



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Monday, May 4, 2026 at 12:00 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Workshop on the 4th day of May 2026 at 12:00 p.m., in the Council Chamber, Municipal Building, 4010 Bee Cave Road, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

1. Call to Order. Chairman Robert Meisel.
2. Citizen Communications The Commission welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Staff Briefing Discussion regarding amendments to the following Code of Ordinance sections:
 1. General Provisions - Section 1.01.003
 2. Administration and Personnel - Section 2.02.031
 3. Administration - Section 20.02.055
 4. Building Regulations - Article 22.03
 5. Subdivision - Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013.
 6. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098.
4. Adjournment. Chairman Robert Meisel.

By Trey Fletcher, City Administrator

Certificate

I certify that the above Notice of the May, 04 2026 Zoning & Planning Commission Workshop was posted on the bulletin board at the Municipal Building, 4010 Bee Cave Road, West Lake Hills, Texas on Tuesday, April 28, 2026 at 5:00 pm. and will remain posted continuously until said meeting is convened.

By Joel Sherrouse, Development Coordinator

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).



City of West Lake Hills
Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	<u>May 4, 2026</u>	Item Number:	<u>3</u>
Department:	<u>Building & Development</u>		
Prepared By:	<u>Jennifer C. Bills</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>See attached</u>	Source of Funds:	<u>n/a</u>

Subject

Review and discuss amendments to the following Code of Ordinance sections:

- a. General Provisions - Section 1.01.003
- b. Administration and Personnel - Section 2.02.031
- c. Administration - Section 20.02.055
- d. Building Regulations - Article 22.03
- e. Subdivision - Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013.
- f. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098.

Recommendation

Review and discuss proposed code changes and provide recommendations for changes prior to setting public hearings before the ZAPCO and City Council.

Discussion

The architectural committee started meeting in June 2025. Since, the committee met and provided recommendations for staff to make incremental but meaningful changes to the City Code related to development outcomes and the development process. The intent is generally to authorize greater administrative authority and ease requirements imposed upon routine development projects and allow for modification of existing homes rather than inadvertently encourage demolition and reconstruction.

Proposed code amendments were initially reviewed by the ZAPCO on April 15 but due to a number of questions and concerns raised, this workshop meeting was scheduled. In the interim some changes have been integrated and are reflected in the summary below and if **bolded**, are referenced in the attachment, “Revised ZAPCO Presentation.”

The anticipated public hearing schedule projects May 20, 2026 for ZAPCO recommendation and June 24 for City Council final action.

The resulting recommendations from the architectural committee fell into three categories:

1. Code amendments addressing common hurdles that often receive variance approval and revise the variance/special use permit process.
2. Building plan review process improvements.
3. Increased communication and education through flowcharts, checklists and guides on the website.

Items 2 and 3 will be fulfilled by staff following adoption during implementation of the amendments.

A markup of the code of ordinances showing the proposed amendments is attached as originally presented on April 15. The memo included with the amendments has hyperlinks for ease of navigating to the desired section. The revisions touch the following code areas:

1. Building and site development regulations
2. Revision of ZAPCO duties
3. Reformation of the Board of Adjustment into separate board comprised of members appointed by the City Council.

Building and site development regulations

The most significant revision is the creation of a standard for staff to apply using site and neighborhood context to approve small deviations from existing code standards. This will allow an administrative path for residents to request minor deviations for specific code sections, for items that are often requested and approved through the variance process.

Bolded items below should refer to the “Revised ZAPCO Presentation” attached for changes or clarifications that have been developed since this report on April 15.

Contextual Standard. A standard determined by the design, scale, placement, and character of development to ensure compatibility with existing site conditions and surrounding neighborhood context, including, but not limited to setbacks, lot orientation, driveways, and fences. Determination of the applicable standard is made by the city administrator.

Contextual code sections:

- **22.03.173** - Front fence location
 - Use two lots on either side of property to determine front yard fence placement.
- **22.03.175** – Driveway grading standards
 - Use existing site conditions and emergency access requirements to allow grading over 18 inches when warranted, not to exceed 6 feet.
- **22.03.275 – Building Setbacks**
 - Street setback
 - Use properties within 250 feet on either side of property to determine street setback for primary and accessory structures.
 - **Side and rear encroachments**
 - For an existing primary structure, allow expansion of the existing house up to 500 sf with a side or rear encroachment, not to exceed 50% of the setback width.
 - For an existing pool, allow reconstruction/10% expansion in setback, not to exceed 50% of setback width.
 - Allow for pool deck to encroach up to an additional 3 feet into setback, not to exceed 50% of setback width.

- Lots with multiple street setbacks.
 - Reduction of street setbacks when application results in more than a 25% reduction in buildable area compared to lot with only one street setback.

New by-right allowances:

- **22.03.170** Grading is allowed within the setback up to half the distance from the setback line for a maximum of 30 inches from natural grade, the remainder may be no more than 18 inches from natural grade.
- **22.03.173** Height of fences- Fences within the buildable area (outside of setbacks):
 - Eight foot tall – 80% transparent fences allowed in the buildable area.
 - Twelve-foot-tall – 80% transparent fences allowed around sport courts.
 - Twelve-foot-tall – wall allowed when attached to a habitable structure to enclose a courtyard, up to 33% of the perimeter of courtyard.
- 22.03.175 Driveway – WITHDRAWN FROM PROPOSAL - Lots taking access from Buckeye Trail, Laurel Valley Road, Redbud Trail, Westlake Drive, and Yaupon Valley Road allowed two driveway connections, as approved by city engineer. Lots with an existing second driveway can keep it when building a new house.
- **22.03.275** Setbacks – Septic tanks may encroach up to five feet into a required setback (no closer than five feet from property line).

Administrative Exception Process: New process to administratively approve a minor modification (up to 5% of a standard) due to an unintentional error during construction.

Definitions:

- Change “front” setback to “street” setback as area is defined by proximity to street right-of-way.

Work exempt from permit:

22.03.145 Add reference to adopted International Code permit exemptions. Add additional exemption for replacing up to 25% of existing siding.

General code clean up:

Minor changes throughout the code to remove outdated/incorrect references or to correct current process.

Revision of ZAPCO duties

The proposed amendments would remove ZAPCO as a recommending body on variances that are determined by the Board of Adjustment. As a quasi-judicial board under state law, this has the potential to create unnecessary legal conflicts.

The Special Use Permit process would be revised to route to ZAPCO for recommendation and then to City Council for final action. As a special use permit is a right established under the zoning ordinance, this process should follow that of the rezoning process.

The subdivision variance process partially referenced BOA as the approving body. Subdivisions are reviewed by ZAPCO and approved by City Council, so the subdivision variance process should follow the same path.

Reformation of the Board of Adjustment into separate board comprised of members appointed by the City Council.

This amendment would create the BOA as a board with membership appointed by City Council, rather than be comprised of the City Council membership. This allows the board to function more distinctly as a quasi-judicial body, separate from the legislative function of City Council.

Attachments:

Revised ZAPCO Presentation

Consolidated Code of Ordinances Amendments presented to ZAPCO April 15, 2026

Revised ZAPCO Presentation

Amendments to Chapters 20, 22, and 38
City of West Lake Hills Code of Ordinances

April 20, 2026 — Working Document

ZAPCO Members,

I, like many applicants before your esteemed body, am appreciative of the suggestion that we postpone rather than move to a vote. Below you will find a breakdown of improvements to the changes you were presented at the last meeting. The format is, mostly, as follows — rationale, originally presented language, identified discrepancies, and the final proposal. In some cases where what was presented had no improvements to be made and faithfully reflected the desire of staff and the Architecture Committee, the content is truncated.

A few notes before you begin. I have thrown out the double curb cuts on designated roads. It is quite evidently not worth the time or debate at present. Second, I think there is value in our current variance process. The time it takes, the difficulty of getting through ZAPCO, and ultimate minimization on the way to BOA has a cooling effect on variance requests. But, it also introduces uncertainty at every stage. Staff doesn't know what to tell an applicant who asks whether or not a variance is likely. If an applicant were to review the raw numbers, it would look quite likely. However, what the applicant at the outset doesn't know is that the variance requested by the end often looks nothing like what they set out to achieve. A long, murky process costs real money and time which is fine for our most deep pocketed residents but puts everybody else at a serious disadvantage. So, split the BOA/Council, comprise the BOA of individuals who have exhibited a willingness to enforce rigorous special conditions and hardship standards, and update the code to allow the types of variances we have either historically given with either good justification — the driveway safety/multi-front setback concepts — or simply because book throwing was a bad outcome (forcing grandfathered houses on small lots to put any addition in the buildable area rather than renovating/adding to a footprint that has existed since time immemorial).

I hope you find the new format substantially more comprehensible than the previous. I have attached an appendix as well which has examples of similar provisions from comparable cities. In most instances, what's being done is not reinventing the wheel.

James

Table of Contents

Part I: Definitions — § 1.01.003	4
Administrative Exception	5
Contextual Standard.....	6
Impervious Cover Subsection.....	8
Part II: Building and Site Development Standards.....	9
§ 22.03.275(c)(1) — Contextual Street Building Setbacks –	10
§ 22.03.173(d)(10) — Contextual Front-Yard Fence Setback	12
§ 22.03.175(g) — Driveway Grading Standards –	14
§ 22.03.275(c)(2) — Side and Rear Setback Encroachments	16
§ 22.03.173(d)(9) — Fence Height Standards.....	19
§ 22.03.275(c)(3) — Lots Encumbered by Multiple Street Setbacks.....	20
§ 22.03.170(f) — Grading in Setbacks.....	22
§ 22.03.275(a)(6) — Septic in Setbacks.....	22
§ 22.03.003(b) — Scope Clarification.....	22
§ 22.03.061 — Construction Schedules	22
§ 22.03.121(i) — Demolition Permit.....	25
§ 22.03.175(e)(5) — Driveway Connections on Named Streets	25
§ 22.03.175(f) — Residential Driveway Width Minimum.....	25
§ 22.03.175(e)(5) — Nonconforming Double Curb Cuts.....	26
§ 22.03.121(j) — Work Exempt from Permit.....	26
Part III: Administrative Framework	27
§§ 38.05.098–101 — 5% Error Tolerance (Administrative Exceptions)	28
Special Use Permit Routing — ZAPCO → Council Pathway	30

Part I: Definitions — § 1.01.003

Amendments to the general definitions section of the West Lake Hills Code of Ordinances

Administrative Exception

Rationale:

Administrative exceptions give the City Administrator a narrow, bounded tool to resolve minor issues.

Original Language:

Administrative Exception. A minor modification of existing standards to allow for unique or uncommon situations. The administrative exception is reviewed and approved by the city administrator.

Issues Identified:

This definition functions as a category identifier, not a self-executing standard. It tells the reader what kind of instrument an administrative exception is (a minor modification, not a variance, not a rezoning, not a special exception) and who acts on it (the city administrator or their designated representative). The bounds on that authority — which standards are eligible, how much relief is available, what findings are required, and what procedures apply — live in the operative sections, principally §§ 38.05.098–38.05.101.

As originally drafted, “unique or uncommon situations” was vague in a way that didn’t serve the definition’s purpose. The definition needs to describe the instrument, not the circumstances. The language “Minor modification of existing standards” — “existing” is unnecessary and slightly confusing. All standards in the code are “existing” at the time they’re applied.

Proposed Language:

Administrative Exception. A minor modification of a standard established by this code, reviewed and approved by the City in accordance with this code. Eligible standards, limits on relief, and application procedures are established in the operative sections of this code that authorize specific administrative exceptions. An administrative exception is not a variance.

Contextual Standard

Rationale:

Where BOA and ZAPCO have historically approved the same types of relief over and over — street setbacks consistent with adjacent homes, fence setbacks matching the neighbors — the underlying standard is too rigid for those situations. Contextual standards convert that predictable, repeated outcome into a clear, administrable rule.

Original Language:

Contextual Standard. A standard determined by the design, scale, placement, and character of development to ensure compatibility with existing site conditions and surrounding neighborhood context, including setbacks, lot orientation, driveways, and fences. Determination of the applicable standard is made by the city administrator.

Issues Identified:

“A standard determined by the design, scale, placement, and character of development” reads as though the standard is determined by the proposed development, when the actual methodology in the operative sections derives the standard from existing surrounding development. As drafted, the definition could be misread to mean the applicant’s own design determines the standard — which is backwards. The definition should make clear that the standard is derived from existing conditions, not proposed ones.

“To ensure compatibility” is a purpose statement embedded in a definition. Definitions identify what a term means; purpose statements belong in operative sections or in the ordinance’s recitals. More practically, “compatibility” is a word that invites litigation because it’s subjective. The operative sections avoid this problem by providing objective methodologies (250-foot measurement, averaging of existing setbacks). The definition shouldn’t reintroduce subjectivity that the operative sections have carefully excluded.

The list of subject areas (setbacks, lot orientation, driveways, fences) is helpful for intelligibility, but the “including, but not limited to” phrasing modifies “surrounding neighborhood context,” which makes it read as though the listed items are examples of neighborhood context. They’re actually examples of the subjects that can be governed by contextual standards. The list should modify the right noun.

Proposed Language:

Contextual Standard. A standard whose applicable value is derived from existing conditions specific to the site, from the established pattern of development in the surrounding area, or from both. Contextual standards may govern setbacks, lot orientation, driveways, and fences as designated by the operative sections of this

code. The City Administrator determines the applicable standard using the methodology prescribed in the applicable section of this code. A contextual standard is not a variance.

Impervious Cover Subsection

Rationale:

Applicants shouldn't have to cross-reference multiple documents to determine how impervious cover is defined and calculated.

Original Language:

Impervious Cover. See Drainage and Erosion Control Design Manual for definition.

Issues Identified:

Staff added a cross-reference to the drainage manual. For ease of use, revised to clarify the manual governs both the definition and the calculation methodology.

Proposed Language:

(4) For the definition of impervious cover and the calculation of impervious cover percentages, including the classification of materials and surfaces and their applicable impervious cover values, see the Drainage and Erosion Control Design Manual.

Part II: Building and Site Development Standards

Amendments to Chapter 22 of the West Lake Hills Code of Ordinances

§ 22.03.275(c)(1) — Contextual Street Building Setbacks –

Rationale:

BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development. The changes makes such a petition an administrative process.

Original Language:

(1) Contextual Street Setback.

A. When the Schedule of Regulations in § 22.03.281 specifies the building setback distance from the street and includes an asterisk (*), the setback may be reduced based on existing buildings located closer to the street than the district standard otherwise requires.

B. The proposed street building setback may be reduced to the setback of any building located within 250 feet of the subject lot, measured along the same street from the side lot lines.

- i. Where the proposed new building is a principal building, the examples must also be principal buildings.
- ii. Where the proposed building is an accessory building, the examples may be either accessory or principal buildings.
- iii. When multiple street setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

Issues Identified:

The architectural committee proposals had stricter standards than were in the most recent drafts, those standards have been reintroduced. Limiting to lots less than an acre is an elegant solution to restrict the benefit to WLH neighborhoods (rather than the hills).

Proposed Language:

(A) When the applicable Schedule of Regulations specifies the building setback distance from the street and includes an asterisk (*), the setback may be reduced based on existing buildings located closer to the street than the district standard otherwise requires. This subsection applies only to lots of less than one (1) acre in area.

(B) The comparison area is the greater of 250 feet from the side lot lines of the subject lot, measured along the same street, or the three lots immediately adjacent to the subject lot on each side of the subject lot along the same street.

(C) The proposed street building setback may be reduced to the average of the actual street setbacks of qualifying buildings within the comparison area, plus or

minus five feet, but in no case closer to the street than the most forward qualifying building within the comparison area.

- (i) Where the proposed new building is a principal building, the examples must also be principal buildings.
 - (ii) Where the proposed building is an accessory structure, the qualifying buildings within the comparison area must be accessory structures of the same type as the proposed structure (e.g., carport for carport, garage for garage, pool for pool). A principal structure does not qualify as a comparison building for a proposed accessory structure, and an accessory structure of a different type does not qualify as a comparison building.
- (D) When multiple street setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

§ 22.03.173(d)(10) — Contextual Front-Yard Fence Setback

Rationale:

Same as contextual front yard setbacks. BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development.

Original Language:

(10) Contextual front-yard fence setback standards.

A. Applicability. The front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the four (4) lots immediately adjacent to the subject lot (two lots on each side) have existing front-yard fences.

B. Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the front-yard fence setback may be reduced to the setback of the most forward front-yard fence among the qualifying adjacent lots. In no case shall the proposed fence be located closer to the street than that most forward fence.

C. Height not affected. This subsection provides setback relief only. The height of a fence permitted under this subsection shall comply with subsection (d)(9) of this section. This subsection does not authorize matching the height of adjacent fences.

D. Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

- i. A site plan or survey showing the measured setback distance of each front-yard fence on the four immediately adjacent lots; and
- ii. Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.

Issues Identified:

The architectural committee proposals had stricter standards than made it into the most recent drafts, those standards have been reintroduced.

Proposed Language:

(10) Contextual front-yard fence setback standards.

(A) Applicability. This subsection applies only to lots of less than one (1) acre in area. The front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the

four (4) lots immediately adjacent to the subject lot have existing front-yard fences.

(B) Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the front-yard fence setback may be reduced to the average of the actual fence setbacks of the qualifying adjacent lots, plus or minus five feet, but in no case closer to the street than the most forward front-yard fence among the qualifying adjacent lots.

(C) Height, transparency, and design criteria not affected. This subsection provides setback relief only.

(D) Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

- (i) A site plan or survey showing the measured setback distance of each front-yard fence on the four immediately adjacent lots; and
 - (ii) Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.
- (E) The City Administrator may verify submitted measurements by independent field inspection. Where the City Administrator determines that submitted measurements are insufficient or unreliable, the City Administrator may require additional documentation before acting on the application.

§ 22.03.175(g) — Driveway Grading Standards –

Rationale:

Driveways need to meet grading standards for emergency services access. In such cases, where the applicant has reasonably proven that they had no alternative, we have historically approved cut/fill modifications. This makes that an administrative process.

Original Language:

(g) Contextual Driveway Grading Standards

(1) Where compliance with cut-and-fill limitations of section 22.03.170(f) would prevent safe driveway design, alternative standards apply to both building and driveway setbacks zones.

- i. Proposed alignment shall result in the least cut-and-fill among feasible alignments identified in an engineer’s sealed narrative.
- ii. The applicant must submit a plan designed by a registered professional engineer that demonstrates:
 - a. Identifies feasible alignments;
 - b. Shows grade profiles for each and why it cannot comply;
 - c. The proposed driveway is the least cut-and-fill among the alternatives.
- iii. That there is not a route that meets the standards, by providing at least one driveway plan.
- iv. To achieve no more than a ten percent (10%) grade change within 20 feet, maximum twenty percent (20%) at any point thereafter.
- v. Up to a maximum cut or fill of no more than 6 feet.

Issues Identified:

(a) No retaining wall cross-reference. Driveways in setbacks that involve significant grade changes will almost certainly require retaining walls, and those walls are independently regulated under § 22.03.170(g)–(i). Without the cross-reference, an applicant could design a driveway with a 6-foot cut and not realize the retaining wall provisions apply.

(b) No city engineer review at building permit stage. Staff’s version has the engineer narrative requirement on the applicant but no city-side review step. Without it, the City Administrator is approving based on the applicant’s engineer’s work alone.

(c) No savings clause. Without it, a homeowner with a nonconforming driveway who wants to repave or make minor repairs could be forced into the contextual-standard process.

(d) Subsection (iii) is redundant — it duplicates what (ii)(b) already requires. Deleted.

(e) Subsection (iv) phrasing: “To achieve no more than...” doesn’t connect grammatically to the rest of (g)(1). Reframed as a standard.

Proposed Language:

(g) Contextual Driveway Grading Standards.

(1) Where compliance with the cut-and-fill limitations of § 22.03.170(f) would prevent a driveway from meeting the safe design standards of this subsection, the following alternative standards apply to driveway construction within building setback zones established under § 22.03.170(f) and driveway setback zones established under § 22.03.175(a):

- (i) The proposed driveway alignment shall result in the least cut and fill among the feasible alignments identified in the engineer’s narrative required by subsection (ii);
 - (ii) The applicant shall submit a narrative prepared and sealed by a licensed professional engineer. The narrative shall: (a) identify at least two driveway alignments that comply with applicable driveway requirements of this code, including but not limited to cut-and-fill and setback limitations, but that cannot meet safe driveway grading standards given the lot’s physical constraints; (b) for each, provide a grade profile demonstrating it cannot comply with § 22.03.170(f) while meeting safe design standards; and (c) demonstrate the proposed alignment produces the least cut and fill among alternatives;
 - (iii) The grade shall not exceed ten percent (10%) within the first twenty (20) feet from the pavement edge, and shall not exceed twenty percent (20%) at any point thereafter;
 - (iv) No cut or fill shall exceed six (6) feet from natural grade;
 - (v) All retaining walls constructed in connection with driveway grading under this subsection shall comply with the retaining wall provisions of this code.
- (2) The city engineer shall review the sealed narrative and proposed alignment at or prior to the building permit stage. The city engineer’s review shall confirm that the narrative satisfies the requirements of subsection (1)(ii) and that the proposed alignment is consistent with the least-cut-and-fill standard.
- (3) A driveway lawfully existing before the effective date of the ordinance adopting this subsection may be maintained, repaired, or repaved without complying with this subsection, provided that the maintenance, repair, or repaving does not increase the extent of cut or fill beyond the existing condition.

§ 22.03.275(c)(2) — Side and Rear Setback Encroachments

Rationale:

Allow renovations of existing homes using grandfathered building lines that, presumably, neighbors have become accustomed to over the grand course of time rather than effectively forcing demolition.

Original Language:

(2) Side and Rear Setback Encroachments

(A) When the Schedule of Regulations in § 22.03.281 zoning district specifies the building setback distance from the street, and includes asterisks (*), it allows for an encroachment in the required setback based on the existing building encroachment

(B) The side or rear setback may be encroached by an addition to a primary building specific to the setback currently encroached upon, when the following conditions are met.

- i. For the addition of up to 500 square feet of enclosed floor area to the primary structure;
- ii. The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;
- iii. Exterior wall of additional is aligned with or set back from the existing exterior wall. No portion may extend more than halfway into the setback. If the existing wall is already past halfway, the addition steps back to the halfway point. Angled walls may follow existing line if no portion crosses halfway.

(C) The side or rear setback may be encroached by the reconstruction of a pool when the following conditions are met.

- i. A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.
- ii. Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.
- iii. In no case shall any portion of a reconstructed pool, patio, or deck encroach more than halfway into the required setback. All reconstructions remain subject to applicable impervious cover limitations.

Issues Identified:

(a) Grammatical cleanup. Substantive cleanup of the pool provision – dropped the halfway into the setback limitation. If the point is to allow old pools to stay substantially in their same place under the expectation that their neighbors have become accustomed to their presence, forcing a similar kickback halfway into the setback is unnecessary. Applicability only to lots less than one acre. This provision was designed to allow the renovation, remodel of homes on smaller lots rather than forcing a tear down. It was not intended for large lots.

Proposed Language:

(2) Side and Rear Setback Encroachments.

(A) When the applicable Schedule of Regulations specifies the building setback distance and includes asterisks (*), it allows for an encroachment in the required setback based on the existing building encroachment on lots less than one (1) acre.

(B) The side or rear setback may be encroached upon by an addition to a primary building when the primary building already encroaches into the applicable setback and the following conditions are met:

- (i) The addition shall not exceed 500 square feet of enclosed floor area;
- (ii) The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;
- (iii) The exterior wall of the addition shall be aligned with or set back from the existing exterior wall of the primary structure. No portion of the addition shall encroach more than halfway into the required setback, measured from the building setback line toward the property line. Where the existing exterior wall of the primary structure already encroaches more than halfway into the required setback, the addition shall be stepped back so that no portion of the addition is closer to the property line than the halfway point of the required setback. Where the existing exterior wall runs at an angle or follows an irregular line through the setback, the addition may follow that line, provided no portion of the addition crosses the halfway point.

(C) The side or rear setback may be encroached upon for the reconstruction of a pool and/or associated patio or decking when the following conditions are met:

- (i) A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.
- (ii) Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.

- (iii) All pool and deck/patio reconstructions under this subsection remain subject to applicable impervious cover limitations.

§ 22.03.173(d)(9) — Fence Height Standards

Rationale:

Currently, within the buildable area a building is subject to our home/accessory structure height limits of 30 feet, but fences were governed by our fence rules at 6 feet, causing both confusion and consternation.

Original Language:

(9) Height of fences.

(A) Fences inside a setback shall not exceed six (6) feet in height per side on or parallel to each property line measured from existing natural ground level on or parallel to each property line.

(B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.

(C) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of eight (8) feet, measured from existing natural ground level. “Transparent” means at least 80% of the total surface area permits unobstructed visibility through the fence.

(D) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of twelve (12) feet where such fence encloses a sports court.

(E) Within the buildable area, solid freestanding walls may be erected to a maximum height of twelve (12) feet to enclose a courtyard, provided: (i) Walls ≤33% of perimeter; (ii) Courtyard contiguous to principal structure; (iii) Materials consistent with principal structure.

(F) Height allowances in (C)–(E) do not modify the height, transparency, setback, or landscaping requirements applicable to front-yard fences under subsection (d)(6).

Issues Identified:

(a) Language cleaned up a bit. A note when you read “setback” alone, that’s the building setback. Also, the front yard still appears in subsection G below because the front yard still exists in our fence regime. Later in the year I will execute a complete non-substantive code cleanup. But until then, there will be some oddities.

Proposed Language:

(9) Height of fences.

(A) Fences inside a setback shall not exceed six (6) feet in height per side, measured from existing natural ground level on or parallel to each property line.

(B) A fence that is electrified shall not exceed four (4) feet in height, measured from existing natural ground level.

(C) Fences outside the setback shall not exceed eight (8) feet in height per side, measured from existing natural ground level, and shall be at least eighty percent (80%) transparent.

(D) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of twelve (12) feet, measured from existing natural ground level, where such fence encloses a sports court. A “sports court” means an improved outdoor surface designed and used for recreational athletic activity, including but not limited to tennis, pickleball, and basketball.

(E) Within the buildable area, solid freestanding walls may be erected to a maximum height of twelve (12) feet, measured from existing natural ground level, to enclose a courtyard, provided that: (i) The freestanding walls constitute no more than thirty-three percent (33%) of the total perimeter of the courtyard; (ii) The courtyard is contiguous to and functionally integrated with the principal structure on the lot; and (iii) The walls shall be of materials and colors consistent with the principal structure or natural surroundings.

(F) For purposes of subsections (C) through (E) of this paragraph, “buildable area” means the area of a lot that lies within all applicable building setback lines established under the applicable setback and schedule of regulations provisions of this code. Fences erected under subsections (C) through (E) shall not be permitted within any required setback yard.

(G) The height allowances in subsections (C) through (E) do not modify the height, transparency, setback, or landscaping requirements applicable to front-yard fences under subsection (d)(6) of this section.

§ 22.03.275(c)(3) — Lots Encumbered by Multiple Street Setbacks

Rationale:

Multi-front setbacks is one of the most common variance requests we encounter, and one which has in my memory often received a variance.

Issues Identified:

Cleaned up grammar and formatting. Adds written-decision requirement — this provision involves more discretion (four-factor balancing), so it needs an explicit written-decision requirement.

Proposed Language:

(3) Lots Encumbered by Multiple Street Setbacks.

(A) Applicability. A lot with two or more street setbacks is eligible for a contextual setback determination under this subsection when the buildable area remaining after application of all required setbacks is less than three-quarters ($\frac{3}{4}$) of the buildable area that would result if the lot had only its primary street setback and the applicable side and rear setbacks.

(B) Definitions. The primary street setback is the setback applicable to the street from which the lot's driveway takes or is proposed to take access. All other street setbacks are non-primary. Where no primary street can be identified, the City Administrator may approve a reduction to any street setback where adjacent properties and the streetscape are least impacted.

(C) Relief available. The City Administrator may approve a reduction of one or more non-primary street setbacks, subject to:

- (i) No setback reduced below fifty percent (50%) of the distance otherwise required by the applicable Schedule of Regulations;
- (ii) Primary street setback not reduced;
- (iii) No new nonconformity created;
- (iv) Not combined with a contextual reduction under (c)(1) for the same setback.

(D) Determining the approved setback distance. The three-quarters ($\frac{3}{4}$) comparison sets the maximum available reduction. The City Administrator determines the approved distance using four factors: neighbor impact, development pattern consistency, topography and tree cover, and orientation relative to adjacent lots. The approved reduction may be less than the maximum if the factors warrant it.

(E) Application requirements. The application shall include a scaled site plan, both buildable area calculations (with all required setbacks and with only the primary street setback), and a depiction of the requested reduction.

(F) Decision. The City Administrator's determination shall be in writing, shall specify the approved setback distances, and shall include findings addressing each factor in subsection (D). The determination may include conditions for building placement, landscaping, or screening.

§ 22.03.170(f) — Grading in Setbacks

Rationale:

The 18-inch limit snarls drainage mitigation, erosion controls, driveways, and considerate landscaping. The Architecture Committee debated this over the course of hours and landed at 30 inches as no handrail would be required, halfway into the setback to protect downhill neighbors on steep lots from any unintended consequences. No changes from the ZAPCO packet.

Proposed Language:

(f) Grading is allowed within the setback up to half the distance from the setback line for a maximum of 30 inches from natural grade, the remainder may be no more than 18 inches from natural grade.

§ 22.03.275(a)(6) — Septic in Setbacks

Rationale:

They are buried and, other than the caps, generally invisible. This mirrors new rules around AC/pool equipment/rainwater collection. No changes from the ZAPCO packet.

Proposed Language:

(6) Septic tanks may encroach up to five (5) feet into street, side, and rear setbacks, but in no case be closer than five (5) feet from the property line.

§ 22.03.003(b) — Scope Clarification

Rationale:

Accepted as drafted. Staff replaced individually named codes with a general cross-reference to Division 3. Simply fixing a reference.

Proposed Language:

(b) Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the Codes adopted in Article 22.03, Division 3.

§ 22.03.061 — Construction Schedules

Original Language:

(a) Purpose. The purpose of requiring construction schedules is for informational purposes only for the city to facilitate inspection of construction as allowed by code.

- (b) Construction schedules required; It is an offense for any person to perform construction work subject to this section unless the person has submitted a construction schedule at time of building permit application. Construction schedules shall be submitted for each six months that a construction project is ongoing and shall continue to be submitted until the project is completed.
- (c) Target dates for milestones. Construction schedule shall provide target dates for milestones, which may include, but is not limited to:
 - Foundation pouring; Framing; Installation of sheetrock; Electrical rough-ins; Plumbing rough-ins; Flatwork; Removal of any variance trees; Grading; and All final inspections.
- (d) Upon request. Upon request, the contractor for the project shall meet with city staff to review the construction schedule.
- (e) Inspections. The contractor or subcontractor registered by city code for this project must be present at each inspection required by the building code as adopted by the city. In some cases, it may be acceptable for the master electrician or master plumber to be present if the inspections are related to plumbing or electrical.
- (f) Exemptions. A construction project is not required to provide a construction schedule if the project at issue has a valuation of less than \$25,000.00; or if the project is valued at \$200,000.00 or less and if the project is projected to be completed in six (6) months or less. If the project is determined to extend past six (6) months after the appropriate permit is issued, a construction schedule shall be required.

Issues:

Removed “informational purposes only” from purpose clause. There was a tension between characterizing something as informational and then making non-compliance a criminal offense. Added more clarity to purpose. Streamlined exemption language. Fixed subject-verb agreement. Added more categories to (c). Renamed heading (d). Clarified inspector discretion in (e).

Proposed Language:

§ 22.03.061. Construction schedules.

- (a) Purpose. The purpose of requiring construction schedules is to facilitate the city's coordination of inspections and communication with adjacent property owners.
- (b) Construction schedules required. Except as provided in subsection (f), it is an offense for any person to perform construction work subject to this section unless the person has submitted a construction schedule at time of building permit

application. Construction schedules shall be submitted for each six months that a construction project is ongoing and shall continue to be submitted until the project is completed.

(c) Target dates for milestones. The construction schedule shall provide target dates for milestones, which include, but are not limited to:

1. Site prep;
2. Demolition;
3. Removal of any variance trees;
4. Foundation pouring;
5. Framing;
6. Installation of sheetrock;
7. Electrical rough-ins;
8. Plumbing rough-ins;
9. Flatwork;
10. Grading;
11. and All final inspections.

(d) Review of schedule. Upon request, the contractor for the project shall meet with city staff to review the construction schedule.

(e) Inspections. The contractor or subcontractor registered with the city under this code for the project must be present at each inspection required by the building code as adopted by the city. The city inspector may allow the master electrician or master plumber to be present in lieu of the registered contractor for inspections related to electrical or plumbing work.

(f) Exemptions.

A construction project with a valuation of less than twenty-five thousand dollars (\$25,000).

A construction project with a valuation of two hundred thousand dollars (\$200,000) or less that is projected to be completed within six (6) months of permit issuance is exempt from the requirements of this section; provided, however, that if such project extends past six (6) months after the appropriate permit is issued, a construction schedule shall be required.

§ 22.03.121(i) — Demolition Permit

Rationale:

On further review, it appears AI identified this as a changed provision, but it was not; however, it could use minor cleanup. The word “permit/permitted” was repeated unnecessarily.

Original Language:

Demolition permit. No demolition of any structure or any portion of a structure shall be permitted within the city unless a demolition permit has been issued first for such work.

Issues Identified:

“Shall be permitted” is used in two senses in one sentence. “No demolition... shall be permitted... unless a demolition permit has been issued.” The word “permitted” means “allowed” in the first instance and refers to the “permit” instrument in the second. Not technically wrong, but slightly inelegant.

Proposed Language:

Demolition permit. No person shall demolish any structure or any portion of a structure within the city unless a demolition permit has been issued first for such work.

§ 22.03.175(e)(5) — Driveway Connections on Named Streets

Eliminated. We are not making this change.

§ 22.03.175(f) — Residential Driveway Width Minimum

Original Language:

(f) Residential driveway areas shall not be less than 12 feet in surface width, with a paved surface that meets the requirements for emergency service access.

Issues Identified:

“Residential driveway areas” — the word “areas” is unnecessary and slightly confusing. Staff’s goal was language inclusive of ribbon driveways (the two concrete strips with grass/gravel in the middle). A driveway has a width; a “driveway area” suggests a two-dimensional measurement.

Proposed Language:

(f) Residential driveways, including ribbon driveways, shall not be less than twelve (12) feet in surface width, with a surface that meets the requirements for emergency service access.

§ 22.03.175(e)(5) — Nonconforming Double Curb Cuts

Rationale:

There's no reason to tear up a double curb cut the entire neighborhood and nature have become accustomed to. Typically redoing driveways to bring them into conformity involves more natural disturbance rather than letting sleeping dogs lie. Separated from the eliminated two-driveway allowance (§ 1.7 above) as that language has been eliminated. Preserved as standalone provision protecting existing double curb cuts. Fixed pronoun disagreement. This will need to either be a new subsection of § 22.03.175 or within the nonconforming-use provisions.

Proposed Language:

(e)(5) A previously established second driveway shall be permitted to remain and be used, provided such driveway is maintained in a safe and operable condition. A nonconforming driveway under this subsection shall not be expanded, enlarged, relocated, or reconstructed in a manner that increases its nonconformity.

§ 22.03.121(j) — Work Exempt from Permit

Rationale:

We need to be clear about what doesn't require a permit. We are being a little more permissive than code by including siding, but don't want to get in the way of a homeowner just trying to replace rotten siding. No changes from the ZAPCO packet.

Proposed Language:

- (j) Work exempt from permit. The following items do not require a permit from the city:
- (1) Exemptions listed in the 2015 IBC, IRC, IPC, IMC, IFGC, IECC, IFC and 2017 NEC.
 - (2) Replacement of up to 25% of the existing siding with the same material.

Part III: Administrative Framework

Amendments to Chapter 38 of the West Lake Hills Code of Ordinances — Administrative Exceptions, Interpretive Criteria, and Special Use Permit Routing

§§ 38.05.098–101 — 5% Error Tolerance (Administrative Exceptions)

Rationale:

There's no reason to block a CO and then require a variance for a flub. This type of provision is common in cities, even strict ones, at higher levels (i.e. 10–20%). BOA recently saw a case where a fence was a few inches too high because the footer was either incorrectly measured or poured.

Eligibility list and procedure accepted. We have changed the language throughout from “hardship” to “condition” — administrative exceptions are not variances and should not use variance vocabulary. The 5% error is almost certainly created either by the property owner, their employees, our city staff, or some combination of the three — don't want to confuse hardship language with just being human.

Proposed Language:

§ 38.05.098. Eligibility (slightly revised).

An administrative exception may be granted by the City Administrator subject to the provisions of this chapter in accordance with the rules and conditions of this division. Administrative exceptions run with the land, but each exception is specific to the project for which it was granted. Only those administrative exceptions listed below are eligible for approval by the City Administrator:

Up to a maximum of 5% relief from any numerical standard for permitted work with identified “after-the-fact” construction errors. This relief is not available at the building permit stage, but only to correct construction errors.

§ 38.05.099. Conditions required for granting administrative exception.

- (1) That granting the administrative exception serves an obvious and needed purpose.
- (2) That granting the administrative exception will ensure an equal or better level of design or land use compatibility as the otherwise applicable standards.
- (3) That granting the administrative exception will not materially and adversely affect adjacent land uses and the physical character of development in the immediate vicinity of the proposed project.
- (4) That granting the administrative exception will be consistent with the purposes and intent of the zoning ordinance and comprehensive plan.

§ 38.05.100. Interpretive criteria.

- (1) The condition is not intentionally self-created.

- (2) The condition does not result from a disregard of the approved plans, specifications, or applicable code requirements.

§ 38.05.101. Procedure.

- (1) Application. An application for an administrative exception must be made in writing in a form prescribed by the city administrator, accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include but is not limited to survey, site and building plans, and contour maps. If the applicant is not the legal owner of the property, a statement from the owner that the applicant is the authorized agent of the owner should be provided with the application.
- (2) Report by city administrator or designee. Either the city administrator or the city administrator's representative may visit the site where the proposed administrative exception will apply and the surrounding area and prepare a site report on the conditions affecting the request for administrative exception.
- (3) Review by city administrator. The city administrator will review each application for an administrative exception and the accompanying site report.
- (4) Requirements for recommending approval. The city administrator must not recommend approval of an administrative exception unless they find, based on competent evidence, that each of the interpretive criteria herein have been established. The burden of establishing such conditions is on the applicant.

Special Use Permit Routing — ZAPCO → Council Pathway

Rationale:

Staff rerouted the entire procedure from BOA to the ZAPCO–Council pathway. Tracked changes correctly substitute “city council” (issuing body) and “zoning and planning commission” (recommending body) throughout. Subsection (f)(5) redrafted to clarify interaction with (f)(4) conditioning authority. All other subsections accepted as drafted. This is a textually long change, but substantively a minor one necessary for the split Council/BOA change. The full tracked-changes text is available in the staff packet.

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING

Wednesday, April 15, 2026 at 6:30 PM

1. **Call to Order: Chair Robert Meisel**

- a. Meeting begins at 6:30pm
- b. Roll Call
 1. Chair Robert Meisel: Present
 2. Vice-Chair Jim Pledger: Present
 3. Commissioner Julia Webber: Present
 4. Commissioner Karen Bartoletti: Present
 5. Commissioner Patrick Stewart: Present
 6. Commissioner Laurie Maccini: Present

2. **Citizen Communications:**

- a. Stephanie Collinson-Cooper
 1. Spoke about overgrown brush notification and enforcement
 1. Chair Meisel advised public member to contact city staff

3. **Consent Agenda:** The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- a. Approval of the March 18, 2026 Zoning and Planning Commission Minutes.
- b. Report of previous cases ZAPCO acted on by BOA/City Council.

Action: Commissioner Pledger moves for approval of the Consent Agenda

- i. Commissioner Webber Seconds
- ii. Motion carries unanimously (5-0)

4. **Public Hearing 1111 Redbud Trail.** Discuss and consider a recommendation to City Council on proposed variances for the removal of the following trees with a trunk diameter of 14 inches or greater (Section 22.03.304 of the West Lake Hills Code)

1. Tree #729 (15" Cedar)
2. Tree #698 (15" Live Oak)

Applicant: James Mustillo, Miro Riveria Architects

- a. **Staff Report:** Director Bills briefed the commission on variance requests for the removal of 2 protected trees for the construction of a new home.
- b. **Public Comment:**
 1. Miguel Rivera– Applicant
 1. Spoke in favor of variance request
 2. Stephanie Collins-Cooper – neighbor
 1. Spoke in favor of variance request
- c. **Discussion:**
 1. Commissioners Maccini and Stewart expressed reservations regarding approval of variances at the conceptual phase
 2. Chair Meisel expresses concerns about transferability of variances
- d. **Action:** Commissioner Bartoletti moves to recommend that the variance be forwarded to the City Council with a recommendation of **approval**
 1. Commissioner Webber seconds
 2. Motion **carries** 3-2
 1. Commissioners Pledger and Maccini opposed

The recommendation will be forwarded to the May 13 City Council meeting

5. **Public Hearing: 507 Konstany Circle.** Discuss and consider a recommendation to City Council on proposed variances for the removal of the following trees with a trunk diameter of 14 inches or greater (Section 22.03.304 of the West Lake Hills Code)
 1. Tree #503 (16.1” Elm)
 2. Tree #652 (14.1” Oak)

Applicant: Mark Lakins, Dahlin Group

- a. **Staff Report:**
 1. Director Bills briefed the commission on variance requests for the removal of 2 protected trees for the construction of a new home.
- b. **Public Comment:**
 1. Daniel Cooley – homeowner
 1. Spoke in favor of the variance request
 2. Michael Padavic – Architect
 1. Spoke in favor of the variance request
- c. **Discussion:**
 1. Chair Meisel comments that finished floor elevation is higher than existing drive and inquires if site will violate cut/fill requirements.
 1. Michael Padavic indicates no other variances will be requested.

2. Commissioner Webber asks if pickleball court will remain on site?.
 1. Daniel Cooley: Yes
 3. Commissioner Maccini indicates the commission does not have all the details required to show hardship.
 4. Commissioner Webber expresses this is different from previous case since the site is more constrained and they are approaching the end of schematic design.
 5. Commissioner Webber indicates they are leaning towards opposition of removing the oak, but that the Elm, while it appears healthy, is located in a location that will make keeping the house 1-story difficult.
- d. **Action:** Commissioner Webber moves to forward the variance request to City Council with a recommendation of approval for the removal of tree 503 to allow for the construction of a single-story home, but denial of tree 652 for lack of hardship.
1. Commissioner Stewart seconds
 2. The motion **carries** unanimously (4-1)
 1. Maccini opposed

The recommendation will be forwarded to the May 13th City Council meeting

6. Public Hearing: 1906 Yaupon Valley Road. Discuss and consider a recommendation to The Board of Adjustments the following variances

- 1) Allow grading greater than 18” in the building setbacks (Section 22.03.170(f));
- 2) Allow construction Allow construction of retaining walls greater than 6 feet in height above natural grade (Section 22.03.170(g));
- 3) Allow construction of retaining walls greater than 3 feet in height without vegetative screening (Section 22.03.170(i)); and
- 4) Allow for fill of over 6 feet on a slope of less than 35% (Drainage and Erosion Control Design Manual Section 7.4.1)

Applicant: Linda Sullivan, CleanTag Permits

a. **Staff Report:**

- a. Director Bills briefs ZAPCO on variances for the property related to discrepancies between architectural and site plans resulting in a home being built several feet lower than indicated in site grading plans, resulting in a driveway slope that exceeds multiple variances related to cut/fill, wall height, and vegetative screening. Additionally, during construction several

other portions of site were graded outside the scope of approved drainage and grading plans.

b. Public Comment:

a. Mark Haddad – Owner

i. Spoke in favor of variance request

b. Linda Sullivan – Applicant

i. Requests temporary certificate of occupancy for property.

1. Applicant is informed that the request is not on the agenda and cannot be discussed.

c. Michael Grosele – Engineer

i. Spoke in favor of variance request

c. Discussion:

a. Commissioner Maccini indicates that they are in favor of the variance request.

d. **Action:** Commissioner Stewart moves to forward the variance request to Board of Adjustment with a recommendation of **approval**.

3. Commissioner Maccini seconds

4. The motion **carries** unanimously (5-0)

The recommendation will be forwarded to the May 13^h Board of Adjustment meeting

7. Public Hearing: Discuss and consider action to make a recommendation to City Council on amendments to the following Code of Ordinances Sections:

a. General Provisions – Section 1.01.003

b. Administration and Personnel – Section 2.02.031

c. Administration – Section 20.02.055

d. Building Regulations – Article 22.03

e. Subdivision – Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013

f. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098

a. Staff Report:

a. Director Bills briefed ZAPCO on code changes related to building and development

b. Public Comment:

a. **None**

c. Discussion:

a. Commissioner Bartoletti: Why is ZAPCO being consulted. Is it a courtesy, or is it required?

