

CITY OF ANNA, TEXAS

ORDINANCE NO. 864-2020

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING APPENDIX A (FEE SCHEDULE) PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY CLAUSE NOT TO EXCEED \$2,000 OR THE HIGHEST PENALTY AMOUNT ALLOWED BY LAW, WHICHEVER IS LESS; AND, PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas ("City") has previously adopted ordinances, rules and regulations governing Schedule of Fees; and

WHEREAS, the City Council of the City of Anna ("City Council") has investigated and determined that it would be advantageous and beneficial to the City and its citizens to amend sections of Article A2.000 (Building Related Fees) and Article A3.000 (Development Fees) within Appendix A (Fee Schedule) of The Anna City Code of Ordinances ("Anna Code") by adjusting rates for permits and inspections to reflect actual costs of administration, plan review, filed inspections, and removing items no longer used;

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

Section 1. Recitals Incorporated

The above recitals are incorporated herein by reference for all purposes.

Section 2. Amendment

In accordance with Article 1.01 of the Anna City Code of Ordinances, ("Anna Code"), the following amendments are made to Article A2.000 (Building Related Fees) and Article A3.000 (Development Fees) of Appendix A (Fee Schedule) are hereby amended as follows

<p>ARTICLE A2.000 BUILDING RELATED FEES</p> <p>Sec. A2.004 Miscellaneous permit fees</p> <p>[...]</p> <p>(p) <u>Annual rental registration. \$25.00-\$75.00.</u></p> <p>(q) <u>Rental inspection program certificate of occupancy. \$50.00.</u></p> <p>Sec. A2.008 Annual registration fees and reinspection fees for rental properties and multifamily residential building</p> <p>(a) <u>Annual rental property registration fee. The annual fee for a rental property is</u></p>

~~\$50.00 \$75.00. The fee for issuing a replacement for a lost, destroyed, or mutilated license is \$25.00.~~

(b) Annual multifamily residential building registration fee. The annual fee for registration of a multifamily residential building is \$100.00 or \$25.00 per dwelling unit, whichever is greater. ~~The fee for issuing a replacement for a lost, destroyed, or mutilated license is \$25.00.~~

[...]

ARTICLE A3.000 DEVELOPMENT FEES

[...]

Sec. A3.002 Zoning application fees

(a) Zoning application or rezoning fees: Zoning application or rezoning fees shall be ~~\$300.00 \$500.00~~ plus \$10.00 per acre on a tract of land, to be paid at the time such application is submitted to the city secretary.

(b) Zoning application fees - planned development: Zoning application or rezoning fees shall be ~~\$500.00 \$1,000.00~~ plus \$30.00 per acre on a tract of land, to be paid at the time such application is submitted to the city secretary.

[...]

Sec. A3.004 Site plan review; miscellaneous development fees

(a) Site plan review: The fee for review of site plans shall be ~~\$250.00 for site plans covering one acre or less and shall be \$300.00 for site plans for more than one acre~~ \$100 an acre with a minimum fee of \$250 to be paid at the time the site plan is filed with the ~~city secretary~~ Planning and Development department.

[...]

(d) ~~Landscape inspection plan review:~~ Landscape inspection plan review: The fee for review of a landscape inspection plans shall be \$100 an acre with a minimum fee of \$250 to be paid at the time the landscape plan is filed with the Planning and Development department.

[...]

(f) Concept plan review: The fee for review of concept plans shall be \$50.00 an acre with a minimum fee of \$250.00 to be paid at the time the concept plan is filed with the Planning and Development department.

(g) Façade/Elevation Plan: The fee for review of façade/elevation plans shall be \$100.00 per building to be paid at the time the façade/elevation plan is filed with the Planning and Development department.

(h) Substantially Conforming Site Plan: The fee for review of substantially

conforming site plans shall be \$100.00 paid at the time the substantially conforming site plan is filed with the Planning and Development department.

Sec. A3.005 Plat fees

[...]

