

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2024-\_\_\_

**MASTER SIGN PLAN *for* TRAILHEAD MARKET**

AN ORDINANCE AMENDING CHAPTER 26, APPENDIX “C”, OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING REGULATIONS FOR A MASTER SIGN PLAN FOR THE TRAILHEAD MARKET; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; AND FINDINGS OF FACT; CODIFICATION; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING; ENFORCEMENT INCLUDING CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$500.00 AND CIVIL FINES OF UP TO \$500.00

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to promote uniform regulations and specifications for signs throughout the city limits and extraterritorial jurisdiction in order to uphold and further the intent and purposes of the City’s Sign Ordinance; and

**WHEREAS**, pursuant to Chapter 212.172 of this ordinance shall be considered an amendment to the Agreement and either party may record this ordinance to meet the requirements of Chapter 212.172; and

**WHEREAS**, pursuant to the Agreement, the owners of the Property have asked for a series of approvals for signage as part of the updating and renovation of the property; and

**WHEREAS**, the City Council finds there are special and unique hardships present on the site due to the inherent value in the structure of the existing pole signs facing U.S. Highway 290; and

**WHEREAS**, the City Council concludes that the proposed sign locations, configurations, design, materials, and colors are harmonious with the hill country setting; and

**WHEREAS**, the City Council finds that approval of the Master Sign Plan are reasonable and more efficient than individual consideration and approval of particular variances; and

**WHEREAS**, the intent of this Ordinance is to provide for consistent and compatible signage for the Property, in order to provide a uniform look and feel throughout the property that is appropriate for Trailhead Market’s location; and

**WHEREAS**, the City Council has determined that the standards and specifications set forth in this Ordinance are consistent with the intent of the City’s Sign Ordinance, and spirit of the City’s Comprehensive Plan; 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**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the general authority to regulate the use of land and construction of buildings; and

**WHEREAS**, pursuant to Chapter 216 of the Texas Local Government Code, the City has the specific authority to regulate signs; 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 an ordinance approving the Master Sign Plan for the Trailhead Market.

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

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

### **3. 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.

### **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 of caption.

**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 \_\_\_\_\_, 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:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

City of Dripping Springs

CODE OF ORDINANCES  
CHAPTER 26: SIGNS

APPENDIX "\_\_\_\_\_":  
MASTER SIGN PLAN FOR TRAILHEAD MARKET

SECTION 1. ENACTMENT PROVISIONS

- 1.1 Popular Name**  
This Appendix to Chapter 26 of the Dripping Springs Code of Ordinances shall be commonly cited as the "Master Sign Plan for Trailhead Market."
- 1.2 Purpose**  
This Appendix provides standards for consistent and compatible signage for the complex as a whole to provide a uniform look and feel throughout the complex that is appropriate for the complex's location.
- 1.3 Scope**
- 1.3.1** This Appendix applies to all property at Trailhead Market, that being the following lots, collectively known as "the Property":  
**i.** Lots 1 and 16 Dripping Springs Heights
- 1.3.2** This Appendix applies to the Owner and to each individual Tenant occupying the Property at Trailhead Market. Owner shall provide each Tenant with a copy of this Appendix. Both the Owner and the Tenant are Responsible Parties under Chapter 26 for purposes of Enforcement of this Appendix and Chapter 26.
- 1.4 Applicability**
- 1.4.1** The standards set forth in this Appendix, along with the illustrations identified as *Exhibit 1*, which are included herein for all intents and purposes, shall govern the signage erected on the Property.
- 1.4.2** Permit applications for signs proposed to be erected and maintained at the Trailhead Market shall be evaluated for compliance with the standards set forth in this Appendix, Chapter 26 (Signs), Chapter 24-Article 24.06 (Lighting), and the Code of Ordinances (generally).
- 1.4.3** Variance applications for signs proposed to be erected at the Trailhead Market shall

be evaluated in accordance with the standards set forth in this Appendix, Chapter 26 (generally), Chapter 24-Article 24.06 (Lighting), and the Code of Ordinances (generally).

**1.4.4** If the standards in this Appendix conflict with specific provisions of Chapter 26, this Appendix shall govern. Chapter 26 shall apply to all signage not specifically addressed in this Appendix.

## **1.5 Administration**

**1.5.1** Sign permit applications under this Appendix are subject to the general rules and procedures for sign permits set forth in Chapter 26.

**1.5.2** Sign permit applications must include the written consent of the Owner stating that the Owner has reviewed the specifications of the proposed sign and supports the permit application.

## **SECTION 2. DEFINITIONS**

### **2.1 Rules of Interpretation**

Words and phrases used in this Appendix shall have the meanings set forth in this section. Terms that are not defined below, but are defined in Chapter 26 of the Code of Ordinances, or elsewhere in the Code, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and *vice versa*); and words in the masculine gender shall include the feminine gender (and *vice versa*). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes, only.

