

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2023-

AN ORDINANCE AMENDING APPENDIX A: ARTICLE A1.000 (GENERAL PROVISIONS) OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE DRIPPING SPRINGS FEE SCHEDULE SECTION 3: SITE DEVELOPMENT; SECTION 4: SUBDIVISION; AND SECTION 7: RESIDENTIAL BUILDING CODE; AND SECTION 8: COMMERCIAL AND MULTI-FAMILY BUILDING CODE, PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER, SEVERABILITY; PUBLICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to gain and maintain parkland in the City of Dripping Springs, Texas (“City”) and its Extraterritorial Jurisdiction (“ETJ”); 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 Texas Local Government Code Chapter 212, the City has authority to regulate subdivisions; and

WHEREAS, pursuant to Texas Local Government Code Section 331.005, the City can control and manage parks within the City; and

WHEREAS, pursuant to Texas Local Government Code Section 331.001, the City can acquire land and facilities to be used for public parks and playgrounds by gift, devise, or purchase; and

WHEREAS, it is hereby declared by the City Council that recreational areas in the form of neighborhood parks and community parks are necessary and in the public’s welfare; and

WHEREAS, the only adequate procedure to provide for parks is to integrate such requirements into the planning and development of property or subdivisions in the City and its ETJ, whether such development consists of new construction on vacant land or rebuilding and remodeling of structures on existing property; and

WHEREAS, existing parks in the City currently serve the needs of several neighborhoods located within the city limits and the ETJ, and are located within an approximate one-half to five-mile radius of City residents and ETJ users; and

WHEREAS, Founders Memorial Park and Sports and Recreation Park provide amenities that are typical in community parks, providing services to users in the city and ETJ alike due to the absence of community park facilities within the ETJ. Together, neighborhood parks and community parks can meet more of the recreational needs of residents; and

WHEREAS, this amendment is adopted to provide funding for parks that reflects the increased development and residents in the area; and

WHEREAS, the costs associated with development and maintenance of neighborhood and community parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities; and

WHEREAS, the City Council finds that the attached schedule of fees is reasonable and prudent considering the municipal resources expended in the furtherment of building and planning: and

WHEREAS, the requirements within the ordinance are adopted to affect the purposes stated above; and

WHEREAS, the fees approved and instituted by this ordinance are consistent with, and in accordance with, the annual budget for 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.

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

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

Appendix A, Article A1.000 of the City of Dripping Springs Code of Ordinances, Section 9 is amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated within Attachment “A”.

The Parkland Dedication Fee (fee-in-lieu) will be deposited in the Park Fund and will be used solely and exclusively for the purpose of acquiring and/or improving public parks, trails, and recreational lands, and shall not be used for maintaining or operating park facilities or for any other purpose.

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 1st day of August 2023, by a vote of _____ (ayes) to _____ (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT "A"
CITY OF DRIPPING SPRINGS
MASTER FEE SCHEDULE

ARTICLE A1.000 (GENERAL PROVISIONS)

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SECTION 3: SITE DEVELOPMENT

3.11 Parkland Dedication Fee (Fee-in-Lieu): ~~As calculated in Chapter 28 of the City of Dripping Springs Code of Ordinances.~~ _____ dollars (\$) per Dwelling Unit.

SECTION 4. SUBDIVISION

4.25 Parkland Dedication Fee (Fee-in-Lieu): ~~As calculated in Chapter 28 of the City of Dripping Springs Code of Ordinances.~~ _____ dollars (\$) per Dwelling Unit.

SECTION 7: RESIDENTIAL BUILDING CODE

7.10 Unauthorized Occupancy Fee (occupying building without certificate of occupancy):
\$750.00

7.11 Reinspection Fee by City Staff, fees to double with each reinspection (including but not limited to: concrete work, framing, electrical, mechanical, plumbing, etc):

- a. First reinspection: \$50.00
- b. Second reinspection: \$100.00
- c. Third reinspection: \$200.00
- d. Any further reinspections beyond the third reinspection are to double in price as demonstrated in 3.7(a) – (c).

SECTION 8: COMMERCIAL BUILDING CODE

8.8 Reinspection Fee by City Staff, fees to double with each reinspection (including but not limited to: concrete work, framing, electrical, mechanical, plumbing, etc):

- a. First reinspection: \$50.00
- b. Second reinspection: \$100.00
- c. Third reinspection: \$200.00
- d. Any further reinspections beyond the third reinspection are to double in price as demonstrated in 3.7(a) – (c).