(e) Fees and charges shall be calculated in accordance with the following schedule:

(1) Preliminary plats: \$325.00-\$500.00 per plat, plus \$5.00 \$10.00 per lot.

(2) Final plats: \$325.00-\$500.00 per plat, plus \$5.00-\$10.00 per lot. Plus \$50.00 filing fee.

(3) Combination preliminary and final plats: \$325.00 \$500.00 per plat, plus \$5.00 \$10.00 per lot. Plus \$50.00 filing fee.

[...]

(6) Minor plat/replat (no new public infrastructure): \$325.00 \$500.00 per plat, plus \$5.00 \$10.00 per new lot created. Plus \$50.00 filing fee.

[...]

(8) Amended plat: An amended plat shall be \$325.00, plus \$5.00 per lot, plus \$50.00 filing fee, to be paid at the time such application is submitted to the planning and development department.

[...]

Sec. A3.007 Mobile home and mobile home park fees

(a) Mobile home park license, initial fee: It shall be unlawful for any person to construct, maintain or operate a mobile home park within the city limits without a license therefor. An initial fee of \$250.00, plus \$10.00 for each mobile home lot, shall be required for the first annual mobile home park license.

(b) Mobile home park license renewal: Thereafter, a renewal fee of \$25.00, plus \$1.00 for each mobile home lot, will be charged for each annual license for each successive year.

[...]

Section 3. Savings, Repealing and Severability Clauses

It is hereby declared to be the intention of the City Council that the words, sentences, paragraphs, subdivisions, clauses, phrases, and provisions of this ordinance are severable and, if any phrase, sentence, paragraph, subdivision, clause, or provision of this ordinance shall be declared unconstitutional or otherwise invalid or inapplicable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or inapplicability shall not affect any of the remaining words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional, invalid or inapplicable words, sentences, paragraphs, subdivisions, clauses, phrases, or provisions. Further, all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are consistent and do not conflict with the terms and provisions of this ordinance are hereby ratified to the extent of such consistency and lack of conflict, and all ordinances or parts of ordinances in force when the provisions of this ordinance become effective that are inconsistent or in conflict with the terms and provisions contained in this ordinance are hereby repealed only to the extent of any such conflict.

Section 4. Penalty

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed the lesser of \$2,000 or the highest amount allowed by applicable law for each incidence of violation. Each day a violation exists is considered a separate offense and will be punished separately.

Section 5. Publication of the Caption and Effective Date

This ordinance shall be effective upon its passage by the City Council and posting and/or publication, if required by law, of its caption. The City Secretary is hereby authorized and directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna, Texas this 28th day of July 2020.

ATTESTED:



Carrie L. Land, City Secretary

APPROVED:



Nate Pike, Mayor

CITY OF ANNA

CITY COUNCIL

July 28, 2020

DESCRIPTION:

The recently adopted Council Action Agenda 2020 – 2021 identifies Development Fees as a High Priority item under the Management Agenda section. It is a best management practice to review Fee Assessments on a periodic basis, typically every three to five years, or when major changes to Department costs are implemented. The City of Anna last updated the plat fees in 2008 and the zoning application fees and site plan review; miscellaneous development fees in 2004. Many of the existing development fees within the City of Anna fee schedule are not in keeping with the actual cost of review and processing and the purpose associated with reviewing and updating these fees are to ensure taxpayers are not subsidizing the cost of private development within the City of Anna.

Over 27 municipalities fee schedules were reviewed as part of staff's research. Attached within Exhibit 1 is a fee comparison between the City of Anna and eight (8) of those municipalities researched (Celina, Frisco, McKinney, Murphy, Plano Prosper, Sachse, Fates). These municipalities were specifically chosen based on multiple factors; population, geographic similarities, past, present, and future development pressures, and employment of professional development review staff.

Below in Table 1 are the City of Anna existing application fees being considered for increase along with the proposed fee and a brief justification associated with the increase.

