

## CITY OF DRIPPING SPRINGS

### ORDINANCE No. 2020-\_\_\_

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING TWO TRACTS OF LAND, TOTALING APPROXIMATELY 2.90 ACRES FROM SINGLE FAMILY - LOW DENSITY (SF-1) TO LOCAL RETAIL DISTRICT (LR); 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 2.90 acres, from Single Family - Low Density (SF-1) to Local Retail District (LR); 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 18, 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 December 8, 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 2.90 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Single Family - Low Density (SF-1) to Local Retail (LR).

**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 8<sup>th</sup> day of December 2020, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Dripping Springs.**

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

*Attachment "A" Description of Tract*

BEING A 2.90 ACRES OF LAND, OUT OF THE PHILLIP A. SMITH SURVEY, ABSTRACT NUMBER 415, HAYS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN CHARLIE N. HAYDON TRACTS 1 AND 2 RECORDED IN VOLUME 4210, PAGE, 204, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

*Attachment "B"*  
*2.90 Acres Survey*