



CITY COUNCIL SPECIAL MEETING
City of Dripping Springs
Council Chambers, 511 Mercer St, Dripping Springs, TX
Monday, November 22, 2021 at 6:00 PM

AGENDA

CALL TO ORDER AND ROLL CALL

City Council Members

Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 April Harris Allison
Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
City Attorney Laura Mueller
City Treasurer Shawn Cox
City Secretary Andrea Cunningham
Communications & Marketing Director Lisa Sullivan
Planning Director Howard Koontz
Senior Planner Tory Carpenter
Planning Assistant Warlan Rivera

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

BUSINESS AGENDA

- 1. Public Hearing, Second Reading, and Possible Action on an Ordinance of the City of Dripping Springs, Texas ("City") enacting a Temporary Moratorium on the Acceptance, Authorization, and Approvals necessary for the Subdivision, Site Planning, Development, or Construction in the City Limits and Extraterritorial Jurisdiction, providing for Findings of Fact, Definitions, Applicability, Purpose, Enactment, Duration, Extension, Exceptions, and Exemptions, Determination and Appeals, Repealer, Severability, Enforcement, Effective Date, and Proper Notice and Meeting. Sponsor: Mayor Foulds, Jr.**
 - a. Staff Report
 - b. Public Hearing
 - c. Moratorium Ordinance

- 2. Discuss and consider adoption of an Ordinance Amending Section 1.02.041: Regular Meetings: Establishing Additional Meetings and Meetings Times for City Council; Providing for Cancellation of Meetings. Sponsor: Mayor Foulds, Jr.**

EXECUTIVE SESSION AGENDA

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

- 3. Consultation with City Attorney related to planning matters, wastewater capacity, comprehensive plan, and processes related to approvals. 551.071, Consultation with City Attorney.**

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

December 7, 2021, at 6:00 p.m. (CC & BOA)
 December 21, 2021, at 6:00 p.m. (CC)
 January 4, 2022, at 6:00 p.m. (CC & BOA)
 January 18, 2022, at 6:00 p.m. (CC)

Board, Commission & Committee Meetings

November 23, 2021, Planning & Zoning Commission at 6:30 p.m.
 December 1, 2021, Dripping Springs Ranch Park Board at 12:00 p.m.
 December 2, 2021, Historic Preservation Commission at 4:00 p.m.
 December 6, 2021, Parks & Recreation Commission at 6:00 p.m.
 December 8, 2021, Utility Commission at 4:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **November 19, 2021, at 2:00 p.m.***

Michelle Fischer for City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.

CITY OF DRIPPING SPRINGS

ORDINANCE 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City limits and extraterritorial jurisdiction; and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and extraterritorial jurisdiction, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations 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, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and

WHEREAS, the City Limits and Extraterritorial Jurisdiction (ETJ) are comprised of a combination of topographical, ecological, and drainage features that create significant development challenges; and

WHEREAS, the City will change drastically if continued growth and development should occur under the City's existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and

WHEREAS, as codified in Tex. Water Code § 26.081(a), the Legislature of the State of Texas found and declared that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state; and

WHEREAS, the City agrees with the Legislature of the State of Texas that it is necessary to the health, safety, and welfare of the people in the City limits and the ETJ to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens in the City limits and the ETJ to prevent pollution and maintain and enhance the quality of the water in the City limits and the Extraterritorial Jurisdiction; and

WHEREAS, the City conducted an analysis to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new property development; and

WHEREAS, upon review of the analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made findings contained herein as **Attachment "B"** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public and private infrastructure, being wastewater facilities and improvements and transportation facilities and improvements throughout the City Limits and ETJ, are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City Staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking into account all wastewater that has been committed by contract, the City's wastewater facilities are at capacity; and
2. The current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional capacity of the City's regional wastewater plant, there is currently no additional capacity available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and the ETJ.

