

## **TOWN OF FLOWER MOUND, TEXAS**

### **ORDINANCE NO. 63-22**

**AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 78 "ADMINISTRATION" OF THE CODE OF ORDINANCES, ARTICLE IV "AMENDMENTS," SECTION 78-201 "APPLICATION," TO REMOVE PARTIAL REFUND PROVISIONS FOR ZONING CHANGE OR AMENDMENT DISAPPROVAL; AMENDING CHAPTER 90, "SUBDIVISIONS" OF THE TOWN'S CODE OF ORDINANCES, ARTICLE V, "IMPROVEMENTS," SECTION 90-221, "INSPECTION FEE," TO REVISE THE FEE FOR THE INSPECTION OF PUBLIC INFRASTRUCTURE AND DRAINAGE, AMENDING APPENDIX A ENTITLED "FEE SCHEDULE," OF THE CODE OF ORDINANCES TO REMOVE, AMEND, OR PROVIDE FOR VARIOUS FEES RELATED TO LAND DEVELOPMENT WITHIN THE TOWN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the Town Council of the Town of Flower Mound previously adopted Chapter 32, Engineering Design Criteria and Construction Standards, of Subpart A, General Ordinances, of the Town of Flower Mound Code of Ordinances, as amended, establishing engineering design criteria and construction standards in the Town land; and,

**WHEREAS**, the Town Council of the Town of Flower Mound previously adopted Appendix A, of the Town of Flower Mound Code of Ordinances, as amended, establishing fees related to certain development applications and permits within the Town; and,

**WHEREAS**, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on December 12, 2022, and the Town Council of the Town of Flower Mound, Texas held a public hearing on December 19, 2022, with respect to the amendments described herein; and,

**WHEREAS**, the Town has complied with all requirements of Chapter 211 of the Texas Local Government Code, Chapter 78 of the Town's Land Development Regulations, and all other laws dealing with notice, publication, and procedural requirements for the approval of a Land Development Regulations Amendment; and,

**WHEREAS**, the Town Council finds that the amendments to Chapters 32 and 90 as set forth herein are in the best interest of the Town of Flower Mound and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound and the general public; and,

**WHEREAS**, the Town Council finds and determines that Appendix A, "Fee Schedule," should be amended as set out herein and that the amendments proposed are in the best interest of and are necessary to protect the health, safety, and general welfare of the citizens of the Town and the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

Section 78-201, "Application" of Chapter 78 "Administration," of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended to delete subsection "d" in its entirety.

**SECTION 2.**

Section 90-221, "Inspection Fee" of Chapter 90, "Subdivisions," the Code of Ordinances, Town of Flower Mound, Texas is hereby amended to read as follows:

**"Sec. 90-221. - Inspection fee.**

Prior to the issuance of the development permit by the town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee as provided for in the fee schedule found in appendix a of this Code. The fee is based on the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision. If deemed necessary by staff, the subdivider shall provide certified copies of the executed construction contracts to the town manager for verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision."

**SECTION 3**

Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by revising fees corresponding to Chapter 32, "Engineering Design Criteria and Construction Standards," to read as follows:

**“Chapter 32. Engineering Design Criteria and Construction Standards.**

<i>Code Section Number</i>	<i>Description</i>
32-3	<i>Flat rate inspection fee to work outside of normal working hours (charged in addition to the usual inspection fee(s) for the work inspected)</i>

	Inspection Type:	Fee:
1.	Weekdays outside of the hours of 7:00 a.m. to 4:00 p.m.	\$100.00
2.	Saturdays (and Sunday emergency work)	\$415.00

<i>Code Section Number</i>	<i>Description</i>
32-4	<i>Development permit fees:</i>

1. A site development permit is required prior to mobilization, grading, utility and paving construction, and site landscape installation, and subject to the following fees:

	Permit Type:	Fee:
a)	Site Development Permit (DEV)	\$1,950.00
b)	Grading Permit	\$1,265.00
c)	Right-of-Way Permit (ROW)	\$235.00
d)	Small Cell Permit	\$235.00
e)	Batch Plant	\$235.00
f)	Geotechnical Permit	Included with DEV permit
g)	Development or construction re-inspection	\$85.00
h)	Landscape plan inspection	\$195.00
i)	Landscape plan re-inspection*	\$45.00
j)	Inspection of public infrastructure and Drainage**	3.15%
k)	Development contractor registration	\$35.00
*	A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection is requested is not in compliance with all local codes or when requested corrections are not made. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have	

	been paid.
**	Section 90-221 – Inspection Fee: Prior to the issuance of the development permit by the Town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee equal to 3.15% of the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision. If deemed necessary by staff, the subdivider shall provide certified copies of the executed construction contracts to the Town Manager for verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision.

”

## **SECTION 4**

Appendix A, “Fee Schedule,” of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by replacing Chapter 78, “Administration,” in its entirety to read as follows:

“

<b>Chapter 78. Administration.</b>	
<i>Code Section Number</i>	<i>Description</i>
78-1	<i>Application fees:</i>
78-84	<i>Appeals:</i>
78-124	<i>Outdoor lighting fees:</i>
78-263	<i>Vested rights petition:</i>
78-301	<i>Amendments to approved plans:</i>

### 1) Application Fees:

#### a. Plan review fees:

- (1) Master Plan amendments, Zoning amendments, Specific Use Permits, and site plans: A nonrefundable plan review deposit of \$500.00 is due at time of application submittal. The plan review deposit will be applied toward the cost of the application.
- (2) Plats, including development plans: A nonrefundable plan review deposit of \$250.00 is due at time of application submittal. The plan review deposit will be applied toward the cost of the application.
- (3) Multiple plan review fee: A \$140.00 additional plan review fee may be applied to any development application when thirty percent (30%) or more of the previously provided written comments are not addressed by the applicant, as determined by the Town Manager or their designee.

- (4) Development Agreement fee: A \$500.00 review fee is required for any application that requires a development agreement as determined by the Town Manager or their designee.

2) Appeals:

- a. Appeal of administrative decision (all): \$100.00

3) Outdoor lighting fees:

- a. Plan review fees: \$100.00

- 4) Vested rights petition: A \$1,500.00 review fee is required upon submittal of a petition for vested rights.

5) Amendments to approved plans:

	Amendment Type:	Fee:
1.	Plan Amendment Application Fee	\$250.00
2.	Plan Amendment Inspection Fee (Landscape Changes)	\$100.00
3.	Plan Amendment Reinspection Fee (Landscape)	\$50.00

”

## **SECTION 5**

Appendix A, “Fee Schedule,” of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by adding Chapter 82, “Development Standards,” Section 82-31, “Site plan required,” to read as follows:

“

<b>Chapter 82. Development Standards.</b>	
<i>Code Section Number</i>	<i>Description</i>
82-31	<i>Site plan required:</i>
82-275	<i>Outdoor Lighting Waiver</i>

1) Site plan fees:

- a. All except multi-family: \$2,115 + \$210 per additional building + property owner notice fees (PON), if applicable, of \$2.50 per PON.\*
- b. Multi-family: \$2,455 + \$105 per additional building + property owner notice fees, if applicable, of \$2.50 per PON.\*

\* There are property owner notification requirements for site plans with certain exceptions. Please contact Planning Services for further explanation.

2) Outdoor Lighting Waiver: Same as Zoning variance request”

**SECTION 6**

Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by replacing Chapter 86, "Signs," in its entirety to read as follows:

"

<b>Chapter 86. Signs.</b>	
<i>Code Section Number</i>	<i>Description</i>
<i>86-1 et seq.</i>	<i>Sign permit fees are as follows</i>

1). Initial permit fees. Initial permit fees shall be as follows:

	Sign type or characteristic:	Fee:
a)	Ground Sign	\$330
b)	Wall or Window Sign	\$100
c)	Changeable Sign Face (additional fee)	\$45
d)	Off-premises Project or Development Sign	\$250
e)	On-premises Project or Development Sign	\$250
f)	Model Home Sign	\$230
g)	Real Estate Sign (greater than 6 square feet)	\$160
h)	Grand Opening or Coming Soon Sign	\$25
i)	Awning or Canopy Sign	\$250
j)	Neon Sign (wall transom)	\$110
k)	Now Hiring Sign	\$25
l)	Change of Business/Ownership	\$25
m)	Business/Office Park Ground Sign	\$230
n)	Building Identification Ground Sign	\$230
o)	Miscellaneous sign types not classified (monuments, statues, artwork, towers, architectural designs and etc.)	\$275
p)	Sign Renewal Permit	\$90
q)	Sign Repair Permit	\$135

r)	Special Event Sign*	
s)	Comprehensive sign package review	\$2,320
t)	Confiscated signs	\$50.00
*	There shall be no permit fee for special event of public announcement signs for bona fide charitable and other nonprofit organizations upon proof of tax-exempt status under federal or state law.	

”

## **SECTION 7**

Appendix A, “Fee Schedule,” of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by replacing Chapter 90, “Subdivisions,” in its entirety to read as follows:

“

<b>Chapter 90. Subdivisions.</b>	
<i>Code Section Number</i>	<i>Description</i>
<i>90-31 et seq.</i>	<i>Development plan fees:</i>
<i>90-91 et seq.</i>	<i>Platting fees:</i>
<i>90-446</i>	<i>Park development fee:</i>

1) Platting fees:

a. Development plans:

	Development plan type:	Fee:
1)	Single Family Residential (0-20 acres)	\$1,160 + \$25/acre
2)	Single Family Residential (20-50 acres)	\$1,185 + \$20/acre over 20
3)	Single Family Residential (50+ acres)	\$1,655 + \$15/acre over 50
4)	Multi-Family and Non-Residential	\$1,680

b. Record plats:

	Record plat type:	Fee:
1)	Single Family Residential (0-20 acres)	\$960 + \$25/acre
2)	Single Family Residential (20-50 acres)	\$1,040 + \$20/acre over 20
3)	Single Family Residential (50+ acres)	\$1,585 + \$15/acre over 50
4)	Multi-Family and Non-Residential	\$1,535

c. Replats:

- (1) All types: \$400.00 + property owner notice (PON) fees, if applicable, of \$2.50 per PON.\*

\*Residential replats are subject to property owner notification requirements. Please contact Planning Services for further explanation.

d. Minor plats:

- (1) Single-family residential: \$300.00
- (2) Multi-family and non-residential: \$350.00

e. Amended plats:

- (1) Single-family residential: \$300.00
- (2) Multi-family and non-residential: \$350.00

f. Vacating plats:

- (1) All types: \$1,960.00

g. Park development fee: \$1,388.00 per unit"

## **SECTION 8**

Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by replacing Chapter 94, "Vegetation," in its entirety to read as follows:

"

<b>Chapter 94. Trees.</b>	
Code Section Number	Description
94-23 & 94-24	Tree survey; development projects – Tree survey; residential lots
	Tree survey inspection fee: 1) 0 -10 specimen trees = \$100.00; 2) 11 – 50 specimen trees = \$200.00; 3) 51 – 100 specimen trees = \$300.00; 4) 101+ specimen trees = \$500.00
94-34	Tree removal permit:



	(1) Tree removal permit for protected trees is \$100.00 per tree not to exceed \$1,000.00 per permit application.
	(2) Tree removal permit fee for a specimen tree, majestic tree or historic tree is \$250.00 per tree, not to exceed \$1000.00
94-38	Per-caliper-inch cash value; replacement trees:
	\$200.00 per caliper inch

## **SECTION 9**

Appendix A, "Fee Schedule," of the Code of Ordinances, Town of Flower Mound, Texas is hereby amended by replacing Chapter 98, "Zoning," in its entirety to read as follows:

"

<b>Chapter 98. Zoning.</b>	
<i>Code Section Number</i>	<i>Description</i>
<i>98-1 et seq.</i>	<i>Zoning fees:</i>

### 1) Miscellaneous:

- a. Legal notifications: All notification fees are due no later than the Friday before the notice is to be mailed and sent to the newspaper. If the notification fees are not paid, the application will not be scheduled for the public hearing.

- (1) \$2.50 per property owner notice
- (2) \$40.00 per newspaper notice

### 2) Development Applications:

- a. Annexation petition (all acreages): Cost of legal notices
- b. Pre-application Development Review Committee (DRC) meetings: included with application.
- c. Master plan amendments:

	Master plan amendment type:	Fee:
1)	0 to 5 acres	\$1,390 + \$25/acre
2)	5+ acres to 20 acres	\$1,390 + \$25/acre
3)	20+ acres to 50 acres	\$1,835 + \$20/acre over 20
4)	50+ acres	\$2,530 + \$15/acre over 50
<b>Note:</b> All Master Plan Amendments are subject to the legal notification fees prescribed above.		

