

ORDINANCE NO. 20231106002

**AN ORDINANCE AMENDING ORDINANCE NO. 071706, THE SITE DEVELOPMENT ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS; PROVIDING FOR MODIFICATION OF CERTAIN FEES AND COSTS RELATED TO SITE DEVELOPMENT; 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**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, Chapters 211 and 212 of the Texas Local Government Code authorize the City to regulate land development and construction; and

**WHEREAS**, the City Council of said City ("City Council"), has adopted regulations concerning site development; and

**WHEREAS**, H.B. No. 3492 of the 88<sup>th</sup> 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 Site Development Ordinance 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 Attachment "A" is hereby amended by amending the Site Development Permit Application Fees subsection on page 22 to read as follows:

**Site Development Permit Application Fees**

Pre-Application Conference Fee - \$30.00 per hour, with a \$30.00 minimum

Concept Plan Review - \$300.00

Projects – 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 Attachment “A” is hereby amended by amending the Reimbursement of Consultant Costs for Site Development Application subsection on page 22 to read as follows:

### **Reimbursement of Consultant Costs for Site Development Application**

The applicant is required to pay all associated costs prior to receiving a permit, regardless of City approval. 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. Any project that starts construction without a permit is subject to penalty as described by the Site Development Ordinance.

Associated costs may include, but are not limited to, outside professional services provided by engineers, attorneys, surveyors, inspectors, and others, as required.

Associated costs will be billed at \$50.00 administrative acceptance and processing fee plus actual third-party professional costs.

Waiver/Variance Request Fee - \$50.00 administrative acceptance and processing fee plus actual third-party professional costs.

Guarantee of Public Improvements – a bond or cash equivalent in an amount equal to the estimated cost of construction of permitted project.

Site development work done before the approval of a permit shall require double the normal permit fee amount.

Extension of Plan Approval Request Fee - \$100.00

## III.

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.

## IV.

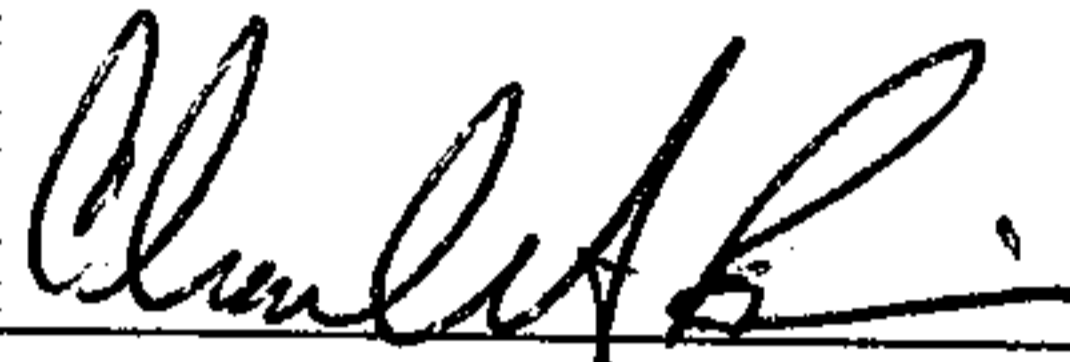
That this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

V.

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 6<sup>th</sup> day of November, 2023.

**CITY OF NIEDERWALD, TEXAS**



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Hon. Charles Bisson, Mayor

**ATTEST:**



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Reynell Smith  
City Secretary