

**PLANNED DEVELOPMENT DISTRICT No.:
Cannon Ranch**

Planned Development District Ordinance

Approved by the Planning & Zoning Commission on:

June 22, 2021.

Approved by the City Council on:

_____, 2021

THIS PLANNED DEVELOPMENT DISTRICT ORDINANCE (“Ordinance”) is enacted pursuant to City of Dripping Springs Code of Ordinances, Article 30.3.

WHEREAS, the Owner is the owner of certain real property consisting of approximately 97.049 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “Cannon Ranch” and as more particularly identified and described in *Exhibit “A”* (the “Property”) to *Attachment “A”*; and

WHEREAS, the Property will be subdivided and developed by Owner, its affiliates or their successors and assigns, for construction and use in general accordance with the PD Master Plan shown as *Exhibit “B”* to *Attachment “A”*; and

WHEREAS, the Owner, its affiliates or their successors and assigns intends to develop a master-planned community that will include a mix of land uses, together with parkland and roadway connections described herein;

WHEREAS, the Owner has submitted an application to the City to rezone the Property to Planned Development District (“PDD”), designating it “PDD 12”; and

WHEREAS, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on _____, 2021; and

WHEREAS, pursuant to the City’s Planned Development Districts Ordinance, Article 30.03 of the City’s Code of Ordinances (the “PD Ordinance”), the Owner has submitted a PD Master Plan that conceptually describes the Project, which is attached to this Ordinance as *Exhibit “B”* to *Attachment “A”*; and

WHEREAS, this 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 Ordinance, the PD Master Plan, for Cannon Ranch 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 finds that this proposed Ordinance ensures the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes under Code § 30.03.004: provides for a superior design of lots or buildings; provides for increased recreation and/or open space opportunities for public use; provides amenities or features that would be of special benefit to the property users or community; protects or preserves natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats; provides an appropriate balance between the intensity of development and the

ability to provide adequate supporting public facilities and services; and meets or exceeds the present standards of this article;

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

WHEREAS, the Ordinance has been subject to public notices and public hearings and has been reviewed and approved by the City's Planning and Zoning Commission.

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. ENACTMENT

- A. Zoning District Created.** PDD 12 is hereby established consistent with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Code of Ordinances Chapter 30, Exhibit A [Zoning Ordinance], § 3.1 [Zoning Districts] is hereby amended to add the zoning district identified as PDD 12.
- B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD 12 consistent with the boundaries of the Property delineated in the Property Legal Description, *Exhibit "A"* to *Attachment "A"*.
- C. PD Master Plan Approved.** The PD Master Plan attached as *Exhibit "B"* to *Attachment "A"* is hereby approved. The PD Master Plan, together with *Attachment "A"*, constitutes the zoning regulations for the Project. All construction, land use and development of the Property must substantially conform to the terms and conditions set forth in the PD Master Plan, this Ordinance, *Attachment "A"* and the exhibits. The PD Master Plan is intended to serve as a guide to illustrate the general vision and design concepts. The PD Master Plan is to serve as the conceptual basis for the site plan(s) subsequently submitted to the City seeking site development permit approval. If this Ordinance and the PD Master Plan conflict, this Ordinance controls. This approval shall not be interpreted as approval of a variance, utility sources, or other site plan or plat requirements without specific reference in the ordinance or variance chart, or in future approvals.
- D. Administrative Approval of Minor Modifications.** In order to provide flexibility with respect to certain details of the development of the Project, the City Administrator is authorized to approve minor modifications. Minor modifications do not require consent or action of the Planning & Zoning Commission or City Council. Examples of minor modifications include the location of use classifications; slight adjustments to the internal street and drive alignments in accordance in Section 2.6.2 Roadway Alignments; orientation of buildings; and adjustments that do not result in overall increases to traffic, density, or impervious cover, or a decrease in

parkland, trails, or open space in excess of two acres, and that otherwise comply with the Applicable Rules. Changes that affect the lotting plan shall not be minor unless the change does not affect the maximum number of lots or the maximum number of lots of certain widths. Adjustments of lot locations shall not be minor unless the relocated lots are adjacent to previous locations. The City Administrator may approve minor modifications in writing following consultation with the Development Review Committee. City Administrator may refer a dispute concerning a Minor Change to the Planning and Zoning Commission for recommendation and the City Council for final approval including the question of whether a change is a minor modification.

