



DRIPPING SPRINGS
Texas

Legislation and Recent State Cases Planning & Zoning

Laura Mueller

City Attorney
Planning & Zoning Commission

89th Legislative Session

- Over 9,000 bills and resolutions were filed.
- 1,231 bills passed
- Texas Municipal League tracked over 2100 bills
- The legal department tracked over 1200 bills with a tracking program created by Aniz Alani.
- The City Legislative Team worked effectively with Representative Isaac, Representative Zwiener, and other legislators and their staff.
- The City testified multiple times and submitted written testimony on additional bills including those dealing with water legislation, land use, public information, debt limitations, preemption, and other bills.



DRIPPING SPRINGS
Texas

SPECIAL SESSION STARTS JULY 21, 2025

House Concurrent Resolution 58 (Isaac)

Wedding Capital of Texas

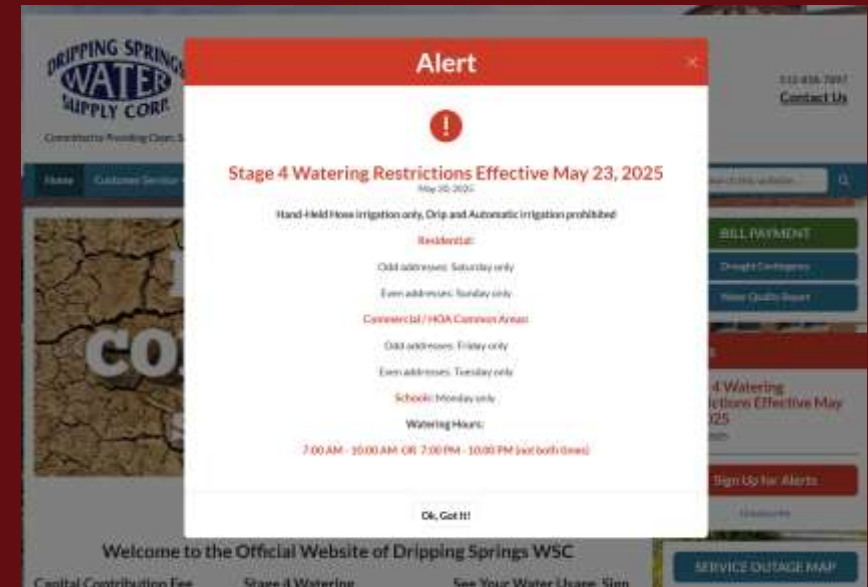
- This legislation renewed our Wedding Capital of Texas designation for ten additional years.
- Representative Isaac filed and pushed this legislation through.



House Bill 517 (Isaac)

Drought Legislation.

- No Property Owners Association fees for dead grass during watering restrictions.
- The City supported this legislation as it allows property owners to avoid fines where they are complying with drought restrictions.



OPEN GOVERNMENT

H.B. 1522 (Gerdes) – Open Meetings Act

- ❑ Changes Agenda Posting deadline from 72 hours prior to the meeting to 3 business days prior to the meeting
- ❑ Will mean posting on the Wednesday before a Tuesday meeting (if no holiday)



Wed. Aug. 13, 2025	Fri. Aug 15, 2025	Mon. Aug. 18, 2025	Tues. Aug. 19, 2025	Wed. Aug. 20 2025	Fri. Aug. 22	Mon. Aug. 25	Tues. Aug. 26
Place holders due on Agenda	Full Captions due by 12 p.m. Draft agenda sent to staff for review at 12:00 p.m. Supervisor and Admin. review and approvals.	Agenda Items and Supporting Documents due by 3:00 p.m. Draft agenda sent Mayor and Mayor Pro Tem/Chair for review. Staff Final Edits due by 5 p.m.	P&Z Chair approval by 11 a.m. Agenda/ Packet will be locked at 12 p.m. Admin./City Secretary Final Edits by 12 p.m. PPTs by 3 rd Parties due by 5 p.m.	Agenda will be posted. Packet sent to P&Z and Appropriate Dep't Heads. City Secretary to send Presentation link (if any) to appropriate staff by 1 p.m.	PPTs materials to be uploaded at 1:00 p.m. to Council or Board PPT. City Secretary Sends PPT to reviewers by 3 p.m.	PPT finalized by noon. Sent to P&Z	<u>Meeting Date</u>

LAND USE

H.B. 24 (Orr) – Zoning Protest Thresholds

- ☐ raised to 60% for certain projects for 3/4ths majority vote requirement
 - ☐ More residential development than the existing zoning regulation
 - ☐ Up to 35% commercial/industrial uses
 - ☐ Increased from 20%
- ☐ Other Projects – 20% of the area of the lots covered by the proposed change or 20% of lots within 200 feet of the proposed change
- ☐ Lowered notice requirements for proposed comprehensive zoning changes
 - ☐ Newspaper Notice 15 days before meeting
 - ☐ If creates non-conforming uses – then individual letters are required
- ☐ additional zoning changes that will require updates to City Code

Next Steps: Update notice and protest requirements in the Zoning Code.

