

CITY OF DRIPPING SPRINGS

ORDINANCE NO. [REDACTED].

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 28: SUBDIVISIONS AND SITE DEVELOPMENT; ARTICLE 28.04: SITE DEVELOPMENT; AND CHAPTER 28: SUBDIVISIONS AND SITE DEVELOPMENT: EXHIBIT “A” SUBDIVISION ORDINANCE FOR RESUBMISSION OF SITE DEVELOPMENT PERMITS AND PLATS AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

**WHEREAS**, the City desires to regulate the submission and resubmission of plat and site plan applications; and

**WHEREAS**, pursuant to Chapter 212 of the Texas Local Government Code, a city may establish subdivision regulations for the purpose of promoting the public health, safety, morals, or general welfare; and

**WHEREAS**, the City has found the regulation of the submission and resubmission of plats and site plans to be in the best interest of all applicants and residents; and

**WHEREAS**, the City seeks to amend the Subdivision and Site Development Ordinance as it relates to submission and resubmission of site plan and plat applications; and

**WHEREAS**, the proposed subdivision amendment has been reviewed by City staff, including the City’s Land Planner, with the consensus being that the proposed changes are consistent with best planning practices and consistent with the Comprehensive Plan and Chapter 212 of the Texas Local Government Code; and

**WHEREAS**, after public hearing held by the City Council on May 17, 2022 the City Council voted to \_\_\_\_\_ the amendment; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy 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 it is necessary and proper for the protection of the welfare, health, peace, temperance, and safety of the City of Dripping Springs to adopt an ordinance amending regulations of the submission and resubmission of site plan and plat applications.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, 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**

Chapter 28: Subdivision and Site Plans; and Chapter 28: Subdivision and Site Plans: Exhibit “A” Subdivision Ordinance of the Dripping Springs Code of Ordinances are hereby amended to read in accordance with *Attachment “A”* and which are attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Additions to the Ordinance text are underlined and highlighted and deletions are struck-through.

### **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 \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_ (ayes) to (nays) to (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

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ATTACHMENT "A"

CHAPTER 28: SUBDIVISION AND SITE DEVELOPMENT

ARTICLE 28.04 - SITE DEVELOPMENT

\* \* \*

**Sec. 28.04.011. - Approval process; modifications.**

\* \* \*

(d) Action by city administrator .

\* \* \*

(5) If the applicant amends its filed plan application in response to the city's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amended application. The city administrator may either: (A) approve plan if the response adequately addresses each reason for the disapproval; or (B) disapprove plan if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, including a statute or city ordinance, that is the basis for the disapproval. ~~Any plan that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15-day timeline delineated in this section. refiled at any time as a new site plan application.~~

**EXHIBIT A: SUBDIVISION ORDINANCE**

**Section 3: Procedures**

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**3.10.3.** If the applicant amends its filed plat application in response to the planning and zoning commission's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The planning and zoning commission may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city

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ordinance, that is the basis for the disapproval. ~~Any~~ plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15 day timeline delineated in this section. ~~refiled at any time as a new plat application.~~

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### **Section 8: Amended Plats**

**8.3.3.** If the applicant amends its filed plat application in response to the city administrator's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The city administrator may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval. ~~Any~~ plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15 day timeline delineated in this section. ~~refiled at any time as a new plat application.~~

### **Section 10: Minor Plats**

**10.4.3.** If the applicant amends its filed plat application in response to the city administrator's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The city administrator may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval. ~~Any~~ plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15 day timeline delineated in this section. ~~refiled at any time as a new plat application.~~