

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2021-\_\_\_**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING TWO TRACTS OF LAND, TOTALING APPROXIMATELY 1.855 ACRES FROM TWO-FAMILY RESIDENTIAL - DUPLEX (SF-4) TO SINGLE-FAMILY RESIDENTIAL – TOWN CENTER, SF-3; ADOPTING A CONDITIONAL USE OVERLAY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

**WHEREAS,** the City Council finds to be reasonable and necessary the rezoning of the tracts, described more fully in Attachment “A” and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family residential – Town-Center (SF-3) with a Conditional Use Overlay; and

**WHEREAS,** the City Council finds to be reasonable and necessary the adoption of a conditional use overlay to the tracts in addition to the rezoning, described more fully in Attachment "B" and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family residential – Town Center (SF-3); and

**WHEREAS,** the City Council recognizes changed conditions and circumstances in the particular location; and

**WHEREAS,** the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on July 27, 2021 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS,** after public hearing held by the City Council on August 17, 2021, the City Council voted to approve the recommendation of the Planning and Zoning Commission; 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 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; 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 this Ordinance.

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

### **1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

### **2. ENACTMENT**

Two tracts of land totaling approximately 1.855 acres and described more fully in Attachment “A”, is hereby rezoned from Two-Family Residential - Duplex (SF-4) to Single-Family residential – Town Center (SF-3) with a Conditional Use Overlay as attached in Attachment B.

Further, the property will also have a conditional overlay that limits certain development standards on the property. The conditional use overlay is described in attachment “B”.

### **3. REPEALER**

All ordinances, resolutions, 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. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**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, a public hearing was held, and that public notice of the time, place and Purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the 3<sup>rd</sup> day of August 2021, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

**Attachment “A”  
Survey and Metes and Bounds**

**PROPERTY DESCRIPTION**

**BEING A 0.876 OF ONE ACRE OF LAND, BEING A PORTION OF A CALLED 2,996 SQUARE FOOT TRACT AS DESCRIBED IN A DEED TO ALVA AND WILLIE MAE HAYDON RECORDED IN DOCUMENT NO. 70025404, VOLUME 3237, PAGE 802 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND A PORTION OF BLOCK NO. 1 OF THE FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AS CONVEYED IN A DEED TO ALVA HAYDON IN VOLUME 198, PAGE 452 OF THE HAYS COUNTY DEED RECORDS; SAID 0.876 OF ONE ACRE BEGIN MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 4203.**

**BEGINNING** at a TxDOT Type 1 monument found (TxDOT Sta. 492+00, 150.00' Rt) located on the southerly right of way line of U.S. Hwy 290 in Dripping Springs, Texas;

**THENCE**, with said southerly right of way line, N59°19'41"E, 182.45 feet to a ½-inch iron rod set with cap stamped "AST" for the beginning of a non-tangent curve to the left;

**THENCE**, with the arc of said non-tangent curve to the left 11.38 feet, having a radius of 5730.18 feet, a central angle of 00°06'50" and a chord bearing and distance of S88°14'04"E, 11.38 feet to a ½-inch iron rod set with cap stamped "AST" marking the northeast corner of said 2996 square foot tract, same being the northwest corner of a called 12750 square foot tract described in a deed to Alva Haydon and executed December 9, 1966;

**THENCE**, leaving said southerly right of way line and with the easterly line of said 2996 square foot tract and the westerly line of said 12750 square foot tract, S00°57'47"E, passing at approximately 45.5 feet the northerly line of Blocks 1 and 10 of said Fifth Addition to the Town of Dripping Springs and continuing for a total distance of 246.80 feet to a ½-inch iron rod set with cap stamped "AST" for the southeast corner of the herein described tract and being the southeast corner of said Block 1 and the southwest corner of said Block 10, same being on the northerly right of way line of Hays Street;

**THENCE**, with the northerly right of way line of said Hays Street, same being the southerly line of said Block 1, S89°02'13"W, 190.83 feet to a ½-inch iron rod set with cap stamped "AST" on the easterly line of a 1.741 acre tract of land as described in a deed to TAMBJM, LLC as recorded in Document No. 18014079 of said Official Public Records, same being the southwest corner of said Block 1;

**THENCE**, leaving said northerly right of way line and with the easterly line of said Block 1, same being the westerly line of said 4.741 acre tract, N01°00'16"W, 158.68 feet to a ½-inch iron rod set with cap stamped "AST" on the southerly right of way line of said U.S. Hwy 290;

**THENCE**, with said southerly right of way line, S86°11'22"E, 21.18 feet to the **POINT OF BEGINNING** and containing 0.876 of one acre of land, more or less.