LAND USE

H.B. 4506 (Bonnen) – Electronic Zoning Notices

- ☐ electronic notices by email or text message are allowed if people sign up for it
 - ☐ Recipient requests zoning notices electronically
 - ☐ City has online portal on website allowing electronic zoning notices
 - ☐ Only effective if recipient acknowledges receipt
 - ☐ Same deadlines apply

Next Steps: Determine viability of website changes and electronic notices. Update Zoning Code accordingly.

LAND USE

S.B. 785 (Flores)/S.B. 1341(Hancock) – HUD Code Manufactured Homes

- ☐updates allowances for manufactured homes
 - ☐Cannot require a conditional use permit
 - ☐Must allow HUD code manufactured homes
 - ☐Must show areas on Zoning Map

Next Steps: Update Zoning Code to remove requirement of CUPs for HUD-Code Manufactured Homes. Update Zoning Maps.



LAND USE

H.B. 2559 (Patterson/Bettencourt) – Development Moratorias

- ☐ Extends time to adopt a moratorium
 - ☐ 30 days for public hearing notice
 - ☐ 2 public hearings must be 30 days apart
 - ☐ 12 days until ordinance can be read
 - ☐ 2 ordinance readings 28 days apart
- ☐ Limits time moratorium can exist
 - ☐ 180 days maximum



LAND USE

H.B. 2464 (Hefner/Middleton) – Home-Based Businesses

Limits regulation of no impact home-based businesses

- ☐ Does not bust occupancy limits
- ☐ Does not generate on-street parking
- ☐ No activity visible or audible from the street
- ☐ No alcohol, drugs, or sexually oriented businesses
- ☐ Limitations include
 - ☐ Cannot require rezoning
 - ☐ Cannot prohibit
 - ☐ Cannot require fire sprinklers
 - ☐ Can require compliance with federal and state law

Next Steps: Update Zoning Code.

FOOD/HEALTH REGULATIONS

HB 2844 (Landgraf) – Food Truck Regulations

- ☐ preempts city regulations of food trucks
 - ☐ Cannot regulate hours of operation
 - ☐ Cannot regulate distance from other commercial establishments
 - ☐ No health inspections other than if there is a health or safety complaint
- ☐ requires food trucks to receive state permit

Next Steps: Update Mobile Food Vendor regulations and work with Building Department on health inspections.

CODE ENFORCEMENT

H.B. 3611 (Curry) – Bandit Signs

- ❑ allows penalty of up to \$5,000 for bandit signs placed in right of way
- ❑ have to provide notice and opportunity to remove to owner of sign

Next Steps: Review Sign regulations for possible update to penalties.



OTHER ADMINISTRATION

H.B. 149 (Capriglione) – AI Regulations

- ☐ Notice of use of AI system to customers if used by customers
- ☐ limits uses of AI system
- ☐ establishes the Texas Artificial Intelligence Council which will provide training

H.B. 150 (Capriglione) – Cybersecurity Training

- ☐ elected and appointed officials have to take the cybersecurity training
- ☐ provide compliance information to state



Special Session – July 21, 2025

Governor Abbott Vetoed 28 bills.

- Property Taxes
- THC Regulations
- Water Financing
- Human Trafficking
- Judicial Administration



Next Steps

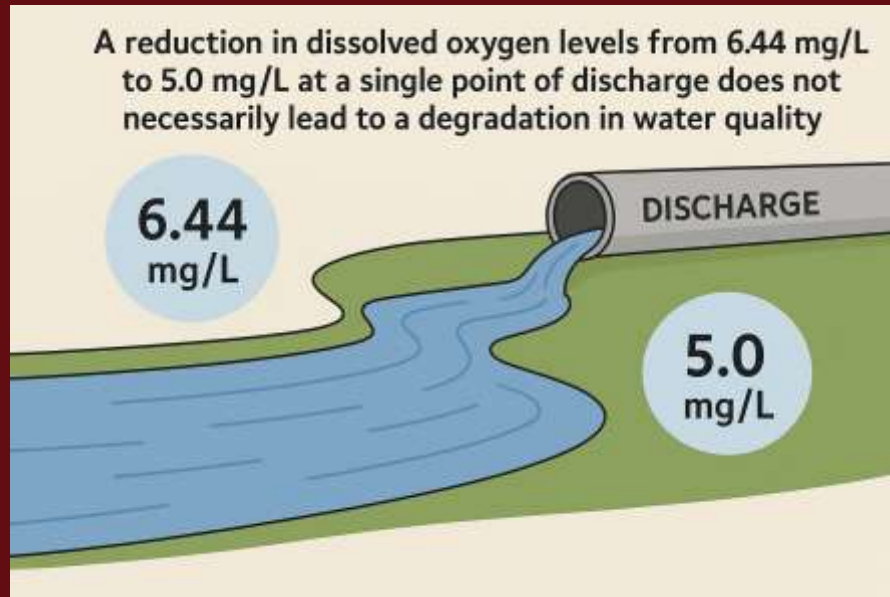
- Follow Special Session
- Review all bills
- Update Bill Action Log with assistance from Department Heads
- Update:
 - Ordinances
 - Policies
 - Forms
 - Website