- i. Since many of these items are Zoning related, state law requires Zoning and Planning to be involved in process.
- b. Commissioner Meisel: Would staff be able to approve a 5% height regulation?
 - i. Yes – any numerical standard
 - ii. Commissioner Meisel: this moves a lot of responsibility to staff, who should have the benefit of clear rules.
- c. Commissioner Bartoletti asks about how the contextual standard will look in the code when codified.
 - i. Director Bills clarifies that it is up to the builder to make a case on whether they should follow the contextual standard, and the city administrator will approve or deny.
- d. Chair Meisel: Asks about the Drainage and Erosion Control Design Manual in definitions.
 - i. Director Bills clarifies that the reference to the Drainage Manual is to prevent multiple definitions from being in the code that may conflict as portions of code are changed over time. References to the Drainage Manual keeps definitions in a single location.
- e. Commissioner Maccini asked for clarifications on temporary storage unit rule changes.
- f. Commissioner Webber asks if the 2015 Building Codes are the most current building codes we allow
 - i. Director Bills clarifies that the 2015 Building Code is what the city currently has adopted, but that the City is planning to adopt newer codes this year.
- g. Commissioner Meisel:
 - i. Would these changes have benefited the applicants for 1906 Yaupon?
 1. No – their deviations were larger than the proposed changes would allow.
- h. Chair Meisel asks about the grammar and syntax of the code updates and asks if he can fix the errors.
 - i. Director Bills states that the code changes are pending legal review and still go to City Council and legally notified to the public on the following day (4/16/2026).
- i. Commissioner Bartoletti
 - i. States that the previous weekend was the first time ZAPCO had seen the changes, and shares that ZAPCO has not had time for discussion. Expresses discomfort recommending adoption given the time ZAPCO has had to review these changes.
 - ii. Commissioner Webber spoke about the architecture committee who reviewed and recommended changes in the presented code changes, in which the changes have been seen by local developers and architects

- iii. Mayor Vaughan addressed the commission for their opinions on what they feel good about and what they feel needs more time.
- iv. Commissioner Pledger expresses agreement with Commissioner Bartoletti regarding discomfort recommending such large changes in the requested timeframe.
- v. Commissioner Meisel: Once zoning code is changed, there are consequences that impact other codes. By approving zoning changes, construction code is changed
- vi. Director Bills explains that a lot of Chapter 22 (Construction Code) should be in Chapter 38 (Zoning). The next step in this process will include re-codification of many of these items to place them in the correct code sections.
- j. Commissioner Webber asks Commissioner Bartoletti what she believes is a better process in the code change amendments and discussion
 - i. Commissioner Pledger indicates a workshop on code changes before a vote would help ease discomfort regarding recommendations of the changes.
- k. Commissioner Pledger expresses discomfort with contextual standards.
- l. Mayor Vaughan addresses the commission and recommends that ZAPCO postpone and hold a workshop about the code changes
- m. Mayor Vaughan states that the double curb cut on arterial roads should be discarded from the proposed code changes.
- n. Commissioner Bartoletti shares that there are problems in defining ambiguity in the code and suggests that the code should be reviewed by a legal team.
- o. Commissioner Maccini asks about the double curb cut on arterial roads and wants to give more thought on the standard before adding or excluding it from the code.
- p. Chair Meisel expresses that a more complicated, rigid process encourages applicants to try to meet standards, whereas additional allowances encourage developers to push the rules.
- q. Commissioner Bartoletti asks the other commissioners what needs to be done before a workshop is held.
- r. Commissioner Maccini asks what the deadline is for a recommendation from ZAPCO
 - i. Mayor Vaughan states that he wanted the code changes to be presented to City Council before the new Council cycle begins.
 - ii. Commissioner Webber asked if ZAPCO and Council can have a combined workshop.
 - iii. Commissioner Maccini asks when the new members of City Council are sworn in.
 - 1. May 13th, 2026

- iv. Commissioner Webber states that the workshop would be helpful if each proposed change could include an example of implementation
 - v. Commissioner Bartoletti shares that she feels like a lot of the proposed changes, such as the contextual standards, rely more on the city administrator as the ultimate decider.
 - vi. Mayor Vaughan suggests postponement of the code changes.
 - s. Commissioner Bartoletti expresses that contextual standards place too much of a burden on the City Administrator.
 - i. Commissioner Webber expresses that her understanding of the contextual standards is that they are clear, defined standards that are analyzed by staff.
 - ii. Commissioner Bartoletti believes that the contextual standards work better in the more suburban areas of the city.
 - t. Staff and ZAPCO discuss potential dates for a special workshop dedicated to proposed code changes.
 - i. A tentative date of May 4, 2026 at 12:00pm is set for a special workshop.
- d. **Action:** None taken

8. Adjournment

Chair Meisel adjourns the meeting at 8:51pm

APPROVED:

Robert Meisel, Chair

ATTEST:

Joel Sherrouse, Development Coordinator

These minutes were approved on _____, 2026.



City of West Lake Hills

To: Zoning and Planning Commission Members
From: Trey Fletcher, City Administrator
Date: April 27, 2026
Re: Consolidated Code of Ordinances Amendments

Attached is a consolidated document including the redlined changes to the following Code of Ordinance sections:

- a. General Provisions - Section 1.01.003
- b. Administration and Personnel - Section 2.02.031
- c. Administration - Section 20.02.055
- d. Building Regulations - Article 22.03
- e. Subdivision - Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013.
- f. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098.

The redlined changes are displayed as unchanged since being presented to ZAPCO members at the April 15th, 2026, ZAPCO meeting.

§ 1.01.003. Definitions and rules of construction.

In the construction of this code and of all ordinances passed by the city council, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the council. Words used in this code and not defined in this section shall have their ordinarily accepted meaning.

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Accessory building or accessory structure. A building or structure, the activity or function of which is clearly integral to, or customarily incidental and subordinate to, the permitted use of the main or principal building/structure on the same lot, such as an air-conditioning and heating unit; cabana; carport; domestic quarters; a wall used as a front-yard fence; garage; greenhouse; guesthouse; sports court; swimming pool; tool shed; wood shed; workshop; and the like. (See also the definition of structure in this section).

Accessory use. A use customarily incidental and subordinate to the primary use of the main building or to the primary use of the premises.

Administrative Exception. A minor modification of existing standards to allow for unique or uncommon situations. The administrative exception is reviewed and approved by the city administrator.

Aircraft. Any device that is used or intended to be used for flight in the air, including but not limited to planes, gliders, ultralight airplanes, hot-air balloons, helicopters, and parachutes.

Alcoholic beverage. Any beverage containing more than one-half of one percent alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Amusement center or parlor. Any establishment containing one or more pool or billiard tables, pinball and electronic games offered for hire to the public.

Applicant. A person or entity who submits an application for an approval required by the city. The term shall be restricted to include only property owner(s), or a duly authorized agent and representative of the property owner, as demonstrated in writing to the city in the form of a notarized agency letter or power of attorney.

Authority of public body. A grant of authority to three or more persons as a public body confers the authority on a majority of the total membership fixed by ordinance.

Automobile service station. An establishment selling fuel for motor vehicles or performing any of the following services on motor vehicles:

- (1) Lubrication and oil change;
- (2) Installing parts and accessories, including but not limited to radios, telephones, tires, batteries, brakes, mufflers;
- (3) Tune-ups; and
- (4) Any minor repair or adjustment work.

Bedroom. An area of a dwelling intended primarily as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, or closet or storage area of a dwelling.

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City of West Lake Hills, TX

Board of adjustment. The words “board of adjustment” and “board” mean the Board of

Adjustment of the City of West Lake Hills, Texas.

Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

Building, main or principal. A building in which is conducted the principal use of the lot on which it is situated.

Camper. A structure designed to be mounted on a motor vehicle and to provide facilities for human habitation.

Child day care facility. Any facility that provides care, training, education, custody, treatment, or supervision for one or more children who are not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church. A place of worship and religious training of a recognized religion where persons regularly assemble for worship.

City. The word “city” means the City of West Lake Hills, Travis County, Texas.

City administrator, city manager, city secretary, chief of police or other city officers. The term “city administrator,” “city manager,” “city secretary,” “chief of police” or other city officer or department shall be construed to mean the city administrator, city manager, city secretary, chief of police or such other municipal officer or department, respectively, of the City of West Lake Hills, Texas.

City council, council. Whenever the term “city council” or “council” is used, it is construed to mean the city council of the City of West Lake Hills, Texas.

Code. Whenever the term “Code” or “this Code” is referred to, without further qualification, it shall mean the Code of Ordinances, City of West Lake Hills, Texas, as designated in section 1.01.002.

Commercial trailer. A vehicle, with or without motive power, occupied as an office or for a similar permitted construction use, on a temporary basis during and for the purpose of supervising building construction. The occupancy of a commercial coach requires a special use permit.

Comprehensive plan. The plan required by Texas Local Government Code, chapter 211. The comprehensive plan is an independent, long-term plan for use and development of land within the city and in the city’s extraterritorial jurisdiction. The city’s comprehensive plan is the Master Plan for the City of West Lake Hills adopted in January, 1979, as amended.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Contextual Standard. A standard determined by the design, scale, placement, and character of development to ensure compatibility with existing site conditions and surrounding neighborhood context, including, but not limited to setbacks, lot orientation, driveways, and fences. Determination of the applicable standard is made by the city administrator.

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City of West Lake Hills, TX

§ 1.01.003

§ 1.01.003

Contour map. A map or plat prepared by a registered engineer, architect or land surveyor which accurately reflects the surface of the area surveyed with contour intervals of two feet within the building site area and in all areas where the slope exceeds 15 percent.

County. The words “the county” and “this county” mean Travis County, Texas.

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Designated representative. An individual duly authorized by a short-term rental property owner to act in their place.

Development. A “development” is any buildings, roads, and other structures, construction, and excavation, dredging, grading, filling and clearing or removing of vegetation.

Distilled spirits. Any alcohol, spirits of wine, whiskey, rum, brandy, gin, or any liquor procured in whole or in part by the process of distillation, including all dilutions or mixtures of them.

Domestic employee quarters. An accessory dwelling located on the same lot as the principal dwelling and used for habitation of a person fully employed in domestic duties on the dwelling premises. Such accessory dwelling shall not be permitted on lots of less than one acre. The domestic quarters shall not exceed 600 square feet in size or as approved by the city council and shall contain only one bedroom.

Drive-in service. Serving a patron while in a motor vehicle or permitting consumption of food or drink while in a motor vehicle parked on the premises of an eating establishment.

Drive-through service. Providing for the sale and pickup of merchandise, food or drink orders which are not intended to be consumed on the premises of an eating or retail sales establishment by patrons situated in a motor vehicle.

Dwelling, one-family. A detached building designed and having facilities for year-round human habitation by one family only.

Dwelling, two-family. A detached building designed and having facilities for year-round human habitation by two families each in a separate dwelling unit.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not to exceed three persons not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit.

Floor area, nonresidential. The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior structural walls for the purpose of computing the maximum allowable floor area in a building unit.

Floor area, residential. The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior structural walls for the purpose of computing the minimum allowable floor area in a building unit. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed porches.

Gender. Words of one gender include the other genders.

Guesthouse. An accessory seasonal dwelling located on the same lot as the principal building and used occasionally for habitation for guests but not for remuneration. Such accessory dwelling shall not be permitted on lots of less than one acre. The guest quarters shall not exceed 800 square feet in size and shall contain only one bedroom.

Height of structures. See section 22.03.279.

Highway or street. The width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

Home occupation. The term “home occupation” means an activity, business, profession, or occupation customarily carried on for gain in a dwelling unit, or in an accessory structure (other than a carport) to a dwelling unit, by a bona fide resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes. Home occupations must meet the criteria contained in sections 38.04.033 and 38.04.034.

Homestead. A homestead as used in this chapter includes any property for which a residential homestead application has been filed with the county appraisal district.

Hospital. The term “hospital” means an establishment that offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent.

Impervious cover. ~~Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water into the ground or which results in the conveyance of excess water to the surrounding properties.~~

~~(1) Items that are considered to be 100% impervious include, but are not limited to:~~

~~(A) Buildings and other structures;~~

~~(B) Parking areas, roads, streets and driveways; and~~

~~(C) Any other manmade areas of asphalt, impermeable concrete, compacted base material, pavers or other impervious material.~~

~~(2) Items that are considered to be 75% impervious include, but are not limited to: permeable concrete or pavement that is demonstrated by a certified engineer to minimize water runoff to adjacent areas and maximize absorption and filtration through the permeable material. Property owners wishing to use items which the property owner wishes to be calculated as 75% impervious cover shall apply for and receive approval from the city administrator prior to installation.~~

~~(3) Items that are considered to be 50% impervious include, but are not limited to:~~

~~(A) Wooden or composite decks with gaps between the planks to allow the passage of water to the natural, permeable ground surface below the deck;~~

~~(B) Manmade areas of loose rock or stone to be used as landscaping features that:~~

- ~~(i) Do not have a compacted base;~~
- ~~(ii) Are not used for the conveyance or storage of vehicles, machinery or equipment;~~
- ~~(iii) Are not located in the setbacks; and~~
- ~~(iv) Are sufficiently contained by edging to prevent erosion during a rain event.~~

~~(4) Items that are not considered to be impervious include overhangs and eaves which are over two (2) feet above the natural grade and projecting from the building no more than two (2) feet. See Drainage and Erosion Control Design Manual for definition.~~

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Industrial uses. The term "industrial uses" means those activities which are primarily devoted to manufacturing, fabricating and processing functions or other activities likely to become objectionable because of odors, noises, fumes or waste.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Kennel, commercial. The term "commercial kennel" means any premises on which dogs are kept for sale or are boarded, trained or bred for remuneration. See section 38.04.034(d).

Kitchen. The word "kitchen" means a room or place having equipment for the preparation, cooking and service of food.

Lighting source. The term "lighting source" means any device which creates artificial illumination through the use of combustion, incandescence, or electrical discharge.

Liquor store. The term "liquor store" means a store selling distilled spirits for off-premises consumption only.

Lot. The word "lot" means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this code. A lot may or may not be specifically designated as such on public records. Prior to connection of utilities, an unplatted lot must be platted.

Massage therapist. The term "massage therapist" means an individual who is registered pursuant to the terms of Texas Occupations Code, chapter 455, as amended, as a massage therapist and who practices or administers massage therapy to a person of either gender for compensation.

Massage therapy. The term "massage therapy" means the manipulation of soft tissue. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, or tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myo-therapy, body massage, body rub, or any derivation of those terms. Massage therapy is a health care service when the massage is for therapeutic purposes. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease,

or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law. Massage therapy does not constitute the practice of chiropractic.

Massage therapy clinic. The term “massage therapy clinic” means a place of business that offers massage therapy as a service which is performed by a massage therapist who is registered pursuant to Texas Occupations Code, chapter 455, as amended.

Massage therapy school. The term “massage therapy school” means an entity or organization with at least two registered instructors that teaches, at a minimum, the course of instruction required for registration as a massage therapist and which is registered with the department of state health services in accordance with Texas Occupations Code, chapter 455, as amended.

May. The word “may” is permissive.

Mobile home. The term “mobile home” means a structure designed for, or used as, semipermanent habitation and which is transportable on its own chassis in one or more sections and which is capable of being used without a permanent foundation.

Mobile home or recreational vehicle park. The term “mobile home or recreational vehicle park” means any area or tract of land where one or more mobile home or recreational vehicle lots or spaces are rented or held for rent.

Month. The word “month” means a calendar month.

Must and shall. Each is mandatory.

Nonconforming use. The term “nonconforming use” means an activity that was lawful and existing at a specific location prior to the adoption, revision or amendment of the zoning ordinance which fails to conform to the present requirements of the zoning ordinance.

Nuisance factor. The term “nuisance factor” means any offensive or unpleasant thing which annoys or disturbs a person of ordinary sensibility in the free use, possession, or enjoyment of his property or which endangers one’s health or life or property, such as:

- (1) Noise.
- (2) Dust.
- (3) Smoke.
- (4) Fumes.
- (5) Odor.
- (6) Glare.
- (7) Flashes.
- (8) Heat.
- (9) Electronic or atomic radiation.
- (10) Effluent.

- (11) Vibration.
- (12) Shock waves.
- (13) Gases.
- (14) Vicious, mischievous, and barking dog(s); see chapter 4.
- (15) Unlawful diversion of drainage onto adjacent property.
- (16) Unshielded yard or building lighting.
- (17) Electrical or magnetic interference.

Number. The singular includes the plural and the plural includes the singular.

Oath. The word “oath” includes affirmation.

Officers, agencies. The words “city secretary,” “chief of police” or other designations of officers, employees, departments, boards, commissions and other agencies mean the secretary, chief of police or such other officers, employees, departments, boards, commissions and agencies, respectively, of the City of West Lake Hills, Texas.

Official time standard. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time, as may be in current use in the city.

Open-air commercial amusements. The term “open-air commercial amusements” means any land, building, structure, devices or activities for amusement and profit perceptible from a public right-of-way, such as drive-in theaters, miniature golf courses, water slides, motor vehicle courses or tracts, and similar enterprises.

Or, and. The term “or” may be read “and,” and the term “and” may be read “or,” if the sense requires it.

Owner. The word “owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Parking lot. The term “parking lot” means an area which contains three or more off-street parking spaces.

Parking space. The term “parking space” means an area designated for the parking of one motor vehicle which meets the requirements of the off-street parking requirements of this code.

Person. The word “person” includes an individual, firm, company, corporation, organization, society, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, executor, receiver, trustee, lessee and any other legal entity.

Preceding, following. The words “preceding” and “following” mean next before and next after, respectively.

Private sewage facility. The term “private sewage facility” means a facility for the disposal of wastewater licensed by the city under the provisions of article 18.03, division 3.

Property. The word “property” shall mean and include real and personal property.

Quarrying. The word “quarrying” means the removal from the earth of stone, sand, gravel, caliche, minerals, topsoil or other natural material for the purpose of sale or any other commercial purpose, other than such as may be incidental to excavating or regrading in connection with or in anticipation of building development or landscaping on the site.

Real property. The term “real property” shall mean and include lands, tenements and hereditaments.

Recouping investment. The term “recouping investment” means to recover an expenditure made to acquire property or other assets.

Recreational vehicle. The term “recreational vehicle” means a vehicle designed for human habitation for recreational purposes and capable of being used on a highway. Recreational vehicles shall include a motor home, travel trailer, truck camper and camping trailer, but shall not include a mobile home.

Rehabilitation/wellness center. The term “rehabilitation/wellness center” means a part of the hospital which provides medical rehabilitation services that are designed to improve or minimize a person’s physical disabilities, maximize a person’s functional ability, or restore a person’s lost functional capacity through close coordination of services.

Remodel. The renovation, alteration, or improvement of an existing structure that does not include any expansion or work beyond the existing walls of the structure. A remodel may include:

1. Interior Changes: Kitchen or bathroom upgrades; installation of new flooring, finishes, lighting, or built-in features; painting; or reconfiguration of interior walls.
2. System Upgrades: Replacement or installation of plumbing, mechanical (HVAC), or electrical systems; installation of insulation; or the addition of windows.
3. Exterior Work: Replacement of siding, roofing, windows, or architectural details; updates to existing porches or decks without expansion; or removal of existing square footage without replacement.
4. Conversion of existing space: Expansion livable space into existing non-livable space (for example: garage or covered patio conversion) that does not expand the existing footprint.

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Remodeling does not include the following:

1. Change in use.
2. Expansion of the footprint or an increase in height of the existing structure.
3. Modification of the existing roof in a way that alters the total height or the pitch of the roof.

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Restaurant, fast-food. The term “fast-food restaurant” means an eating establishment, freestanding or within a larger structure, at which food is sold for consumption on premises or for take-out. No drive-in service facilities are permitted.

Restaurant, general. The term “general restaurant” means an eating establishment, freestanding or within a larger structure, at which food is sold exclusively for consumption on premises at tables with table service.

Riding stable. The term “riding stable” means any premises on which horses are boarded or kept for training, renting or for giving riding instructions.

Roadway. The word “roadway” means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

Setback distance. The term “setback distance” means the minimum distance required between a structure and the front, side or rear boundary line of the parcel of land on which the structure is located.

Sexually-oriented business. The term “sexually-oriented business” means a massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Shall. The word “shall” is mandatory.

Short-term rental. Renting or leasing a dwelling or a portion of a dwelling owned by a resident of the city to a residential guest(s) by the property’s owner(s) for a period of thirty (30) consecutive days or less. Short-term rentals must meet the criteria contained in section 6.04.002 of the city code and cannot include rental of a guesthouse as defined above.

Sidewalk. The word “sidewalk” means the portion of a street that is:

- (1) Between a curb or lateral line of a roadway and the adjacent property line; and
- (2) Intended for pedestrian use.

Signature, subscription. The word “signature” or “subscription” includes any symbol executed or adopted by a person with present intention to authenticate a writing.

Site plan/final site plan. The term “site plan/final site plan” means a development plan of one or more lots showing existing and proposed infrastructure and/or improvements. Any site plan which is approved by the city council becomes a part of the permit application or zoning change request and the applicant is bound by said plan unless a modification is approved by the council.

Special use. The term “special use” means a use that may be authorized by the city council if the applicant can show, to the satisfaction of the city council, that the use requested meets all applicable conditions and standards contained herein. See section 38.04.031 et seq.

State. The words “the state” or “this state” mean the State of Texas.

Street. The word “street” shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

Structure. The word “structure” means anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something having location on or in the ground.

Tense. Words used in the past or present tense include the future, as well as the past and present.

Time computations. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday.

Time standard. Whenever certain hours are named in this code they shall mean central standard time or central daylight saving time, as the case may be.

Trailer. The word “trailer” means every vehicle designed for carrying persons or property and for being drawn by a motor vehicle on the highway.

Travel trailer. The term “travel trailer” means a vehicle, other than a motor vehicle, which is designed for human habitation for recreational purposes and which may be moved upon a public highway without a special permit or chauffeur’s license, or both, without violating any provision of the vehicle code.

Vehicle. The word “vehicle” means every device by which any person or property may be propelled, moved or drawn upon a highway.

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. Such abbreviations refer to the divisions of Vernon’s Texas Statutes Annotated.

Withdrawal or to withdraw. Is an applicant’s, petitioner’s, or requestor’s voluntary recall/removal/retraction of any application, appeal, proposal, etc. from the city’s decision process.

Withdrawal results in the forfeiture of any fees paid, waives and negates any right/requirement for further action by the city, and constitutes final action on an item. Withdrawal has the same effect as if an item had never been submitted.

Written or in writing. The words “written” and “in writing” include any representation of words, letters, symbols or figures, whether by writing, printing or otherwise.

Year. The word “year” means 12 consecutive months.

Zoning and planning commission. The words “zoning and planning commission” and “commission” mean the Zoning and Planning Commission of the City of West Lake Hills, Texas.

(1996 Code, sec. 1-2; Ordinance adopting Code; Ordinance 334 adopted 10/26/16; Ordinance 361 adopted 3/28/18; Ordinance 2021-013, att. C, adopted 12/8/21; Ordinance 2024-016 adopted 10/9/2024)

Chapter 20

ADMINISTRATION

	ARTICLE 20.01	§ 20.03.002.	Introduction.
	GENERAL PROVISIONS	§ 20.03.003.	Purpose.
§ 20.01.001.	Public hearings on zoning changes—Joint hearing.	§ 20.03.004.	Scope.
§ 20.01.002.	Same—Publication of notice.	§ 20.03.005.	Policy.
		§ 20.03.006.	Presumption.
		§ 20.03.007.	Definitions.
	ARTICLE 20.02	§ 20.03.008.	Administration.
	ZONING AND PLANNING COMMISSION	§ 20.03.009.	Standards.
§ 20.02.001.	Definitions.	§ 20.03.010.	Applicable regulations.
§ 20.02.002.	Composition.	§ 20.03.011.	Substantial change.
§ 20.02.003.	Qualifications and terms of office.	§ 20.03.012.	Reconsideration.
§ 20.02.004.	Meetings.	§ 20.03.013.	Appeal to city administrator.
§ 20.02.005.	Duties.	§ 20.03.014.	Appeal to board of adjustment.
§ 20.02.006.	Finances.	§ 20.03.015.	Extensions.
		§ 20.03.016.	Judicial review.
	ARTICLE 20.03	§ 20.03.017.	Binding nature.
	UNIFORMITY OF REQUIREMENTS	§ 20.03.018.	Expirations.
§ 20.03.001.	Popular name.	§ 20.03.019.	Transferability.

**ARTICLE 20.01
GENERAL PROVISIONS**

§ 20.01.001. Public hearings on zoning changes—Joint hearing.

Whenever a public hearing on zoning changes has been duly scheduled and advertised, and the required notifications have been made to affected property owners, the city council may by ordinance provide that the public hearing held by the zoning and planning commission shall be a joint public hearing with the city council. Provided, however, that the council shall not take final action until the zoning and planning commission has convened to consider the issue following completion of the public hearing and has made its recommendation to the council on each zoning case.

(1996 Code, sec. 62-1)

§ 20.01.002. Same—Publication of notice.

The mayor or city secretary is authorized and directed to cause notice of each such public hearing to be published one time in a newspaper of general circulation in the city before the 15th day before the date of the proposed public hearing.

(1996 Code, sec. 62-2)

**ARTICLE 20.02
ZONING AND PLANNING COMMISSION**

§ 20.02.001. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ZAPCO. The zoning and planning commission.
(Ordinance 330 adopted 7/13/16)

§ 20.02.002. Composition.

The city council shall appoint by simple majority vote a zoning and planning commission consisting of a chairperson and five members, for a total of six members. The chairperson shall formally appoint a vice-chairperson from among the commission members each year. A quorum shall consist of a simple majority of the members appointed by the council. Quorum shall include the chairperson and vice-chairperson. The chairperson shall only vote in the case of a tie.
(Ordinance 2020-012 adopted 9/23/20)

§ 20.02.003. Qualifications and terms of office.

All members of the zoning and planning commission shall be bona fide residents of the city for a minimum of six months. The members of the zoning and planning commission shall serve for a staggered two-year period and may be reappointed for succeeding terms. Vacancies of the members of the commission shall be filled as determined by the city council, including any vacancies resulting from increasing the number of members on the commission.
(1996 Code, sec. 62-33)

§ 20.02.004. Meetings.

- (a) Meetings of the zoning and planning commission shall be held on a regular basis, but not less than once every two months, and such meetings shall be advertised and open to the public as required by the laws of the state. Meetings may also be called by the chairperson or at the request of two or more of the commission members.
- (b) The commission shall make a written report to the city council of its findings on each matter on its agenda that has been advertised and for which a public hearing is required. The written report on such agenda items shall clearly indicate either “for” or “against” the subject application. Such a report may be in the form of the commission’s minutes.
- (c) No continuances or postponements shall be granted, except upon the request of the applicant, on any matter on its agenda that is required by law to be advertised or is the subject of a required public hearing.
(1996 Code, sec. 62-34)

§ 20.02.005. Duties.

The duties of the zoning and planning commission shall be to:

- (1) Recommend revisions or amendments to article 28.02 of this code and the land use map associated therewith.

- (2) Review all subdivision plans, plats, replats or resubdivisions to be presented to the council and to submit the plan, plat, replat or resubdivision with ZAPCO's recommendation at a council meeting following submission to the zoning and planning commission provided that such plan, plat, replat or resubdivision was submitted by the developer or owner in proper form according to the city's ordinances and V.T.C.A., Government Code ch. 212, and provided that the plan, plat, replat or resubdivision was timely submitted to the zoning and planning commission.
- (3) Review and make recommendations to the city council on all matters and applications concerning zoning, in accordance with the city's ordinances and state law and to determine whether such zoning requests are in conformity with article 28.02 of this code.
- (4) Review permit applications for sewage facilities in all zoning districts except one-family residential (R-1) zones, and to submit recommendations at a city council meeting following the commission meeting at which such permit application was considered, provided that the application was submitted in proper form in accordance with the city's ordinances.
- (5) Cooperate with any applicant to encourage the best development for nonresidential use in a manner consistent with the low-density rural character promulgated in the master plan ordinance.
- (6) Advise the city council and work with owners on the appearance of existing or new buildings and property, either on specific assignment by the council or on its own initiative.
- (7) ~~Consider and make recommendations to the city council and the board of adjustment on requests for variances to the city's ordinances; however, ZAPCO shall only review permits or variances for tree removal when construction is involved.~~
- (8) Hold public hearings as may be required by the city's ordinances.
- (9) Review and approve or deny requests for uniform sign agreements in accordance with the criteria set out in the city's ordinances.
- (10) Assist in the drafting and revision of ordinances relating to any of the hereinabove mentioned duties.
- ~~(11)(1) Perform such other duties as normally required of a zoning and planning commission, from time to time, by the city council.~~
- ~~(12) ZAPCO shall not review requests for special use permits (SUP). Review special use permits and submit recommendations to the city council meeting following the commission meeting at which such permit application was considered.~~
- (11) Perform such other duties as normally required of a zoning and planning commission, from time to time, by the city council.

(1996 Code, sec. 62-35; Ordinance 251 adopted 6/27/12; Ordinance 2024-006 adopted 6/12/2024)

§ 20.02.006. Finances.

The zoning and planning commission shall have the authority to request funds from the city council to meet ZAPCO's operating costs. Such funds shall include the cost of any special, nonrecurring item of the commission as well as routine administrative costs.

(1996 Code, sec. 62-36)

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**ARTICLE 20.03
UNIFORMITY OF REQUIREMENTS**

§ 20.03.001. Popular name.

This article shall be commonly cited as the “grandfathered development status ordinance.”
(Ordinance 162, sec. 1.1, adopted 5/27/09)

§ 20.03.002. Introduction.

Texas Local Government Code chapter 245 (“LGC 245”), sometimes referred to as the state’s “freeze law,” H.B. 1704, provides an opportunity for landowners or developers to “lock-in” certain government regulations that apply to a particular development by filing a specific permit application. Other laws, such as sections 43.002 and 211.016 of the Texas Local Government Code, also convey certain “grandfathered” status.
(Ordinance 162, sec. 1.2, adopted 5/27/09)

§ 20.03.003. Purpose.

This article provides standards and procedures for municipal determination of the alleged grandfathered development status of development projects. Specifically, this article is enacted to:

- (1) Provide increased certainty and predictability in the city’s regulatory process;
- (2) Guarantee that all grandfathered development status determinations are made by the city only after the city is in receipt of all necessary information;
- (3) Provide a method of administrative review of grandfathered development status project decisions in accordance with LGC 245 or other applicable vesting laws; and
- (4) Ensure that the city recognizes and protects all grandfathered development status projects created by LGC 245.

(Ordinance 162, sec. 1.3, adopted 5/27/09)

§ 20.03.004. Scope.

- (a) This article applies to the city limits and the extraterritorial jurisdiction (“ETJ”).
- (b) This article shall only govern applications and permits covered by LGC 245.
- (c) This article shall not apply to permits or regulations listed as exemptions in LGC 245.004.
- (d) This article shall only govern situations involving a land use or development project for which the owner or builder requests city approval(s), yet seeks to avoid the application of current municipal regulations by asserting grandfathered development status, as provided by LGC 245.
- (e) This article shall not create any property rights in any application, project, property, or person.
This article shall not enlarge or expand any property right granted by LGC 245.

(Ordinance 162, sec. 1.4, adopted 5/27/09)

§ 20.03.005. Policy.

There shall be a bias in the city against dormant or new land development projects being constructed

pursuant to outdated regulations previously repealed by the city council. It is the preferred policy of the city that all land development projects, for which municipal permits and approvals are needed, be constructed in accordance with current municipal regulations. Limited exceptions to this general rule shall only be allowed when mandated by state law, as procedurally implemented through this article. (Ordinance 162, sec. 1.5, adopted 5/27/09)

§ 20.03.006. Presumption.

It is the policy of the city that construction/development or land use permit applications filed today are presumed to be governed by today's regulations. (Ordinance 162, sec. 1.6, adopted 5/27/09)

§ 20.03.007. Definitions.

(a) General. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in this code. Words and phrases not defined in this code 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.

(b) Specific.

Applicant. A person or entity who submits an application for an approval required by the city. The term shall be restricted to include only property owner(s), or a duly authorized agent and representative of the property owner, as demonstrated in writing to the city in the form of a notarized agency letter or power of attorney.

Application for a permit. The term as referenced in Texas Local Government Code chapter 245, as may be amended. The term does not include an application to rezone property.

Board of adjustment ("BOA"). Six members, who are members of the governing body of the city, form a commission to perform the functions established by Texas Local Government Code chapter 211, and other duties assigned by ordinance. As the governing body of a type A general-law municipality, the city council is statutorily authorized to perform this function and serve in this capacity. Information about the city's board of adjustment may be found in the city's zoning ordinance.

City administrator. The city's chief administrative officer, as appointed by the city council. The term also includes the city administrator's designee.

City attorney. The individual or law firm appointed by the city council to render legal services and advice in relation to the administration, interpretation, and enforcement of this article.

City engineer. The individual or entity appointed by the city council to render engineering services to the city.

City inspector. The city official, also referred to as the building inspector, appointed by the city administrator with the duty of processing all building permit applications, including inspections of construction, the duty of sanitary inspections in accordance with article 18.03, division 3, and such other duties as may be assigned.

City limits. The incorporated municipal boundaries of the city.

City planner. The individual or entity appointed by the city administrator to administer land development ordinances and advise the city in relation to the administration, interpretation, and enforcement of the city's development code.

Development review committee. A group consisting of the city inspector, city planner, city engineer, and city attorney.

ETJ. The extraterritorial jurisdiction of the city.

Grandfathered development status. A recognition by the city of an applicant's ability to process permit applications under pre-existing regulations in accordance with LGC 245.

LGC. The Texas Local Government Code.

LGC 245. Texas Local Government Code chapter 245.

New project. A land development endeavor over which the city's municipal regulatory jurisdiction exists, that has not previously been formally considered or approved by the city, and for which one or more permits are required to initiate, continue or complete the endeavor. The term can refer to substantial changes made to an otherwise prior project.

Permit. The term as defined by Texas Local Government Code chapter 245, as may be amended.

Project. The term as defined by Texas Local Government Code chapter 245, as may be amended. The term refers to a specific property use and/or improvement undertaken on a particular tract of land as documented in a manner that provides the city with fair notice.

ZAPCO. The zoning and planning commission of the city.

(Ordinance 162, sec. 2, adopted 5/27/09; Ordinance 265 adopted 1/9/13; Ordinance 307 adopted 7/22/15)

§ 20.03.008. Administration.

(a) Submission.

- (1) An applicant seeking grandfathered development status with the city in accordance with LGC 245 shall submit to the ZAPCO secretary a letter explaining the factual and legal bases upon which the applicant relies.
- (2) The ZAPCO secretary may prescribe a form application.
- (3) Applications may be sought prior or concurrent to the permitting process.
- (4) Such written submission shall include the following:
 - (A) The name, mailing address, phone number and fax number of the applicant.
 - (B) The name, mailing address, phone number and fax number of the property owner, if different than the applicant.
 - (C) Identification of the property for which the applicant claims grandfathered development status, including a clear legal description of the exact boundaries of the property encompassed by the project.
 - (D) Identification of the "project," as that term is defined in LGC section 245.001(3), as

may be amended.

- (E) Narrative description of the development/construction project or proposed land use for which a permit is being sought.
 - (F) Layout of the site, including locations of buildings, streets, utilities and drainage facilities.
 - (G) Identification of the original application for the first permit in the series of permits required for the project, as described in LGC section 245.001(1) and section 245.002(a) and (b), as may be amended.
 - (H) The date that the first permit in the series of permits required for the project was filed with the city.
 - (I) A chronology of the history of the project, with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by LGC 245 section 245.003, as may be amended.
 - (J) Identification of each city regulation in effect at the time the original application for the permit was filed that applies to the project and:
 - (i) The applicant contends is grandfathered; and
 - (ii) The applicant contends controls the approval, disapproval, or conditional approval of an application for a permit, pursuant to LGC 245.002(a) and (b), as may be amended.
 - (K) Identification of each city regulation for which the applicant seeks an exemption due to the grandfathered development status provided the property owner by LGC 245 or other applicable vesting laws.
 - (L) Explanation of applicability of any approval expirations and related requests for extension of approvals.
 - (M) Photographs, drawings, maps, and previous approvals that would assist the development review committee in making its determination regarding the application.
 - (N) Any other information or supportive materials deemed necessary by the ZAPCO secretary and requested in writing; and
 - (O) Notwithstanding the above, an applicant may subsequently seek grandfathered development status for other regulations once an initial determination has been made by the city.
- (5) If an applicant contends that certain city regulations do not apply to the project, the applicant is expected to identify, with particularity, all requirements that the applicant contends do not apply to the current application. Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the city may consider the request for grandfathered development status determination to be incomplete and, hence, not subject to a staff determination at that time.
- (6) The applicant is responsible for demonstrating to the city that the project for which approval is sought is the same project for which grandfathered development status attached.

- (7) An application for recognition of grandfathered development status shall not be considered to have been filed with the city, for purposes of this article or LGC 245, until such time as the application is administratively complete. In order to be administratively complete, the application must:
 - (A) Contain all materials required by this article;
 - (B) Be presented within the time specified by this article; and
 - (C) Be accompanied by a check payable to the city for the full amount of the application review fee established by the city council, as codified in the city's fee schedule.

(b) Determination.

- (1) The ZAPCO secretary shall promptly forward the application for grandfathered development status, along with any supporting information or documentation provided, to the development review committee for review.
- (2) The development review committee shall make a written response within fourteen (14) [days] after an application for determination of grandfathered development status has been filed. If the committee does not provide a written response to the applicant within fourteen (14) days after the application was filed, the application is automatically deemed to have been denied. The ZAPCO secretary may extend the time period established by this article upon receipt of a written request from the applicant.
- (3) If the development review committee requests for more information from the applicant, the fourteen-day time period will be tolled.
- (4) The committee shall issue a written administrative determination approving the application, disapproving the application, or requesting additional information from the applicant. If the application is approved, the determination shall identify, with particularity, which claims for grandfathered development status have been recognized and which claims have been rejected.
- (5) Prior to rendering a determination, the city or the applicant may request a pre-determination conference to discuss the applicant's claim and to ensure that the nature of the claim is fully and completely understood prior to a determination being rendered. The ZAPCO secretary and/or the development review committee may participate.
- (6) A determination recognizing grandfathered development status shall state the date the application for the original permit was filed, if the date can be determined with reasonable accuracy.
- (7) The ZAPCO secretary is signatory and spokesperson for the development review committee. (Ordinance 162, secs. 3.1, 3.2, adopted 5/27/09)

§ 20.03.009. Standards.

In determining whether a project is grandfathered, the city shall consider the following:

- (1) Pre-existing: Did the improvements/use pre-date the city regulations in question?
- (2) Progress: Did construction of the improvements/use commence prior to enactment of the city

regulations in question?

- (3) Fair notice: Did the applicant give the city fair notice of what the applicant proposed to do prior to the enactment of the city regulations in question?
- (4) Health and safety: Do the rules in question protect the public's health and safety?
- (5) City code: Any other factors established by this code?
- (6) State law: Any other factors established by LGC 245?
(Ordinance 162, sec. 3.3, adopted 5/27/09)

§ 20.03.010. Applicable regulations.

The city shall consider the approval, disapproval, or conditional approval of an application for a permit covered by LGC 245 solely on the basis of any municipal regulations in effect at the time the original application for the permit is filed, with the exception of those exemptions listed in LGC 245, as may be amended.

- (1) The extent and scope of what constitutes a project for purposes of this article and LGC 245 shall be determined by the city based upon the information provided by the applicant and those documents filed among the city's records.
- (2) The city shall not bestow any form of grandfathered development status on a hypothetical undertaking that is not expressly illustrated or demonstrated to the city at the time of submission of a completed application for a permit.
- (3) Endeavors not submitted for consideration by the applicant to the city when a prior permit application for a project was filed with the city shall be considered new projects subject to the current regulations. The burden rests on the applicant to establish that the project for which approval is sought is the same project to which grandfathered development status allegedly attached.
(Ordinance 162, sec. 3.4, adopted 5/27/09)

§ 20.03.011. Substantial change.

To grandfather a project for which a substantial change is proposed would deny the city, and the public, of fair notice. Consequently, a substantial change results in a new project for which grandfathered development status shall be denied. Factors that can result in a new project determination include, but are not limited to, the following modifications:

- (1) Gross surface area or acreage;
- (2) Gross floor area;
- (3) Gross number of buildings;
- (4) Density;
- (5) Living unit equivalents;
- (6) Land use classification (rezoning or special use permit);
- (7) Impervious cover;

- (8) Drainage pattern or volumes; or
- (9) Street layouts.
(Ordinance 162, sec. 3.5, adopted 5/27/09)

§ 20.03.012. Reconsideration.

- (a) If any person believes that the development review committee's determination under this article is in error, the person shall have the right to request reconsideration.
- (b) To be actionable, a request for reconsideration by the development review committee must:
 - (1) Be filed with the ZAPCO secretary in writing within fourteen (14) days of the date of the development review committee's previous determination or the date of automatic denial.
 - (2) State the reasons why the previous determination should be reversed or modified.
 - (3) Present information that has not previously been presented for consideration by the development review committee.
 - (4) Provide an explanation of the legal and factual grounds of the request; and
 - (5) Be accompanied by payment of the reconsideration fee established by the city council, as codified in the city's fee schedule.
- (c) The development review committee shall, within fourteen (14) days of receipt of a request for reconsideration that conforms to this article, issue an administrative determination, or a statement declining reconsideration. If the development review committee fails to make a written determination within fourteen (14) days after an application has been received at city hall, the application is deemed to have automatically been denied.
- (d) No person may appeal the development review committee's determination under this article without first seeking reconsideration.
(Ordinance 162, sec. 3.6, adopted 5/27/09)

§ 20.03.013. Appeal to city administrator.

- (a) If any person believes that the development review committee's determination under this article is in error, the person shall have the right to appeal such determination to the city administrator.
- (b) To be actionable, an appeal must be filed with the city administrator in writing within fourteen (14) days of the date of the development review committee's determination or the date of automatic denial. The written request for an appeal must include:
 - (1) A statement that the appellant has requested reconsideration by the development review committee, and that the request for reconsideration:
 - (A) Was denied; or
 - (B) Yielded an erroneous determination regarding the project's eligibility for grandfathered development status.
 - (2) A statement of the reasons why the determination should be reversed or modified;

- (3) An explanation of the legal and factual grounds of the appeal; and
 - (4) Be accompanied by payment of the appeal fee established by the city council, as codified in the city's fee schedule.
- (c) The city administrator shall act upon an appeal within fourteen (14) days of receipt of a written request for appeal that conforms to this section. If the city administrator fails to make a written determination within fourteen (14) days after an appeal has been received, then the appeal is deemed to have automatically been denied.
(Ordinance 162, sec. 4, adopted 5/27/09)

§ 20.03.014. Appeal to board of adjustment.

- (a) If any person believes that the city administrator's determination under this article is in error, the person shall have the right to appeal such determination to the city's board of adjustment ("BOA").
- (b) To be actionable, an appeal must be filed with the BOA in writing within fourteen (14) days of the date of the city administrator's determination or the date of the city administrator's automatic denial. The written request for an appeal must include:
 - (1) A statement that the appellant sought an appeal from the city administrator, and that the appeal:
 - (A) Was denied; or
 - (B) Yielded an erroneous determination regarding the project's eligibility for grandfathered development status.
 - (2) A statement of the reasons why the determination should be reversed or modified;
 - (3) An explanation of the legal and factual grounds of the appeal; and
 - (4) Be accompanied by payment of the appeal fee established by the city council, as codified in the city's fee schedule.
- (c) The applicant may also request the BOA to grant a variance from the regulations at issue under the same standards governing variances for other matters, as set forth in the city's development code, as amended.
- (d) The BOA shall convene a meeting and act upon an appeal within thirty (30) days of receipt of a written appeal that conforms to this article. If the board of adjustment fails to make a written determination within thirty (30) days after an appeal has been received, then the appeal is deemed to have automatically been denied.
- (e) Notice and a public hearing shall be provided for as established in the code for variance requests.
(Ordinance 162, sec. 5, adopted 5/27/09)

§ 20.03.015. Extensions.

Any time period established under this article may be extended to a date certain, upon receipt of a written request from the applicant.
(Ordinance 162, sec. 6, adopted 5/27/09)

§ 20.03.016. Judicial review.

Should the applicant be dissatisfied with the actions of the BOA, the applicant may pursue all legal remedies to review the BOA's decision as set forth in LGC section 211.011.
(Ordinance 162, sec. 7, adopted 5/27/09)

§ 20.03.017. Binding nature.

- (a) The city's determinations under this article, if not timely appealed, shall be immediately filed in the city's files related to the project and the determination shall be considered binding upon the city, the applicant, and the property owner (if different from the applicant) for the duration of the project.
- (b) Notwithstanding the binding nature of a determination issued by the development review committee or city administrator, and any ruling by the BOA, the city and the property owner may, at any time, enter into a development agreement or negotiate the enactment of a planned development district that, to the extent authorized by law, modifies the determination and the applicable development regulations to be applied to the project. The issue of which rules apply to a permit application may be resolved by mutual agreement. The agreement may contain special terms and conditions, as deemed necessary to protect the public interest.
- (c) The city's recognition of grandfathered development status does not prevent the city from requiring the submission of updated engineering reports, site plans, or landscape plans, as may be applicable under current regulations.
(Ordinance 162, sec. 8, adopted 5/27/09)

§ 20.03.018. Expirations.

- (a) Permits issued by the city that are subject to LGC 245, but do not expressly contain an expiration date, shall expire by operation of law two (2) years after issuance. This section shall not apply to permits pursuant to which progress has been made toward the completion of the project, as determined by LGC 245.005(c), as may be amended.
- (b) Projects subject to LGC 245 shall expire by operation of law five (5) years after an application was filed for the first permit necessary for the project. This section shall not apply to permits for which progress has been made toward the completion of the project, as determined by LGC 245.005(c), as may be amended.
(Ordinance 162, sec. 9, adopted 5/27/09)

§ 20.03.019. Transferability.

Grandfathered development status, as recognized by the city pursuant to this article, runs with the land. Thus, grandfathered development status is transferable to subsequent owners/occupants.
(Ordinance 162, sec. 10, adopted 5/27/09)

ARTICLE 22.03
CONSTRUCTION CODE

DIVISION 1
Generally

§ 22.03.001. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this section shall have the meaning customarily assigned to them.

Accessory building or accessory structure. A building or structure, the activity or function of which is clearly integral to, or customarily incidental and subordinate to, the permitted use of the main or principal building/structure on the same lot, such as an air-conditioning and heating unit; cabana; carport; domestic quarters; a wall used as a ~~front~~street-yard fence; garage; greenhouse; guesthouse; sports court; swimming pool; tool shed; wood shed; workshop; and the like. This definition does not include propane tanks. (See also the definition of structure in this section).

Alterations. Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Approved. Having the approval of the city inspector as the result of an investigation and tests conducted by him or by reason of accepted principles or tests by national authorities, technical or scientific organizations; or having the approval of the appropriate enforcement official of the city as being in compliance with the standards and requirements of any code or ordinance of the city which applies specifically to the item in question; or other customary approvals reserved to the city by state law or city ordinance.

Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

Building line. A line formed by the face of the building, and for the purposes of this article, a front building line is the same as a ~~front~~street setback line.

Certificate of completion. Issued by the city to the contractor for successful completion of work proposed and submitted all necessary document as required by the city.

Certificate of occupancy. A certificate issued by the city inspector upon the satisfactory completion of operations authorized by the city’s building permit.

City inspector. The city official, also referred to as the building inspector or building official, appointed by the city ~~engineer~~ administrator with the duty of processing all building permit applications, including inspections of construction, the duty of sanitary inspection in accordance with article 18.03, division 3, and such other duties as may be assigned.

Commercial building. Any building or structure used or designed to be used, in whole or in part, for retail or wholesale business, industrial, manufacturing, storage, religious, educational,

amusement or entertainment, health, professional, scientific, office or other business purposes. Nonresidential buildings include “commercial buildings.”

Commission. The zoning and planning commission of the city.

Construction. Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site but does not include uses in securing survey or geological data including necessary borings to ascertain subsurface conditions.

Contextual Standard. See Section 1.01.003.

Design professional. An architect, landscape architect or interior designer registered with the state.

Destroy. To ruin the structure or condition of a thing; to demolish or injure beyond the possibility of its intended use or purpose.

Dwelling. Any building or any portion thereof which is not an “apartment house,” or “lodginghouse,” which contains one or more “dwelling units” or “guestrooms,” used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enclosure device. A continuously joined structure which is constructed so as not to have any openings, holes or gaps larger than four inches in any dimension except for doors and gates, including but not limited to fences, walls, buildings, or similar constructions.

Engineer. Professional engineer licensed with the state.

Erected. Built, constructed, altered, reconstructed, poured, laid, moved upon or any physical operations on the premises which are required for construction. Excavation, site clearance, land fill and the like shall be considered a part of erection.

