

ORDINANCE NO. 7457

AN ORDINANCE AMENDING SECTION 1.51, "ENGINEERING REVIEW AND INSPECTION FEES," OF ARTICLE 3, "FEES," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE GARLAND DEVELOPMENT CODE AND THE MASTER FEE AND RATE SCHEDULE OF CHAPTER 10 OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 1.51, "Engineering Review and Inspection Fees," of Article 3, "Fees," of Chapter 1, "General Provisions," of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 1.51 Engineering Review and Inspection Fees

(A) All improvements and facilities placed or constructed in public rights-of-way, access, pedestrian, utility, drainage, and street easements requiring future maintenance by the City or land disturbance of one acre or more shall be assessed an engineering review and inspection fee to recover administration and inspection costs. Improvements and facilities include, but not limited to, street paving, alley paving, traffic signals, screening walls, drainage facilities, wastewater mains, lift stations, water mains, meters, fire hydrants, drainage structures, detention ponds, channels, and appurtenances, and grading, land disturbance and surface drainage alterations. Applicable engineering fees, in the amounts designated in the Master Fee and Rate Schedule, Article VII, Section 10.85, of Chapter 10 of the Code of Ordinances, shall be charged when issuing a Site Permit for the proposed project type and additional flat fees shall be assessed based on certain site elements that exist or are being proposed within the project limits as applicable.

(B) In the event a permit is to be issued for a project not shown in the Master Fee and Rate Schedule, a fee shall be charged based upon a project type shown which most

resembles the project type intended or based upon the base zoning for the property.

(C) For any special use or project type not included in the categories specified in the Master Fee and Rate Schedule, the City may set a fee in an amount consistent with the provisions of Section 212.906 of the Texas Local Government Code, *as amended*.

(D) In the event the City does not have available resources to complete the review or inspections of a project, the City may charge the applicant for the actual costs assessed to the City by a third-party entity that provides those services to the City in an amount consistent with Section 212.906 of the Texas Local government Code, *as amended*.

(E) Following the issuance of a site permit, if the construction plans need to be amended or revised, the fee prescribed in the Master Fee and Rate Schedule, Article VII, Section 10.85, of the Code of Ordinances, for a construction plan revision shall be assessed. The Director of Engineering may waive the fee if the plan revision is necessitated because of an oversight during permit review and deemed critical to a public improvement.

(F) The review of the first submittal of construction plans and two resubmittals of corrected construction plans are included in the base project fee. If more than two resubmittals are needed, then the additional fee prescribed shall be assessed for each resubmittal.

(G) Fee payments shall be made payable to the City of Garland. The City shall not issue a site permit until the applicant pays all applicable fees in full and the City shall not approve any amendments to a permit until applicant has paid all additional fees required by such amendment.

(H) Engineering review and inspection fees collected by the City are nonrefundable.

(I) The City Manager, or his or her designee, may waive up to 50 % of any engineering fee for projects in which the City determines, in its sole discretion, that the scope is not consistent with the fee prescribed by the Master Fee and Rate Schedule.

Section 2

That Chapter 10, "Administration," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to amend the Master Fee and Rate Schedule of Section 10.85(c) (7) to include certain engineering fees consistent with Section 1.51 of the Garland Development Code and to read as follows:

". . .

(7) Engineering

Category	Fee	Reference (s)
FEMA LOMA		
SFR property	\$100.00	31.07
Non-SFR property	\$100.00 per structure	
PROJECT TYPES		
<i>Grading only, no improvements</i>		
1-5 acres		
Greater than 5 acres		
*Mass grading only with one acre or more in disturbance		
<i>Utility tap only</i>		
*Adding a fire, water, wastewater or drainage service tap only		
<i>SF Residential tap and grading</i>		
Less than 1 acre		
1 to 5 acres		
Greater than 5 acres		
*A proposed residential (SF, SFA, Duplex) project on a singular (infill) lot only		
<i>Residential Sub with taps - no streets</i>		
Less than 1 acre		
1 to 5 acres		
Greater than 5 acres		
*New single family or SFA residential sub that contains proposed individual lots of record that front onto existing paved streets and R.O.W.		
<i>Residential Sub with proposed streets</i>		
Less than 1 acre		
1 to 5 acres		
Greater than 5 acres		
		GDC 1.51

*New single family or SFA residential sub that contains individual lots of record and proposed new streets		
<i>Multi-family on one lot of record - no proposed streets</i>		
Less than 1 acre		
1 to 5 acres		
Greater than 5 acres		
*Residential use, excluding SF or SFA, on one lot of record (e.g., MF, mixed use with residential, independent living, nursing facility)		
<i>Multi-family on one lot - proposed streets</i>		
Less than 1 acre		
1-5 acres		
Greater than 5 acres		
*Residential use, excluding SF or SFA, on one lot of record (e.g., MF, mixed use with residential, independent living, nursing facility) with a proposed public street(s)		
<i>Commercial, Retail, Office</i>		
Less than 1 acre		
1-5 acres		
Greater than 5 acres		
*Any non-residential use associated with commercial, retail, or office use		
<i>Commercial, Retail, Office with public street</i>		
CROS		
1-5 acres		
Greater than 5 acres		
* Any non-residential use associated with commercial, retail, or office use with proposed public street(s)		
<i>Warehouse and Industrial - no streets</i>		
Less than 1 acre		
1-5 acres		
Greater than 5 acres		
*Any non-residential use associated with warehouse, data center, industrial use		
<i>Warehouse and Industrial - streets</i>		
Less than 1 acre		
1-5 acres		
Greater than 5 acres		
*Any non-residential use associated with warehouse, data center, industrial use with a proposed public street(s)		
Additional Fees		
Resubmittals beyond three reviews		GDC 1.51

Sites with Stormwater Detention		
Sites with floodplains or erosion hazard setbacks but no floodplain encroachments		
Sites with floodplain encroachments requiring a flood study review		
Construction plan revisions (site revisions)		
Off-site public improvements or easements		
Right turn or left turn lanes		
Proposed traffic signal		
Utility taps in divided thoroughfare lane		
TxDOT permit needed		

Section 3

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this 15 day of August, 2023.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED: