

## **CITY OF DRIPPING SPRINGS**

### **ORDINANCE No. 2021-**

AN ORDINANCE AMENDING APPENDIX A: ARTICLE A1.000 (GENERAL PROVISIONS) OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE DRIPPING SPRINGS FEE SCHEDULE SECTION 3: SITE DEVELOPMENT AND SECTION 4: SUBDIVISION AND CREATION OF PARK DEVELOPMENT FEE FUND, PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; PUBLICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to gain and maintain parkland in the City of Dripping Springs, Texas (“City”) and its Extraterritorial Jurisdiction (“ETJ”); 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,** pursuant to Texas Local Government Code Chapter 212, the City has authority to regulate subdivisions; and

**WHEREAS,** pursuant to Texas Local Government Code Section 331.005, the City can control and manage parks within the City; and

**WHEREAS,** pursuant to Texas Local Government Code Section 331.001, the City can acquire land and facilities to be used for public parks and playgrounds by gift, devise, or purchase; and

**WHEREAS,** it is hereby declared by the City Council that recreational areas in the form of neighborhood parks and community parks are necessary and in the public’s welfare; and

**WHEREAS,** the only adequate procedure to provide for parks is to integrate such requirements into the planning and development of property or subdivisions in the City and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing property; and

**WHEREAS,** existing parks in the City currently serve the needs of several neighborhoods located within the city limits and the ETJ, and are located within an approximate one-half to five-mile radius of City residents and ETJ users; and

**WHEREAS,** Founders Memorial Park and Sports and Recreation Park provide amenities that are

typical in community parks, providing services to users in the city and ETJ alike due to the absence of community park facilities within the ETJ. Together, neighborhood parks and community parks can meet more of the recreational needs of residents; and

**WHEREAS,** this amendment is adopted to provide funding for parks that reflects the increased development and residents in the area; and

**WHEREAS,** the costs associated with development and maintenance of neighborhood and community parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities; and

**WHEREAS,** the requirements within the ordinance are adopted to affect the purposes stated above; and

**WHEREAS,** the fees approved and instituted by this ordinance are consistent with, and in accordance with, the annual budget for 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.

**NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:**

## **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, Article A1.000 of the City of Dripping Springs Code of Ordinances, Section 9 is amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated within Attachment “A”.

This ordinance also creates the Park Development Fee Fund where funds from the Park Development Fee are deposited and used for park maintenance, operation, acquisition, or improvements to park facilities.

The Parkland Dedication Fee (fee-in-lieu) will be deposited in the Park Fund and will be used solely and exclusively for the purpose of acquiring and/or improving public parks, trails, and recreational lands, and shall not be used for maintaining or operating park facilities or for any other purpose.

### **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 12<sup>th</sup> day of January 2021, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

ATTACHMENT “A”

CITY OF DRIPPING SPRINGS

**MASTER FEE SCHEDULE**

**ARTICLE A1.000 (GENERAL PROVISIONS)**

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**SECTION 3: SITE DEVELOPMENT**

**3.10 Park Development Fee:**     \$983 per Dwelling Unit

**3.11 Parkland Dedication Fee (Fee-in-Lieu):**    As calculated in Chapter 28 of the City of Dripping Springs Code of Ordinances

**SECTION 4. SUBDIVISION**

**4.24 Park Development Fee:**     \$983 per Dwelling Unit

**4.25 Parkland Dedication Fee (Fee-in-Lieu):**    As calculated in Chapter 28 of the City of Dripping Springs Code of Ordinances