Erosion. The process by which the ground surface is worn away by the action of wind or water and material therefrom is carried, or is likely to be carried, across any property line in significant quantities.

Excavation. Any breaking of ground, digging, scooping or other method of removing earth materials, except common household gardening and ground care.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group not to exceed three persons not all related by blood, marriage, or adoption, occupying the premises and living as a single, nonprofit housekeeping unit.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. This term does not include retaining walls.

Filling. Any depositing or stockpiling of earth materials.

Fire flow. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for firefighting, as defined by appendix B of the 2015~~2~~ International Fire Code (“IFC”). The city has properly adopted the IFC and appendix B of the IFC.

Floor area. The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior structural walls for the purpose of computing the minimum

allowable floor area in a structure. The floor area measurement is inclusive of outdoor areas covered by a roof projection attached to the main structure and is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed porches.

Garage or carport, private. An accessory building for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building.

Grade. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The ground grade shall be the level of the ground adjacent to the walls of the building if the natural grade is level. If the ground is not entirely level, the grade shall be finished ground grade as it existed after construction, excavation or grading.

Grading. Any act by which soil, rock, or mineral matter is cut into, dug, quarried, uncovered, removed, displaced or relocated and includes the removal of vegetative cover, excavation and land balancing.

Habitable building. Any room meeting the requirements of this article for sleeping, living, cooking or eating purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Height. The vertical distance measured from the calculated average natural grade (see section 22.03.279) for any separate and distinct structure to the highest point on that structure, excluding any functional roof appurtenances (see section 22.03.279(e)).

Horizontal infrastructure. Any improvement necessary for a site, besides the construction or erection buildings. Examples of horizontal infrastructure may involve, but are not limited to, roads, sidewalks, utilities, retaining walls over four (4) feet in length and drainage improvements.

Hot water. Water at a temperature of not less than 120 degrees Fahrenheit.

~~Impervious cover. See section 1.01.003 Drainage and Erosion Control Design Manual.~~

~~Remodel. See Section 1.01.003.~~

Setback. The distance required to obtain the ~~front~~street, side or rear yard open space provisions of this article or other ordinances.

Setback, Primary Street. The area determined by

Yard. The open space on the same lot with a main building, unoccupied and unobstructed by structures from the ground upward, except as otherwise provided in this article and as defined herein.

- (1) Front-Street yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the ~~front~~_lot line parallel to the street and the nearest line of the main building.
- (2) Rear yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) Side yard. An open space between any building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the main building.

(Ordinance 361 adopted 3/28/18; Ordinance 2020-005 adopted 5/13/20; Ordinance 2024-017 adopted 10/23/2024)

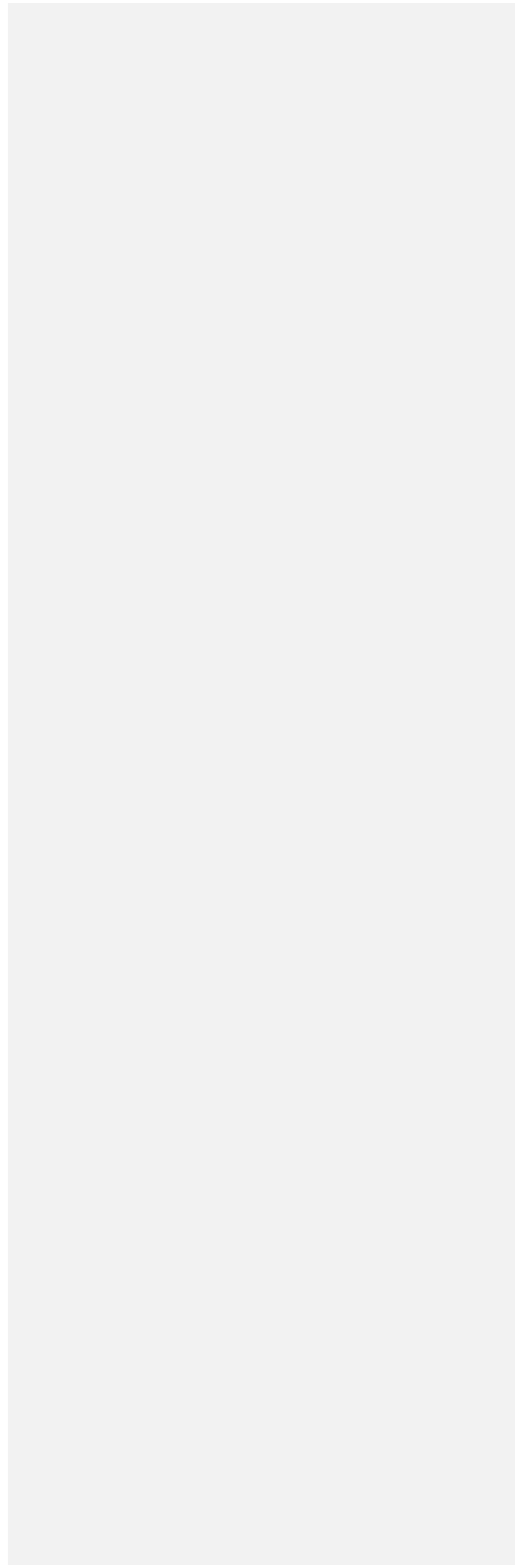
§ 22.03.003. Scope.

- (a) The provisions of this article shall apply to the construction, grading, excavation, site clearance, alteration, moving, demolition, repair and use of any building or structure within the city and work located in a public way, public utility towers and poles, hydraulic flood control structures, site clearance and transmission lines.
- (b) Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the ~~International Fire Code, International Residential Code and Uniform Plumbing Code.~~Codes adopted in Article 22.03, Division 3.
- (c) Where, in any specific case, different sections of this article specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(Ordinance 361 adopted 3/28/18)

City of West Lake Hills, TX
§ 22.03.007

§ 22.03.008



§ 22.03.012. Temporary storage unit.

(a) It is an offense to place or allow to be placed a temporary storage unit on any public street.

~~(b) It is an offense to place a temporary storage unit on any property within the city for a period longer than 72 continuous hours 14 days. The city inspector can authorize one extension of 14 days with payment of the inspection fee.~~

~~(b)(c) A temporary storage unit is allowed during construction with Extensions of up to 90 days may be approved by the city inspector when incident to a valid building permit.~~

(Ordinance 361 adopted 3/28/18)

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§ 22.03.018. Site plan approval and fire flow.

(a) No site plan shall be approved unless the existing fire hydrant nearest to the property for the proposed site plan meets or exceeds the fire flow requirements in accordance with appendix B of the 2012~~5~~ International Fire Code, as amended and adopted, and section 8.04.002 of this code. All testing associated with this demonstration shall be performed by the county emergency services district No. 9 and shall be valid for a 270-day period.

(b) The city inspector shall order all construction and development work stopped on any site upon which the city inspector finds a substantial violation of this section and shall post the premises with a stop-work order which shall remain in effect until the violation has been corrected.

(Ordinance 361 adopted 3/28/18)

**DIVISION 2
Administration and Enforcement**

§ 22.03.054. Miscellaneous duties of city inspector.

The city inspector shall perform such other duties normally expected of a building, code enforcement, sanitation or city inspector, as may be assigned from time to time by the city ~~administrator~~~~council~~.

(Ordinance 361 adopted 3/28/18)

§ 22.03.056. Construction hours.

All construction in the city is limited to Monday through Saturday during the hours from 7:00 a.m. to 6:00 p.m. Construction work on Sundays and official city holidays is not allowed without prior approval from the city administrator.

(Ordinance 361 adopted 3/28/18)

§ 22.03.058. Site inspection for oak wilt diseased trees.

As part of the process for obtaining any of the seven permits required by section 22.03.121, which are: site clearance, excavation, grading and landfill permit; blasting permit; building permit; private sewage facility permit; moving permit; street use permit; and utility permit, a site inspection shall be conducted to determine the existence and extent of oak wilt disease in the red oak and live oak species of trees. The city urban forester or arborist, trained and

qualified to detect oak wilt disease, shall certify in writing to the city the existence or nonexistence of the disease on site. This certification shall become an integral part of the affected permit application. The permit applicant shall comply with all the provisions of the oak wilt diseased tree division in section 24.04.001 et seq.
(Ordinance 361 adopted 3/28/18)

§ 22.03.059. Drainage and erosion control manual.

- (a) The drainage and erosion control design manual a copy of which is on file in the office of the city secretary, is hereby adopted.
- (b) The design factors, formulas, graphs, and procedures described in the current drainage and erosion control design manual are the standard for the design of drainage improvements and projects involving the volume, rate of flow, method of collection, storage, conveyance, treatment, and disposal of stormwater and erosion protection from stormwater flows. Responsibility for actual design remains with the design engineer.
- (c) The current drainage and erosion control design manual and the city's Code of Ordinances (city code) contain requirements for the design of infrastructure related to storm drainage, flood protection, water quality, and erosion control facilities. Where there is any conflict between the drainage and erosion control design manual and the current city code, the more restrictive shall take precedence. The design engineer is responsible for complying with the latest version of the current drainage and erosion control design manual and city code adopted by the city.
- (d) If conflicts occur between city policy and criteria in the current drainage and erosion

control design manual versus other regulatory authorities with jurisdiction in the same area, such as TCEQ, FEMA, or TxDOT, then the more stringent requirement will apply.

- (e) Stormwater policy and criteria in the current drainage and erosion control design manual shall apply to all drainage improvements and projects that may impact drainage or water quality, both publicly and privately funded, within the city and within its ETJ.
- (f) Amendments to the drainage and erosion control design manual ~~may be recommended by city staff. Prior to approval by the city administrator, notification shall be given to the city council of all proposed amendments. The city council may approve the amendment without further discussion or request the amendment be brought to city council for review. Before an amendment to the drainage and erosion control design manual may be approved by the city the proposed amendment shall be posted on the city website for fourteen (14) days with contact information for interested residents to correspond with the city are adopted by ordinance. Revisions will be reviewed by the Zoning and Planning Commission and will forward a recommendation on amendments to the City Council for review and adoption.~~

(Ordinance 361 adopted 3/28/18)

§ 22.03.060. Vegetation inventory.

Applicants or individuals contemplating the removal of live vegetation of any kind for any reason to accomplish the work to be allowed under any of the seven permits listed in section 22.03.121 (site clearance, excavation, grading and landscaping permit; blasting permit; building permit; private sewage facility permit; moving permit; street use permit; and utility permit) or under any other permit requested from the city, shall ~~schedule a vegetation inventory or "tree count" with the city inspector. No permit shall be issued and no live vegetation shall be removed unless and until the city inspector has completed such inventory or "tree count."~~ provide a tree survey per section 22.04.504 and schedule a site inspection with the city inspector or designee prior to any removal.

(Ordinance 361 adopted 3/28/18)

§ 22.03.061. Construction schedules.

- (a) ~~Purpose.~~ The purpose of requiring construction schedules is for informational purposes only for the city to facilitate inspection of construction as allowed by code.
- (b) Construction schedules required; ~~exception.~~ It is an offense for any person to perform construction work subject to this section unless the person has submitted a construction schedule at time of building permit application. Construction schedules shall be submitted for each six months that a construction project is ongoing and shall continue to be submitted until the project is completed. ~~A construction project is exempt from this requirement if the project at issue has a valuation of less than \$25,000.00.~~
- (c) Target dates for milestones. Construction schedule shall provide target dates for milestones, which may include, but is not limited to:
- (1) Foundation pouring;
 - (2) Framing;
 - (3) Installation of sheetrock;

- (4) Electrical rough-ins;
 - (5) Plumbing rough-ins;
 - (6) Flatwork;
 - (7) Removal of any variance trees;
 - (8) Grading; and
 - (9) All final inspections.
- (d) Upon request. Upon request, the contractor for the project shall meet with city staff to review the construction schedule.
- (e) Inspections. The contractor or subcontractor registered by city code for this project must be present at each inspection required by the building code as adopted by the city. In some cases, it may be acceptable for the master electrician or master plumber to be present if the inspections are related to plumbing or electrical.
- (f) Exemptions. A construction project is not required to provide a construction schedule
- (1) A construction project is exempt from this requirement if the project at issue has a valuation of less than \$25,000.00.
 - (+)(2) The registered contractor is not required to provide a construction schedule under this code if the project is valued at \$200,000.00 or less and if the project is projected to be completed in six (6) months or less. If the project is determined to extend past six (6) months after the appropriate permit is issued, a construction schedule shall be required.

(Ordinance 368 adopted 5/22/19)

DIVISION 4
Permits and Inspections

§ 22.03.121. Permits required.

- (a) Site clearance, excavation, grading, and landfill permits. No site clearance, excavation, grading, or landfill on public or private land shall commence unless a permit shall have first been issued for such work.
- (b) Blasting permit. No blasting or use of explosive materials on public or private land shall commence unless a permit shall have first been issued for such work. Blasting permits can only be approved by the city council.
- (c) Building permit. No building or structure or part thereof shall be erected, altered, moved, or placed within the city unless a building permit shall have first been issued for such work. No building permit shall be issued by the city for building or for the installation of a private sewage facility upon any lot in a subdivision or confirming plat for which a final plat has not been approved by the city and filed for record, or upon any lot in a subdivision or confirming plat in which the standards contained in chapter 36, or referred to therein have not been complied with in full. Site clearance, excavation, grading, landfill and temporary use of street permits may be consolidated under a single building permit provided that the applicable requirements of the individual permit being consolidated, as determined by the city inspector, are complied with. ~~See the appendix to Ordinance 366, instructions for obtaining a building permit, for further guidelines in permit processing.~~
 - (1) Any owner may make minor improvements and ordinary repairs on any structure without a permit provided that such improvements and repairs conform to all applicable building laws and ordinances.
 - (2) The city inspector or his designated representative shall have the right to inspect all such improvements or repairs.
 - ~~(3) Residential building permit fees for new construction are set by the city fee schedule. The application for a building permit for new residential construction shall be accompanied by a deposit that is equal to two times the initial building fee amount.~~
- (d) Private sewage facility permit. No private sewage facility or part thereof shall be hereafter constructed or altered unless a construction permit shall have first been issued for such work pursuant to the current private sewage facility ordinance.
- (e) Moving permit. No building or structure or part thereof shall be moved onto or over the city streets unless a permit shall have first been issued for such move.
- (f) Street use permit. No person shall place any building materials, barricade, covered walkway, or obstruction of any kind upon the streets, alleys or sidewalks of the city without first securing a permit therefor from the city inspector. The city inspector shall not issue a permit unless the application for street or sidewalk space has been reviewed by the chief of police. This section shall not apply to work done by the city or work

done by any public utility companies for the purposes of emergency repair of their systems, or to the temporary use of the street space by moving vans for the purpose of moving equipment and furniture from or into any building or structure.

- (g) Utility permit.No utility (electric, water, gas, cable television, telephone) shall construct, erect, move, enlarge, improve, remove, alter, or repair any of its transmission or distribution lines and/or equipment unless a utility development permit shall have first been issued for such work. Emergency repairs required to restore service may be completed without a permit provided that such repairs are forthwith reported to the city inspector.
- (h) Site plan.No horizontal infrastructure or part thereof shall be improved, erected, altered, moved, or placed within the city unless a site plan has first been approved for such work. Site clearance, excavation, grading, landfill and temporary use of street permits may be consolidated under a single site plan approval request provided that the individual permit being consolidated complies with the applicable requirements, as determined by the city inspector.
- (i) Demolition permit.No demolition of any structure or any portion of a structure shall be permitted within the city unless a demolition permit has been issued first for such work.
(Ordinance 2020-219 adopted 12/9/20)

- (j) Work exempt from permit. The following items do not require a permit from the city:
 - (1) Exemptions lists in the 2015 IBC, IRC, IPC, IMC, IFGC, IECC, IFC and 2017 NEC.
 - (+) (2) Replacement of up to 25% of the existing siding with the same material.

§ 22.03.122. Building permit applications.

- (a) To obtain a building permit, the applicant shall first file an application in writing. Each such application submission shall include all items pertinent to review, as provided in the permit application, available from the city.
- (b) All ~~residential~~ One- and two-family residential buildings shall be governed by the provisions of division 5 of this article.
- (c) All ~~nonresidential~~ non-residential buildings shall be governed by the provisions of division 6 of this article.
(Ordinance 361 adopted 3/28/18)

DIVISION 5
Minimum Standards for Residential Buildings¹

§ 22.03.170. Site disturbance (excavation, grading or filling).

- (a) Excavating, grading or filling shall minimize the negative impacts of development on natural slopes and interfere as little as possible with the natural landscape by minimizing the alteration of the natural terrain.
- (b) The minimum site disturbance standards for earth cuts and fills are included in the drainage and erosion control design manual.
- (c) Finished open cuts of an excavation shall not exceed the 1.5H:1V ratio in undisturbed earth, 2H:1V ratio in earth fill.

- (d) Excavation shall not interfere with public or private utility systems and shall not create or aggravate any condition detrimental to the public health and safety.
- (e) Excavation and removal of excavated material, and filling shall be permitted without a permit provided such operation is clearly incidental to improvement of the property, consists of less than six cubic yards of material and the area is graded and covered by revegetation or other suitable means to prevent erosion.
- (f) Grading is allowed within the setback up to half the distance from the setback line for a maximum of 30 inches from natural grade, the remainder may be no more than 18 inches from natural grade. No excavation, grading or filling shall be permitted in setbacks except for up to 18 inches in height or depth.
- (g) Any wall shall not exceed six (6) feet in height above natural grade.
- (h) Walls shall either incorporate the use of native materials or be earth-tone colors to match native soils.
- (i) All walls of three (3) feet or more shall require shrubbery and/or vines of healthy stock and of a minimum of two (2) feet in height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.

(j) Exceptions to this section may be permitted by the application of contextual standards as allowed within other sections of the code.

(Ordinance 361 adopted 3/28/18)

§ 22.03.173. Fences.

- (a) In approving permits to construct fences, the city shall be guided by their appropriateness to the character of the neighborhood and the rights of adjacent landowners to views and prevailing breezes.
- (b) Unless required by an applicable international, national, or uniform code adopted by the city, fences in general, and “front-yard” fences in particular, are discouraged or limited by the city with due regard to the rights of privacy and security inherent in the ownership of property. This policy derives from the desire to preserve the rural nature and aesthetic attractiveness of the environs and to facilitate the safe movement of people, wildlife, and vehicles about the city.

(c) Definitions.

Buildable area. The area outside of the building setback area.

Fence. A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

Front-yard fence. A fence that runs generally parallel to property lines abutting any public or private streets and is constructed or serves to prevent or hinder ingress onto or through a property from the direction of the public or private street.

Gate. A door or frame that closes an opening in a wall or fence.

Retaining wall. A wall for holding in place a mass of earth or the like, as at the edge of a terrace or excavation.

Security access box. A small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations. Local fire companies can hold master keys to all boxes in their response area, so that they can quickly enter a building without having to force entry or find individual keys held in deposit at the station. Also known as a Knox Box[®] Rapid Entry System.

Walls. A masonry structure enclosing space (e.g., field, yard); for purposes of this section, a wall is considered a type of fence.

(d) Requirements.

- (1) General requirements. All fences, especially and particularly those built along streets or on common property lines, shall be well maintained and pleasing to the eye. Fences shall be constructed so that both sides are finished and identical or so that the finished side is the exterior side, that is, the side facing adjacent lots or streets. For fences that have support posts or structures on only one side of the fence, that side shall be the interior side, that is, the side facing toward the property and structure. Fences shall be muted in color to prevent domination of the landscape or the structures they contain. Fences constructed of materials with a bright or shiny finish must be primed and painted a natural color to comply with this provision.
- (2) Prohibited materials. The use of barbed wire or any other sharp, pointed, or penetrating materials to build new fences is prohibited. Existing fences made of barbed wire, or any sharp, pointed, or penetrating material may not be lengthened or altered except to redesign them in accordance with this regulation.
- (3) Subdivision fence. A subdivision fence/wall or one designed to enclose more than one lot is prohibited unless there is common ownership of the lots or parcels of land sought to be fenced. Fencing of subdivisions or of more than one lot prior to the sale of individual lots is prohibited also.
- (4) Swimming pool barriers. Swimming pool barriers must conform to sections 22.03.167, 22.03.207 and any applicable international, national, or uniform code adopted by the city.
- (5) Gated driveways. Gated driveways shall be constructed so that entering/exiting vehicles will be completely off the street when stopped to open/close the gate.

Driveway gates shall open parallel to, or away from, the street and shall comply with the setback distances provided for in subsection (6)(B) below. Electric or electronically controlled driveway gates shall have an emergency power source as an integral component of the system. All gates that are capable of being locked, and that are constructed after the effective date of this section shall be equipped with a security access box approved by the county emergency services district No. 9. All gates that are capable of being locked and that are in existence on or prior to the effective date of this section must be retrofitted to be equipped with a security access box approved by the county emergency services district No. 9 within 6 months of the effective date of this section.

(6) Front-yard fence requirements.

(A) Front-yard fences shall:

- (i) Be landscaped on the side(s) facing the street(s) with native vegetation from the city's recommended plant list so that a minimum of 80% of the total area of the front-yard fence exposed to the streetscape is effectively screened from view;
- (ii) Be constructed to allow a minimum of 80% visibility through the front-yard fence prior to the installation of the landscaping required in subsection (6)(A) above;
- (iii) Blend in with their natural surroundings in both color (e.g., brown, black, rust, etc.) and texture and by means of landscaping.
- (iv) Have columns, posts, supports, or other components that are made of metal (excepting chainlink), brick, rock, stone, or wood in order to complement the principal structure on the property and the natural surroundings.

(B) Except as may be required by subsection (5) above, the setback distance for a front-yard fence shall be determined as follows:

- (i) For lots less than 0.75 acre, the minimum front setback distance for front-yard fences shall be 20 feet from the nearest pavement edge of the public or private street, provided that no fence shall be constructed in the right-of-way.
- (ii) For lots 0.75 acre and larger, the minimum front setback distance for front-yard fences shall be 30 feet from the nearest pavement edge of the public or private street, provided, that no fence shall be constructed in the right-of-way.
- (iii) Rear and side setbacks set forth in section 22.03.281 do not apply to front-yard fences.

(7) Side and rear fences.Fences may be located on side and rear property lines that do not face or abut public or private streets. If a fence on a side property line extends

toward a public or private street, the side yard fence shall end at a point along the side property line so as to conform to the setback distances stated in subsection (6)(8) above.

- (8) Walls. Walls are considered a type of fence. Walls used as front-yard fences are treated as accessory structures and shall:
- (A) Have the same front setback requirements as a principal building under the appropriate category in section 22.03.281;
 - (B) Meet all front-yard fence requirements stated in subsection (6) of this section, except for subsection (6)(A)(ii).
- (9) Height of fences.
- (A) Fences inside a setback shall not exceed ~~of six (6)~~ six (6) feet in height per side ~~on or parallel to each property line~~ measured from existing natural ground level on or parallel to each property line.
 - (B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.
 - (C) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of eight (8) feet, measured from existing natural ground level. "Transparent" means at least 80% of the total surface area permits unobstructed visibility through the fence.
 - (D) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of twelve (12) feet where such fence encloses a sports court.
 - (E) Within the buildable area, solid freestanding walls may be erected to a maximum height of twelve (12) feet to enclose a courtyard, provided:
 - (i) Walls <33% of perimeter;
 - (ii) Courtyard contiguous to principal structure;
 - (iii) Materials consistent with principal structure.
 - (F) Height allowances in (C)–(E) do not modify the height, transparency, setback, or landscaping requirements applicable to front-yard fences under subsection (d)(6).

(10) Contextual fence standards allowed.

A. Applicability. The fence front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the four (4) lots immediately adjacent to the subject lot (two lots on each side) have existing front-yard fences.

B. Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the fence front-yard setback may be reduced to the setback of the most forward front-yard

fence among the qualifying adjacent lots. In no case shall the proposed fence be located closer to the street than the most forward fence.

C. Height not affected. This subsection provides setback relief only. The height of a fence permitted under this subsection shall comply with subsection (d)(9) of this section. This subsection does not authorize matching the height of adjacent fences.

D. Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

i. A site plan or survey showing the measured setback distance of each front-yard fence of the four immediately adjacent lots; and

ii. Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.

(E) Fences exceeding seven (7) feet in height shall be designed by a licensed professional engineer.

(F) No fence shall be located beyond the property line without a license agreement approved by city council.

(10)(11) Fence permit.

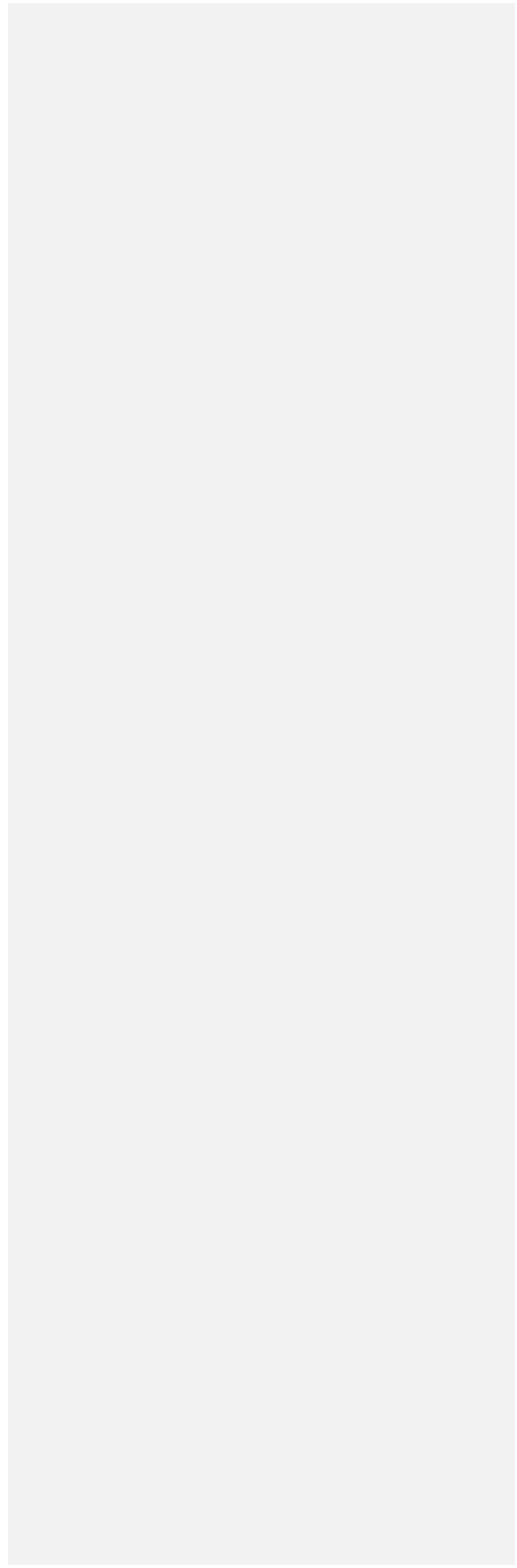
- (A) Front-yard fences that comply with the front-yard fence criteria may be approved by the city administrator. The city administrator may approve permits for “side-yard” or “rear-yard” fences, i.e. those that are behind the front-yard fence setback and that are on or parallel to side or rear property lines. The city administrator may also approve the use of temporary fences for limited and specific purposes for time periods of a year or less. All fence applications not approved by the city administrator or fences that require variances require ZAPCO review and city council approval.
- (B) Applications for a permit to erect a fence, besides a front-yard fence, shall include a site plan, a detailed description and dimensions of the proposed fence. Front-yard fence permit applications shall include:
 - (i) A street-view elevation drawing at one-quarter scale equals one foot, showing the proposed fence and related improvements, the entire street frontage, and any related structures;
 - (ii) A site/landscape plan, at no less than ten scale, showing all structures, existing and proposed vegetation, and the materials and colors of the proposed fence;
 - (iii) A depiction of the growth and size of the vegetation three years from planting;
 - (iv) A scale drawing of a typical elevation of fence from post to post, showing the support structure, picket/slat size and shape, the amount of visible space between each picket/slat, and any other design details or features

City of West Lake Hills, TX

§ 22.03.173

§ 22.03.173

that will be visible from the exterior or street frontage side of the fence.



- (C) A permit for a fence and associated screening vegetation shall expire if construction of the fence and the planting of the associated screening vegetation has not commenced within 60 days or a date specified by the city council to accommodate the next favorable growing season, whichever is later.

Notwithstanding the preceding sentence, a permit for a fence and associated screening vegetation expires if the fence is not completed and the screening vegetation is not entirely established according to the approved plans and specifications within 6 months of the approval date of the permit. Before resuming work, a new permit must be obtained in accordance with section 22.03.137(b).

~~(11)~~(12) Reconstruction of fence. Should 50% or more of any fence, as determined by the city inspector, be destroyed by any means, reconstruction of such fence shall conform to the provisions of this section.

~~(12)~~(13) Vacant lot. Fences are prohibited on a vacant lot. (Ordinance 2021-005, att. A, adopted 6/23/21)

§ 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. This minimum setback distance applies to all temporary driveways (including construction access).

(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. This minimum setback distance applies to all temporary driveways (including construction access).

(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>
<u>One-family dwellings</u>	<u>Two spaces for each unit</u>
<u>Two-family dwellings</u>	<u>2 spaces for each unit</u>
<u>Accessory dwelling unit</u>	<u>1 space per unit</u>
<u>Multi-unit dwellings</u>	<u>1.5 spaces per unit</u>

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§ 22.03.176. Driveways

(b) Driveway entrances shall be set back at least 35-50 feet from the point of tangency of the curb at any intersecting street or curve greater than 45 degrees.

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(c) Adequate culverts shall be provided per the drainage and erosion control design manual.

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(d) Driveway aprons shall meet standard details found in RD-1 and RD-2.

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

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(1) 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/engineer.

(2) 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.

(3) Driveways shall not exceed a maximum of 20 percent grade at any point after

construction.

~~(4)~~ (4) No part of a driveway shall rise more than 6' above natural ground grade directly below.

(5) Two driveway connections may be allowed on Buckeye Trail, Laurel Valley Road, Redbud Trail, Westlake Drive, and Yaupon Valley Trail, provided that the city engineer determines the location does not create a hazardous condition. In all other settings, 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. A previously established second driveway shall be permitted to remain and be used, provided such driveway is maintained in a safe and operable condition. Such nonconforming driveways shall not be expanded, enlarged, relocated, or reconstructed in a manner that increases its nonconformity.

(6) The driveway entrance/exit shall not exceed 20 feet in width at the property line. The location of all driveways shall be approved by the city inspector/engineer.

~~(7)~~ (7) 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.

~~(1)~~ (1) 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.

Use	Number of Spaces
One family dwellings	Two spaces for each unit

~~(4)~~ It is the policy of the city to encourage adjoining lot owners to share a common

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~~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 driveway areas shall not be less than 12 feet in surface width, with a paved surface that meets the requirements for emergency service access.~~

~~(g) Contextual Driveway Grading Standards~~

~~(1) Where compliance with cut-and-fill limitations of section 22.03.170(f) would prevent safe driveway design, alternative standards apply to both building and driveway setbacks zones.~~

~~i. Proposed alignment shall result in the least cut-and-fill among feasible alignments identified in an engineer's sealed narrative.~~

~~ii. The applicant must submit a plan designed by a registered professional engineer that demonstrates:~~

~~a. Identifies feasible alignments;~~

~~b. Shows grade profiles for each and why it cannot comply;~~

~~c. The proposed driveway is the least cut-and-fill among the alternatives.~~

~~iii. That there is not a route that meets the standards, by providing at least one driveway plan.~~

~~iv. To achieve no more than a ten percent (10%) grade change within 20 feet, maximum twenty percent (20%) at any point thereafter.~~

~~v. Up to a maximum cut or fill of no more than 6 feet.~~

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

~~(i) 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.~~

~~(Ordinance 2021-007, att. A, adopted 7/28/21)~~

~~§ 22.03.176. through § 22.03.200. (Reserved)~~

DIVISION 8
Dimensional Regulations

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§ 22.03.271. Applicability.

The dimensional specifications in this division shall apply to all existing properties and to the: (1) construction, erection, expansion, and remodeling of all structures; and (2) the platting, replatting, subdivision, or resubdivision of all lots/tracts within the incorporated municipal boundaries of the city. Section 36.01.008(2)(D) and table 36-1 contain dimensional specifications exclusively for the platting, replatting, subdivision, or resubdivision of lots/tracts/properties within the city's ETJ (extraterritorial jurisdiction). When a dimensional specification depicted on the recorded plat for an existing property differs from a dimension in this division, the more stringent/restrictive provision shall apply.

(Ordinance 361 adopted 3/28/18)

§ 22.03.272. Minimum lot dimensions.

No lot shall have an area, depth or frontage less than that shown on the schedule of regulations as being required in the district in which the lot is located, and no lot shall be less in width than the minimum lot width shown on such schedule.

(Ordinance 361 adopted 3/28/18)

§ 22.03.273. Nonconforming lots of record.

A structure for a permitted use may be constructed on any lot existing of record on May 5, 1970, even if such lot does not meet the area, width, and depth requirements of this article, provided that the following conditions are met:

- (1) Such lot will properly support a private sewage facility adequate to handle the anticipated needs of the proposed use; and
- (2) The structure proposed to be built upon such lot will comply with all the remaining dimensional regulations. No deviation from such remaining regulations shall be permitted except through the usual variance procedure.

(Ordinance 361 adopted 3/28/18)

§ 22.03.274. How to measure lot area, width, depth.

- (a) Area. In computing the area of a lot, no part of a street shall be included.
- (b) Width. The width of a lot shall be measured along the front-street building setback line.
- (c) Depth. The depth of a lot shall be the horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

(Ordinance 361 adopted 3/28/18)

§ 22.03.275. Building setback distances.

- (a) (1) No principal building shall have any frontstreet, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which

the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

~~(2)~~ Unroofed steps and ramps shall not be considered as part of the principal building when measuring the setback distance of such building.

~~(2)(3)~~ The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks. Propane tanks shall not be required to meet the setback requirements of this section so long as they are permitted and placed in accordance with the Liquefied Petroleum Gas Safety Rules adopted by the Railroad Commission of Texas in title 16, part 1, chapter 9, of the Texas Administrative Code, including any and all future amendments thereto.

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~~(3)(4)~~ Roof overhangs and eaves, including gutters if provided, a minimum of 8 feet above natural grade up to two (2) feet into the front, side or rear setback. All other building elements shall not encroach into setbacks, unless otherwise allowed in this section.

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~~(4)(5)~~ Allowed encroachments: Equipment slabs for pool equipment and/or mechanical equipment, generators, rainwater collection tanks, and other similar equipment may encroach up to five (5) feet into side and rear setbacks after meeting all the following requirements:

- (A) Attached to the primary structure foundation;
- (B) Screened to appropriately dampen noise;
- (C) Slab is limited to 12 feet in length;
- (D) Equipment cannot be greater than five (5) feet in height measured from natural grade;
- (E) Screening must extend six (6) inches above the height of the equipment; and
- (F) Must be shown on the approved building plans.

~~(5)(6)~~ Septic tanks may encroach up to five (5) feet into street, side, and rear setbacks, but in no case be closer than five (5) feet from the property line.

~~(4)~~ Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

~~(2)(1)~~ Front-Street yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

~~(3)(2)~~ Rear yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

~~(4)(3)~~ Side yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

(b) In the case of lots abutting on more than one street, the full width of the ~~front street~~ yard shall be provided from each street.

(c) Contextual building setbacks.

(1) Street setback

(A) When the Schedule of Regulations in § 22.03.281 zoning district specifies the building setback distance from the street, and includes an asterisk (*), the setback distance may be reduced based on existing buildings located closer to the street than the district standard otherwise requires.

(B) The proposed street building setback may be reduced to the setback of any building located within 250 feet of the subject lot, measured along the same street from the side lot lines.

i. Where the proposed new building is a principal building, the examples must also be principal buildings.

ii. Where the proposed building is an accessory building, the examples may be either accessory or principal buildings.

iii. When multiple front setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

(2) Side and Rear Setback Encroachments

(A) When the Schedule of Regulations in § 22.03.281 zoning district specifies the building setback distance from the street, and includes asterisks (**), it allows for an encroachment in the required setback based on the existing building encroachment

(B) The side or rear setback may be encroached by an addition to a primary building specific to the setback currently encroached upon, when the following conditions are met.

i. For the addition of up to 500 square feet of enclosed floor area to the primary structure;

ii. The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;

iii. Exterior wall of additional is aligned with or set back from the existing exterior wall. No portion may extend more than halfway into the setback. If the existing wall is already past halfway, the addition steps back to the halfway point. Angled walls may follow existing line if no portion crosses halfway.

(C) The side or rear setback may be encroached by the reconstruction of a pool when the following conditions are met;

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- i. A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.
- ii. Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.
- iii. In no case shall any portion of a reconstructed pool, patio, or deck encroach more than halfway into the required setback. All reconstructions remain subject to applicable impervious cover limitations.

(3) Lots Encumbered by multiple street setbacks.

(A) Applicability. A lot with two or more street setbacks is eligible for a modification under this subsection when the buildable area remaining after application of all required setbacks is less than seventy-five percent (75%) of the buildable area that would result if the lot had only its primary street setback and the applicable side and rear setbacks.

(B) Definitions. The primary street setback is the setback applicable to the street from which the lot's driveway takes or is proposed to take access. All other street setbacks are non-primary. Where no primary street can be identified, the City Administrator may approve a reduction to any street setback where adjacent properties and the streetscape are least impacted.

(C) Relief available. The City Administrator may approve a reduction of one or more non-primary street setbacks, subject to:

- i. No setback reduced below fifty percent (50%) of the distance required by § 22.03.281;
- ii. Primary street setback not reduced;
- iii. No new nonconformity created;
- iv. Not combined with contextual reduction under (c)(1) for the same setback.

(D) Determining the approved setback distance. The seventy-five percent (75%) comparison sets the maximum available reduction. The City Administrator determines the approved distance using four factors: neighbor impact, development pattern consistency, topography/tree cover, and orientation relative to adjacent lots. The approved reduction may be less than the maximum if the factors support it.

(E) Application must include a scaled site plan, buildable area calculations with required setbacks and proposed setbacks, and depiction of requested reduction.

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(F) Decision in writing with findings and specified setback distances. May include conditions for building placement, landscaping, or screening.

(G)

(b)(d)

(Ordinance 361 adopted 3/28/18; Ordinance 2024-016 adopted 10/9/2024)

§ 22.03.276. Reserved. Setbacks for accessory structures.

~~The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks. Propane tanks shall not be required to meet the setback requirements of this~~

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~~section so long as they are permitted and placed in accordance with the Liquefied Petroleum Gas Safety Rules adopted by the Railroad Commission of Texas in title 16, part 1, chapter 9, of the Texas Administrative Code, including any and all future amendments thereto.~~
 (Ordinance 2020-005 adopted 5/13/20)

§ 22.03.281. Schedule of regulations.

- (a) Where the slope gradient exceeds 25 percent nonresidential development is not permitted.
- (b) Dimensional regulations for listed zoning districts:

Dimensional Minimums of Lots									
Dimension / Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Acreage (acres) (A)	1	1	2	1.5	2	1.5	2	20	30
Depth (feet)	150	150	400	200	200	200	200	500	(C)
Width (feet) (B)	150	150	400	150	150	150	150	500	(C)

Minimum Building Setback Distance in Feet From Front Street Lot Line									
Lot Size/ Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	50*	50*	50	50	50	50	50	(IV)(a)	(C)
Less than .5 acres	30*	30*	N/A	30	30	30	30	N/A	N/A

*See contextual setbacks.

Minimum Building Setback Distance in Feet From Rear Lot Line									
Lot Size/ Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	30**	30**	50	40	40	40	40	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	25**	25**	N/A	30	30	30	30	N/A	N/A
Less than .375 acres—zero	15 (F, E)/20**	15 (F, E)/20**	N/A	30	30	30	30	N/A	N/A

****See contextual setback encroachment.**

Minimum Building Setback Distance in Feet From Side Lot Lines									
Lot Size/ Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25	25	50	(I)	(I)	(I)	(I)	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	20	20	N/A	(II)	(II)	(II)	(II)	N/A	N/A
Less than .375 acres—zero	15 (F, E)/20	15 (F, E)/20	N/A	(II)	(II)	(II)	(II)	N/A	N/A

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City of West Lake Hills, TX

§ 22.03.485

§ 22.03.486

**See contextual setback encroachment.

DIVISION 16
Application for Variance; Appeal from Denial of Permit

§ 22.03.511. Procedure and notice.

- (a) The city council, when petitioned for a variance, after 16 days' written notice to all property owners within 300 feet of the subject property, shall hold a hearing, and the city council may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation and recommendation of the zoning and planning commission should be modified or reversed.
- (b) A decision of the city council to vary the application of any provision of this article shall specify in what manner such variance is made, the conditions upon which it is made and the reasons thereof.
- (c) The applications for variances for the following sections shall be administered in compliance with the rules established by sections 38.05.031 through 38.05.034. These sections are:
 - (1) Section 22.03.168: Swimming pools (residential buildings).
 - (2) Section 22.03.171: Site disturbance (residential buildings).
 - (3) Section 22.03.207: Swimming pools (nonresidential buildings).
 - (4) Section 22.03.210: Site disturbance (nonresidential buildings).
 - (5) Section 22.03.241 through section 22.03.251: All of division 7: Off-street parking (nonresidential).
 - (6) Section 22.03.272: Minimum lot dimensions.
 - (7) Section 22.03.275: Building setbacks.
 - (8) Section 22.03.276: Setbacks for accessory structures.
 - (9) Section 22.03.278: Lot coverage.
 - (10) Section 22.03.279: Height of structures.
- (d) The applications for waivers from the drainage and erosion control design manual shall be initially processed by the city administrator. The city administrator, when petitioned for a waiver, may approve the waiver, deny the waiver, or make an initial determination and refer the matter to city council for a variance. In deciding whether to grant a waiver, the city administrator shall consider the public health, flood safety, and the intent of the drainage and erosion control design manual. If the city administrator approves the waiver, no approval by the city council is required. The city administrator will notify the city council of all waivers approved and document the approval, with reason, in a permanent record.

The city administrator's denial of a waiver shall then be reviewed by the city council through the review process outlined herein. The waiver that was denied shall be submitted to the city administrator no later than seven (7) calendar days prior to the city council meeting. Copies of the plan resubmitted to the city less than seven days prior to the meeting date shall not be accepted or forwarded to the city council. If the city administrator determines that the application is still incomplete or not correct, the plan application shall be subject to denial.

(Ordinance 372 adopted 9/11/19; Ordinance 2021-004, att. B, adopted 6/23/21; Ordinance 2025-005 adopted 6/25/2025)

§ 22.03.512. Appeal from denial of permits from city inspector.

Any person aggrieved by any decision of the city administrator denying a permit may take an appeal to the city council or the board of adjustment, depending on which entity is designated elsewhere by this code. Any appeal shall be taken within 30 days from the date of the decision appealed from by depositing a fee and by filing with the city inspector a notice of appeal, specifying the grounds in writing thereof, except that in the case of a building or structure which, in the opinion of the city inspector, is unsafe or dangerous, the city inspector may, in his order, limit the time for such appeal to a shorter period. The city inspector shall forthwith transmit to the city council or board of adjustment all the papers upon which the action appealed from was taken.

(1) Appeals taken to the city council.

(A) The city council, when appealed to from an adverse decision by the city inspector, after ten days' written notice to all property owners within 200 feet of the subject property, shall hold a hearing, and the city council may vary the application of any provision of this division to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this division or public interest, or when, in its opinion, the interpretation of the city inspector should be modified or reversed.

(B) A decision of the city council to vary the application of any provision of this division, or to modify an order of the city inspector, shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor.

(2) Appeals taken to the board of adjustment. Applications for appeals from denial of permits under this chapter shall be administered in compliance with the rules established by sections 38.02.006(b) and 38.02.008.

(Ordinance 372 adopted 9/11/19; Ordinance 2021-004, att. B, adopted 6/23/21)

§ 22.03.513. Proceeding without a permit or variance.

(a) A person may not proceed with any operation for which a permit or variance is required by this division unless and until authorized by permit or variance.

(b) If work requiring a permit/variance is begun or completed before a permit is issued/variance is approved, the city administrator shall investigate the circumstances of the

failure to obtain such a permit/variance and make a report a part of the permit/variance request. A stop-work order shall be in effect until a decision on approval or denial of a variance is made. Approval of such permit/variance by the city council/city administrator shall not preclude the responsible party from being cited for a violation of this division and being fined or prosecuted in municipal court.

- (c) If the variance application(s) are denied or withdrawn prior to approval, the applicant has ten (10) days to bring the property into compliance. If the deviation(s) are not corrected within the ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter. (Ordinance 372 adopted 9/11/19; Ordinance 2021-004, att. B, adopted 6/23/21)

§ 22.03.514. Criteria and process required for granting variance.

No variance shall be granted under this chapter unless the following criteria are fulfilled:

- (1) Findings. The applicant has established by competent evidence that:
- (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
 - (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- (2) ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:
- (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan; and
 - (B) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof; and
 - (C) When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city's master plan, attachment B, as codified in article 28.02 of this code.
- (3) Conditions. The city council can impose, and the zoning and planning commission can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects in the commercial overlay district are necessary to achieve one or more of the land planning principles set forth in the city's master plan,

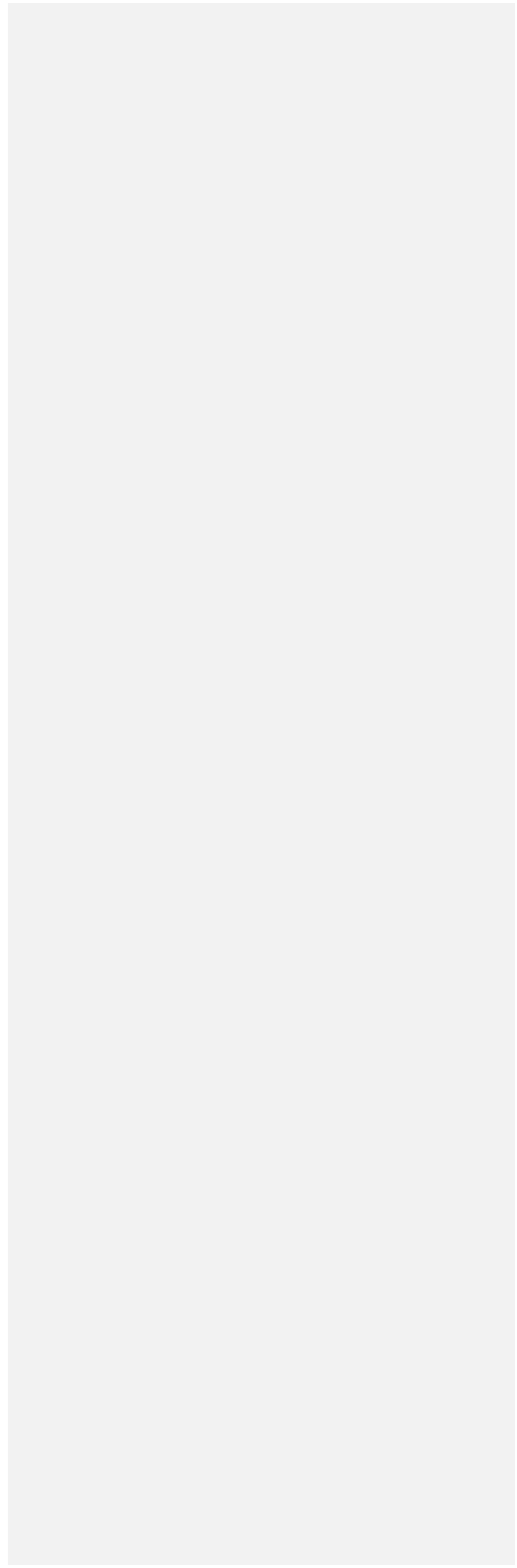
attachment B, as codified in article 28.02 of this code.

