



SHADY SHORES TOWN COUNCIL
WORKSESSION
SEPTEMBER 11, 2023; 6:00 PM
101 S.SHADY SHORES ROAD
SHADY SHORES, TX 76208

TO VIEW THE MEETING LIVE
<https://shadyshores.tx.civicclerk.com/>

CALL TO ORDER

ROLL CALL

Establish a quorum.

Legislative Update- Conduct work session relative to progress made on action items from the recent Legislative session.

Driveways- conduct a worksession relative to approved surfaces for driveways.

ADJOURN

The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).

I, Cindy Aughinbaugh, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Regular Town Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on 7th Day of September 20 23, at 4:48 P.M.

Wendy Withers

Cindy Aughinbaugh, Mayor



AGENDA MEMORANDUM

DATE: September 11, 2023
TO: Town Council
FROM: Wendy withers, Town Administrator
SUBJECT: Legislative Update- Conduct work session relative to progress made on action items from the recent Legislative session.

BACKGROUND/INFORMATION:

During the August work session, the Town Council was presented with a list of action items that were a result of the recent Legislative Session. Receive an update as to the progress town staff has made relative to the completion of or implementation of those action items.

BILL NUMBER	TOPIC	EFFECTIVE DATE	ACTION	WHO	COMPLETION DATE	STATUS
HB 1819	repeal juvenile curfew ordinance,	9/1/2023	new ordinance	Wendy get ready for council	8/14/2023	Complete
SB 1893	tick tock ban	immediate	update ordinance	Wendy get ready for council	8/14/2023	complete
SB 1346	littering	9/1/2023	new ordinance	Wendy; Jim; KSSB	10/9/2023	it's preliminary review completed by KSSB; Jim revised and will take back to KSSB in September
HB 14	definition of what needs to be reviewed in 15 days for approval, development documents	9/1/2023	Meeting with Richard, David, Amber, Jim, Wendy and Cindy to determine what to do after September 1 until changes are made, determine what changes will need to be made	Wendy setup a meeting	9/11/2023	Meeting setup; second discussion meeting held on 09/06/2023

			and schedule the changes for council			
HB 3699	shot clock and plats	1/1/2024	List on web site. Meeting Jim and Richard to determine next steps in August and setup a schedule to complete changes, take to &Z and to council by 12,11,2023	Wendy setup meeting	12/11/2023	Meeting setup 09/06/2023
HB 2127	preemption	9/1/2023	This bill has more impact on home Rule cities. SS ordinances have been drafted to comply with state law. any changes will most likely be the result of changes to the codes after our ordinances were passed. Jim is to review the state codes in this bill to determine if there any conflicts that require change to Shady Shores ordinances. priority order: Occupations Code Agriculture code Business and commerce code finance code local government code Insurance code Labor Code Natural resources code Property code	Jim Occupations Code Agriculture code Business and commerce code finance code local government code Insurance code Labor Code Natural resources code Property code I put 2 weeks in the schedule for the higher priority codes and 1 week for the later reviews.	8/10/2023 8/24/2023 9/7/2023 9/21/2023 10/5/2023 10/19/2023 10/26/2023 11/02/2023 11/09/2023	Priority received from Jim; update from Jim Shepherd District Court Rules Super Preemption Bill Unconstitutional On Wednesday, a Travis County district judge declared that H.B. 2127, the Texas Regulatory Consistency Act, is unconstitutional. H.B. 2127, among other things, prohibits home rule cities from adopting or enforcing an ordinance in a field of regulation occupied by eight specific codes unless expressly authorized. Following the bill's passage, the City of Houston—later

					joined by the cities of San Antonio and El Paso as intervenors—filed a lawsuit in Travis County to have H.B. 2127 declared unconstitutional. After a two-hour hearing and arguments from both sides, Travis County District Court Judge Maya Guerra Gamble granted Houston’s Motion for Summary Judgment and denied the State’s Motion to Dismiss. Further, the court declared H.B. 2127 to be unconstitutional in its entirety. The court’s final judgment can be accessed here. While the ruling represents an encouraging first step for the preservation of constitutional home rule authority in Texas and a first step victory for those citizens who believe in local control, it marks just the beginning of the legal wrangling over the new law. The state already appealed the
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						ruling to the Austin Court of Appeals. Even with the ruling, H.B. 2127 technically goes into effect on September 1. City officials are encouraged to consult with their city attorneys about what steps to take to ensure compliance with H.B. 2127 in light of this ruling. More information about H.B. 2127 can be found here.
HB 2518	public works	9/1/2023	Jim to read	Jim	9/1/2023	Complete no action necessary
HB 1750	regulation agriculture operations	9/1/2023	Jim to read	Jim	10/9/2023	completion date extended
sb 929	Nonconforming use compensation	immediate	Jim to read	Jim	9/1/2023	Complete no action necessary
HB 3727	hotel tax, does this affect STR	immediate	Jim to read	Jim	9/1/2023	Complete no action necessary

SB 271	report to state if security issues	9/1/2023	Jim to read	Jim	9/1/2023	Complete; law requires towns to report breaches in security within a certain number of days and establishes a time frame for a report of what actions were taken
SB 1420	hotel tax, does this affect STR	immediate	Jim to read	Jim	9/1/2023	Complete no action necessary
sb 2035	local debt	9/1/2023	Review with Hilltop	Wendy	8/14/2023	complete, new law defines public works; requires cities to use CO's only for bona fide public works or repair of existing convention and buildings; establishes a 5 year timeline if the CO is denied by voters before issuing Certificates of Occupancy
HB 4082	local debt	9/1/2023	Review with Hilltop	Wendy	8/14/2023	complete
HB 3033	Public information	9/1/2023	No action	Wendy	10/9/2023	Update of Public information Policy

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY:



AGENDA MEMORANDUM

DATE: September 11, 2023
TO:
FROM: Wendy withers, Town Administrator
SUBJECT: Driveways- conduct a worksession relative to approved surfaces for driveways.

