

ORDINANCE NO. 20231106001

AN ORDINANCE AMENDING ORDINANCE NO. 122000-A AS AMENDED, THE SUBDIVISION ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS; PROVIDING FOR MODIFICATION OF CERTAIN FEES RELATED TO SUBDIVISIONS AND DEVELOPMENTS AS AUTHORIZED BY CHAPTER 212, SUBCHAPTER B TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND VARIOUS OTHER PROVISIONS.

WHEREAS, the City of Niederwald, Texas, (“City”) is a Type A general-law municipality;
and

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes the City to regulate subdivision development; and

WHEREAS, Chapter 212, Subchapter B of the Texas Local Government Code authorizes the City to adopt general plans, rules, or ordinances governing development plats of land within the city limits and in the extraterritorial jurisdiction of the City to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City; and

WHEREAS, the City Council of said City, has adopted subdivision regulations; and

WHEREAS, H.B. No. 3492 of the 88th Regular Legislative Session amended Chapter 212 of the Local Government Code by adding Section 212.906 which regulates the fees charged by municipalities under Chapter 212; and

WHEREAS, based on H.B. No. 3492 the City is required to amend the fees charged for the acceptance, review, and processing of engineering and construction plans; and

WHEREAS, the City Council is of the opinion and finds that the adoption of amendments to the City’s Subdivision Ordinance requiring development plats will promote the public health, safety, and general welfare; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS THAT:

I.

That Section 9.C. of Ordinance No. 122000-A as amended is hereby amended to read as follows:

C. Filing Fee; Preliminary Construction Plan Review Fee; Preliminary Construction Inspection Fee. The preliminary plat application shall be accompanied by an administrative acceptance and processing fee of \$30.00 per lot, the preliminary construction plan review fee, and the preliminary construction inspection fee. Such application shall be considered incomplete until said fees are paid. Fees shall be considered paid when the estimated total amount of all appropriate fees are paid to the

City to hold in escrow until the completion of the reviews required under this Section, at which time any outstanding balance shall be returned to the applicant or used for the next phase of the review process in this Ordinance. No action by the Commission shall be valid until the fees have been paid. The filing fee shall not be refunded should the subdivider fail to perfect his formal application for preliminary plat approval or should the plat be disapproved. The preliminary plat application shall include preliminary cost estimates for all proposed site improvements. The City of Niederwald reserves the right to have the City Engineer review the preliminary estimated construction costs and require changes to the preliminary cost estimates, if in the City Engineer's opinion, the preliminary cost estimates are not accurate. These site improvements shall include, but not be limited to, the following:

- a. Streets, alleys, and walks.
- b. Sanitary sewer systems, including, where appropriate, treatment and disposal systems.
- c. Water supply, including, pipes and hydrants and, where appropriate, wells and reservoirs, and pumping stations.
- d. Storm drainage system, including detention and storm water conveyance design and calculations;
- e. Water Quality improvements as specified in the current City of Austin Environmental Criteria Manual or in TNRCC Document No. RG-348 dated June 1999, "Complying with Edwards Aquifer Rules: Technical Guidance on Best Management Practices".
- f. Erosion and sedimentation controls, where appropriate.

Preliminary Construction Plan Review Fee: The preliminary plat shall be accompanied by a fee in the amount of the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00.

Preliminary Construction Inspection Fee: The preliminary plat shall be accompanied by a fee in the amount of the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00.

II.

That Section 10.B.4 of Ordinance No. 122000-A as amended is hereby amended to read as follows:

4. Final Plat Fees. When the final plat application is filed with the City Secretary, it shall be accompanied by the following fees in this Subsection. Fees shall be considered paid when the estimated total amount of all appropriate fees are paid to the City to hold in escrow until the completion of the reviews required under this Subsection, at which time any outstanding balance shall be returned to the applicant or used for the next phase of the review process in this Ordinance:

a. Filing Fee: Administrative acceptance and processing fee of \$30.00 per lot.

b. Construction Plan Review Fee: The fee shall be the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00. The amount due to the City pursuant to this Subsection shall be reduced by the amount

of the Preliminary Construction Plan Review Fee previously paid to the City in accordance with Section 9.C. of this Ordinance.

c. Construction Inspection Fee: The fee shall be the amount of the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00. The amount due to the City pursuant to this Subsection shall be reduced by the amount of the Preliminary Construction Plan Review Fee previously paid to the City in accordance with Section 9.C. of this Ordinance.