- (4) Upon request. Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the city council without a recommendation.
(Ordinance 372 adopted 9/11/19)

§ 22.03.515. through § 22.03.530. (Reserved)

City of West Lake Hills, TX
§ 22.03.584

§ 22.03.533



Chapter 36
SUBDIVISIONS

ARTICLE 36.01			
GENERAL PROVISIONS			
§ 36.01.001.	Authority for adoption of chapter.	§ 36.01.010.	Residential subdivisions of five acres or greater.
§ 36.01.002.	Purpose of chapter.	§ 36.01.011.	Private sewage facilities.
§ 36.01.003.	Definitions.	§ 36.01.012.	Procedure for variances.
§ 36.01.004.	Special provisions.	§ 36.01.013.	Criteria for variances.
§ 36.01.005.	Preliminary conference.	§ 36.01.014.	Limitations on reapplication.
§ 36.01.006.	Preliminary and final plat filing procedure.	§ 36.01.015.	Installation costs and bonds.
§ 36.01.007.	Plat preparation, contents, and submittal.	§ 36.01.016.	Submission of plan of entire subdivision where subdivision is portion of larger tract.
§ 36.01.008.	Construction plans.	§ 36.01.017.	Release of easement.
§ 36.01.009.	General rules and regulations.	§ 36.01.018.	Minor plat.
		§ 36.01.019.	Conflict with other ordinances.
		§ 36.01.020.	Remedies for violations.

**ARTICLE 36.01
GENERAL PROVISIONS¹**

§ 36.01.001. Authority for adoption of chapter.

This article is adopted under the authority of the constitution and laws of the state, particularly Texas Local Government Code, chapter 212.
(Ordinance 378 adopted 9/11/19)

§ 36.01.002. Purpose of chapter.

The purpose of this article is to provide for the orderly, safe and healthful development of the area within the corporate limits of the city and the city's extraterritorial jurisdiction, and to promote the health, safety, and general welfare of the entire community.
(Ordinance 378 adopted 9/11/19)

§ 36.01.003. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley. A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Application. A written request to the city for an approval required by this chapter that contains all information required by this chapter and that has been deemed administratively complete by the city.

Application package. The letter given to the city on the date of submission, original plat, three (3) full-sized copies, and all required attachments and as deemed administratively complete by the city. These materials shall be addressed to the zoning and planning commission or city administrator depending on review authority.

Applicant. A person or entity who submits to the city an application for an approval required by this chapter. To be qualified as an applicant under this chapter, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this chapter. The term shall be restricted to include only the property owner(s), or a duly authorized agent and representative of the property owner.

Block. A combination of two or more lots into a unit within a subdivision.

Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

Certificate of completeness. Certification provided by the city to an applicant when a submission

1. Editor's Note—This Article Consists Of The Subdivision Ordinance Originally Published As Chapter 74 In The 1996 Code Of Ordinances As Subsequently Amended. Section Numbers, Style, Capitalization And Formatting Have Been Changed To Be Consistent With The Remainder Of The Code Of Ordinances, And This Will Be Maintained In Future Amendments To This Chapter. Changes In The Names Of State Agencies Have Been Incorporated Without Notation. Obviously Misspelled Words Have Been Corrected Without Notation. Except For These Changes, Such Ordinance Is Printed Herein As Enacted And Amended. Any Other Material Added For Purposes Of Clarification Is Enclosed In Brackets.

has been deemed administratively complete and the written request becomes a filed application.

City administrator. The city's chief administrative officer, as appointed by the city council. The term also includes the city administrator, or the city administrator's designee.

Commission. The zoning and planning commission ("ZAPCO") of the city.

Commercial overlay district plan. The overlay plan that supplements the city's master plan and comprehensive plan and affects the city's commercial corridor along Bee Caves Road.

Comprehensive plan and master plan. The plan required by Texas Local Government Code section 211.004. The comprehensive plan is an independent, long range plan for use and development of land within the city and in the city's extraterritorial jurisdiction. The city's comprehensive plan is entitled "The Master Plan for the City of West Lake Hills, Texas," adopted in January 1979, as amended.

Condominium. A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. Real property is a condominium only if one or more of the common elements are directly owned in undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners. Condominiums are established in accordance with the requirements of the Texas Uniform Condominium Act codified in chapter 82 of the Texas Property Code. A condominium is a form of ownership and not a specific building type or style.

Condominium association. An association, organized pursuant to section 82.101 of the Texas Property Code, whose members consist of owners of Units in a condominium, which administers and maintains the common property and common elements of a condominium.

Construction. Any clearing of land, excavation or other action that would adversely affect the natural environment of the site but does not include uses in securing survey or geological data, including necessary borings to ascertain subsurface conditions.

Control points (monuments). Those that control or are used to relocate lost or obliterated property corners. Control points (monuments) are placed where they are least likely to be destroyed and where they can be conveniently used.

Cul-de-sac. A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

Dead-end street. A street, other than a cul-de-sac, with only one outlet.

Density. A measure of the degree, extent, or magnitude of land development for single-family dwellings, computed by dividing the number of lots in a proposed residential subdivision by the total acreage of the tract to be subdivided, and expressed as a decimal, fraction, percentage, or ratio.

Engineer. A person duly authorized under the provisions of the Texas Engineering Practice Act, V.T.C.A., Occupations Code, chapter 1001, as amended, to practice the profession of engineering.

Erected. Built, constructed, altered, reconstructed, poured, laid, moved upon or any physical operations on the premises which are required for construction. Excavation, site clearance, landfill and the like shall be considered a part of erection.

Extraterritorial jurisdiction. That land not within the corporate limits of the city, but land over

which the city has jurisdiction by virtue of V.T.C.A., Local Government Code chapter 42.

Filing. The date on which either:

- (1) An administratively complete application package for a plan, plat, or permit is submitted to the city and determined to be administratively complete by the city administrator; or
- (2) The tenth (10th) business day after a submission has been submitted to the city if the city administrator has not yet acted on the submission.

Front. The area that generally runs between the property lines facing or abutting any public or private streets, and through the point(s) on the house/structure closest to the street(s).

Impervious cover. ~~Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water. Impervious cover includes, but is not limited to, buildings, parking areas, roads, streets, driveways, sidewalks, swimming pools, impermeable concrete, asphalt paving, compacted base material, and brick pavers on compacted base. Permeable pavement, pavers and manmade areas of compacted or uncompacted rock or stone shall be considered 100 percent impervious cover regardless of how much water they allow to pass through to natural ground. Decks that allow the passage of water to natural ground shall be considered 50 percent impervious cover. Roof overhangs/eaves are not considered impervious cover. See Drainage and Erosion Control Design Manual.~~

Lot. An undivided tract or parcel of land having access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

Multifamily structure. A structure containing three or more dwelling units.

Officer. Any officer referred to in this article by title means the person employed or appointed by the city in that position, or their duly authorized representative.

Organized disposal system. Any public or private system for the collection, treatment and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Commission on Environmental Quality.

Pavement width. The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Plat. A document, prepared by a registered land surveyor or professional engineer, that depicts the subdivision of land into lots and blocks (and sometimes the combination of land) for the purpose of identifying property. For the purposes of these regulations, the following definitions are included:

- (1) **Amending plat.** A subdivision plat which includes a plat revision to correct errors or make minor changes to a recorded plat.
- (2) **Final plat.** The official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners, curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in

the land records of Travis County, Texas.

- (3) Minor plat. A subdivision resulting in four or fewer lots, provided that the plat does not require the creation of new streets or the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served or be able to be served by all required city utilities and services, and all lots will have access from a public street that has already been improved to city standards.
- (4) Major plat. All plats not classified as a minor plat, including, but not limited to subdivisions of more than four lots, or any plat that requires the construction a new street (or portion thereof) or the extension of a municipal facility as required by these regulations or any other city ordinance. Major plat approval shall be in accordance with state law.
- (5) Preliminary plat. A subdivision plat which is the graphic expression of the proposed overall plan for subdividing, improving and developing a parcel proposed for development, showing the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the parcel proposed for development.
- (6) Replat. A subdivision plat which involves the resubdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot, or tract.

Plat vacation. Plat vacation means an instrument that declares that a plat and its dedication is vacated or cancelled and that the land be converted to acreage.

Private sewage facility. Any septic system or method for the storage, treatment or disposal of sewage other than an organized disposal system operated in accordance with the terms and conditions of a permit from the city.

Right-of-way. Any travel way open to the general public for travel or land dedicated for eventual travel by the public. A dedicated right-of-way may, in addition to travel by the public, be used for installation of utilities or other public purposes.

Septic system. A private sewage facility for disposing of sewage through soil absorption and includes as components the line from the building to the septic tank, the septic tank (with one or more compartments), and the soil absorption system or evapotranspiration beds.

Setback distance. The minimum distance required between a structure-building setback and the frontstreet, side or rear boundary line of the parcel of land on which the structure is located.

Street. The entire width of a right-of-way between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

- (1) Arterial street. An arterial street is a street that primarily provides vehicular circulation to various sections of the city, such as Redbud Trail.
- (2) Collector street. A collector street is a street that primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas, such as Yaupon Valley Road.
- (3) Minor street. A minor street is a street used primarily for access to abutting residential property, such as Flintridge Road.
- (4) Private street (access easement). A private street (access easement) is a street which is not a public street or a public right-of-way, primarily for access to residential property.

Structure. Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having a location on the ground.

Subdivider. Any person or any authorized agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined in this section. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land sought to be subdivided.

Subdivision.

- (1) Subdivision means a division of any parcel of land situated within the corporate limits or the extraterritorial jurisdiction, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out of suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- (2) Subdivision of any lot, tract or parcel of land into two or more lots, units or sites, for the purpose of sale or of building development, whether immediate or future, and the vacation and resubdivision of land, lots or units, shall be subject to the prior approval of the city council or other approval authority in accordance with the terms of this article and applicable state law. The terms “subdivision” and “resubdivision” shall not include the conveyance or dedication to, any governmental entity of a portion of any lot, unit, tract or parcel of land for additional right-of-way for any existing public street or highway, whether by purchase or condemnation, provided that such government acquisition does not bisect the original tract into two or more lots, tracts or parcels, and provided in case of conveyance or dedication that such division be by metes and bounds description and not by plat and not be pursuant to or in connection with any division or redivision of any part of the unacquired portion of the tract that is not so acquired by or dedicated to the governmental entity. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, a condominium declaration, or by using any other method. A division of land under this definition does not include a division of land into parts greater than five acres, where each party has access and no public improvement is being dedicated.

Subdivision gross area. The total area (in acres) of the land located within the boundary of a tract of land to be subdivided or joined into one or more lots.

Subdivision net area. The area (in acres) of the land located within the boundary of a tract of land to be subdivided or joined into one or more lots after subtracting the area (in acres) of all public right-of-way(s) that are located within the boundaries of the land to be subdivided.

Submission. A written request for a plat, replat, plan, or variance.

Surveyor. A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

Tract of origin. The parcel(s) of land in existence prior to being subdivided.

Unit. A physical portion of a condominium designated for separate ownership or occupancy, the boundaries of which are described by the condominium declaration.

Utility easement. An interest in land granted to the city, or to the public generally, or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the

maintenance of such utilities.

Yard. The open area between building setback lines and lot lines.

- (b) Definitions not expressly prescribed in this section are to be construed in accordance with customary usage in municipal planning and engineering practices.
(Ordinance 2020-014 adopted 10/14/20)

§ 36.01.004. Special provisions.

- (a) Subdivision approval required.No land in the city or its extraterritorial jurisdiction shall be divided into one or more lots or units until such subdivision of land has been approved by the city council or city administrator, where applicable, in accordance with the regulations in this article.
- (b) Prerequisites for issuance of permits.No permit shall be issued pursuant to any city ordinance for any structure or for the repair, modification or installation of a private sewage facility upon any lot or unit in a subdivision or resubdivision for which a final plat has not been approved and filed for record by the city, or upon any lot or unit in a subdivision in which the standards contained in this article or referred to in this article have not been complied with in full.
- (c) Exemptions.The provisions of subsection (b) of this section shall not be construed to prohibit the issuance of permits (except a private sewage facility permit) for any lot or unit upon which a safe building exists (see article 22.03) and upon which the building was in existence prior to March 9, 1994. The provisions of subsection (b) of this section shall not be construed to prohibit the repair, maintenance or installation of any street or public utility services for, to or abutting any lot or unit, the last recorded conveyance of which, prior to March 9, 1994, was by recorded subdivision, or lot therein, which subdivision was recorded by the city, and in existence prior to March 9, 1994.
- (d) Legal action.On behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this article or the standards referred to in this article with respect to any violation thereof which occurs within the city as such jurisdiction is determined under V.T.C.A., Local Government Code chapter 42, or within any area subject to all or a part of the provisions of this article.
- (e) Exemptions pertaining to tracts of real property located in the city’s extraterritorial jurisdiction.The following cited references to this article of the code shall not apply to tracts of real property located in the city’s extraterritorial jurisdiction:
 - (1) Section 36.01.008(a)(1)(A).
 - (2) Section 36.01.008(a)(1)(B).
 - (3) Section 36.01.008(a)(1)(D).
- (f) Vacation of plan or plat; recording replat or resubdivision without vacation.A replat or plat vacation, as defined by chapter 212.014, shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the following to be filed:
 - ~~(1) Three (3) half-sized copies to scale;~~
 - ~~(2)(1) _____ An electronic copy properly scaled and formatted to 18 inches by 24 inches in pdfa format deemed acceptable by city staff (i.e. PDF);~~

- ~~(3)~~(2) A completed application;
- ~~(4)~~(3) The required submission fee; and
- ~~(5)~~(4) A certificate or some other acceptable form of verification from Travis County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- ~~(6)~~(5) An application shall be deemed filed on the date which a complete submission for approval of a vacation of a plan or plat, or recording replat or resubdivision, that contains all required elements mandated by the Local Government Code and by this chapter, is deemed complete by the city administrator. To be considered complete, the submission must be rendered to the city within the timelines established by this chapter and accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially filed until the city administrator determines that the submission is complete and a certificate of completeness is issued by the city administrator. Failure by the city administrator to make a determination of incompleteness within ten (10) business days following the date on which the submission was first received by the city, shall result in the submission being deemed administratively complete, the submission becoming an application, and the filing date shall become that day.
- ~~(7)~~(6) The proprietor of land covered may seek vacation of any subdivision plat or plan covered thereby at any time before the sale of any lot therein by a written instrument declaring the plat or plan to be vacated, duly executed, acknowledged and recorded in the same office as the plat to be vacated, provided the approval of the city council shall have been obtained. The execution and recordation of the instrument authorizing the vacation approved by the city council shall operate to destroy the force and effect of the recording of the subdivision plan, plat or replat so vacated.
- ~~(8)~~(7) In cases where lots have been sold, the subdivision plan, plat or replat, or any part thereof, may be vacated upon the application of all the owners of lots in the subdivision plat and with the approval of the city council. When the plat is vacated by the city council, the city secretary shall deliver to the county clerk the appropriate instrument so that the county clerk may indicate that the subdivision plan, plat or replat was vacated.
- ~~(9)~~(8) Any resubdivision or replatting of any existing subdivision or a portion thereof which cannot meet the criteria set out in subsections (6) and (7) of this subsection may be resubdivided and replatted without the vacation of the immediate previous plat after approval by the city council provided that the applicant has met all of the requirements of state law (see V.T.C.A., Local Government Code sections 212.014– 212.016).
- ~~(10)~~(9) When determining whether to grant a proprietor's application to vacate a plat or plan, the city council to any such approval any reasonable and related terms or conditions necessary to mitigate any anticipated adverse effects upon neighboring properties or public infrastructure expected to result from the proposed vacation. The city council may decline to grant plat vacation if the city council concludes that the requested action would create a nonconforming use.
- ~~(11)~~(10) Per Texas Local Government Code, 212.015, if a proposed replat does not require a variance, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the

original subdivision that is within 300 feet of the lots to be replatted according to the most recent city or county tax roll. Written notice shall be given by depositing a copy of the notice with postage paid in the mail addressed to each owner at the owner's address shown in the Travis County Appraisal District database. The notice shall include: (A) the zoning designation of the property after the replat; and (B) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.

- (g) Amending plats. The city administrator may approve and issue an amending plat which may be recorded and is controlling over the preceding plat without vacation of that plat, provided the plat is signed by the applicants, for any one or more of the purposes set forth in the following subsections, and such approval and issuance shall not require notice, hearing or approval of other lot or unit owners. An amending plat, as defined by chapter 212.016, shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the following to be deemed filed:
- (1) ~~An electronic copy properly scaled and formatted to 18 inches by 24 inches in pdf format~~ ~~Three (3) half sized copies to scale;~~
 - (2) A completed application;
 - (3) The required submission fee;
 - (4) A certificate or some other acceptable form of verification from Travis County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property; and
 - (5) An application shall be deemed filed on the date which a complete submission for approval of an amending plat, that contains all required elements mandated by the Local Government Code and by this chapter, is deemed complete by the city administrator. To be considered complete, the submission must be rendered to the city within the timelines established by this chapter and accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially filed until the city administrator determines that the submission is complete and a certificate of completeness is issued by the city administrator. Failure by the city administrator to make a determination of incompleteness within ten (10) business days following the date on which the submission was first received by the city, shall result in the submission being deemed complete, the submission becoming an application, and the filing date shall become the 10th business day following initial receipt of the application by the city.
- (h) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, be processed as required by section 36.01.018 and the other applicable provisions of this code, and shall be accompanied by:
- ~~(1)~~ ~~An electronic copy, properly scaled and formatted to 18 inches by 24 inches in pdf format~~ ~~Three (3) half sized copies to scale;~~
 - ~~(2)~~ ~~(1)~~ ~~An electronic copy in a format deemed acceptable by city staff (i.e. PDF);~~
 - ~~(3)~~ ~~(2)~~ A completed application;
 - ~~(4)~~ ~~(3)~~ The required submission fee; and
 - ~~(5)~~ ~~(4)~~ A certificate or some other acceptable form of verification from Travis County Central Appraisal District showing that all taxes have been paid on the subject property and that no

delinquent taxes exist against the property.

- (i) Applicability of this section to existing lots or units. This section shall not be construed to limit the rights to building permits on subdivisions and lots or units previously approved as to lot or unit size, lot or unit dimensions, lot or unit coverage, or building size, provided that all other provisions and related ordinances are complied with.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19; Ordinance 2025-005 adopted 6/25/2025)

§ 36.01.005. Preliminary conference.

- (a) Overview. The preliminary conference process below is described sequentially. The purpose of the preliminary conference is to begin a dialogue between the subdivider and the city. A preliminary conference is required before a submission for a preliminary plat, minor plat, amending plat, plat vacation, or replat submission is submitted to the city.
- (b) Preliminary conference request submission. Subdividers shall provide the city with the following information:
- (1) A description of the property proposed to be developed or subdivided;
 - (2) The name of the current owner of record;
 - (3) A statement of the subdivider's interest in the property, i.e. ownership or otherwise;
 - (4) The intended use of the proposed development or subdivision;
 - (5) Payment of a filing fee as established by the council;
 - (6) Proof of utility availability and required easements, including approved septic permit or central sewer, if applicable; and
 - (7) Proof of approval of any county, Texas Department of Transportation driveway cuts and easements, or any other required state or county approval, as applicable.
- (c) Preliminary conference. Upon receipt of preliminary conference request submission, the city administrator, or the director of building and development services, will schedule a preliminary conference. In addition to the city administrator and subdividers or their representative(s), the mayor or a councilmember, a commissioner, the city's consulting engineer, and the director of building and development services should attend this conference, if possible. If the city's consulting engineer attends the preliminary conference, it will be the subdivider's responsibility to compensate for engineer's time at the conference. The purpose of this preliminary conference is to review or establish:
- (1) The subdivider's conceptual plans for the proposed subdivision.
 - (2) The zoning status of the property to be subdivided if within the city limits.
 - (3) Plans or policies that might affect the property to be subdivided.
 - (4) Determine if any variance must be approved before the subdivider may submit an application for subdivision.
 - (5) Determine if any other issues must be decided before the application for subdivision may

be filed.

- (d) Conceptual plan. The conceptual plan may be in sketch form and shall be prepared at a scale no smaller than one inch to 200 feet. The plan shall contain:
- (1) A north arrow and location map showing the location of the proposed subdivision in relation to major roads and topographic features.
 - (2) The approximate location of the property boundaries to be subdivided. If the proposed subdivision is a portion of a larger tract of land, the exterior boundary of the parent tract shall be shown on the conceptual plan and the future plans for the remaining property shall be noted.
 - (3) The approximate location, width, and surfacing of streets; approximate width and depth of all lots or units, alleys, and easements.
 - (4) Major topographic features, such as creeks, bluffs, etc., on or adjacent to the property, contour lines of the proposed property (U.S. Geological Survey topographic maps are acceptable), designation of flood prone areas, approximate drainage system, any proposed changes to the existing contour of the land, and other information deemed pertinent.
 - (5) Proposed approximate location of surrounding residences, businesses, industry, churches, park areas, and other land uses.
 - (6) A statement as to the ultimate jurisdiction for the maintenance of the roads and common areas within the subdivision.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.006. Preliminary and final plat filing procedure.

- (a) General. After considering input received from the preliminary conference, the subdivider may submit a request for a preliminary or final plat and the following with the city:
- (1) A completed formal application for preliminary or final plat approval.
 - (2) Payment of the fee established by the city council.
 - (3) Proof of utility availability and required easements, including approved septic permit or central sewer, if applicable.
 - (4) Proof of approval of any county, Texas Department of Transportation driveway cuts and easements, or any other state or county approvals, as if applicable.
 - (5) Narrative describing how the plat meets each section of the city's code related to the plat or which references approved variances.
 - (6) For a final plat submission, the submission shall include the approved preliminary plat.
- (b) Zoning change or annexation request. If a zoning change is required for a preliminary plat submission, or if the property owner desires annexation of the parcel to be platted, the subdivider shall be required to obtain all annexation and zoning approvals prior to submitting for preliminary plat approval. The preliminary plat application shall not be considered filed until any requested zoning or annexation request is finalized.

- (c) Time for filing and copies required. Eight legible copies of the preliminary plat and an electronic copy in a format deemed acceptable by city staff shall be submitted to the zoning and planning secretary. Two copies for the city; for any other entity that has reviewing authority for the plat; two copies for the city's consulting engineer; and one copy for Travis County Engineer.
- (d) Preliminary and final plat contents. Please refer to section 36.01.007 for the required contents of the preliminary or final plat.
- (e) A preliminary or final plat shall meet all of the informational and procedural requirements set forth in section 36.01.007, and shall be accompanied by:
- (1) A completed application;
 - (2) The required submission fee;
 - (3) A certificate or some other acceptable form of verification from Travis County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property; and
 - (4) Tree survey as required by section 22.03.304.
- (f) An application shall be deemed filed on the date which a complete submission for approval of a preliminary or final plat, that contains all required elements mandated by the Local Government Code and by this chapter, is deemed complete by the city administrator. To be considered complete, the submission must be rendered to the city within the timelines established by this chapter and accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially filed until the city administrator determines that the submission is complete and a certificate of completeness is issued by the city administrator. Failure by the city administrator to make a determination of incompleteness within ten (10) business days following the date on which the submission was first received by the city, shall result in the submission being deemed complete, the submission becoming an application, and the filing date shall become the tenth (10th) business day following initial receipt of the application by the city.
- (g) Additional requirements. Failure to provide the following information (when applicable) shall result in an incomplete submission.
- (1) List of property owners. The preliminary plat submittal shall contain a listing of all adjacent property owners and other property owners within 200 feet of the property proposed to be subdivided, with addresses as recorded by the Travis County Appraisal District.
 - (2) Texas Department of Transportation. In those cases where the proposed subdivision affects access adjacent to right-of-way under control of the Texas Department of Transportation, the applicant shall show approval of access and compliance with any comments of the Texas Department of Transportation prior to submission.
- (h) City engineer and building official review. For determining whether a submission is administratively complete, the city's engineer, the city's building official, and director of building and development services shall within ten (10) business days from the date the preliminary or final plat submission:

- (1) Review and confirm that the information required is on or attached to the preliminary or final plat.
 - (2) The engineer shall notify the applicant of any incomplete submissions and shall specify the necessary documents or other information needed to be provided to the city and the date the application will expire if the documents or other information is not provided.
 - (3) The engineer shall advise the city of deficiencies noted and provide a copy of these deficiencies to the subdivider.
 - (4) The preliminary plat shall only be filed once it is determined to be administratively complete by the city administrator in consultation with the city engineer and the city building official.
- (i) Processing of preliminary or final plat.
- (1) The subdivider shall submit complete copies of the preliminary or final plat and accompanying GIS data to the zoning and planning secretary as well as all other required documentation. The time periods for review and approval specified in this section shall not commence unless the plat and accompanying data are complete, all fees are paid, and the plat is deemed administratively complete and filed.
 - (2) The zoning and planning commission, the city's planner and/or engineer, and the city council shall check the preliminary or final plat as to its conformity with this article, the master plan, traffic plan, zoning districts and the standards and specifications set forth herein.
 - (3) The city's engineer shall return the preliminary plat data to the commission, city council, and the subdivider with recommendations as to modifications, additions or alterations of such plat data.
 - (4) Within 30 days after the complete preliminary or final plat is filed, the commission shall:
 - (A) Recommend approval of the preliminary or final plat,
 - (B) Recommend disapproval of the preliminary or final plat with citation to the law, including statute or city ordinance, that is the basis for the disapproval, or
 - (C) Recommend conditional approval of the preliminary or final plat with specific citation to the law, including statute or municipal ordinance, that is the basis for the conditions.
 - (5) Within 30 days after the commission makes its recommendation the city council shall:
 - (A) Approve the preliminary or final plat,
 - (B) Disapprove the preliminary or final plat with citation to the law, including statute or city ordinance, that is the basis for the disapproval; or
 - (C) Conditionally approve the preliminary or final plat with specific citation to the law, including statute or municipal ordinance, that is the basis for the conditions.
 - (6) If the preliminary or final plat is disapproved, then the subdivider may submit to the city council a written response that remedies each reason for disapproval provided.
 - (7) If the subdivider responds to the written comments, the city council will set a meeting within

fifteen (15) days of resubmission to review the written comments. At the meeting the city council may:

- (A) Approve the conditionally approved or disapproved plat; or
 - (B) Disapprove the plat based on noncompliance with city code or state law. If disapproved, the city council shall provide a written statement to the subdivider listing the deficiencies the plat has as related to specific city ordinances or other law.
- (8) Approval of a preliminary plat by the city council shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the final design and installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Approval of a preliminary plat shall not constitute automatic approval of the final plat or construction plans.
- (9) Approval of a preliminary plat by the city council shall be effective for 365 calendar days.
- (10) If the final plat has not been accepted and recorded within six months of preliminary plat approval, the city administrator may, upon the application of the subdivider, extend the approval for an additional 365 calendar days.
- (j) Copy distribution. Following the city council's action, one of the three copies shall be returned to the subdivider, one shall be filed with the city secretary, and one shall be furnished to the city's engineer.
- (k) Preliminary plat conditions. Approval of the preliminary plat does not constitute acceptance of the subdivision but is authority to proceed with the preparation of construction plans or final plat. Any development within the subdivision before the final plat is accepted and recorded is performed at the risk of the subdivider. Approval of a preliminary plat expires at the end of 365 calendar days, unless a final plan of at least a portion of the tract has been submitted to the city. The commission may, if a written request from the subdivider is received prior to the end of the 365 calendar day period, grant an extension for up to 365 calendar days. Only one such extension shall be granted. If any major changes are required by the commission, the council may require submission of another preliminary plat.
- (Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.007. Plat preparation, contents, and submittal.

- (a) Generally. The subdivider shall have a plat prepared by a surveyor or engineer in accordance with this section.
- (b) Early review. To assist in meeting all the requirements of this article, applicants shall be required to attend a preliminary conference.
- (c) Formal application and filing date. Subdividers shall apply by letter, accompanied by the original plat, three full-sized copies, an electronic copy in a format deemed acceptable by city staff, and all required attachments, addressed to the zoning and planning commission (ZAPCO) or city administrator as applicable. Applications must be administratively complete to be considered filed and shall be delivered to the city administrator, city secretary, or administrative secretary for zoning and planning, including all required approved variances, utilities, and other approvals. Administratively incomplete applications will not be accepted for filing.
- (d) Filing fee. A filing fee set by the city council shall be paid at the time of submission.

- (e) Changes/updates; copies required. Additional information, plat changes or updates may be submitted in response to comments/requests by the city staff or consultants; such submission will not be accepted ~~after 5:00 p.m. of the Thursday prior to the ZAPCO meeting, if ZAPCO approval is required. Ten (10) administratively complete application packages are required before ZAPCO meetings, if ZAPCO recommendation is required. Ten (10) administratively complete application packages are required before the city council meetings, if city council approval is required~~ after the deadline on the submittal calendars annually approved by city council. If the plat may be administratively approved as detailed in this ordinance, then such submissions shall be made to the city administrator.
- (f) Form and contents. The plat shall be drawn in indelible ink or typed and, prior to recording, three copies on paper, mylar or similar material eighteen (18) inches by twenty-four (24) inches shall be furnished to the city and the county clerk at the subdivider's expense. The plat shall be drawn to a scale of hundred (100) feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:
- (1) Preliminary plats.
- (A) The plat shall show the names and addresses of the subdivider, record owner, engineer and surveyor.
- (B) The plat shall show the proposed name of the subdivision, which shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the city or within the area of extraterritorial jurisdiction of the city or within the county.
- (C) The plat shall show the names of contiguous subdivisions and the owners of contiguous parcels of subdivided and unsubdivided land, and an indication of whether or not contiguous properties are platted.
- (D) The plat shall show primary control points or descriptions, and ties to such control points, to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (E) The plat shall show subdivision boundary lines, indicated by heavy lines, and the computed acreage of the total subdivision and each lot therein.
- (F) The plat shall show existing and proposed sites in a legible manner as follows:
- (i) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate, and location of active private sewage drainfields.
- (ii) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, units, existing structures and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

- (iii) The location and size of existing water lines and fire hydrants and one copy of plans and profiles of all proposed water lines and fire hydrants as approved by Travis County WC&ID No. 10.
- (iv) The plat shall show the 100-year floodplain limits of the floodway and elevation data bearing the seal of an engineer. In accordance with section 60.3(b)(3) of the National Flood Insurance Program regulations, all new subdivision proposals and other proposed developments greater than fifty (50) lots or units or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data, including floodplain or other boundary lines, reference marks and elevation data (floodway, velocity zones, etc.) transferred from the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM). The data source and source date should also be included. All data shall bear the seal of an engineer.
- (v) The location of the fifty (50) foot undisturbed conservation easement required for all subdivisions larger than five (5) acres.
- (vi) The date of preparation, scale of the plat and north arrow shall be shown.
- (vii) The plat shall show density calculation based on total area of the subdivision in acres, multiplied by 0.67 and rounded down to the nearest whole number per section 36.01.008(2)(G) and a number (e.g., lot or unit 1, lot or unit 2, etc.) to identify each lot, unit or site and each block, and the exact (acreage) size of each lot.
- (viii) The plat shall show the location of the city limits boundary line, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary. Zoning district classification within the corporate limits of the city, or land usage as shown in the master plan for the city's extraterritorial jurisdiction, shall be designated on each lot or unit.
- (ix) A vicinity sketch or map shall be included, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity. Such map shall be drawn at a scale in which such facilities can be clearly displayed.
- (x) The general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections, shall be shown by arrows. Such facilities shall be drawn at a scale in which such data can be clearly displayed.
- (xi) Plats shall indicate that each residential lot is of the minimum area prescribed in section 22.03.281(b), including public utility easements but excluding public streets and drainage easements. All lots or units shall have direct access to a public street.
- (xii) Plats for multifamily housing developments shall contain indications of lot or unit size for such development and an indication that each lot or unit contains a minimum of one-quarter acre per bedroom for each family unit. All other lots or units shall contain dimensional regulation requirements as provided in this

article.

- (xiii) A statement shall be included covering all aspects of private sewage facilities in accordance with article 18.03.
- (xiv) Applicants shall submit with plats copies of all deed restrictions, restrictive covenants, and declarations of covenants, conditions, and restrictions applicable to the land. The plat shall include a statement indicating such documents, with provisions for the document number in deed records.
- (xv) A statement shall be included as to the degree of lot or unit clearance planned and the methods for maximum preservation of live trees and vegetation, including the applicable percentage of impervious cover for the anticipated land usage.
- (xvi) The proposed plat and planned site improvement data shall be submitted on all nonresidential land usage subdivisions and residential land usage subdivisions over three lots or units, or five acres for review and recommendation by the city staff and consultants before referral to the commission and city council. Planned site improvement data includes the following information:
 - a. The existing and proposed conditions of the lot(s) or unit(s), including but not necessarily limited to topography, vegetation, drainage, floodplains and waterways;
 - b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices. All driveways are limited to undeveloped slopes below 25 percent gradient; and
 - c. Any other information that may be reasonably required in order to determine whether the proposed development complies with the criteria and standards in this article and with the requirements of other city ordinances.
- (xvii) The subdivider shall be required to provide the city with a topographic map with contour lines at one-foot intervals for at least 25 feet upslope and at least 50 feet downslope of the proposed primary and alternate sewage disposal field areas as certified on a ground survey performed by a professional registered surveyor. The subdivider shall be required to provide the city with a topographic map with contour lines at two-foot intervals for property not designated for the primary and alternate sewage disposal areas as certified on a ground survey performed by a professional registered surveyor. New development on lots or units subdivided after July 1, 1991, shall not dispose of effluent on natural slopes in excess of 30 percent. Any submission including disposal of effluent in contravention of this section must include an approved variance from this section, as reviewed by ZAPCO and city council, or will not be considered administratively complete.
- (G) The plat shall include the following applicable certification, executed by the appropriate person pertaining to:

- (i) Streets and roads (county or city, as applicable).
- (ii) Travis County Water Control and Improvement District No. 10 certification.
- (iii) Feasibility certification of private on-site sewage disposal facilities.
- (iv) Sanitation certification.
- (v) Floodplain certification.
- (vi) Lot clearance and cover limitations.
- (vii) Edwards Aquifer Recharge Zone certification, as applicable.
- (viii) Owner's acknowledgment.
- (ix) Certification by the surveyor.
- (x) Certificate by the engineer (if applicable).
- (xi) Certificate by the city arborist regarding Oak Wilt.

Examples of appropriate language for these certifications are set forth in appendix A to this article.

(2) Final plat.

- (A) The plat shall show the names and addresses of the subdivider, record owner, engineer and surveyor.
- (B) The plat shall show the proposed name of the subdivision, which shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the city or within the area of extraterritorial jurisdiction of the city or within the county.
- (C) The plat shall show the names of contiguous subdivisions and the owners of contiguous parcels of subdivided and unsubdivided land, and an indication of whether or not contiguous properties are platted.
- (D) The plat shall show primary control points or descriptions, and ties to such control points, to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (E) The plat shall show subdivision boundary lines, indicated by heavy lines, and the computed acreage of the total subdivision and each lot therein.
- (F) The plat shall show existing and proposed sites in a legible manner as follows:
 - (i) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate, and location of active private sewage drainfields.

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- (ii) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, units, existing structures and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
- (iii) The location and size of existing water lines and fire hydrants and one copy of plans and profiles of all proposed water lines and fire hydrants as approved by Travis WCID No. 10.
- (iv) The plat shall show the 100-year floodplain limits of the floodway and elevation data bearing the seal of an engineer. In accordance with section 60.3(b)(3) of the National Flood Insurance Program regulations, all new subdivision proposals and other proposed developments greater than fifty (50) lots or units or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data, including floodplain or other boundary lines, reference marks and elevation data (floodway, velocity zones, etc.) transferred from the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM). The data source and source date should also be included. All data shall bear the seal of an engineer.
- (v) The location of the fifty (50) foot undisturbed conservation easement required for all subdivisions larger than five (5) acres.
- (vi) The date of preparation, scale of the plat and north arrow shall be shown.
- (vii) Identify each lot, unit or site and each block, and the exact (acreage) size of each lot.
- (viii) The plat shall show the location of the city limits boundary line, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary. Zoning district classification within the corporate limits of the city, shall be designated on each lot or unit.
- (ix) A vicinity map shall be included, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity. Such map shall be drawn at a scale in which such facilities can be clearly displayed.
- (x) Plats shall indicate that each residential lot is of the minimum area prescribed in section 22.03.281(b) or section 36.01.008(2)(D) and table 36-1, as applicable, including public utility easements but excluding public streets and drainage easements. All lots or units shall have direct access to a public street.
- (xi) Plats for multifamily housing developments shall contain indications of lot or unit size for such lot development and an indication that each lot or unit contains a minimum of one-quarter acre per bedroom for each family unit. All other lots or units shall contain dimensional regulation requirements as provided in this article.
- (xii) A statement shall be included covering all aspects of private sewage facilities in

accordance with article 18.03.

- (xiii) Applicants shall submit with plats copies of all deed restrictions, restrictive covenants, and declarations of covenants, conditions, and restrictions applicable to the land for approval. Such documents are discouraged and must specifically refer to the city's master plan and must not conflict with the city code. The plat shall include a statement indicating such documents, with provisions for the document number in deed records.
- (xiv) A statement shall be included as to the degree of lot or unit clearance planned and the methods for maximum preservation of live trees and vegetation, including the applicable percentage of impervious cover for the anticipated land usage.
- (xv) The proposed plat and planned site improvement data shall be submitted on all nonresidential land usage subdivisions and residential land usage subdivisions over three lots or units, or five acres for review and recommendation by the city staff and consultants before referral to the commission or city administrator. Planned site improvement data may be required to include the following information:
 - (a) The existing and proposed conditions of the lot,(s) or unit(s), including but not necessarily limited to topography, vegetation, drainage, floodplains and waterways;
 - (b) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices. All driveways are limited to undeveloped slopes below 25 percent gradient; and
 - (c) Any other information that may be reasonably required in order to determine whether the proposed development complies with the criteria and standards in this article and with the requirements of other city ordinances.
- (G) The plat shall include the following applicable certification, executed by the appropriate person pertaining to:
 - (i) Streets and roads (county or city, as applicable).
 - (ii) Travis County Water Control and Improvement District No. 10 certification.
 - (iii) Feasibility certification of private on-site sewage disposal facilities.
 - (iv) Sanitation certification.
 - (v) Floodplain certification.
 - (vi) Lot clearance and cover limitations.
 - (vii) Edwards Aquifer Recharge Zone certification, as applicable.
 - (viii) Owner's acknowledgment.

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- (ix) Certification by the surveyor.
- (x) Certificate by the engineer (if applicable).
- (xi) Certificate by the city arborist regarding Oak Wilt.

Examples of appropriate language for these certifications are set forth in appendix A to this article.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.008. Construction plans.

After approval of the preliminary plat, but before submission for approval of the final plat, technical support data shall be furnished, in an overlay format approved by the city administrator, for the following:

- (1) Engineering plans and details for streets, drainage and underground utility requirements.
- (2) Twenty-five-year and 100-year flood and stormwater drainage easements and associated detention ponds and minimum flood elevations (MFE) for each affected lot or unit.
- (3) Proposed 3,000-square-foot building site for each lot or unit.
- (4) The proposed primary and alternate sewage disposal field areas for each lot or unit, as approved by the city, if any. A minimum of 6,000 square feet of area must be shown for both the primary and alternate sewage disposal field areas on natural slopes of less than 30 percent as certified by a ground survey. If a greater area is required by the most current version of Construction Standards for On-Site Sewerage Facilities, promulgated by the Texas Commission on Environmental Quality, and article 18.03, then that larger area must be shown for both the primary and alternate field areas. New development on lots or units subdivided after July 1, 1991, shall not dispose of effluent on natural slopes in excess of 30 percent. Any submission including disposal of effluent in contravention of this section must include an approved variance from this section, as reviewed by ZAPCO and city council, or the submission of the construction plans will not be considered administratively complete.
- (5) Existing effluent disposal areas known at the time of platting.
- (6) Proposed driveway location for each lot or unit on natural slopes of less than 25 percent grade.
- (7) Transparent, acrylic overlay map depicting topographic contour lines and highlighting the zero to 15 percent, 15 percent to 30 percent, and over 30 percent slope categories.
- (8) Copy of the water pollution and abatement plan (WPAP) as submitted to Texas Commission on Environmental Quality, if applicable.
- (9) Tree survey.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.009. General rules and regulations.

- (a) No plat shall be approved by the city council or city administrator, as applicable, unless the lots conform to the following standards and specifications:

(1) General standards.

- (A) Conformity with the comprehensive plan. Subdivisions shall conform to article 28.02, attachment A and B, Master Plan, City of West Lake Hills. Assertions of nonconformance relying on subjective judgments without additional supporting rationale based on the remaining provisions of this article or the rest of the city's Code of Ordinances other than the master plan shall not be valid grounds to recommend denial of, or to deny, subdivision applications.
- (B) Provision for future subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets. A proposal of future subdivision layout shall be submitted along with the plan of the portion first to be subdivided.
- (C) Applicability of county street and drainage standards. Unless otherwise provided for in this code, all subdivisions shall comply with the following sections of the most recent version of the Standards for Construction of Streets and Drainage in Subdivisions promulgated by Travis County:
- (i) Section 82.300 engineering standards;
 - (ii) Section 82.400 construction fiscal security;
 - (iii) Section 82.500 construction standards.
- (D) Compliance with diseased tree regulations. Subdivision developers shall comply with the provisions of the city's oak wilt diseased tree ordinance (article 24.04), as amended. A site inspection at the time of plat application shall be conducted to determine the existence and extent of oak wilt disease in the red oak and live oak species of trees. The city urban forester or arborist, trained and qualified to detect oak wilt disease, shall certify, in writing, the existence or nonexistence of the disease on the site within fourteen (14) business days of filing of the administratively complete application. This certification shall be accompanied by a map at a scale of one to 50, showing the exact location, species and trunk diameter of diseased trees, if applicable.
- (E) Subdividers/surveyors/developers/contractors/owners shall comply with the city's environmental regulations, tree removal requirements, and tree replacement requirements, which can be found in article 22.03, division 9 of this code. The tree survey specified in section 22.03.303 of this code shall be submitted to the city administrator prior to consideration of the preliminary plat.
- (F) Flood hazard reduction. Drainage of proposed subdivisions shall be designed to reduce exposure to flood hazards. Electrical, gas, sewer, water lines and other public utility facilities shall be located and constructed to minimize or eliminate the potential for flood damage.
- (i) Proposed subdivisions shall be consistent with sections 26.02.032 through 26.02.034 and 26.02.091 through 26.02.093 and shall meet the development permit requirements of sections 26.02.004 and 26.02.063.
 - (ii) Base flood elevation data shall be generated for subdivision proposals and other proposed development which is greater than 50 lots or five acres, whichever is

lesser, if not otherwise provided pursuant to section 26.02.003 or section 26.02.062(8).

- (2) Dimensional regulations.No lot or unit shall have an area, depth or frontage less than that shown on the schedule of regulations in this subsection, and no lot or unit shall be less in width than the minimum lot or unit width shown on such schedule.
- (A) Measurement of lot or unit area, width and depth.
- (i) Area.In computing the area of a lot or unit, no part of the street, public or private, shall be included.
 - (ii) Width.The width of a lot or unit shall be measured along the front-street building setback line.
 - (iii) Depth.The depth of a lot or unit shall be the horizontal distance between the front-street and rear lot or unit lines measured along a median between the side lot lines.
- (B) Measurement of building setbacks.
- (i) Front-street setbacks.Front Street building setbacks extend the full width of the lot or unit. Their depth is measured from the front lot or unit line to the minimum front building setback line. At the front building setback line, the lot or unit shall be at least 150 feet wide.
 - (ii) Rear setbacks.Rear building setbacks extend the full width of the lot or unit. Their depth is measured from the rear lot or unit line to the minimum rear building setback line.
 - (iii) Side setbacks.Side building setbacks extend from the front setback line to the rear setback line. Their depth is measured from the side lot line to the minimum side building setback line.
- (C) Lots or units abutting on more than one street.In the case of lots abutting on more than one public or private street, the full width of the front-street building setback shall be provided from each street.
- (D) Yards.Yards are the open areas between building setback lines and lot or unit lines. A structure shall not be permitted in yards except as otherwise provided in other ordinances and regulations.
- (E) Residential lot or unit slope requirement.At least 50 percent of the area of all lots or units must be situated on land having a natural slope of less than 30 percent.
- (F) Residential lot or unit density.The density of residential subdivisions of two or more lots or units where the original tract is between two and five acres and the average slope of the tract is fifteen percent or greater shall not exceed the product of the net area of the subdivision in acres multiplied by 0.67, rounded down to the next whole number. For example, the density, or maximum number of lots or units, in a residential subdivision with a net area of 4.0 acres is two (2) lots or units (i.e. 4×0.67 rounded down to the next whole number of 2).
- (i) Once a subdivision has been completed under this section, the resultant plats are

final and cannot be resubdivided. A plat note with this prohibition is required.

- (ii) Average natural slope shall be calculated using the formula below:

$$S\% = 0.0023 \times I \times L$$

A

S	=	Average natural slope of the parcel(s) in percent.
I	=	Contour interval of map in feet, with said contour intervals to be five feet or less.
L	=	Total length of the contour lines within the parcel(s) in feet.
A	=	Area of the parcel(s) in acres including any areas designated future development.
0.0023	=	Constant which converts square feet into acres.

(3) Streets.

- (A) Street layout.Subdividers shall provide adequate streets for proposed subdivisions. The arrangement, character, extent, grade, location, and width of each street shall consider existing and planned streets, topography, public safety, convenience, and its appropriate relationship to the proposed uses of land the street is to serve. Bends and turns shall maintain the minimum pavement width for the designed street category. Subdividers shall construct or improve portions of existing roadways abutting, bordering, or within proposed subdivisions if necessary for safe and convenient travel to or through such subdivisions. Curb cuts for proposed driveways require city approval prior to plat submission. A tract of land having a gross area of greater than 10.0 acres in size shall have at least one new internal public street as the primary access to and within the subdivision. At least 75 percent of the newly subdivided residential lots shall have direct driveway access to the internal street(s).
- (B) Relation to adjoining street system.Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (C) Projection of streets.Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
- (D) Street jogs.Whenever possible, street jogs with centerline offsets of less than 150 feet shall be avoided.