Additionally, the Neighborhood Services Division is requesting to increase the Annual Rental Registration fee from \$50 to \$75 and require the Mobile Home License fee, \$250 plus \$10 for each mobile home lot, be an annual fee requirement. The proposed changes are represented by fees that are revenue neutral and fairly compensate the City for costs incurred for the services provided and are relative to the fees for residential rental registrations and mobile home licenses in similar municipalities

SUMMARY:

Staff is recommending City Council approve amendments to the fee schedule by modifying existing fees and creating new fees for services currently required by the Planning and Development Regulations within the Code of Ordinance.

Further, staff is recommending adding language requiring fees calculated on a per acre basis be rounded up to the next whole acre (i.e., 2.3 acres to 3 acres).

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TABLE 1

	Existing Fee		Proposed Fee	Justification
Zoning application or rezoning fees	\$300 plus \$10/acre		\$500 plus \$10/acre	Zoning requests need to be examined to ensure compliance with adopted comprehensive plan, state law requires public hearing notices, metes and bounds need to be confirmed and city mapping updated to reflect change.
Zoning application fees - planned development	\$500 plus \$30/acre		\$1,000 plus \$30/acre	Planned Developments are typically complex which require extensive review of existing and proposed zoning, drafting of ordinances, planned development stipulations, and development agreements.
Concept plans	NO FEE		\$50 an acre with a minimum fee of \$250	Anna currently doesn't have a fee associated with a Concept Plan. However, a Planned Development zoning request requires the submittal of a concept plan. The concept plan is a general site assessment and development concept and ensures compliance with proposed development regulations. Determination of building placement, design and location of drives, aisles, and parking, preliminary design of open space, landscaping, and amenities are other features identified on the plan.
Site plan review	\$250 for one acre or less; \$300 for greater than one acre		\$100 an acre with a minimum fee of \$250	Proposed increase keeps the same fee for developments one acre or less. Increase in fee is triggered once proposed development is greater than 2 acres. The updated fee schedule removes the assumption that all developments greater than one acre trigger the same level of service.
Landscape plan	NO FEE		\$100 an acre with a minimum fee of \$250	Anna currently doesn't have a fee associated with Landscape Plans. However landscape plans are required to be submitted with the development of Planned Developments, nonresidential developments, multifamily development, and residential subdivisions. The level of detail required for these plans is similar to a Site Plan therefore staff believe the same review fee is justified.
Façade/Elevation Plan	NO FEE		\$100	Anna currently doesn't have a fee associated with Façade/Elevation Plans. Most Planned Developments include development agreements that include requirements for building materials, percentage of materials, and signage.
Preliminary plats	\$325 plus \$5/lot		\$500 plus \$10/lot	Increase would be comparable to communities with similar development pressures.
Final plats	\$325 plus \$5/lot		\$500 plus \$10/lot	Increase would be comparable to communities with similar development pressures.
Replat	\$325.00/plat plus \$5.00/lot plus \$50 fee		\$500 plus \$10/lot	Increase would be comparable to communities with similar development pressures.
Minor plat/replat (no new public infrastructure)	\$325/plat plus \$5/lot plus \$50 fee		\$500 plus \$10/lot	Same level of information and review will be required regardless if there is public infrastructure. Staff is recommending removing the \$50 (recording) fee which is now a requirement of the applicant.
Substantially Conforming Site plan	NO FEE		\$100	Substantially Conforming Site Plans (SCSP) are plan revisions that are 1,000 sq. ft. or less or involve 20 parking spaces or less. Currently the city does not have a fee associated with review of a SCSP.

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RECOMMENDATION:

Recommended for approval as follows: (additions are indicated in underlined text; deletions are indicated in strikethrough text).

ARTICLE A2.000 BUILDING RELATED FEES

Sec. A2.004 Miscellaneous permit fees

(p) Annual rental registration. ~~\$25.00~~ \$75.00.

