

2023

Draft "G"

April 10,

PLANNED DEVELOPMENT DISTRICT No. __:
Gateway Village

Planned Development District Ordinance

Approved by the Planning & Zoning Commission on:

_____, 2023

Approved by the City Council on:

_____, 2023

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 97.44 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “Gateway Village” 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 – ___”; and

WHEREAS, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on _____, 2023; 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, and the Annexation and MUD Consent Agreement for Gateway Village 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, viewscales, and wildlife habitats; protects or preserves existing historical buildings, structures, features or places; 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 – ___ 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 – ___.
- B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD – ___ consistently 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; building envelopes; number of buildings; orientation of buildings; and adjustments that do not result in overall increases to traffic, density, or impervious cover. The City Administrator may approve minor modifications in writing following consultation with the City Engineer. Any appeal of the City Administrator’s determination regarding whether or not a change is a minor modification may be appealed by any aggrieved party to the Board of Adjustment.
- E. Code of Ordinances.** The Code of Ordinances as of the effective date of this Ordinance 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 Concept/Master/Lotting Plan
Exhibit C	Parks, Trails and Open Space Plan
Exhibit D	PD Code Modifications Chart
Exhibit E	PD Phasing Plan
Exhibit F	PD Uses Chart
Exhibit G	Street Standards
Exhibit H	Water Quality Buffer Zones
Exhibit I	Highway 290 Landscape Buffer

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 _____, 2023 by a vote of _____
(*ayes*) to _____ (*nays*) to _____ (*abstentions*) of the City Council of Dripping Springs.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Mayor

ATTEST:

Andrea Cunningham, City Secretary

City of Dripping Springs
CODE OF ORDINANCES

ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICT NO. __:

ARTICLE I. GENERAL PROVISIONS

- 1.1. Popular Name.** This Chapter shall be commonly cited as the “PDD – __ Ordinance”, also referred to as “this Ordinance” herein.
- 1.2. Scope.** This Ordinance applies to the Property.
- 1.3. PD Master Plan.** The PD Master Plan 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 as of _____, 2023 except as modified by the Project Approvals and variances granted

under the Development Agreement and this Ordinance. This term does not include Zoning or Building Codes, Sign Ordinance, the Water Quality Protection 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 2021-35 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.

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

Impervious Cover Percentage: The percentage calculated by dividing the total area of impervious cover on the lot by the total area of the lot, excluding any public improvements for rights of way and sidewalks.

Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development 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.

Owner: North DSP, LLC, a Texas limited liability company, and its successors and assigns as subsequent owners of any portion of the Property.

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 in **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 E. 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 or site plans shall be submitted to the City for approval with each phase. Each plat filed with the City shall contain parkland required for that phase and parkland for the entire Land shall be submitted by separate exhibit with each plat application including 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 and LUE 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.
- 2.3. **Permitted Uses.**
 - 2.3.1. **Base Zoning:** The base zoning district for the residential portion of 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. The Commercial portion of the Property shall be GR.
 - 2.3.2. **Allowed Uses:** Those uses listed in the PD Uses Chart attached as Exhibit F are hereby permitted by right within the Project.
- 2.4. **Commercial Design Specifications.**
 - 2.4.1 **Design Standards.** The Commercial portion of the Property may be developed

consistent with applicable Zoning Regulations and Article 24.03 Exterior Design and Architectural Standards established in the Code.

2.5. Residential Design Specifications.

2.5.1 Impervious Cover. Each residential or commercial lot shall be developed with an Impervious Cover limit compliant with respective base zoning district assigned per Section 2.3.1.

2.5.2 Minimum Lot Area. Six thousand (6,000) square feet.

2.5.3 Building Height. Buildings shall not exceed 2 ½ stories or forty (40) feet, whichever is less, measured from the average elevation of the finished grade adjacent to the building to the highest point of a flat or multi-level or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.

