

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 23-051-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF A3.002, A3.003, AND A3.009 OF APPENDIX A, LEANDER CODE OF ORDINANCES TO REVISE SITE DEVELOPMENT, SUBDIVISION, AND ZONING RELATED FEES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Leander, Texas (the “City”), a home rule-city, has the authority to set fees reasonable and necessary for the operation of the City;

Whereas, the City Council finds that the fees set forth in this ordinance are reasonable and necessary to defray costs of provision, administration, and management of City services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment to the Land Use fees . Section A3.002 is hereby amended as follows:

- (1) Zoning applications (including rezone applications and Minor planned unit development applications): \$600.00 for the first five acres or portion thereof, plus \$100.00 per each additional acre or portion thereof.
- (2) Special use permits: \$400.00 (\$200.00 for an amendment or an extension).
- (3) Variance or waiver from zoning ordinance: \$400.00 per variance or waiver.
- (4) Planned unit development: \$200.00 per acre or portion thereof, plus \$2,000.00 (maximum fee of \$10,000) (for amendment, \$1,500.00 plus \$100.00 per acre or portion thereof – maximum fee of \$5,500.00).
- (5) Comprehensive plan amendments: \$500.00.
- (6) Comprehensive plan amendments with rezone: \$300.00.
- (7) Annexation: \$200.00.
- (8) Professional recovery fee: \$250.00 per application. (Professional recovery fee is in addition to listed fees. If an outside consultant for the city is required as a result of the application, the applicant is required to pay the estimated fee for such service prior to such service being conducted.)
- (9) Zoning verification letter: \$100.00.
- (10) Sign posting fee: \$30.00 per sign.
- (11) Public hearing notification (newspaper): \$150.00 per newspaper notice.
- (12) Property owner notification: \$5.00 per owner.
- (13) Restrictive covenant, deed restriction, development agreement, shared parking agreement, plat vacation or similar document: \$500.00 plus \$100.00 per page or portion thereof (8.5" x 11" pages, 12 pt. type).

- (14) TIA review:
 - a. In house review:
 - i. \$2,000.00 for up to 5,000 trips per day
 - ii. \$3,000.00 for 5,001 to 10,000 trips per day
 - iii. \$4,000.00 for 10,001 to 15,000 trips per day
 - iv. \$5,000.00 for 15,001 or more
 - b. Outside consultant/3rd party review
 - i. \$500.00 filing fee plus review fees from the outside consultant.
- (15) Drainage Study (not associated with a site development or subdivision application)
 - a. In house review: \$500.00 filing fee
 - b. Outside consultant/3rd party review: \$500.00 filing fee plus fees assessed by the outside consultant.
- (16) Zoning postponement after notification: \$500.00 plus new notification fees.
- (17) Municipal utility district, special district: \$2,500.00 plus \$100.00 per page or portion thereof (8.5" x 11" pages, 12 pt. type), plus a \$5,000.00 deposit for legal fees.
- (18) Street vacation request: \$250.00 + \$0.05 per square foot of ROW.
- (19) Administrative code exception authorized by ordinance: \$100.00.
- (20) Appeal of administrative planning and zoning commission decision: \$400.00.
- (21) GIS (applies to all applications mapped on GIS): \$75.00.
- (22) Wireless communication facility development plan fee: \$300.00.
- (23) Heritage tree removal permit: \$250.00.
- (24) Due diligence report: \$250.00. This fee may be used as a credit for the first submission of either the associated site development permit or subdivision submittal.

Section 3. Amendment to the Subdivision fees. Section A3.003 is hereby amended as follows:

- (1) Concept plan: \$500.00 plus \$25.00 per lot or acre or portion thereof (whichever is greater).
- (2) Preliminary plat: \$2,000.00 plus \$50.00 per lot or acre or portion thereof (whichever is greater). The fee for an application for a minor revision to a preliminary plat shall be fifty percent (50%) of the preliminary plat fee.
- (3) Construction plan fees
 - a. Construction plan review fee:
 - i. Subdivision Related Plans – Subdivision Related Plans are construction plans that are associated with the long form platting process.
 - 1. \$1,500.00 per acre for the first 100 acres
 - 2. \$1,000.00 per acre for the next 150 acres
 - 3. \$500.00 per acre for each acre over 250 acres
 - ii. Offsite Improvements – Offsite Improvements are construction plans for any required improvement, which lies outside of the property being developed.
 - 1. \$2.50 per linear foot per offsite infrastructure improvement (drainage, water, wastewater, and other similar improvements)
 - 2. \$2.50 per square foot of sidewalks, deceleration lanes, streets, and other similar improvements
 - 3. \$10,000.00 traffic signals and signal modifications

