



SHADY SHORES TOWN COUNCIL
WORK SESSION
NOVEMBER 13, 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.

1. Parking Ordinance- Conduct a work session relative to proposed updates to the Town of Shady Shores Parking Ordinance
2. Planned Development Ordinance- Conduct a work session relative to a proposed Planned Development Ordinance (**Goal 2 Design a Development and Redevelopment Strategy**)
3. Driveway Construction- Conduct a work session relative to a review of the proposed Ordinance updating materials that may be used for construction of a 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, Wendy Withers, Town Administrator of the Town of Shady Shores do hereby certify that the above notice of the Town Council Work session was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on 9th Day of November 2023, at 11:42 A.M.

Wendy Withers
Wendy Withers, Town Administrator



AGENDA MEMORANDUM

DATE: November 13, 2023
TO:
FROM: Wendy withers, Town Administrator
SUBJECT: **Parking Ordinance- Conduct a work session relative to proposed updates to the Town of Shady Shores Parking Ordinance**

BACKGROUND/INFORMATION:

Conduct a worksession to issues with the current parking Ordinance. Code Enforcement Official Katie Klein has asked to bring the Parking Ordinance back to the town council for discussion due to the difficulty with enforcement of the regulations. Per Ms. Klein:

(A) Lots of less than one fourth acre, or larger than one acre.

The Ordinance in it's current form is difficult for residents to understand- while this may seem minor, enforcing the Ordinance leads to unnecessary hardship. In theory, one would look at the size of their lot and know if they are allowed to park or not in their front yard. However, human behavior dictates that most neighbors do not know their lot size or how to find it. Many of our neighborhoods, particularly in the older sections of town, have varying lot sizes, which gives the appearance that the town shows favoritism at will or is unable to effectively enforce the Ordinance.

In addition, the larger issue relates to the work we are doing towards designating standards for approved surfaces – according to this current regulation, residents can park at will within these lot sizes (lots of less than 1/4 acre and lots larger than 1 acre and recreational vehicles not otherwise defined). This again creates unnecessary negative public perception due to requiring some type of approved surface within the noted lot sizes- but not on lots outside of these size parameters. A secondary issue this ordinance creates in its current form is the erosion of dirt and grass as vehicles are pulled off the drive or roadway, breaking of asphalt of the roadway and more are just a few of the negative impact to the overall appearance and maintenance of the town.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

Recommendation:

1. All lots need to conform to approved surfacing.
2. Cars and recreational cars within public view need to be on an approved surface.

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Parking of motor vehicles in the front yards of developed lots, and in vacant lots (3)

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.

1. Original has this as Subsection (1).

(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).
- (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)



AGENDA MEMORANDUM

DATE: November 13, 2023

TO:

FROM: Wendy withers, Town Administrator

SUBJECT: **Planned Development Ordinance- Conduct a worksession relative to a proposed Planned Development Ordinance (Goal 2 Design a Development and Redevelopment Strategy)**

BACKGROUND/INFORMATION:

As part of the Strategic Plan, Goal 2 to Design a Development and Re-Development Strategy, the Shady Shores Town Council directed the Planning and Zoning Commission to review a planned development ordinance and make recommendations to the Town Council. Conduct a worksession relative to a planned development Ordinance for the Town of Shady Shores to include a review of Planning and Zoning initial recommendations.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY:



AGENDA MEMORANDUM

DATE: November 13, 2023
TO: Town Council
FROM: Wendy withers, Town Administrator
SUBJECT: Driveway Construction- Conduct a worksession relative to a review of the proposed Ordinance updating materials that may be used for construction of a driveways.

