

# **CITY OF DRIPPING SPRINGS**

## **ORDINANCE No. 2021-\_\_**

AN ORDINANCE AMENDING CHAPTER 28, EXHIBIT A, SUBDIVISION ORDINANCE OF THE DRIPPING SPRINGS CODE OF ORDINANCES; UPDATING REGULATIONS RELATED TO CHANGES TO PRELIMINARY PLATS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality, including its extraterritorial jurisdiction; and

**WHEREAS,** the City Council finds that haphazard laying out of lots and erratic dedication of public infrastructure is harmful to the environment and quality of life; and

**WHEREAS,** the City Council acknowledges that subdivision controls are based on the land registration system, and that land registration is a privilege that local governments such as Dripping Springs have the power to grant or withhold based on compliance with reasonable conditions; and

**WHEREAS,** the City Council’s regulation of development is based on the government’s legitimate interests in promoting orderly development, ensuring that subdivisions are constructed safely, and protecting the future owners from inadequate police and fire protection, inadequate drainage, and unsanitary conditions; and

**WHEREAS,** the City Council has determined that reasonable rules and regulations governing subdivision plats are necessary to maintain water quality, ensure traffic safety, protect the region’s livability, preserve property values, and reinforce Dripping Springs’ status as the Gateway to the Hill Country; and

**WHEREAS,** the City Council has determined that allowing administrative review of preliminary plat changes where no infrastructure or restriction is affected ensures efficient review and approval; 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 Chapter 212 of the Texas Local Government Code, the City has the authority to adopt rules governing plats and subdivisions of land; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government,

peace or order of the City of Dripping Springs to adopt an ordinance regulating the subdivision and platting of land.

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

**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**

Chapter 28, Exhibit A Subdivision Ordinance of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**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 as provided for by law.

**7. PROPER NOTICE AND 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

# CODE OF ORDINANCES

## VOLUME 2

### ARTICLE: 28: SUBDIVISIONS AND SITE DEVELOPMENT

#### EXHIBIT "A" SUBDIVISION ORDINANCE

##### SUBCHAPTER A: GENERAL

#### 4.10. Revisions to Approved Preliminary Plat

It is generally recognized that ~~minor~~ revisions to the Preliminary Plat may be needed before the final plat application can be filed with the City.

(a) Preliminary Plat revision procedure. To request a revision to an approved preliminary plat, the applicant must file an application with the City.

(1) Minor revisions. An application shall include the signatures of all lot owners directly affected by the revision. Applications for minor revisions shall be reviewed by the development review committee.

(2) Major revisions. A new application for a preliminary plat is required including signatures of all lot owners affected by the revision, compliance with amendments to this chapter which occurred since original preliminary plat approval, and other requirements. Major revisions shall require notification to all lot owners within the approved preliminary plat by mail at least fifteen (15) days prior to the Planning and Zoning Commission Meeting at which the revision will be considered.

(b) Minor Revisions. ~~Such~~ Minor revisions ~~are~~ slight enlargement or shifting of easements or lot lines, Unit lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. ~~may occur on the final plat without having to reapprove the Preliminary Plat.~~ Minor revisions also can include an increase in density by no more than 10% so long as the increase is allowed under all city ordinances and agreements with the City. Minor revisions also cannot negatively impact the provision of public facilities. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the City Administrator in consultation with the ~~City Engineer~~ development review committee.

(c) Major Revisions. Major revisions, ~~such as~~ include obvious reconfiguration of ~~lot lines, Unit lines, or easements, relocation of driveways~~ relocation of interior road connections to exterior roadways or access easements or fire lanes, any modification to the perimeter or boundary of the property , increase in density not considered a minor revision, decrease in parkland or open space, and relocation or addition or deletion of any public improvement (including corresponding easement) or any other change to a preliminary plat that is not a

~~minor revision. shall necessitate resubmission and reapproval of the plat as a “revised Preliminary Plat” unless otherwise approved by the City. The procedures for such reapproval shall be the same as for a Preliminary Plat, and such reapproval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this Chapter which occurred since original Preliminary Plat approval, and other requirements.~~