

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. [REDACTED]**

**Conditional Use Permit**

**AN ORDINANCE APPROVING THE EXTENSION OF A CONDITIONAL USE PERMIT FOR THE USE OF MOBILE FOOD VENDOR WITHIN THE COMMERCIAL SERVICES ZONING DISTRICT FOR A PROPERTY LOCATED AT 121 MERCER STREET. UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT “A”; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.**

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

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

**WHEREAS,** the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on August 27, 2024 to consider the proposed extension of the Conditional Use Permit and the Planning and Zoning Commission recommended disapproval of the proposed change; and

**WHEREAS,** after public hearing held by the City Council on September 17, 2024, the City Council voted to approve the proposed change; 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,** 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**

The Conditional Use Permit is approved as presented in Exhibit “A” to this ordinance.

**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 and Conditional Use Permit shall be effective immediately upon passage and publication.

**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



**City of Dripping Springs | Conditional Use Permit**

Granted to allow the land use of "mobile food vendor" on a property that is currently zoned Commercial Services (CS) District located at:

121 Mercer Street, Dripping Springs, Texas, 78620

Approved by the City of Dripping Springs City Council on \_\_\_\_\_

1. The applicant shall submit a site development permit prior to any additional site improvements;
2. The food truck must meet all setback requirements;
3. Hours of operation are limited to between 8:00am and 10:00pm;
4. Trash receptacles shall be provided for customer use;
5. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date; and
6. The permit shall become effective with the issuance of the building permit.
7. There shall be no portable toilets used on a long-term basis.
8. There shall be no amplified music.
9. Trash must be removed from the property at the end of each business day.
10. Patrons may not use neighboring restroom facilities without an agreement by the neighboring business owner.
11. The applicant shall provide an inclement weather evacuation plan to staff.