- E. Code of Ordinances.** The Code of Ordinances shall be applicable to the Project, except as specifically provided for by this Ordinance, *Attachment “A”*, or the PD Master Plan.
- F. Resolution of Conflicts.** The documents governing the PDD should be read in harmony to the extent possible. If a conflict arises between the charts included in the exhibits and the illustrations contained in the exhibits, the charts shall control. If a conflict arises between the terms of this Ordinance and the exhibits, the terms of this Ordinance shall control.
- G. Attachments and Exhibits Listed.** The following attachment and exhibits thereto are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

Attachment “A” – Planned Development District No. and Zoning Map

Exhibit A	Property Legal Description
Exhibit B	PD Master Plan
Exhibit C	Parks, Trails, and Open Space Plan
Exhibit D	PDD Code Modifications Chart
Exhibit E	PDD Street Standards
Exhibit F	Water Quality Buffer Zones
Exhibit G	PDD Phasing Plan
Exhibit H	PDD Uses Chart
Exhibit I	Transportation Plan
Exhibit J	Lotting Plan

3. REPEALER

All ordinances, 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 ____, 2021 by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr. Mayor

ATTEST:

Andrea Cunningham, City Secretary

City of Dripping Springs

CODE OF ORDINANCES

ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICT NO. 12:

ARTICLE I. GENERAL PROVISIONS

- 1.1. **Popular Name.** This Chapter shall be commonly cited as the “PDD 12 Ordinance”, also referred to as “this Ordinance” herein.
- 1.2. **Scope.** This Ordinance applies to the Property, as more particularly described in Exhibit “A”.
- 1.3. **PD Master Plan.** The PD Master Plan, as shown Exhibit “B”, has been approved by the City and shall guide permitting, development and use of the Property.
- 1.4. **Definitions.** Words and terms used herein shall have their usual meaning except as they may be specifically defined herein, or, if capitalized and not defined herein, as defined in the Code (hereinafter defined):

City: The City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.

City Administrator or Administrator: The chief administrative officer of the City of Dripping Springs, Texas. The term also includes the Deputy City Administrator and City Administrator’s designee.

City Council: The governing body of the City of Dripping Springs, Texas.

City Engineer: The person or firm designated by the City Council as the engineer for the City of Dripping Springs, Texas.

Code, City’s Code of Ordinances or City of Dripping Springs Code of Ordinances: The entirety of the City’s ordinances, regulations and official policies in effect at the time of the Effective Date except as modified by the Project Approvals and variances granted

under this Ordinance. This term does not include Building Codes, Sign Ordinance, the Water Quality Protection Ordinance, Lighting Ordinance, Base Zoning District and Zoning Regulations, Subdivision Ordinance, Site Development Ordinance, or regulations mandated by state law, or that are necessary to prevent imminent harm to human safety or property, which may be modified and made applicable to the Project even after the Effective Date.

Dripping Springs Technical Criteria: The criteria adopted in Article 28.07 of the City of Dripping Springs Code of Ordinances that includes technical criteria standard specifications and adopted in Ordinance 2019-39 and as modified.

Effective Date: The Effective Date of this Ordinance shall be the date of approval by the City Council and publication as required by law.

Homeowners Association: A community group that is organized with respect to the Property in which individual owners of lots share common interests and responsibilities for costs and upkeep of common space or facilities. The group may take the form of a Home Owners Association or Property Owners Association. There can be more than one association.

Impervious Cover: Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevents infiltration as determined by City Engineer. For purposes of compliance with this document, the term expressly excludes storage tanks for rainwater collection systems. The term includes outside storage.

Impervious Cover Percentage: The percentage calculated by dividing the total acres of impervious cover on the Property by the total number of acres included in the Property.

