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# PLANNED DEVELOPMENT DISTRICT No. 10: Big Sky

Planned Development District

Ordinance No. 2018-24

Approved by the Planning & Zoning Commission on: September 25, 2018.

> Approved by the City Council on: October 9, 2018

**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 200 acres located within the City Limits of the City of Dripping Springs ("City"), in Hays County, Texas, commonly known as "Big Sky" 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 masterplanned 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 10"; and
- WHEREAS, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on September 25, 2018; 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 Development Agreement for Scott 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; 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 10 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 10.
- **B.** Zoning Map Amended. The official zoning map of the City is hereby amended to demarcate the boundaries of PDD 10 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.
- **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 aggricved party to the Board of Adjustment.

- 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. PDD Fees.** Owner shall receive credit towards the Planned Development District Request Fee equal to \$20,030.00 previously paid by Owner to the City for the Development Agreement Fee.
- **H.** 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. 10 and Zoning Map

Exhibit A	Property Legal Description
Exhibit B	PD Master Plan
Exhibit C	Parks, Trails and Open Space Plan
Exhibit D	PD Code Modifications Chart
Exhibit E	Founders Memorial Park and Pound House Improvements
Exhibit F	PD Street Standards
Exhibit G	Water Quality Buffer Zones
Exhibit H	PD Phasing Plan
Exhibit I	PD Uses Chart

#### 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 18<sup>th</sup> day of October 2018, by a vote of <u></u>(ayes) to <u></u>(ayes) to <u>(abstentions)</u> of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Todd Purcell, Mayor

ATTEST:

Andrea Cunningham, City Secretary



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# Attachment "A"

# City of Dripping Springs CODE OF ORDINANCES

# **ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS**

# PLANNED DEVELOPMENT DISTRICT NO. 10:

#### ARTICLE I. GENERAL PROVISIONS

- **1.1. Popular Name.** This Chapter shall be commonly cited as the "PDD 10 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 July 10, 2018 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.

**Development Agreement:** The Annexation and Development Agreement for Scott Ranch between Owner and the City with the effective date of July 10, 2018.

**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, the structure covering specifically the rainwater collection tanks, decomposed granite surfaces, permeable concrete, or any other permeable surface.

**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. Whether or not outdoor decks are included in the calculation of impervious cover shall be determined by the City Engineer based on the deck design and materials. In the calculation of impervious cover, the following shall be characterized as pervious for all purposes: open space, greenbelt, mitigation land, park, irrigation field, flood plain, water quality and/or drainage facility and/or area not lined with impermeable material, detention facility, swale, irrigation area, playground, athletic fields, granite and/or pea gravel trails, "green roof" areas and roof areas utilizing rainwater harvesting, and such other areas as determined by City Engineer.

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:** Meritage Homes of Texas, LLC., an Arizona limited liability company. and their 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 on *Exhibit D*".

Property: The land as more particularly described in Exhibit "A".

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

**TCSS Manual:** The City of Dripping Springs Technical Construction Standards and Specifications Manual.

**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 "H"*. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently. Site plans shall be submitted to the City for approval with each phase.
- 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 "I"* are herby 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. Owner shall have the right to apportion impervious cover limits on a lot by lot or use by use basis. Owner may apportion such limits as it deems desirable so long as the overall limitation herein specified is not exceeded.

- 2.4.2 Minimum Lot Area: Three thousand four hundred (3,400) square feet.
- **2.4.3 Building Height.** 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 or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.
- 2.4.4 Minimum Lot Width: Thirty-four (34) feet measured from the set back line.
- 2.4.5 Setbacks. Building setbacks shall be as follows:
  - **a.** Minimum Front Yard: Building setbacks shall be ten (10) 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 seven and one half (7.5) feet from the street right of way.
  - c. Minimum Rear Yard: Building setbacks shall be ten (10) ten feet.
  - d. Minimum setback for Garage Door from Alley: Ten (10) feet.
  - 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 within front Street Yard: Three (3) feet and shall provide a finished face to abutting streets.
  - g. Maximum Height of Fence Outside Street Yard: Six (6) feet; provided, however, lots that are contiguous to the boundaries of the Property may have an eight (8) foot maximum height of fence outside street yard. 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.
  - h. Buffer areas and Setbacks: A thirty (30) foot Land Use Transition buffer will extend along the shared property line where residential lots are contiguous to the Poundhouse Hill development to aid in screening the change in density. The lots adjacent to the Poundhouse Hill development shall be at least a fifth of an acre in size. The buffer along such shared boundary shall meet the requirements in City Ordinance Section 28.06.051 Landscape Buffers. Additionally, residential lots that are contiguous to the lots in Poundhouse Hills development shall be a minimum of sixty (60) feet wide and shall have in addition to the thirty (30) foot buffer, a twenty (20) foot or fifteen (15) foot building set back line from the boundary of the buffer, depending on the

#### CHAPTER 3 BUILDING PLANNING

#### R302.1 Exterior walls.

Construction, projections, openings and penetrations of *exterior walls* of *dwellings* and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

#### **Exceptions:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire* separation distance.

2. Walls of *individual dwelling units* and their *accessory structures* located on the same *lot*.

3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.

