

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:

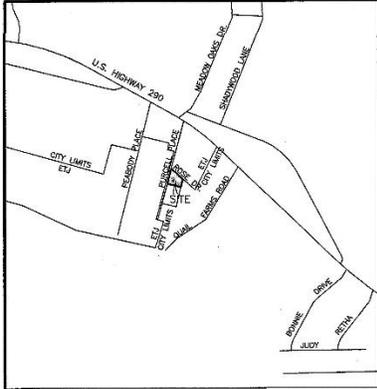
by: _____

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

DRAFT



- SURVEYORS NOTES**
1. FENCES MEANDER.
 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. 4820200100P, DATED 9/2/2005, 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 EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
 5. ACCORDING TO SCALING FROM TCEQ 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.

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 4081, 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 HEREOFORER GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

[Signature]
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.

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

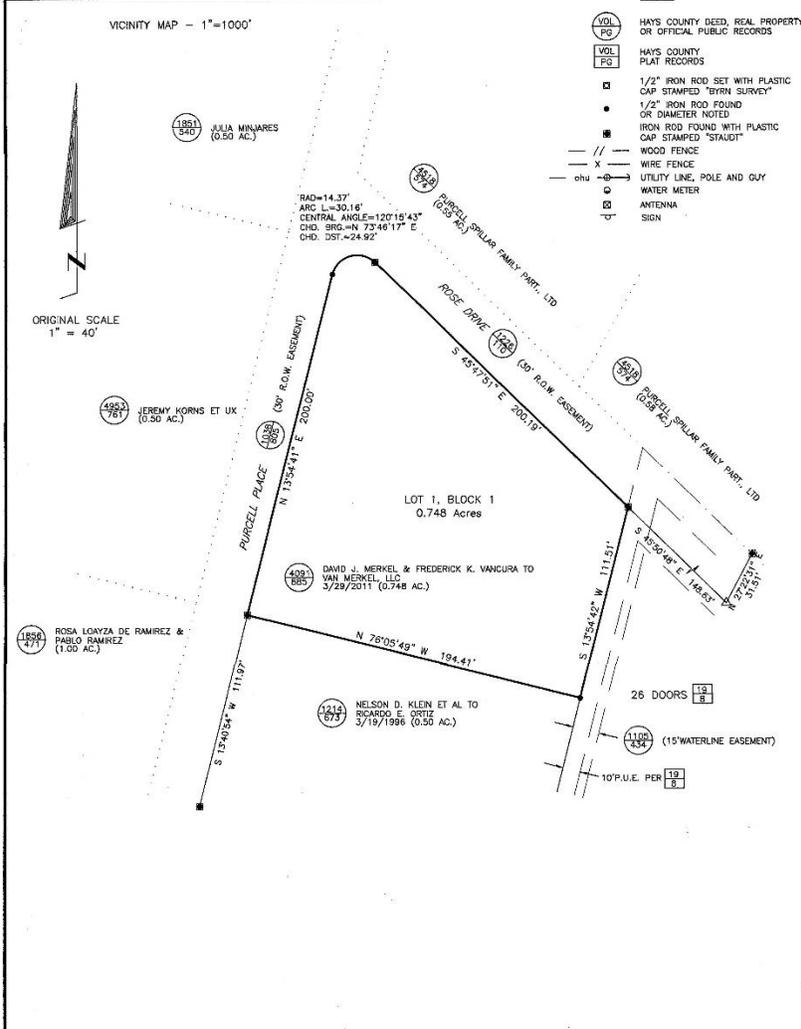


STATE OF TEXAS
COUNTY OF HAYS

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 4:20 O'CLOCK P.M., AND DULY RECORDED ON THE 20 DAY OF April, 2022, AT 4:20 O'CLOCK P.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK 1201970B.

DATE Document No. 2201970B.

[Signature]
Elaine H. Cardenas by Melissa Hish, 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.

[Signature]
MICHELLE FISCHER
CITY ADMINISTRATOR

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

BYRN & ASSOCIATES, INC.
SURVEYING
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-395-2270 FAX 512-392-2945
FIRM NO. 10070500

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

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
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