- (E) Street intersections. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. Street intersections and driveways shall be located in accordance with county standards for both minimum stopping sight distance and desirable sight triangles. Sight distance criteria shall conform to county standards and reflect geometric design guidelines proscribed by the American Association of State Highway and Transportation Officials (AASHTO).
- (F) Culs-de-sac. In general, culs-de-sac shall not exceed 1,200 feet in length and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial areas.
- (G) Minor streets. Minor streets shall be laid out so as to discourage their use by through traffic.
- (H) Private streets. Private streets are prohibited.
- (I) Street design standards. Street design standards shall be in accordance with table 36-2 and the street sections depicted on figures 36-1 through 36-3. Unless otherwise approved by the city council, new subdivision streets shall be planned, platted, designed, and constructed as minor streets and shall conform to all applicable provisions of section 22.03.250, especially with respect to emergency vehicle access.
- (J) Pavement widths and rights-of-way of streets forming part of subdivision. Pavement widths and rights-of-way of streets forming part of the subdivision shall be as follows:
- (i) The subdivider shall dedicate a right-of-way of 50 feet in width for new arterial streets, and 30 feet of such right-of-way shall be paved.
 - (ii) Where the proposed subdivision abuts upon an existing street that does not conform to the city's street standards, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way conform to such standards. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back to ensure an adequate subbase and pavement joint.
- (K) Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. Streets in the city shall not be named after individuals. All street names shall be approved by the city administrator.
- (L) Street signs. Street signs shall be furnished and installed at the subdivider's expense at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with standards of the city.
- (M) Street construction standards. All dedicated streets within a new subdivision shall consist of a base with an asphaltic surface or of an unreinforced concrete pavement.
- (i) Base. The base shall be as follows:
 - a. Flexible base. The base material shall consist of crushed stone and shall meet the following grading requirements: Zero percent shall be retained on

a two-inch sieve, and 60 to 85 percent shall be retained on a no. 40 sieve. Material passing the no. 40 sieve shall meet the following requirements: The liquid limit shall not exceed 40, and the plasticity index shall not exceed 12. The flexible base shall be compacted to a proctor density of 95 with a minimum depth of eight inches. Exceptions to the depth requirement may be made where the subgrade soil constants are such that the required stability may be met with a lesser depth; or

- b. Stabilized base.The stabilized base shall be a compacted stabilized soil-cement base with a proctor density of not less than 95 and a minimum depth of six inches.
- (ii) Surface.The surface shall be as follows:
 - a. Asphaltic surface types.Either of the completed bases mentioned in subsection (i) of this subsection shall be surfaced with hot mix asphaltic concrete pavement, or an approved equal, which shall be laid at the rate of 150 pounds per square yard, providing a pavement of 1-1/2 inches in depth; or
 - b. Unreinforced Portland cement.Surfacing may be unreinforced Portland cement concrete pavement of six inches in depth, containing a minimum of five sacks of cement per cubic yard, and which shall attain a minimum compressive strength of 3,500 pounds per square inch in 28 days.
 - (iii) Curbs and gutters.Curbs and gutters may be required on streets within the subdivision along lines and grades authorized by the city.
- (4) Sidewalks.Sidewalks may be installed:
 - (A) On Bee Cave Road (both sides) and Westlake Drive (east side) as deemed necessary by the city council or city administrator for administrative approvals;
 - (B) As deemed necessary by the city council or city administrator for administrative approvals; in commercial, public or multifamily areas; and
 - (C) As recommended by the city council or city administrator for administrative approvals.
 - (5) Water installations.
 - (A) Water supply and distribution.All subdivisions shall be provided with an adequate water supply and water distribution systems for residential or nonresidential use and fire protection approved by the city and Travis County WCID No. 10. Private water wells on individual residential lots or units may be authorized.
 - (B) Fire hydrants.Standard fire hydrants shall be installed every 500 feet as part of the water distribution system. The hydrants shall meet the specifications of Travis County Emergency Service District No. 9 and placement of the hydrants shall be approved prior to plat submission.
 - (6) Sewage disposal.Proposed subdivisions shall be planned with city-approved sewage disposal systems with provisions for perpetual maintenance thereof. If private on-site

sewage disposal facilities (septic systems) are to be installed, subdividers shall conform to section 36.01.010 of this code. If an organized sewage disposal system (central sewer) is to be installed, the plans for such system must comply with state regulations, be recommended for approval by the city's consulting engineer, and approved by the city council prior to the filing of the plat.

- (7) Utility lines. Where possible, all utility lines that pass under a street shall be installed before the street is paved. When it is necessary that utility lines pass under the street pavement, they shall be installed underground to a point at least two feet from the edge of the right-of-way. All subdivisions with four or more lots or units shall be provided with underground utility services.
- (8) Drainage.
- (A) The City of West Lake Hills' Drainage and Erosion Control Manual, as adopted March 2018 is hereby designated and adopted as the drainage and erosion control criteria and policy of and for the city and within all areas subject to the city's extraterritorial jurisdiction.
 - (B) Whenever the standards and specifications of this article conflict with another provision of this code, the most stringent or restrictive provision shall govern.
 - (C) The interpretation of the requirements set forth in this section shall be made by the city administrator or designate, unless specified otherwise by the council. The developer shall be responsible for the conveyance of all storm drainage flowing through or abutting the subject property, including drainage directed to the property by prior development as well as that naturally flowing by reason of topography.
 - (D) Where new drainage improvements are required along the boundary of a site, the owner proposing development shall be responsible for designing and constructing all the required improvements at or before the time of development, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvements. Where the developer proposes to develop only a portion of the property, only the drainage improvements for the portion being developed shall be required to be installed, except as drainage improvements outside the portion being developed are deemed necessary by the city for proper drainage of the portion being developed. All public improvements shall be inspected and accepted by the city before a final plat submission will be accepted (when applicable) or a bond is approved for any public improvements that are not yet completed pursuant to section 36.01.015.
 - (E) Drainage patterns should be designed to prevent erosion, maintain filtration and recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by storm water. Overland sheet flow and natural drainage features and patterns shall be maintained to the greatest extent reasonably possible and the dispersion of runoff back to sheet flow shall be the primary objective of drainage design where possible, depending on volumes and velocities of runoff for the development, as opposed to concentrating flows in storm sewers and drainage ditches.
 - (F) Construction of enclosed storm sewers and impervious channel linings are permitted only when the city finds that the use of open and/or natural channels is not practical.
 - (G) If storm sewers are deemed necessary, the developer shall design the drainage system

to mitigate its harmful impact on the environment by using structural devices or other methods to prevent erosion and dissipate discharges from outlets wherever practicable, and by loading discharges to maximize overland flow through buffer zones or grass lined swales.

- (H) The responsibility of the developer shall extend to the provision of adequate off-site drainage facilities and improvements to accommodate the full effects of the development of said property.
- (I) When the developer certifies by affidavit that a bona fide attempt to acquire property rights to meet off-site drainage requirements was not successful, the city may assist at its discretion in the acquisition of necessary property rights to provide for the construction of off-site drainage improvements. In such cases, the developer shall make adequate guarantees that the developer will fund the full cost of acquiring said property rights and constructing the off-site improvements and facilities.
- (J) Unless otherwise specified herein, the design of all storm drainage facilities shall at least meet the requirements of the City's Drainage and Erosion Control Manual as adopted.
- (K) Computation of runoff shall be based on a fully developed drainage area, or watershed, in accordance with the minimum provisions of the City's Drainage and Erosion Control Manual. The drainage system shall be designed to convey the theoretical two, ten- and 25-year storm as predicted in the Drainage Criteria Manual, as amended. The design shall further provide for system overflows from larger storms up to the intensity of 100-year storm without increasing the risk of flood damages to development.
 - (i) Critical environmental features shall have a standard setback of 150 feet around said feature. An administrative variance may be granted by the city engineer for a 50-foot setback on the downstream side only of said feature.
 - (ii) The rate of runoff after construction shall not exceed the site's runoff rate prior to construction. Rate of runoff shall be computed on a two, ten- and 25-year storm peak flow using the City of West Lake Hills' Drainage and Erosion Control Manual.
 - (iii) Surface drainage channels shall be designed to reduce velocity, minimize potential erosion and to maximize the bottom width to flow depth ratio, in accordance with the following criteria:
 - a. Channel cross-sections shall be trapezoidal in configuration.
 - b. Side slopes of channels shall be no steeper than four horizontals to one vertical.
 - c. For a six-month design storm assuming wet antecedent conditions, channel bottom flow depth shall not exceed four inches and design flow velocity shall be two and one-half feet per second.
 - d. All constructed and altered drainage channels shall be stabilized and vegetated immediately after final grading.
 - e. The city council may allow exceptions to the design flow velocities or

depths in limited transitional channel sections (such as culverts, culvert entries and exits, drop sections, and sharp bends) or on lands with greater than fifteen (15) percent slope, or less than two percent (2%) slope; provided that the design flow velocity shall never be greater than three (3) feet per second or design depth greater than six (6) inches.

- (L) Easements.Public drainage easements shall include all drainage at least to the limits of the 25-year flood as indicated on the floodplain maps or as determined on the basis of the Drainage and Erosion Control Manual, as amended. All drainage easements across private property shall contain the necessary language to permit the required unobstructed water flow, require maintenance of vegetation by the property owner(s), and permit the necessary access by city officials for inspection and repairs. The minimum drainage easement width shall be 25 feet. All easements, 25- and 100-year floodplain boundaries shall be clearly shown on drainage plans and the site plan.
- (M) Roadway drainage.As a general rule, drainage carried in roadside channels shall be minimized and off-roadway locations shall be used as the primary drainage network whenever practicable. When roadside channels are required, they shall be contained within a dedicated right-of-way or right-of-way easement. Channel side slopes shall be no steeper than four to one, except for curves and transitions where slope stabilization acceptable to the city administrator may be allowed. Roadways shall be designed for fordable driveway approaches whenever practicable. All driveways shall be designed such that drainage flow from a 100-year storm shall not exceed a depth of 12 inches on any portion of the driveway. Should driveway culverts be required, the culvert design capacity and general location shall be shown on the construction plans. Minimum driveway culvert diameter shall be 12 inches. In no case shall driveway approaches constitute a blockage of roadway drainage.
- (N) Maintenance and compliance.All drainage facilities located in the street rights-of-way shall be maintained by the appropriate jurisdiction. The property owner shall maintain all drainage facilities located on private property. Duly authorized inspectors of the city shall have the right of entry on the land or premises where property owners are required to maintain drainage facilities or detention facilities, at reasonable times, for the purpose of inspection of the maintenance required. Where noncompliance is found, the city shall request in writing that the property owner comply. This notice shall describe the measures required to be taken. If the required maintenance is not accomplished within three months of the notice, the city shall either:
- (i) Cause the necessary restoration to be accomplished and assess the property owner for the city's actual cost; or
 - (ii) Bring an action for mandatory injunction to require the property owner to accomplish the necessary maintenance.
- (9) Miscellaneous provisions.
- (A) Lot or unit width on cul-de-sac.For residential lots on cul-de-sac turnarounds, the minimum lot or unit width at the front street property line shall be 33 feet measured along the chord of the arc.
- (B) Streets not to be included as part of lot or unit size.Public or private streets shall not

be included in lot or unit size as a part of the minimum one-acre size.

- (C) Access to public street. Each lot or unit shall have access to a public street. Where private streets grant such access, the size of such private streets shall not be included to meet minimum lot sizes. A tract of land having a gross area of 10.0 acres or less in size may have direct driveway access from all subdivided residential lots or units to existing public streets, provided the city administrator finds that such driveway access meets all other applicable city code requirements and is in the best interest of public health, safety and welfare.
- (D) Direction of side lot or unit lines. Side lot or unit lines shall be substantially at right angles to straight street lines and radial to curved street lines.
- (10) Additional standards. Unless otherwise provided in this article, all improvements in subdivisions shall conform to the latest edition of the Standards for Construction of Streets and Drainage in Subdivisions approved by order of the commissioner’s court of the county.
- (11) The plat shall set forth all required executed certifications as specified in section 36.01.007(f)(19).
- (12) Use of professional services. The city shall have the right to select and engage sanitarians, engineers, or other professionals, or any combination thereof, to conduct investigations, tests, examine plans and specifications, present evidence, advise and represent the city, and assist the applicant in the development of a private sewage facility or water retention and drainage facility in accordance with the provisions of this article. The applicant shall be required to reimburse the city for reasonable costs of such services.

TABLE 36-2 SUMMARY OF STREET DESIGN STANDARDS

SUBJECT	MAJOR THOROUGHFARES				
	Arterial [Example: Redbud to west of Westlake Dr]	Collector [Example: Yaupon Valley Rd]	Minor Streets, Private Streets, & Access Easements [Subdivision Streets]	Bee Cave Road (Texas RM 2244)	Westlake Drive, Westbank Drive, & Redbud Trail
1. Right-of-way widths with curb & gutter					
A. Maximum width with curb & gutter (feet)	50	40	34		
B. Minimum width with curb & gutter (feet)			30	120	70'
2. Right-of-way width without curb & gutter					

TABLE 36-2 SUMMARY OF STREET DESIGN STANDARDS					
SUBJECT	MAJOR THOROUGHFARES				
	Arterial [Example: Redbud to west of Westlake Dr]	Collector [Example: Yaupon Valley Rd]	Minor Streets, Private Streets, & Access Easements [Subdivision Streets]	Bee Cave Road (Texas RM 2244)	Westlake Drive, Westbank Drive, & Redbud Trail
A. Maximum width without curb & gutter (feet)	60	50	46	120	
B. Minimum width without curb & gutter (feet)			42		
3. Pavement width					
A. Maximum (feet)	30	20	18	To be determined	70 ²
B. Minimum (feet)			14		
4. Pavement section ³					
A. Flexible base (inches)	8	8	8	8	8
B. Stabilized subgrade (inches)	6	6	6	6	6
C. Asphalt pavement (inches)	5-1/2	3-1/2	2	8	8
D. Concrete pavement (inches)	6	6	6	6	6
5. Number of traffic lanes	2	2	2	5	3
6. Lane widths (feet)	15	10	7-9	12-14	10-14
7. Design speed (mph)	30	25	15-20	35-45	30
8. Minimum grade (%)	0	0	0	0	0
9. Maximum grade (%)	20	20	20	20	20
10. Stopping sight distance (feet)	410	300	210	800	510

1. Redbud Trail east of Westlake Drive to the City Limits.
2. Westlake Drive and Redbud Trail shall be a minimum of 70 feet in width within 500 feet of the north right-of-way line of the intersection of Redbud Trail and Westlake Drive, respectively, with Bee Cave Road (Texas RM 2244).
3.
 - a. Collector streets must have 3 foot stabilized shoulders on each side.
 - b. Minor streets and private streets (access easements) must have two foot stabilized shoulders on each side.
 - c. The flexible base material shall consist of crushed stone and shall meet the following grading requirements: Zero percent shall be retained on a two-inch sieve, and 60 to 85 percent shall be retained on a no. 40 sieve. Material passing the no. 40 sieve shall meet the following requirements: The liquid limit shall not exceed 40, and the plasticity index shall not exceed 12. The flexible base shall be compacted to a proctor density of 95 with a minimum depth of eight inches. Exceptions to the depth requirement may be made where the subgrade soil constants are such that the required stability may be met with a lesser depth; or
 - d. The stabilized base shall be a compacted stabilized soil-cement base with a proctor density of not less than 95 and a minimum depth of six inches.
 - e. The street surface shall be surfaced with hot mix asphaltic concrete pavement, or an approved equal, or shall be surfaced with reinforced Portland cement concrete pavement of six inches in depth, containing a minimum of five sacks of cement per cubic yard, and which shall attain a minimum compressive strength of 3,500 pounds per square inch in 28 days.

SUBDIVISIONS

§ 36.01.009

Figure 36-1

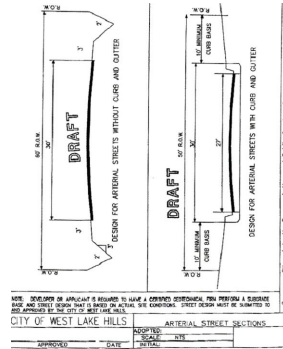


Figure 36-2

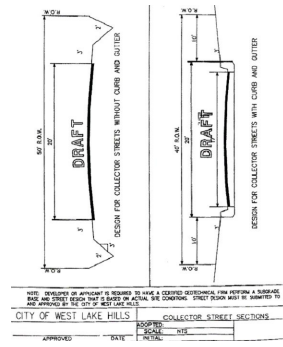
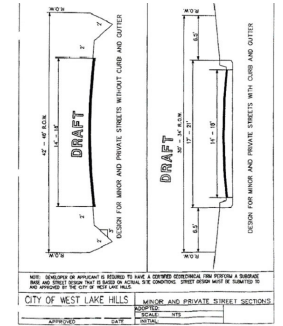


Figure 36-3



(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.010. Residential subdivisions of five acres or greater.

- (a) Generally. Proposed subdivisions of five acres or greater shall comply with the provisions of this section and with the general rules and regulations of this article.
- (b) Density. The density of residential subdivisions of two or more lots or units shall not exceed the product of the net area of the subdivision in acres multiplied by 0.67, rounded down to the next whole number. For example, the density, or maximum number of lots or units, in a residential subdivision with a net area of 10.0 acres is six (6) lots or units (i.e. 10×0.67 rounded down to the next whole number of 6). Once a subdivision has been completed under this section, the resultant plats are final and cannot be resubdivided. A plat note with this prohibition is required.
- (c) Streets.
- (1) Maximum right-of-way width for roadways shall be 30 feet. Pavement width shall not exceed 20 feet. Variances to this requirement may be granted only if the fire department serving the proposed subdivision asks the city in writing that the streets be wider for public safety considerations.
 - (2) Proposed streets shall be considered in their relationship to existing and other planned streets, to topographical conditions public safety and commerce, and in their appropriate relationship to the proposed uses of land to be served by the street. Removal of mature trees which are required to be shown on the preliminary plat shall be avoided whenever possible in the placement of street rights-of-way. To the maximum extent feasible, streets shall be configured to avoid clearing or cutting standing trees of six inches and greater in diameter measured at four and one-half feet above the grade.
 - (3) Divided roadways at subdivision entrances and medians in streets are prohibited.
 - (4) Where necessary to the neighboring subdivision pattern, existing streets shall be continued and connected to other public streets.
 - (5) Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall provide for the anticipated projections into the adjoining areas.
 - (6) Streets shall be laid out so as to discourage their use by cut through traffic in the subdivided area or through adjoining neighborhoods.
- (d) Lot or unit configuration.
- (1) Flag-shaped lots or units are discouraged except in unique circumstances.
 - (2) Irregularly shaped lots or units are discouraged and are prohibited unless they have a street frontage of at least 100 feet on a standard street and at least 60 feet of frontage on a cul-de-sac.
- (e) Conservation area.
- (1) Using plat notations and restrictive covenants, subdividers shall provide conservation areas of at least 50 feet in width around the perimeters of subdivisions.
 - (2) Existing foliage in conservation areas shall not be disturbed; however, additional native

vegetation may be planted to more effectively screen improvements in the subdivision.

- (3) Conservation areas shall count toward the one-acre minimum lot or unit size but shall contain no improvements except necessary drainage controls, streets, and sole-access driveways.

(f) Drainage improvements.

- (1) All required drainage controls and detention ponds shall be faced with limestone rock and shall be constructed so as to appear as natural in character as possible.
- (2) Drainage improvements shall be landscaped with native plants and shall contain no ornamental features, e.g. fountains.
- (3) Drainage improvements shall be designated as open space and shall not count toward the one-acre minimum lot or unit size requirement.
- (4) Drainage improvements shall be constructed in easements dedicated by plat and shall be owned and maintained by the lot or unit owner or the home/property/condominium owners' association.

- (g) Process. Applicants for subdivision of a tract of five acres or greater shall use the preliminary conference process in section 36.01.005 and the preliminary platting procedure in section 36.01.006.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.011. Private sewage facilities.

- (a) All proposed subdivisions within the city shall comply with the construction standards for on-site private sewage facilities as adopted by the Texas Commission on Environmental Quality pursuant to V.T.C.A., Health and Safety Code chapter 366, published as Texas Commission on Environmental Quality Rules which have been recodified as 30 TAC 285.11 through 285.18 (Texas Commission on Environmental Quality).
- (b) No subdivision plat shall be recorded until approved by the city pursuant to this section.
- (c) All plats shall meet the requirements of this article and the floodplain ordinance (article 26.02) and shall show any existing private sewage facilities as part of the technical support data submission requirement, as outlined in this article.
- (d) Before the city will consider a plat submission filed, the subdivider shall demonstrate and certify that all lots or units, other than those served by an organized sewage system (central sewer), will support the installation of private on-site sewage disposal facilities.
- (e) In determining whether lots or units will support private on-site sewage disposal facilities, the city may require such information, supporting data, profile holes, soil borings, or other tests reasonably necessary to determine whether disposal systems, including sufficient usable land for primary and alternate drain fields of 6,000 square feet each on natural slopes of less than 30 percent, will function properly on each lot in the subdivision in accordance with the criteria of this division. The subdivider shall bear the cost of all tests and the city shall have the right to witness all tests and inspect the property. All tests must be certified by a registered professional engineer, registered sanitarian, or other person whom the city deems qualified to make such determination.

(f) If the city has determined that any lot or unit in the subdivision is not suitable for a disposal system, the plat shall not be considered filed unless the legend also contains substantially the following additional language:

Notice: Lot or unit (designating the lot or unit by number) has been determined not suitable for septic system development.

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.012. Procedure for variances.

~~(a) All requests for variances from this article must be submitted in writing to the zoning and planning commission. Once a variance application has been deemed administratively complete by the city administrator, the commission must consider the item at its next meeting, subject to applicable notice requirements under the Texas Open Meetings Act and city code. Upon request of applicant, the commission may allow one postponement of the variance request to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request to the city council without a recommendation.~~

~~(b) Upon recommendation of the zoning and planning commission, the city council may authorize a variance from the regulations in this article when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings required in this section, the commission shall take into account the nature of proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. Procedure for variances shall be administered in compliance with the rules established by sections 38.02.006(b) and 38.02.008.~~

(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.013. Criteria for variances.

~~(a) All requests for variances from this article must be submitted in writing to the zoning and planning commission. Once a variance application has been deemed administratively complete by the city administrator, the commission must consider the item at its next meeting, subject to applicable notice requirements under the Texas Open Meetings Act and city code. Upon request of applicant, the commission may allow one postponement of the variance request to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request to the board of adjustment/city council without a recommendation.~~

~~(b) Upon recommendation of the zoning and planning commission, the city council may authorize a variance from the regulations in this article when, in its opinion, undue hardship will result from requiring strict compliance. In making the findings required in this section, the commission shall take into account the nature of proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be recommended or approved unless the commission or city council finds that:~~

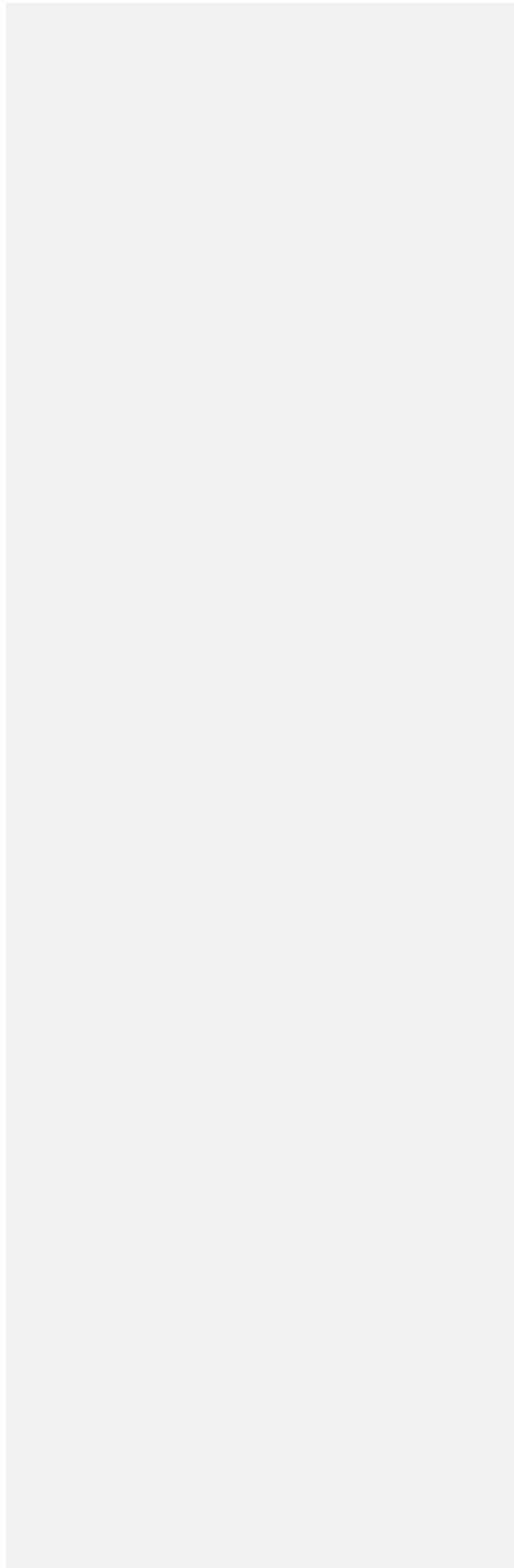
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the applicant's land;
- (2) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

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- (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article; and
- (4) The variance request is of such a minor nature that the spirit and intent of this article are not violated.

~~(e)~~(b) Such findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purposes and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.



~~(d)~~(c) Any recommendations or findings of the zoning and planning commission ~~may be appealed~~ shall be forwarded to the city council. The city council may reverse such recommendations or findings by simple majority vote of those present. This appeal must be filed in writing within 30 calendar days.

~~(e)~~(d) No variance of the minimum lot dimension requirements shall be recommended by the zoning and planning commission and granted by the city council except after a public hearing wherein notice is given to owners of real property within ~~300~~ feet of the boundaries of the subject property as provided for in section 36.01.007.

~~(f)~~(e) If the variance application(s) are denied or withdrawn prior to approval, the applicant has ten (10) days to bring the property into compliance. If the deviation(s) are not corrected within the ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.

~~(g)~~(f) No submission for a plat shall be accepted that requires a variance as discussed in this section unless the submission includes proof of variance approval by the city council.
(Ordinance 2021-004, att. E, adopted 6/23/21; Ordinance 378 adopted 9/11/19)

§ 36.01.014. Limitations on reapplication.

No reapplication for a variance denied under this chapter may be filed by the same applicant within 365 days of the date upon which the city council denied such variance, request or application, unless other property in the immediate vicinity has, within the 365-day period, been changed or acted on by the board of adjustment or city council so as to alter the facts and conditions upon which the previous city council action was based. Such change of circumstances shall permit reapplication for the variance prior to the expiration of the 365-day period. Such subsequent reapplication shall be considered entirely on its merits and the peculiar and specific conditions related to the property with reference to which such proceeding is brought.
(Ordinance 378 adopted 9/11/19)

§ 36.01.015. Installation costs and bonds.

All expenses for the installation of utilities, water, sewer extensions, streetlights, signs and public streets, and all other installation expenses associated with the subdivision or minor plat, shall be borne by the subdivider. Before the plat is filed of record the applicant shall file with the city a corporate surety bond, in a form approved by the city attorney, in favor of the city, or cash escrow agreement as approved by the city attorney, in an amount equal to the cost of 110% of the installation expenses, to guarantee performance and completion of all such installations. Such bond or cash escrow shall be conditioned upon the applicant's compliance with this article and other ordinances of the city, and shall secure and may be used for the payment of any and all damages to persons or property which damages arise from, or are caused by, any act or conduct of or authorized by the applicant upon which any legal judgment results. No work may commence on any such installation until such performance bond or cash escrow has been posted and approved by the city.
(Ordinance 378 adopted 9/11/19)

§ 36.01.016. Submission of plan of entire subdivision where subdivision is portion of larger tract.

When the subdivision is a portion of a tract later to be subdivided in its entirety, a general development plan of the entire subdivision, showing a schematic layout of the entire tract, shall be submitted with

the preliminary plat submission of the portion first to be subdivided.
(Ordinance 378 adopted 9/11/19)

§ 36.01.017. Release of easement.

- (a) Purpose and intent. The purpose of a release of easement is to nullify a portion or the entire easement established by a previously recorded plat or by separate instrument. A release of easement may be initiated by the respective lot owner(s) or by the city.
- (b) Application procedures. An applicant shall submit a release easement application containing a metes-and-bounds description and sketch of the proposed area to be released and signed by the owner of the land to the city administrator. The city administrator, or his or her designee, shall review the application and forward it to the zoning and planning commission (ZAPCO) for hearing and recommendation to the city council. If ZAPCO determines that the requirements in this section and all legal requirements have been met, ZAPCO shall forward the application along with its recommendation to the city council for approval. If ZAPCO determines that the requirements in this section have not been met, the request for a release of easement shall be denied.
- (c) Application requirements. A release of easement application must include the following:
- (1) A copy of the deed(s) identifying the owners of the property;
 - (2) If the applicant is not the owner, then a letter granting the owner's permission to apply for the release requested;
 - (3) A copy of the instrument granting the easement (either the plat showing the easement, or a separate document recorded in the official records of the Travis County);
 - (4) A signed letter (in the format provided below) by the owners of the property to the chair of the zoning and planning commission containing the following:
 - (A) A metes-and-bounds description and sketch of the easement or portion of the easement to be released, prepared by a registered surveyor (the portion to be released should be cross-hatched);
 - (B) An explanation of the purpose of the release requested;
 - (C) Signatures by each of the applicable entities authorized to use the easement agreeing to the requested easement release;
 - (5) Payment of all applicable fees in accordance with the fee schedule adopted by the city council.
- (d) Notice of hearing. For any hearing conducted on the release of easement on a residential property, written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For any hearing on release of easement on a nonresidential property, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ.

Notice shall be given not less than sixteen (16) days prior to the date of the hearing before

ZAPCO by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown in the Travis Central Appraisal District database, with postage paid.

- (e) Failure to comply with requirements or obtain all approvals. A release or partial release of an easement is not guaranteed. If one of the utilities with an interest in the easement refuses to grant the release or partial release then the city cannot approve the release of the easement. (Ordinance 378 adopted 9/11/19; Ordinance 2025-005 adopted 6/25/2025)

§ 36.01.018. Minor plat.

- (a) Purpose and intent. The purpose of the minor plat is to establish a simplified and expedited procedure for the platting of a previously unplatted lot or unit not requiring public improvements.
- (b) Criteria. The zoning and planning commission shall review all applications for minor plats. The zoning and planning commission may recommend approval and city council may approve the issuance of a minor plat provided the plat meets the following criteria and is in accordance with the city's master plan:
- (1) The plat is for no more than four (4) lot(s) or unit(s);
 - (2) No new public street shall be necessary the lots or units to access a public street; and
 - (3) No off-site improvements to the city's infrastructure are determined by the city to be necessary to serve the lots or units.
- (c) Application requirements. The content and applicable fees of the minor plat application shall correspond with the content and fees for final plats as required by section 36.01.007 of this code, except that:
- (1) Plans for proposed streets, alleys, drainage, or other rights-of-way are not required;
 - (2) Plans for proposed improvements to waterlines or city infrastructure are not required;
 - (3) Tax certificates from all applicable taxing authorities confirming that all taxes due on the property have been paid are required;
 - (4) A metes-and-bounds description or detailed map delineating the unplatted lot to be platted and the metes-and-bounds description or detailed map delineating the minor plat, prepared by a registered surveyor;
 - (5) The city council may permit omission of any informational requirements that are determined by the city council to place an excessive burden on the applicant and are not necessary for the city council's review of the application, including, but not limited to contours, centerlines of existing watercourses, etc.; and
 - (6) The waiver of any requirements for plats under this section shall not be interpreted as a waiver for any subsequent replat or plat amendment.
- (d) Application review and approval. The procedure for review and approval of a minor plat is as follows:
- (1) Prior to submission of a request for a minor plat, an applicant shall participate in a preliminary conference as required by section 36.01.005.

- (2) After a preliminary conference, applicant may submit a minor plat submission which shall comply with subsection (c) with the city administrator.
 - (A) The city administrator or city administrator's designee shall within ten (10) business days from the date the request for a minor plat:
 - (i) Review and confirm that the information required is on the minor plat.
 - (ii) Notify the applicant of any incomplete submissions and shall specify the necessary documents or other information needed to be provided to the city and the date the application will expire if the documents or other information is not provided.
 - (B) The minor plat application shall only be filed once it is determined to be administratively complete by the city administrator or the administrator's designee. Failure by the city administrator to make a determination of incompleteness within ten (10) business days following the date on which the submission was first received by the city, shall result in the submission being deemed complete, the submission becoming an application, and the filing date shall become the tenth (10th) business day following initial receipt of the application by the city.
- (3) The minor plat application may be submitted without approval of a preliminary plat or construction plans to the city administrator for review. Once the application has been determined to be completed, the city administrator shall submit the application to the city engineer for review and recommendation before the zoning and planning commission may approve the application. Any expenses incurred for the city engineer's review shall be at the cost of the applicant seeking approval.
- (4) Within thirty (30) days of receipt of a complete application, the zoning and planning commission may:
 - (A) Recommend approval of the minor plat;
 - (B) Recommend disapproval of the minor plat with citation to the law, including statute or city ordinance, that is the basis for the disapproval; or
 - (C) Recommend conditional approval of the minor plat with specific citation to the law, including statute or municipal ordinance, that is the basis for the conditions.
- (5) Within thirty (30) days of receipt of the recommendation from the zoning and planning commission, the city council shall:
 - (A) Approve the minor plat;
 - (B) Disapprove the minor plat with citation to the law, including statute or municipal ordinance, that is the basis for the disapproval; or
 - (C) Conditionally approve the minor plat with specific citation to the law, including statute or municipal ordinance, that is the basis for the conditions.
- (6) If the minor plat is conditionally approved or disapproved, then the subdivider may submit to the city council a written response that remedies each reason for disapproval or each condition provided.

- (A) If the subdivider provides written responses, the city council shall review the responses within fifteen (15) days of their submission. After the review, the city council may:
 - (i) Approve the conditionally approved or disapproved plat; or
 - (ii) Disapprove the plat based on noncompliance with city code or state law. If disapproved, the city council shall provide a written statement to the subdivider listing the deficiencies the plat has as related to specific city ordinances or other law.

(e) Recording. Upon approval, the recordation procedures for the minor plat shall be the same as the procedures for the final plat under this chapter of this code.
 (Ordinance 378 adopted 9/11/19)

§ 36.01.019. Conflict with other ordinances.

Whenever the standards and specifications in this article conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.
 (Ordinance 378 adopted 9/11/19)

§ 36.01.020. Remedies for violations.

- (a) Prosecution or conviction under section 1.01.013 shall never be a bar to any other remedies or relief for violations of this article.
- (b) A fine or criminal penalty for violation of the provisions of this article do not apply to a violation concerning a tract of real property in the extraterritorial jurisdiction of the city.

Appendix A. Required Statements and Certifications for All Plats

(a) Owner's acknowledgement.

STATE OF TEXAS

COUNTY OF TRAVIS

WHEREAS, _____, the owner(s) of _____ acres of land out of the _____ Survey, Abstract No. _____ of Travis County, Texas, conveyed to me (us) by deed recorded in Volume _____, Page _____, of the Travis County Deed Records;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the ___ Subdivision of the City of West Lake Hills, Travis County, Texas, and whose name is subscribed hereto, hereby subdivides said _____ acres of land to be known as the _____ Subdivision and do hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, public easements, and public places thereon shown for the purposes and consideration therein expressed.

WITNESS MY HAND this _____ day of _____, 20 _____.

 Name, Record Owner

 Address

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20 _____.

Notary Public in and for Travis County, Texas

My Commission expires:

(b) Certification by Water Control and Improvement District No. 10. The tract of land described on this plat is within the boundaries of Travis County Water Control and Improvement District (WCID) No. 10 and has water service available.

DATED: _____

President of the Board WCID No. 10

(c) Certification by the city administrator.

I, the undersigned, City Administrator of the City of West Lake Hills, Texas, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City for which my approval is required.

DATED: _____

City Administrator City of West Lake Hills, Texas

(d) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

STATE OF TEXAS
COUNTY OF TRAVIS

I, the undersigned, a _____ (Registered Professional Engineer/or Public Surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from the actual survey of the property made under my supervision on the ground.

DATED: _____

(Engineer or Surveyor's Seal)

Registered Professional Engineer or registered Public Surveyor

(e) Recommendation by the zoning and planning commission (ZAPCO) of the city. This plat has been submitted to and considered by the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas.

ZAPCO Chairperson City of West Lake Hills, Texas

- (f) Approval by the city council. Approved and authorized for record by the City Council of the City of West Lake Hills, Texas.

DATED this _____ day of _____, 20 _____.

Mayor City of West Lake Hills, Texas

ATTEST:

City Secretary

- (g) Notes.

- (1) Septic tank note. Septic systems: Every lot within the City’s municipal boundaries in this subdivision is subject to Chapter 18 of the West Lake Hills Code, as amended. No septic system or other private sewage facility may be constructed in the City until the City of West Lake Hills has issued a permit for its construction. No private sewage facility in the City limits may be used until the facility has been approved and licensed by the City. Lot size requirements for residential and commercial private sewage facilities shall conform to construction and development limitations in Chapter 18 of the West Lake Hills Code, as amended.
- (2) Site clearance, site disturbance and impervious cover note. Site clearance, site disturbance, or impervious cover: Every lot or unit in this subdivision is subject to the City of West Lake Hills’ site clearance procedures. No site clearance, excavation, grading or landfill shall commence unless a permit shall have first been issued for such work in accordance with the provisions of applicable ordinances. Impervious cover shall not exceed the maximum percentage permitted under City Ordinance.
- (3) Flood hazard note. Flood hazard: The Federal Insurance Administration maps for the City of West Lake Hills, Texas, indicate that the property shown hereon does/does not lie within a special flood hazard area as defined by said maps, dated June 1993.
- (4) Streets, roads and other public thoroughfares note.
 - a. For subdivisions within the city limits of the City of West Lake Hills: Streets, roads and other public thoroughfares shown on plat: The building of all streets, roads and other public thoroughfares shown on this plat, and any bridges or culverts necessary to be constructed or placed in such streets, roads or other public thoroughfares or in connection therewith, shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the City Council of the City of West Lake Hills, Travis County, Texas, if said plat is within the City limits of the City of West Lake Hills, Texas. The City of West Lake Hills, Texas assumes no responsibility to build any of the streets, roads or other public thoroughfares shown on this plat or any bridges or culverts in connection therewith. All curb cuts, entrances and exits onto public streets or highways shall first be approved by the City of West Lake Hills, Texas.

- b. Add this paragraph for subdivisions within the extraterritorial jurisdiction of the City of West Lake Hills:

All or part of this subdivision is within the extraterritorial jurisdiction of the City of West Lake Hills. Under Chapter 241, Local Government Code, the City of West Lake Hills has sole and exclusive jurisdiction over approval of this plat. However, Travis County retains the sole and exclusive jurisdiction over maintenance of public roads in, and issuance of onsite sewage permits and development permits for this subdivision. The City of West Lake Hills' approval of this plat does not ensure Travis County's acceptance of the roads for maintenance, or approval of onsite sewage permits or development permits for this subdivision. The owner(s) or developer(s) is(are) responsible for ensuring that the requirements of this plat are consistent with and do not prevent acceptance of the roads or issuance of onsite sewage permits and development permits for this subdivision. In the event of a conflict, plat amendments may be required prior to accepting roads or issuing onsite sewage or development permits.

- (5) Construction over the Edwards Aquifer Recharge Zone, if applicable. Recharge zone: Lots in this subdivision are located over the Edwards Aquifer Recharge Zone and subject to the Texas Commission on Environmental Quality Edwards Rules 31, Texas Administrative Code (TAC) 313, as amended. No building permit will be issued by the City of West Lake Hills until the requirements of the Edwards Rules TAC Chapter 313 are fully complied with. The applicant for a building permit is responsible to furnish the City written compliance to the Edwards Aquifer Rules from the Texas Commission on Environmental Quality.
- (6) Restrictions or covenants filed as Document No. _____, of the Travis County Deed Records.
- (7) All of the land depicted on this subdivision plat is/is not located within the full purpose municipal boundaries of the City of West Lake Hills on this the _____ day of _____ 20 _____, A.D.

- (h) ETJ only, certification by clerk of Travis County, Texas.

STATE OF TEXAS

COUNTY OF TRAVIS

I, _____, Clerk of the County Court of Travis County, Texas, do hereby certify that on the _____ day of _____, A.D., 20, the Commissioners Court of Travis County, Texas, passed an Order authorizing the filing for record of this plat, and that said Order has been entered into the Minutes of Said Court, as Document No.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, this _____ day of _____, A.D. 20 _____.

Clerk of the County Court Travis County, Texas

By _____ Deputy

- (i) Filing certification.

STATE OF TEXAS
COUNTY OF TRAVIS

I, _____, Clerk of the County Court of Travis County, Texas, hereby certify that the foregoing instrument with its Certification of Authentification was filed in my office at _____ o'clock _____ .m. this the _____ day of _____, 20 _____, and duly recorded at _____ o'clock _____ .m. on the _____ day of _____, 20 _____, in the Plat Records of Travis County, Texas, as Document No. _____.

WITNESS MY HAND AND SEAL OF THE COURT OF TRAVIS COUNTY, TEXAS, this day of _____, A.D. 20 _____.

Clerk of the County Couert Travis County, Texas

By _____ Deputy

STATE OF TEXAS
COUNTY OF TRAVIS

Filed for record this _____ day of _____, 20 _____, at _____ o'clock _____ .m.

Clerk of the County Court Travis County, Texas

By _____ Deputy

Appendix B. Letter of Notification

CITY OF WEST LAKE HILLS, TEXAS

GREETINGS:

YOU ARE HEREBY ADVISED that _____ (the record owner), of _____ (property description) more commonly known as _____ (street address), West Lake Hills, Texas, has filed an application with the Zoning and Planning Commission of the City of West Lake Hills, Texas, for the purpose of _____ (e.g., subdividing a ten-acre tract into nine lots).

The following variance is requested: _____ (e.g., none, minimum setback lines, etc.).

The Plat for said proposed subdivision may be inspected at City Hall, 4010 Bee Cave Road, West Lake Hills, Texas, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

This application is scheduled to be reviewed by the Zoning and Planning Commission on the _____ day of _____, 20 _____, at o'clock _____ .m. in the City Hall located at 4010 Bee Cave Road, West Lake Hills, Texas.

The application is scheduled to be reviewed by the City Council on the _____ day of _____, 20 _____ at _____ o'clock .m. in the City Hall located at 4010 Bee Cave Road, West Lake Hills, Texas.

The City of West Lake Hills, Texas, shall provide an oppportunity for all interested persons to be heard.

Issued this _____ day of _____, 20 _____.

Applicant

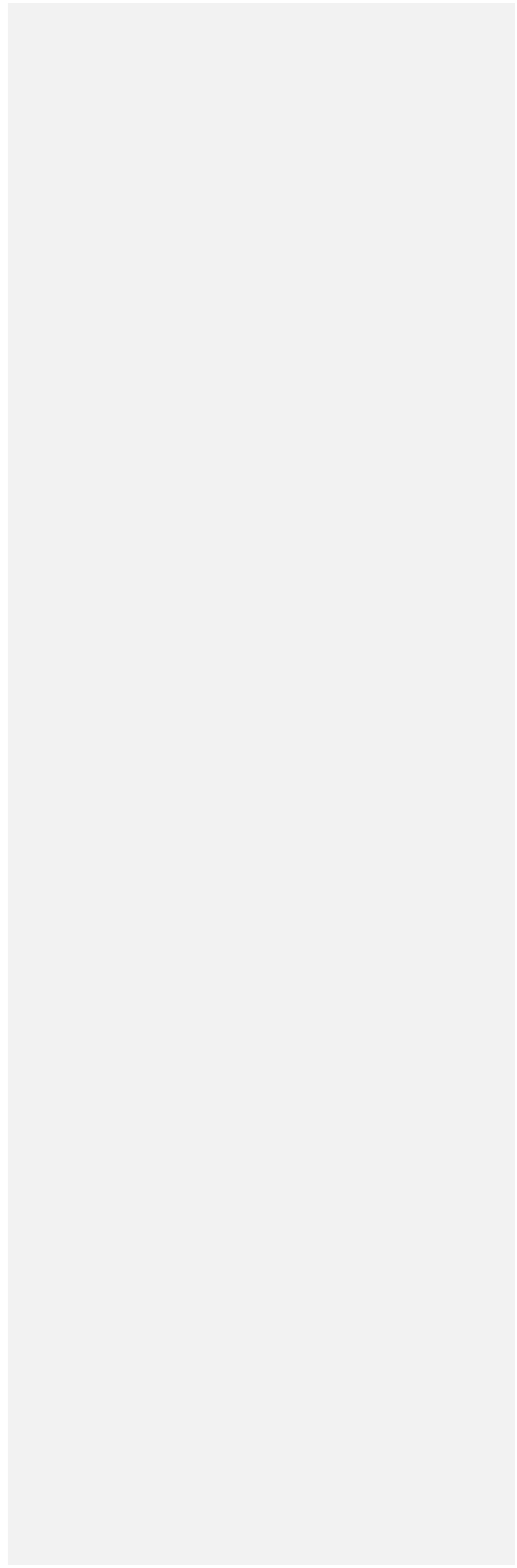
City of West Lake Hills, TX

§ 36.01.020

WEST LAKE HILLS CODE

§ 36.01.020

(Ordinance 378 adopted 9/11/19; Ordinance 2025-011 adopted 8/13/2025)



§ 2.02.001. through § 2.02.030. (Reserved)

DIVISION 2
Procedures

§ 2.02.031. Enactment provisions.