### **2.2 Specific Terminology**

**City:** the City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

**Sign Type 1 Pole Sign (Project Identification Sign 1):** Sign depicted on pages 4 and 5 of the Master Sign Plan attached as Exhibit 1 and is a refurbishment of an existing pole sign.

**Sign Type 2 Pole Sign (Project Identification Sign 2):** Sign depicted on pages 6 and 7 of the Master Sign Plan attached as Exhibit 1 and is a refurbishment of an existing pole sign.

**Project Identification Sign:** the signs depicted as Sign Type 1 and Sign Type 2 on the attached Exhibit 1. These signs are distinctive signs that already exist on the property and shall advertise the overall property and the tenants adjacent to these signs.

**Owner:** the person who owns the property at Trailhead Market, or the property management

agent operating on the owner’s behalf pursuant to a written contract, agency letter, or power of attorney. As applied by this Appendix, the term applies regardless of whether the person is operating in the capacity of an investor, owner, landlord, or developer.

**Person:** a human individual, agency, association, business, corporation, partnership or sole proprietorship.

**Sign Type 3 Large Roof Sign:** A sign, other than a wall sign, depicted on pages 8 and 9 of the Master Sign Plan attached as Exhibit 1 which physically attaches to the roof but does not break the plane of the roofline of the building.

**Sign Type 4A Wall Sign:** A wall sign for the tenant of the freestanding building at the corner of U.S. Hwy 290 and Retha Drive and depicted on pages 10 and 11 of the Master Sign Plan attached as Exhibit 1

**Sign Type 4B Wall Sign:** A wall sign for the tenant of the freestanding building facing Bonnie Drive, depicted on pages 12 and 13 of the Master Sign Plan attached as Exhibit 1.

**Sign Type 5 Large Roof Sign:** A sign, other than a wall sign, depicted on pages 14 and 15 of the Master Sign Plan attached as Exhibit 1 which physically attaches to the roof but does not break the plane of the roofline of the building.

**Tenant:** a person with a leasehold interest in a designated unit within the Property at Trailhead Market.

**Window Signs:** Signs that are painted on, etched in, or visible through a window or transparent door of a building that are oriented in a manner establishing an intent to be viewed off-premises or from public roads. This term excludes signs displayed inside of buildings primarily for patrons on the premises.

## **SECTION 3. PROPERTY SIGNAGE**

### **3.1 General Consistency**

**3.1.1 Architectural.** All signs and supporting structures shall be designed in accordance with the overall architectural theme of the property and subject to review of the Owner.

**3.1.2 Renderings.** All signs and supporting structures shall be designed in accordance with the drawings included herein as **Exhibit 1**.

**3.1.3 Logos.** Graphic symbols, or logos that represent a business entity or organization shall be permitted to be displayed on all signs within the property, and the outline area of the graphic symbol counts against the maximum area allowed for each sign location that the symbol is present.

**3.1.4 Static.** Signs will not have moving parts, changing colors, flashing parts or

intermittent illuminated segments to mimic or create movement. The sign shall remain static and evenly illuminated.

### **3.2 Project Identification Signs**

**3.2.1** Owner has two (2) existing Project Identification Signs on the 2.851 acre property; these signs are being refurbished. For full descriptions and renderings refer to the Trailhead Market Master Sign Plan attached as **Exhibit 1**.

**3.2.2** Building Materials:

The Project Identification Signs shall be constructed of predominately metal, pre-weathered steel, concrete, and metal mesh and other materials consistent with the architectural design of the center.

Each sign shall consist of a base comprised of rock, masonry, or stone for the body of the sign and painted aluminum for the panels of the sign.

**3.2.3** Height:

**i.** The maximum height for the Project Identification Signs shall not exceed four hundred and ninety inches (490 in.) for Sign Type 1 and two hundred eighty-one inches (281 in.) for Sign Type 2.

**3.2.4** Width:

**i.** The maximum width for the Project Identification Signs shall not exceed one hundred and 11 inches (111 in.) at the base and one hundred thirty-five inches (135 in.) at the top of Sign Type 1; and eighty-six inches (86 in.) at the base and seventy-six inches (76 in.) at the top for Sign Type 2.

**3.2.5** Length:

**i.** The maximum width for the Large Roof sign shall not exceed one hundred twenty inches (120 in.) at the base and at the top; the maximum width for the Small Roof sign shall not exceed seventy inches (70 in.) at the base and at the top.

**3.2.6** The Project Identification Sign Sign Type 1 shall not have more than five (5) panels, one (double-sided) of which shall display the name “TRAILHEAD;” Project Identification Sign Sign Type 2 shall not have more than four (4) panels, one (double-sided) of which shall display the name “TRAILHEAD.”

