



## Legislation Text

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**CM/ACM:** Todd Hileman

**DATE:** March 7, 2017

#### **SUBJECT**

Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of fees contained in Ordinance 2009-188 by adopting a new Development Services Department review and Engineering review fee schedule as authorized by the Denton Development Code for the City of Denton, and by repealing any provisions in conflict therewith and authorizing a refund of certain fees.

#### **EXECUTIVE SUMMARY**

In November 2016, it was brought to the Council's attention there were some inconsistencies in the fees assessed for specific development applications in relation to what was reflected in the fee ordinances. Specifically, these fees were related to the Alternative Tree Plan (ATP), Special Sign Districts (SD), Amending Final Plat (AFP), third or more review fees, and the Final Replat project types. A total of \$53,650 was identified to be refunded from 2011 to date. This ordinance will simply serve to clarify what is already authorized or being charged and refund any fees that were not clearly authorized.

#### **BACKGROUND**

In January and August of 2009, two fee schedule ordinances were adopted, Ordinance 2009-007 and 2009-188 (the "previous ordinances"). Ordinance 2009-007 addressed some of the engineering review fees while Ordinance 2009-188 provided a cumulative list of development review fees for the Planning Division and DRC Engineering. In early 2016, the Planning Division was tasked to review the fee schedule associated with the Development Services business efficiency modules. During the research phase, it was discovered that some of the project types listed in the application and permit tracking software, ETrakit, were potentially in conflict with the previous ordinances, which contributed to incorrect fees being assessed against applicants. The purpose of ETrakit is to facilitate online payments for projects, and the software consists of approximately 59 project types. The issue was relayed to the Council in November 2016 and as a result, staff was directed to provide the amount and payee information resulting from fees incorrectly assessed by the Planning Division and Development Review Engineering Department from 2011 to date.

The following discrepancies were realized for the Planning Division's development review fees:

- a. Alternative Tree Plan (ATP): This project type is not referenced in the fee schedules but is used where secondary tree species cannot be preserved and quality trees can be. Based on available historical data, the

fee assessed was that of an Alternative Development Plan (ADP) which is based on the acreage of the subject property. The ATP project type must be listed in the new fee schedule for clarification but will carry the same fee as was charged under the previous ordinances for alternative development plans. Since 2011 there have been 3 ATPs. The total fees for these 3 ATPs was \$2,200.

- b. Special Sign District (SD): This project type is not reflected in the previous ordinances. Since 2011, six SD applications have been made. The Denton Development Code (DDC) addresses Special Sign Districts as an overlay district, which would follow the zoning application fees. The SD project type must be listed in the new fee schedule for clarification but will carry the same fee as was charged under the previous ordinances for zoning changes. The total fee assessed was \$2,450.

The cumulative refund amount for development review fees is \$4,650.

As it relates to the Development Review Engineering fee discrepancies, it should be taken into consideration that Ordinance 2009-188 did not supersede or repeal Ordinance 2009-007. Therefore, engineering review fees referenced in both the previous ordinances are applicable. Specifically, Ordinance 2009-188 includes all the engineering fees of 2009-007 with the exception of the engineering review fees for “Replats without Public Improvements” assessed at \$500. It should be noted that the engineering fee schedule as done through ETrakit did not calculate the fees based on the number of lots of the project/application, and therefore many projects were grossly undercharged for certain projects types. However, the fees for (third) review of final replats were assessed \$1,900 instead of the \$500 previously authorized by ordinance. The fee assessed should be consistent with Ordinance 2009-007, which is \$500 for replats and, therefore, where applicable \$1,400 should be refunded to the applicant. The amended fees schedule reflects the Final Replat (FR) as a project type in the Engineering fee schedule. Likewise, construction plan review by the Engineering Department should have been a fee of 1% of the public infrastructure construction costs in accordance with Ordinance No. 2003-269 and is being added to the fee schedule accordingly. The following amounts are eligible to be refunded:

- a. Alternative Tree Plan (ATP): These fees were part of the ATP application and the Engineering Department assessed a review fee of \$500 for each application, totaling \$1,500.
- b. Special Sign District (SD): These fees were part of the SD application and the Engineering Department assessed a review fee of \$500 for each application, totaling \$1,500.
- c. Amending Final Plat (AFP) Third Review Fees: There were eight AFPs totaling \$4,000.
- d. Final Replat (FR): There were thirty FPs totaling \$42,000.

The cumulative refund amount for development review engineering fees is \$49,000.

## **OPTIONS**

- 1. Approve as submitted.
- 2. Approve subject to conditions.
- 3. Deny.
- 4. Postpone consideration.

## **RECOMMENDATION**

Approval of the ordinance amending the fee discrepancies and refunds.

## **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:**      **Organizational Excellence**  
**Related Goal:**                **1.1 Manage financial resources in a responsible manner**

## **EXHIBITS**

1. Draft Ordinance
2. Refund Fee Schedule

Respectfully submitted:  
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Director of Development Services