- (a) Popular name.This article shall be cited as the “Meeting Procedures Ordinance.”
- (b) Purpose.This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city through the enactment of reasonable procedures and rules designed to facilitate the orderly and efficient conduct of city council meetings in a manner that promotes a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of the city. By and through this article, the city council additionally seeks to establish fair, reasonable, and efficient guidelines for maintaining order and promoting effective public participation at city council meetings.
- (c) Application.This article applies to all meetings of the city council. ~~This article shall apply to the board of adjustment when composed of the city council.~~ The city council may, by separate ordinance, apply these policies to any and all other appointed boards, committees and commissions of the city. The deadlines contained herein apply solely to regular meetings. Nothing in this article supersedes, or waives compliance with state law.
- (d) Procedural directive.This article is directory, only, and a violation of the provisions contained herein shall not affect the validity or legality of any council action otherwise properly performed. The guidelines set forth herein are objectives but not requirements. (1996 Code, sec. 2-300)

ARTICLE 38.02
BOARD OF ADJUSTMENT

§ 38.02.001. ~~Creation of board of adjustment~~Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~
~~BOA. The board of adjustment, as authorized in Local Government Code Chapter 211.~~

- ~~(a) There is hereby created a board of adjustment of six members who are members of the governing body of the City of West Lake Hills.~~
- ~~(b) Each of the six members of the board shall be entitled to one vote in all deliberations of the board.~~
- ~~(c) There shall be alternate members of the board of adjustment. Alternate board of adjustment members shall be appointed by the governing body. The city administrator may designate alternate board of adjustment members to participate in a particular board of adjustment meeting in the absence of members of the board of adjustment. Alternate board of adjustment members shall count toward the establishment of a quorum, and have full voting rights during the meeting for which the alternate is designated.~~

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(Ordinance 379 adopted 9/25/19)

§ 38.02.002. ~~Terms~~Composition.

The city council shall appoint by simple majority vote a board of adjustment consisting of a chairperson and four members (for a total of five members), and three alternates. One seat shall be appointed from the ZAPCO membership by the city council. A vice-chairperson shall be elected by the commission, from among the commission members each year. A quorum shall consist of a simple majority of the members appointed by the council. Quorum shall include the chairperson and vice-chairperson.

~~Each member of the board shall serve a two-year term, to run concurrently with his/her term of office as members of the governing body of the city.~~

(Ordinance 379 adopted 9/25/19)

§ 38.02.003. ~~Organization~~Qualifications and terms of office.

(a) All members and alternates of the board of adjustment shall be bona fide residents of the city for a minimum of six months. The members of the board of adjustment shall serve for a staggered two-year period and may be reappointed for succeeding terms. Vacancies of the members of the board shall be filled as determined by the city council, including any vacancies resulting from increasing the number of members on the board.

(b) An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(c) The city council may remove a board member or alternate for cause, as found by the city council, on a written charge after a public hearing.

~~(a) The chairperson of the board shall be the mayor of the city and shall preside over all board meetings. The board shall elect a vice chairperson from the board's membership.~~

~~(b) The chairperson shall serve a term of two years concurrent with the term as mayor of the city.~~

~~(c) Notice of each application considered by the board shall be made by the applicant in the manner set forth in section 38.05.094(e) of the Code.~~

(Ordinance 379 adopted 9/25/19)

§ 38.02.004. Meetings.

(a) Meetings of the board of adjustment shall be held on a regular basis, but not less than once every two months, and such meetings shall be advertised and open to the public as required by the laws of the state.

~~(a) Meetings of the board shall commence at 7:00 p.m., or shall be held at the call of the chairperson and at such other times as the board may determine.~~

(b) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(c) The board shall keep minutes of its proceedings that indicate the vote of each member on

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each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

~~(b)~~(d) All meetings of the board shall be open to the public and shall be subject to the Texas Open Meeting Act as set forth in chapter 551 of the Texas Government Code. (Ordinance 379 adopted 9/25/19)

§ 38.02.005. Rules and regulations.

- (a) The board shall adopt and maintain rules of procedure necessary to conduct its affairs, and shall furnish a copy of such rules to the ~~building official and city administrator~~city secretary. Rules adopted by the board shall

be consistent with the provisions of state law, the City's Code of Ordinances, ~~and this chapter.~~

~~(b)~~ All orders and other enactments adopted by the board shall be in accordance with this chapter and its rules and regulations.

~~(e)~~(b) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The office of the board shall be in the office of the city secretary where such records shall repose.

~~(d)~~(c) ~~Each case shall be heard by at least 5 board members.~~ The concurring vote of ~~five~~ 75% of the members of the board shall be necessary to:

- (1) Reverse an order, requirement, decision, or determination of an administrative official;
- (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
- (3) Authorize a variation from the terms of a zoning ordinance.

(Ordinance 379 adopted 9/25/19)

§ 38.02.006. ~~Appeals to~~ Authority of the board of adjustment.

(a) The board shall have the power to subpoena witnesses, administer oaths, and require the production of documents under regulations it may establish.

(b) The board shall have the power to:

(1) Hear and decide an appeal where it is alleged that there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement of chapters 22, 32, ~~36~~, and 38 of the Code; and

~~(2) Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so; and~~

~~(2)~~(3) Authorize, in specific cases, variances from the terms of a zoning ordinance if the variance is not from the Code that will not be contrary to the public interest; ~~in these specific cases, owing due~~ to special conditions, literal enforcement of the provisions of the Code provisions will result in unnecessary hardship, and so that the spirit of the Code shall be observed and substantial justice done. A variance shall not be granted, however, to authorize a change of use.

~~(3) Consider and take action concerning applications for special use permits made pursuant to article 38.04, division 2 of the Code.~~

~~(c)~~ In exercising its authority under Subsection (b)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality

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under Section 26.01, Tax Code;

(2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) the municipality considers the structure to be a nonconforming structure.

~~(e) References to chapter 38 in this section shall include all provisions in the Code which emanated from Ordinance 155-I, as amended.~~

(Ordinance 379 adopted 9/25/19)

~~§ 38.02.007. Interpretive criteria for the granting of variances.~~

~~(a) The board, in performing its respective duties in reference to applications for variances,~~

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~~shall be guided by the interpretative criteria set forth in section 38.05.033 of the code.~~

~~(b) In exercising its authority under section 38.02.005(d)(3), the board may also consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:~~

~~(1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the city under section 26.01, Tax Code;~~

~~(2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;~~

~~(3) Compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement;~~

~~(4) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or~~

~~(5)(1) The city considers the structure to be a nonconforming structure. (Ordinance 2022-001 adopted 2/9/22)~~

§ 38.02.0078. Procedure for appeals to the board.

~~(a) Appeal to board under section 38.02.006.~~

~~(1)(a) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project under any chapter of this Code:~~

~~(A)(1) A person aggrieved by the decision; or~~

~~(B)(2) Any officer, department, board, or bureau of the municipality affected by the decision.~~

~~(2)(b) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project under chapter 38 of the Code:~~

~~(A)(1) A person who filed the application that is the subject of the decision;~~

~~(B)(2) A person who is the owner or representative of the owner of the property that is the subject of the decision; or~~

~~(C)(3) Any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or~~

~~(D)(4) Any officer, department, or board of the city affected by the decision.~~

~~(3)(c) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project under chapters 22, 32, and 36 of the Code:~~

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~~(A)~~(1) A person who filed the application that is the subject of the decision; or

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~~(B)~~(2) A person is the owner or representative of the owner of the property that is the subject of the decision.

~~(4)~~(d) The appellant must file with the secretary of the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal and pay a filing fee as may be prescribed by the city council. An appeal by a person aggrieved by an action of an administrative or building official in the enforcement of this chapter shall be filed with the secretary of the board not later than the 20th day after the date the decision is made. On receiving the notice, the secretary of the board shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

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~~(5)~~(e) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by a court of record.

(f) The board shall give public notice of the hearing and due notice to the parties in interest for the appeal hearing for the next meeting for which notice can be provided, but not later than the 60th day after the date the appeal is filed. A party may appear at the appeal hearing in person or by agent or attorney.

§38.02.008 Procedure for special exceptions.

(a) Applicability. In accordance with the provisions of the Texas Local Government Code Chapter 211, the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

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(b) Approval for Criteria. The Board of Adjustment may grant the requested special exception in accordance with Subchapter 8 of this Chapter under specific circumstances therein established.

(c) Expiration. A special exception shall expire six (6) months from the date of Board of Adjustment approval, unless a certificate of occupancy has been issued.

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§38.02.009 Procedure for (zoning) variances.

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~~(b) — (a) Appeals pursuant to sections 38.02.006(b)(2) (variances) and 38.02.006(b)(3) (special use permits).~~

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Generally, Appeals pursuant to section 38.02.006(b)(3) and 38.02.006(b)(3) shall be made in writing in a form provided by the city administrator and shall be accompanied by a site plan and additional information as may be requested in order to properly review the application. Such appeals requests shall be filed with the board secretary city who shall transmit same as soon as possible to the chairperson of the board. Such information may include, but is not limited to, plat plans survey, site and building plans, and contour maps. If applicant is not the legal owner(s) of the property, a statement from the owner that the applicant is the authorized agent of the owner should be provided with the application. Applications for appeals a variance to the board under this section shall be accompanied with the payment of the filing fee. When applications

are made for variances to the terms of this chapter under section 38.02.006(b)(2), ~~either the city administrator or the city inspector~~ shall visit the site where the proposed variance will apply and the surrounding area and shall report ~~his~~ findings to the board. ~~Applications for special use permits shall be made in accordance with the procedures set forth in section 38.04.032 of this chapter.~~

~~(+)(b)~~ Review by board of adjustment at public hearings. The board shall review each application filed pursuant to section 38.02.006(b) after a public hearing and shall make a final written finding. Notice of an ~~an appeal-variance~~ under section 38.02.006 shall be ~~given in the same manner as required for notice of a public hearing to consider a special use application provided per~~under section 38.04.032~~(e)~~-5.036 of the Code.

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(c) Requirements for approving applications for variances. The board shall not approve a variance unless it finds, based on competent evidence, that each of the conditions in section 38.05.032 has been established. The burden of establishing such conditions is on the applicant. An approval may be conditioned on the applicant's adoption of specified changes, conditions, limitations, or safeguards deemed appropriate by the board. A violation of any such condition, limitation or safeguard shall constitute a violation of the Code.

(d) Any rights authorized by a variance which are not exercised within one year from the date of granting such variance shall lapse and may be reestablished only after notice and a new hearing pursuant to this article. The board may waive the requirement for the payment of fees for such variance renewal application if there has been no material change of conditions pertaining to the property since the granting of the first variance. Variances originally granted concurrently and in connection with a change of a zoning designation as set forth in section

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38.05.097 hearings shall expire when and if the zoning designation is changed or the site plan approved with variance(s) expires.

~~(2)~~

~~(3) Requirements for approving applications for special use permits. The board shall not approve a special use permit application unless it finds, based on competent evidence, that each of the conditions in section 38.04.033 and the criteria applicable to individual special uses under section 38.04.034 of this chapter have been established. The burden of establishing such conditions and criteria is on the applicant. An approval may be conditioned on the applicant's adoption of specified changes, conditions, limitations, or safeguards deemed appropriate by the board. A violation of any such condition, limitation or safeguard shall constitute a violation of this Code.~~

~~(4) Appeal of administrative official's decisions or actions. In exercising its authority under section 38.02.006, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.~~

~~(5)(a) Board of adjustment findings.~~

~~(A): The final decision of the board shall be in writing and shall concisely state all pertinent and material facts upon which its findings are based and references to applicable sections of the chapter or rules that the board relied upon in reaching its decision. The final decision shall be verified by the city secretary.~~

~~(B): The board shall forward its findings to the city council, the applicant in writing, and the secretary of the board of adjustment.~~

~~(C): The board's final decision shall be immediately filed with the board of adjustment office, which shall be maintained by the board's secretary. The time and date that the board's final decision is filed with the board's office shall be stamped on the face of the decision.~~

~~(Ordinance 379 adopted 9/25/19)~~

(d) § 38.02.009. Board of adjustment findings.

i. The final decision of the board shall be in writing and shall concisely state all pertinent and material facts upon which its findings are based and references to applicable sections of the chapter or rules that the board relied upon in reaching its decision. The final decision shall be verified by the city secretary.

ii. The board shall forward its findings to the city council, the applicant in writing, and the secretary of the board of adjustment.

iii. The board's final decision shall be immediately filed with the board of adjustment office, which shall be maintained by the board's secretary. The time and date that the board's final decision is filed with the board's office shall be stamped on the face of the decision.

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(Ordinance 379 adopted 9/25/19)

~~Variance may lapse after one year.~~

~~Any rights authorized by a variance which are not exercised within one year from the date of granting such variance shall lapse and may be reestablished only after notice and a new hearing pursuant to this article. The board may waive the requirement for the payment of fees for such variance renewal application if there has been no material change of conditions pertaining to the property since the granting of the first variance. Variances originally granted concurrently and in connection with a change of a zoning designation as set forth in section~~

~~38.05.007 hearings shall expire when and if the zoning designation is changed or the site plan approved with variance(s) expires.
(Ordinance 379 adopted 9/25/19)~~

§ 38.02.010. Limitations on appeals, variances, or special exceptions.

(a) No ~~appeal under section 38.02.006~~re-application may be filed by the same applicant within 365 days of the date upon which the board denied such ~~appeal, request or application~~, unless other property in the immediate vicinity has, within the 365-day period, been changed or acted on by the board so as to alter the facts and conditions upon which the previous board action was based. Such change of circumstances shall permit the rehearing of an ~~appeal, request or application~~ by the board prior to the expiration of the 365-day period, but such conditions shall in no way have any force in law to compel the board to reconsider the ~~appeal, request or application~~. Such subsequent rehearing shall be considered entirely on its merits and the peculiar and specific conditions related to the property with reference to which such proceeding is brought.

~~(b) Any appeal, request or application approved by the board, either under the provision of this chapter or under the authority granted to the board under the statutes of the State of Texas, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action on the part of the board unless the board in its minutes shall, at the same time, approve a longer period. If an application for such building permit or certificate of occupancy is not filed within the 90-day period or such extended period as the board may specifically approve, then the approval of the appeal or variance shall be deemed waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, request or application to the board in accordance with the rules and regulations herein contained.~~

(Ordinance 379 adopted 9/25/19)

§ 38.02.011. Review of board of adjustment's decision.

(a) Appeal. Any person or persons, jointly or severally, aggrieved by any decision of the board or any taxpayer, or any officer, department, or board of the city may present any such matter to a court of competent jurisdiction for review after the final action of the board thereon and in the manner and upon the terms provided by the laws of the state.

~~(b) Reconsideration. Any board of adjustment decision that fails by a vote of 4 to 1 may be appealed to all 6 members of the board of adjustment. The board of adjustment may reverse such recommendations or findings by supermajority vote of those present. This appeal must be filed in writing within 30 calendar days after the rendering of board of adjustment's recommendation.~~

(Ordinance 379 adopted 9/25/19)

§ 38.02.012. Enforcement.

If the variance application(s) are denied or withdrawn prior to approval, the applicant has ten (10) days to bring the property into compliance. If the deviation(s) are not corrected within

City of West Lake Hills, TX

§ 38.02.012

§ 38.02.012

the ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance.

(Ordinance 2021-004, att. F, adopted 6/23/21)

Chapter 38

ZONING

**ARTICLE 38.01
GENERAL PROVISIONS**

- § 38.01.001. Short title.
- § 38.01.002. Purpose of chapter.

§ 38.03.006. through § 38.03.030.
(Reserved)

**DIVISION 2
Use Regulations**

**ARTICLE 38.02
BOARD OF ADJUSTMENT**

- § 38.02.001. Creation of board of adjustment.
- § 38.02.002. Terms.
- § 38.02.003. Organization.
- § 38.02.004. Meetings.
- § 38.02.005. Rules and regulations.
- § 38.02.006. Appeals to the board of adjustment.
- § 38.02.007. Interpretive criteria for the granting of variances.
- § 38.02.008. Procedure for appeals to the board.
- § 38.02.009. Variance may lapse after one year.
- § 38.02.010. Limitations.
- § 38.02.011. Review of board of adjustment's decision.
- § 38.02.012. Enforcement.

- § 38.03.031. Compliance with chapter required.
- § 38.03.032. R-1 one-family residential district.
- § 38.03.033. R-2 two-family residential district.
- § 38.03.034. R-3 transitional residential district.
- § 38.03.035. O professional and business office district.
- § 38.03.036. B-1 business 1 district.
- § 38.03.037. B-2 business 2 district.
- § 38.03.038. B-3 business 3 district.
- § 38.03.039. GUI governmental, utility and institutional district.
- § 38.03.040. Mixed use 1 district.
- § 38.03.041. Conditional overlay district.
- § 38.03.042. PDD #1: Planned development district number one.
- § 38.03.043. PDD #2: Planned development district number two.
- § 38.03.044. PDD #3: Planned development district number three.
- § 38.03.045. PDD #4: Planned development district number four.
- § 38.03.046. PDD #5: Planned development district number five.
- § 38.03.047. PDD #6: Planned development district number six.
- § 38.03.048. through § 38.03.060.
(Reserved)

**ARTICLE 38.03
ZONING DISTRICTS**

**DIVISION 1
Generally**

- § 38.03.001. Classification of districts.
- § 38.03.002. Continuation of prior zoning classification; amendments to designation of districts.
- § 38.03.003. Official zoning map.
- § 38.03.004. Interpretation of district boundaries.
- § 38.03.005. Newly annexed areas.

**DIVISION 3
General Regulations**

- § 38.03.061. Prohibited uses.

WEST LAKE HILLS CODE

<p>§ 38.03.062. Accessory uses.</p>	<p>§ 38.05.003. Reapplication after denial of special use permit or change of zoning classification.</p>
<p>ARTICLE 38.04 SUPPLEMENTARY REGULATIONS</p>	
<p>DIVISION 1 Generally</p>	
<p>§ 38.04.001. through § 38.04.030. (Reserved)</p>	<p>§ 38.05.004. Fees.</p> <p>§ 38.05.005. Provisions of chapter are minimum requirements; conflicting provisions; private restrictions.</p>
<p>DIVISION 2 Special Uses</p>	
<p>§ 38.04.031. Criteria for establishment of special use categories; uses allowed in specific districts.</p> <p>§ 38.04.032. Special use permit.</p> <p>§ 38.04.033. General criteria applicable to all special uses.</p> <p>§ 38.04.034. Criteria applicable to individual special uses.</p> <p>§ 38.04.035. General conditions for all special uses.</p> <p>§ 38.04.036. through § 38.04.060. (Reserved)</p>	<p>§ 38.05.006. through § 38.05.030. (Reserved)</p>
<p>DIVISION 2 Variances</p>	
<p>§ 38.04.031. Criteria for establishment of special use categories; uses allowed in specific districts.</p> <p>§ 38.04.032. Special use permit.</p> <p>§ 38.04.033. General criteria applicable to all special uses.</p> <p>§ 38.04.034. Criteria applicable to individual special uses.</p> <p>§ 38.04.035. General conditions for all special uses.</p> <p>§ 38.04.036. through § 38.04.060. (Reserved)</p>	<p>§ 38.05.031. Provisions subject to variance.</p> <p>§ 38.05.032. Conditions required for granting variance.</p> <p>§ 38.05.033. Interpretative criteria.</p> <p>§ 38.05.034. Procedure.</p> <p>§ 38.05.035. Conditions.</p> <p>§ 38.05.036. Notice of public hearing before zoning and planning commission.</p> <p>§ 38.05.037. Regulatory authority of board of adjustments and city council over variances.</p> <p>§ 38.05.038. through § 38.05.060. (Reserved)</p>
<p>DIVISION 3 Nonconforming Uses and Structures</p>	
<p>§ 38.04.061. Nonconforming uses of land and structures.</p>	<p>§ 38.05.031. Provisions subject to variance.</p> <p>§ 38.05.032. Conditions required for granting variance.</p> <p>§ 38.05.033. Interpretative criteria.</p> <p>§ 38.05.034. Procedure.</p> <p>§ 38.05.035. Conditions.</p> <p>§ 38.05.036. Notice of public hearing before zoning and planning commission.</p> <p>§ 38.05.037. Regulatory authority of board of adjustments and city council over variances.</p> <p>§ 38.05.038. through § 38.05.060. (Reserved)</p>
<p>DIVISION 3 Enforcement and Penalties</p>	
<p>ARTICLE 38.05 ADMINISTRATION AND ENFORCEMENT</p>	
<p>DIVISION 1 Generally</p>	
<p>§ 38.05.001. Joint/combined hearings.</p> <p>§ 38.05.002. Posting of signs on property being considered for special use permit, variance or zoning change.</p>	<p>§ 38.05.061. Stop-work orders.</p> <p>§ 38.05.062. Revocation of final site plan approval.</p> <p>§ 38.05.063. Injunction and other remedies.</p> <p>§ 38.05.064. Penalties.</p> <p>§ 38.05.065. through § 38.05.090. (Reserved)</p>
<p>DIVISION 4 Amendments</p>	
<p>§ 38.05.001. Joint/combined hearings.</p> <p>§ 38.05.002. Posting of signs on property being considered for special use permit, variance or zoning change.</p>	<p>§ 38.05.091. Generally.</p>

ZONING

- § 38.05.092. Procedure for changing zoning classification of particular parcels of land.
- § 38.05.093. Procedure for amending general zoning provisions.
- § 38.05.094. Report and recommendation from zoning and planning commission.
- § 38.05.095. Review and action by city council.
- § 38.05.096. Suspension of issuance of permits pending amendments.
- § 38.05.097. Undeveloped parcels zoned before July 24, 1996.

ARTICLE 38.06

PLANNED DEVELOPMENT DISTRICTS

DIVISION 1
Generally

- § 38.06.001. Popular name.
- § 38.06.002. Scope.
- § 38.06.003. Definitions.
- § 38.06.004. Purpose.
- § 38.06.005. Nature of district.
- § 38.06.006. through § 38.06.030. (Reserved)

DIVISION 2
Minimum Standards

- § 38.06.031. Standards by ordinance.
- § 38.06.032. Land use.
- § 38.06.033. Open space standards.
- § 38.06.034. Height regulations.
- § 38.06.035. Area regulations.
- § 38.06.036. through § 38.06.090. (Reserved)

DIVISION 3
Master Plan

- § 38.06.091. Mandatory.
- § 38.06.092. Compliance with approved plans.
- § 38.06.093. Establishment of district.
- § 38.06.094. Governing regulations.
- § 38.06.095. Conflict.
- § 38.06.096. PD master plan requirements.
- § 38.06.097. Master plan amendments.
- § 38.06.098. Lapse of master plan.
- § 38.06.099. Extension and reinstatement.
- § 38.06.100. Contents of master plans.
- § 38.06.101. through § 38.06.120. (Reserved)

DIVISION 4
Submission and Review Process

- § 38.06.121. Submission of complete application.
- § 38.06.122. Additional information.
- § 38.06.123. Principles and standards for review.
- § 38.06.124. Approval process.
- § 38.06.125. City staff review.
- § 38.06.126. Supplementation and corrections.
- § 38.06.127. Approval by administrator.
- § 38.06.128. Action by ZAPCO/city council.
- § 38.06.129. Public hearing and notice.
- § 38.06.130. Administrative fees.
- § 38.06.131. Grandfathering.

**ARTICLE 38.01
GENERAL PROVISIONS¹**

§ 38.01.001. Short title.

This chapter shall be known and may be cited as the Zoning Ordinance of the city.
(Ordinance 362 adopted 3/28/18)

§ 38.01.002. Purpose of chapter.

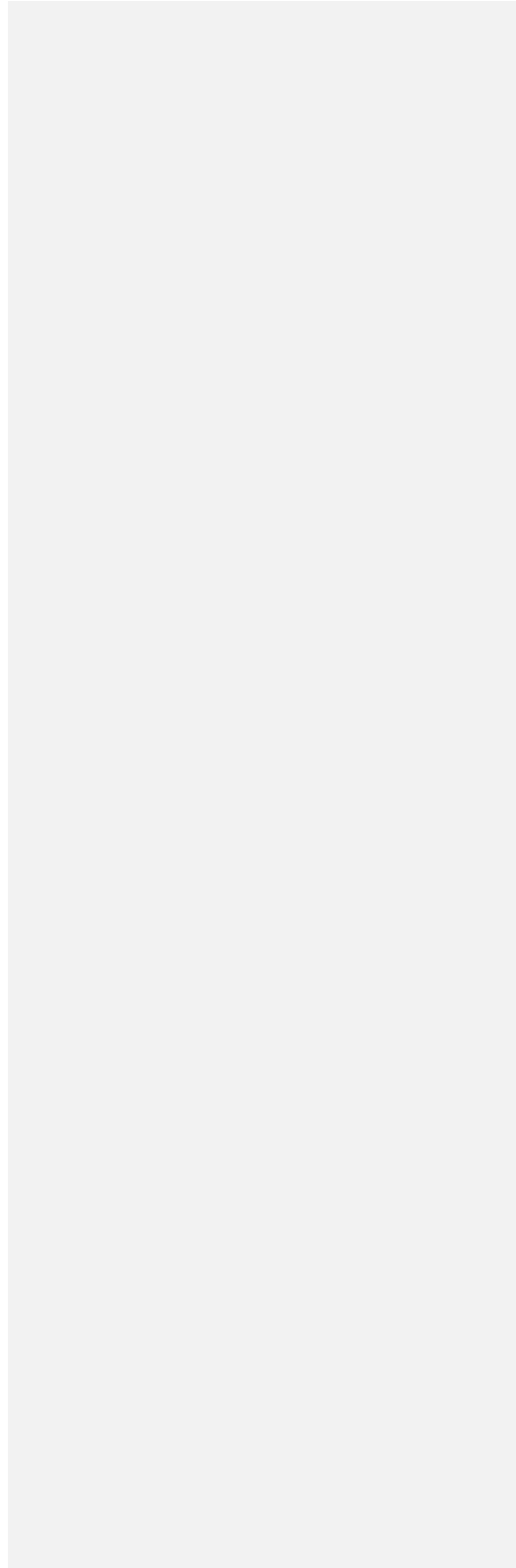
The provisions of this chapter are deemed to be necessary to promote the health, safety, property and general welfare of the residents of the city.
(Ordinance 362 adopted 3/28/18)

1. Editor's Note—This Chapter Consists Of The Zoning Ordinance, Ordinance 362, Adopted By The City On March 28, 2018. This Ordinance Amends And Replaces What Was Originally Published As Chapter 94 In The 1996 Code Of Ordinances As Subsequently Amended. Due To The Nature Of The Ordinance And The Technicalities Involved In Adopting Or Amending It, Such Ordinance Is Printed Herein As Enacted, With Only Nonsubstantive Formatting And Style Changes. The Numbering System Has Been Changed To Be Consistent With The Remainder Of The Code. Capitalization In The Section And Subsection Catchlines Has Been Changed To Be Consistent With The Remainder Of The Code. Capitalization And Punctuation Within The Text Have Been Retained As Enacted. Obviously Misspelled Words Have Been Corrected Without Notation. Any Other Material Added For Purposes Of Clarification Is Enclosed In Brackets.

City of West Lake Hills, TX
§ 38.02.010

WEST LAKE HILLS CODE

§ 38.02.012



**ARTICLE 38.03
ZONING DISTRICTS**

**DIVISION 1
Generally**

§ 38.03.001. Classification of districts.

The city is hereby divided into the following zoning districts:

Abbreviated Designation	Zoning District
R-1	One-Family Residential
R-2	Two-Family Residential
R-3	Transitional Residential
O	Professional and Business Office
B-1	Business 1
B-2	Business 2
B-3	Business 3
GUI	Governmental, Utility and Institutional
MU-1	Mixed Use 1
CO	Conditional Overlay
PDD #1	Planned Development District Number 1
PDD #2	Planned Development District Number 2
PDD #3	Planned Development District Number 3
PDD #4	Planned Development District Number 4
PDD #5	Planned Development District Number 5
PDD #6	Planned Development District Number 6

(Ordinance 2020-216 adopted 12/9/20)

§ 38.03.002. Continuation of prior zoning classification; amendments to designation of districts.

Those portions of Ordinance No. 54 of the city, and the amendments thereto, that specify the zoning district classification for particular parcels or areas of land in the city are continued in full force and effect and are hereby amended to the extent necessary to comply with the district designation set out in section 38.03.001 as follows:

- (1) All references to “A Residential” district are amended to read “R-1 One-Family Residential”;
- (2) All references to “C Duplex Only” district are amended to read “R-2 Two-Family Residential”;
- (3) All references to “B Public Building and Small Business in the Home” district are amended to read “GUI Governmental, Utility and Institutional” for such lawfully existing uses on August 24,

1980;

- (4) References to “C Commercial” district are amended to read “B-1 Business 1” district; except, when a parcel of land in a C commercial district lawfully contained, on August 28, 1980, a use permitted or authorized in a B-2 business 2 district, that portion of the C commercial district where such parcel is located is redesignated as a B-2 business 2 district;
- (5) All references to “D Commercial” district are amended to read “B-2 Business 2”;
- (6) All references to “O Professional and Business Office District” shall be continued to read “O Professional and Business Office District.”
(Ordinance 362 adopted 3/28/18)

§ 38.03.003. Official zoning map.

- (a) The locations and boundaries of zoning districts established by ordinance shall be recorded on an official zoning map to be adopted by a resolution of the city council and identified and amended in the manner specified in this section. Recording on the official map is not a prerequisite to the effectiveness of a zoning ordinance.
- (b) The official zoning map shall be identified by the signature of the mayor attested by the city administrator under the following words: “This is to certify that this is the Official Zoning Map of the City of West Lake Hills, Texas.”
- (c) Changes in the zoning classification of particular parcels or areas of land, approved by the city council in accordance with the provisions of this chapter, shall be noted promptly on the official zoning map with the following entry: “On (date), by official action of the City Council, the following changes were made in the Official Zoning Map: (brief description of the nature of the changes)”, which entry shall be signed by the mayor and attested by the city administrator.
- (d) No changes of any nature shall be made in the official zoning map except in conformity with the procedures in this chapter.
- (e) If the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the city council may by resolution adopt a new official zoning map, which shall exactly duplicate the original except for corrections of errors or omissions.
(Ordinance 362 adopted 3/28/18)

§ 38.03.004. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries which appear to follow streets, roads or streams shall be construed to follow the centers thereof;
- (2) Boundaries which appear to follow the lines of lots or other parcels of record shall be construed as following such lines;
- (3) Boundaries which appear to follow city limit lines shall be construed as following such lines; and
- (4) In case of uncertainty as to the true location of a district boundary line not covered by the rules set out in subsections (1) through (3) of this section, the city council shall make a determination

of the true location of such line.
(Ordinance 362 adopted 3/28/18)

§ 38.03.005. Newly annexed areas.

- (a) Any land hereafter annexed to the city shall immediately and automatically upon such annexation be temporarily classified as in the R-1 district. At the time of the final annexation hearing, or as soon thereafter as practicable, the city shall hold a public hearing to enact a temporary zoning ordinance for all newly annexed areas. The temporary zoning hearing shall fully comply with the requirements provided by law (V.T.C.A., Local Government Code sections 211.006, 211.007).
- (b) Temporary classifications originating upon annexation shall be noted on the official zoning map in accordance with section 38.03.003.
- (c) The city zoning and planning commission shall, as soon as practicable after the annexation of any territory to the city, institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification. The procedure to be followed is provided in article 38.05, division 4, of this chapter.

(Ordinance 362 adopted 3/28/18)

§ 38.03.006. through § 38.03.030. (Reserved)

DIVISION 2
Use Regulations

§ 38.03.031. Compliance with chapter required.

No structure or land shall be used, and no structure shall be constructed, erected, placed, enlarged, altered or continued, except as authorized by this chapter.
(Ordinance 362 adopted 3/28/18)

§ 38.03.032. R-1 one-family residential district.

- (a) Purpose.The R-1 district is intended to establish and preserve peaceful, attractive and safe low-density residential neighborhoods of single-family detached dwelling units and to protect the integrity of such areas by prohibiting the intermixture of residential and incompatible nonresidential uses.
- (b) Permitted uses.Permitted uses are as follows:
 - (1) One-family dwelling, limited to no more than one such building per lot occupied by no more than one family.
 - (2) Accessory structures and uses customarily incidental to the uses permitted under this subsection.
 - (3) Short-term rentals with an STR permit issued by the city administrator.
- (c) Special uses.Special uses permitted upon authorization of the city council ~~or city administrator~~ are as follows:
 - (1) Guest or domestic employee quarters.
 - ~~(2) Home occupation.~~
 - ~~(3)~~(2) Riding stable.

(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.03.033. R-2 two-family residential district.

- (a) Purpose.The R-2 district is intended to recognize and is limited to preexisting properties and annexed areas where such one-family residential and two-family residential units previously existed. Vacant land is not eligible for this zoning district designation.
- (b) Permitted uses.Permitted uses are as follows:
 - (1) Two-family dwellings, limited to no more than one such building per lot and occupied by no more than a total of two families.
 - (2) Condominium regimes. The city council shall review the condominium regime.
 - (3) Accessory structures and uses customarily incidental to the uses permitted under this subsection.
 - (4) Short-term rentals with an STR permit issued by the city administrator.

(c) Parking requirements. Parking requirements are as follows:

- (1) At least two parking spaces are required for each family dwelling unit.
- (2) All unenclosed parking spaces shall be at the rear of the structure.
- (3) Garage doors shall face either the side or rear yard property lines.
- (4) Garages shall not be located beyond the street facing elevation.
- (5) Parking shall not be permitted under any portion of the dwelling unit.

~~(d)~~ Special uses. The following special uses are permitted upon authorization of the city council ~~or city administrator~~: special uses permitted in the R-1 district ~~upon authorization of the city council~~[-.]

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(d) Note: All duplexes shall go through the same approval process as commercial projects (i.e., ~~BDC~~, ZAPCO and city council).

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(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.03.034. R-3 transitional residential district.

(a) Purpose. The R-3 district is intended to provide a transitional zone between nonresidential districts and R-1 one-family residential districts where structures may be clustered to better utilize property topography and to better provide buffering greenbelts between traffic thoroughfares and to the adjacent R-1 one-family residential districts.

(b) Definitions.

Clustered single-family dwelling. One (1) family home unit attached to one (1) or more family home units (e.g., duplex or fourplex).

Detached single-family dwelling. One (1) home unit for one family, not attached to any other home unit.

(c) Permitted uses. Permitted uses are as follows:

- (1) Clustered or detached single-family (one) dwellings, provided:
 - (A) Structures are limited to no more than an average of two single-family dwelling units per acre; and
 - (B) The tract is adjacent to any nonresidential zoning district; and
 - (C) Not less than 15% of the total perimeter measure of the proposed R-3 tract shall share a common boundary line with the nonresidential district; and
 - (D) Centralized municipal wastewater facilities and capacity are available to serve the proposed development.
- (2) Apartment dwelling units, limited to a minimum of ten and a maximum of 30 dwelling units to a single structure with disposal of effluent into the City of Austin public central sewage system. This apartment permitted use is intended to recognize, and is limited to, preexisting properties and annexed areas where such use previously existed. Vacant land is not eligible for this permitted use.

- (3) Accessory structures and uses customarily incidental to the uses permitted under this subsection.
- (4) Short-term rentals with an STR permit issued by the city administrator.
- (d) Special uses. Special uses permitted upon authorization of the city council ~~or city administrator~~ are as follows:

~~(1) Home occupation.~~

~~(2)~~(1) Guest or domestic employee quarters. (Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.03.035. O professional and business office district.

- (a) Purpose. The O district is intended to provide sites for quiet low-density commercial office uses.
- (b) Permitted uses. The following uses are permitted, provided that there is no nuisance factor:
 - (1) Office of an accountant, architect, attorney, engineer, physician, broker, consultant, insurance agent, real estate agent, massage therapy clinic, or similar professional or semiprofessional occupation.
 - (2) The business office of a publishing or printing firm not involving the production or distribution of printing materials. For purposes of this subsection, production or distribution of printing materials means the printing, manufacture, assembly, cutting, folding, binding, packaging or sorting of finished copies or portions thereof, for purposes of distribution or mailing. Printing includes plate production and offset printing, as well as other high-speed photocopying techniques. The discharge of chemicals associated with a photographic process, plate production or offset printing, as well as any other type of photocopying techniques, into a private sewage facility will be in accordance with chapter 18, article 18.03.
 - (3) Business offices where no sales of merchandise stored on the premises and money exchange occurs.
 - (4) Accessory structures and uses customarily incidental to any of the uses permitted under this subsection provided they are specifically requested by the applicant and approved by city council.
- (c) Special uses. Special uses permitted upon approval of the ~~board of adjustment~~ city council are:
 - (1) Assembly and testing of electronic components.
 - (2) Child day care facility provided the use is in a separate structure on the lot and will not adversely affect other tenants.
 - (3) Employee dining facility (private dining facility for employees only) without drive-in service, and excluding establishments serving food for consumption off-premises, commonly referred to as fast food establishments. No intoxicating liquors may be sold for on-premises consumption unless authorized by a special use permit.
 - (4) Bank or savings and loan association permitted prior to May 1, 2005.

- (5) Churches, excluding areas devoted to the residential housing of persons employed or associated with the church and areas devoted to a day care center for the care of children not during hours of regular worship unless otherwise authorized by this chapter.
 - (6) Massage therapy school.
 - (7) Charter school or private school provided the use is in a separate structure on the lot and will not adversely affect other tenants.
 - (8) Wireless telecommunication facilities.
- (Ordinance 362 adopted 3/28/18)

§ 38.03.036. B-1 business 1 district.

- (a) Purpose.The B-1 district is intended to provide sites for quiet, low-density retail businesses providing goods and services (with merchandise contained within the building or enclosure approved for such use, except for florist or garden shops and nurseries or greenhouses, where live vegetation may be kept outdoors) to meet the needs of the residents of the city in a manner and on a scale that is in harmony with the semi-rural character of the community.
- (b) Permitted uses.The following uses are permitted, provided that there is no nuisance factor:
 - (1) Those uses permitted in O districts.
 - (2) Antique shop.
 - (3) Arts and crafts supply store.
 - (4) Bakery.
 - (5) Barbershop or beauty shop.
 - (6) Book or stationery store.
 - (7) Carpeting, floor covering and rug store.
 - (8) China or glassware shop.
 - (9) Clothing or shoe store.
 - (10) Confectionary store.
 - (11) Delicatessen or catering service.
 - (12) Fine arts and crafts gallery.
 - (13) Florist or garden shop.
 - (14) Gift shop.
 - (15) Ice cream parlor.
 - (16) Jewelry shop.
 - (17) Laundry and dry cleaning substation, with no actual cleaning work being performed on the premises except by special use permit in the B-3 district only.

- (18) Nursery or greenhouse.
- (19) Optical goods store.
- (20) Pool supply and service.
- (21) Seamstress, dressmaker or tailor shop.
- (22) Studio for art, dance, drama, music, martial arts, photography or interior decorating.
- (23) Tobacco shop.
- (24) Toy store (5,000 square feet maximum floor area).
- (25) Accessory structures and uses customarily incidental to any of the uses permitted under this subsection provided they are specifically requested by the applicant and approved by city council.

(c) Special uses. Special uses permitted upon approval of the ~~board of adjustment~~ city council are:

- (1) Other quiet, low-density retail business uses to serve the needs of residents of the city, which may be permitted as special uses in accordance with the procedure for granting such uses upon findings made in writing that the proposed use is of the same general character as those listed in subsection (b) of this section, is not attended by nuisance factors, and will not be detrimental to the other uses within the district or to the adjoining land uses.
- (2) Child day care facility.
- (3) Hospital.
- (4) Rehabilitation/wellness center.
- (5) Special uses permitted in O professional and business office districts.

(Ordinance 362 adopted 3/28/18)

§ 38.03.037. B-2 business 2 district.

- (a) Purpose. The purpose of the B-2 district is the same as for the B-1 district. District B-2 allows a more intense use, however, than is permitted in district B-1. The B-2 district should be reserved for areas where the anticipated impact of the permitted commercial uses is unlikely to have an adverse effect on residential uses or other elements of the community. All merchandise shall be contained under or within buildings or enclosures approved for such use.
- (b) Permitted uses. The following uses are permitted, provided there is no nuisance factor:
 - (1) Those uses permitted in O and B-1 districts.
 - (2) Auto parts store.
 - (3) Furniture store.
 - (4) Grocery store.
 - (5) Health food store.
 - (6) Specialty food store.

- (7) Hardware store.
- (8) Pet shop and pet grooming shop.
- (9) Pharmacy.
- (10) Photocopying, typing or printing service.
- (11) Restaurant without drive-in service. No intoxicating liquor may be sold for on- or off-premises consumption unless authorized by a special use permit. Drive-in/drive-through service authorized by a special use permit only.
- (12) Sporting goods store, excluding the sale or servicing of boats, boat motors and motor vehicles.
- (13) Variety store.
- (14) Veterinary clinic.
- (15) Health or athletic club.
- (16) Accessory structures and uses customarily incidental to any of the uses permitted under this subsection provided they are specifically requested by the applicant and approved by city council.

(c) Special uses. Special uses permitted upon approval of the ~~board of adjustment~~ city council are:

- (1) Other quiet, low-density retail business uses providing goods and services to meet the needs of the residents of the city, which may be permitted as special uses in accordance with the procedure for granting such uses upon findings made in writing that the proposed use is of the same general character as those listed in subsection (b) of this section, is not attended by nuisance factors, and will not be detrimental to the other uses within the district or the adjoining land uses.
- (2) Commercial kennel.
- (3) Alcoholic beverages sold in a restaurant for on- or off-premises consumption.
- (4) Alcoholic beverages sold in grocery stores for off-premises consumption.
- (5) Research, development or clinical laboratory.
- (6) Liquor store.
- (7) Publishing business.
- (8) Restaurants with drive-in/drive-through facilities.
- (9) Special uses permitted in O professional office and B-1 business 1 districts.

(Ordinance 362 adopted 3/28/18)

§ 38.03.038. B-3 business 3 district.

- (a) Purpose. The B-3 district is intended to provide a more intense mixed use retail facility with frontage on a state-maintained highway. This zoning classification is limited to those tracts of

land for which, prior to June 24, 1992, were issued by the city a building permit and a certificate of occupancy for buildings located on the subject property. This zoning district classification is no longer an extant zoning district classification except for those tracts of land which have been designated as B-3 business zoning districts in accordance with this section. The regulations set forth in this section shall apply to only those tracts of land which have heretofore been designated as a B-3 business zoning classification and have been developed or are being developed pursuant to such zoning classification.

(b) Permitted uses. The following uses are permitted, provided that there is no nuisance factor:

- (1) Those uses permitted in O, B-1 and B-2 districts, except that only one stand-alone bank or savings and loan facility shall be permitted in any B-3 district, unless another bank or savings and loan facility applied for a permit prior to May 1, 2005, and subsequently received approval for such permit.
- (2) Alcoholic beverages sold in grocery stores for off-premises consumption.
- (3) Appliance store.
- (4) Bicycle shop.
- (5) Electronic equipment store.
- (6) Camera store.
- (7) Clothing store.
- (8) Department store.
- (9) Fabric store.
- (10) Financial services.
- (11) Hobby shop.
- (12) Import store.
- (13) Liquor store.
- (14) Movie theaters.
- (15) Record shop.
- (16) Research, development or clinical laboratory.
- (17) Restaurant.
- (18) Shoe store or shoe repair.
- (19) Accessory structures and uses customarily incidental to any of the uses permitted under this subsection provided they are specifically requested by the applicant and approved by city council.

(c) Special uses. Special uses permitted upon approval of the ~~board of adjustment~~ city council are:

- (1) Alcoholic beverages sold in a restaurant for on- or off-premises consumption.

- (2) Cocktail lounge.
- (3) Other retail business uses providing goods and services to meet the needs of the region, which may be permitted as special uses in accordance with the procedure for granting such uses upon findings made in writing that the proposed use is of the same general character as those listed in subsection (b) of this section, is not attended by nuisance factors, and will not be detrimental to the other uses within the district or the adjoining uses.
- (4) Special uses permitted in O, B-1 and B-2 districts, except that a bank or savings and loan facility shall not be allowed in any B-3 district by way of a special use permit.
- (5) Laundry and dry cleaning plant operation.
(Ordinance 362 adopted 3/28/18)

§ 38.03.039. GUI governmental, utility and institutional district.

- (a) Purpose.The GUI district is intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land. Uses permitted in the GUI district generate a large amount of traffic. Only land abutting a collector or arterial street that can be used for access shall be considered appropriate for GUI classification. An appropriate site should also contain adequate space for required off-street parking and buffering.
- (b) Permitted uses.The following uses are permitted, provided that there is no nuisance factor:
 - (1) Church.
 - (2) Facility owned and operated by the federal government, the state or a political subdivisions thereof.
 - (3) Fire station.
 - (4) School, either public, private or nonprofit.
 - (5) Uses required by public utilities.
 - (6) Philanthropic or fraternal associations.
 - (7) Accessory uses customarily incidental to any of the uses permitted under this subsection.
 - (8) The renting for profit or nonprofit of heated and air conditioned space, used for conventions, art and craft shows, antique/collectible shows, weddings, private parties, seminars and other similar events. Maximum rental time limit for any one event shall be three days. No simultaneous scheduling of events shall be allowed.
- (c) Special uses.Special uses permitted upon authorization of the city council are as follows:
 - (1) Child day care facility.
(Ordinance 362 adopted 3/28/18)

§ 38.03.040. Mixed use 1 district.

- (a) Purpose.
 - (1) The MU-1 district is intended to establish and preserve a peaceful, attractive, medium-

density residential single-family dwelling to better utilize property topography, together with a mixture of compatible and complementary nonresidential uses. This district is intended to provide for well-designed and site-sensitive mixed facilities established on larger tracts of land of not less than 30 acres in size. Due to a more diverse and intense use, this district shall be limited to tracts near the outer city limits and with a minimum of 1,500 feet of frontage on a state-maintained highway.

- (2) Sewage disposal for tracts designated MU-1 shall be processed through an off-site public sewage disposal system. Residential zoned lots, MUR-4 only, may utilize on-site private sewage disposal (septic) systems as approved by the city.
 - (3) The residential and nonresidential uses shall be separated. The integrity of these areas shall be preserved, utilizing topography and architectural features to achieve this effect. The residential and nonresidential areas shall have a separate ingress and egress to major thoroughfares bordering the zoned tract of land. There shall be no vehicular traffic allowed between the residential and nonresidential areas of the zoned tract. There shall be maintained a continuous 50-foot buffer zone that separates the residential and nonresidential districts that has a total of at least 4.5 acres of land, which is fully and thickly landscaped with plants and trees indigenous to the area.
 - (4) There is hereby created for exclusive use in a MU-1 zoning district, which has a minimum lot area of 30 acres, the following category zoning districts:
 - (A) MUB-4: Mixed Use Business 4 District.
 - (B) MUR-4: Mixed Use One-Family Residential District.
 - (C) MUGB: Mixed Use Conservation District.
 - (5) The categories described in subsection (4) of this subsection shall apply only to those tracts of land that have an overall zoning district designation of MU-1.
 - (6) The mix of land uses will be restricted as follows: 20 percent maximum office/business/governmental (MUB-4), 59 percent minimum one-family residential (MUR-4), and 21 percent minimum conservation (MUGB).
 - (7) The average impervious cover percentage for the total area zoned MU-1, which shall include MUB-4, MUR-4 and MUGB, shall not exceed a maximum of 30 percent.
- (b) Nonresidential areas (MUB-4 district).
- (1) Permitted uses. Permitted uses for the MUB-4 district are all uses permitted in the O, B-1, B-2, B-3 and GUI zoning districts.
 - (2) Special uses. Special uses for the MUB-4 district are all those special uses permitted in the O, B-1, B-2 and B-3 zoning districts.
 - (3) Site development requirements. Site development requirements for the MUB-4 district are as follows:
 - (A) Site area. The total cumulative land area devoted to nonresidential uses as permitted in the MUB-4 mixed use district combination of uses (O, B-1, B-2, B-3 and GUI) shall not exceed 20 percent of the total land area contained within the MU-1 zoned tract of land. The minimum lot size is six acres.

