

## CITY OF DRIPPING SPRINGS

### ORDINANCE No. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING APPROXIMATELY 0.748 ACRES FROM TWO-FAMILY RESIDENTIAL - DUPLEX (SF-4) TO MULTIPLE FAMILY RESIDENTIAL, MF; 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 Multiple Family Residential (MF) 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 0.748 acres, from Two-Family Residential - Duplex (SF-4) to Multiple Family Residential (MF); 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 August 23, 2022, 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 September 6, 2022, 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**

Approximately 0.748 acres and described more fully in *Attachment "A"*, is hereby rezoned from Two-Family Residential - Duplex (SF-4) to Multiple Family Residential (MF) 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 \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_\_\_(ayes) to \_\_\_\_\_(nays) to \_\_\_\_\_(abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

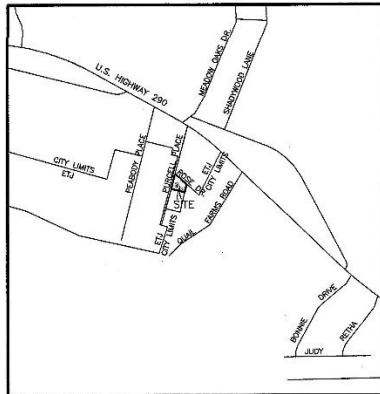
by: \_\_\_\_\_

Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

DRAFT

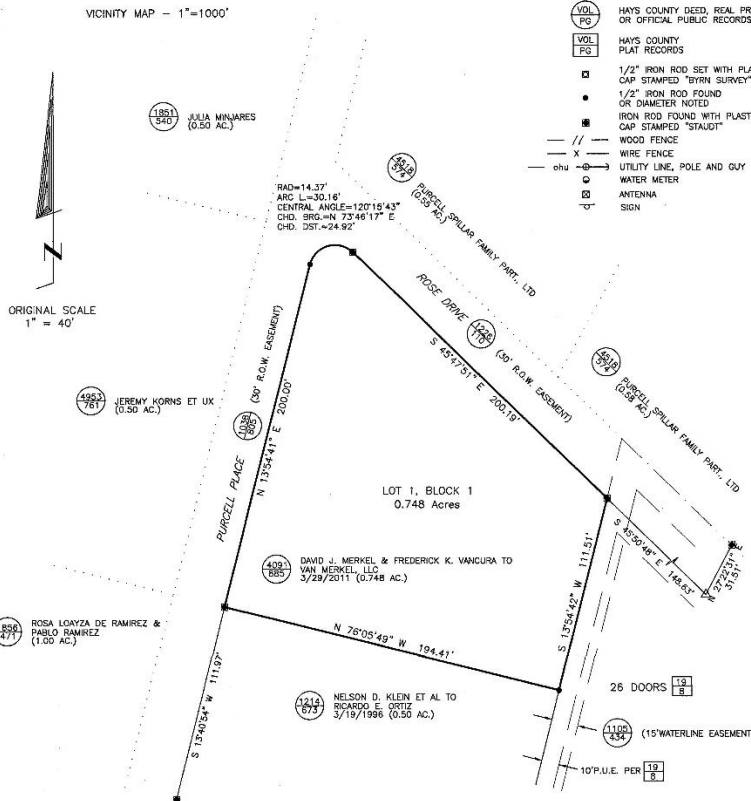


#### SURVEYOR'S NOTES

1. FENCES MEASURED.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48200C00105F, DATED 8/2/2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. ACCORDING TO SCALING FROM TCEC MAPS NO. PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE AND ALL OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE.
6. THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT.
7. THIS TRACT LIES WITHIN THE CITY LIMITS OF DRIPPING SPRINGS.
8. THIS TRACT LIES WITHIN THE BOUNDARIES OF HAYS COUNTY ESD NUMBERS 1 AND 6.

#### LEGEND

- VDL PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- VOL PG HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "SVN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- IRON ROD FOUND WITH PLASTIC CAP STAMPED "STAUDT"
- WOOD FENCE
- WIRE FENCE
- UTILITY LINE, POLE AND GUY
- WATER METER
- ANTENNA
- SIGN



STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT I, VAN MERKEL, LLC, OWNER OF 0.748 OF AN ACRE, AS CONVEYED TO ME BY DEED DATED MARCH 29, 2011, AND RECORDED IN VOLUME 4091, PAGE 885, HAYS COUNTY OFFICIAL PUBLIC RECORDS, DO HEREBY SUBDIVIDE THIS PROPERTY TO BE KNOWN AS VAN MERKEL ADDITION, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

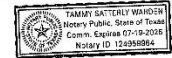
VAN MERKEL, LLC, OWNER  
102 ROSE DR.  
DRIPPING SPRINGS, TX. 78820

STATE OF TEXAS  
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Frederick K. Vancura KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 31 DAY OF March, A.D., 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



STATE OF TEXAS  
COUNTY OF HAYS

I, ELAINE CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 20 DAY OF April, 2022, AT 4:26 O'CLOCK P.M., AND DULY RECORDED ON THE 20 DAY OF April, 2022, AT 4:26 O'CLOCK P.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK 12019705, PAGE Document No. 22019705.

Elaine H. Cardenas by Michelle Fisher, Deputy  
ELAINE CARDENAS, COUNTY CLERK  
HAYS COUNTY, TEXAS



THIS PLAT OF VAN MERKEL ADDITION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF DRIPPING SPRINGS AS A MINOR PLAT IN ACCORDANCE WITH THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES, CHAPTER 28, EXHIBIT A, SECTION 10, "MINOR PLATS" AND IS HEREBY ADMINISTRATIVELY APPROVED.

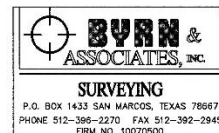
Michelle Fisher  
MICHELLE FISHER,  
CITY ADMINISTRATOR

19 8  
DATE

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT TO THE BEST OF MY SKILL AND KNOWLEDGE THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.



REGISTERED PROFESSIONAL LAND SURVEYOR  
KYLE SMITH, R.P.L.S. NO. 5307



MINOR PLAT OF  
VAN MERKEL ADDITION  
BEING 0.748 OF AN ACRE IN THE B.F. HANNA  
SURVEY, HAYS COUNTY, TEXAS

#### DRIVEWAY PERMIT STATEMENT

IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE TRANSPORTATION DEPARTMENT OF HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.

ALL DRIVEWAYS, WHEN REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 8.03.

UTILITIES:  
ELECTRIC-PEDERNALES ELECTRIC COOP.  
WATER-DRIPPING SPRINGS WATER SUPPLY CORP.  
SEWER-INDIVIDUAL ON-SITE SEWAGE FACILITIES

CLIENT: VAN MERKEL, LLC  
DATE: 3/3/2022  
OFFICE: K. SMITH  
CREW: K. SMITH, HADEN  
FB/PG: 782/38  
PLAT NO. 27879-21-e

City of Dripping Springs  
Ordinance No

ZA2022-0004

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

**EXHIBIT A**

**1.1. Applicability**

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

Tract 1:

Being a 0.748 acres consisting of Lot 1, Block 1 of the Van Merkel Addition Minor Plat recorded in document no. 22019705 of the official public records of Hays County, Texas.

**1.2. Base Zoning District**

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in Multiple Family Residential (MF) zoning district.

**1.3. Overlay**

**1.3.1.** 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.

**1.3.2.** Only uses listed in the conditional use overlay are permitted.

Permitted Uses:

- a) Multiple-Family Dwelling
- b) Accessory Bldg./Structure (Residential)

**1.3.3. Density:**

- a) Six (6) units on the existing lot