

City of Dripping Springs
315 Hays Street Rezoning Ordinance

ORDINANCE No. 2026-##

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED AT 315 HAYS STREET, IDENTIFIED AS HAYS CENTRAL APPRAISAL DISTRICT PROPERTY R23580, FROM SF-4 WITH HISTORIC OVERLAY (HO) TO OFFICE (O) WITH HISTORIC OVERLAY (HO) AND CONDITIONAL OVERLAY (CO); ESTABLISHING PROPERTY-SPECIFIC USE RESTRICTIONS AND BUSINESS OPERATING HOURS; PRESERVING OTHER APPLICABLE REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS, the City of Dripping Springs, Texas (the “City”), is a Type A general-law municipality authorized to exercise municipal zoning authority under Chapter 211 of the Texas Local Government Code;
- WHEREAS, Ann and Shawn Connolly, through their authorized representative, requested rezoning of the property located at 315 Hays Street, identified as Hays Central Appraisal District property R23580 and more particularly described and depicted in Exhibit A to this Ordinance (the “Property”), to Office with Historic Overlay and Conditional Overlay (O-HO-CO) for professional office use with business operating hours from 9:00 a.m. to 6:00 p.m.;
- WHEREAS, City planning staff recommended that the applicants seek Office zoning with Historic Overlay and Conditional Overlay for reasonable business operating hours, and the final application requested O-HO-CO zoning for professional office use with business operating hours from 9:00 a.m. to 6:00 p.m.;
- WHEREAS, City planning staff subsequently requested preparation of an O-HO-CO zoning amendment ordinance with business operating hours from 9:00 a.m. to 6:00 p.m. and provided a draft land-use comparison table for consideration in preparing the ordinance;
- WHEREAS, the applicant’s stated professional-office occupancy describes the intended project, while the staff-provided draft land-use table proposes eligibility for additional use categories and restrictions on other uses; neither the applicant’s stated intended occupancy nor the staff-provided table constitutes a final legislative determination of the uses authorized on the Property;

- WHEREAS, Section 3.9 of the Zoning Ordinance, Exhibit A to Chapter 30 of the City’s Code of Ordinances (the “Zoning Ordinance”), establishes the Office district, and Section 4.1 authorizes conditional overlays imposing restrictions supplemental to the otherwise applicable zoning regulations;
- WHEREAS, the Property is within the Hays Street Historic District, and the City intends to retain the Property’s Historic Overlay designation;
- WHEREAS, following the notices required by applicable law, the Planning and Zoning Commission held a public hearing on October 27, 2026 and submitted its recommendation of _____ to the City Council;
- WHEREAS, following the notices required by applicable law, the City Council held a public hearing on _____, at which parties in interest and citizens had an opportunity to be heard;
- WHEREAS, after considering the application, the Commission’s recommendation, the public-hearing record, and the criteria in Section 2.28 of the Zoning Ordinance, the City Council finds that *[insert record-supported basis under section 2.28.1 and findings addressing the material section 2.28.2 factors, including area compatibility, comprehensive-plan relationship, infrastructure, and similarly situated parcels]*; and
- WHEREAS, the City Council has considered the applicant’s request, staff’s documented recommendations and proposed land-use table, the Planning and Zoning Commission’s recommendation, and the restrictions expressly stated in this Ordinance, and adopts those express restrictions as its legislative determination rather than incorporating the applicant’s materials or staff’s proposed table as controlling regulations;
- WHEREAS, the restrictions expressly stated in this Ordinance include modifications to the proposed land-use table, including exclusion of Security Monitoring Company from the eligible categories, preservation of underlying Office and Historic Overlay use limitations, and clarification of principal and accessory use requirements; these modifications are not represented as having been requested or accepted by the applicant or recommended by staff unless separately established in the hearing record;
- WHEREAS, the City Council intends to apply consistent criteria to similarly situated properties subject to Historic and Conditional Overlays, while evaluating each property’s permitted uses, operating hours, and site-specific restrictions based on the evidence and applicable zoning criteria;

WHEREAS, this Ordinance distinguishes occasional incidental gatherings, permitted temporary special events, and independently operated principal uses, preserves otherwise applicable requirements, and expressly states the limited exceptions to regular business operating hours; these provisions are adopted by the City Council and are not represented as terms requested by the applicant or previously endorsed by staff unless established in the record;

WHEREAS, the City Council finds that the use restrictions and business operating-hour framework established by this Ordinance promote compatibility between the authorized uses of the Property and surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. Property and zoning-map amendment

- (a) The Official Zoning Map is amended to change the zoning classification of the Property described and depicted in Exhibit A from SF-4-HO to O-HO-CO. Exhibit A is incorporated into this Ordinance for identification of the Property subject to the amendment. If the verified legal description in Exhibit A conflicts with the street address, appraisal district property identifier, summary description, or illustrative map, the verified legal description controls.
- (b) The Office district regulations in Section 3.9 of the Zoning Ordinance apply to the Property, subject to the Historic Overlay regulations and the additional restrictions in this Ordinance. The Historic Overlay designation is retained. This Ordinance does not remove the Property from the Hays Street Historic District or amend that district's boundaries.

