

CITY OF DRIPPING SPRINGS

ORDINANCE No. 6500.10

EXTERIOR DESIGN & ARCHITECTURAL STANDARDS

AN ORDINANCE ENACTING VOLUME 2, ARTICLE 15, CHAPTER 6 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR EXTERIOR DESIGN & ARCHITECTURAL STANDARDS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES NOT TO EXCEED \$2,000 OR CIVIL PENALTIES OF UP TO \$500 PER VIOLATION; AND SEVERABILITY

- WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) finds that the City’s area and style are commonly referred to as “Hill Country”, characterized by the rolling Central Texas hills; rugged ridgeline horizons; limestone outcroppings covered in clusters of low, hardy, native trees; native landscaping; and clusters of development tucked into the hills and built from the native stones and woods; and
- WHEREAS,** the City finds that preserving the City’s architecture is effective in promoting and preserving the community’s sense of identity; contributes to its economic development; enhances the quality of life for residents and visitors; and promotes a sense of harmony with the City’s ambience and customary style; and
- WHEREAS,** the City Council also finds that the historic architecture, when carefully preserved and emulated in new development, raises property values in both the City and in surrounding areas by providing stability and aesthetic enhancement; attracting tourists and businesses; and thus contributing to our City’s general economic growth and viability; and
- WHEREAS,** the City Council finds that taking measures to protect the City’s financial vitality through the enactment of exterior design and architectural standards acts to protect the public health, safety, and welfare of the community’s residents; and
- WHEREAS,** the City is undergoing substantial growth and construction, and the City Council seeks to provide exterior design and architectural standards that ensure future improvements and construction in commercial areas are consistent, and in harmony with, the City’s ambience and customary style; and
- WHEREAS,** the exterior design and architectural standards established by this Ordinance are consistent with the City Council’s comprehensive effort to preserve the cultural, historical, ecological, and geological treasures of the City and enhance economic development; and

WHEREAS, pursuant to Texas Local Government Code Chapter 211, the City has general authority to regulate the construction, reconstruction, alteration, or razing of buildings and other structures in places and areas of historical, cultural, or architectural importance, and per Texas Local Government Code Chapter 212, the City has the authority to regulate property development; 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 regulating exterior design and architectural standards.

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

Volume 2, Article 15, Chapter 6 of the City of Dripping Springs Code of Ordinances is hereby enacted, and after such enactment, shall read in accordance with *Exhibit A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

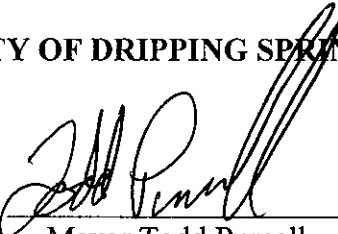
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

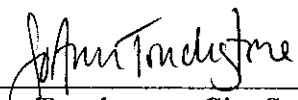
PASSED & APPROVED this, the 12th day of February 2008, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: 

Mayor Todd Purcell

ATTEST:



Jo Ann Touchstone, City Secretary

APPROVED AS TO FORM:
Alan J. Bojorquez, City Attorney

City of Dripping Springs
CODE OF ORDINANCES
VOLUME: 2
ARTICLE 15: DEVELOPMENT
CHAPTER 6: EXTERIOR DESIGN &
ARCHITECTURAL STANDARDS

SECTION 1. ENACTMENT PROVISIONS

1.1. Popular Name

This Chapter shall be commonly cited as the “Exterior Design & Architectural Standards Ordinance”.

1.2. Purpose

1.2.1. The purpose of this Chapter is to provide development with guidance on construction shape and style, for purposes of maintaining the consistent “Hill Country Style” aesthetic that marks our City as an attractive residential, leisure, and commercial destination.

1.2.2 Health, Welfare, & General Well-Being

Encouraging a historically consistent and attractive City setting encourages visual enjoyment, walking from pleasing location to pleasing location, and time spent outdoors in the community’s shops and common areas, enjoying the overall ambience of the community. The fact that the proper use of exterior design elements can contribute to greater community health and well-being as well as the preservation of the community’s aesthetic qualities indicates that the use of exterior design elements is of benefit to the health, welfare, and general well being of the community and, therefore, it is proper that the appropriate use of such elements be required.

1.2.3. These Exterior Design considerations are not intended to stifle architectural creativity, to decrease or limit one’s use of property, nor to impose undue economic hardship on any property owner as a result of the requirements set forth in this Chapter.

1.3. Background

The Texas Hill Country style of architecture originated with the German settlers building simple designs using native materials. Buildings are of simple design with wide overhangs and porches to provide shade. Also, numerous tall windows were used to take advantage of cooling breezes. As the original simple structures were added onto, the buildings took on a “rambling” style. Attics were finished into rooms with dormer cut out of or protruding from the roof to create a “story/half” element. Around the turn of the 20th century, “Victorian” style homes were built with wood ornamentation and wrap-around porches. In the first half of the 20th century, “bungalow” style plans were built using stone and wood siding.

1.4. Scope

1.4.1. This Chapter applies to all **commercial** property within the incorporated municipal boundaries (i.e., “city limits”).