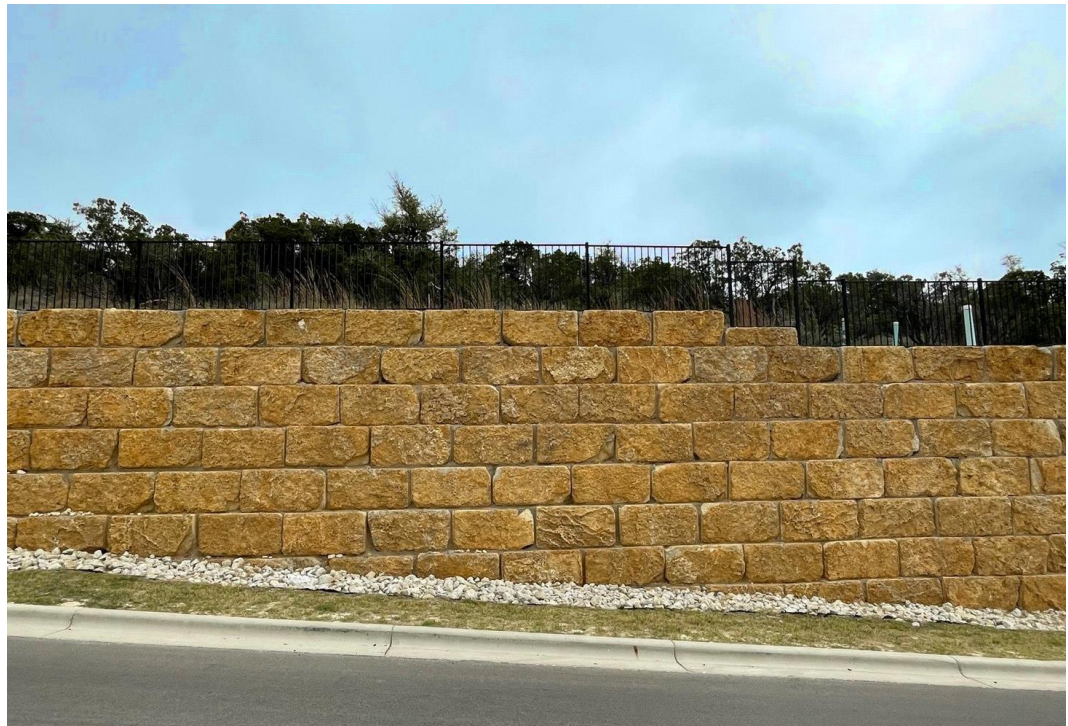
2.5.4 Minimum Lot Width. Fifty (50) feet measured from the front setback line.

2.5.5 Setbacks. Building setbacks in residential areas shall be as follows:

- a. **Minimum Front Yard:** Building setbacks 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 ten (10) feet from the street right of way.
- c. **Minimum Rear Yard:** Building setbacks shall be ten (10) feet.
- d. **Minimum Garage Setback:** Garage doors shall be set back a minimum of twenty (20) feet from the front street right of way or ten (10) feet from the side street right-of-way. Garage doors must also be set back 18 feet from the nearest sidewalk.
- e. **Minimum Setback for Accessory Building:** Five (5) feet; no accessory buildings or structures are permitted in any front yard.
- f. **Maximum Height of Fence Outside Street Yard:** Six (6) feet measured from average natural grade. All fences shall provide a finished face to abutting streets and these fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways. Fences shall not extend into the front yard.

2.5.6 Cut & Fill. Improvements requiring a site development permit will be subject to cut and fill limits as stated in Exhibit E, Modification Chart.

2.5.7 Retaining Walls. Retaining walls shall be required within the Property as a typical part of development of the Property. All retaining walls within the Property shall be finished with natural limestone material consistent with the following photo images. Retaining walls taller than 9 feet may be required to be terraced so that no vertical segment is taller than 9 feet. The terracing requirement for walls over 9 feet will be decided the City Development Review Committee on a case by case basis





2.5.8 Parking.

- a. **Residential Parking:** Development of the Property shall include parking at a minimum of two off-street spaces per residence. On street parking shall be allowed along one (1) side of each internal local street and such side will be the side where there are no fire hydrants; sufficient signage with “No Parking – Fire Lane” lettering will be placed on no parking side curb. If fire hydrants are on both sides of the street, then parking shall be allowed on only one side and sufficient “No Parking – Fire Lane” signage shall be placed at the fire hydrant in compliance with fire code.
- b. **Commercial Parking:** Parking shall be provided for the commercial areas; the number of parking spaces within the Commercial Area shall be determined in accordance with City ordinances and the proposed use of the commercial spaces. The total number of parking stalls for the commercial areas may be determined by a shared use parking study provided by Owner and accepted by City.
- c. **Amenity Center Parking:** Parking shall be provided for recreational sites that provide a community pool and other recreational facilities. The Amenity Center site shall include, but not be limited to, the following: A private access resort-style pool, pool restroom building, pavilion(s) and shade structure(s), a multi-age and ADA compliant playground facility, and an open lawn for passive recreation. The quantity of parking required will be one (1) parking space per 300 square feet of pool surface area.

- d. **Undeveloped Parkland Parking:** If it is determined by City staff that the dedication of the public parks requires parking to be provided for future recreational uses built by the City, the quantity of spaces shall be determined under Section 5.6.2 (12) Commercial amusement (outdoor) of the City’s Zoning Ordinances. The required parking spaces shall be met by on-street parallel parking.

