

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2020-38

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE 28.04 SUBDIVISION ORDINANCE OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR SITE DEVELOPMENT RELATED TO SIDEWALKS; 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’s regulation of site development is based on the government’s legitimate interests in promoting orderly development, ensuring that sites are constructed safely; and

WHEREAS, the City Council has determined that reasonable rules and regulations governing site development 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 providing sidewalks creates proper development and providing flexibility to property owners related to sidewalks assists 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; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has the authority to adopt rules governing plats, subdivisions of land, and site development; and

WHEREAS, the City has determined that amending its ordinance related to site development is required by state law; 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 site development.

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, Article 28.04 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

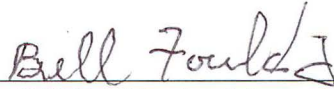
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

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 14th day of July 2020, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPINGSPRINGS:



Bill Foulds, Jr., Mayor

ATTEST:


Andrea Cunningham, City Secretary

SECTION 28.04.019 SIDEWALKS

Sec. 28.04.019 Sidewalks

~~Each submission for a site plan shall adhere to section 15, sidewalks, exhibit A, subdivision ordinance, chapter 28 of the code when platting the property. If the underlying plat to a site plan submission is already compliant with the provisions of section 15, exhibit A, subdivision ordinance, chapter 28 then no further compliance is required. The narrative for each submission for a site plan shall include how the site plan or plat complies with section 15 for an application to be considered complete.~~

(a) Purpose and Development Review Committee

- (1) Pedestrian concrete walkways (sidewalks) shall be required for all residential and nonresidential developments within the City Limits and ETJ. Sidewalk width and location shall be in accordance with the Transportation Master Plan (TMP).
- (2) When not defined by the TMP the following shall apply:
 - i. For Commercial Site Developments: A minimum 5' sidewalk shall be provided within adjacent street right of way (ROW) along the entire frontage of the property.
 - ii. For Residential Subdivisions: A minimum 5' sidewalk shall be required within ROW on both sides of all streets within the development.
- (3) Development Review Committee. A group consisting of the city administrator or designee, the city engineer, building official, and the city planner. Also known as the Site Development Review Committee.
- (4) Sidewalk compliance is required prior to a Site Plan being approved whether sidewalks were approved and constructed at the time of platting or upon site plan application.

(b) Requirements

- (1) Sidewalks shall be constructed in compliance with the Dripping Springs Technical Criteria Manual (DSTC).
- (2) Sidewalk Plan: A sidewalk plan shall be required on all Construction Plans and Site Development Plans. Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed. If compliant sidewalks have already been constructed, the constructed sidewalks shall appear on all Construction Plans and Site Development Plans.
- (3) Sidewalk Alignment: Sidewalk alignment shall comply with that set forth in the TMP with the following exceptions:
 - i. A sidewalk shall be allowed to meander within the ROW or an easement upon approval by the Site Development Review Committee.
 - ii. Routing to clear poles, trees, or other obstacles shall be subject to approval by the Site Development Review Committee.
 - iii. When not defined by the TMP, sidewalks shall be constructed within the ROW, a minimum one foot (1') away from the ROW line, and at least five feet (5') away from the street curb.
 - iv. In certain instances, the Development Review Committee may approve

placement of sidewalks adjacent or closer than five feet (5') to the curb or located on private property and in a public access easement, provided that such placement benefits the general public by allowing more space for pedestrian safety, drainage facilities, landscaping or tree preservation.

v. Where no raised curb is installed, the sidewalk shall be at least ten (10) feet from the edge of pavement (EOP) unless otherwise approved by the Development Review Committee.

(4) Root barriers shall be required, as determined by the City Engineer, in locations where trees are (or will be) in close proximity to the sidewalk.

(5) ADA requirement: All sidewalks shall be designed and constructed to meet the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act, as amended. Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the City due to anticipated pedestrian travel patterns.

(6) Finish: All sidewalks shall have a light broom-swept finish to provide a non-slip surface.

(c) City Acceptance and Certificate of Occupancy

(1) Sidewalks along streets or in public sidewalk easements are considered part of the overall development's required public improvements and shall be installed prior to acceptance of the public improvements by the City and prior to final plat approval, unless fiscal surety is provided.

i. Exception: To prevent damage to newly constructed sidewalks. Construction of sidewalks fronting residential or commercial lots may occur after City acceptance of public infrastructure and final plat approval if fiscal surety is provided.

ii. Exception: For site developments with no public improvements other than sidewalks, sidewalks shall be installed prior to the City's final inspection of the development.

(2) Certificate of Occupancy will not be issued for any lot or Unit within the development until the required sidewalks are in place.

(d) Fee in Lieu of Construction.

(1) Fee-in-Lieu of construction of sidewalks may be accepted when approved by the Development Review Committee.

(2) The Development Review Committee shall consider the following criteria when evaluating a request for fee-in-lieu of construction for sidewalks:

i. Proximity to the nearest existing sidewalk.

ii. Proximity to public facilities, such as public or private schools, libraries, and other government buildings;

iii. Whether any public sidewalk improvements are planned or contemplated in the area; and

iv. Any other information deemed appropriate by the Development Review Committee.

(3) Fee-in-Lieu payments shall be placed in the City of Dripping Springs Sidewalk Fund. Payments will be calculated based on the square feet of sidewalk construction waived as set out in the Fee Schedule. Funds shall be used for the sole purpose of sidewalk improvements and pedestrian amenities in public right of way, parks, and sidewalk

easements within the City. The fee in lieu of sidewalks shall be paid in full to the City prior to approval of the construction plans or site development plans.

San Marcos Publishing, LP
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(512) 847-2202

State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

July 23, 2020
----- 2020
_____ 2020
----- 2020

The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

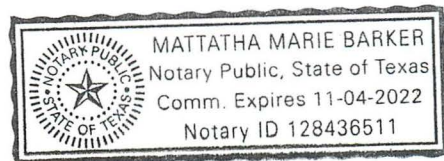
[Signature]

Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 22nd day of July, 2020 to certify which witness my hand and seal of office.

Mattatha Barker

NOTARY PUBLIC in and for Hays County, Texas



City of Dripping Springs
Public Notice of Approved Ordinance
Sidewalks - Site Development
Effective Date: July 23, 2020
Ordinance No. 2020-38

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