



DRIPPING SPRINGS
Texas

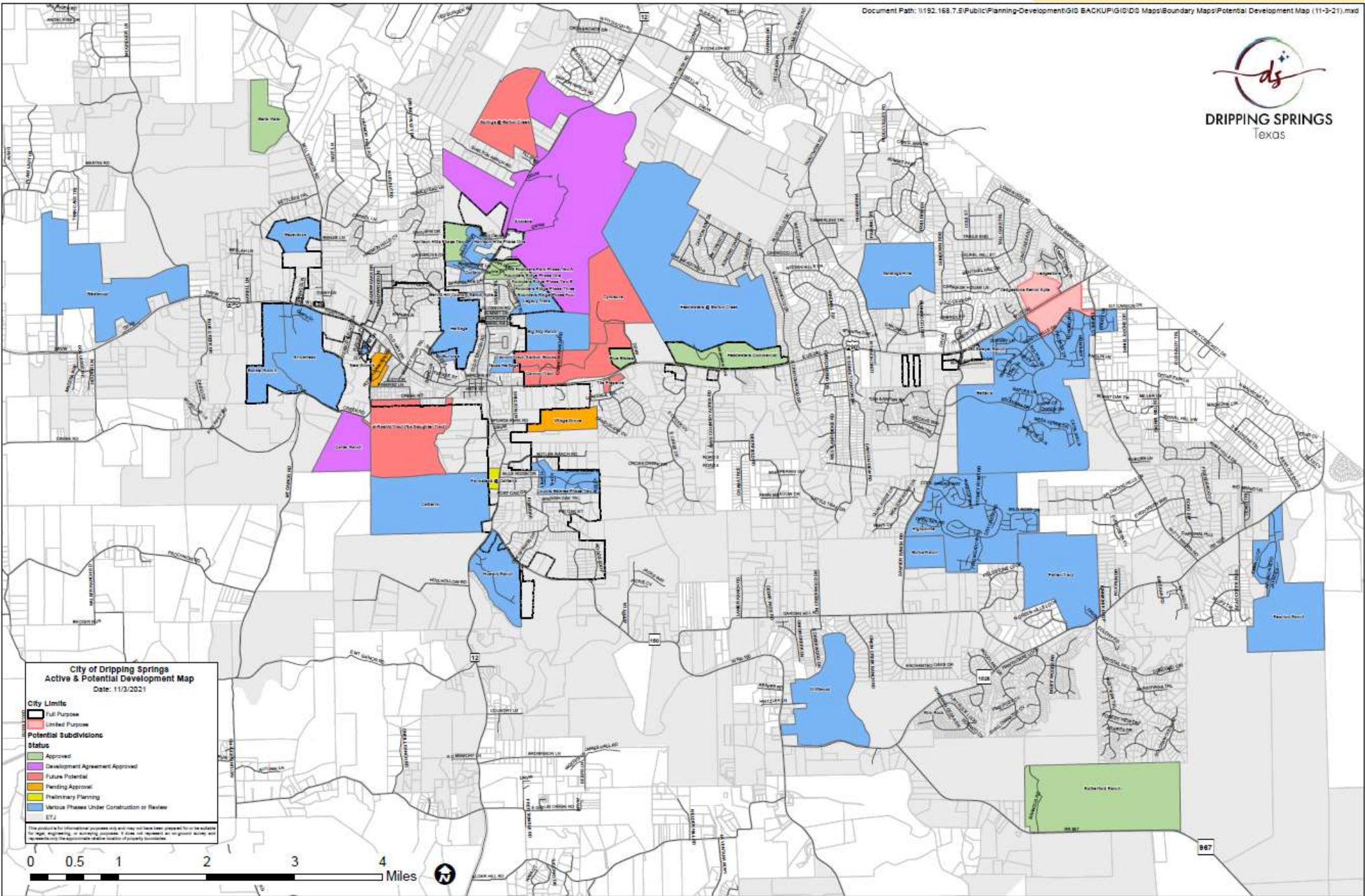
Temporary Development Moratorium

Laura Mueller, City Attorney

**City Council, November 16, 2021
Public Hearing and First Reading**



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**City of Dripping Springs
Active & Potential Development Map
Date: 11/3/2021**