**3.2.7** Signs subject to this section shall only be illuminated to display tenant names and the name TRAILHEAD.

## **SECTION 4. TENANT SIGNAGE**

## 4.1 Architectural General Consistency

4.1.1 Architectural. All signs and supporting structures shall be designed in accordance with the overall architectural theme of the property.

## 4.2 Wall Signs

4.2.1 Owner may erect eight (2) Wall Signs at the following locations, the approximate location of such projecting signs is shown in Exhibit 1:

- i. Sign 1 (Sign Type 4A): One wall sign up to thirty-three and one-quarter square feet (33.25 sf) centered on the wall of the freestanding building at the corner of U.S. Hwy 290 and Retha Dr. Sign shall be attached to the current wall as shown in Exhibit "1".
- ii. Sign 2 (Sign Type 4B): One wall sign up to sixty-three and two-fifths square feet (63.4 sf) centered on the wall of the freestanding building facing Bonnie Dr. Sign shall be attached to the current wall as shown in Exhibit "1".

4.2.2 Signs subject to this section shall only be illuminated as stated above.

- i. Wall signs subject to this section shall only be illuminated to display tenant name illumination shall be 3000 kelvins or below as described in the Trailhead Market Master Sign Plan attached as Exhibit 1.

## 4.3 Roof Signs

4.3.1 This section applies to Trailhead Market, Hays County, Texas, the address being 1111 U.S. Hwy 290, Dripping Springs, Texas 78620.

4.3.2 There are two (2) sizes of roof signs as shown and described in the Trailhead Market Master Sign Plan attached as Exhibit 1:

- i. Large Roof Sign (Sign Type 3): thirty-six inches (36 in.) H x one hundred twenty inches (120 in.) W; painted aluminum with removable acrylic face; tenant name is CAD-cut black vinyl applied to the first surface of the acrylic face.
- ii. Small Roof Sign (Sign Type 5): thirty-six inches (36 in.) H x fifty-two and one-quarter inches (52.25 in.) W; painted aluminum with removable acrylic face; tenant name is CAD-cut black vinyl applied to the first surface of the acrylic face.

4.3.3 Roof Signs may be illuminated. LED illumination shall be 3000 Kelvin or below.

4.3.4 Roof Signs that are illuminated must be turned off at the later of closing time of the business or 10:00 p.m.

4.3.5 All signs and supporting structures shall be designed in accordance with the overall architectural theme of the property.

4.3.6 Lettering, logos, and names on tenant signs may be changed without amendment to



this Appendix or application for variance so long as all other requirements of this Appendix are met, including but not limited to size, height, lighting, and color.

#### **4.4 Window Signs**

4.4.1 The section shall apply to all lots of the Trailhead Market, Hays County, Texas, the address being 1111 U.S. Hwy 290, Dripping Springs, Texas 78620.

4.4.2 A unit in the multiunit Trailhead Market, may have a total signable area of window signs that shall not exceed twenty-four (24) square feet for each tenant. A unit in the multiunit Trailhead Market where the unit 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 forty-eight (48) square feet for each tenant.

4.4.3 The total signable area of the window signs does not count towards the cumulative total signable area allowed.

### **SECTION 5. PROHIBITION**

A person commits an offense when a person erects, installs, or places signage at Trailhead Market in violation of this Appendix.

### **SECTION 6. ENFORCEMENT**

#### **6.1 Civil & Criminal Penalties**

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

#### **6.2 Offense**

(a)A person who violates, causes, allows or permits a violation a section of this Appendix or Chapter 26 of the code of ordinances designated as an offense commits a misdemeanor punishable by a fine not exceeding \$500.00.

(b)Each violation of this Appendix or Chapter 26 designated as an offense constitutes a separate offense.

(c)No culpable mental state is required to prove an offense under this Appendix or Chapter 26 if the offense involves:

(1) placement of a sign in the right-of-way;

(2) placement of a sign in another person's property without the person's permission; (3) placement of a sign that encumbers access to a person's property or encumbers use of a street, sidewalk, trail, path, or driveway.

#### **6.3 Civil Remedies**

Nothing in this Appendix or Chapter 26 shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Appendix or Chapter 26 and to seek

remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this Appendix or Chapter 26 or to require specific conduct that is necessary for compliance with this Appendix or Chapter 26, including removal of signs that violate this Appendix or Chapter 26 at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of this Appendix or Chapter 26 and after receiving notice committed acts in violation of this Appendix or Chapter 26 or failed to take action necessary for compliance with this Appendix or Chapter 26; and other available relief; and
- (3) An impoundment fee may be charged to recover a sign that has been impounded based on the current city fee schedule.
- (4) In the event work is not being performed in accordance with this Appendix or Chapter 26, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.