WHEREAS, until actions can be taken to increase the wastewater capacity of the City of Dripping Springs, allowing for additional wastewater service connections to the Dripping Springs Wastewater Treatment Plant(s) service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City Limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of capacity and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing infrastructure and development are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development; the need for additional wastewater facilities; appropriate zoning districts and district regulations; appropriate land use and wastewater regulations; and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural, and ecological importance and significance

within the City Limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this study period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, based on the findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Dripping Springs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health or safety.

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

A. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

B. Essential public facilities: means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.

C. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

D. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

E. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

F. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Dripping Springs hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City Limits and the ETJ.

Unless a project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the Moratorium are attached as **Attachment “A”**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. assess the short-term and long-term comprehensive plan;
- B. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
- C. update the City’s permitting and planning requirements and processes for wastewater and transportation infrastructure; and
- D. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Dripping Springs hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval,

and issuance of permits in the City Limits and ETJ.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study and planning, this Ordinance may be renewed or extended for an additional period of time, necessary to complete the study and implement the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law upon a majority vote of the City Council.

SECTION 8. EXCEPTIONS AND EXEMPTIONS:

A. Exceptions. Any property owner who believes that they fall within the below exceptions shall provide notice of the exception at time of application for any permit with the city-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Request is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

- 1. No Impact Projects.** The temporary moratorium implemented by this Ordinance does not apply to a project that does not:
 - Impact wastewater capacity
 - Require land use modifications inconsistent with the updated comprehensive planning

To make a determination of whether a project is no impact as listed, an applicant shall apply for an exception to the moratorium.

- 2. Ongoing Projects.** The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of November 18, 2021, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to November 18, 2021. New permits applied for as part of a previously approved project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after November 18, 2019, then a new request is not required to meet this exception. New permits applied for as part of a previously vested project may proceed once an exception is applied for and approved as described herein.
 4. **Development Agreement:** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New permits applied for as part of a Development Agreement project may proceed once an exception is applied for and approved as described herein.
- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners' sole expense and who do not require land use modifications inconsistent with the updated comprehensive planning, in accordance with Local Government Code Chapter 212, Subchapter E may apply for waiver in accordance with City policy.

SECTION 9. DETERMINATIONS & APPEALS

- A. **Exceptions.** The Planning Director or their designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for projects filed within thirty (30) days of the effective date of this ordinance may be filed without a corresponding permit application. Any exception application filed within this period will be decided within ten (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, project, plat, or all area covered by a particular permit or agreement.
- B. **City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. **Waivers.** The decision to approve an Exemption (as provided for above) shall rest

solely with the City Council. Any denial will stand until the moratorium is lifted unless the project requesting the waiver has a substantial change and reapplies for a waiver.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective immediately upon passage.

SECTION 14. 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 and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

READ & ACKNOWLEDGED on First Reading on the 16th day of November 2021.

READ & APPROVED on the Second Reading on the 22nd day of November 2021.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT "A"

**Permits Subject to Moratorium¹**

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Plan Review Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Swimming Pool Permit
- Mobile/Modular Home Permit

¹ Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found 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
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Child Care Facility Health Inspection Application
- Food Establishment Permit/Compliance Inspection
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Residential Addition Permit
- Residential Accessory Structure Permit
- Residential Demolition Permit
- Residential Swimming Pool Permit
- Commercial Demolition Permit
- Commercial Tenant Finish Out

- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application (Business Move In/Change of Ownership)
- Any Fire Permits

ATTACHMENT "B"

Moratorium Letter – Wastewater

CITY OF DRIPPING SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1.02.041: REGULAR MEETINGS: ESTABLISHING ADDITIONAL MEETINGS AND MEETINGS TIMES FOR CITY COUNCIL; PROVIDING FOR CANCELLATION OF MEETINGS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, Chapter 551 of the Local Government Code (Open Government; Ethics; Open Meetings) provides that a municipality must make a good faith effort, whether on its website or by physical postings, to provide notice of a meeting time to the general public at least 72 hours before the meeting; and

WHEREAS, the City of Dripping Springs desires to add additional dates and times for regular meetings in order to meet demand based on the recently adopted temporary development moratorium; and

WHEREAS, the City of Dripping Springs desires to add a process for cancellation of meetings as needed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs, Texas:

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. AMENDMENT

Section 1.02.041 Regular Meetings of City Council, Code of Ordinances, City of Dripping Springs, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Language that is struck through is repealed, language that is underlined is added.

