)	\$18
The fees in this section below are not based on the number of employees.	
Tavern	\$100
Grocery	\$250

Meat Processor	\$100
State Licensed Adult or Child Care Facility	\$100
Plan Review Fee (onetime fee) for all above permit types.	One-half of the full year annual food establishment permit to operate fee.
Other Fee Types	
Central Preparation Facility	\$250
Mobile Food Unit	\$250
Mobile Food Court	\$150
Adoption or Foster Inspection	\$50
Farmers Market	\$100
Frozen Dessert Manufacturer	\$200
Temporary Retail Frozen Dessert Manufacturer Permit	\$50
Frozen Dessert Permit Reinstatement	\$100
Reinspection Fee (due to failure of inspection)	\$100
Food Establishment Applications Submitted After January 1 (Late Fee)	\$65 per permit type
Itinerant restaurant /Temporary Food Establishment	\$75
Itinerant restaurant /Temporary Food Establishment (nonprofit)	\$25
Temporary/11 month Vendor	\$50
Food Handler Card	\$15
MISCELLANEOUS	
Appeal of building design standard	\$500.00
Appeal to construction board of appeals	Residential (per lot): \$200.00 Commercial: \$300.00
Miscellaneous appeals to city council	\$500.00
Main Street sidewalk permits	\$10.00 for new, \$5.00 for renewal
Residential buffer wall exemption	\$100.00
Short-term rental permit	\$200.00
Street name change	\$550.00
Tree removal permit (commercial and multi-family only)	\$100.00
Fee in-lieu of replacing a protected tree	\$175.00/caliper inch
Fee in-lieu of replacing a heritage tree	\$300.00/caliper inch
Tree removal violation	Residential: \$70.00/lot, \$2,000.00 minimum Commercial: \$150.00/acre, \$2,000.00 minimum
Valet parking permit	\$150.00
Vendor (temporary) permits	\$75.00
Special events Tier 1	\$100.00 (non-profits 50% of fee) due at application
Special events Tier 2	\$250.00 (non-profits 50% of fee) due at application
Setback determination	\$100.00
Offsite parking agreement	\$200.00
Regional thoroughfare plan amendment	\$900.00
Comprehensive plan amendment	\$900.00
Code text amendment request	\$900.00
Temporary Mobile Storage Units	\$25.00
Mobile food court permit	\$300.00
License agreement	\$250.00
Vested rights determination – individual single-family, duplex, tri-plex or four-plex lot	\$200.00
Vested rights determination – residential or commercial development	\$500.00
Annexation (voluntary)	\$1,000.00
Development agreement application fee	\$500.00
Development agreement processing	\$5,000.00

Development agreement amendment review	\$2,500.00
Downtown sidewalk cafe application fee	\$100.00
Downtown sidewalk cafe annual license fee	Less than 250 square feet: \$250.00 250 to 500 square feet: \$500.00 Greater than 500 square feet: \$750.00
Municipal Utility District (MUD) Petition Filing Fee Reimbursement Agreement	\$18,055.12 + the County recordation fee A reimbursement agreement shall be included within the development agreement in the event actual costs exceed the filing fee amount

INFORMATION TECHNOLOGY	
Technology fee	3% on all review, building, zoning and development related fees

SECTION 3: Savings Clause.

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 4: Effective Date.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing by the City Secretary, except that the effective date of the new fees will be April 1, 2024.

PASSED AND APPROVED: First reading this _____day of December, 2023.

PASSED AND APPROVED: Second reading this ____day of January, 2024.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney