

CITY OF DRIPPING SPRINGS

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 30: ARTICLE 30.05, MOBILE FOOD VENDORS; AMENDING PROVISIONS FOR MOBILE FOOD VENDORS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City of Dripping Springs (the “City”) City Council adopted Ordinance 1220.66 on March 6, 2012 providing for the establishment and regulation of Mobile Food Vendors and is codified in the Code of Ordinances, Chapter 30: Zoning, Article 30.05: Mobile Food Vendors; and

WHEREAS, the City amended the Code of Ordinances, Chapter 30: Zoning, Article 30.05: Mobile Food Vendors on April 11, 2017 to allow Mobile Food Vendors to additionally be located in Office, Industrial, and Public Recreation and Public Park and Reserve areas in the city; and

WHEREAS, the popularity of Mobile Food Vendors has increased within the city limits, causing concerns from staff and the community regarding traffic safety, proximity to brick-and-mortar establishments, and a need for amenities for patrons; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, a city may establish zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare; and

WHEREAS, the City has found the regulation of the operation of Mobile Food Vendors in the Mercer Street Historic District to be in the best interest of promoting public health and safety; and

WHEREAS, the City seeks to amend the Mobile Food Vendor Ordinance to establish additional provisions for Mobile Food Courts and to allow Mobile Food Vendors in the Mercer Street Historic District only in association with existing brick-and-mortar businesses; and

WHEREAS, the proposed zoning amendment has been reviewed by City staff, including the City’s Land Planner, with the consensus being that the proposed changes are

consistent with best planning practices and consistent with the Comprehensive Plan; and

WHEREAS, the City published the proposed amendment on the City website and social media for public comment; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Historic Preservation Commission on April 1, 2021 to consider the proposed amendment and the Commission recommended _____ of the proposed change; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on April 27, 2021 to consider the proposed amendment and the Planning and Zoning Commission recommended _____ of the proposed change; and

WHEREAS, after public hearing held by the City Council on May 11, 2021 the City Council voted to _____ 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 policy 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 protection of the welfare, health, peace, temperance, and safety of the City of Dripping Springs to adopt an ordinance amending regulations of Mobile Food Vendors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 30, Article 30.05 of the Dripping Springs Code of Ordinances are hereby amended to read in accordance with *Attachment "A"* and which are attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Additions to the Ordinance text are underlined and highlighted and deletions are struck-through.

3. REPEALER

All ordinances, 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. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

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, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

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