

**FIRST AMENDMENT TO PLANNED DEVELOPMENT
DISTRICT No. 9:
Farmstead at Caliterra**

Planned Development District Ordinance
Approved by the Planning & Zoning Commission on:
February 27, 2018
Approved by the City Council on:
April 10, 2018

First Amendment to Planned Development District Ordinance
Approved by the Planning & Zoning Commission on:
_____, 2024
Approved by the City Council on:
_____, 2024

THIS FIRST AMENDMENT TO PLANNED DEVELOPMENT DISTRICT ORDINANCE NO. 9: FARMSTEAD AT CALITERRA (“First Amendment to Ordinance”) is enacted pursuant to City of Dripping Springs Code of Ordinances, Article 30.03.

WHEREAS, the Owner is the owner of certain real property consisting of approximately 18.532 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “Farmstead at Caliterra” and as more particularly identified and described in Exhibit A (the “Property”) to Attachment A of the Original PDD Ordinance (hereinafter defined); and

WHEREAS, the Owner and the City are parties to the Caliterra Development Agreement executed on January 14, 2014; and

WHEREAS, in accordance with the Development Agreement, the Property was zoned to Planned Development District (“PDD”), designating it “PDD-9”, on April 10, 2018 (“Original PDD Ordinance or PDD-9”); and

WHEREAS, the Owner now wishes to amend the Original PDD Ordinance as provided herein; and

WHEREAS, this First Amendment to Ordinance, Original PDD Ordinance, PD Master Plan, and the Code of Ordinances shall be read in harmony, will be applicable to the Property, and will guide development of the Property; and

WHEREAS, the City Council has reviewed this proposed First Amendment to Ordinance and has determined that it promotes the health, safety, and general welfare of the citizens of Dripping Springs; complies with the intent of the City of Dripping Springs Comprehensive Plan; and is necessary in light of changes in the neighborhood; and

WHEREAS, the City Council is authorized to adopt this Ordinance in accordance with Texas Local Government Code Chapters 51 and 211; and

WHEREAS, pursuant to the City’s Planned Development Districts Ordinance, Article 30.03 of the City’s Code of Ordinances, the development and First Amendment to Ordinance ensures the compatibility of land uses, and meets the current needs of the community by committing to the following: 1. To provide for a superior design of lots and buildings; 2. To provide for increased recreation and/or open space opportunities for public use; 3. To provide amenities or features that would be of special benefit to the property users; and 4. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

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

1. FINDINGS OF FACT

The City Council finds that the facts and matters in the foregoing recitals are true and correct; and, are hereby incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENTS

A. Section 2.2., ("Phasing"), of Article II ("Development Standards"), of Attachment A of PDD-9 is hereby repealed and replaced in its entirety with the following, with all other provisions of Article II not herein amended to remain in full force and effect:

2.2. Phasing. The Property may be developed in phases. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently.

B. Subsection 2.4.3., ("Setbacks and Yard"), of Section 2.4, ("Design Specifications"), of Article II, ("Development Standards"), of Attachment A of PDD-9 is hereby repealed in its entirety and replaced with the following, with all other provisions of Article II not herein amended to remain in full force and effect:

2.4.3 Setbacks and Yard.

- (a.) Minimum Ranch Road 12 Frontage Setback (Landscape Buffer): fifty feet (50').
- (b.) Minimum Front Yard: twenty feet (20') from Public Access Easement
- (c.) Minimum Side Yard: three feet (3')
- (d.) Minimum Side Yard from Public Access Easement: five feet (5')
- (e.) Minimum Side Yard adjacent to single-family district: twenty feet (20')
- (f.) Minimum Rear Yard: ten feet (10')

C. Exhibit D of PDD-9 is hereby repealed and replaced in its entirety with Exhibit A attached hereto and incorporated as if set forth fully herein.

D. Exhibit E of PDD-9 is hereby repealed in its entirety.

F. Exhibit F of PDD-9 is hereby repealed and replaced in its entirety with Exhibit B attached hereto and incorporated as if set forth fully herein.

3. REPEALER

All ordinances, development agreements 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. PENALTY

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance may be subject to a fine pursuant to Section 54.001 of the Texas Local Government Code, upon conviction of not more than Two Thousand Dollars (\$2,000.00). The foregoing fine may be cumulative of other remedies provided by State law, and the power on injunction as provided by Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

6. 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.

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 Chapters 52 and 211 of the Texas Local Government Code.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon approval by the City Council and publication as required by law.

PASSED & APPROVED this, the _____day of _____, 2024 by a vote of ____ (*ayes*) to
(*nays*) to ____(*abstentions*) of the City Council of Dripping Springs.

CITY OF DRIPPING SPRINGS:

by: _____
Todd Purcell, Mayor

ATTEST:

Andrea Cunningham , City Secretary

Exhibit A
PD “Phase 1” Master Plan

[On following page]

EXHIBIT "A"

