

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), 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 General Retail (GR).

**WHEREAS**, the City Council finds to be reasonable and necessary the adoption of an amended conditional use overlay to the tracts in addition to the rezoning, described more fully in *Attachment "B"* and totaling approximately 9.730 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 November 23, 2021 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS**, after public hearing held by the City Council on December 21, 2021, 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 9.730 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. Ordinance No. 1220.20 Shops at HighPointe is repealed.

**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 \_\_\_\_\_ 2021, 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:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

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*Attachment "A" Survey and Metes and Bounds*

*PARCEL DESCRIPTION:*

*BEING A 9.730 ACRE TRACT OF LAND OUT OF TRACT A OF THE SAWYER SPRINGS SUBDIVISION (VOL. 12, PG. 239-240, PRHCT), AS SITUATED IN HAYS COUNTY, TEXAS, SAID 9.730 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:*

*BEGINNING AT A FOUND IRON PIN ON THE MITER FORMING THE INTERSECTION OF THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF SAWYER RANCH ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF U.S. HIGHWAY 290 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING TX SC GRID COORDINATES OF N 13,984,053.021, E 2,285,346.263; THENCE ALONG THE SOUTHERLY MARGIN OF THE RIGHT-OF-WAY OF U.S. HIGHWAY 290 (FOR THE FOLLOWING TWO CALLS) (1) ALONG A COUNTERCLOCKWISE CURVE FOR 391.86 FEET HAVING A RADIUS OF 3,889.72 FEET A CHORD BEARING OF N68°14'37"E AND A CHORD DISTANCE OF 391.69 FEET TO A FOUND IRON PIN, (2) THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 122.04 FEET HAVING A RADIUS OF 3,889.16 FEET A CHORD BEARING OF N67°11'46"E AND A CHORD DISTANCE OF 122.04 FEET TO A FOUND IRON PIN, THENCE ALONG THE COMMON LINE OF KERNJOON, LLC S06°55'59"E A DISTANCE OF 687.42 FEET TO A FOUND IRON PIN, THENCE ALONG THE COMMON LINES OF SEAL, DARLING, MOYER, AND SIMMONS S69°11'40"W A DISTANCE OF 799.25 FEET TO A FOUND IRON PIN, THENCE ALONG THE EASTERLY MARGIN OF THE RIGHT-OF-WAY OF SAWYER RANCH ROAD (FOR THE FOLLOWING SIX CALLS) (1) ALONG A CLOCKWISE CURVE FOR 62.28 FEET HAVING A RADIUS OF 520.00 FEET A CHORD BEARING OF N13°36'03"E AND A CHORD DISTANCE OF 62.24 FEET TO A FOUND IRON PIN, (2) THENCE N16°55'41"E A DISTANCE OF 390.79 FEET TO A FOUND IRON PIN, (3) THENCE ALONG A COUNTERCLOCKWISE CURVE FOR 257.65 FEET HAVING A RADIUS OF 720.00 FEET A CHORD BEARING OF N06°36'55"E AND A CHORD DISTANCE OF 256.28 FEET TO A FOUND IRON PIN, (4) THENCE N24°54'53"E A DISTANCE OF 27.81 FEET TO A FOUND IRON PIN, (5) THENCE N01°50'42"E A DISTANCE OF 36.84 FEET TO A FOUND IRON PIN, (6) THENCE ALONG A CLOCKWISE CURVE FOR 30.30 FEET HAVING A RADIUS OF 25.00 FEET A CHORD BEARING OF N36°41'23"E AND A CHORD DISTANCE OF 28.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 423,845 S.F. OR 9.730 ACRES MORE OR LESS.*

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City of Dripping Springs  
**CODE OF ORDINANCES**

**CHAPTER 30: ZONING**  
**SECTION 4: OVERLAY DISTRICTS**  
**Division 1. - Conditional Overlay District**

**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 1:

Approximately 10.0 acres of land, Tract A, Sawyer Springs Subdivision, recorded in Volume 12, Page 240, Plat Records, Hays County, Texas, less 0.27 acres of land donated to Hays County as right of way for Sawyer Ranch Road (located on the southeast corner of the intersection of Sawyer Ranch Road and US Hwy 290).

**1.2. Base Zoning District**

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in General Retail – (GR) zoning district.

**1.3. Overlay**

**1.3.1.** The Conditional Overlay is hereby amended and 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 Overlay prohibits the following uses: dry cleaning plant.

**1.3.3.** The overlay mandates that the structures be limited to a single story.

**1.3.4** The overlay mandates that the rear setback along the southern boundary shall be one hundred forty feet (140').

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