Landscaping Ordinance: Landscaping and Tree Preservation ordinance provisions in the Subdivisions and Site Development Codes of the City of Dripping Springs Code of Ordinances.

Outdoor Lighting Ordinance: Article 24.06, Outdoor Lighting, of Chapter 24 of the City of Dripping Springs Code of Ordinances.

Parks, Trails, and Open Space Plan: As incorporated herein as “Exhibit C”.

Project: A land use and development endeavor proposed to be performed on the Property, as provided by this Ordinance and generally depicted on the PD Master Plan on *Exhibit B*”.

Project Approvals: The approvals, waivers and exceptions to the Applicable Rules approved by the City with respect to the development of the Property, as set forth on *Exhibit D*”.

Property: The land as more particularly described in *Exhibit “A”*.

TCEQ: The Texas Commission on Environmental Quality, or its successor agency.

TIA: Traffic Impact Analysis, as specified in Chapter 28, Article 28.02: Exhibit A-Subdivision Ordinance, Section 11.11 of the Dripping Springs Code of Ordinances.

TxDOT: The Texas Department of Transportation or its successor agency.

Water Quality Protection Ordinance: Article 22.05 of Chapter 22, General Regulations of the Code.

ARTICLE II. DEVELOPMENT STANDARDS

2.1. General Regulations. Except as otherwise provided in this Ordinance and the PD Master Plan, the Property shall be governed by the site regulations and development standards contained in the Code of Ordinances.

2.2. Phasing. The Property may be developed in phases. The Project is intended to be developed in phases as shown on *Exhibit "G"*. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently. Construction plans shall be submitted to the City for approval with each phase. Each plat filed with the City shall contain parkland required for the entire Land, the amount associated with prior platted areas and the amount associated with the area subject to such plat. The chart shall also show the average lot size computation for the Land as a whole and resulting from the plat and prior platted areas. In addition, an impervious cover tracking chart shall be submitted as an exhibit with each plat filed indicating the amount of impervious cover proposed for the entire Land, the amount associated with prior platted areas and the amount associated with the area subject to such plat. Outdoor burning of brush and related materials is not allowed.

2.3. Permitted Uses.

2.3.1. Base Zoning: The base zoning district for the Property shall be SF-3, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan.

2.3.2. Allowed Uses: Those uses listed in the PD Uses Chart attached as *Exhibit "H"* are hereby permitted by right within the Project.

2.4. Design Specifications:

2.4.1 Impervious Cover. The Property may be developed with an Impervious Cover Percentage that does not exceed fifty percent (50%) over the entire Project. Each residential lot may be developed with an Impervious Cover not to exceed sixty-five percent (65%).

2.4.2 Minimum Lot Area: Four thousand six hundred (4,600) square feet.

2.4.3 Building Height and Width. Buildings shall not exceed 2 ½ stories or 40 feet, whichever is less, measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level. Minimum width of residential building shall be twenty-five (25) feet.

2.4.4 Minimum Lot Width

- a. **Internal Lot Width:** Forty (40) feet measured from the front set back line.
- b. **Corner Lot Width:** Fifty (50) feet measured from the front set back line.

2.4.5 Setbacks. Building setbacks shall be as follows:

- a. **Minimum Front Yard:** Building setbacks for all uses shall be twenty (20) feet from the street right of way.
- b. **Minimum Side Yard:** Building setbacks shall be five (5) feet; provided, however corner lots will be set back a minimum of fifteen (15) feet from the street right of way this term includes alley right-of-way.
- c. **Minimum Rear Yard:** Building setbacks shall be ten (10) feet.
- d. **Minimum Setback for Accessory Building:** Five (5) feet; no accessory buildings, fences, or structures including pools and pool equipment are permitted in any front yard or any public utility easement (PUE).
- e. **Maximum Height of Fence within front Street Yard:** Three (3) feet and shall provide a finished face to abutting streets.
- f. **Maximum Height of Fence Outside of Street Yard:** Six (6) feet; provided, however, that the Property may have an eight (8) foot maximum height of fence where separating residential lots from adjacent arterial or collector roads. Material of a fence in excess of six (6) feet shall be constructed of masonry, reinforced concrete, or other approved materials that do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Approval shall be by the Development Review Committee.