## d. Zoning Amendments:

	Zoning amendment type:	Fee:
1)	0 to 5 acres	\$500 + \$25/acre
2)	5+ acres to 20 acres	\$500 + \$25/acre
3)	20+ acres to 50 acres	\$670 + \$20/acre over 20
4)	50+ acres	\$860 + \$15/acre over 50
<b>Note:</b> All Zoning Amendments are subject to the legal notification fees prescribed above.		

## e. Zoning Planned Development (PD) – Single Family:

	PD type:	Fee:
1)	0 to 5 acres	\$2,935 + \$25/acre
2)	5+ acres to 20 acres	\$2,935 + \$25/acre
3)	20+ acres to 50 acres	\$3,525 + \$20/acre over 20
4)	50+ acres	\$4,965 + \$15/acre over 50
<b>Note:</b> All PDs are subject to the legal notification fees prescribed above.		

## f. Zoning Planned Development (PD) – Cluster/Conservation:

	PD type:	Fee:
1)	0 to 5 acres	\$4,320 + \$25/acre
2)	5+ acres to 20 acres	\$4,320 + \$25/acre

3)	20+ acres to 50 acres	\$5,295 + \$20/acre over 20
4)	50+ acres	\$6,735 + \$15/acre over 50
<b>Note:</b> All PDs are subject to the legal notification fees prescribed above.		

g. Zoning Planned Development (PD) – Multi-family and non-residential:

	PD type:	Fee:
1)	0 to 5 acres	\$4,005 + \$25/acre
2)	5+ acres to 20 acres	\$4,005 + \$25/acre
3)	20+ acres to 50 acres	\$4,690 + \$20/acre over 20
4)	50+ acres	\$5,440 + \$15/acre over 50
<b>Note:</b> All PDs are subject to the legal notification fees prescribed above.		

h. Zoning – Minor amendment (includes minor PD amendments):

- (1) All types: \$1,000.00 plus legal notification fees prescribed above.

i. Specific Use Permit (SUP):

- (1) 0 to 5 acres: \$625.00 plus legal notification fees prescribed above.
- (2) 5+ acres: \$2,635.00 plus legal notification fees prescribed above.

j. Specific Use Permit Accessory Dwelling Unit or Existing Building:

- (1) All types: \$625.00 plus legal notification fees prescribed above.

3) SMARTGrowth Reviews: Analyses performed within the previous 12 months may be counted towards current fee.

a. SMARTGrowth application analysis: \$500.00

- b. Environmental Survey: Additional fees may be assessed if environmental protection plan required.

	Environmental Survey type:	Fee:
1)	0 to 5 acres	\$100.00
2)	5+ acres to 20 acres	\$200.00
3)	20+ acres to 50 acres	\$300.00
4)	50+ acres	\$500.00

- c. Infrastructure analysis: Additional fees may be assessed, depending on scope of work.

- (1) Transportation analysis (TA): \$2,500.00
- (2) Water capacity analysis: \$550.00
- (3) Wastewater analysis: \$550.00

- d. Zoning variance request: \$665.00 + legal notices

- e. Zoning verification letter: \$25.00 each

4) Copies:

- a. Land Development Regulations:

- (1) Paper: Actual cost
- (2) Digital format on CD or thumb drive: Actual cost

- b. Master Plan:

- (1) Paper: Actual cost
- (2) Digital format on CD or thumb drive: Actual cost

- c. SMARTGrowth Manual:

- (1) Paper: Actual cost
- (2) Digital format on CD or thumb drive: Actual cost

d. Maps (land use, zoning, etc.): Actual cost”

### **SECTION 10**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

### **SECTION 11**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 12**

This Ordinance shall take effect and be in full force from and after February 6<sup>th</sup>, 2023.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS 19<sup>th</sup> DAY DECEMBER, 2022.**

**APPROVED:**

\_\_\_\_\_  
**Derek France, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Theresa Scott, TOWN SECRETARY**