

**ORDINANCE NO. 2022-004**

**AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING APPENDIX A, ARTICLE A9.00, BUILDING AND DEVELOPMENT FEES AND SECTION 22.03.302, PRESERVATION OF EXISTING LANDSCAPE VEGETATION AND NATURAL FEATURES, OF THE WEST LAKE HILLS CODE OF ORDINANCES, TO UPDATE THE FEES AND CHARGES FOR CERTAIN CITY SERVICES; PROVIDING FOR A SCHEDULE OF FEES AND CHARGES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.**

**WHEREAS,** the City Council of the City of West Lake Hills (“City Council”) seeks to provide for reasonable fees; and

**WHEREAS,** a review has been made by the City Staff covering rates, fees and charges of the City for certain services rendered or provided by the City; and

**WHEREAS,** it is deemed advantageous to set out said rates, fees, and charges in one ordinance for the convenience of the City, its employees and the citizens of West Lake Hills and the public in general; and

**WHEREAS,** it is the purpose and intent of this ordinance to adopt rate schedules, fees and charges for such utilities and services provided by the City; 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,** the City Council finds that the fees approved and instituted by this Ordinance are consistent with, and in accordance with, the annual budget for the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Appendix A Fee Schedule, of the City of West Lake Hills Code of Ordinances is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment A*.

**3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

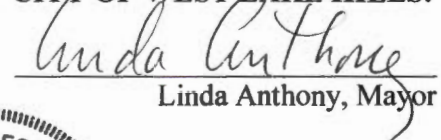
This Ordinance shall be effective immediately upon passage and publication.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED THIS, THE 23 DAY OF March, 2022.**

**CITY OF WEST LAKE HILLS:**

  
Linda Anthony, Mayor

**ATTEST:**

  
Stephanie Mills, City Secretary



***ATTACHMENT A***

## ARTICLE A9.00 BUILDING AND DEVELOPMENT FEES

### Sec. A9.001 Master plan

- (a) Each change: \$250.00. (Ordinance 375, att. A, adopted 8/28/19)

### Sec. A9.002 Signs

- (a) Permit application (temporary, permanent or banner style): \$25.00.
- (b) Each commercial type: \$50.00.
- (c) Subdivision or monument: \$100.00.
- (d) Site development: \$100.00.
- (e) Each variance:
- (1) Commercial: \$500.00.\*\*\*
  - (2) Residential: \$250.00.\*\*\*
- (f) Sign impoundment: \$25.00.
- (g) Uniform sign agreements:
- (1) New: \$500.00.
  - (2) Amendment: \$250.00.

\*\*\* An additional fee of \$150.00 will be added for notification costs.

(Ordinance 2020-009 adopted 7/8/20)

### Sec. A9.003 Building

- (a) New commercial permit: \$6,300.00 plus:
- (1) \$0.10 per square foot for all construction under 10,000 square feet; or
  - (2) \$0.25 per square foot for all construction of 10,000 square feet or greater.
  - (3) ~~\$2,000.00~~ **\$2400.00** drainage review fee.
  - (4) ~~\$200.00~~ **\$250.00** outdoor lighting review fee, if applicable.
- (b) New residential permit (initial application)\*: \$3,050.00 plus:
- (1) \$0.10 per square foot for all construction under 7,000 square feet; or
  - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
  - (3) Drainage review fees as follows:
    - (A) Type I application: ~~\$500.00~~; **\$600.00**
    - (B) Type II application: ~~\$1,000.00~~; **\$1200.00**
    - (C) Type III application: ~~\$1,500.00~~. **\$1800.00**
  - (4) ~~\$100.00~~ outdoor lighting review fee, if applicable. **\$125.00**
  - (5) ~~\$750.00~~ inspections/technical code review fee. **\$.900**
- (c) New residential permit (first extension): \$4,575.00 plus:
- (1) \$0.10 per square foot for all construction under 7,000 square feet; or
  - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
- (d) New residential permit (second extension): \$7,625.00 plus:
- (1) \$0.10 per square foot for all construction under 7,000 square feet; or
  - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.
- (e) New residential permit (third extension): \$9,150.00 plus:
- (1) \$0.10 per square foot for all construction under 7,000 square feet; or
  - (2) \$0.25 per square foot for all construction of 7,000 square feet or greater.

- (f) Commercial remodel: \$2,180.00–\$4,740.00 (\$2,180.00 base permit fee plus \$640.00 per each \$100,000.00 of construction costs) plus \$0.10 per square foot, plus technical review and inspection fees listed below:
- (1) ~~\$400.00~~ **\$550** inspections/technical review fee.
  - (2) ~~\$1,000.00~~ **\$1,200.00** drainage review fee, if applicable.
  - (3) ~~\$100.00~~ **\$125.00** outdoor lighting review fee, if applicable.
- (g) Commercial addition: \$2,900.00–\$5,460.00 (\$2,900.00 base permit fee plus \$640.00 per each \$100,000.00 of construction costs) plus \$0.10 per square foot, plus technical review and inspection fees listed below:
- (1) ~~\$1,000.00~~ **\$1,200.00** drainage review fee.
  - (2) ~~\$100.00~~ **\$125.00** outdoor lighting review fee, if applicable
  - (3) ~~\$500.00~~ **\$650** inspections/technical review fee.
- (h) Residential remodel: \$500.00 plus \$0.10 per square foot, plus technical review and inspection fees listed below:
- (1) Drainage review fees as follows:
    - (A) Type I application: ~~\$500.00~~; **\$600.00**
    - (B) Type II application: ~~\$1,000.00~~; **\$1200.00**
    - (C) Type III application: ~~\$1,500.00~~ (if applicable). **\$1800.00**
  - (2) ~~\$100.00~~ **\$125.00** outdoor lighting review fee, if applicable.
  - (3) ~~\$400.00~~ **\$550** inspections/technical review fee.
  - (4) Residential remodel permit extension: Half of the original permit fee.
- (i) Residential addition: \$500.00 plus \$0.10 per square foot, plus technical review and inspection fees listed below:
- (1) Drainage review fees as follows:
    - (A) Type I application: ~~\$500.00~~; **\$600.00**
    - (B) Type II application: ~~\$1,000.00~~; **\$1200.00**
    - (C) Type III application: ~~\$1,500.00~~ (if applicable). **\$1800.00**
  - (2) ~~\$100.00~~ **\$125.00** outdoor lighting review fee, if applicable.
  - (3) ~~\$400.00~~ **\$550** inspections/technical review fee.
  - (4) Residential addition permit extension: Half of the original permit fee.
- (j) Swimming pool: \$1,440.00 + \$0.10/square foot, plus technical review and inspection fees listed below:
- (1) Drainage review fees as follows:
    - (A) Type I application: ~~\$500.00~~; **\$600.00**
    - (B) Type II application: ~~\$1,000.00~~; **\$1200.00**
    - (C) Type III application: ~~\$1,500.00~~ (if applicable). **\$1800.00**

*This includes up to 3 reviews. Each review after is billed at an hourly rate.*
  - (2) ~~\$100.00~~ **\$125.00** outdoor lighting review fee, if applicable.
  - (3) ~~\$275.00~~ **\$425** inspections/technical review fee.
- (k) Utility development (each mile): \$500.00.
- (l) Structure movement (through): \$150.00.
- (m) Structure movement (into): \$350.00.
- (n) Consultant, per request: \$200.00 or cost.
- (o) Consultant, per hour: \$200.00 or cost.
- (p) Each variance or appeal:

- (1) Commercial \$750.00.\*\*\*
- (2) Residential: \$500.00.\*\*\*
- (q) Building demolition:
  - (1) Residential: \$100.00.
  - (2) Commercial: \$500.00.
- (r) Permit revision:
  - (1) Residential: \$500.00
  - (2) Commercial: \$1,000.00
- (s) Small project permits: \$75.00
- (t) Solar: \$150.00
- (u) Oak wilt, each permit: \$150.00 for residential, \$300.00 for commercial.
- (v) Plumbing inspections: \$500.00 (see applicable inspections fees listed under individual permit types).
- (w) Landscaping:
  - (1) Tree application: No fee
  - (2) Tree Inspection
    - (1) Remodel, demo, swimming pool: \$150
    - (2) New construction: \$250
  - (3) Tree removal and replacement for nondiseased trees between ten (10) inches and less than fourteen (14) inches ([section 22.03.301](#) et seq.): ~~\$150.00~~ \$200
  - (4) Tree removal and replacement for nondiseased trees fourteen (14) inches and greater ([section 22.03.301](#) et seq.): ~~\$200.00~~ \$300
  - (4) Unauthorized tree removal for nondiseased trees ([section 22.03.301](#) et seq.): ~~\$500.00~~ \$750 per caliper inch
- (x) Unified development agreement application:
  - (1) Commercial: \$500.00.
  - (2) Residential: \$250.00.
- (y) Fence permit application: \$250.00 for residential, \$500.00 for commercial.
- (z) Mailbox permit application: \$100.00.

In addition to the standard fee, professional services fees may be required depending on the nature of the request (see [section A9.007](#)).

\*\*\* An additional fee of \$150.00 will be added for notification costs.

Note: For work done without a variance, building permit, or special use permit, all application fees will be doubled.