HB517	Public Works	Property Owner's Association Fines	Relating to the authority of a property owners' association to assess a fine for discolored vegetation or turf during a period of residential watering restriction.	Chapter 28-Landscaping	Update Landcaping Code to reference this bill	9/1/25
HB521	City Secretary	Voting Assistance	Relating to accommodating voters with a disability; creating a criminal offense.	None	Education on polling location and electioneering.	9/1/25
HB640	City Secretary	Office Hours	Relating to the office hours of an election authority during an election period.	None	Education on business days that City must be open during election time.	9/1/25
HB685	Finance, Public Works	Utility Rates	Relating to rates established by municipalities for water or sewer service for certain entities.	Rate Ordinance	Ensure water and wastewater rates are reflective of the new legislation.	9/1/25

Agency Deference

Save Our Springs Alliance, Inc. v. Tex. Comm'n on Environ. Qual. and the City of Dripping Springs, No. 23-0282, 2025 WL 1085176 (Tex. Apr. 11, 2025).

- Deference for TCEQ (state agencies) still exists
- Reasonable basis, not arbitrary
- Total quality of water, not individual constituents, is the correct analysis
 - *13 years later*



TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Takings Claims- Flood Ordinance

Commons of Lake Houston, Ltd. v. City of Houston, No. 23-0474, 2025 WL 876710 (Tex. Mar. 21, 2025).

- Updated flood plain ordinances can lead to regulatory takings claims even if a valid exercise of police power (Hurricane Harvey)
- Changed from slabs being 1 foot above the 100-year floodplain to 2 feet above the 500- year floodplain
- Made the subdivision in question over 75% undevelopable
- City argued that since the ordinance was adopted under its police power, and for the National Flood Insurance Program, it could not cause a taking.
- **Takings Analysis:**
 - (1)Passed an ordinance
 - (2)That caused
 - (3)The property to become undevelopable
 4. for a public use of flood prevention
 5. without paying the owner adequate compensation
 6. and did so intentionally



Takings Claims- Flood Ordinance

Commons of Lake Houston, Ltd. v. City of Houston, No. 23-0474, 2025 WL 876710 (Tex. Mar. 21, 2025).

- Texas Constitution requires compensation more often than the U.S. Constitution
 - Texas only requires “damage” to the property
 - And “damage” can now come from a regulatory taking

“Indeed, whether a regulation constitutes a valid exercise of the police power—or promotes any other important public policy, purpose, or interest—is simply irrelevant to whether the regulation causes a compensable taking.”

Ripeness: City cannot claim the item is unripe due to lack of applying for a permit when the developer tried for years and the City never told the developer it was applying for the wrong permit.

Not a merits decision.



DRIPPING SPRINGS
Texas

Contractual Immunity – Services

Campbellton Rd., Ltd. v. City of San Antonio by & through San Antonio Water Sys., No. 22-0481, 688 S.W.3d 105 (Tex. Apr. 12, 2024).

- 585 Acre development agreement to fund part of the City's Sewer System in exchange for Sewer Capacity—1500 LUEs
 - Developer paid but did not construct within Agreement's 10-year term
 - Court of Appeals found no waiver of immunity—not goods/services
 - Supreme Court held Sewer Contract was enforceable against the City because:
 - In Writing
 - Essential Terms were listed including payment of Collection Credits towards Impact Fees
 - Services were funding construction even if done by a third party:
Kirby Lake Dev. v. Clear Lake City Water Auth.
- Broad Expansion of the definition of Services under Chapter 271***

Contractual Waiver of Immunity Exists.



DRIPPING SPRINGS
Texas

Land Use

PDT Holdings, Inc. v. City of Dallas, No. 23-0842, 2025 WL 1271688 (Tex. May 2, 2025).



- City affirmatively misrepresented height requirements
 - Multiple meetings with city staff
 - Nothing found online that would have stopped the building
 - City approved the Builder's Plan
- City issued stop work order
 - Inspector noticed parapet roof slightly exceed the 36-foot limitation
 - Builder fixed plan and built the structure at 36 feet – City approved plan
 - City issued another stop work order after the structure was 90% done
 - Separate ordinance (not easily available online and not mentioned by the City)
Residential Proximately Slope Ordinance – 26 feet maximum
- Builder applied for variance which BOA denied
- Builder sued under estoppel

Court held that in this case, equitable estoppel was warranted.

Justice and would not stop the City from future enforcement on other projects

QUESTIONS?