BACKGROUND/INFORMATION:

Materials for the construction of driveways was discussed at the September 2023 worksession and the October worksession. The attached Ordinance reflects the items council discussed during the worksession.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. SS Driveway and Garage ord (2023_11_08) FINAL

REVIEWED BY:

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS, ADOPTING AN ORDINANCE DRIVEWAYS, THE REQUIRED MANNER TO CONNECT TO A GARAGE OR CARPORT TO A ROADWAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$500 PER OFFENSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Shady Shores is a Type A General Law located in Denton County created in accordance with provisions of the Texas Local Government Code and operating pursuant to the legislation of the State of Texas ("Town"); and

WHEREAS, the Town is charged with maintaining control of and access to the right-of-way in order to protect the public health, safety, and welfare; and

WHEREAS, the Town Council of the Town (the "Town Council") has determined that access to the Town streets from private driveways may significantly interfere with the public use of the streets and result in negative impact to public safety and level of service on streets and sidewalks, and aesthetics of the community; and

WHEREAS, the Town Council finds access to roadways from gravel driveways can degrade the surface of a paved street as a result of the main drive onto the surface of the street from gravel driveways, and increase the frequency and cost to the public of requisite resurfacing, maintenance, and repair; and

WHEREAS, the Town Council has determined that substantial public funds have been invested to build, maintain and repair the Town streets and utilities and the Town holds these streets and utilities as an asset for its citizens; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: The Addition of Section 8.0 Driveways, to Exhibit 10A. Subdivision Ordinance; Article VII. Design Standards and Requirements, to the Code of Ordinances of the Town of Shady Shore, Texas as follows:

EXHIBIT 10A. SUBDIVISION ORDINANCE

ARTICLE VII

DESIGN STANDARDS AND REQUIREMENTS

SECTION 8. DRIVEWAYS

A. Construction standards for paving and drainage facilities

Ordinances concerning general construction standards for driveways, in effect at the time of adoption of this Code, as amended, are incorporated by reference as if set forth herein.

B. Road and driveway requirements

1. Gravel Roadways :

a. A driveway connecting to a gravel roadway may be constructed of gravel, crushed aggregate, asphalt, or concrete.

2. Asphalt or Concrete Roadways :

a. The main driveway connecting the primary residence to an asphalt or concrete roadway must be constructed of either asphalt or concrete.

b. A secondary driveway does not connect the primary residence to a roadway. It connects a pasture, or building which is not the residence, such as a barn, to a roadway.

If the home has a secondary driveway, it may be constructed of crushed aggregate , asphalt or concrete. If crushed aggregate , there must be a concrete or asphalt apron (described below) constructed from the property line to the edge of pavement, or in any case not less than ten feet by ten feet.

c. If the property line is in the roadway, the apron is constructed for a distance of not less than ten feet from the edge of pavement across the drainage facility, if any, at the side of the road in the direction of the principal building on the site. The “apron” will be constructed to standards not less than a concrete or asphalt driveway, and of a depth, width and design approved by the city engineer.

3. Garage and Carport

Garages and carports (where carports are allowed) accessed by gravel driveways shall have floors and aprons of asphalt or concrete. The apron shall extend not less than five feet from the garage door or entrance to the carport, and not less than the dripline of the eaves of the building.

4. Crushed Aggregate

Crushed Aggregate may be used in driveways in any area gravel is permitted by this ordinance. Gravel may not be used in a secondary driveway where crushed aggregate is permitted.

5. Permits and Approvals

All work to be done subject to this ordinance requires a Town Permit to be acquired in advance of any construction by submitting appropriate plans and fees and obtaining preliminary approval of the plans. Any work done without a permit is a violation of this ordinance, as is any work done in violation of the requirements of the plans or permit. Specifications for crushed aggregate will be provided by the Town Engineers for each project.

SECTION 3: SAVINGS/REPEALER. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: PENALTY. It is the intent of the Town Council of the Town of Shady Shores in adopting this Ordinance that an offense under this Ordinance be a strict liability offense; in the prosecution of an offense under this Ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused. Any person, firm, corporation or business entity violating this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$500.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this Chapter shall not preclude the Town from filing suit to enjoin the violation.

SECTION 5: EFFECTIVE DATE. This Ordinance shall take effect immediately upon and after its passage and publication as provided by law.

ADOPTED this ____ day of _____ 2023, by the Shady Shores Town Council.

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary

APPROVED AS TO FORM

James E. Shepherd, Town Attorney