

CITY OF WEST LAKE HILLS

AMENDMENT 346 TO THE WEST LAKE HILLS CODE

**AN AMENDMENT TO SETBACK REGULATIONS FOR PARKING
AREAS AND DRIVEWAYS**

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 22.03, CONSTRUCTION CODE, DIVISION 5: MINIMUM STANDARDS FOR RESIDENTIAL BUILDINGS AND DIVISION 8: DIMENSIONAL REGULATIONS OF THE WEST LAKE HILLS CODE OF ORDINANCES; 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 West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and
- WHEREAS**, the City Council finds it necessary to review and amend its construction regulations from time to time, including parking area and driveway setbacks; and
- WHEREAS**, the City Council seeks to accomplish the goals of the master plan that requires that driveway entrances be laid as inconspicuously as possible to maintain the aesthetic look of the City of West Lake Hills; and
- WHEREAS**, the City Council seeks to lessen the impact on the land along the streets caused by wide driveways; and
- WHEREAS**, the City Council seeks to clarify regulations for parking area and driveway setbacks by amending the Code of Ordinances to reference relevant sections where said regulations are found; and
- WHEREAS**, the City Council seeks to amend the maximum surface width of any portion of driveway located within the right-of-way; and
- WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has a 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 proposed are reasonable and necessary for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, 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

Chapter 22, Article 22.03, Division 5: Minimum Standards for Residential Buildings and Division 8: Dimensional Regulations of Code of Ordinances, City of West Lake Hills, 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. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated in *Attachment A*.

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 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, 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.

PASSED & APPROVED this, the 26th day of July 2017, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: *Linda Anthony*
Linda Anthony, Mayor

ATTEST:
Lacie Hale
Lacie Hale, City Secretary



City of West Lake Hills

CODE OF ORDINANCES

CHAPTER 22 BUILDING REGULATIONS

ARTICLE 22.03 CONSTRUCTION CODE

DIVISION 8. Dimensional Regulations

Sec. 22.03.277 Setback for parking areas and driveways

For residential properties see section 22.03.175.

For non-residential properties see section 22.03.249 et seq. (1996 Code, sec. 14-291)

DIVISION 5. Minimum Standards for Residential Buildings

Sec. 22.03.175 Off-street parking and parking pad requirements in residential areas

(a) Off-street parking and loading areas, including parking pads, shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:

(1) The minimum setback distance for driveways and parking areas from street right-of-way lines shall be 20 feet. Excluded from this setback is the first 20 feet of the driveway that connects to the adjacent street.

(2) The minimum setback distance for driveways and parking areas from boundary lines shall be 10 feet. Excluded from this setback is the first 10 feet of the driveway that connects to the adjacent street.

(b) Driveway entrances shall be set back at least 35 feet from the point of tangency of the curb at any intersecting street.

(c) Adequate culverts shall be provided under driveway entrances to prevent obstruction of drainageways.

(d) All driveways shall be designed so as to provide safe vehicular entrance and exit without the necessity of backing out into a public street.

(Ordinance 246 adopted 6/13/12)

(e) Every driveway entrance/exit shall be at roadway grade level where the driveway intersects the city's right-of-way except as otherwise approved by the city inspector.

(1) Each dwelling shall be on a lot abutting a public street or having access to an improved public street, and all structures shall be so located on lots as to provide safe, convenient access for servicing, police protection, fire protection and required off-street parking. Driveways shall not exceed a maximum of 20 percent grade at any point after construction.

(Ordinance 313 adopted 9/9/15)

(2) Only one driveway is allowed per primary dwelling unit, regardless of the number of lots, frontage on more than one roadway, or character of accessory structures. Any portion of the driveway located in the right-of-way shall not exceed 12 feet in surface width at the throat and an additional five feet on each side for a radius at the intersection with the street. The location of all driveways shall be approved by the city inspector. The parking spaces and driveway surfaces shall be those required in sections 22.03.241, 22.03.242, 22.03.244 and 22.03.247.

(3) No residential structure shall be erected or enlarged by an increase in floor area unless the minimum number of off-street parking spaces specified in the following schedule is provided. Adequate aisles and driveways shall also be provided to permit proper maneuvering within the parking area and for safe and orderly entry and exit. Parking area design is included as an integral part of the site plan development.

<u>Use</u>	<u>Number of Spaces</u>
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One-family dwellings	Two spaces for each unit
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(4) It is the policy of the city to encourage adjoining lot owners to share a common driveway. A variance to the side setback stipulations is required by both adjoining lot owners; however, variance fees may be waived by the city administrator or the board of adjustment.

(f) Residential driveways shall not be less than 12 feet in surface width.

(g) All driveway setbacks established in this section apply to temporary (i.e., construction) driveways.

(h) Additional requirements for two-family residential structures in R-2:

(1) All parking spaces shall be located behind the dwelling units and the garage entrance shall not face the street.

(2) The garage shall be enclosed.

(3) At least two parking spaces are required for each family dwelling unit.

(4) Parking is prohibited under any portion of the dwelling units.

DIVISION 7. Off-Street Parking (Nonresidential)

Sec. 22.03.249 Driveway, parking and loading area setbacks

(a) It is the policy of the city to encourage adjoining lot owners to share a common driveway. A variance to the side setback stipulations is required by both adjoining lot owners; however, variance fees may be waived by the city administrator or the board of adjustment.

(b) Off-street parking and loading shall be located no closer to the street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:

- (1) The minimum setback distance for driveways, parking areas, and loading areas from street right-of-way lines in nonresidential districts (O, B-1, B-2, B-3, GUI, MUB-4) shall be 30 feet.
- (2) The minimum setback distance for driveways, parking areas, and loading areas from the boundary lines of the following lots (in feet) is as follows:

Boundary Lines of Lots Used For:

Driveway, Parking or Loading Areas Used in Connection With the Following Uses:	One- or two-family dwelling use or vacant in R-1, R-2 or R-3 district	Uses permitted in B-1, B-2, O, GUI, MUB-4 district, or vacant in any such district
Commercial, office, governmental, utility or institutional uses (B-1, B-2, B-3, O, GUI, MUB-4 districts)	30	10

(3) The term “driveways” includes those areas used for required vehicle turnaround or other maneuvering. Where commercial driveways adjoin R-1, R-2 and R-3 districts, the ten-foot setback shall be landscaped as provided elsewhere in this article.

(4) All driveways are limited to undeveloped slopes below 25 percent gradient. They shall not exceed a maximum of 15 percent grade after construction.

(1996 Code, sec. 14-268; Ordinance adopting Code)