- (B) Building area. Building square footage shall not exceed 60,000 gross square feet for each single business/commercial/governmental use.
- (C) Buffer. A minimum 50-foot-wide densely planted buffer zone shall be provided on the rear and side property lines which abut any residential zoning district, which must total at least 1.80 acres of area, and be approved by the city council.
- (D) Impervious cover.
 - (i) A maximum of 55 percent of the total site area (MUB-4) shall be permitted to be impervious cover. A developer may be permitted to increase the maximum impervious cover to 64 percent, as approved by the city council, by selecting from the following weighted incentives:

Incentive Items		Increase in Impervious Cover
a.	The developer may increase landscaping or setbacks (front and one side or rear) by more than 50 percent of requirements. Landscaping should provide for using predominantly native plants and grasses to minimize the use and impact of pesticides, herbicides and fertilizers.	Up to 3%
b.	The developer may construct detention basins with sedimentation/filtration basins in addition to required detention basins.	2%
c.	The developer may provide primarily ten feet or greater landscaped separations between parking aisles.	5%

Incentive Items	Increase in Impervious Cover
<p>d.</p>	<p>Based on the evaluation by the zoning and planning commission and the city council, an increase in allowable impervious cover ranging from one percent to five percent may be approved for a project that demonstrates highly innovative architecture, site planning and land use techniques of a caliber not previously utilized in the city's area or of such a quality as to set an excellent example for subsequent developments.</p> <p style="text-align: center;">Up to 5%</p>

- (ii) The criteria for evaluation shall include but not be limited to the following:
 - a. Reduction of building mass by breaking up buildings.
 - b. Techniques to enhance the pedestrian scale of the project, including sidewalks and covered walkways.
 - c. Measurable efforts to preserve greenbelts at the expense of street visibility.
 - d. Construction of berms to block off-street visibility of pavement and parking areas.
 - e. Noise abatement efforts to adjoining sites by providing solid walls and dense planting.
 - f. Other provisions to lessen the visual impact of the project on surrounding properties.
 - g. Revegetation of strategic, previously open setback areas with mature, indigenous landscaping. Other unscheduled project design elements may be considered in this incentive item.
- (E) Setbacks. Building setbacks shall be 75 feet from state-maintained roadways and from any residential zoning district. All other front, side and rear side setback requirements shall conform to the dimensional regulations of this chapter. All nonresidential uses shall be designed according to the O, B-1, B-2 or GUI site requirements per this chapter.
- (F) Building height. Building heights are restricted per section 22.03.281(b).
- (G) Access. All vehicles, including truck and commercial vehicular traffic, shall have ingress and egress from a state-maintained highway not being utilized by the residential MUR-4 district for ingress and egress.
- (H) Loading areas. Loading and unloading services for all businesses will be only at the

rear of buildings and shall be visually and acoustically shielded from the residential areas.

(c) Residential areas (MUR-4 district).

- (1) Permitted uses. Permitted uses for the MUR-4 district are all uses permitted for the R-1 zoning district.
- (2) Special uses. Special uses for the MUR-4 district are special use numbers 1 and 2 as permitted for the R-1 zoning district.
- (3) Site development requirements. Site development requirements for the MUR-4 district are as follows:
 - (A) Minimum area. A minimum of 59 percent of the total area zoned MU-1 shall be developed under the MUR-4 option.
 - (B) Lot area. Minimum dwelling unit lot size is one acre (43,560 square feet).
 - (C) Lot dimensions. Minimum dwelling unit lot dimensions are as follows: at least 150 feet wide by at least 150 feet deep, as measured according to the requirements in section 22.03.274. These dimensions shall not be construed to decrease the required minimum lot size as indicated in subsection b of this subsection.
 - (D) Setbacks. Minimum dwelling unit building setbacks shall be 50 feet front and 30 feet rear, and 25 feet on each side, measured according to section 22.03.275.
 - (E) Impervious cover. Impervious cover inside the boundaries of a dwelling unit lot shall not exceed 25 percent on each lot.
 - (F) Building height. Maximum building height shall not exceed 30 feet, measured according to section 22.03.279.
 - (G) Building floor area. The minimum floor area is 3,000 square feet of living area (with heat and air conditioning).
 - (H) Construction on individual lots. Lots under the MUR-4 designation may be built out by the individual property owner or a designated developer approved by the city.
 - (I) Exterior cover. Exterior cover shall be at least 80 percent masonry or brick construction.
 - (J) Access. Ingress and egress shall be from a state-maintained highway not being utilized by the commercial MUB-4 district for ingress and egress.
 - (K) Buffer. A minimum 50-foot-wide densely planted buffer zone shall be provided, which must total at least 1.12 acres of area, between residential and nonresidential areas.
 - (L) Additional requirements. The residential area in the MU-1 zoning district shall be designated as MUR-4 and shall be governed by the applicable requirements pertaining to all residential zoning districts outlined elsewhere in this chapter.

(d) Mixed use conservation areas (MUGB district).

- (1) Generally. A mixed use conservation area is defined as land not open to the public, which shall remain closed, undisturbed and in its natural state and in which no building, parking lot, private sewage facility or other structure or improvement shall be constructed or maintained; provided, however, that stormwater detention ponds and vehicular access may be constructed and maintained on such land where necessary for the prevention of flooding and to facilitate drainage and to provide access to the residential development as approved by the city council. The city council may grant approval for the use of conservation areas for supervised civic or educational activities and to restore designated areas to their natural state.
- (2) Site development requirements.
 - (A) A minimum of 21 percent of the total areas zoned MU-1 shall be designated as MUGB, with a minimum of one lot being at least 10.5 acres.
 - (B) No construction is to occur within the greenbelt area except for sedimentation and filtration ponds and ingress/egress street access as approved by the city. Tree and bush trimming or clearing may be permitted upon approval by the city council.
 - (C) Conservation district area shall be utilized in computing the total MU-1 tract maximum impervious coverage percentage for mixed use residential, nonresidential and conservation areas.
 - (D) The area comprising the land contained in the MUGB district must be set forth in a restrictive covenant dedicating the tract of land as a greenbelt area, as approved by the city.
- (e) General site development requirements; site plan.
 - (1) Development standards. General site development requirements for the MU-1 district are as follows:
 - (A) Street layout, landscaping, parking and lighting. Internal street layout, landscaping, parking and lighting requirements shall be those as required by this chapter, chapter 36, or other provisions of this Code.
 - (B) Signs. Signage will comply with chapter 32.
 - (C) Stormwater drainage. Stormwater drainage shall be in compliance with the current drainage and erosion control design manual available from the city.
 - (D) Sidewalks. Sidewalk construction, if required by the city council, shall comply with City of Austin standards.
 - (E) Right-of-way requirements. Minimum public right-of-way requirements are as follows: 40-foot right-of-way, and 27-foot pavement width, plus an 18-inch concrete ribbon curbing on each side of the roadway.
 - (F) Sewage disposal. The developer shall obtain City of Austin written approval to furnish the required living unit equivalents (LUEs) of wastewater service for the applicant's planned residential and nonresidential development. Residential one-acre lots may have on-site private sewage disposal (septic) systems.
 - (G) Water service. The developer shall obtain Water Control and Improvement District

(WCID) No. 10 written approval to furnish the required water service for the planned residential and nonresidential development.

(H) Site plan. The site plans for development of MUB-4 and MUR-4 zoning districts shall be an integral part of the zoning change approval process by the city council as outlined in section 38.05.095.

(2) Site plan information. Specific site plan submittal information is as follows:

(A) Per city ordinances. All information to be provided for city approval shall be in accordance with all city ordinances as they apply to specific zoning district regulations as set forth in this chapter. The checklist is available from the city.

(B) Additional information. The following additional information must be shown on submitted site plans. The plans shall:

(i) Show building coverage, building height and building square footages, and specify each use in each building by zoning district.

(ii) Show proposed development phasing, if applicable.

(C) Approval of site plan. Site plan approval by the city is required before any building permit can be issued. The city will approve a site plan which reflects a design which is most sensitive to the natural terrain of the tract, which lessens the environmental impact of the development to the greatest extent possible, and which attempts to mitigate traffic congestion with adequate roadway design and traffic roadway improvements on public streets surrounding the site.

(D) Expiration of site plan; extensions; modifications. The site plan connected to any MU-1 district shall be valid for a period of three years from its approval by the city. If necessary, it can be extended by the city for a period of two years if the request is submitted before the site plan expiration date. The city can approve an extension if it finds that the request is in good faith, and that it substantially meets the conditions of current ordinances in effect at the time of the extension request. Any significant modifications to the site plan must be approved by the city council.

(3) Other requirements. Applicable requirements pertaining to parking, landscaping, lighting, signs and street networks shall apply in accordance with all city ordinances and with specific corresponding zoning district regulations as set forth in this chapter.

(f) Application for MU-1 designation. Application for a MU-1 zoning designation shall be accompanied by a site plan. Such site plan shall set forth the segregated nonresidential, residential and greenbelt areas and specify zoning designations for each area so that the regulations pertaining to the specific zoning districts shall be applied to each area in the tract.

(Ordinance 362 adopted 3/28/18)

§ 38.03.041. Conditional overlay district.

(a) Purpose.

(1) The conditional overlay district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The conditional overlay district is appropriate to insure compatibility among competing or

potentially incompatible uses, in order to ease the transition from one base district to another. This zoning designation is intended to address land uses or sites with special requirements, and to guide development in unusual situations or unique circumstances to ensure adequate mitigation of potentially unfavorable impacts. A conditional overlay district addresses special situations that are not appropriate to a specific zoning district.

- (2) The conditional overlay district may be applied in combination with the basic zoning districts of "O" Professional and Business Office District, "B-1" Business 1 District, "B-2" Business 2 District, "B-3" Business 3 District, and "GUI" Governmental, Utility and Institutional District as set forth in section 38.03.001 of the Code.
- (b) Use and site development regulations in the conditional overlay district. The conditional overlay district designation modifies and restricts the use and site development regulations otherwise applicable to basic zoning districts of "O" Professional and Business Office District, "B-1" Business 1 District, "B-2" Business 2 District, "B-3" Business 3 District, and "GUI" Governmental, Utility and Institutional District as set forth in section 38.03.001 of the Code. All requirements of a conditional overlay district are in addition to and supplement all other applicable requirements of the Code applicable to the basic zoning district. Terms that may be imposed by the conditional overlay district shall include, but not limited to, the following:
- (1) Prohibiting permitted uses, special uses and accessory uses otherwise authorized in the base district, or making a permitted use a conditional use;
 - (2) Decreasing the number or average density of dwelling units which may be constructed on the property;
 - (3) Increasing minimum lot size or minimum lot width requirements;
 - (4) Decreasing maximum floor area per building;
 - (5) Decreasing the maximum height permitted;
 - (6) Increasing the setback requirements;
 - (7) Decreasing the maximum building or impervious coverage permitted;
 - (8) Restrictions on access to abutting and nearby roadways, including specific design features intended to ameliorate potentially adverse traffic impacts;
 - (9) Alleviate the need for variances on the site; and
 - (10) Any other specific site development or subdivision regulations required or authorized by this code.
- (c) Method of adoption.
- (1) An applicant, as described by section 38.05.092 of this Code, for zoning, rezoning, or requesting a conditional overlay to be imposed on a parcel of land shall provide notice of the zoning and planning commission meeting and the city council meeting to consider such an application in accordance with the provisions of sections 38.05.094 and 38.05.095 of the Code, respectively. Such notice shall include a description of the restrictions requested by the applicant and a statement that additional notice will be provided if the council proposes to require fewer restrictions than requested by the applicant or to zone or rezone the property without the requested conditional overlay.

- (2) The zoning and planning commission may recommend a conditional overlay designation for any application to establish zoning designation or a change of zoning without notice as required in section 38.03.041(c)(1).
- (3) The city council may impose a conditional overlay designation to any requested zoning or rezoning of a parcel of land without the notice requirement set forth in section 38.03.041(c)(1) of this Code under the following conditions:
 - (A) Such conditional overlay designation requires the same or greater restrictions imposed by the zoning district sought by the applicant; and
 - (B) The owner of the property or his authorized agent or representative consents to the designation of the conditional overlay.
- (4) Restrictions imposed by the conditional overlay (“CO”) designation district shall be included in the ordinance effecting the zoning or rezoning of the property as a conditional overlay zoning district. All property included in a conditional overlay zoning district shall be identified on the zoning map by adding the letters “CO” to the base district symbol. The ordinance effecting the zoning or rezoning of property as a conditional zoning district shall specifically state the modifications imposed pursuant to section 38.03.041(b). The restrictions shall be considered a part of the text of this Code, and a violation of the restrictions shall be a violation of this Code. The restrictions shall continue in full force and effect until repealed or modified by the council by amendment to the Code. The procedure to establish or modify a conditional overlay zoning district for a particular parcel of land shall be the same as the procedures set forth in article 38.05, division 4 of this chapter of the Code.

(Ordinance 362 adopted 3/28/18)

§ 38.03.042. PDD #1: Planned development district number one.

- (a) Applicability. This section shall apply solely to the following parcels, which shall herein be referred to collectively as the property:
 - (1) Parcel 1: 12.481 acres of land, consisting of the following two tracts:
 - (A) Tract 1: 1.554 acres: Lot 3, Resubdivision of Lots 1, 2 and 3 of Summit Oaks, a subdivision of Travis County, Texas, according to the map or plat thereof recorded in Volume 79, Page 251 of the Plat Records of Travis County, Texas, more particularly described in exhibit A to Ordinance 388; and
 - (B) Tract 2: 10.927 acres out of Lots 25, 26, 27 and 28 Barton Springs Estates, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 3, Page 192 of the Plat Records of Travis County, Texas, Texas, more particularly described in exhibit A to Ordinance 388; and
 - (2) Parcel 2: 0.913 acres: Lot 1, Jay Counts Confirming Plat, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 80, Page 320 of the Plat Records of Travis County, Texas, more particularly described in exhibit B to Ordinance 388.
- (b) Development approvals.
 - (1) Applications for permits for the project (including but not limited to building permits, site

plan, plats) shall be submitted in conformance with the Code of Ordinances, and this section (PDD #1). If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this section shall govern.

- (2) Applications for permits for stages of development that require related approvals from other regulatory agencies with jurisdiction must be processed concurrently with the applications to the other regulatory agencies. No development activity that requires approval by another regulatory agency in addition to city approval may be commenced until the approval of that other regulatory agency is obtained, and evidence of the approval provided to the city.
- (3) The city will not issue any permits for the project until the city has been provided with evidence of the approval of the following permits for the project from other regulatory agencies:
 - (A) Texas Department of Transportation (TxDOT), or a successor agency, authorization for driveway accessing Bee Cave Road.
 - (B) Texas Commission on Environmental Quality (TCEQ), or a successor agency, authorization for construction of an on-site sewage facility (if required in accordance with subsection (d)(17)(C)(i) below.
- (c) Base zoning district. The property is hereby zoned office district (O), and shall hereafter be governed by the rules applying in that zoning district.
- (d) Development standards for parcel 1. The development regulations for parcel 1 will be consistent with those applicable to the base districts (see subsection (b) above), except as otherwise provided in these development standards.
 - (1) Land use. The sole approved use of the property is an assisted living facility with memory care. "Assisted living facility" means a senior living community licensed by the state that is designed to serve the needs of adults aged 55 and older who need assistance with the activities of daily life such as bathing, grooming, dressing, and meals. The residents of an assisted living facility live in individual apartments and are provided with three meals per day, housekeeping, transportation, and planned activities, with a trained staff, including a licensed nurse who provides personal care services for residents whose individual health needs include medication management and support for diabetes and incontinence, but do not require the 24-hour medical care of a nursing home. "Memory care" means care for residents of the assisted living facility who have mild to moderate memory loss and/or Alzheimer's disease.
 - (2) Units. The maximum number of individual living units that may be constructed in the primary structure is 141.
 - (3) Mass. The total building footprint square footage is limited to 45,000 square feet. The total building square footage is limited to 101,900 square feet.
 - (4) Building design.
 - (A) Exterior design. The architectural features of the primary structure shall be consistent with the preliminary project elevation, included herein as exhibit E to Ordinance 388.
 - (B) Roof pitch. The roof line of the primary structure on parcel 1 will be varied in height

and width in order to prevent the appearance of a single plane monolithic roof line as seen from the properties of the contiguous residential property owners.

- (C) Roof-mounted equipment. Any rooftop equipment, which would otherwise be visible from the properties of the contiguous residential property owners, will either be located in roof wells concealed in roof valleys or otherwise screened from view by means of screening walls.
- (5) Building height. The primary structure is limited to 3 stories, and a maximum height of: (A) 30 feet above the average existing natural grade; or (B) 901 feet above sea level.
- (6) Building construction. The primary structure will be constructed of non-combustible materials (steel and concrete).
- (7) Cut and fill. Up to a maximum of 50 feet of cut, and 25 feet of fill is permitted.
- (8) Steep slopes. Construction is permitted on slopes in excess of 25%, up to 1.5 acres, as shown on the PD master plan.
- (9) Driveway slopes. Driveway slopes will not exceed 15%. Vehicular access to the Property is limited to Bee Cave Road.
- (10) Roadway buffer. A driveway, a retaining wall and landscape improvements may be constructed in the roadway buffer area for Bee Cave Road, as shown on the PD Master Plan.
- (11) Parking. The minimum parking ratio is at least 1 space per 4 beds, plus 1 space per 2 employees during the day shift. The maximum number of parking spaces is 71.
- (12) Right-of-way. Approximately 0.49 acres of right-of-way for the future widening of Bee Cave Road are reserved for public dedication, as shown on the PD Master Plan, to be dedicated to the city by plat upon the recordation of the final plat of parcel 1, and deeded at that time to the city, subject to the reservation of an easement for the retaining wall and signage depicted on the PD Master Plan. This easement will terminate at such time as the widening of Bee Cave Road within the right-of-way is commenced.
- (13) Water quality protection. Permanent water quality controls will be provided based on the Texas Commission on Environmental Quality's contributing zone requirements for the Edwards Aquifer. Stormwater detention facilities shall be constructed underground, as indicated on the PD Master Plan.
- (14) Lighting. The lighting for the Project will comply with the non-residential lighting standards for Lighting Zone 2 under the model ordinance developed jointly by the Illuminating Engineering Society and The International Dark-Sky Association dated June 14, 2011.
- (15) Trees and vegetation.
- (A) Clearing vegetation and removal of trees (including trees 14-inches and greater) is permitted:
- (i) Within the site development footprint shown on the PD Master Plan; and
- (ii) Within the geotech paths described on exhibit D-1 to Ordinance 388 consistent

with the agreement for tree removal and replacement between the city, the applicant and the owner (dated January 31, 2012); and

- (iii) In accordance with the tree removal and replacement plan attached as exhibit D-4 to Ordinance 388.
 - (B) The calculations for trees removed and trees to be replaced set forth on exhibit D-4 to Ordinance 388 are approved. The tree removal to tree replacement ratio under exhibit D-4 is 35%, which the city agrees will fully satisfy the tree mitigation requirements for the project. In addition to the tree replacement provided for in exhibit D-4 to Ordinance 388,
 - (C) It is an offense under the City's Code of Ordinances to remove trees or vegetation except in accordance with this subsection (15), or as otherwise approved by the city.
- (16) Signage. The project's signage must receive permits prior to construction and conform to the Code of Ordinances.
- (17) Sewage.
- (A) Centralized sewer. Applicant must use good faith efforts to secure the City of Austin's approval of the extension of centralized sewer service for the Project, and in conjunction with such approval, an opportunity for the owners of residential properties adjacent to the project on lower Buckeye Trail to obtain sewer service from the line serving the project, at their expense. The applicant's support for and request for a vote by the city council of the City of Austin on its application for such extension will constitute conclusive evidence of its good faith efforts.
 - (B) Lift station. If the project obtains centralized sewer service, a lift station may only be constructed in the approximate location shown on the PD Master Plan. If the project uses an on-site sewage system there will not be a lift station and the proposed lift station area will be landscaped accordingly.
 - (C) OSSE.
 - (i) If the City of Austin does not approve the extension of centralized sewer service to the Project on or before July 31, 2012, the applicant's obligation to pursue approval of such service under subsection (17)(A), above, will terminate and the Applicant may install an on-site sewage system to serve the project. Any such on-site sewage system will be located substantially in accordance with the preliminary location plan attached as exhibit D-2 to Ordinance 388. Nothing herein shall be construed to preclude the city from fully participating in the TCEQ permitting process.
 - (ii) If the project receives service through an on-site sewage system, the applicant will install a four-inch wastewater line, only (without a lift station), to which owners of the residential properties adjacent to the project on lower Buckeye Trail could connect, at their expense, in order to obtain centralized sewer service if it is made available in the future. This wastewater line would be located substantially in accordance with the preliminary location plan attached as exhibit D-3 to Ordinance 388.
- (e) Development standards for parcel 2. The development regulations for parcel 2 will be consistent

with those applicable to the base district (see subsection (b) above), except as otherwise provided in these development standards.

- (1) Regulations.The development regulations will be those applicable to city's residential (R-1) zoning district, except as otherwise provided below.
- (2) Transferable credits.Certain development rights, including buffer space and impervious cover, from parcel 2 may be transferred to parcel 1. Although separately platted lots, parcels 1 and 2 will be considered as one platted lot for purposes of calculating transferable credits for buffer space and impervious cover.
- (3) Driveway slopes.Driveway slopes will not exceed 15%. Vehicular access to the property is limited to Bee Cave Road.
- (4) Right-of-way.Approximately 0.12 acres of right-of-way for the future widening of Bee Cave Road are reserved for public dedication, as shown on the PD Master Plan, to be dedicated to the city by plat upon the recordation of the final plat of parcel 2, and deeded at that time to the city, subject to the reservation of an easement for the retaining wall and signage depicted on the PD Master Plan. This easement will terminate at such time as the widening of Bee Cave Road within the right-of-way is commenced.
- (5) Water quality protection.Permanent water quality controls will be provided based on the Texas Commission on Environmental Quality's contributing zone requirements for the Edwards Aquifer. Stormwater detention facilities shall be constructed underground, as indicated on the PD Master Plan.

(Ordinance 388 adopted 3/8/12)

§ 38.03.043. PDD #2: Planned development district number two.

- (a) Applicability.This section shall apply solely to the following tracts, which shall herein be referred to collectively as the property:
 - (1) Tract 1:Lot 1B, Replat of Lot 1 Bee Cave Corners Subdivision, according to plat recorded at 201300127, Official Public Records, Travis County Texas.
 - (2) Tract 2:Lot 2C, Replat of Lot 2, Bee Cave Corners Subdivision, according to plat recorded at 200900007, Official Public Records, Travis County Texas.
 - (3) Tract 3:Being 0.4152 acres of 18,084 square foot tract out of Lot 1B, amended plat of the amended plat of Tract 2, resubdivision of part of lot 15, Barton Springs Estates and Lot 1. M. McClure Subdivision and the remaining portion of Tract 1, Lamplighter Subdivision, City of West Lake Hills, Travis County, A Subdivision in Travis County, Texas, According to the map or plat of record in document No. 200300009, Official Public Records, Travis County Texas.
- (b) Development approvals.Applications for permits for the project (including but not limited to building permits, site plan, plats) shall be submitted in conformance with the Code of Ordinances, and this PDD #2 section. If there is a conflict between this PDD #2 section, and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this PDD #2 section, shall govern.
- (c) Base zoning districts.The property is hereby zoned government, utility, institutional (GUI), and shall hereafter be governed by the rules applying in that zoning district.

- (d) Development standards. The development regulations for the project shall be consistent with those applicable to the base districts (see subsection (c) above), except as otherwise provided in these development standards.
- (1) Parking. Any and all parking for the sports field by participants and visitors shall be located on the Austin Trinity School Campus.
 - (2) Tree fund payment. In addition to tree replacement requirements set forth in subsection (d)(6)(E) of this section, applicant will remit to the city a one-time payment of fifty thousand dollars (\$50,000.00) for deposit into the city's landscape fund prior to commencement of construction.
 - (3) Exterior lighting. No exterior lighting on the sports field shall be allowed.
 - (4) Outdoor amplified sound. No outdoor mechanically or electronically amplified sound on the sports field shall be allowed.
 - (5) UDA and First Amendment to the UDA. Portions of the property are subject to the UDA and First Amendment to the UDA, attached as exhibits F and G to Ordinance 401.
 - (6) Variances. The following specific, enumerated provisions ("variances") set forth in this subsection (d)(6) vary from the requirements for the GUI base zoning district. Through this agreement and the PDD #2 section, they have been approved by all required city boards and commissions and the city council and are granted by the city with respect to the development of the project. This section shall serve as guidance for the review and approval of any additional waivers, variances, exceptions, or other municipal authorizations not specifically included in this section.
 - (A) Setbacks along common lot lines. The city hereby removes the requirement for twenty-five foot (25') side setbacks between: (i) tracts 1 and 2; and (ii) tracts 2 and 3 to allow the sports field to overlap common lot lines as depicted on the master plan. This provision would otherwise require a variance from city code section 22.03.281.
 - (B) Retaining wall. The city hereby allows the retaining wall for the sports field to be constructed and exist in the setback as depicted on the master plan. This provision would otherwise require a variance from city code section 22.03.276.
 - (C) Cut and fill in setbacks. The city hereby allows cut and fill to be located within the setbacks as depicted on the master plan. This provision would otherwise require a variance from city code section 22.03.210.
 - (D) Maximum cut and fill. The city hereby allows up to a maximum of eight (8) feet of cut, and twenty (20) feet of fill for the sports field as depicted on the grading & drainage plan (exhibit D to Ordinance 401). This provision would otherwise require a variance from city code section 22.03.210.
 - (E) Tree mitigation/tree removal and replacement plan. The city hereby approves the tree mitigation/tree removal and replacement plan as depicted in exhibit E to Ordinance 401, which allows the following:
 - (i) The removal of the following twenty nine (29) trees, which are fourteen (14) inches or greater:

- a. 8 Cedars
- b. 1 Elm
- c. 16 Oak
- d. 4 Unknown

This provision would otherwise require a variance from city code section 22.03.210(a)(4).

- (ii) Replacement of 452 inches of the 1,742 inches of trees removed and the 1,692 inches required to be replaced, which is twenty-seven percent (27%) of the total number of replacement inches required. This provision would otherwise require a variance from city code section 22.03.304(c)(3).

The city agrees that the: (1) foregoing twenty-seven percent (27%) for tree replacement; and (2) the fifty thousand dollars (\$50,000.00) deposit into the city's landscape fund set forth in subsection (d)(2) of this section is deemed to fully satisfy the tree mitigation requirements for the project.

(Ordinance 401 adopted 9/28/13)

§ 38.03.044. PDD #3: Planned development district number three.

- (a) Applicability. This section shall apply solely to the following parcels, which shall herein be referred to individually as lot 2 and lot 3 and collectively as the property:

Lots 2 and 3, Westwood Villas, section 1, A Subdivision in Travis County, Texas, according to the map or plat recorded in volume 32, page 19, plat records, Travis County, Texas.

- (b) Development approvals. Applications for permits for the project (including but not limited to building permits, site plan, plats) shall be submitted in conformance with the Code of Ordinances, and this section (PDD #3). If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this ordinance shall govern.
- (c) Base zoning district. The property is hereby zoned office district (O), and shall hereafter be governed by the rules applying in that zoning district.
- (d) Development standards for property. The development regulations for property will be consistent with those applicable to the base districts (see subsection (c) above), except as otherwise provided in these development standards.
 - (1) Land use. The approved use of the property is an existing 2 story building with 4 X 1 bedroom/1 bathroom units upstairs and 3 X 1 bedroom/1 bathroom units, a laundry room and an office downstairs and a planned 2 story apartment building next door with the following use: Six new similar individual units will be built, each a two-bedroom and two-bath type, with living/dining space, a kitchen, entry area, storage/closets, including related mechanical/electrical/plumbing supporting systems, and each will have an associated private patio or deck. There will be three units above and three units below in this two-story building design. They will be accessed, along the west side of the building, by a perimeter covered walkway system (ground floor) and covered balcony access, at the second floor, served by flanking metal/concrete stairways. Each apartment will be

approximately 1,095 gross square feet in size (984 gross square feet of habitable area/ storage and 111 square feet of patio or deck, as combined)

- (2) Units. The number of additional units that may be constructed is 6 X 2 bedroom/2 bathroom units.
- (3) Mass. The new two-story building (lot 3 development) has a ground footprint of approximately 3,286 gross square feet (including the individual unit patios) overall, but excluding the freestanding stairways, the perimeter walkways/concrete pads, and the existing balconies that serve as entrance/exiting along the building's western face. The overall built building gross square footage (excluding stairs/walkways and exiting balconies) of the first and second story apartment units themselves, as combined, and their respective eastern private balconies/patios included, is 6,572 gross square feet.
- (4) Building design.
 - (A) Exterior design. The architectural features of the primary structure shall be consistent with the preliminary project elevation, included herein as exhibit C to Ordinance 415. The proposed building's exteriors will generally consist of various combinations of the following: 2 different profiles of cement-board horizontal embossed and painted siding used in combination, stone accent veneer -clad wainscots and screen walls to various extents and locations, exposed-to-view stained cedar/pine timber columns/beams/joists/trim elements, composition or hard-wood decking at second floor balconies/decks, aggregate, reinforced concrete walkways/steps/ramps at ground levels, and painted or stained trim/fascias/eaves. See exhibit for a typical exterior elevation (front "west" side shown). Other elevations will utilize same materials/finishes detailed above, but in different combinations and extents. Windows/door sidelites will be low-tint, double-insulated glazed types, set in metal or PVC frames, with perimeter painted trim. Exterior doors will be solid-core wood and painted, in wood frames/trim.
 - (B) Roof pitch. Roofing will consist of "timberline" varying profile-type composition shingles, set over underlayment and plywood decking, with wood trusses or roof/ceiling joists framing supports beneath. Roof slopes will be a maximum of 5 in 12 pitch. Gutters, rain chains, and/or downspouts will be applied for rainwater collection and transference to grade drainage direct ion and/or collection/filtration systems, per exhibit B to Ordinance 415.
- (5) Building construction. General apartment building framing construction will be out of wood components, per type 5-B (non-rated construction) code standards, except for demising walls, and floor/ceiling assemblies, between units, which will be fire-rated to industry-recognized one-hour fire-rated standards. The proposed development (on lot 3) shares parking and drives, fire lanes, and the street access approach point with an existing two-story apartment development to the west (lot 2 and part of lot 3) and its related parking.
- (6) Parking. New parking shown for the new 6-unit building on lot 3 is provided at a rate of 2 spaces per apartment unit, for a total of 12 overall added to the overall site, per the exhibits. The current existing driveway adjacent to the new proposed parking will be modified to serve the spaces as shown, per exhibit B to Ordinance 415. No other modifications to current existing parking (8 spaces), existing building use requirements or zoning, or access drives that served the original apartment building (lot 2) are required, or

mandated, at this time. The new parking shown, as directly-attributable and part of the new 6-Unit building development, is allowed to extend to within minimum building setback zones, as shown.

- (7) Right-of-way. Approximately .052 acres of right-of-way for the future widening of Bee Cave Road (parcel 42) shall be reserved for public dedication, and in fact be conveyed to the city by execution of a donation deed within 10 calendar days of the passage of this section.
- (8) Setbacks. The building, and serving stairways/balconies/patios/walkways will be setback from neighboring property lines per the exhibits and the standards set as herein: front property line minimum setback is 30 feet; side property line (with residential lot to east) minimum setback is 15 feet; and rear property line (with commercial lot to the north, specifically a detention pond facility) minimum setback is 9 feet. The new building's overhangs, eaves, and/or support beam outriggers may extend up to 36 inches past the finished surfaces of the exterior walls, and are allowed to extend within the aforementioned setback zones to the same extent, where applicable. Site retaining walls, as required, may occur within the side and rear building setback zones. HVAC site-located condenser units and support pads may occur within the side or rear setback zones, but will be properly screened from view by use of buffering landscaping or low masonry walls, from street-side viewpoints along Blueridge Trail. The required water-quality detention ponds and related structures/appurtenances may occur within the front setback zones, as shown on Exhibits.
- (9) Water quality protection. Permanent water quality controls will be provided based on the Texas Commission on Environmental Quality's recharge zone requirements for the Edwards Aquifer. Storm water detention facilities shall be constructed as required by the TCEQ.
- (10) Trees and vegetation. The clearing of vegetation and removal of trees shall be permitted in accordance with the landscape plan attached as exhibit D to Ordinance 415.

(Ordinance 415 adopted 10/22/14)

§ 38.03.045. PDD #4: Planned development district number four.

- (a) Applicability. This section shall apply solely to the parcel:
Approximately 5.68 acres of land, more or less, out of the Alexander Eanes Survey No. 507, in Travis County, Texas, being the same property conveyed to Ben Hur Temple by deed of record in Volume 5144, Page 1087, Deed Records, Travis County, Texas. (See exhibit A to Ordinance 419)
- (b) Development approvals. Applications for permits for the project (including but not limited to building permits, site plan, plats) shall be submitted in conformance with the PD Master Plan, Code of Ordinances, and this section. If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this section shall govern.
- (c) Base zoning district. The Parcel is hereby zoned PDD #4, base district GUI, and shall hereafter be governed by the rules applying in that zoning district, as may be modified by this section.
- (d) Development standards for parcel. The development regulations for parcel will be consistent

with those applicable to the base district (see subsection (c) above), except as otherwise provided in these development standards.

- (1) Land use. The approved use of the parcel is described as follows: Development of a multi-purpose indoor athletic and community center, which shall include court facilities, turf fields, physical therapy, athletic training, and storage, as well as an outdoor area on the southwest side of the building for lacrosse wall ball. Alcohol possession and sales are prohibited as primary and accessory uses.
- (2) Mass. The building shall have a ground footprint of approximately 66,650 gross square feet.
- (3) Height. The building shall have a maximum height of 38'-0" above current grade.
- (4) Building design.
 - (A) Exterior design.
 - (i) The architectural features of the primary structure shall be consistent with the preliminary project elevation, included herein as exhibit C to Ordinance 419. The proposed building's exteriors will consist of various combinations of the following: Masonry (split face concrete masonry units) that has a limestone color, stucco (earth tone color) and metal panels (earth tone colors) with exterior metal brackets that act as roof supports and downspouts. Windows for natural light and overhead doors for ventilation will be used. Exterior HVAC units will be incorporated into the exterior design and will be screened as per the Code of Ordinances.
 - (ii) See exhibit C to Ordinance 419 for a typical exterior elevation. Other elevations will utilize the same materials/finishes detailed above, but in different combinations and extents. Windows/door sidelites will be low-tint, double-insulated glazed types, set in metal or PVC frames, with perimeter painted trim. Exterior doors will be painted solid metal or storefront style set in aluminum frames.
 - (iii) The north side of the building, facing the residential properties on Konstanty Circle, will consist of all metal panel siding.
 - (B) Roof pitch. Roofing will consist of metal panels (light color/non-reflective) to resist heat gain. Roof slopes will be a maximum of 1/12 pitch. Gutters, rain chains, and/or downspouts will be applied for rainwater collection and transference to grade drainage direct ion and/or collection/filtration systems, per exhibit B to Ordinance 419.
- (5) Building construction. General building framing construction will be a concrete foundation on grade with a pre-engineered metal building super structure. This consists of steel frames (bents) at about 23'-0"+ on center, steel wall girts and steel roof purlins. Building insulation will be R-13 minimum in the walls and R-30 minimum in the roof.
- (6) Parking. Parking is provided at a rate of one (1) space per 551 square feet as per the exhibits. Parking at Westlake High School will be used for overflow parking when available. The currently existing driveway will continue to be utilized, per exhibit B to Ordinance 419.

- (7) Wall and fencing.
- (A) Existing nonconforming front yard fencing will remain. Security (chain link) fencing that is 8 feet high and covered with green screening material will be erected at or near the property line prior to construction as a condition of the issuance of building permits and will remain in place until the certificate of occupancy is obtained. A wall comprised of earth tone concrete masonry units (CPMs) between 8 and 10 feet high will be erected north of the structure abutting the fire lane and running down to the hammerhead separating the site from neighboring residential lots, as illustrated on exhibit E to Ordinance 419.
 - (B) Earth tone is a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. The CPM wall mandated by this section will be landscaped with green fig ivy on the north side, which shall be irrigated by the project owner.
 - (C) A fence comprised of cedar pickets 10 feet high will be erected commencing at the Northwest corner of the CMU wall and extending to the northwest corner of the property as illustrated in exhibit E to Ordinance 419.
- (8) Setbacks. Setbacks from the property line to the building are established at 220 feet from the front, 75 feet from the rear and 50 feet from the side. Water quality pond wall setbacks are established at 3 feet from the property line.
- (9) Water quality protection. Permanent water quality controls will be provided in accordance with the current development guidelines of the City of West Lake Hills and the Texas Commission on Environmental Quality.
- (10) Trees and vegetation.
- (A) Clearing vegetation and removal of trees (including trees 14-inches and greater) is permitted:
 - (i) Within the site development footprint shown on the PD Master Plan; and
 - (ii) In accordance with the landscape plan attached as exhibit D to Ordinance 419.
 - (iii) All vegetation will have irrigation and is the responsibility of the record owner and parcel owner to maintain in perpetuity. Dead vegetation must be replaced and maintained.
 - (B) Vegetation will primarily be used to screen residential properties abutting the Parcel and Westbank Drive.
 - (C) Six feet of blacktop (asphalt) will be removed and replaced with 2 evergreen trees in accordance with exhibit D to Ordinance 419.
- (11) Signage. The project's signage must receive permits prior to installation and conform to the Code of Ordinances.
- (12) Noise. Noise generated by the project will be mitigated and reduced through the following measures: (A) use of 2-layers of 5/8 inch thick drywall (sheetrock) on the north wall of the building; and (B) restricting the athletic and community center to primarily an indoor

facility. No outdoor speakers will be installed. Outdoor activities are limited to the lacrosse wall, which will be placed near the southwest corner of the building, away from the surrounding residential properties on Konstanty Circle, and will only occur between the hours of 8:00 a.m.–8:30 p.m.

- (13) Access. Issues of vehicular access will be addressed as follows: Primary site access will be achieved by utilizing the existing driveway location providing connection to Westbank Drive. Emergency gated access will be provided at or near the northeast property corner of the tract. No parking will be allowed in the fire lane, and a gate with a KNOX device (approved by Emergency Services District No. 9) will be installed to allow emergency access.
- (14) Impervious cover. A maximum of 54.9% of the total site area shall be permitted to be impervious cover. Impervious cover is defined by the current city code.
- (15) On-site parking. No minimum separation between rows or aisles in parking areas is required.
- (16) Site disturbance. Cut depths and fill heights on the site are limited to 18 feet.
- (17) Lighting. All proposed lighting will comply with the City of West Lake Hills Lighting Ordinance and be Dark Sky compliant. There will be motion-sensing lighting north of the building for security. Appropriate light shielding will be used to reduce light trespass to residences abutting the parcel.
- (18) Operating hours. The facility may operate from 6:00 a.m. to 11:00 p.m. Monday through Friday and from 8:00 a.m. to 11:00 p.m. Saturday, Sunday, and federal holidays recognized by the Eanes Independent School District.
(Ordinance 419 adopted 3/25/15)

§ 38.03.046. PDD #5: Planned development district number five.

- (a) Applicability. This section shall apply solely to the following parcel, which shall herein be referred to individually as Lot 1, E. Shelton Land, Wilkinson Sparks Survey No. 4, A Subdivision in Travis County, Texas, according to the map or plat recorded in volume 90, page 236, plat records, Travis County, Texas.
- (b) Development approvals. Applications for permits for the project (including but not limited to building permits, site plan, plats) shall be submitted in conformance with the Code of Ordinances, and this section (PDD #5). If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this ordinance shall govern.
- (c) Base zoning district. The property is hereby zoned commercial, and shall hereafter be governed by the rules applying in that zoning district.
- (d) Development standards for property. The development regulations for property will be consistent with those applicable to the base districts (see subsection (c) above), except as otherwise provided in these development standards.
- (1) Land use. The approved use of the property is an existing one story stone & concrete service station with approximately 1,632 square feet and an existing one story stone grocery store with approximately 2,106 square feet.

- (2) Building design.The exterior of the existing one story service station is stone and concrete and the grocery store is stone.
- (3) Building construction.Existing service station and grocery store building framing construction are constructed out of cinder blocks and steel beams and concrete.
- (4) Parking.Existing parking shown for the service station and the grocery store will remain the same.
- (5) Setbacks.The building, and patio and walkways are setback from neighboring property lines per the exhibits and the standards set as herein: Front property line minimum setback is 50 feet; side property line (with Westlake Drive) minimum setback is 50 feet; and rear property line (with commercial lot to the north) minimum setback is 30 feet.
- (6) Outdoor lighting.All new lighting must conform to article 23.04 of the Code of Ordinances. All existing lighting must be brought into conformance with article 23.04 within six (6) months of the passage of this section.

(Ordinance 438 adopted 3/8/17)

§ 38.03.047. PDD #6: Planned development district number six.

- (a) Applicability.This section shall apply solely to the following tracts, which shall herein be referred to collectively as the property:

Tract 1: Lot 1 of Westlake Cove Addition, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 82, Page 41 of the Plat Records of Travis County, Texas. Said plat corrected as to surveyor's notes by instrument recorded in Volume 13020, Page 284 of the real property records of Travis County, Texas.

Tract 2: Being all of that certain 0.4 acre tract of land, more or less, out of the Wilkenson Sparks Survey No. 4 situated in Travis County, Texas, being the same tract of land described by metes and bounds under "second tract" in deed dated July 24, 2002, to Robert E. Price, Trustee of the Westlake Cove Apartments Trust recorded under Document No. 2002152483, of the official public records of Travis County, Texas.

- (b) Development approvals.Applications for permits for the project (including but not limited to building permits, site plan, plats) shall be submitted in conformance with the Code of Ordinances, and this section (PDD #6). If there is a conflict between this section and any other rule or regulation of the city, and the conflicting rules or regulations cannot be harmonized so that both be given effect, the provisions of this section shall govern.
- (c) Base zoning district.The property is hereby zoned PDD #6, base district transitional residential (R-3), and shall hereafter be governed by the rules applying in that zoning district, as may be modified by this section.
- (d) Development standards for property.The development regulations for property will be consistent with those applicable to the base districts (see subsection (c) above), except as otherwise provided in these development standards.
 - (1) Land use.The approved use of the property is a new 18-unit condominium project described as follows:
 - (A) Building 1:A 3-story building with 3 x 2-bedroom units and 8 x 3-bedroom units.

Each 2 bedroom unit will not exceed 2,200 square feet of floor area and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.

(B) Building 2: A 3-story building with 2 x 2-bedroom and 5 x 3-bedroom units. Each 2-bedroom unit will not exceed a floor area of 2,200 square feet and each 3-bedroom unit will not exceed a floor area of 2,575 square feet.

- (2) Height. The maximum roof height of building 1 will be 35 feet, and the maximum roof height of building 2 will be 35 feet.
- (3) Density. The maximum number of units will be 18 units: 11 units in building 1 and 7 units in building 2.
- (4) Mass. The entire project will have a ground footprint of 20,465 square feet: 12,675 square feet in building 1 and 7,790 square feet in building 2.
- (5) Parking and access. Access shall include a fire truck access lane and turnaround; 22 covered parking spaces for residents in building 1 (2 spaces per unit); 14 covered parking spaces in building 2 (2 spaces per unit); and 5 uncovered parking spaces for guests which will include 2 handicap parking spaces, one of which will be van accessible.
- (6) Impervious cover. The maximum impervious cover will be 30,653 square feet (29.55%).
- (7) Setbacks. The footprint of the two buildings will have the following setback lines: Front street setback is 40 feet; rear setback is 40 feet along the creek; 25 feet on the south side; and 40 feet on the north side property line.
- (8) Building design and construction. All building construction will conform to the applicable code provisions of the International Building Code as adopted by the city. The building will likely be steel or concrete structure with primarily glass curtain walls. Both buildings will have a flat roof with a gravel or turf finish.
- (9) Condominium management. A condominium declaration will be recorded; a condominium owners association will be formed; and the association's board will manage assessments, maintenance over general common areas, and review and approval of all repairs or remodeling to any units. A copy of the declaration will be made available for final approval by the city council.

(Ordinance 2020-216 adopted 12/9/20)

§ 38.03.048. through § 38.03.060. (Reserved)

DIVISION 3
General Regulations

§ 38.03.061. Prohibited uses.

All uses not expressly permitted or authorized by this chapter are prohibited in the city, including, but not by way of limitation, the following:

- (1) The operation of activities or facilities between 11:00 p.m. and 6:00 a.m., except for those in B-3 zoning districts, bank automatic teller machines (ATMs), and any other activities or facilities in nonresidential zoning districts specifically authorized by the city council by way of a special use permit or a zoning change ordinance.
- (2) Commercial kennels, except by special use permit in district B-2.
- (3) Open air commercial amusements, except those in place for one week or less for which a permit has been issued by the city.
- (4) Junkyards, salvage yards and all open air storage of junk, waste products and salvage materials.
- (5) All open air storage of building materials, equipment and merchandise (except live vegetation), except that necessary to a construction project, provided that the materials and equipment are located on the site of the construction and are removed immediately upon completion or discontinuance of work.
- (6) Outside display of products for sale. The open air (outside of a building) display of any product, materials, vehicles or equipment for sale, lease or rent (except approved nursery live vegetation) is prohibited throughout all districts; however, the city administrator is authorized to approve display of seasonal products or materials for sale upon written request.
- (7) Landing or take-off of aircraft. No person shall ascend or land with any aircraft, or permit the ascending or landing of any aircraft, within the city limits. This proscription shall not apply to any medical helicopter nor shall it apply to emergency landings or to military or National Guard aircraft.
- (8) Placing, locating or erecting a mobile home.
- (9) Mobile home or recreational vehicle parks.
- (10) All signs except as expressly permitted in this chapter and in chapter 32.
- (11) Quarrying.
- (12) Hotel and motels (this prohibition does not apply to properly permitted short-term rentals as defined by article 6.04).
- (13) The sale or rental of automobiles and other motor vehicles, mobile homes, recreational vehicles and boats.
- (14) Storage warehouses and building material storage yards.
- (15) Activities or facilities with a drive-in/drive-through facility except for bank ATM facilities and any activities or facilities located in B-2 or B-3 zoning districts.
- (16) Industrial, mining or extractive uses of all descriptions.