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. CODIFICATION

The City Secretary is hereby directed to record 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.

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.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Dripping Springs, Texas:

PASSED & APPROVED this, the _____ day of _____ 2021, by a vote of _____ (*ayes*) to _____ (*nays*) to (*abstentions*)

CITY OF DRIPPING SPRINGS

By: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

*Attachment "A"***CODE OF ORDINANCES****CHAPTER 1 GENERAL PROVISIONS****ARTICLE 1.02 CITY COUNCIL****Sec. 1.02.041. Regular meetings.**

- (a) Generally . Regular meetings shall be conducted ~~on the first and third~~ each Tuesday of each month at city hall.
- (b) Timing . On the first and third Tuesday regular meetings will commence at 6:00 p.m. at which time the city council will conduct roll call and give the Pledge of Allegiance. On all other Tuesdays, each meeting will begin at 5:00 p.m.
- (c) Rescheduling . When deemed necessary, prudent and in the public interest, the city council may occasionally opt to move a regular meeting date to a different time, date or place in order to facilitate unusual occurrences, such as holidays or inclement weather conditions. The mayor or a majority of the city council may call for the taking of items out of the order listed on the agenda.
- (d) Agenda . An agenda shall be posted by the city secretary not less than 72 hours in advance of such meetings.
- (e) Cancellation . When no item is set for a specific agenda, the meeting may be cancelled at the direction of the mayor or mayor pro tem if the mayor is unavailable. For all other meetings, when deemed necessary, prudent, and in the public interest, the city council may cancel a meeting.



DRIPPING SPRINGS
Texas

Moratorium Waiver Schedule

It is recommended that each applicant meet with City Staff prior to filing for a Waiver to ensure that an exception that could be administratively approved is not more appropriate and to ensure that sufficient information and documentation is provided to the City Council to make a decision.

Date Waiver Form Filed	Date of Council Meeting
11/23-11/26	11/30 – 5 p.m.
11/27-12/3	12/07 – 6 p.m.
12/4-12/10	12/14 – 5 p.m.
12/11-12/17	12/21 – 6 p.m.
12/18-12/24	12/28 – 5 p.m.
12/25-12/31	01/04 – 6 p.m.
1/01-1/07	01/11 – 5 p.m.
1/08-1/14	01/18 – 6 p.m.
1/15-1/21	01/25 – 5 p.m.
1/22-1/28	02/01 – 6 p.m.
1/29-2/4	02/08 – 5 p.m.
2/05-2/11	02/15 – 6 p.m.
2/12-2/18	02/22 – 5 p.m.
2/19-2/25	03/01 – 6 p.m.



City of Dripping Springs MORATORIUM EXCEPTION APPLICATION

Official Use Only:	
Project #	MOR
Date Received	_____

Property/Site Address or Legal Description: _____

_____ Hays CAD Property ID (R #): _____

Owner Name: _____ Phone #: _____

Owner Email: _____

Authorized Agent: _____ Phone #: _____

Agent Email: _____

Project Name for which Exception is Requested: _____

Exception Reason:

- No Impact Project (No impact on wastewater or land use modifications)
- Ongoing Project (provide latest permit that allows continuance of this project)
- Vested Project (provide approved Grandfathered Determination Status Letter)
- Agreement (provide agreement that provides Right to Continue Development)

BASIS FOR EXCEPTION:

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Exceptions are reviewed by staff during administrative completeness review. A letter on the status of this exception will be provided to the applicant within or at the administrative completeness review. If denied, the exception may be appealed to City Council or a waiver may be applied for. If you are using vested or grandfathered status for your exception, you must have an approved Grandfathered Determination Status Letter on file from the previous 2 years or proceed with that process prior to your application for a permit and this exception.