4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a*lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).

5. Foundation vents installed in compliance with this code are permitted.

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263 or Section 703.3 of the <i>International Building Code</i> 0 feet with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire- retardant-treated wood <sup>a, b</sup>	$\geq$ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

# TABLE R302.1(1)EXTERIOR WALLS

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.



- TO: City of Dripping Springs
- **FROM:** Meritage Homes
- DATE: May 29, 2024
- SUB: 406 Sue Peaks, Big Sky Ranch Dripping Springs, TX 78620

Please see information below to outline the steps Meritage Homes will take to address and correct the issues identified at 406 Sue Peaks.

# **Correction Process for 406 Sue Peaks**

#### **Exterior Wall Corrections**

- 1 Remove Exterior Facade
- Remove brick on the first floor and siding on the second floor from the right side of the house.

#### 2 Soffit Overhang Adjustments

- Cut back soffit overhangs to ensure they are a minimum of 2 feet from the property line.
- Any remaining soffit overhang will have a 1-hour fire rating on the underside per Table 302.1 (1).

#### 3. Window Removal

• Remove windows at the second-floor game room that are less than 3 feet from the property line.

### 4. Water Heater Vent Adjustment

5. Remove the water heater vent on the right side. It will be vented through a chase added in the game room (see Interior Wall section).

# 6. Vent Removal

• Remove vents for bath fans and the dryer from the right side. These will be vented through a chase added in the game room (see Interior Wall section).

# 7. HVAC Adjustments

- Remove the HVAC condenser and all connections from the right side of the house. It will be moved to the left side of the house.
- Remove the 110V HVAC service plug from the right side of the house.

# **& Water Heater Drain Adjustment**

• Remove water heater secondary drains from the right side of the house. They will be relocated to the interior stud bay of said wall to exit the exterior of the front of the home.

# 9. Pest Control Connection Removal

• Remove the pest control connection on the right side of the house.

# 10. Add Fire-Rated Sheathing

• Install fire-rated sheathing as per the attached detail.

# 11. Replace Soffit and Fascia Trim Boards

- Ensure a minimum 2-foot clearance from the property line.
- Any remaining soffit overhang will have a 1-hour fire rating on the underside per Table 302.1 (1).

# 12. Replace Exterior Facade

- Replace the brick on the first floor and siding on the second floor.
- Replace the brick on the first floor with siding in an area 8 feet wide (4 feet O.C) of the master bath window to create an area 8x9 feet or 72 sq. ft. that is greater than 3 feet from the property line.

• Ensure the master bath window, which is 4x4 feet or 16 sq. ft., is under the 25% maximum allowable openings in the wall per Table R302.1 (1).

#### 13. Replace Rain Gutters

- 14. Move Front Hose Bib and Irrigation Control Wires to front facade of home and out of side lot line of home.
- These will move to the front corner of home to be located outside of the side Building set-back line.

#### **Interior Wall Corrections**

#### 1 Flooring Removal

• Remove carpet and pad from the primary bedroom, game room, and media room.

#### 2 Bathroom Fixture Removal

• Remove the primary shower and tub, including shower glass and tile surrounds.

#### 3. Trim and Baseboard Removal

• Remove all mechanical trims, shelving, and baseboards from the right exterior wall on the first and second floors.

#### 4. Drywall Removal

• Remove all vertical drywall on the right exterior wall on the first and second floors.

#### 5. Window Removal and Reframing

Remove the windows at the second-floor game room, reframe, and insulate the opening.

#### 6. Chase Installation in Game Room

• Install chases in the game room to carry the water heater vent, vent fans, and dryer vent.

# 7. Vent Rerouting

• Reroute the water heater, dryer, and vent fans through the game room chases, including termination through the roof.

# 8 Water Heater Drain Rerouting

• Reroute the water heater drain to the garage floor.

# 9. Electrical Adjustments

• Replace electrical junction boxes with fire-resistant rated boxes per R302.4.

# 10. Drywall Replacement

- Replace drywall on the right exterior wall with 5/8" type "X" gypsum as per the attached detail.
- Repair interior drywall as needed, including chases in the game room and damage from relocating HVAC.

# 11. Bathroom Fixture Reinstallation

• Reinstall the primary tub and shower, including shower glass and tile surrounds.

# 12. Trim and Baseboard Replacement

• Replace all interior trims as needed, including mechanical trims, shelving, and baseboards.

# 13. Repainting

• Repaint the interior as required.

# 14. Flooring Reinstallation

• Reinstall flooring as required.

# 15. Final Cleaning and Inspection

- Clean the area thoroughly.
- Pass any applicable inspections.

Travis Schirpik

Vice President of Operations, Central Region

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