~~(q) Rental inspection program certificate of occupancy. ~~\$50.00.~~~~

Sec. A2.008 Annual registration fees and reinspection fees for rental properties and multifamily residential building

(a) Annual rental property registration fee. The annual fee for a rental property is ~~\$50.00~~ \$75.00. The fee for issuing a replacement for a lost, destroyed, or mutilated license is ~~\$25.00.~~

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(b) Mobile home park license renewal: Thereafter, a renewal fee of \$25.00, plus \$1.00 for each mobile home lot, will be charged for each annual license for each successive year.

EXHIBIT 1

	ANINA	CELINA	FRISCO	MCKINNEY	MURPHY	PLANO	PROSPER	SACHSE	FATE	PROPOSED FEES
POPULATION	14,243	12,775	188,170	191,645	20,611	288,061	28,039	26,122	14,206	
EXISTING DEVELOPMENT REVIEW FEES										
Zoning application or rezoning fees	\$300 plus \$10/acre		\$750 for 49.9 acres or less; \$1,200 for 50 acres or more	\$500 + \$15/acre up to 250 acres; \$8/acre over 250	\$1,000	\$600 Residential; \$1,500 Commercial & Multifamily	\$550 + \$10/acre	\$400 + \$15/acre	\$500 + \$20/acre + Notification fee	\$500 plus \$10/acre
Zoning application fees - planned development	\$500 plus \$30/acre	\$750	\$1,200 + \$10/acre	\$1,000	\$1,000 + \$50/acre	\$1,500 for 0-50 acres plus \$10 per acre over 50 acres	\$750 + \$30/acre	\$750 + \$15/acre	\$1,000 + \$100/acre + Notification Fee +15% (if city drafts PD)	\$1,000 plus \$30/acre
Concept plans	NO FEE			\$200 + \$18/acre	\$500	\$350			\$500	\$50 an acre with a minimum fee of \$250 min.
Site plan review	\$250 for one acre or less; 300 for greater than one acre		\$100/acre	\$250	\$500	\$100/acre w/\$250 min	\$400 + \$5/acre		\$1,000 + \$10/acre (150 acres max) or \$1,000 + \$50/acre (150 max) + Engineering + Notification	\$100 an acre with a minimum fee of \$250
Landscape plan	NO FEE	\$300 or \$600 depending on review process				\$100 per acre with a minimum fee of \$250			\$500	\$100 an acre with a minimum fee of \$250
Facade/Elevation Plan	NO FEE					\$100				\$100
Preliminary plats	\$325 plus \$5/lot	\$500 + \$10/lot	\$100 + \$15/lot	\$325 + \$5/lot	\$500 + \$50/acre	\$280 acre	\$400 + \$10/lot	\$400 + \$15/acre	\$400 + \$20/acre + engineering fees	\$500 plus \$10/lot
Final plats	\$325 plus \$5/lot	\$500 + \$10/lot	SF \$100 + \$20/lot MF \$100+\$5/unit Non-Res \$100+\$40/acre	\$325 + \$5/lot	\$500 + \$50/acre	\$250 + \$5/lot	\$500 + \$10/lot	\$450 + \$15/acre	\$325 + \$50/acre + engineering fees	\$500 plus \$10/lot
Replat	\$325.00/plat plus \$5.00/lot plus \$50 fee	\$500 + \$10/lot	SF \$100 + \$20/lot; MF \$100 + 5/lot; Non-Res \$100+\$40/acre	\$325 + \$5/lot	\$500 + \$50/acre	\$250 + \$5/lot	\$500 + \$10/lot	\$450 + \$15/acre	\$2,000 + Notification Fee	\$500 plus \$10/lot
Minor plat/replat (no new public infrastructure)	\$325/plat plus \$5/lot plus \$50 fee	\$400	Non-Res \$100+\$40/acre	\$325 + \$15/lot	\$500 + \$50/acre	\$250 + \$5/lot	\$250	\$450 + \$15/acre	\$600 + Notification fee	\$500 plus \$10/lot
Substantially Conforming Site plan	NO FEE		\$100			\$100				\$100

Fees calculated on a per acre basis shall be rounded up to the next whole acre (i.e., 2.3 acres to 3 acres).

Old 864-2020