Applicant Signature

Print Name

Date

OFFICIAL USE ONLY:			
Date all necessary documentation received: _____	Approved: _____	Denied: _____	Date: _____
	By: _____		11/2021



City of Dripping Springs MORATORIUM WAIVER APPLICATION

Official Use Only:	
Project #	MOR
Date Received	_____

Property/Site Address or Legal Description: _____

_____ Hays CAD Property ID (R #): _____

Owner Name: _____ Phone #: _____

Owner Email: _____

Authorized Agent: _____ Phone #: _____

Agent Email: _____

BASIS FOR WAIVER:

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

Applicant Signature

Print Name

Date

OFFICIAL USE ONLY:			
Date all necessary documentation received: _____	Approved: _____	Denied: _____	Date: _____
	By: _____		11/2021

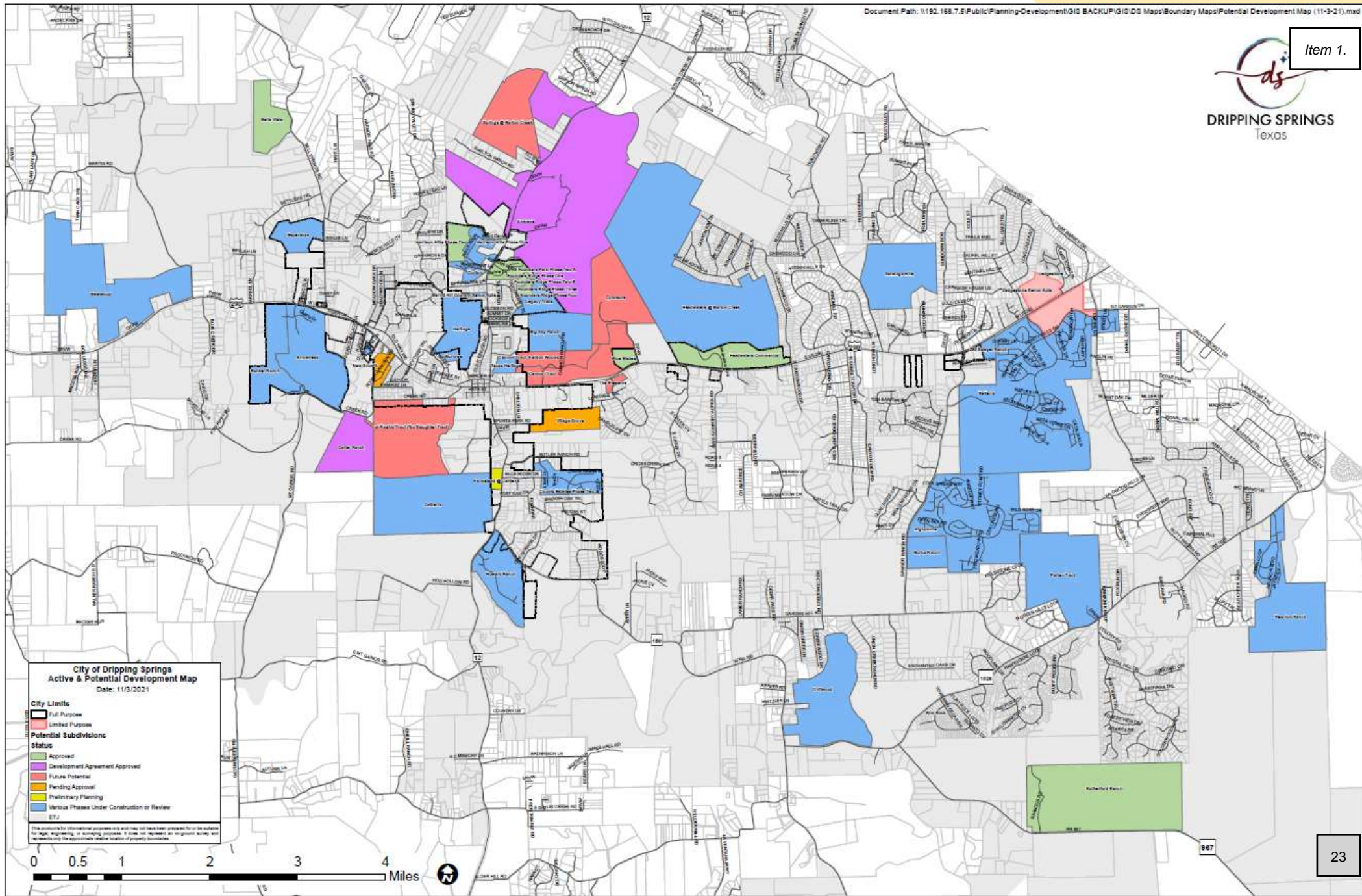


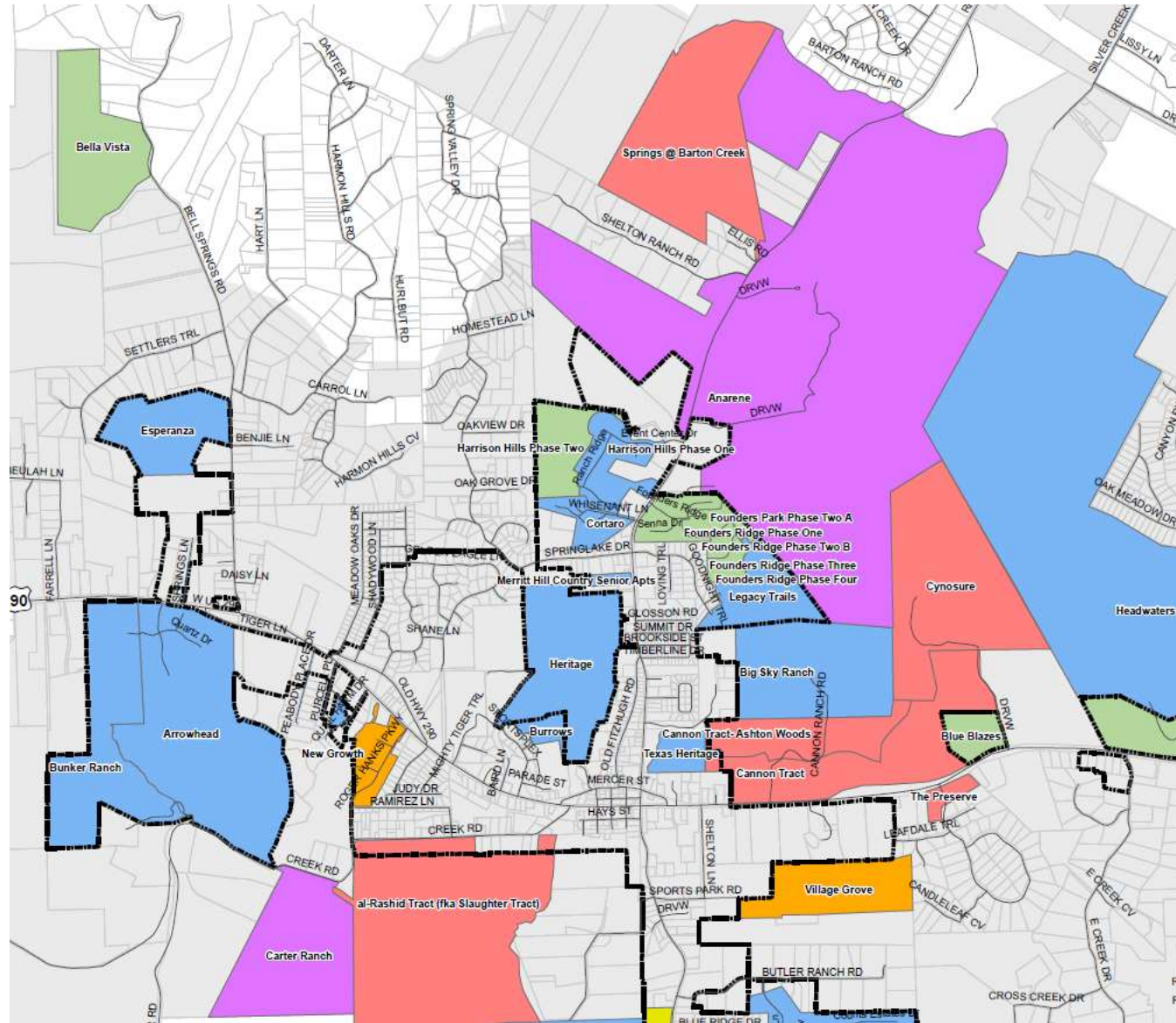
DRIPPING SPRINGS
Texas

Temporary Development Moratorium

Laura Mueller, City Attorney

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





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

- 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



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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?



