

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2018-26

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES CHAPTER 30: EXHIBIT A: SECTION 2, BY AMENDING SECTION 2: PROCEDURES & ADMINISTRATION; ESTABLISHING THE STRUCTURE, OBJECTIVES, AND DUTIES OF THE CITY'S BOARD OF ADJUSTMENT; PROVIDING FOR AMENDMENTS TO CERTAIN SECTIONS WITHIN CHAPTER 30: EXHIBIT A: SECTION 2 AND PROVIDING FOR: AMENDMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City of Dripping Springs desires to amend its Code of Ordinances, Chapter 30, Exhibit A to provide for the appointment of alternates to the City's Board of Adjustment; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City of Dripping Springs has the authority to establish a Board of Adjustment; and

WHEREAS, pursuant to Section 211.008 of the Texas Local Government Code, the City of Dripping Springs may appoint alternates to its Board of Adjustment; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance 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 Planning and Zoning Commission had a meeting and a public hearing on September 25, 2018 and recommended approval; and

WHEREAS, the City Council had a meeting and a public hearing on October 9, 2018; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of Dripping Springs.

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

SECTION I

That the findings contained in the preamble of this ordinance are incorporated herein as if fully set forth within the body of this ordinance.

SECTION II

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, particularly Chapter 211 of the Local Government Code, pursuant to which the City has the authority to establish a Board of Adjustment.

SECTION III

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, particularly Chapter 51 of the Local Government Code, pursuant to which the City has general authority to adopt an ordinance 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.

SECTION IV

The purpose of this Ordinance is to codify and define the structure, objectives, and duties of the City of Dripping Springs's Board of Adjustment.

SECTION V

Chapter 30: Exhibit A: Section 2 of the City of Dripping Springs Code of Ordinances is hereby amended to read in accordance with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text is new or relocated and shall be inserted into the Code of Ordinances. Any struck-through text shall be deleted from the Code, as indicated on *Attachment "A."*

SECTION VI

That this Ordinance is cumulative of all provisions of ordinances and of the City Code of Dripping Springs, Texas, as amended.

SECTION VII

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.

SECTION VIII

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.

SECTION IX

This Ordinance shall be effective immediately upon passage and publication.

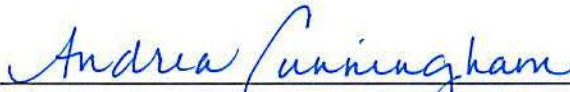
PASSED & APPROVED this, the 9th day of October 2018, by a vote of 4 (ayes) to 0 (nays) 1 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary



CITY OF DRIPPING SPRINGS
AMENDMENT TO THE CODE OF ORDINANCES
CHAPTER 30: ZONING
ARTICLE 30.07 ADMINISTRATION AND ENFORCEMENT

C. BOARD OF ADJUSTMENT*

2.16. Creation

There is hereby created a Board of Adjustment, sometimes referred to herein as the "BOA", for the purpose of making special exceptions to the terms of this Chapter that are consistent with the general purpose and intent of this Chapter. The BOA may grant special exceptions, in appropriate case, ~~and is~~ are subject ~~{s}~~ to certain conditions and safeguards. The BOA shall ~~may~~ be composed of the members of the City Council of the City of Dripping Springs as authorized by Chapter 211.008(g) of the Texas Local Government Code, until such time as separate membership is appointed by the City Council. The BOA shall also include two alternate members as appointed by the City Council.

2.17 Membership

2.17.1. Upon adoption of this Chapter, the City Council shall by default act as the BOA.

2.17.2. The City Council shall act as the ~~may appoint~~ a Board of Adjustment consisting of five (5) councilmembers and the mayor. ~~The City Council shall also appoint,~~ and two (2) alternates. All members (regular and alternate) shall be residents and registered voters of the City of Dripping Springs. ~~Three (3) members of the original board shall be appointed to one (1) year terms, and four (4) members to three [two] (2) year terms. After the initial terms expire, all members~~ Alternates shall serve two (2) year terms and may be reappointed with no limitation on the number of terms one member may serve. Terms of Alternates shall run concurrently with the term of the Mayor. Members of the BOA shall serve during their term of office as a councilmember or mayor.

2.17.3. Alternate members may attend all meetings of the BOA and are entitled to all information provided to regular members.

- 2.17.4 Alternate members shall substitute for absent regular members, in which occasion the alternate members count toward the establishment of a quorum and have full voting privileges.
- 2.17.5 Generally, candidates for BOA membership may also serve on other municipal advisory boards of the City. However, BOA members may not concurrently serve on: ~~(a) the Planning & Zoning Commission; or (b) the City Council if the City Council has appointed a separate BOA.~~
- 2.17.6 Each person nominated by the City Council to be a BOA alternate member must be approved by a simple majority vote of the City Council before being appointed as a member of the Board.
- 2.17.7. The City Council shall appoint a Chairperson for the BOA, who shall serve a one-year term of office.
- 2.17.8. The BOA shall elect a Vice-Chairperson from among its membership who shall serve a one-year term of office.
- 2.17.9. The City Administrator's designee shall serve as Secretary to the BOA, and shall keep minutes of all meetings held by the BOA.
- 2.17.10. The BOA shall have the power to make the rules, regulations and bylaws for its own governance, consistent with State law and rules promulgated by the City Council.