1.4.2. This Chapter may be applied at the discretion of the City pursuant to a development agreement or other discretionary approval of a project in the extraterritorial jurisdiction (ETJ).

1.4.3. This Chapter applies to actions taken after date of enactment.

SECTION 2. DEFINITIONS

2.1. Interpretation

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, 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. Terminology

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

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

EFIS: An Exterior Finish Insulation System.

SECTION 3. ADMINISTRATION

3.1 Application

This Chapter applies to all new **commercial** development requiring subdivision of land, site plan approval, and that is subject to zoning requirements. All properties going through re-development through extension, reconstruction, or structural alteration must also come into compliance.

3.2. Alternative Exterior Plan

An alternative Exterior Design plan may be submitted for consideration by the Planning & Zoning Commission when site conditions make strict compliance with the requirements undesirable or impractical. Examples of such site conditions include, but are not limited to, the following:

- (a) Existing buildings, utilities, or other improvements; and
- (b) Safety.

3.2.1. Alternative Exterior Design Plan Considerations

The alternative plan shall, as a whole, meet or exceed the standards of this Chapter. When a provision is reduced, the plan shall increase other provisions to off-set any non-compliance. For instance, if exterior materials do not meet Chapter guidelines, window trim may be accentuated to balance the building's overall architectural impact.

3.2.2. Alternative Exterior Design Plan Appeal Process

The Planning & Zoning Commission shall consider approval or disapproval of an alternative Exterior Design plan. If the decision is to disapprove, the Planning & Zoning Commission shall state reasons. An applicant may appeal the decision to the City Administrator. The City Administrator may, solely at the Administrator's discretion, either: (a) rule on the appeal, or (b) refer the appeal to the City Council. Such appeal shall be processed as a variance.

3.3. Waiver

A waiver can be applied for if the exterior redesign of a redevelopment project cannot be done without damaging existing utilities, curbs, or sidewalks.

SECTION 4. EXTERIOR DESIGN & ARCHITECTURAL STANDARDS

4.1. Building Massing & Articulation

Massing for buildings more than 10,000 square feet shall be varied to provide both horizontal and vertical relief (i.e., "articulation") on primary facades.

4.2. Design Principles

The visible and notable design features, concepts, and qualities shall include:

- (a) **Predominance of Native Stone Masonry**, giving a quality expression to the primary architectural forms and massing.
- (b) **Highly Articulated** (vertically and horizontally) architectural massing, which breaks-up the overall building scale, defines store entries, creates plazas and pedestrian-oriented spaces, and contributes to an overall sense of place.
- (c) **Standing-Seam Metal Roofs** (sheds and gables) with generous overhangs, consistent with the rural architectural character of the surrounding environs. Primarily gable roof construction with shed roofs and cut-out dormers.
- (d) **Tasteful Materials Palette** and subdued color scheme, consistent with the earthy, natural materials of the surrounding landscape context.
- (e) **Pedestrian Amenities**, such as benches, dining and seating groups, umbrellas, potted plants, etc. contribute greatly to the overall feel and quality.

- (f) **Tenant Identity Signage** that is communicative, appropriately-scaled and not garish.
- (g) **Porches**, Porches along 50% of the front with possible wrap-around porches, raised porches with wood handrails
- (h) **Stories**, primarily story and half designs with some two story elements

4.3. Building Materials

(a) **Stone Building Entry Elements**

The primary façade shall consist of a minimum of seventy-five percent (75%) stone and glazing; the remaining twenty-five percent (25%) shall consist of EFIS, stucco, wood, metal or other equivalent materials.

(b) **Stone Building Base Elements**

Exterior wainscote shall be one hundred percent (100%) faced with stone masonry to a minimum height equal to one fourth (1/4 or 25%) of the wall height or up to four feet (4') high, whichever is less. This masonry "skirt" precludes the use of EFIS as a wainscoting material on the primary and secondary facades of the buildings and will have appropriate adjustments in height for changes in finished grade.

(c) **Metal Roofs**

All sloped roof elements (including permanently roofed pedestrian scale elements) shall be clad in pre-finished metal roofing panels of approved type.

(d) **Veneers**, primarily native stone veneers with some stucco and/or brick accents.

(e) **Windows**, narrow windows rather than picture windows

SECTION 5. PROHIBITION

It shall be unlawful for any person to build, construct, or erect any buildings or improvements in violation of this Chapter.

SECTION 6. ENFORCEMENT

6.1. Compliance

Violators of this Chapter will be required to come into compliance within sixty (60) days, unless a variance of has been approved by the City. Compliance with this Chapter may be grounds for withholding of other related, pending permits for the project by the City.

6.2. Civil & Criminal Penalties

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

6.3. Criminal Prosecution

Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor.

6.4. Civil Remedies

Nothing in this Chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to the following:

6.4.1 Injunctive relief. An injunctive relief may be utilized to prevent specific conduct that violates the Chapter or to require specific conduct that is necessary for compliance with the Chapter; and

6.4.2 A civil penalty. A civil penalty may be levied of up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of the Chapter and after receiving notice committed acts in violation of the Chapter or failed to take action necessary for compliance with the Chapter; and other available relief; and

6.4.3. Stop Work Order. In the event work is not being performed in accordance with this Chapter, 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.