

ORDINANCE NO. CO25.23.08.24.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CEDAR PARK CODE OF ORDINANCES, APPENDIX A FEE SCHEDULE, ARTICLE 2.000 DEVELOPMENT SERVICE RELATED FEES, SECTION 2.300 PUBLIC WORKS FEES REGARDING SUBDIVISION CONSTRUCTION INSPECTION FEES (2023-3-OA); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the 2023 88th Texas Legislature passed HB 3492, effective September 1, 2023, prohibiting municipalities from imposing review, permit and inspections fees related to the construction of public improvements based upon the cost of construction, and requiring municipalities to impose these fees based on the actual cost to the City; and

WHEREAS, the City is proposing to amend Section 2.300, Public Works fees, Appendix A, Fee Schedule, of the Cedar Park Code of Ordinances to ensure compliance with new state legislation; and

WHEREAS, the City Council finds that the proposed amendments to Section 2.300, Public Works fees, Appendix A, Fee Schedule, of the Cedar Park Code of Ordinances are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Section 2.300, Public Works fees, Appendix A, Fee Schedule, of the Cedar Park Code of Ordinances be amended as provided in the attached Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effective on September 1, 2023.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 10th day of August, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 24th day of August, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

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EXHIBIT A

Appendix A

ARTICLE 2.000 DEVELOPMENT SERVICE RELATED FEES

§ 2.300 Public works fees.

- (a) Subdivision plat review.
 - (1) Preliminary plan: \$750.00 plus \$10.00 per acre or lot (whichever is greater).
 - (2) Final plat: \$500.00 plus \$5.00 per acre or lot (whichever is greater).
 - (3) Short form plat: \$50.00.
 - (4) Resubdivision: Same as new subdivision.
- (b) Subdivision construction plan review. \$500.00 plus \$10.00 per acre or lot (whichever is greater).
- (c) Subdivision construction inspection: The Subdivision Construction Inspection Fee shall be calculated based on either:
 - (1) ~~Construction cost est. btwn \$0 - \$15,000: \$500.00. The hourly rate for the estimated actual direct time of the City's employees performing the subdivision construction inspections; or~~
 - (2) ~~Construction cost est. btwn \$15,000 - \$250,000: 3.50% of total construction cost. The actual costs assessed to the City by a third-party entity that provides subdivision construction inspections to the City.~~
 - (3) ~~Construction cost est. btwn \$250,000 - \$450,000: 3.00% of total construction cost.~~
 - (4) ~~Construction cost est. btwn \$450,000 - \$750,000: 2.25% of total construction cost.~~
 - (5) ~~Construction cost est. btwn \$750,000 and up: 1.75% of total construction cost.~~
- (d) NPS pollution control permit.
 - (1) Type 1 permit: \$250.00 plus \$25.00/acre up to 100 acres; \$5.00/acre over 100.
 - (2) Master plan review: \$25/acre up to 100; \$5/acre over 100.
- (e) Industrial pre-treatment plan review.
 - (1) Building permit plans (commercial only): \$25.00.
 - (2) Site development permit: \$25.00.
- (f) Network nodes, node support poles, and transport facilities in public right-of-way. A Network Provider shall pay the fees as provided below upon submission of an application for installation of a Network

Added language is underlined

Deleted language is ~~strikethrough~~

Node and/or Node Support Pole:

Network Node Application Fee	\$500.00	Up to five Network Nodes, with an additional \$100.00 for each Network Node beyond five New Node Support Pole
New Node Support Pole Application Fee	\$1,000.00	
Annual Fee	\$270.00/network node/year	For all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW

(g) Miscellaneous public works fees.

- (1) Permit for construction within flood hazard areas: \$500.00.
- (2) Right-of-way use permit (i.e., street-cut): \$100.00.
- (3) Easement vacation: \$50.00.
- (4) Rough-cut permit: \$100.00.
- (5) LOMR/CLOMR review: \$500.00.
- (6) Drainage study review (outside of plat process): \$250.00 + professional recovery fee.