City Limits

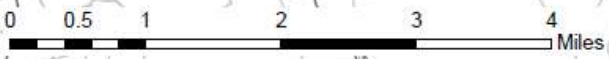
- Full Purpose
- Limited Purpose

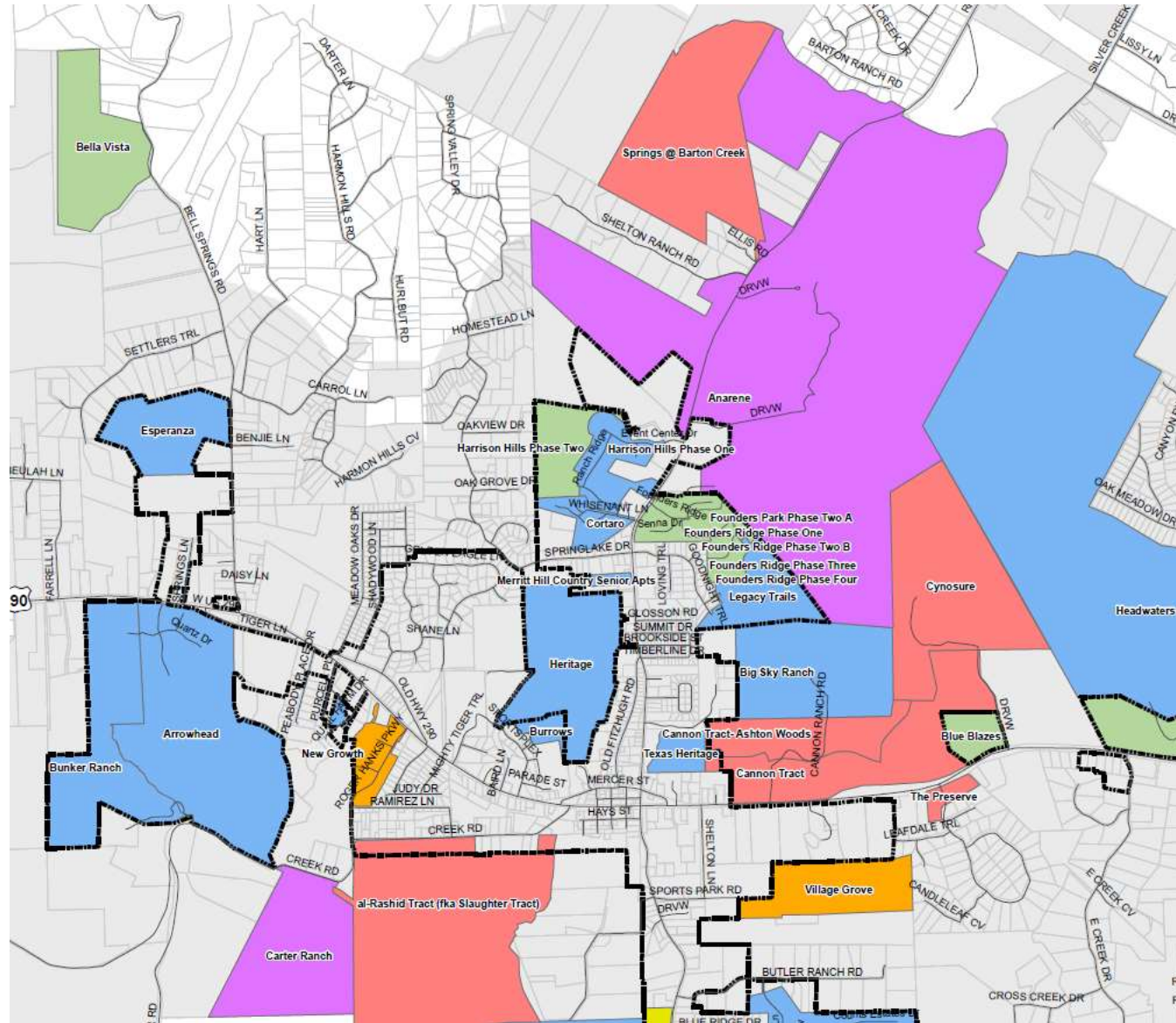
Potential Subdivisions

Status

- Approved
- Development Agreement Approved
- Future Potential
- Pending Approval
- Preliminary Planning
- Various Phases Under Construction or Review