2. Conditional Overlay use restrictions

- (a) **Exclusive list of eligible use categories.** Subject to subsections (b) through (h) below, only the following use categories may be established on the Property. Their inclusion does not change their principal-use or accessory-use classification under the Zoning Ordinance.

(1) Office, studio, and service categories:

- (A) Artist Studio.
- (B) Insurance Agency Offices.
- (C) Medical Clinic or Office.
- (D) Office, Brokerage Services.
- (E) Offices, General/Professional.

- (F) Offices, Health Services.
 - (G) Offices, Legal Services.
 - (H) Offices, Professional.
 - (I) Offices, Real Estate Office.
 - (J) Travel Agency.
- (2) **Residential and residential-related categories:**
- (A) Duplex/Two-Family.
 - (B) Home for the Aged, Residential.
 - (C) Live-in Security Quarters.
 - (D) Living Quarters on Site with a Business.
 - (E) Residential Loft.
 - (F) Single-Family Dwelling, Detached.
- (3) **Accessory and other supporting categories:**
- (A) Accessory Bldg./Structure (Nonresidential).
 - (B) Accessory Bldg./Structure (Residential).
 - (C) Garden (Non-Retail).
 - (D) Home Occupation.

The group headings organize the eligible categories for reference only; they do not independently authorize a principal or accessory use.

- (b) **Underlying authorization required.** Inclusion in subsection (a) does not independently authorize a use prohibited by the otherwise applicable Office district or Historic Overlay regulations. Each listed use is eligible only to the extent it is authorized by the Zoning Ordinance, including Section 3.9.2, Appendix E, and the applicable Historic Overlay provisions. A use requiring a conditional use permit under those regulations remains subject to that requirement. Home for the Aged, Residential remains subject to a conditional use permit. Accessory uses remain subject to the requirements governing accessory uses and may not be established as independent principal uses by virtue of this Ordinance.

- (c) **Other uses prohibited.** Except as required by superior law or protected by a legally established right, all use categories not listed in subsection (a) are prohibited on the Property, including uses otherwise eligible for a conditional use permit. This Ordinance does not itself grant a conditional use permit.
- (d) **(d) Use classifications and accessory activities.** The listed use categories have the meanings assigned by the Zoning Ordinance. Similarity to an authorized use does not independently authorize a separately classified use prohibited by this Ordinance. An accessory structure, home occupation, living or security quarters, or other accessory activity is eligible only where accessory to a lawfully established principal use and otherwise authorized by the Zoning Ordinance. Inclusion in subsection (a) does not authorize independent operation of an accessory use as a principal use.
- (e) **Continuing restrictions.** A later amendment to generally applicable Office or Historic Overlay use permissions does not itself authorize an additional use category on the Property. An additional category requires a subsequent zoning amendment approved by the City Council through the applicable zoning-amendment process. A conditional use permit, special-event permit, site-plan approval, or other administrative approval does not independently authorize a prohibited principal use or waive this Ordinance. A temporary special event may occur only as expressly provided in subsection (g) and Section 3(b); that express allowance does not authorize a continuing or independently operated event-facility use.
- (f) **Controlling text and reference charts.** The textual restrictions in this Ordinance control. Any comparison chart included in the application, staff materials, or hearing packet is a reference aid only and is not incorporated as an independent grant of use permission. A P or C entry in such a chart does not override an express restriction in this Ordinance or an underlying prohibition under the applicable Office or Historic Overlay regulations.
- (g) **Incidental activities, temporary gatherings, and special events.**
 - (1) An incidental or accessory activity is allowed only when customarily incidental and subordinate to a principal use lawfully established on the Property, conducted in connection with that use, and compliant with this Ordinance and all otherwise applicable requirements. It may not independently change the Property's primary character or function.
 - (2) Classification shall turn on the actual activity and its relationship to the principal use, not merely its frequency or label. Repeated, separately marketed, separately charged, rented, or independently operated gatherings may not be treated as incidental or accessory solely because an authorized principal use also occurs on the Property. Conversely, an occasional gathering does not become a separately classified principal use solely because it occurs.

- (3) This Ordinance does not prohibit an occasional temporary gathering genuinely incidental to a lawful principal use that does not meet the applicable Chapter 6 definition of a special event. Such a gathering remains subject to applicable parking, access, hours, historic-preservation, fire, health, noise, lighting, and other requirements. No special-event permit is required by this Ordinance solely because a gathering occurs.
- (4) A temporary gathering or activity meeting the applicable Chapter 6 definition of a special event may occur only upon issuance of a valid special-event permit and compliance with the permit, this Ordinance, and other applicable law, except to the extent an applicable legal exemption provides otherwise.
- (5) A special-event permit authorizes only the temporary event described in the permit. It does not authorize a continuing or principal Special Event Facility, restaurant, bar, commercial recreation, commercial entertainment, or other prohibited principal use. Nothing in this Ordinance authorizes Special Event Facility as a principal use.
- (6) A special-event permit does not waive or modify this Ordinance, required parking, historic-preservation requirements, fire and health requirements, alcohol-related requirements, or other required permits, licenses, or approvals. Event-specific hours expressly allowed under Section 3(b) are an exception established by this Ordinance, not an administrative waiver of it.
- (h) **Outdoor amenities and supporting activities.** A patio, gathering area, food or beverage area, or other outdoor amenity may be used only to the extent accessory to a principal use lawfully established on the Property and otherwise allowed by this Ordinance and the City Code. An amenity may not be operated, marketed, rented, or held out as an independent prohibited principal use. No provision independently authorizes a pool, restaurant, bar, outdoor sale, or other separately regulated activity. Any food or beverage service remains subject to all otherwise applicable permits, licenses, and legal requirements. Required parking, fire lanes, sidewalks, pedestrian routes, drive aisles, and access shall not be obstructed or reduced contrary to applicable law.