CITY OF DRIPPING SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1.02.041: REGULAR MEETINGS: ESTABLISHING ADDITIONAL MEETINGS AND MEETINGS TIMES FOR CITY COUNCIL; PROVIDING FOR CANCELLATION OF MEETINGS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, Chapter 551 of the Local Government Code (Open Government; Ethics; Open Meetings) provides that a municipality must make a good faith effort, whether on its website or by physical postings, to provide notice of a meeting time to the general public at least 72 hours before the meeting; and

WHEREAS, the City of Dripping Springs desires to add additional dates and times for regular meetings in order to meet demand based on the recently adopted temporary development moratorium; and

WHEREAS, the City of Dripping Springs desires to add a process for cancellation of meetings as needed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs, Texas:

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. AMENDMENT

Section 1.02.041 Regular Meetings of City Council, Code of Ordinances, City of Dripping Springs, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Language that is struck through is repealed, language that is underlined is added.

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. CODIFICATION

The City Secretary is hereby directed to record 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.

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.

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Dripping Springs, Texas:

PASSED & APPROVED this, the _____ day of _____ 2021, by a vote of _____ (*ayes*) to _____ (*nays*) to (*abstentions*)

CITY OF DRIPPING SPRINGS

By: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

*Attachment "A"***CODE OF ORDINANCES****CHAPTER 1 GENERAL PROVISIONS****ARTICLE 1.02 CITY COUNCIL****Sec. 1.02.041. Regular meetings.**

- (a) Generally . Regular meetings shall be conducted ~~on the first and third~~ each Tuesday of each month at city hall.
- (b) Timing . On the first and third Tuesday regular meetings will commence at 6:00 p.m. at which time the city council will conduct roll call and give the Pledge of Allegiance. On all other Tuesdays, each meeting will begin at 5:00 p.m.
- (c) Rescheduling . When deemed necessary, prudent and in the public interest, the city council may occasionally opt to move a regular meeting date to a different time, date or place in order to facilitate unusual occurrences, such as holidays or inclement weather conditions. The mayor or a majority of the city council may call for the taking of items out of the order listed on the agenda.
- (d) Agenda . An agenda shall be posted by the city secretary not less than 72 hours in advance of such meetings.
- (e) Cancellation . When no item is set for a specific agenda, the meeting may be cancelled at the direction of the mayor or mayor pro tem if the mayor is unavailable. For all other meetings, when deemed necessary, prudent, and in the public interest, the city council may cancel a meeting.



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Moratorium Waiver Schedule

It is recommended that each applicant meet with City Staff prior to filing for a Waiver to ensure that an exception that could be administratively approved is not more appropriate and to ensure that sufficient information and documentation is provided to the City Council to make a decision.

Date Waiver Form Filed	Date of Council Meeting
11/23-11/26	11/30 – 5 p.m.
11/27-12/3	12/07 – 6 p.m.
12/4-12/10	12/14 – 5 p.m.
12/11-12/17	12/21 – 6 p.m.
12/18-12/24	12/28 – 5 p.m.
12/25-12/31	01/04 – 6 p.m.
1/01-1/07	01/11 – 5 p.m.
1/08-1/14	01/18 – 6 p.m.
1/15-1/21	01/25 – 5 p.m.
1/22-1/28	02/01 – 6 p.m.
1/29-2/4	02/08 – 5 p.m.
2/05-2/11	02/15 – 6 p.m.
2/12-2/18	02/22 – 5 p.m.
2/19-2/25	03/01 – 6 p.m.