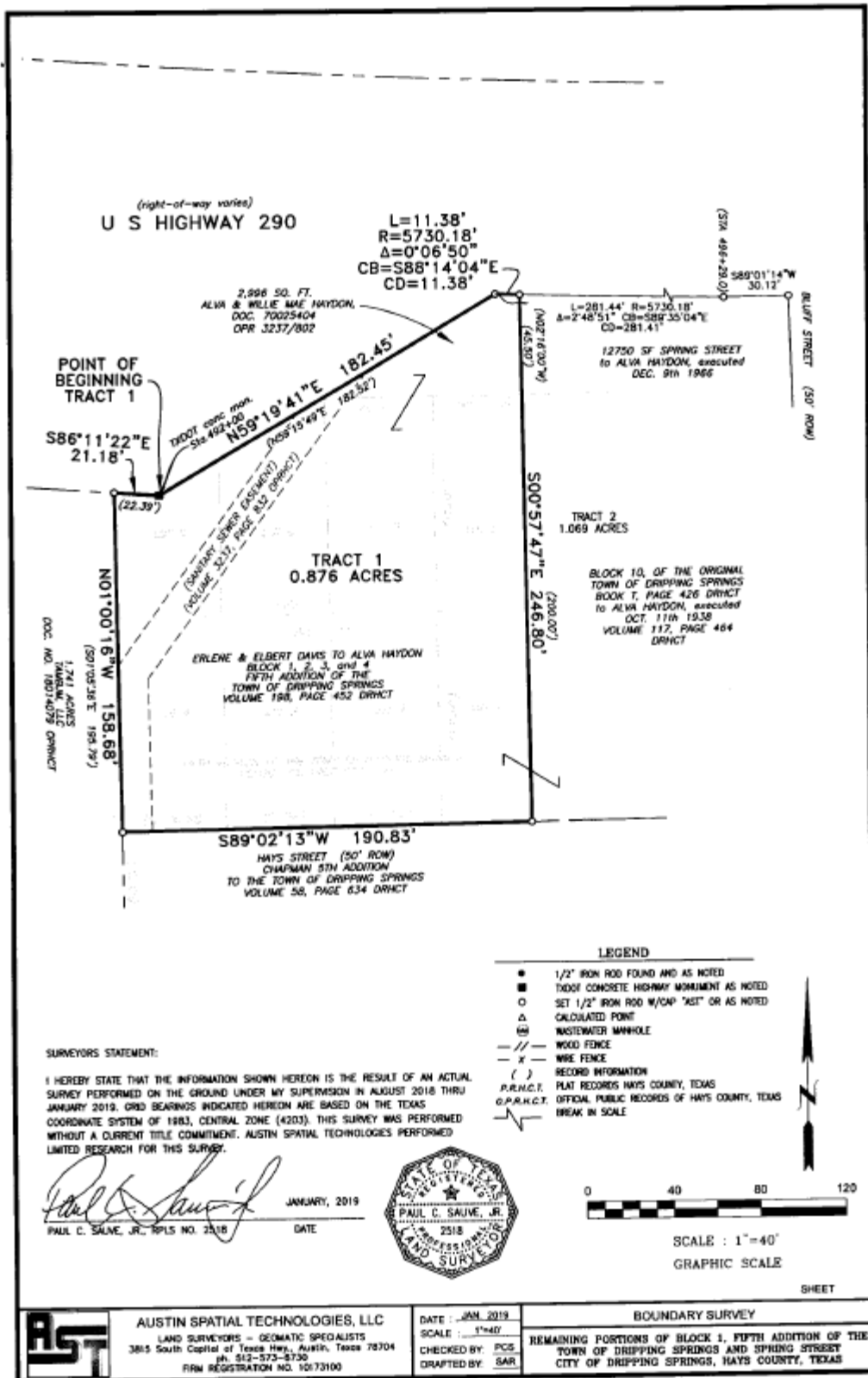
**SURVEYOR'S STATEMENT**

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS #2518  
Austin Spatial Technologies, LLC  
**January 18, 2019**





**PROPERTY DESCRIPTION**

**BEING A 0.979 OF ONE ACRE OF LAND, 42,639 SQ. FT., BEING A ALL OF A CALLED 12,750 SQUARE FOOT TRACT AS DESCRIBED IN A DEED TO ALVA HAYDON RECORDED IN EXECUTED DECEMBER 9, 1966 AND A PORTION OF BLOCK NO. 10 OF THE FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AS CONVEYED IN A DEED TO ALVA HAYDON IN VOLUME 198, PAGE 452 OF THE HAYS COUNTY DEED RECORDS; SAID 0.979 ACRES OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 4203.**

**COMMENCING** at a TxDOT Type 1 monument found (TxDOT Sta. 492+00, 150.00' Rt) located on the southerly right of way line of U.S. Hwy 290 in Dripping Springs, Texas;

**THENCE**, with said southerly right of way line the following courses and distance:

1. N59°19'41"E, 182.45 feet to a ½-inch iron rod set with cap stamped "AST" for the beginning of a non-tangent curve to the left;
2. with the arc of said non-tangent curve to the left 11.38 feet, having a radius of 5730.18 feet, a central angle of 00°06'50" and a chord bearing and distance of S88°14'04"E, 11.38 feet to a ½-inch iron rod set with cap stamped "AST" marking the northeast corner of said 2996 square foot tract, same being the northwest corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, continuing with said southerly right of way line the following courses and distances:

1. continuing along the arc of a said curve to the left, 270.06 feet, having a radius of 5730.18 feet, a central angle of 02°42'01" and a chord bearing and distance of S89°38'29"E, 270.03 feet to a ½-inch iron rod set with cap stamped "AST" (TxDOT Sta. 496+29.0, 50' Rt.)
2. N89°01'14"E, 30.12 feet to a ½-inch iron rod set with cap stamped "AST" on the westerly right of way line of Bluff Street (50 feet wide ROW);

**THENCE**, leaving said southerly right of way and with the westerly right of way line of Bluff Street, S00°58'46"E, 40.58 feet to a ½-inch iron rod set with cap stamped "AST" on the northerly line of said Block 10;

**THENCE**, leaving said westerly right of way line and with the northerly line of said Block 10, S89°03'37"W, 152.60 feet to a ½-inch iron rod set with cap stamped "AST";

**THENCE**, leaving said northerly line and crossing said Block 10, the following courses and distances:

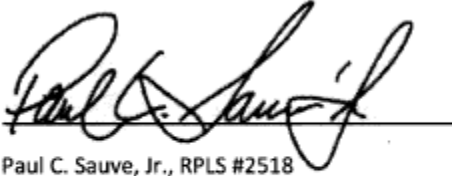
1. S01°22'29"E, 77.69 feet to a ½-inch iron rod set with cap stamped "AST";
2. N88°01'03"E, 1.98 feet to a ½-inch iron rod set with cap stamped "AST";
3. S01°58'57"E, 47.42 feet to a ½-inch iron rod set with cap stamped "AST";
4. S00°57'47"E, 75.00 feet to a ½-inch iron rod set with cap stamped "AST" on the northerly right of way line of Hays Street;

**THENCE**, with said northerly right of way line, same being the southerly line of said Block 10, S89°02'13"W, 150.87 feet to a ½-inch iron rod set with cap stamped "AST", same being the southeast corner of Block 1 of said Fifth Addition to the Town of Dripping Springs;

**THENCE**, leaving said northerly right of way line and with the common line of Blocks 1 and 10, N00°57'47"W, 246.80 feet to the **POINT OF BEGINNING** and containing 0.979 acres of land, more or less.

**SURVEYOR'S STATEMENT**

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS #2518  
Austin Spatial Technologies, LLC  
January 29, 2019







**Attachment “B”**

**City of Dripping Springs  
CODE OF ORDINANCES  
CHAPTER 30: ZONING**

**EXHIBIT C: ZONING OVERLAY DISTRICTS**

**102UFF STREET**

**1.0 Applicability**

This Ordinance shall apply solely to the following tracts, which shall herein be referred to as the subject properties;

**1.1 Tract 1**

Being a 0.876 of one acre of land, being a portion of a called 2,996 square foot tract as described in a deed to Alva and Willie Mae Haydon recorded in document no. 70025404, volume 3237, page 802 of the official public records of Hays County, Texas and a portion of block No. 1 of the fifth addition of the town of dripping springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County Deed records;

**1.2 Tract 2**

Being a 0.979 of one acre of land, 42,639 sq. ft., being all of a called 12,750 square foot tract as described in a deed to Alva Haydon recorded in executed December 9, 1966 and a portion of block No. 10 of the fifth addition of the town of Dripping Springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County deed records;

**1.1 Base Zoning District**

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in Single-Family Residential – Town Center (SF-3) zoning district.

**1.2 Overlay**

**1.2.1** The Conditional Overlay is hereby amended and effectuated upon the subject property. The boundary of the Overlay District shall be coterminous with the perimeter of the subject properties.

**1.2.2 Prohibited Uses**

- a) Accessory Dwelling Units
- b) Multi-family uses

**1.2.3 Density**

- a) One (1) dwelling unit per lot/unit.

#### **1.2.4 Lot Sizes**

- a) Minimum lot size shall be 7,540 sq. ft.

#### **1.2.5 Non-Buildable Area**

- a) There shall be no structures built within 60 feet from the right-of-way of U.S. 290 as depicted in Attachment A.

#### **1.2.6 Landscape Buffer**

- a) There shall be a 35-foot landscape buffer planted parallel to U.S. 290 at the rear of the platted residential lots/units.
- b) Planting Requirements:
  - (1) All plant material shall be of native or adapted species.
  - (2) All new proposed shade trees shall be a minimum of four inches in diameter.
  - (3) All proposed ornamental trees shall be a minimum of two inches in diameter.
  - (4) All shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- c) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to the 35' landscape buffer.
  - (1) Shade trees (such as live oak or cedar elm). One per 50' of buffer frontage.
  - (2) Ornamental trees (such as crape myrtle or desert willow). One per 25 feet of buffer frontage.
  - (3) Small shrubs/groundcovers, one-gallon (such as lantana liriopoe). One per three feet of buffer frontage.
- d) This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.