Note: All permit fees include an additional \$5 technology fee.

(Ordinance 2021-004, att. H, adopted 6/23/21)

#### **Sec. A9.004 Subdivision**

- (a) Subdivision plat: \$500.00.\*\*
- (b) Land use/acre, (nonresidential): \$200.00.
- (c) Each lot in plat: \$200.00.\*\*
- (d) Each variance or appeal:
  - (1) Commercial: \$500.00.\*\*\*
  - (2) Residential: \$250.00.\*\*\*
- (e) Vacation document filing: \$200.00.

- (f) Oak wilt, per acre: \$100.00.
- (g) Resubmission of denied subdivision plat within ninety (90) days of denial: \$500.00 (with no per lot charge).

In addition to the standard fee, professional services fees may be required depending on the nature of the request (see [section A9.007](#)).

\*\*Plats which combine two or more residential lots into a single larger residential lot shall pay a flat fee of \$300.00 in lieu of the \$500.00 fee for a subdivision plat and the \$200.00 fee for each lot in the plat.

\*\*\* An additional fee of \$150.00 will be added for notification costs if required.

#### **Sec. A9.005 Site plans**

- (a) Site plans:
  - (1) Nonresidential: \$500 plus \$0.10/square foot added impervious cover.
  - (2) Residential: \$250.00.
  - (3) Consultant review fees: At cost
- (b) Each variance or appeal:
  - (1) Commercial \$500.00.\*\*\*
  - (2) Residential: \$250.00.\*\*\*
- (c) Resubmission of denied site plan within ninety (90) days of denial:
  - (1) Nonresidential: \$500.00 (with no per square foot of added impervious cover charge).
  - (2) Residential: \$100.00.
- (d) Resubmission of denied site plan within ninety (90) days of denial: \$500.00 (with no per square foot charge).

In addition to the standard fee, professional services fees may be required depending on the nature of the request (see [section A9.007](#)).

(Ordinance 375, att. A, adopted 8/28/19)

#### **Sec. A9.006 Zoning**

- (a) Each variance - adjustment/appeal:
  - (1) Commercial: \$500.00.\*\*\*
  - (2) Residential: \$250.00.\*\*\*
- (b) Each change to an approved site plan: \$150.00.
- (c) Oak wilt (per acre): \$100.00.
- (d) Special use requests:
  - (1) Initial issue:
    - (A) Home occupation: \$150.00.
    - (B) All others: \$500.00.\*\*\*
  - (2) Renewals by city council: \$300.00.
  - (3) Renewals by city administrator:
    - (A) Residential: \$150.00.\*\*\*
    - (B) Commercial: \$300.00.\*\*\*
- (e) Zoning change requests: \$1,000.00.\*\*\*
- (f) Zoning determination letter requests: \$50.00.
- (g) Appeals to board of adjustment of administrative official: \$250.00.
- (h) Planned development district:
  - (1) Application: \$2,500.00.\*\*\*
    - (A) Per code deviation: \$150.00.



In addition to the standard fee, professional services fees may be required depending on the nature of the request (see [section A9.007](#)).

\*\*\* An additional fee of \$150.00 will be added for notification costs if notification is required to be made by the city for an applicant.

([Ordinance 2021-013, att. D, adopted 12/8/21](#))

**Sec. A9.007 Professional services fees**

In situations where the city administrator anticipates the city's out-of-pocket expenses for professional services related to review of an application will exceed the amount recouped by the imposition of standard fees, the city shall require the applicant to pay a deposit. The amount of the deposit may range from \$1,000.00–\$10,000.00, as deemed necessary by the city administrator. Examples of projects for which a deposit may be warranted include (but are not limited to) subdivision plats, rezoning requests, and planned development districts. The deposit shall solely be applied to payment of professional services by engineers, attorneys, surveyors, architects, landscape architects, etc., that are specifically engaged by the city to consult directly on the applicant's proposed project. Payment of this deposit shall be an express condition of the city's review of and determination upon the application. Payment of the deposit does not guarantee approval of the application. Nor does payment of the deposit create a client relationship between the applicant and the professional services provider. Deposit funds shall not be expended by the city on code enforcement activities. The deposit shall be replenished by the applicant upon depletion within 30 days of being notified by the city in writing. Unused account balances shall be reimbursed to the applicant or applied to future permit applications, at the applicant's discretion.

**Sec. A9.008 Work done without obtaining a no-fee permit**

(a) The fee for work started or completed that requires a no-fee permit, without first obtaining such a permit is \$250.00.

(b) This fee is to be assessed to recoup the city's reasonable administrative expenses related processing permit applications after the fact, and is not established as a penalty or fine.

(Ordinance 375, att. A, adopted 8/28/19)