

CITY OF DRIPPING SPRINGS

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING THE PROPERTY TO COMMERCIAL SERVICES AND ADOPTING A CONDITIONAL USE OVERLAY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

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

WHEREAS, the subject tract is currently zoned Local Retail (LR) and Commercial Services (CS) without conditional overlay; and

WHEREAS, the City Council finds to be reasonable and necessary the adoption of an amended conditional use overlay to the tract in addition to the rezoning, described more fully in *Attachment "B"* and totaling approximately .972 acres; and

WHEREAS, the City Council recognizes changed conditions and circumstances in the particular location; and

WHEREAS, the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on July 23, 2024, to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change with staff conditions; and

WHEREAS, after public hearing held by the City Council on August 6, 2024, the City Council voted to approve the recommendation of the Planning and Zoning Commission; 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, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; 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

A tract of land totaling approximately .972 acres and described more fully in *Attachment "A"*, will have a conditional use overlay that limits certain development standards on the property. The use overlay is described in *attachment "B"*.

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 shall be effective immediately upon passage.

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 _____ 2024, 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:

Diana Boone, City Secretary

DRAFT

Attachment "A" Plat

VICINITY MAP
(NOT TO SCALE)

AMENDING PLAT OF LOTS 1-2, 29-30, BLOCK B, THE NORTH FORTY ADDITION, SECTION TWO & RESUBDIVISION OF LOT 25, THE NORTH FORTY ADDITION, SECTION ONE

GRAPHIC SCALE
1" = 40'

ORIGINAL LOT CONFIGURATION
(NOT TO SCALE)

LOT 1A, BLOCK B
0.971 AC.

LOT AREA SUMMARY
LOT 1 - 0.971 AC.
R.O.W. DEDICATION - 0.026 AC.

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/ WHITECAP SURVEY CAPSET
- P.U.E. PUBLIC UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- LOT BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- EASEMENT LINE
- OPHCTR. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TX

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT BRITTON HADJES, OWNER OF LOTS 1, 2, 29, AND 30, BLOCK B, NORTH FORTY ADDITION SECTION TWO AND RESUBDIVISION OF LOT 25, THE NORTH FORTY ADDITION, SECTION ONE, AS RECORDED IN VOLUME 2, PAGE 17 OF THE PLAT RECORDS, HAYS COUNTY, TEXAS, COME IN INSTRUMENT NO. 20231582 OF THE OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, DO HEREBY AMEND SAID LOTS 1, 2, 29, AND 30, BLOCK B, IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, TO BE KNOWN AS:

AMENDING PLAT OF LOTS 1, 2, 29, AND 30, BLOCK B, NORTH FORTY ADDITION SECTION TWO AND RESUBDIVISION OF LOT 25, THE NORTH FORTY ADDITION, SECTION ONE

AND DO HEREBY DEDICATE TO THE PUBLIC USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HEREON GRANTED AND NOT RELEASED.

WITNESS MY HAND AND SEAL THIS 15th DAY OF SEPTEMBER, 2024 A.D.

BRITTON HADJES
911 U.S. HWY 29E
DRIPPING SPRINGS, TX 78020

BEFORE ME, THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED BRITTON HADJES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SHOWN AND DISCLOSED TO THIS INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY HAVE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS 15th DAY OF SEPTEMBER, 2024 A.D.

ROBERT PUBLIC, COUNTY CLERK OF HAYS COUNTY, TEXAS
EXPIRATION DATE: 11/1/25

APPROVED, THIS 15th DAY OF SEPTEMBER, 2024 A.D., BY THE CITY OF DRIPPING SPRINGS, TEXAS:
MICHELLE FISCHER, CITY ADMINISTRATION

STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE CAROLINAS, CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOLLOWING INSTRUMENT OF WRITING AND ITS CERTIFICATES OF AUTHENTICATION WERE FILED FOR RECORD IN MY OFFICE ON THE 15th DAY OF SEPTEMBER, 2024 A.D., AT 2:22 O'CLOCK P.M. AND HAVE BEEN RECORDED ON THE 15th DAY OF SEPTEMBER, 2024 A.D., AT 2:22 O'CLOCK P.M. IN INSTRUMENT NO. 20231582, PLAT RECORDS OF HAYS COUNTY, TEXAS.

ELAINE CAROLINAS, COUNTY CLERK, HAYS COUNTY, TEXAS

SURVEYOR'S CERTIFICATION:
I, WILLIAM R. PERMINS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ORIGINAL SURVEY OF THE PROPERTY SHOWN HEREON, CONDUCTED UNDER MY SUPERVISION, AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE FOUND BY RECORDED UNDER MY SUPERVISION.