III.

That Section 10.C.4 of Ordinance No. 122000-A as amended is hereby amended to read as follows:

4. Fees. Any application for a plat vacation or replat or correction shall be accompanied by the following fees:

a. Plat Vacation: The amount of the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00.

b. Replat Filing Fee: Same fees as for final plats.

c. Plat Correction: The amount of the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00.

IV.

That Section 12.A.7 of Ordinance No. 122000-A as amended is hereby amended to read as follows:

7. Conformity with Flood Damage Prevention Ordinance. The subdivision shall conform to the Flood Damage Prevention Ordinance of the City. A subdivider that is required by the Flood Damage Prevention Ordinance to submit a development permit application shall pay to the City of Niederwald the actual cost of GIS, engineer, legal, and any other necessary third-party professional review, plus an administrative acceptance and processing fee of \$50.00. Said fees must accompany the application, and the application shall be considered incomplete until said development review fees are paid. The fees shall be considered paid when the estimated total amount of all appropriate fees are paid to the City to hold in escrow until the completion of the reviews required under this Subsection, at which time any outstanding balance shall be returned to the applicant. Said fees are in addition to any other fee that may be required by this or any other ordinance of the City of Niederwald.

V.

That Section 13 of Ordinance No. 122000-A as amended is hereby amended to read as follows:

Section 13. Summary of Fees

A. Variances: \$50.00 per variance requested.

B. Preliminary Conference: \$300.00 per conference.

C. Preliminary Plat Filing Fee: \$30.00 administrative acceptance and processing fee per lot + Preliminary Construction Plan Review Fee + Preliminary Construction Inspection Fee.

D. Final Plat Filing Fee: \$30.00 administrative acceptance and processing fee per lot + Preliminary Construction Plan Review Fee + Preliminary Construction Inspection Fee.

E. Preliminary Construction Plan Review Fee: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

F. Preliminary Construction Inspection Fee: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

G. Construction Plan Review Fee: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

H. Construction Inspection Fee: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

I. Park Land Dedication: 5% of total property to be subdivided or, at the City's option, \$250.00 per residential lot or a 5% raw land value for commercial lot.

J. Plat Vacation: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

K. Replat Filing Fee: Same as for final plat.

L. Plat Correction Fee: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

M. Final Plat Extension Fee: \$500.00 per plat.

N. Fine for Violations: Up to \$500.00 per offense per day for as long as the violation continues.

O. Flood Damage Prevention Ordinance: \$50.00 administrative acceptance and processing fee + Actual Third-Party Professional Costs.

VI.

That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

VII.

That this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

VIII.

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

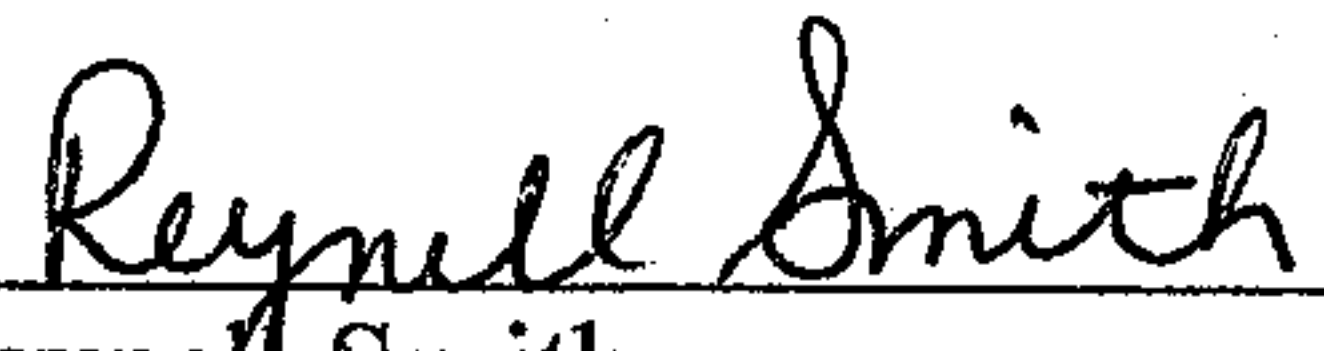
PASSED AND APPROVED on this 6th day of November, 2023.

CITY OF NIEDERWALD, TEXAS



Hon. Charles Bisson, Mayor

ATTEST:



Reynell Smith
City Secretary