

CITY OF DRIPPING SPRINGS, TX

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING CHAPTER 26 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING ARTICLE 26.02 SPECIFIC SIGN REGULATIONS BY DISTRICT; ALLOWING NEW BUSINESSES TO PLACE ONE ADDITIONAL TEMPORARY SIGN; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to support new businesses and promote economic development within the municipality; and

WHEREAS, the City Council finds that allowing new businesses to place an additional temporary sign will assist in their visibility and successful establishment within the community; and

WHEREAS, the City Council has determined that reasonable rules and regulations governing the placement of temporary signs by new businesses are necessary to maintain the aesthetic quality and safety of the City; and

WHEREAS, pursuant to Chapters 211 and 216 of the Texas Local Government Code, the City has the authority to regulate signs; 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 the amendments imposed by this Ordinance are reasonable, necessary, and proper for the good government of the City.

WHEREAS, after public hearing held by the City Council on November 19, 2024 the City Council voted to approve the ordinance; and

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 findings of fact as if expressly set forth herein.

SECTION 2. AMENDMENT

Chapter 26 of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any double underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment “A”.

SECTION 4. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, 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.

SECTION 5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance, including Attachment “A”, 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.

SECTION 6. 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 52.003 of the Texas Local Government Code, as well as publish in the official newspaper as authorized by Section 52.011 of the same code.

SECTION 7. EFFECTIVE DATE

This ordinance shall take immediate effect upon the date of final passage noted below, or when all applicable publication requirements are satisfied in accordance with the City Code of Ordinances and the laws of the State of Texas.

SECTION 8. 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 _____, 2024, 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:

Diana Boone, City Secretary

ATTACHMENT “A”

SEC. 26.02.004. COMMERCIAL DISTRICTS.

No signs shall be permitted or allowed in a commercial district unless they meet the following standards:

(1) Types of signs allowed with a permit.

(A) Commercial wall sign.

- (i) Only one wall sign is permitted per business on each property, two wall signs may be permitted if a business:
 - a. Is within a multiunit property;
 - b. Takes up an entire building; and
 - c. Is on a corner or has two public entrances on different sides of the building in which it is located.
- (ii) The total area on any such sign shall not be larger than 75 percent of the area of the storefront for the leased or owned area.
- (iii) The total length on any such sign shall not exceed 75 percent of the storefront width for the leased or owned area.
- (iv) The total signable area of the wall sign for each business shall not exceed 64 square feet in a nonresidential zoning district.
- (v) No wall sign shall extend, either above the roof of the building or beyond the wall to which it is attached by more than four feet at the point of attachment. In no instance shall the height of the sign exceed the maximum building height established for the zoning district.
- (vi) A wall sign attached to a building on private property shall not extend over any public land except a sidewalk adjacent to the building.
- (v) An address listed on a sign shall have lettering that is at least six inches in height.

(B) Commercial hanging sign.

- (i) The maximum area of a hanging sign shall not exceed eight square feet.
- (ii) The total length on any such sign shall not exceed 75 percent of the storefront width for the leased or owned area.
- (iii) The clearance from the ground to the bottom of any hanging sign must be at least seven feet.
- (iv) Only one hanging sign is permitted per property unless the property is a corner lot, in which case two hanging signs are permitted.

- (v) An address listed on a sign shall have lettering that is at least six inches in height.
- (C) Commercial construction/development sign. When a commercial lot is under construction, one sign per commercial development entrance which shall not exceed 64 square feet in area or eight feet in overall height may be placed at each entrance after applying and receiving a sign permit.
 - (i) A sign under this section may be a pole sign or a monument sign.
 - (ii) A sign permitted under this subsection must be removed when 80 percent of the commercial property is constructed or 12 months after the original sign permit is issued, whichever comes first.
 - (iii) The property owner or other responsible party shall be responsible for the maintenance, removal, and compliance requirements of such signs.
- (D) Commercial monument sign-individual business for use by a single business.
 - (i) The area of a monument sign for a property with a single business in a nonresidential zoning district shall not exceed 32 square feet not to exceed six feet in height. The sign shall be at least eight feet from the right-of-way and compliant with article 24.06.
 - (ii) Landscaping. A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.
 - (iii) An address listed on a sign shall have lettering that is at least six inches in height.
- (E) Awning signs as part of wall sign.
 - (i) One-third of the area of an awning sign shall be counted toward the limit on the total area of wall signs on the wall to which the awning is attached.
 - (ii) Only one awning sign is permitted per property, unless the property is a corner lot in which case two awning signs are permitted.
- (F) Restaurant menus. Detached or attached to a building, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed 32 square feet and eight feet in height. Such signs shall not be illuminated other than internally illuminated. If restaurant has more than one drive-in or drive-through lane onsite may include one restaurant menu sign for each lane.