BACKGROUND/INFORMATION:

The council updated the Ordinance relative to parking of certain vehicles in the front yard in April 2023. It was determined at that time that a worksession would be conducted in six (6) months to determine whether or not further changes would need to be made. The Ordinance was updated to say that gravel driveways and parking spaces that existed prior to 1997 would be permitted and the gravel could be re-installed within 6 months of notification from the Town Code Enforcement Officer. The staff is asking for a clear definition of "all-weather surface", which has caused an issue relative to the construction of driveways in the Town of Shady Shores.

Current Issues:

Are there areas of town such as the historical district where other types of driveways would be allowed. Ex: Historical District, are gravel driveways permitted when the street is gravel?

Is crushed granite considered an "all-weather surface". If so, is it allowed in all areas of town? (Several crushed granite driveways exist currently)

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Parking of motor vehicles in the front yards of developed lots, and in vacant lots (2)

REVIEWED BY:

§ 12.03.008. Parking of motor vehicles in the front yards of developed lots, and in vacant lots.

(a) Findings of fact.

- (1) The foregoing recitals are incorporated into this section by reference as findings of fact as if expressly set forth herein.
- (2) 'The parking of automobiles, including light trucks, commercial vehicles, box trucks, semi-tractor and other trucks of greater than a half ton payload designation, hereinafter referred to as "motor vehicles" in this section, can lower property values, reduce the appearance of the neighborhood and thereby lower the quality of life within the town; justifying reasonable limitations on the parking of motor vehicles in the front yards of residential properties, and undeveloped lots.

(b) Regulations for parking; definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Front yard.

- (1) Area of a developed lot between the front building line and the nearest to the front building line of the following:
 - (A) The front property line.
 - (B) The outside edge (closest to the residence) of the drainage bar ditch.
 - (C) The curb.
 - (D) The edge of the surface of the road closest to the residence.
- (2) Such area being bounded on each side by the property lines on each side of the front yard.

Residence. A dwelling structure on a platted or lot described by metes and bounds of an area equal to or greater than one fourth acre, and not more than one acre.

Undeveloped lot. A tract of land on which a dwelling has not been constructed, and a dwelling is not under construction.

(c) Parking regulations; penalties; exceptions.

- (1) The parking of a motor vehicle in the front yard is prohibited and a violation of this code, unless the vehicle is parked in compliance with the following requirements:
 - (A) Parked in the front yard on an all-weather surface in good condition, such surface being of asphalt or concrete, subject to (B) below.
 - (B) Homes built prior to 1997:
 - (i) The driveway surface may be of gravel, crushed limestone or granite, or crushed concrete if the property owner can prove the home was built prior to 1997 and had at that time and since that time a driveway of gravel, or crushed limestone, granite, or crushed concrete (collectively referred to as "gravel" in this ordinance).

§ 12.03.008

§ 12.03.008

- (ii) In the event the driveway is no longer covered with not less than 2 inches of gravel, or asphalt, or concrete, the nonconforming use of such material on the driveway will lapse unless the following steps are taken by the property owner within 180 days of notice of noncompliance:
 - a. Provide proof the home was constructed prior to 1997;
 - b. Provide proof the home had a gravel driveway prior to 1997; and
 - c. Upon the town accepting the proof in [subsections] a. and b. above, the property owner then must restore to full depth (two inches) before 180 day notice period has expired.
 - d. In the event the proof submitted to the town required in [subsections] a. and b. above is not accepted by the town, the nonconforming use of gravel will expire, and concrete or asphalt will be required.
 - e. If not restored to full depth, or if not maintained afterward to full depth, or if not paved with asphalt or concrete, the driveway will be in violation of this section. The requirements for asphalt or concrete driveways will be determined from the town building codes by the town building inspector.
- (C) The all-weather surface must not cover more than 20% of the front yard, as measured by the square footage of the front yard as defined in this section. The 20% area includes the driveway and all other impervious and all-weather surfaces in the front yard.
- (D) The all-weather surface parking area must be contiguous to and accessed by the driveway of the residence. Any reference herein to “driveway” includes the allowable parking area.
- (E) No parking in the front yard on dirt, grass, or other surface other than the all weather surfaces defined in this section is permitted in the front yard.
- (2) Exceptions. The parking regulations above do not apply to:
 - (A) Lots of less than one fourth acre, or larger than one acre.
 - (B) Recreational vehicles-except as regulated elsewhere in this municipal code.
- (3) Undeveloped lot.
 - (A) It is a violation of this section for the owner of an undeveloped lot to allow parking of motor vehicles, trailers of all kinds and size, and/or any storage of building material of any kind; mechanical parts of automotive or other equipment; and/or trash or debris on an undeveloped lot.
 - (B) It is a violation by the owner of any motor vehicles, trailers of all kinds and size, and/or any storage of building material of any kind; mechanical parts of automotive or other equipment; and/or trash or debris to park or place same on an undeveloped lot.

(Ordinance 312-02-2018 adopted 2/12/18; Ordinance 356-08-2022 adopted 8/8/22; Ordinance 375-04-2023 adopted 4/10/2023)