2.4.6 Cut & Fill. Improvements requiring a site development permit will be held to no more than twelve (12) feet of cut or fill and fourteen (14) feet of cut for ponds; however, fill placed under foundations with sides perpendicular to the ground need not comply with this requirement. No cut shall be greater than twelve (12) feet or fourteen (14) feet for ponds, except for structural excavation for building foundations, which must be approved by City Engineer. To be allowable, the City Engineer must first review and approve the structural stability, the aesthetics, and the erosion prevention techniques to be utilized for all cuts and fills exceeding six

feet (6') of depth. Cut and fill requirements shall not apply to either right-of-way or residential development.

2.4.7 Parking.

A. Residential Parking. Development of the Property shall include parking at a minimum of two spaces per residence.

B. Parkland Areas. If it is determined by City staff that the development of parks requires parking to be provided for recreational areas, the quantity of spaces shall be determined under Section 5.6.2 (12) Commercial amusement (outdoor) of the City's Zoning Ordinances. The quantity of required parking spaces shall be met by on-street parallel parking. Current parkland elements include but are not limited to, a Children's Playground, sidewalks, picnic areas, seating areas and an unstructured play area. If additional elements are added to the park, then the increase of required parking shall meet the City Ordinance requirements and may be administratively approved by the Development Review Committee. A parking study may be commissioned by the applicant to justify a reduction in the overall amount of off-street parking required for an amenity center, but in no case shall the reduction exceed twenty percent (20%). The intent of this provision is to best facilitate a walkable environment where additional surface parking would be detrimental to the overall development.

2.4.8 Design of Residences: Homes shall consist of 100% Masonry on all elevations. Native Stone, Brick Masonry, Stucco, and Cementitious Siding shall be deemed appropriate materials to satisfy the Masonry requirement.

(a) The front elevation of all homes shall contain wall plane articulation. No elevation shall be single wall plan across the entire width of the front elevation. Each front elevation shall contain a minimum of two of the following elements, to be identified on the architectural plans submitted for building permit:

1. A minimum of two wall planes on the front elevation, offset a minimum of 18 inches;
2. Covered front porches or patio with a minimum size of 60 square feet;
3. A side-entry or swing-in garage entry (for garage doors that do not face the front street);
4. A garage door recessed from the primary front facade a minimum of four feet (for garage doors that face the street):
5. Enhanced garage door materials (wood, ornamental metal, decorative door, window inserts and hardware, painted or stained to match

house).

6. Shed roof or trellis (at least 18" deep) above garage door for additional architectural detail.
7. A combination of at least two roof types (e.g. hip and gable) or two different roof planes of varying height and/or direction.
8. Two or more masonry finishes to compliment the architectural style of the home; and
9. The addition of one or more dormers on the front elevation to compliment the architectural style of the home.

(b) Floorplans will be available in single and two-story housing plans. A minimum of six (6) floorplans will be available, offering a variation of front elevations so that there is no discernable repetition in any street scape. Articulation on the front face should be used to ensure a nonrepetitive streetscene. Where building pads are interrupted by a street or open space lot of at least 50 feet in width, a plan may repeat. A plan can be repeated every third building pad (Example: Plan A 1, Plan B 1, Plan A 1, Plan B 2), although elevations shall be different on the two houses.

2.4.9 Roofs and Overhead Structures. On buildings with pitched roofs, the minimum main roof pitch is 5:12. Lower roof pitches are acceptable on porch elements, awnings or architectural feature elements.

2.4.10 Density of Development: With respect to the density of the Project, Owner will have the right to develop the Land at a density not to exceed 375 Dwelling Units (DUs). The Project will have the following lot sizes and same are shown on the Lotting Plan attached as hereto as Exhibit "J" :

- a. a maximum of 148 forty-foot (40') lots.
- b. a maximum of 312 combined forty-foot (40') and forty-five-foot (45') lots.
- c. a minimum of 60 sixty-foot (60') lots or larger.
- d. lot placement shall generally conform to the PD Master Plan.