PD Master Plan

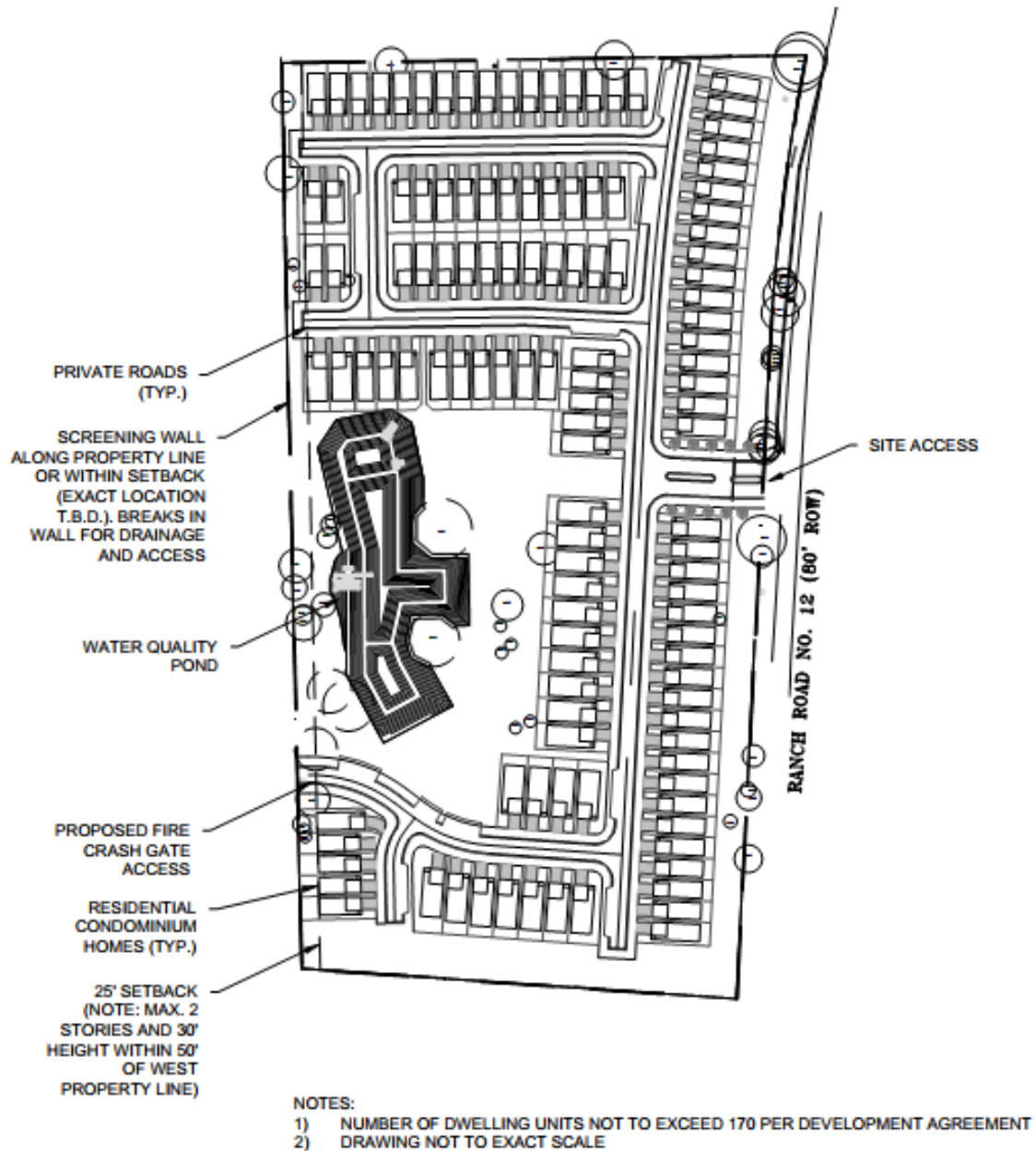


Exhibit B
PD Code Modifications Chart

[On following pages]

Exhibit B
PD Code Modifications Chart

#	Description	Requirement	PD Code Modification	Justification
1	Building Setbacks (Base: General Retail)	Sec. 3.11.4		Front Setback Mod.: Increased front setback on RR 12 is requested by the City of Dripping Springs. Side Setback Mod.: Reduced side setbacks allow for flexibility in design and financially feasible products that are in demand. This setback is especially needed due to the City of Dripping Springs' request for a 50' setback at RR 12.
		Front: 25'	50' along RR 12 and 20' from Public Access Easement	
		Rear: 25'	10'	
		Side: 25'	3' internal and 5' from Public Access Easement	
2	Roof Slope	Adjacent to S.F.: 25'	20'	By allowing the center portion of building roofs to be flat for condensers units it alleviates the need for ground units and avoids a less appealing view from the sidewalk and street. This modification will still use sloped roofs surrounding the footprint of the building to shield all condensing units and give the illusion of a fully sloped roof.
		Sec. 24.03.052	Flat roofs are allowed for residential buildings with ten (10) units or more and nonresidential buildings. Flat roofs shall not be visible from the street; all roofs surrounding outer footprint will be sloped.	
3	Building Height	Sec. 3.11.3	Main Building(s): Maximum three (3) stories and forty feet (40') but maximum two (2) stories and 30' within 50' of west property line.	The January 14, 2014 approved Development Agreement: Caliterra Subdivision provides for a 40' height limit without restriction on stories. The three story maximum allow for flexibility in design and financially feasible products that are in demand. The additional restrictions along west property line to reduce imposition on residents of adjacent property.
		Main Building(s): Maximum two (2) stories, or forty feet (40'), whichever is less.		
4	Minimum Building Separation for Nonresidential Structures	Sec. 3.11.4(e) Minimum eighty feet (80') separation between structures, or a minimum separation as required by City's Fire Code (if any), whichever is greater.	Minimum separation as required by International Building Code 2012 or by City's Fire Code (if any), whichever is greater.	Allows more flexibility in the site layout and will provide greater opportunity for smaller, boutique style retail buildings.

5	Building Area Regulations:			
Size of Lot	Sec. 3.11.4(a)			
	Min. Lot Area: 20,000 sf		2,500 sf	
	Min. Lot Width: 100 feet		29 feet	
	Min. Lot Depth: 150 feet		90 feet	
				These homes are to have a condominium feel with shared spaces. A smaller lot area appeals to a clientele unrepresented in the City of Dripping Springs