4. \$20,000.00 per lift station
5. \$10,000.00 per pump station
- b. Public infrastructure improvement inspection fee:
 - i. Public Infrastructure Improvements shown in Subdivision Related Plans – Subdivision Related Plans are construction plans that are associated with the long form platting process.
 1. \$2,500.00 per acre for the first 100 acres
 2. \$1,500.00 per acre for the next 150 acres
 3. \$1,000.00 per acre for each acre over 250 acres
 - ii. Offsite Improvements – Offsite Improvements are construction plans for any required improvement, which lies outside of the property being developed.
 1. \$7.50 per linear foot per offsite infrastructure improvement item (drainage, water, wastewater, and other similar improvements)
 2. \$5.00 per square foot of sidewalks, deceleration lanes, streets, and other similar improvements
 3. \$25,000.00 per traffic signal and signal modifications
 4. \$100,000.00 per lift station
 5. \$40,000.00 per pump station
- (4) Final plat: \$1000.00 plus \$25.00 per lot or acre or portion thereof (whichever is greater).
- (5) Amended plat: \$650.00.
- (6) Short form final plat: \$1000.00.
- (7) Variance or waiver from subdivision regulations: \$250.00.
- (8) Professional recovery fee: \$250.00 per application. (Professional recovery fee is in addition to the listed fees. If an outside consultant for the city is required as a result of the application, the applicant is required to pay the estimated fee for such service prior to such service being conducted.)
- (9) Public hearing notification (newspaper): \$150.00 per notice.
- (10) Request for expiration extension: \$300.00.
- (11) Legal lot determination: \$200.00.
- (12) Property owner notification: \$5.00 per property owner to be notified.
- (13) Appeal of administrative or planning and zoning commission decision: \$400.00.
- (14) GIS (applies to all applications mapped in GIS): \$75.00.
- (15) Review and inspection fees for review of construction plans and inspection of wastewater infrastructure by Liberty Hill within the wholesale wastewater services area: Actual cost billed to Leander by Liberty Hill.
- (16) Development agreements: \$1,000.00 plus \$5,000.00 deposit for legal fees.
- (17) Resubmittal fees: \$1,000.00 after the 2nd review under the standard review procedure; \$500.00 after the 3rd review under the alternative review procedure.
- (18) Street name change: \$250.00
- (19) Plat recordation fee: \$50.00

Section 4. Amendment to the Site Development Permit fees. Section A3.009 is hereby amended as follows:

- (1) Professional recovery fee: \$250.00 per application. Professional recovery fee is in

addition to the listed fees. If an outside consultant for the city is required as a result of the application, the applicant is required to pay the estimated fee for such service prior to such service being conducted.

- (2) Review fee: \$1,000.00 plus \$0.05 per square foot of impervious cover.
- (3) Inspection fee: \$500.00.
- (4) Re-inspection fee: \$400.00 after the second site inspection.
- (5) Phasing fee: \$250.00 per phase, starting with the second phase.
- (6) Significant tree (over 18" diameter) removal request to planning and zoning commission: \$250.00 for first tree plus \$100.00 for each additional tree.
- (7) Conditional certificate of completion: 30% of review fee.
- (8) Appeal of administrative or planning and zoning commission decisions: \$400.00.
- (9) Resubmittal fees: \$1,000.00 after the 2nd review under the standard procedure; \$500.00 after the 3rd review under the alternative procedure.
- (10) Minor site development fee: \$250.00.
- (11) Floodplain development fee:
 - a. In house review: \$500.00
 - b. Outside consultant/3rd party review
 - i. \$500.00 filing fee plus review fees from the outside consultant.
- (12) Request for application expiration extension: \$300.00.

Section 5. Conflicting Ordinances. Article 3.000, Appendix A, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 6. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting fees within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 8. Severability. 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, 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, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Open Meetings. 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 Open Meetings Act.

PASSED AND APPROVED on the 17 day of August, 2023.

ATTEST:

THE CITY OF LEANDER, TEXAS

Dara Crabtree, City Secretary

Christine DeLisle, Mayor