2.5.9 Design of Residences.

- a. **Materials:** All residences 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 variety of masonry material is encouraged in the design of each residence.
- b. **Elevations:** 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. Shed roof or trellis (at least 18” deep) above garage door for additional architectural detail.
 - 6. A combination of at least two roof types (e.g. hip and gable) or two different roof planes of varying height and/or direction.
 - 7. Two or more masonry finishes to compliment the architectural style of the home; and
 - 8. The addition of one or more dormers on the front elevation to compliment the architectural style of the home.

- c. **Floorplans:** 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 street scene. 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.
- d. **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.
- e. **Design Review and Compliance.** The City shall retain the right to review all building permits for consistency with the requirements of this section. Upon review, City Staff may approve or deny individual building permits based on compliance determinations with the provisions of this Section, and consistency with this Ordinance. The Applicant may appeal City Staff's determinations(s) to the Board of Adjustments for a final decision(s). Buildings with issued permits shall be deemed acceptable and approved for the purposes of this Ordinance.

2.5.10 Density of Development. With respect to the density of the Project, Owner will have the right to develop the Residential Land at a density not to exceed 3.4 dwelling units per acre.

2.5.11 Parkland. The Project is required to have 13.35 acres of Parkland. The Project will include approximately 13.73 net acres that will be dedicated for Parkland, the area being shown more fully shown 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 the Parkland Dedication Ordinance under the City's Code of Ordinances and any applicable requirements within the Subdivision Ordinance. Owner has prepared a Master Parks and Open Space Plan which has been approved by City. The Owner will pay the Parkland Development Fee per City's Code of Ordinances. The Parkland Development Fee will be paid based on the number of dwelling units as required by City Code. Owner or its assigns shall pay an additional fee of \$125,000.00 to be used exclusively for park lighting improvements within Sports & Recreation Park; this fee shall be paid at the approval of each final plat on a per lot basis.

2.5.12 Highway 290 Landscape Buffer. The Project boundary along Highway 290 consists of steep topographic conditions that limit accessibility and visibility to the Project from the roadway. A minimum fifty (50) feet landscape buffer shall be provided along the residential frontage of Highway 290. The Owner will install

landscaping within the landscape buffer to screen houses from the highway road surface as shown in **Exhibit I**.

2.6. 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 Master Parks and Trails Plan shall be submitted to the City for approval prior to approval of the first preliminary plat for the Project. No public trails shall be surfaced with decomposed granite. The Master Parks and Trails Plan shall address all issues regarding public dedication, public access, maintenance and compliance with the City-wide trails plan. The Owner shall maintain parks and open space within the Project.

2.7. Access.

2.7.1 Traffic Impact Analysis. Owner has provided to the City, and the City has approved a Traffic Impact Analysis.

2.7.2 Roadway Alignments: The roadway alignments shown on the PD Master Plan are approved by the City. All roadways and driveways not shown on the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.

2.7.3 Offsite Roads: Construction of the offsite roads and improvements to existing roads are addressed in the Offsite Road Agreement, as the same may be amended from time to time

2.8. Streets. All streets designed and constructed on the Property shall be fifty (50) feet right-of-way local streets and seventy-five (75) feet right-of-way collector streets designed consistent with **Exhibit G**.

2.9. Utilities. All proposed utilities within the Property will be located underground (other than above-ground appurtenances to such underground utilities).

2.10. 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 Property Owner Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. Owner agrees that 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**.

- 2.11. Water Quality Buffer Zones.** The Water Quality Buffer Zones are depicted on Exhibit “H”.
- 2.12. 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 Ordinance or by specific variance.
- 2.13. Tree Preservation:** Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs City Code shall apply to the project except as modified by this Agreement. Full tree survey to be submitted with each preliminary plat. An aerial tree survey may be used in lieu of a full tree survey if approved by the City Administrator.

2.13.1 Tree Replacement Plan.

- a. Replacement Plan:** Subject to 2.13.1. b below, the Tree Replacement Plan shall be in accordance with the City of Dripping Springs Code of Ordinances – Chapter 28, Article 28.06 Landscaping and Tree Preservation.
- b. Cash-in-Lieu Requirements:** The cash-in-lieu fee requirements are determined to be \$513,000. There will be 85.5 acres of Disturbed Trees (85.5 acres times \$6,000 equals \$513,000). Owner shall receive credit against the cash-in-lieu fees equal to the following:
- 306 lots with two 2.5-inch caliper size trees at \$830.00 per tree for a total lot credit of \$507,960 , plus
 - 20 2.5-inch caliper size trees to be located in the amenity center at \$830.00 per tree for a total of \$16,600.

The combined total credit will be \$524,560. 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.