2.4.11 Parkland: The Project is required to have 16.30 acres of Parkland. The Project will include approximately 19.06 net acres that will be dedicated for Parkland, the area being shown more fully on *Exhibit "C"* attached hereto and incorporated herein for all purposes (the "Parkland"). This dedication of the Parkland shall fulfill all parkland dedication requirements of the Project to the City, including, but not limited to the requirements of Article 28.03 (Parkland Dedication) under the City's Code of Ordinances and Sections 19.1 and 19.4 (Subdivisions). Owner has prepared a Parks, Trails, and Open Space Plan which has been approved by City.

- 2.5. Parks, Trails and Open Space.** Parkland and open space and associated improvements shall be in accordance the standards shown on **Exhibit “C”** attached hereto. A Parks, Trails, and Open Space Plan shall be approved by the City prior to approval of the first preliminary plat for the Project. The Parks, Trails, and Open Space Plan shall address all issues regarding public dedication, public access, and maintenance, including the Park Development Fee.
- 2.6. Access.**
- 2.6.1 Traffic Impact Analysis.** Owner has provided to the City, and the Traffic Impact Analysis shall be finalized within thirty (30) days of approval of this ordinance.
- 2.6.2 Roadway Alignments:** The roadway alignments shown on the Transportation Plan and the Master Plan are approved by the City. All roadways and driveways not shown on the Transportation Plan or the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.
- 2.7. Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtenances to such underground utilities) provided, however, to the extent any above-ground utilities exist as of the date hereof, they can remain above-ground.
- 2.8. Lighting and Signage.** All illumination for street lighting, signage, security, exterior, landscaping, and decorative facilities for the Project shall comply with Article 24.06 of the City’s Code of Ordinances (“Outdoor Lighting Ordinance”), as may be amended, from time to time. To the extent any portion of the Agreement conflicts or is inconsistent with the Outdoor Lighting Ordinance, the Outdoor Lighting Ordinance shall control. Owner, homeowners, end users and/or a Homeowners Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. Owner agrees that the Covenants, Conditions, and Restrictions (the CCR’s) for the Project shall reinforce this provision and be applied to all construction and builders. A Master Sign Plan shall be submitted for City approval prior to the placement of any signs that are not in compliance with either (i) the City’s Sign Ordinance or (ii) the variances described in the PD Modifications Chart attached hereto as **Exhibit D**.
- 2.9. Tree Preservation:** The City of Dripping Springs City Code Landscaping and Tree Preservation Ordinance shall apply to the project except as modified by this Ordinance. Full tree survey to be submitted with each preliminary plat.
- 2.9.1 Tree Replacement Plan.**
- 2.9.1.1** Subject to 2.9.1.2, the Tree Replacement Plan shall be in accordance to the City of Dripping Springs Code of Ordinances – Chapter 28, Article 28.06 Landscaping and Tree Preservation.
- 2.9.1.2** The cash-in-lieu fees are determined to be \$467,934. There will be 77.989 of Disturbed Acres (77.989 acres times \$6,000 equals \$467,934). Owner

shall receive credit against the cash-in-lieu fees equal to the following:
375 lots with two 65 gallon size trees per lot at \$685.00 per tree for a lot credit of \$513,750.

The total credit will be \$513,750. The total cost of tree replacements in the Tree Replacement Plan exceeds the minimum the total cost per acre of disturbance in the Tree Removal Plan.

2.9.2 Nonresidential Street Tree Requirements. At least one (1) required 65 gallon size tree, shall be planted adjacent to or near the street right-of-way along the Project's roadway frontage for each twenty-five (25) feet, or fraction thereof, of linear street frontage, in accordance with the Street Standards shown on Exhibit E. The required number of trees need not be placed uniformly, but may be clustered in groups.

2.10 Water Quality: Owner agrees to implement and comply with the City's Water Quality Protection Ordinance in place on the Effective Date except as modified by this Agreement in Exhibit D and elsewhere.