

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2020-27

AN ORDINANCE AMENDING EXHIBIT A, ZONING ORDINANCE, SECTION 5, DEVELOPMENT STANDARDS & USE REGULATIONS, A., OFF-STREET PARKING & LOADING, SECTION 5.6, PARKING BASED ON USE, OF THE CITY OF DRIPPING SPRINGS, TEXAS, ESTABLISHING SECTION 5.6.3., MERCER STREET HISTORIC DISTRICT PARKING, ALLOWING FOR FEE IN LIEU OF PARKING WITHIN THE MERCER STREET HISTORIC DISTRICT; AND AMENDING SECTION 5.7.8, LOCATION OF PARKING SPACES, AS ATTACHED IN EXHIBIT “A”; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs (“City”); and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate parking within the City; and

WHEREAS, pursuant to Chapter 601.001 of the Texas Local Government Code, the City has the authority to regulate parking by ordinance on private property; and

WHEREAS, the City of Dripping Springs desires to adopt regulations under this ordinance to allow property owners to pay a fee-in-lieu of parking requirements within the Historic District; 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, 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

Appendix A, Zoning Ordinance, Section 5, Development Standards & Use Regulations, A. Off-street parking & loading, Section 5.6, Parking Based on Use, adding Section 5.6.3, Mercer Street Historic District Parking, and Section 5.7.8, Location of Parking Spaces, are hereby amended to read as presented in Attachment "A" to this ordinance. Any underlined text shall be added, and any struck-through text shall be deleted.

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. PUBLICATION

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, 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 9th day of June 2020, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr.

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham

Andrea Cunningham, City Secretary



CODE OF ORDINANCES

APPENDIX A: ZONING ORDINANCE

SECTION 5: Development Standards & Use Regulations Off- Street Parking & Loading 5.6 – Parking Based on Use, and 5.7.8 – Location of Parking Spaces

5.6.3 Mercer Street Historic District Parking

(1) Fee-in-Lieu of Parking Spaces.

- (a) Within the Mercer Street Historic District, (as delineated within Chapter 30, Zoning, Exhibit A, Zoning Ordinance, Section 4, Overlay Districts, Division 3, Historic Overlay Districts), a property owner who is unable to provide the required number of parking spaces for a non-residential uses may request to pay a fee in-lieu to the City of Dripping Springs Downtown Parking Fund for each parking space that is not provided, if the request for reduced parking meets the criteria contained herein. Payments to the fund will be on a per unprovided parking space basis as set out in Appendix A, Fee Schedule, of the City's Code of Ordinances. Payments to the Downtown Parking Fund will be used for the sole purpose of constructing, maintaining, and improving public parking on public property within the Mercer Street Historic District, or in an area adjacent to the Mercer Street Historic District, including but not limited to on-street parking, public parking lots, and public parking garages.
- (b) When an existing building is: (1) converted to another use; or (2) has the gross floor area within the existing building perimeter enlarged, rehabilitated, or remodeled, without enlarging the building perimeter/footprint/Gross Floor Area, then the building conversion or improvement shall not require additional off-street parking, so long as the existing off-street parking spaces utilized by said building are maintained.
- (c) For new commercial/retail buildings or expanded building Gross Floor Area within the Mercer Street Historic District Boundary, the expanded building area shall provide seventy five percent (75%) of the off-street parking requirements as listed in the Parking Based on Use within the Zoning Ordinance. An expansion of a patio to allow for additional outdoor seating shall not constitute an increase in Gross Floor Area, or as expanding the footprint of the existing structure, and shall not be required to provide additional parking.
- (d) If a structure is completely demolished, and where a new building is constructed, then the property owner shall only be required to provide additional parking for the increase in overall Gross Floor Area created by the new construction.

- (e) Where additional parking is required, then the applicant/property owner shall provide a detailed plan demonstrating how the site meets the City's parking standards, as amended herein for the Mercer Street Historic District, or pay the fee-in-lieu, as adopted in accordance with Appendix A, Fee Schedule, for the necessary number of parking spaces to serve the site. The fee is required to be paid prior to site plan approval, or prior to Certificate of Occupancy issuance, whichever comes first.
- (f) Residential and hotel type uses shall not be eligible to pay the fee-in-lieu, nor are they allowed the reduced off-street parking requirements unless the City Administrator approves the fee-in-lieu based on the site and requested use. The City Administrator may require a parking study, engineering studies, or other applicable information in order to determine whether the fee-in-lieu should be approved prior to approving the applicants request for fee-in-lieu for residential/hotel type uses.
- (g) With the exception of approved special exceptions related to the location of parking described in Section 5.7.8 below, no new parking special exceptions, alternative parking plans, or joint-use agreements shall be granted within the Mercer Street Historic District, all properties shall comply with the amended parking requirements found herein, either by providing the required number of spaces, paying the fee-in-lieu as outlined in Appendix A, Fee Schedule, or a combination of the two. Nothing in this subsection shall affect existing parking special exceptions, alternative parking plans, or joint-use agreements.
- (h) Any parking special exceptions, alternative parking plans, or joint-use agreements that were approved prior to the adoption of this ordinance shall be required to comply with all requirements set forth by the Board of Adjustment or other body at the time the request was approved.

* * *

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 nonresidential use is required by a change or enlargement of use, the required spaces may be located on an immediately contiguous lot or tract, or on a lot or tract within six hundred feet (600') from the building or use served, subject to approval of a variance to Section 5.7.8 and is provided the following criteria are met:
 - (1) 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 including access to such parking facilities; or
 - (2) That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

~~(b) 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.~~

(b) 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:

(i.) ~~a.~~Specifically identifies the designated spaces that are subject to the agreement;

(ii.) ~~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;

(iii.) ~~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.

(c) No property located within the Mercer Street Historic District shall be able to utilize provisions of this Section 5.7.8 in order to reduce their overall requirement for parking as described in Section 5.6.3, Mercer Street Historic District Parking. Special Exceptions shall not be granted for the reduction of the required number of parking spaces within the Mercer Street Historic District or from the payment of the fee-in-lieu.