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Highlights:



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- Would delay new development based on need to update land use regulations and examination of wastewater availability
 - Land use regulation deficiencies related to health and safety
 - Needed public infrastructure
- Requires two public hearings and ordinance
 - P&Z Hearing – November 15, 2021 – one person spoke in favor
 - 2 City Council meetings (public hearing and 2 readings)
 - November 16, 2021
 - November 22, 2021
 - Newspaper Notice issued on November 11, 2021
 - Automatic Temporary Moratorium begins November 18, 2021 (5 business days after the notice is published) – Period designed solely for review of possible moratorium by City Council and for public hearings

Effect of Temporary Development Moratorium

- No applications will be accepted by the Building and Planning Departments without a waiver
- Waivers or exceptions can be granted for ongoing, vested, or small, no impact projects. Waivers may also be granted by the city council for projects that are recognized to not detrimentally affect the City.
 - For Example:
 - Projects within Approved Development Agreements would continue
 - Projects that do not require wastewater or a land use change would continue
 - Projects where wastewater has been approved by agreement and no land use change is requested
 - Projects that have received a Grandfather Status Determination Letter stating their vesting rights due to previous approvals
- *New Development Projects that do not fall within the waiver requirements will be delayed until the moratorium is over.*
- *If moratorium is extended, administratively approved exceptions will be available in lieu of waivers.*

Proposed Moratorium Ordinance



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- Applies to City Limits and ETJ
- Allows for administrative exceptions process with appeal to City Council
 - Exceptions will be allowed to be requested at time of application *or* within 30 days of enactment of the ordinance without separate application
- Enacts waiver process as required by Chapter 212 of the Texas Local Government Code with review by the City Council
 - Waiver requests will be allowed at the time of application
- Extended for **90 days** based on need for update to Comprehensive Plan and Zoning Code as well as wastewater availability
- Can be extended
- Includes list of affected and unaffected permits

Proposed Moratorium Ordinance



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EXCEPTIONS

- Vested/Ongoing Projects under Chapter 245 of the Texas Local Government Code
- Platted Projects where wastewater approved
- Development Agreement projects where there is a “right to continue development”
- Wastewater Agreements would follow their interim solutions
- Other exceptions such as projects with no impact or other types of small projects could also be excepted
- Exceptions are administratively approved (10 business days the same as administratively completeness check) – provides for appeals to City Council

WAIVERS

- Projects can apply for waivers simultaneously with their applications
- Waivers are reviewed and approved by City Council
- City Council has 10 days after submission of waiver request to decide whether or not to approve waiver
- Waivers may be granted by the city council for projects that are prohibited by the moratorium, but are recognized to not detrimentally affect the city

Both of these would be applied for at time of application for the main permit. They could be applied for by lot, project, DA, or PDD.

PERMITS – AFFECTED AND UNAFFECTED



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Permits Subject to Moratorium

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Conditional Use Permit
- Variance Application
- Wastewater Application

Full list available at

www.cityofdrippingsprings.com/moratorium

Permits not Subject to Moratorium

- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- On Site Sewage Facility Permit Application
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Lighting Permit
- Zoning Determination Letter Request
- Residential Swimming Pool Permit
- Demolition Permit

Procedures for Adopting a Moratorium and Proposed Schedule



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November 11th - newspaper notice published

November 15th – Planning and Zoning Commission public hearing

November 16th – City Council first public hearing and first reading

November 18th - temporary moratorium begins

November 22nd – City Council meeting where approval or disapproval of extending moratorium occurs

If approved, ongoing Council Meetings to approve any waivers. (City Council only has 10 days to approve each waiver request).

Planning and Zoning Commission Report



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- One member of the public spoke in favor
- Planning and Zoning Commission addressed:
 - How ongoing projects are addressed – construction will continue
 - The growth in Dripping Springs in the last few years
 - The difference between waivers and exceptions
- Planning and Zoning Commission voted to approve the proposed moratorium ordinance as drafted.



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QUESTIONS?

