

**CITY OF DRIPPING SPRINGS**

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

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING TWO TRACTS OF LAND, TOTALING APPROXIMATELY 1.855 ACRES FROM TWO-FAMILY RESIDENTIAL - DUPLEX (SF-4) TO SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (SF-5); 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 City Council finds to be reasonable and necessary the rezoning of the tracts, described more fully in *Attachment “A”* and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5); and

**WHEREAS**, the City Council finds to be reasonable and necessary the adoption of a conditional use overlay to the tracts in addition to the rezoning, described more fully in *Attachment “B”* and totaling approximately 1.855 acres, from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5); 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 September 22, 2020 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 October 13, 2020, 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**

Two tracts of land totaling approximately 1.855 acres and described more fully in *Attachment "A"*, is hereby rezoned from Two-Family Residential - Duplex (SF-4) to Single-Family Attached Residential District (SF-5).

Further, the property will also have a conditional overlay that limits certain development standards on the property. The conditional 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.

### **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. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**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, 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 \_\_\_\_\_ 2020, 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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**City of Dripping Springs**  
**CODE OF ORDINANCES**

**CHAPTER 30: ZONING**

**EXHIBIT A**

**1.1. Applicability**

This Ordinance shall apply solely to the following tracts, which shall herein be referred to as the subject properties;

Tract 1:

Being a 0.876 of one acre of land, being a portion of a called 2,996 square foot tract as described in a deed to Alva and Willie Mae Haydon recorded in document no. 70025404, volume 3237, page 802 of the official public records of Hays County, Texas and a portion of block No. 1 of the fifth addition of the town of dripping springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County Deed records;

Tract 2:

Being a 0.979 of one acre of land, 42,639 sq. ft., being all of a called 12,750 square foot tract as described in a deed to Alva Haydon recorded in executed December 9, 1966 and a portion of block No. 10 of the fifth addition of the town of Dripping Springs as conveyed in a deed to Alva Haydon in volume 198, page 452 of the Hays County deed records;

**1.2. Base Zoning District**

Except as provided in section 1.3 (below), the subject property shall be governed by the rules applying in Single-Family Attached (SF-5) 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 properties.

**1.3.2.** Through application of the Conditional Overlay, the following rules, requirements and restrictions apply to the subject property:

**(a) Density:** One (1) dwelling unit per Lot

**(b) Minimum Lot Sizes:** no less than five thousand square feet (5,000 sq. ft.)

**(c) Minimum Lot Width:** no less than fifty feet (50')