

CITY OF DRIPPING SPRINGS
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 1220.151

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 30, EXHIBIT A: SECTIONS 1.6.2 AND 5.7.8, ADDING SECTION 5.9, AND AMENDING APPENDIX E: ZONING USE REGULATIONS (CHARTS) PERMITTED USE PROVISIONS FOR DISTRICTS ZONED AS COMMERCIAL SERVICES RELATED TO USES INCLUDING COMMERCIAL PARKING LOTS, 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 seeks to provide procedures and standards for regulating Commercial Parking Lots and such other off-premises parking arrangements within the city limits; 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 Commercial Parking Lots to be in the best interest of promoting public health and safety; and

WHEREAS, the City seeks to allow the operation of Commercial Parking Lots in the areas zoned as Commercial Services District subject to Conditional Use Permits; and

WHEREAS, the proposed zoning amendment has been reviewed by City staff, including the City Planner, with the consensus being that the proposed changes are consistent with best planning practices and consistent with the 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 28, 2017 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 12, 2017 the City Council voted to accept 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 regulating Commercial Parking lots and other off-premises parking arrangements.

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, Exhibit A: Sections 1.6.2, 5.78 and Appendix E: Zoning Use Regulations (Charts) of the Dripping Springs Code of Ordinances are hereby amended to read in accordance with *Attachment "A"* and *Attachment "B"* which are attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

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 12th day of December 2017, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:


Andrea Cunningham, City Secretary



City of Dripping Springs

CODE OF ORDINANCES

CHAPTER 30: ZONING

EXHIBIT A: ZONING ORDINANCE

SECTION 1: GENERAL PROVISIONS

1.6. Definitions

1.6.2. Specific:

~~*Parking Lot or Structure, Commercial (Auto): An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress. A parking lot that constitutes the principal use of the property and which is available to the public, generally for a fee, or which may be leased to individual persons or assigned to specific businesses or properties.*~~

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5.7. Rules for Computing Places

5.7.8. Location of Parking Spaces: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

(a) Where an increase in the number of spaces for a non-residential use is required by a change or enlargement of use ~~or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments~~, the required spaces may be located on an immediately contiguous lot or tract, or on a lot or tract within not to exceed six hundred feet (600') from any nonresidential the building or use served.

~~(b) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, subject to approval by the Planning and Zoning Commission and the City Council approval of a variance to Section 5.7.8 and is required according to provided the following criteria are met:~~

~~(1) Off site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150'), or one thousand feet (1000') within the CS zoning district, of such building or structure providing:~~

~~(1)(a) That a permanent easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or~~

~~(2)(b) That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.~~

~~(2) That a permanent easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or~~

~~(3) That a long term Remote Parking Lease Agreement be provided upon approval by the City Administrator as a condition of such use.~~

~~(b)(e) Parking in the Town Center and Entrance Corridor shall conform to the specific requirements for the Town Center and Entrance Corridor Overlay district as developed.~~

(c) A commercial parking lot, meeting the standards of Section 5.9, may provide some or all of the required parking spaces for two or more unrelated businesses, provided:

(1) Such joint-use parking area is located within 1,000 feet of the building or uses served.

(2) The commercial parking lot provides enough parking spaces to meet the requirements of the uses individually or the peak demand of the different uses must occur at different times. The City Administrator may require an applicant to provide technical analysis of the timing and magnitude of the proposed parking demands.

(3) Applications for joint-use parking areas must include:

(a) A notarized statement from all property owners involved indicating the use of each property, forecasting that the peak level of activities of each separate use, and demonstrating these uses create a demand for parking at different times, if applicable.

(b) A draft joint-use parking agreement, acceptable to the City, that:

a. Specifically identifies the designated spaces that are subject to the agreement;

b. Includes a statement indicating that the parties understand that these designated spaces cannot be counted to support any use other than those identified in the agreement;

c. Identifies the current property uses, property owners, and the entity responsible for maintenance of the parking area;

(4) A certified copy of the recorded joint-use parking agreement must be provided to the City before any joint-use of parking spaces may commence.

5.9 Commercial Parking Lots

5.9.1 Commercial Parking Lots, may be permitted with the approval of a conditional use permit in accordance with Appendix E (Use Charts) provided that such parking lots are:

(1) Placed on a lot or tract so that all applicable setback requirements are met; and

(2) Built to the standards of Sections 5.3, 5.4 and 5.5 and Section 28.06.055 of the City's Landscape Ordinance as applicable.

CHAPTER 30: ZONING
EXHIBIT A: ZONING ORDINANCE
APPENDIX E: ZONING USE REGULATIONS (CHARTS)

Amend the chart to include the following:

	Residential Uses						Nonresidential Uses									
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP	
<u>Parking Lot, Commercial</u>										<u>C</u>						