



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Laura Mueller, City Attorney

Historic Preservation Commission Meeting Date: April 1, 2021

Agenda Item Wording: **Discuss and consider recommendations on amendments for the Certificate of Appropriateness Process and Mobile Food Vendors in Historic Districts.**

Agenda Item Requestor: Historic Preservation Commission

Summary/Background: HPC asked Staff to work on the Certificate of Appropriateness (COA) process for Mobile Food Vendors in the Historic District. We created a committee to discuss the possible options related to process and the substance of the Mobile Food Vendor ordinance as it applies to the Historic Districts and COAs generally. The first step in amending the ordinance was for the P&Z Commission initiate the zoning amendment process pursuant to 2.29 of the Zoning Ordinance (Chapter 30, Exhibit A). They initiated that process on March 23, 2021. The newspaper notice for possible amendments was sent to the Newspaper on March 26, 2021. Flyers were created for Mercer Street businesses and were mailed and hand delivered where possible. The flyers contained the meeting dates for HPC, P&Z, and City Council as well as the public notice. A banner was also placed on the City's website advertising these meetings/public hearings.

Options for HPC Consideration:

1. Procedural (*Chapter 30, Exhibit A Zoning Ordinance, Section 4.2.15 Application for certificate of appropriateness; application for alternative exterior design standards; review procedure; appeals*):
 - a. No change.
 - b. Limit appeal process for Certificates of Appropriateness to direct to City Council review. This would mean an individual can appeal a Historic Preservation Commission COA denial to City Council. City Council makes the final decision.
 - c. Limit City Council review by requiring supermajority if denial by HPC is unanimous.

2. Substantive (*Chapter 30, Sections 30.05.032 & 30.05.037; Chapter 30, Exhibit A Zoning Ordinance, Section 4; Division 2: Historic Preservation*):
 - a. Make no change while the overall rewrite is underway. The Planning Department is rewriting the entire Zoning Code and can include these types of changes to its overall analysis.
 - b. Prohibit all permanent mobile food vendors from Mercer Street.
 - c. Prohibit all permanent mobile food vendors from 100 feet of Mercer Street.
 - d. Require all Mobile Food Vendors to be screened from the right-of-way.
 - e. Remove requirement of Certificate of Appropriateness from the review of Mobile Food Vendors in Mercer Street and Hays Street Historic Districts but require approval of Historic Preservation Officer when reviewing the Conditional Use Permit.

Commission Recommendations: HPC and P&Z recommended looking into the ordinances related to Mobile Food Vendors in the Historic District and the COA process.

Recommended Commission Actions: Make recommendations on Procedural and Substantive Changes.

Attachments: Staff Report; Current Ordinance Provisions, Historic Preservation Officer-Keenan Smith Presentation.

Next Steps/Schedule: Proposed: Newspaper Publication on April 1, 2021.
Planning and Zoning Commission on April 27, 2021.
City Council on May 11, 2021.