WILLIAM R. PERMINS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6550 - STATE OF TEXAS

DATE: 9/6/23

PLAT NOTES:

- BEARING BASIS IS GRID NORTH, TEXAS COORDINATE SYSTEM, NAD83 (2011), SOUTH CENTRAL ZONE. UNITS = US SURVEY FEET.
- THIS PROPERTY LIES WITHIN ZONE "D", AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ACCORDING TO FEMA MAP NO. H000000000, DATED SEPTEMBER 2, 2005. ALL LOTS ARE OUTSIDE OF A 100 YEAR FLOODPLAIN. THIS STATEMENT IS DERIVED SOLELY UPON THE ABOVE LISTED FEMA MAP AND IS NOT A GUARANTEE OF THE SUBJECT TRACT SHALL OR WILL NOT FLOOD.
- THIS SUBDIVISION IS SUBJECT TO ALL GENERAL NOTES AND COVENANTS AND RESTRICTIONS RECORDED IN VOLUME 2, PAGE 17 PLAT RECORDS, HAYS COUNTY, TEXAS, AND ALSO IN VOLUME 917, PAGE 556, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.
- THIS SUBDIVISION IS IN THE CONTINUING ZONE TO THE EDWARDS AQUIFER; THIS SUBDIVISION IS NOT IN THE RECHARGE ZONE TO THE EDWARDS AQUIFER.
- THIS SUBDIVISION LIES WITHIN THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT.
- THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF DRIPPING SPRINGS.
- WASTEWATER TREATMENT FOR THIS SUBDIVISION IS TO BE PROVIDED BY DRIPPING SPRINGS CITY WASTEWATER SYSTEM.
- THIS DEVELOPMENT SHALL COMPLY WITH THE CITY OF DRIPPING SPRINGS LIGHTING ORDINANCES.
- IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTION ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED TO ACCESS ONTO A PUBLICLY DEDICATED HIGHWAY UNLESS A CITY DRIVEWAY PERMIT HAS BEEN ISSUED BY THE CITY OF DRIPPING SPRINGS.
- THIS SUBDIVISION LIES WITHIN HAYS COUNTY ESD #3 AND CSO #6.
- ALL UTILITIES, WHEN REQUIRED SHALL COMPLY WITH THE CURRENT CITY OF DRIPPING SPRINGS STANDARDS.
- BUILDING SETBACKS SHALL COMPLY WITH THE CITY OF DRIPPING SPRINGS ORDINANCES.
- WATER UTILITY SERVICES SHALL BE SUPPLIED BY DRIPPING SPRINGS WATER SUPPLY CORPORATION.

CURVE TABLE					
CURVE	ARC	RADIUS	DELTA	BEARING	CHORD
C1	31.47'	21.24'	84°53'37"	N47°49'57"W	28.67'
C2	124.49'	1,098.89'	06°29'27"	N04°54'09"W	124.42'
C3	28.10'	18.00'	91°21'58"	N44°03'46"E	25.76'
C4	28.82'	21.24'	77°45'05"	N44°15'41"W	26.66'

LINE TABLE	
LINE	BEARING LENGTH
L1	N06°05'27"W 7.42'

WHITECAP SURVEY COMPANY

WHITECAP SURVEY COMPANY, LLC
TBP'S FIRM NO. 10196404
PO BOX 1228
DRIPPING SPRINGS, TX 78820
(817) 804-0102
EMAIL: INFO@WHITECAPSURVEY.COM

City of Dripping Springs
CODE OF ORDINANCES
CHAPTER 30: ZONING

EXHIBIT A

1.1. Applicability

This Ordinance shall apply solely to the following tracts, which shall herein be referred to as the subject property:

Tract:

Approximately .972 acres of land being Lot 1A, Block B, North Forty Addition.

1.2. Base Zoning District

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in Commercial Services – (CS) zoning district.

1.3. Overlay

1.3.1. The Conditional Overlay is hereby effectuated upon the subject property. The boundary of the Overlay District shall be coterminous with the perimeter of the subject property.

1.3.2. The location of the building and parking area shall generally be consistent with the site plan attached as Attachment “1” to this ordinance.

1.3.3. The building setback along the eastern property line shall be 80 feet.

1.3.4. The applicant must provide an 8-foot masonry screening in the form of stone or brick as best determined by the Development Review Committee along the eastern property boundary consistent with section 5.10.1 of the Zoning Ordinance.

1.3.5. The only use permitted on the property shall be “Contractors Office (with outside storage).”

1.3.6. The driveway access along Summit Drive shall gated for fire access only.

1.3.7. Truck arrival and departure shall only be allowed between the hours of 7:00am to 7:00pm.

1.3.8. Vehicle maintenance, including oil changes, tire replacement, etc., shall not be performed on the site.

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