



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

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**Submitted By:** Laura Mueller, City Attorney; Sarah Cole, Building Official; Tory Carpenter, Senior Planner

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**Council Meeting Date:** May 12, 2022

**Agenda Item Wording:** **Discuss and consider approval of an Amendment to the City of Dripping Springs Fee Ordinance including for unauthorized occupancy and for resubmittal fees for Plats and Site Plans.**

**Agenda Item Requestor:** Sarah Cole and Tory Carpenter

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**Summary/Background:**

The Building Department has seen an increasing number of homes that are being occupied by new homeowners prior to an issuance of Certificate of Occupancy. This is a violation of City ordinance and the adopted building code. It seems contractors have been closing with just a building final inspection report rather than waiting to receive a Certificate of Occupancy. Certificates of Occupancy are issued after an exterior lighting inspection has been passed. This is to ensure compliance with the outdoor lighting ordinance. This has been such an excessive occurrence that goes without repercussion. Unfortunately, the lack of staff and staff time is the reason why these issues are not escalated through code enforcement process and Municipal Court. The tasks required and staff time that is already dedicated to addressing this issue within the department is excessive and takes away from other daily duties and productivity. With this proposed fee the City can keep contractors and developers liable for completing out a building project correctly. Should these occurrences continue, staff will be able to charge the Unauthorized Occupancy Fee to builders through an invoice. The contractor would be required to resolve the outstanding balance prior to receiving a Certificate of Occupancy and closing out the permit.

The adoption of Texas House Bill 3167 in 2019 required that cities follow strict timelines for plat and site plan reviews. Shortly thereafter, the City updated the subdivision ordinance to reflect these required timelines.

Currently, the code allows for a 30-day review period for the first round of plan submittals and 15 days for the second round of submittals. If staff does not approve the plans on the second submittal, the applicant is required to pay a resubmittal fee of 25% of the original fee amount and the plans are subject to a 30-day review.

While our codes and procedures follow State requirements, staff finds that the longer timelines and additional fees for a third submittals burden both applicants and staff. This proposed subdivision ordinance update would remove the resubmittal fee and make each submittal after the first submittal subject to a 15-day review.

**Commission  
Recommendations:**

N/A

**Recommended  
Council Actions:**

Approval of Fee Schedule.

**Attachments:**

Fee Schedule Amendment

**Next Steps/Schedule:**

If approved, fee schedule amendment will be published in the newspaper and it will become effective once published.