3. **Business operating hours**

- (a) **Regular business operations.** Except as expressly provided in subsections (b) and (c), regular business operations on the Property shall occur only between 9:00 a.m. and 6:00 p.m., local time, each day. This restriction applies to each business, including an authorized home occupation. Regular business operations include the recurring or ordinary conduct of a lawful principal or accessory use, including customer service, appointments, classes, outdoor patron activity, and commercial use of an authorized outdoor amenity. Regular business operations do not include a temporary special event authorized under subsection (b). Residential occupancy itself is not restricted by these hours.

- (b) **Permitted temporary special events.** A temporary activity meeting the applicable Chapter 6 definition of a special event may occur outside the regular business hours in subsection (a) only if expressly authorized by a valid special-event permit issued under Chapter 6. Subject to applicable law, the permit controls the event's date, time, duration, attendance, vendors, parking, noise, alcohol service, temporary structures, and other event conditions. The permit does not authorize a prohibited principal use, a continuing or independently operated event-facility use, or noncompliance with Section 2(g) or other applicable requirements. This subsection does not itself approve any event or expand the authority of the official or body administering Chapter 6.
- (c) **Noncustomer activities.** This section does not prohibit emergency work, ordinary security activity, or noncustomer maintenance activity that does not create unreasonable noise, lighting, traffic, or other impacts on adjacent property. This exception does not authorize after-hours customer service, appointments, classes, outdoor patron activity, or other regular business operations, and does not waive otherwise applicable City requirements.

4. **Other regulations and approvals preserved**

- (a) Except for the zoning-map amendment and additional restrictions expressly established by this Ordinance, all otherwise applicable City regulations remain in effect, to the extent authorized by superior law.
- (b) This Ordinance does not approve a site development plan, parking layout, driveway, building addition, alteration, demolition, certificate of appropriateness, building permit, certificate of occupancy, conditional use permit, special-event permit, plat, subdivision, sign permit, lighting plan, wastewater connection, off-site or shared-parking agreement, parking easement, right-of-way license, or other separately required approval. The applicant's concept plan and presentation materials are not incorporated as an approved development plan. Nothing in this Ordinance authorizes private improvements or parking within a public right-of-way or City easement without the separately required authorization.
- (c) This Ordinance does not waive otherwise applicable requirements concerning parking, access, setbacks, height, impervious cover, landscaping, drainage, lighting, signage, building safety, or historic preservation. Any separate approval required by applicable law must be obtained from the legally authorized decision-maker.
- (d) This Ordinance does not terminate a lawful existing use or extinguish a legally established nonconforming-use, vested, or other protected right. The existence and extent of any claimed right shall be determined under applicable law; this provision does not establish or enlarge such a right.

5. Administration and scope

- (a) The City official responsible for maintaining the Official Zoning Map shall reflect the O-HO-CO designation for the Property. This Ordinance shall be maintained with the City's property-specific zoning records.
- (b) The Conditional Overlay restrictions apply to the Property regardless of ownership, tenancy, or business operator. Modification or removal of these legislative zoning restrictions requires an amendment adopted through the applicable zoning-amendment process.

6. Limited conflict provision

This Ordinance controls only to the extent that it imposes additional restrictions on the Property expressly authorized by the Zoning Ordinance. It does not relax the Office district or Historic Overlay regulations, repeal generally applicable City regulations, or supersede mandatory federal or Texas law.

7. Severability

If a court of competent jurisdiction holds a provision or application of this Ordinance invalid, the remaining provisions and applications shall remain effective to the extent they can operate lawfully and consistently with the City Council's intent. Severability shall not be construed to grant a use prohibited by otherwise applicable law.

8. Effective date

This Ordinance takes effect after passage and completion of any publication or other prerequisite required by applicable law.

9. Proper Notice and Meeting

It is officially found and determined that the meeting at which this Ordinance was considered and adopted was open to the public, that public notice of the time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, and that all other notices required by law in connection with adoption of this Ordinance were provided.

PASSED & APPROVED this, the ____ day of XXX, _____, 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

PROPERTY DESCRIPTION AND ZONING MAP

Property address: 315 Hays Street, Dripping Springs, Texas 78620.

Appraisal district property identifier: R23580.

Legal Description: "W T CHAPMAN #3 9-2210-18-09 LTS 1-2 & W PT OF 3,10,11,12 BLK 3 0.30 AC. GEO#90403774"

