

## Legislation Details (With Text)

<b>File #:</b>	23-1718	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	12/13/2023	<b>In control:</b>	City Council
<b>On agenda:</b>	1/8/2024	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of 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 replacement 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.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Planning Fees Ordinance - Legal Approved 12-11-23

Date	Ver.	Action By	Action	Result
1/8/2024	1	City Council	presented	Pass

**PRESENTER:**

Sandy Paulos, Director of Finance

**SUBJECT:**

Approval of the second and final reading of 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 replacement 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.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** All**BACKGROUND INFORMATION:**

A presentation regarding proposed fee adjustments was given at the July Council Retreat. At the retreat, staff was given direction to move forward with implementation of the proposed fee adjustments including changes to the Planning and Development fees related to Zoning, Platting and Miscellaneous fees. Some of these fees have not been amended since 2018. These adjustments would bring the fees more in line with benchmark cities, help to cover increased costs, and bring more consistency across all fees.

In order to implement these fees and related changes, it is also necessary to add some definitions and clarifications to the ordinance. The proposed fee in-lieu option for replacing removed trees is broken into two tiers: protected vs. heritage trees, therefore we needed to include definitions for those terms.

These fee adjustments will only impact developers, commercial builders, and home builders.

Council approved the first reading of this item unanimously at the December 11, 2023 meeting.

If approved, a campaign to communicate the changes to the public will take place from January to March, 2024, with the planned implementation date of April 1, 2024.

The proposed fee adjustments are as follows:

### ZONING

#### EXISTING FEES

	Current Rate	Proposed Rate
Mail Notification	\$2.15	Add \$52 to each rezoning application
<del>Zoning Verification Basic</del>	\$25	\$100; merge fees
<del>Zoning Verification - Detailed</del>	\$100	
<del>Building Demolition Fee (up to 100,000 cubic feet)</del>	\$50	\$100; residential
<del>Building Demolition Fee (over 100,000 cubic feet)</del>	\$50 + \$.50/1,000 cubic ft over 100,000	\$100/story for commercial

### PLATTING

#### NEW FEES

	Current Rate	Proposed Rate
<del>Plat/Master Plan Waiver/ Subdivision Variance/ Planning Commission/City Council</del>	N/A	\$300

#### EXISTING FEES

	Current Rate	Proposed Rate
Final/Minor/Dev. Plat	\$1,250 + \$100/acre (\$2,500 max)	\$1,330 + \$100/acre + \$50/SFR + \$500 Public Infr.
Master Plan	\$1,000 + \$50/acre (\$2,500 max)	\$1,030 + \$50/acre
Preliminary Plat	\$1,000 + \$50/acre (\$2,500 max)	\$1,030 + \$50/acre
Replat- Not Admin	\$1,000 + \$50/acre (\$3,000 max)	\$1,030 + \$50/acre (\$52 if notification required)
Amending Plat-Admin	\$500 + \$100/acre (\$1,000 max)	\$530 + \$100/acre
Mail Notification	\$2.15	Add \$52 to each replat
<del>Plat/Master Plan Waiver/ Subdivision Variance Administrative</del>	\$150	150
<del>Legal Lot Determination/ Plat Exemption Determination</del>	\$150	\$150

## MISCELLANEOUS

## NEW FEES

	Current Rate	Proposed Rate
Fee in-lieu of replacing protected trees	N/A	\$175/caliper inch
Fee in-lieu of replacing heritage trees	N/A	\$300/caliper inch
Special Events Tier 1*	N/A	\$100
Special Events Tier 2*	N/A	\$250

## EXISTING FEES

	Current Rate	Proposed Rate
Comprehensive Plan Amendment (formerly Future Land Use Plan Amendment)	500	\$900
Vested Rights Determination	\$200	\$200; Individual single family, duplex, tri-plex, four-plex
		\$500; Residential or Commercial developments
Mail Notification (ZBA and AMBA)	\$2.15	Add \$52 to each rezoning application cost
Tree Removal Violation	\$200	Residential: \$70/lot (\$2,000 min.) Commercial: \$150/acre (\$2,000 min.)
Tree Removal Permit - Commercial	\$100; commercial	\$100; commercial at multi-family only
Technology Fee	3% on all review fees	3% on all building, zoning, and development-related fees

\*Non-profits 50% of fee

## ISSUE:

## FISCAL IMPACT:

Any additional revenue generated by these fee adjustments will be incorporated into the FY 2025 Budget to help offset increased costs and cover unfunded resource needs.

## RECOMMENDATION:

Staff recommends approval of the 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 replacement 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.