(G) New Business Temporary Signs.

- (i) For the purposes of this section, a “new business” is defined as a non-residential enterprise that was not operated by any person or entity with a controlling interest in a non-residential enterprise located within one hundred

feet (100') of the property within the previous twelve (12) months. The new business is per non-residential enterprise, not per lot.

- (ii) For projects subject to the City's Building Code, new businesses may place one New Business Temporary Sign on their premises for a period not exceeding sixty (60) days between the time of issuance of a building permit for construction or renovation and the time a certificate of occupancy is issued. This sign must be removed at time of issuance of certificate of occupancy. An additional New Business Temporary Sign may be placed for up to sixty (60) days after a certificate of occupancy is issued.
- (iii) For projects not subject to the City's Building Code, new businesses may place one New Business Temporary Sign on their premises for a period not exceeding sixty (60) days prior to the business opening to the public. An additional New Business Temporary Sign may be placed for up to sixty (60) days after the business opens to the public.
- (iv) The maximum surface area for a New Business Temporary sign shall be thirty-two (32) square feet. The New Business Temporary Sign does not count towards total cumulative signable area limits nor the total amount of temporary signs on an annual basis.
- (v) The height of the New Business Temporary Sign must not exceed six (6) feet.
- (vi) The New Business Temporary Sign must be located on the business premises and must not obstruct traffic visibility or pedestrian pathways and must follow all other city regulations.
- (vii) The application for each New Business Temporary Sign must include the expected/actual date of certificate of occupancy issuance and a plan showing the proposed location and dimensions of the sign.
- (viii) A New Business Temporary Sign must not be illuminated.
- (ix) A New Business Temporary Sign must be of a type otherwise allowed by Chapter 26 of this code.

(2) Types of signs allowed without a permit.

- (A) Equipment signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., if words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
- (B) Window signs. A business may have a total signable area of window signs that shall not exceed 24 square feet for each business. A business where the business is at an intersection of two roadways and has windows on different sides of the building adjacent to the roadways, may have a total signable area of window signs that shall not exceed 48 square feet. The total signable area of the window signs do not count towards the cumulative total signable area allowed. A single-unit

property with a drive-through shall not exceed 48 square feet of total signable area.

- (3) Noncommercial signs allowed without a permit.
 - (A) Each lot may have one noncommercial sign, including a pole sign, wall sign, or monument sign, that meets the requirements of this section:
 - (i) A noncommercial sign shall not have an area greater than 36 square feet.
 - (ii) A noncommercial sign shall not be more than six feet in height.
 - (B) A noncommercial sign shall not be lighted or have any moving elements.
 - (C) Noncommercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on, or over any street or right-of-way.
 - (D) Noncommercial signs under this section may not advertise the sale of goods or services.
 - (E) Any sign allowed under this section for a commercial message may also contain noncommercial content.
- (4) Each lot may have up to a maximum of four flags with noncommercial messages on up to two flagpoles per premises. Each flag must be a maximum of 40 square feet in area. Flagpoles shall be a maximum of 25 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flagpoles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Each flagpole may only have two flags each. Flags may be illuminated in accordance with section 24.06.010 of this code.
- (5) One daily display sign per business may be displayed on the sidewalk or adjacent to the sidewalk on private property immediately adjacent to the business at a location approved by the city building department if:
 - (A) The sign does not impede pedestrian traffic;
 - (B) The maximum height of the entire structure of a daily display sign is three feet;
 - (C) Sign is stored away from public view when the establishment served by the sign is closed for business.
- (6) No sign may be placed without the consent of the property owner or without a sign permit, when required.
- (7) The responsible party is responsible for compliance with this article.
- (8) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (9) Properties in the ETJ that are appraised as, or used as, commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning district regulated by this section must comply with this section.