

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. [REDACTED]**

**Conditional Use Permit**

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF MOBILE FOOD VENDOR – LONGER THAN 10 DAYS WITHIN THE COMMERCIAL SERVICES ZONING DISTRICT FOR A PROPERTY LOCATED AT 1111 WEST US HIGHWAY 290, UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT “A”; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs (“City”); and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

**WHEREAS,** the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; 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,** 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**

The Conditional Use Permit is approved as presented in Exhibit "A" to this ordinance.

## **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resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.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. EFFECTIVE DATE**

This Ordinance and Conditional Use Permit shall be effective immediately upon passage and publication.

## **6. 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 \_\_\_\_\_ 2020, 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



## City of Dripping Springs | Conditional Use Permit

Granted to allow the land use of "Mobile Food Vendor – Longer than 10 days" on a property that is currently zoned Commercial Services (CS) District located at:

1111 W US Highway 290, Dripping Springs, Texas, 78620  
Approved by the City of Dripping Springs City Council on \_\_\_\_\_

Operation of a Mobile Food Vendor – Longer than 10 days at the above-mentioned location is allowed pursuant to the following regulations:

1. Hours of Operation:
  - a. Sunday- Thursday: 9:00am - 8:00pm
  - b. Friday-Saturday: 9:00am - 10:00pm
2. No pedestrian flow or access from Bonnie Drive
3. No Parking in the Bonnie Drive right-of-way
4. Applicant shall provide a screening wall along rear property line made of solid masonry or wood. The wall shall be no less than six feet (6'), no more than eight feet (8'), in conjunction with landscaping elements on the property line
5. No outside speakers or amplified music is permitted
6. Decibel level shall not exceed 85 decibels per the Texas Penal Code, Title 9, Section 42.01 (c)(2)
7. The mobile food vendor shall not be placed on the property until the business receives a Certificate of Occupancy from the City Building Official for Bykowski Tailor and Garb, the business it shall be a part of.
8. All Trash at the rear of the property is to be cleaned up and maintained
9. The CUP will be tied to the Certificate of Occupancy for Bykowski Tailor and Garb
10. The applicant be required to submit TABC food and beverage certificate and any other related permits to the Planning Department annually. If the applicant loses its food and beverage certificate at any time, but continues to serve alcohol, it will be required to report to the City immediately and obtain a CUP for a bar from the City and obtain a variance based on its location, if applicable
11. Conditional Use Permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and occupation commenced within two years of the date the CUP was approved.
12. City Administrator may revoke the CUP for failure to comply with municipal regulations and the conditions placed on the use (City of Dripping Springs Zoning Ordinance Section 3.17.9).
13. Conditional Use Permit is effective on September 8, 2020.

