

**CITY OF LORENA, TEXAS  
ORDINANCE 2010-0621-02**

**AN ORDINANCE OF THE CITY COUNCIL OF LORENA, TEXAS, ADOPTING PROVISIONS FOR PAYMENT BY APPLICANTS OF PROFESSIONAL FEES INCURRED FROM REVIEW, EVALUATION, REPORTS AND RECOMMENDATIONS MADE IN CONNECTION WITH LAND USE RELATED APPLICATIONS; ESTABLISHING DEPOSIT REQUIREMENTS FOR PAYMENT OF FEES; PROVIDING FOR REFUSAL TO ISSUE BUILDING PERMITS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lorena is a Type A General Law Municipality located in McLennan County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City of Lorena, Texas is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

**WHEREAS**, the City of Lorena, Texas has adopted a fee schedule which requires that all engineering and planning consultant expenses incurred by the City and directly relative to the review and processing of land use related applications be included as part of the application fee and requires full reimbursement by the applicant; and

**WHEREAS**, the City currently has a population of approximately 1650 and is experiencing requests for land development permits; and

**WHEREAS**, the City does not employ on a full-time basis a professional engineer, planner or other professional(s) with an expertise in land development and the provision of municipal services to sufficiently serve the needs of rapid growth; and

**WHEREAS**, the City seeks to promote orderly development in conformance with its Comprehensive Plan so that adequate public utilities and transportation services will be available to serve the current and future citizens of the City.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.**  
**PAYMENT OF PROFESSIONAL FEES**

That all reasonable costs incurred by the City for professional review of concept plans, zoning applications, site plans, planned developments, plat applications, consent requests and other land use related permits shall be borne by the applicant and payable to the City prior to final approval of the plat as the case may be. Such professional fees shall include, but not necessarily be limited to, civil engineering, traffic engineering, expenses for related legal fees, land planning and financial analysis in order that the application can be properly evaluated to achieve compliance with the City's Comprehensive Plan, Thoroughfare Plan, Facilities Plan, Zoning Ordinance, Subdivision Regulations and other City regulations.

**SECTION 3.**  
**DEPOSIT REQUIRED**

In accordance with Section 2 above, the City Secretary shall require a deposit in the amount of \$1000.00 for such services at the time the initial development application is filed. The total actual costs will be determined upon completion of the project and either an additional sum will be due from the applicant or a reimbursement made if the actual cost is less than the deposit. The applicant shall be provided with documentation detailing actual costs of development review.

**SECTION 4.**  
**REFUSAL OF PERMITS**

The City Secretary, or his or her designee, may refuse to issue any building permits to the applicant or their successors or assigns, if such fees are not paid.

**SECTION 5.**  
**CUMULATIVE**

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.**  
**SAVINGS**

That all rights and remedies of the City of Lorena are expressly saved as to any and all violations of the provisions of any Ordinances affecting development fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**  
**SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Lorena that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 8.**  
**PUBLICATION**

That the City Secretary of the City of Lorena is hereby directed to publish in the Official Newspaper of the City of Lorena the Caption and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

**SECTION 9.**  
**ENGROSSMENT AND ENROLLMENT**

That the City Secretary of the City of Lorena is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Lorena and by filing this Ordinance in the Ordinance records of the City.

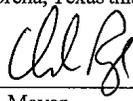
**SECTION 10.**  
**EFFECTIVE DATE**

That this Ordinance shall be in full force and effect from and after its date of passage in accordance with the law.

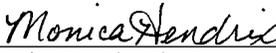
**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Lorena, Texas this 21st day of June 2010.



  
\_\_\_\_\_  
Chuck Roper, Mayor

ATTEST:

  
\_\_\_\_\_  
Monica Hendrix, City Secretary