- (17) Taverns, bars or cocktail lounges, except in the B-3 business 3 district.
- (18) Amusement centers or parlors.
- (19) Automobile wash services.
- (20) Sexually oriented businesses, as defined in V.T.C.A., Local Government Code section 243.002, as amended.
- (21) The sale of fireworks.
- (22) Automobile service stations.
- (23) Cemetery, graveyard or burial ground, for the interment of dead persons and domestic farm animals.
- (24) Uses attended by substantial nuisance factors.
(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.03.062. Accessory uses.

The uses of land, buildings and other structures permitted in each of the districts established in this chapter are designated by listing the principal uses. In addition to such principal uses, accessory uses are also permitted in each district. Each accessory use shall:

- (1) Be customarily incidental to the principal use established on the same lot;
- (2) Be subordinate to and serve such principal use;
- (3) Be intended for the comfort, convenience or necessity of users of such principal use;
- (4) Not be designed or used for human habitation except for guest and domestic quarters as provided in this chapter;
- (5) Not be attended by nuisance factors; and
- (6) Not be permitted on lots upon which a principal use has not been established.
(Ordinance 362 adopted 3/28/18)

City of West Lake Hills, TX

§ 38.04.001

ZONING

§ 38.04.001

**ARTICLE 38.04
SUPPLEMENTARY REGULATIONS**

DIVISION 1
Generally

§ 38.04.001. through § 38.04.030. (Reserved)

DIVISION 2
Special Uses

§ 38.04.031. Criteria for establishment of special use categories; uses allowed in specific districts.

- (a) General criteria for establishment of a special use category are as follows:
 - (1) Special and associated expenses for regulatory oversight;
 - (2) Higher probability of chance of nuisance to the surrounding areas;
 - (3) Greater impact on surrounding properties with respect to the following:
 - (A) Parking;
 - (B) Waste products and disposal methods;
 - (C) Noise (peace and quiet of the neighborhood);
 - (D) Light or glare;
 - (E) Smell, fumes, dust and odor;
 - (F) Traffic; and
 - (G) Infectious or contagious diseases;
 - (4) Activities which increase potentially objectionable sensory responses for surrounding areas;
 - (5) Greater adverse impact on appraised valuations of surrounding properties;
 - (6) Higher level of impediment to development of surrounding properties;
 - (7) Increase in traffic congestion and reduction of pedestrian safety to a significant degree;
 - (8) Regulatory control for number and type of animals to prevent menace or disturbing of neighbors;
 - (9) Regulatory control for selective activities in other than permitted zoning districts;
 - (10) Regulatory control for activities that have a potential to harm the environment; and
 - (11) Regulatory control for continuance of activity.
- (b) Specific special uses authorized by zoning district are as follows:

Special Use	District Allowed
Alcoholic beverages sold in grocery stores for off premises consumption	B-2, B-3
Alcoholic beverages sold in restaurants for on or off premises consumption	B-2, B-3
Assembly and testing of electronic components	O

Special Use	District Allowed
Bank or savings and loan association	B-2
Charter school or private school	O
Child day care facility	O, GUI, B-1, B-2, B-3
Church	O, B-1, B-2, B-3
Cocktail lounge	B-3
Commercial coach	All (temporary during construction)
Commercial kennel	B-2, B-3
Employee dining facility	O, B-1, B-2, B-3
Guest or domestic employee quarters	R-1, R-2, R-3
Home occupation	R-1, R-2, R-3
Hospital	B-1, B-2, B-3
Laundry and dry cleaning plant	B-3
Massage therapy school	O, B-1
Private horse stable	R-1, R-2
Publishing business	B-2, B-3
Rehabilitation/wellness center	B-1, B-2, B-3
Research, development or clinical laboratory	B-2, B-3
Restaurant with drive-in/drive-through facilities	B-2
Retail liquor store	B-2
Riding stable	R-1, R-2
Wireless telecommunication facilities	O, B-1, B-2, B-3, GUI

(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.04.032. Special use permit.

- (a) ~~Required.~~ No special use shall be established, operated or maintained except as authorized by a special use permit issued in accordance with the requirements of this section.
- (b) ~~Issuance by board of adjustment city council.~~ A special use permit may be issued only for the special uses specified in this division, and only for the district where it is authorized. A special use permit may only be issued by the city council upon recommendation of the zoning and planning commission ~~board of adjustment~~ acting after a public hearing. In considering any application for a special use permit, the board of adjustment zoning and planning commission in their recommendation and city council in their final action shall give due regard to the nature and condition of all adjacent land, uses, and structures. The ~~board of adjustment city council~~ may disapprove an application for a special use permit, or approve same subject to such requirements and conditions, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.

- (c) Application. An application for a special use permit shall be made in writing in a form prescribed by the city administrator and shall be accompanied by such information as may be requested, including a site plan, if required, in order to properly review the proposed use. Such information may include but is not limited to site and building plans, drawings and elevations, and operational data. All applicants for a special use permit for a nonresidential use in a residential district shall provide the city with a signed letter from a licensed attorney verifying that the proposed use will not be violating deed restrictions.
- (d) Report by city administrator or ~~city inspector~~ designee. Either the city administrator or the ~~city inspector~~ designee shall visit the site of the proposed special use and the surrounding area and shall prepare findings to be delivered to the board of adjustment zoning and planning commission and city council.
- (e) Notice of public hearing before ~~board of adjustment zoning and planning commission and city council.~~
- (1) The ~~board zoning and planning commission and city council~~ shall each hold a public hearing on each application for a special use permit.
 - (2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than sixteen (16) days prior to the date of the hearing by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown in the Travis Central Appraisal District database, with postage paid.
 - (3) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.
 - (4) City staff shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content.
 - (5) sSign(s) shall be posted per section 38.05.002.
- (f) Review and approval by ~~board of adjustment zoning and planning commission and city council.~~
- (1) The ~~board commission~~ shall review the application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 38.04.033 and with each of the specific criteria in section 38.04.034 applicable to the proposed use, and shall make a separate finding thereon for each criterion.
 - (2) The ~~board commission~~ shall not make a recommendation to approve an application unless it finds that the proposed special use as presented complies with each of the general and applicable specific criteria.
 - (3) ~~The board shall make a written finding of its decision in accordance with section~~

~~38.02.007~~ The commission shall forward their recommendation to city council for review and final action.

- (4) The ~~board~~ city council may condition its approval of an application on the applicant's adoption of

specified changes, additions, limitations, safeguards or effective time periods designed to ensure compliance with the criteria.

- (5) The ~~board-city council~~ shall not grant a special use permit unless it finds that the proposed special use complies with each of the applicable general and specific criteria; otherwise, it shall deny the application.

(Ordinance 2021-013, att. B, adopted 12/8/21; Ordinance 2025-005 adopted 6/25/2025)

§ 38.04.033. General criteria applicable to all special uses.

A proposed special use permit must comply with all the following criteria:

- (1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;
- (2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
- (3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor’s enjoyment of the neighbor’s property or operation of the neighbor’s business;
- (4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and
- (5) The proposed use shall comply with all other applicable ordinances and regulations.

(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.04.034. Criteria applicable to individual special uses.

~~(a) Home based business. A proposed home based business in a single family or two family residential district must comply with all the following specific criteria as well as the general criteria in section 38.04.033:~~

- ~~(1) External evidence of the business shall not be detectable at any lot line. The interior/exterior of the dwelling shall not be structurally altered to comply with nonresidential construction codes, nor additional structures built on the property to accommodate the home based business.~~
- ~~(2) The business shall not change the residential character of the lot and dwelling, nor alter the exterior appearance of the principal building from that of a dwelling for human habitation, nor require the installation of machinery or equipment other than that customary to domestic, hobby, standard office, or ordinary household activities.~~
- ~~(3) The business shall be carried on entirely within a dwelling unit or within only one accessory building (not to include a carport) by a bona fide resident(s) of the premises and not more than one nonresident assistant.~~
- ~~(4) The business shall be operated by a permanent full-time resident (or residents) of the dwelling unit, and no other persons.~~
- ~~(5) There shall be no in person contact at the premises with customers or clients except that music lessons may be given to one pupil at a time, and cultural, art, or dance instruction~~

~~may be given to four or less pupils at one time.~~

- ~~(6) The business shall be conducted as an accessory use that is clearly incidental and secondary to the residential use of the premises, shall not use an area exceeding 20 percent of the gross under roof floor areas of the dwelling, nor cause a substantial increase in any utility usage.~~
- ~~(7) Adequate off street parking shall be available on the property where the use is located without exceeding the impervious cover limits for residential property. Business guests or invitees parking shall be restricted to on-site use of the driveway and parking areas wholly contained within the property. All vehicular traffic to and from the home based business shall be limited in volume, type, and frequency to what is normally associated with other residential uses in the residential neighborhood and not to exceed 10 average daily trips.~~
- ~~(8) Merchandise, materials and equipment associated with the business shall not be displayed or stored where visible from any location off the premises. The direct sale of merchandise on the premises is prohibited. In other words, no on site retail in person sales; however, sales via internet, telephone, or mail is permitted as long as no sales are made in person.~~
- ~~(9) There shall be no signage or advertising, linking the residential property with the home-based business including, but not limited to, any billboard, internet, pamphlets, newspaper, radio, television, phone directory, sign, or vehicle advertising.~~
- ~~(10) The home based business shall not be detrimental or injurious to adjoining property by the creation of dust, electrical interference, fumes, gas, glare, heat, light, noise, vibration, waste runoff, or other objectionable or obnoxious conditions.~~
- ~~(11) A home based business shall not create any ultra hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the federal government, State of Texas, City of West Lake Hills, or which would constitute a common law nuisance.~~
- ~~(12) Nothing herein shall be construed to allow animal breeding, animal hospitals, pet grooming, commercial kennels, commercial stables, veterinary offices, clinics, hospitals, barber shops, beauty parlors, contractor's yards, junk yards, lodging houses, "bed and breakfast" lodges, short-term rentals, massage parlors/therapy clinics, restaurants, rental outlets, or vehicle repairs shops as home based businesses.~~

~~(b)~~(a) Churches. A proposed church sanctuary or parsonage to be located in a residential district shall comply with all the following specific criteria as well as the general criteria in section 38.04.033:

- (1) Hours of operation shall not begin before 10:00 a.m. and shall end by 3:30 p.m., weekdays and weekends.
- (2) Noise shall not exceed 60 decibels as measured from any of the church's lot lines.
- (3) Lighting shall conform to all Code requirements for the residential district in which the structure is located. All lighting shall be shielded with zero (0) footcandle spillover across property lines.
- (4) No signage is permitted. Land use notice shall be limited to address only. Name, graphic representation, and any signage is prohibited.

- (5) The total number of car trips per hour entering or leaving the church sanctuary or parsonage, whether the same or different cars, shall not exceed 10, unless fronted on a collector street.
- (6) The structure and development should be situated on the lot in such a way that their visibility is minimized. The use of natural materials and unobtrusive colors is required.
- (7) A buffer zone of tree growth is required between roads and building improvements to preserve the wooded, rural character of the hills. A buffer zone is required as well, on each of the other property lines, to preserve the wooded, rural character of the hills and to protect individuals' privacy. Trees must be from the City's approved tree list, and planted in accordance with a landscaping plan approved by the City.
- (8) Churches shall provide on all property lines, a fifty (50) foot undisturbed conservation easement for all subdivisions. Churches shall comply with all tree requirements in the city's code, including protection and preservation.
- (9) Driveway entrances must be laid as inconspicuously as possible in order to maintain the look of unbroken, undisturbed landscape along the right-of-way.
- (10) Surfacing.
 - (A) The color of church parking lot surface asphalt and/or concrete shall be dark (e.g. asphalt or dark colored concrete) in order to blend with the natural landscape of the neighborhoods.
 - (B) All off-street driveway, parking, and loading areas shall be well drained and maintained with a durable and dustless all-weather surface approved by the city inspector and shall be kept in a state of good repair.
- (11) Parking. All parking spaces shall comply with the following requirements:
 - (A) The minimum number of off-street parking spaces provided shall be the more restrictive of either:
 - (i) 1 space for each 4 people normally expected on the premises at the time of maximum use; or
 - (ii) 1 space for each 200 square feet of floor area.
 - (B) 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.
 - (C) Handicap parking requirements are a minimum of one percent of total parking spaces. Dimensional requirements are 12-foot width and 18-foot depth per handicap space.
 - (D) Parking dimensional and design regulations shall conform to section 22.03.242 of this code.
 - (E) On-site parking and circulation regulations. The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Separate rows or aisles in parking areas shall be divided by a five-foot wide region of trees, shrubbery and other

landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles. All parking facilities or structures shall be on one level.

- (F) Off-street loading space. Property owners shall ensure adequate off-street space exists on the lot for loading and unloading vehicles receiving or distributing materials or merchandise.
 - (G) Required parking spaces shall be maintained. Required parking and loading areas shall not be encroached upon, reduced in any manner, or devoted to any other use. A maximum of 25 percent of the parking spaces shall be allocated to compact cars.
 - (H) Drainage. No off-street driveway, parking or loading area may be drained onto or across a public right-of-way or walkway, or onto any adjacent property except into a natural watercourse or drainage easement. Drainage facilities for each parking area shall be designed and constructed in accordance with the drainage and erosion control design manual.
 - (I) Driveway, parking, and loading area setbacks.
 - (i) 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.
 - (ii) 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:
 - a. The minimum setback distance for driveways, parking areas, and loading areas from street right-of-way shall be 50 feet.
 - b. The minimum setback distance for driveways, parking areas, and loading areas from the boundary lines of the R-1 and R-2 lot is 50 feet.
 - c. The term “driveways” includes those areas used for required vehicle turnaround or other maneuvering. Where nonresidential driveways adjoin R-1, R-2 and R-3 districts, the 50-foot setback shall preserve existing landscape vegetation and natural features as provided in article 22.03.
 - d. All driveways are limited to undeveloped slopes below 25 percent gradient. They shall not exceed a maximum of 15 percent grade after construction.
- (12) Fire safety standards required for a church to receive a special use permit:
- (A) The church must be within 200 feet of a fire hydrant that provides adequate fire flow for fire protection.
 - (B) The driveway must provide adequate space for all appropriate fire equipment to access property and turnaround to exit in order to provide protection to large groups of people.
- (13) Churches shall be located with frontage on collector or arterial streets.

- (14) Setbacks. Setbacks for proposed structures, if the proposed structure has an R-1 or R-2 property adjacent to or immediately in front of the proposed property, are:
- (A) A minimum front setback of 100 feet;
 - (B) A minimum rear setback of 50 feet;
 - (C) Minimum side setbacks of 50 feet each.
- (15) Lot size. Dimensional minimums of lots:
- (A) 2 acres;
 - (B) Depth of 200 feet; and
 - (C) 150 feet wide.
- (16) Height of structure. Maximum 30 feet.
- (17) All other requirements shall conform to the regulations of the residential district in which the structure is located as stated in this code.
- (18) A sanctuary shall be defined as a congregating meeting place of worship for sermons, ceremonies, prayers, etc., and not to include instruction rooms, the place of residence for ministers, priests, rabbis, teachers, clergy, directors of the premises, etc.; or accessory uses on the same site, including child care facilities operated during services/events sponsored by the organization. A sanctuary authorized by special use permit issued under this section may not exceed 2,000 square feet for total building area.
- (19) No accessory structures or uses may be authorized by special use permit. This includes schools, recreational facilities, offices, and child day care unless operation occurs during regular service, etc.

~~(e)~~(b) Riding stable. A proposed riding stable must comply with the following specific criteria, as well as the general criteria in section 38.04.033:

- (1) The parcel on which the use is conducted shall contain a minimum of three acres of land.
- (2) The stable shall not be located any closer than 150 feet to a residence on an adjoining lot.
- (3) The operations of a riding stable shall be limited to providing riding lessons and the boarding, training and renting of horses. No horse racing shall be permitted on the premises.
- (4) A limit on the number of horses permitted to be stabled on the lot shall be set by the city council applying the general criteria in section 38.04.033; provided that the number of horses permitted on the premises used for a riding stable shall never exceed one horse for every acre of land, except for riding stables located on ten or more acres where the number of horses permitted on the premises shall never exceed one horse for every three-fourths acre of undeveloped land.
- (5) The following facilities shall be provided and properly maintained:
 - (A) Adequate enclosures to keep the horses from running at large;
 - (B) Adequate space within each enclosure for proper exercise;

- (C) Adequate shelter from the elements;
 - (D) Enclosures that properly drain; and
 - (E) Facilities and program for proper waste disposal and for eliminating odor.
- (6) An applicant shall maintain the horse stable in a sanitary condition at all times and keep odor to a minimum.
- (7) All horses brought into or maintained in the city shall be free of all infectious or contagious diseases that the state animal health commission has determined to be dangerous.

~~(d)~~(c) Kennel, commercial. A proposed commercial kennel must comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:

- (1) The operations of a commercial kennel, unless otherwise limited by the city council, shall be limited to boarding, training, breeding, selling, veterinary treatment, care and grooming of dogs and cats, and may include the sale of dog and cat accessories and supplies.
- (2) The following facilities shall be provided and properly maintained:
 - (A) Adequate enclosures to keep animals from running at large;
 - (B) Adequate space within each enclosure for proper exercise;
 - (C) Adequate shelter from the elements;
 - (D) Enclosures that drain properly; and
 - (E) Facilities and program for proper waste disposal and for eliminating odor.
- (3) An applicant shall maintain animal enclosures in a sanitary condition at all times and shall keep odor from being detectable from off the premises.
- (4) All dogs and cats brought into or maintained in the city shall be free of infectious or contagious diseases and shall be effectively inoculated against rabies at all times.
- (5) An applicant shall provide and maintain an effective means to prevent barking sounds from being audible off the premises.
- (6) The number of animals on the premises at any one time shall be no greater than authorized in the permit issued by the city council.

~~(e) Alcoholic beverages sold in a restaurant for on or off premises consumption. A proposal to sell alcoholic beverages in a restaurant for on or off premises consumption must comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:~~

- ~~(1) The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.~~
- ~~(2) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.~~
- ~~(3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food.~~

- ~~(4) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year.~~
- ~~(5) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.~~
- ~~(6) Special offers to the public promoting the sale of alcoholic beverages commonly known as "happy hour" shall be conducted only at times when the permittee offers full food service and only during the period of time from 4:00 p.m. through 7:00 p.m. during the days of Monday through Friday inclusive except as indicated in this subsection. The permittee may select a period of time not to exceed three hours per each day to conduct a happy hour promotion for the days of Saturday and Sunday. The permittee shall give written notification to the city administrator of the hour selected for such a happy hour and any changes thereto. The permittee shall give a 72 hour notice to the city administrator of changes to any happy hour designation.~~
- ~~(7) Live entertainment utilizing electronically amplified musical instruments or an associated sound system shall not be permitted. Live entertainment is permitted as follows:~~
- ~~(A) The group of performers is limited to not more than four persons;~~
- ~~(B) The entertainment must be located within the confines of the restaurant interior;~~
- ~~(C) The sound is not to be heard outside the restaurant premises; and~~
- ~~(D) All performances must end at 10:30 p.m. daily.~~
- ~~(f) Alcoholic beverages sold in liquor or grocery stores for off premises consumption.~~
- ~~(1) The liquor or grocery store where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.~~
- ~~(2) The liquor or grocery store where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.~~
- ~~(3) The permit shall be reviewed annually by the city administrator, and, if reissued, reissued at the end of the calendar year.~~
- ~~(4) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.~~
- ~~(5) A permit shall only be granted if the applicant agrees that all litter associated with off premises consumption of alcoholic beverages within 200 feet of the applicant's premises is presumed to be the applicant's. In addition, the applicant agrees to collect and dispose of all litter within 200 feet of the boundary line of the premises from which alcoholic beverages are sold.~~
- ~~(6) Wine or beer tasting is permitted on-site by prospective purchasers provided required state permits are obtained.~~
- ~~(g)(d) Employee dining facilities.~~
- ~~(1) The employee dining facility must be operated within the office buildings and only in~~

projects that total over 100,000 total surface feet of building floor area within one lot.

- (2) The employee dining facility shall be limited in size so as to serve the employee population of the office complex. No advertising of the facility shall be permitted outside the complex.
- (3) The employee dining facility shall not serve meals after 6:00 p.m.
- (4) The employee dining facility shall have a separate wastewater system approved in advance by the city.
- (5) The permit shall be reviewed annually.

~~(b)~~(c) Banking or savings and loan establishments. A proposed bank or savings and loan association in a B-2 district or must comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:

- (1) The parcel must have direct access to Bee Cave Road or the Capital of Texas Highway.
- (2) The remodeling of a financial facility in existence prior to May 1, 2005, located within a B-2 district shall be limited to a maximum floor area of the lesser of the existing area or 2,000 square feet, excluding any drive-in facility area.
- (3) The building, if located within a B-2 district shall be a minimum of 200 feet from any major thoroughfare is limited to two lanes of drive-in windows.
- (4) The site plan must provide adequate anticipated stack space for automobile drive-in needs within the facility complex.
- (5) The anticipated traffic load from the banking facility shall not interfere with residential traffic.
- (6) The site plan shall provide for adequate landscaping, and the maintenance of landscaped areas shall be the subject of restrictive covenants which are enforceable by the city.
- (7) There shall be no more than one curb cut for access to the office complex unless otherwise approved by the city council.

~~(d)~~(f) Hospital in B-1 district. A proposed hospital must comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:

- (1) The parcel of land shall have a minimum of 500 feet frontage on either the Capital of Texas Highway or Bee Cave Road.
- (2) The parcel must have direct access to Bee Cave Road or the Capital of Texas Highway.
- (3) The anticipated traffic load from the hospital shall not interfere with traffic from residential streets.
- (4) There shall be no more than one curb cut unless otherwise approved by the city council.
- (5) The hospital shall be operated by a physician licensed to practice medicine in the state and currently in good standing with the state board of medical examiners.
- (6) The disposal system for the hospital shall be specifically designed by a licensed engineer for water consumption or capacity typically associated with hospitals.

(g) Laundry and dry cleaning plant operation in B-3 district.

- (1) Dry cleaning machines shall be an EPA-approved nonvent unit and have an enclosed trough to accommodate any solvent spill.
- (2) Solvent use shall be PERC, which is nonflammable perchloroethylene, and which is limited to 50 gallons on-site at any one time.
- (3) No fumes, odor or noise shall be detectable beyond the premises of the business.
- (4) No chemical discharge shall be allowed into an organized central sewer system or private septic disposal system.
- (5) There shall be a maximum of 1,800 square feet for the gross area of the business.
- (6) Dry clean processing is limited to on-site business, not trucked-in processing.
- (7) Used chemicals and filters shall be disposed of weekly or after every 8,000 pounds of processing and be transported by a state-licensed disposal company.

(h) Massage therapy school in O district. A proposed massage therapy school shall comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:

- (1) The owner and instructors shall be registered massage therapists pursuant to Vernon's Ann. Civ. St. art. 4512k (V.T.C.A. Occupations Code, chapter 455).
- (2) The massage therapy school shall have at least two registered instructors that teach the course of instruction required for registration as a massage therapist, as specified by the provisions of Vernon's Ann. Civ. St. art. 4512k (V.T.C.A. Occupations Code, chapter 455).
- (3) The hours of operations are limited to 6:00 a.m. to 10:00 p.m.
- (4) Hazardous chemicals as defined by Ordinance No. 240, as amended, shall not be discharged into a private sewage disposal system or into an organized central sewer system.
- (5) The parcel of land on which the school is located shall have direct ingress and egress to Bee Cave Road or Capital of Texas Highway.
- (6) Employee and student parking spaces shall be allocated on a one-to-one ratio. The number may be reduced upon presentation of evidence that the provided parking is adequate due to shared parking between retail facility users.
- (7) The anticipated traffic load from the school shall not interfere with traffic within the multitenant complex.

(i) Charter school or private school in O district. A proposed charter school or private school shall comply with the following specific criteria and conditions, as well as the general criteria in section 38.04.033:

- (1) The charter school or private school presents to the city proper credentials, licenses or certifications to operate as provided by the Texas Education Code.
- (2) Outdoor recreational activities are permissible so long as the noise from the activity does not interfere with the other tenants or neighbors.

- (3) A fence must be constructed surrounding any outdoor recreational activity area at a height of at least four (4) feet but no higher than six (6) feet.
- (4) The hours of operations are limited to 8:00 a.m. to 5:00 p.m.
- (5) Employee parking spaces shall be allocated on a one-to-one ratio. Additional parking must be provided for transportation of students, unless documentation is provided that the available parking is adequate due to shared parking between other tenants.
- (6) The anticipated traffic load from the school, including loading and unloading, shall not interfere with other traffic within a multi-tenant complex.
- (7) As part of the operation of a private or charter school, food and drink may be provided for on-premises consumption by the students and staff without having to obtain a food establishment permit under Chapter 10 provided that: (A) the provision of food or drink, and disposal of refuse, does not create a nuisance for other tenants or neighbors; (B) the food or drink is provided as a part of the educational services being provided, and not primarily for retail sale; and (C) the food is pre-packaged, nonperishable, and does not require cooking or other preparation. The terms in this subsection have the meaning assigned to them by chapter 10 of this code.
- (8) The private or charter school must meet the minimum ratio of classroom size per student as required by the Texas Education Agency and the number of persons occupying the space may not violate the occupancy limits set by the fire code.

~~(m)~~(j) Wireless telecommunication facilities.For the purposes of special use permits, the term “wireless telecommunication facilities” includes antennae, satellite dishes, mounts, power cabinets, platforms, and any other equipment or fixtures necessary for the provision of cellular or wireless internet service. A property owner within an O, B-1, B-2, B-3, or GUI district may obtain permission to install, or permit to be installed, wireless telecommunication facilities in compliance with the general criteria in section 38.04.033, any other section of this code, and the following:

- (1) The installation and use of such facilities may not inhibit or otherwise interfere with an existing, lawful wireless telecommunication facility within the city limits.
- (2) The facilities will be installed in the least visually intrusive manner practicable, using paint colors to make the facilities blend in, screening of structures at ground level, and other measures to reduce the visual impact.
- (3) Facilities may not be constructed within the setback from the property line.

~~(n)~~(k) Restaurant with drive-in/drive-through facilities.A proposed restaurant with drive-in/drive-through facilities must comply with the general criteria in section 38.04.033. (Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.04.035. General conditions for all special uses.

- (a) Adherence to approved plans and limitations.A special use shall be established, operated and maintained in accordance with the plans, terms, conditions and limitations contained in the permit approved by the ~~BOA~~city council.
- (b) Duration of permit; renewal.Special use permits shall be granted for a definite period of time,

not to exceed two years. Upon the special use permit's expiration, renewals may be granted at the discretion of the city administrator provided no written complaints were received during the use period. If there is a record of complaints or if the city administrator opts not to approve the renewal, the applicant can seek renewal from the BOA-city council. If the BOA-city council declines the renewal, the applicant can reapply for the special use permit. The applicant shall pay new fees.

- (c) Revocation of permit. The BOA-city council, after notice and a public hearing, may revoke any special use permit for one or more of the following reasons:
- (1) A substantial violation of any of the plans, terms, conditions and limitations applicable to the special use;
 - (2) A substantial violation of any applicable ordinance or regulation;
 - (3) Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; or
 - (4) Discontinuance of the use.
- (d) Lapse of permit. A special use permit shall lapse if the use has not been commenced, or, in the case of construction, if construction has not been commenced, within one year of the date the permit was issued.
- (e) Transfer of permit. A special use permit is not transferable and shall cease upon transfer of the property or business.

(Ordinance 2021-013, att. B, adopted 12/8/21)

§ 38.04.036. through § 38.04.060. (Reserved)

DIVISION 3
Nonconforming Uses and Structures

§ 38.04.061. Nonconforming uses of land and structures.

Any use of land or structures lawfully existing on the effective date of the ordinance from which this chapter is derived, or the effective date of any amendment to this chapter, that is not permitted in the district in which the use is located may be continued, subject to the following conditions:

- (1) No nonconforming use of land shall be extended to occupy a greater area of land than was occupied on April 15, 1990, or on the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter.
- (2) No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter.
- (3) When a nonconforming use of land is discontinued for a period of more than 90 consecutive days, it shall be deemed to be abandoned and subsequent use of such land shall conform to the regulations specified by this chapter for the district in which the land is located.
- (4) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (5) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (6) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (7) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for three consecutive months, except for repairs covered by an approved building permit, not exceeding six months, it shall be deemed to be abandoned, and the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (8) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.
- (9) The city council, after notice and hearing, may require that a nonconforming use be screened from view of the street or surrounding property, or may require the elimination of any nuisance factor caused by a nonconforming use.
- (10) The following nonconforming uses of land shall be entirely discontinued in all districts within one year from April 15, 1990, or the effective date of the ordinance from which this chapter is derived or the effective date of an amendment of this chapter, or from the date of annexation of land containing such uses:

- (A) Wrecking, junk, scrap or salvage yards.
 - (B) Automotive and other sales lots, and outdoor storage yards for lumber, building materials and contractor's equipment.
 - (C) Extraction or removal of stone, sand, gravel, caliche, minerals, earth, topsoil or other natural material for commercial purposes.
 - (D) Shooting ranges.
- (11) The following nonconforming uses of structures, or of structures and land in combination, shall be entirely discontinued within eight years after their inception, or within five years after becoming nonconforming under this chapter, or an amendment to this chapter, whichever is later:
- (A) All commercial uses in R districts; and
 - (B) All industrial uses in any district.
- (Ordinance 362 adopted 3/28/18)

**ARTICLE 38.05
ADMINISTRATION AND ENFORCEMENT**

**DIVISION 1
Generally**

§ 38.05.001. Joint/combined hearings.

Applications for special use permits, variances, zoning changes and subdivision approvals which involve the same development may be considered together, before either the zoning and planning commission, the board of adjustments, the city council, or all of the above, at a single hearing, rather than at a separate hearing for each related application. Amendments to this chapter may be heard and acted upon at joint meetings of the zoning and planning commission and the city council.
(Ordinance 362 adopted 3/28/18)

§ 38.05.002. Posting of signs on property being considered for special use permit, variance or zoning change.

The city shall cause one or more weather resistant signs to be erected in conspicuous locations on property for which a special use permit, variance, or zoning change approval has been requested. The sign shall state the purpose, date, time and place of the hearing before the commission. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Such signs shall be erected no later than sixteen (16) days before the request is to be considered at a public hearing before the zoning and planning commission or board of adjustment, whichever is earlier, and shall remain until final disposition of the request by the city council. The applicant shall remove all such signs within 24 hours after the council's final decision
(Ordinance 362 adopted 3/28/18; Ordinance 2025-005 adopted 6/25/2025)

§ 38.05.003. Reapplication after denial of special use permit or change of zoning classification.

No application made by a property owner for a special use permit or changed zoning classification shall be accepted if the same or similar application on the same property has been denied by the city council within the preceding 12-month period.
(Ordinance 362 adopted 3/28/18)

§ 38.05.004. Fees.

All applications and submissions required by this chapter are to be accompanied by such fees and costs as may be required pursuant to such schedule of fees as may be adopted and amended from time to time by resolution of the city council. Fees are not refundable.
(Ordinance 362 adopted 3/28/18)

§ 38.05.005. Provisions of chapter are minimum requirements; conflicting provisions; private restrictions.

The provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of any other applicable law are in conflict with the requirements of this chapter, the most restrictive requirement, or that imposing the higher standard, shall apply. The provisions of this chapter are not intended to repeal or interfere

City of West Lake Hills, TX

§ 38.05.005

ZONING

§ 38.05.006

with private restrictions placed upon property by covenant, deed, easement or other private agreement.
(Ordinance 362 adopted 3/28/18)

§ 38.05.006. through § 38.05.030. (Reserved)

DIVISION 2
Variances

§ 38.05.031. Provisions subject to variance.

Variances may be granted by the board of adjustment to the provisions of this chapter in accordance with the rules and conditions of this division. A variance may not be granted, however, to authorize a change of use. Variances run with the land, but each variance is specific to the project for which it was granted.

(Ordinance 2021-004, att. G, adopted 6/23/21; Ordinance 379 adopted 9/25/19)

§ 38.05.032. Conditions required for granting variance.

No variance shall be granted unless the following conditions are fulfilled:

- (1) The applicant has established by competent evidence that:
 - (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
 - (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- (2) The ~~recommendation-action of zoning and planning commission~~ the board of adjustment shall include an ~~analysis-consideration~~ of whether:
 - (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan.
 - (B) (Reserved).
 - (C) (Reserved).
 - (D) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof.

(Ordinance 2021-004, att. G, adopted 6/23/21; Ordinance 379 adopted 9/25/19)

§ 38.05.033. Interpretative criteria.

The board of adjustment ~~and the zoning and planning commission~~, in performing their ~~respective~~ duties in reference to applications for variances, may be guided by these interpretative criteria:

- (1) Variances from the terms of this chapter should be granted sparingly.
- (2) Deviations from the requirements of this chapter are justified only where the hardship resulting from their application is substantial.
- (3) Usually, the granting of a variance must be predicated on a finding that the applicant's hardship arises from unusual conditions or circumstances, such as exceptional irregularity of shape or

topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood or district, or because no other reasonable alternative is available that will alleviate the unnecessary hardship complained of.

- (4) Normally, a variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of city regulations.
 - (5) The variance shall not violate the goals of the master plan for the city.
 - (6) The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.
 - (7) The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or because of previously granted variances, similar to the condition which would be created by the variance requested shall be relevant to, but not determinative of, the granting of the requested variance.
 - (8) See section 22.03.009(c) for variances to enable the efficient use of solar energy devices.
 - (9) When considering variance requests for nonresidential projects, whether granting the variance furthers achievement of the land planning principles set forth in the City's Master Plan, Attachment "B," as codified in the Code of Ordinances.
- (Ordinance 2021-004, att. G, adopted 6/23/21; Ordinance 379 adopted 9/25/19)

§ 38.05.034. Procedure.

- (a) Application. An application for a variance shall be made in writing in a form prescribed by the city administrator and shall be accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include but is not limited to ~~plat plans survey~~, site and building plans, and contour maps. If the applicant is not the legal owner of the property, a statement from the owner that the applicant is the authorized agent of the owner should be provided with the application.
- (b) Report by city administrator or designee. Either the city administrator or the city administrator's representative may visit the site where the proposed variance will apply and the surrounding area and shall report any findings to the ~~board of adjustment zoning and planning commission and the city council~~.
- ~~(c) Review by zoning and planning commission. The commission shall review each application for a variance after a public hearing and shall make a recommendation to the board of adjustment. Upon request of applicant, the commission may allow one postponement of the variance request(s) to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the variance request(s) to the board of adjustment without a recommendation.~~
- ~~(d) Requirements for recommending approval. The commission shall not recommend approval of a variance unless it finds, based on competent evidence, that each of the conditions in section 38.05.032 has been established. The burden of establishing such conditions is on the applicant.~~
- ~~(e) Conditional recommendation of approval. A recommendation of approval may be conditioned on the applicant's adoption of specified changes, conditions, limitations or safeguards deemed appropriate by the commission.~~
- ~~(f) Findings and recommendations to be in writing. The commission shall forward its findings and~~

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~~recommendations to the board in writing. The commission's report shall show that each of the conditions in section 38.05.032 has or has not been satisfied. The report may be in the form of minutes of the commission's meeting.~~

- ~~(e)(c)~~ Review by board of adjustment. The board shall review each application for a variance at a public hearing after receiving findings and any information from staff.~~a recommendation from the zoning and planning commission.~~
- ~~(b)(d)~~ Action by board of adjustment. The board shall not grant a variance unless it finds, based on competent evidence, that each of the conditions in section 38.05.032 has been established. ~~The board may adopt the findings made by the commission.~~ The board shall make its findings and ~~recommendations~~ in writing and shall follow the requirements of section 38.02.008~~(b)(6)~~009.
- ~~(c)~~ Imposition of conditions by board of adjustment. The board of adjustment may impose such conditions, limitations and safeguards as it deems appropriate upon the grant of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this chapter.
- ~~(f)(f)~~ Lapse of variance. Any rights authorized by a variance which are not exercised within one year from the date of granting such variance shall lapse and may be reestablished only after notice and a new hearing pursuant to this division. The city ~~administrator~~ council may waive the requirement for the payment of fees for such variance renewal application if there has been no material change of conditions pertaining to the property since the granting of the first variance. Variances originally granted concurrently and in connection with a change of a zoning designation as set forth in section 38.05.097 shall expire when and if the zoning designation expires.
- ~~(g)~~ Proceeding without a variance. If work requiring a variance is begun or completed before obtaining approval of the variance, the city administrator shall investigate the circumstances of the failure to obtain such a variance and make the report a part of the variance request application. A stop-work order shall be in effect until a decision on approval or denial is made. Approval of such variance by the board of adjustment shall not preclude the responsible party from being cited for a violation of this chapter and being prosecuted in municipal court pursuant to section 38.05.064. If the variance application(s) are denied or withdrawn prior to approval, the applicant has ten (10) days to bring the property into compliance. If the deviation(s) are not corrected within the ten (10) days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court shall not relieve any person from fully complying with any other requirement of this chapter.
- ~~(h)~~ Waivers from the drainage and erosion control design manual shall follow the procedure included in section 22.03.511(d).
(Ordinance 2021-004, att. G, adopted 6/23/21; Ordinance 379 adopted 9/25/19)

~~§ 38.05.035. Conditions.~~

~~The city council can impose, and the zoning and planning commission can recommend imposition of reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects, whether, the City can recommend the imposition of reasonable conditions that are necessary to achieve one or more of the land planning principles set forth in the City's Master Plan, Attachment "B", as codified in chapter 28 of the Code of Ordinances.~~

(Ordinance 362 adopted 3/28/18)

§ 38.05.036. Notice of public hearing before ~~zoning and planning commission~~ the board of adjustment.

- (a) The ~~commission-board~~ shall hold a public hearing on ~~certain~~ applications for a variance.
- (b) Written notice of such hearing shall be given to the owners of all real property located within three hundred (300) feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential variances, written notice of the hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than sixteen (16) days prior to the date of the hearing by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on in the Travis Central Appraisal District database, with postage paid.
- (c) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. ~~The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the board of adjustment will be available at a later date.~~
- (d) The city shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content.
- (e) A sign shall be posted per Section 38.05.002.
- (f) Notice shall not be sent out until a city official (e.g., city inspector or city engineer) has reviewed the submitted and completed application for a variance.

(Ordinance 362 adopted 3/28/18; Ordinance 2025-005 adopted 6/25/2025)

§ 38.05.037. Regulatory authority of board of adjustments and city council over variances.

Types of Variances	Code of Ordinances Section	Recommendation	Approved By	
Signs	All of chapter 32, 38.03.040	<u>ZAPCO</u>	City Council	Formatted Table
Site disturbance	22.03.171, 22.03.210	<u>N/A</u>	BOA	
Swimming pools	22.03.168, 22.03.207	<u>N/A</u>	BOA	
Fences	22.03.173, 22.03.216	<u>ZAPCO</u>	City Council	Formatted: Left
Trees	22.03.304, 22.03.305, 36.01.008	<u>N/A</u>	BOA, City Council	Formatted: Strikethrough
Landscaping	22.03.300	<u>N/A</u>	BOA, City Council	Formatted: Strikethrough
Off-street parking	22.03.241 through 22.03.251	<u>N/A</u>	BOA	
Minimum lot dimensions	22.03.272	<u>N/A</u>	BOA	

Types of Variances	Code of Ordinances Section	Recommendation	Approved By	Formatted Table
Setbacks for accessory structures	22.03.276	<u>N/A</u>	BOA	
Impervious cover	38.03.040 and Table 36-1	<u>N/A</u>	BOA	
International and Uniform Codes	22.03.091 through 22.03.098	<u>ZAPCO</u>	City Council	
Visibility along streets and at street corners	22.03.007	<u>ZAPCO</u>	City Council	Formatted: Not Strikethrough
Screening of nonresidential uses from residential district or use	22.03.008	<u>ZAPCO</u>	City Council	
Solar energy devices	22.03.009	<u>ZAPCO</u>	City Council	
Solid waste containers in setback area	22.03.010	<u>ZAPCO</u>	City Council	
Television-Satellite dish antennas	22.03.011	<u>ZAPCO</u>	City Council	
Reflective exterior building materials	22.03.012	<u>ZAPCO</u>	City Council	
Special provisions (for subdivision approval)	36.01.004	<u>ZAPCO</u>	BOA City Council	
General rules and regulations (plat approval)	36.01.008, Table 36-1, Table 36-2	<u>ZAPCO</u>	BOA City Council	
Residential subdivisions of five acres or greater	36.01.009	<u>ZAPCO</u>	BOA City Council	
Private sewage facilities	36.01.010	<u>ZAPCO</u>	BOA City Council	
Building setbacks	38.03.040, 22.03.275	<u>N/A</u>	BOA	
Lot coverage	22.03.278	<u>N/A</u>	BOA	
Height of structures	22.03.279, 38.03.040	<u>N/A</u>	BOA	
R-1 one-family residential-district	38.03.032		BOA	
R-2 two-family residential-district	38.03.033		BOA	
R-3 transitional residential-district	38.03.034		BOA	
O-professional and business-office	38.03.035		BOA	
B-1 business-1 district	38.03.036		BOA	
B-2 business-2 district	38.03.037		BOA	
B-3 business-3 district	38.03.038		BOA	
GUI government, utility, and institutional district	38.03.039		BOA	

Types of Variances	Code of Ordinances Section	Recommendation	Approved By
Mixed Use 1 district	38.03.040		BOA
Conditional overlay districts	See 38.03.041		BOA
Water use	18.06.043	<u>N/A</u>	City Council
Flood hazard areas	26.02.064	<u>N/A</u>	City Council BOA

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BOA = Board of Adjustment

Table: Regulatory Authority of Board of Adjustment and City Council of Certain Types of Variances

(Ordinance 362 adopted 3/28/18)

§ 38.05.038. through § 38.05.060. (Reserved)

DIVISION 3
Enforcement and Penalties

§ 38.05.061. Stop-work orders.

The city inspector or the city administrator may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this chapter or a final site plan is found. Any person, including a workman on the site, who fails to comply with a stop-work order shall be guilty of a misdemeanor, punishable as provided in section 38.05.064.
(Ordinance 362 adopted 3/28/18)

§ 38.05.062. Revocation of final site plan approval.

If the city council finds, after notice and hearing, that a significant violation of the final site plan has occurred, the council may revoke its approval of such site plan. It shall be unlawful for any person to do any work on the site covered by the site plan unless and until a new application for site plan approval has been filed and processed in accordance with the provisions of this chapter and the city council grants approval to a new final site plan which corrects the violations of the original site plan.
(Ordinance 362 adopted 3/28/18)

§ 38.05.063. Injunction and other remedies.

Any structure erected or used, or any work done, contrary to any of the provisions of this chapter or to any of the details contained in the final site plan approved by the city council is hereby declared to be unlawful and shall constitute a violation of this chapter. The city council may initiate injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use or work.
(Ordinance 362 adopted 3/28/18)

§ 38.05.064. Penalties.

- (a) Any person who violates any provision of this chapter or any order made under the authority of this chapter, or who causes or permits any such violation, or who fails to perform any act required under this chapter, or who does any prohibited act or takes any action contrary to the final site plans approved by the city council or fails to take any action required by such site plan, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$2,000.00. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- (b) Any person who violates any provision of this chapter is subject to a civil penalty of not less than \$100.00, or more as permitted by law, for each act of violation and for each day of violation.
- (c) The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section, and shall likewise be subject to civil penalties as provided in this section.

(Ordinance 362 adopted 3/28/18)

§ 38.05.065. through § 38.05.090. (Reserved)

DIVISION 4
Amendments

§ 38.05.091. Generally.

- (a) Amendments to this chapter shall be made by the city council in accordance with the provisions of this section.
- (b) The city council shall not enact any amendment to this chapter without first having received a report and recommendation from the zoning and planning commission and having held a public hearing on the proposed amendment.
- (c) Amendments to this chapter shall be of two types:
 - (1) Those that change the zoning classification of a particular parcel of land; and
 - (2) All others, which include amendments that supplement, change or repeal general provisions of this chapter.
- (d) All amendments shall conform to the goals and standards and the land use map of the comprehensive plan of the city. Zoning classification changes that do not conform to the land use map in the comprehensive plan of the city are permitted only under the circumstances and conditions specified in this division.

(Ordinance 362 adopted 3/28/18)

§ 38.05.092. Procedure for changing zoning classification of particular parcels of land.

- (a) Persons who may initiate request. A request to change the zoning classification of a particular parcel of land may be initiated by the owner of such parcel or the zoning and planning commission. The city council, however, may initiate a proposed change on its own motion without such request.
- (b) Manner of initiating request.
 - (1) Application by property owner. A property owner may file an application with the city administrator requesting the city council to consider changing the zoning classification of such person's property. Such application shall be accompanied by a fee set by the city council and shall contain the following information:
 - (A) Legal description and address of the parcel affected.
 - (B) Present zoning classification of the parcel and of all contiguous parcels around it.
 - (C) Present use of the parcel and of all contiguous parcels around it.
 - (D) Type and location of any structures on the applicant's parcel and on adjoining land.
 - (E) Appropriate evidence of any significant changes that have occurred in the area affected which support the requested rezoning in accordance with the comprehensive plan.
 - (F) The zoning change requested and the proposed use;
 - (G) A traffic impact analysis, where development is proposed which would generate 200

or more trips per day with access to a collector street with less than 40 feet of pavement width and 400 or more trips per day with access to an arterial street with 40 feet or more of pavement width. Submittal shall occur simultaneously with the applications for zoning, special use permits or building permits; and

(H) Any other relevant information requested by the city administrator.

- (2) Resolution from zoning and planning commission. The zoning and planning commission, by resolution directed to the city council, may request a change in the zoning classification of particular parcels of land in order that such parcels will conform to the classification specified on the land use map of the comprehensive plan of the city.
- (3) Initiation on city council's own motion. The city council, by motion, may initiate a proposal to change the zoning district classification of a particular parcel of land.
- (c) City administrator report. The city administrator shall review each application for a zoning change and prepare a brief report on whether the requested change conforms to the classification specified in the land use map of the comprehensive plan of the city for such parcel. If the requested change does not conform to the comprehensive plan, the city administrator's report may indicate whether any significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted which make it unlikely that such parcel can be developed or used for any use permitted under the zoning classification indicated for such parcel in the comprehensive plan. The report shall also indicate whether the requested zoning classification is the most appropriate classification for the area affected. The report shall also make a determination as to whether the zoning classification is designed to promote those values set forth in section 38.05.094(d) of the Code.

(Ordinance 362 adopted 3/28/18)

§ 38.05.093. Procedure for amending general zoning provisions.

- (a) Initiation by zoning and planning commission.
 - (1) The zoning and planning commission, by resolution directed to the city council, may request that certain general provisions of this chapter be amended. The resolution shall contain the reasons for such request and indicate whether the proposed amendment conforms to the comprehensive plan of the city.
 - (2) The city council may approve the request, deny the request, or return it to the zoning and planning commission for additional consideration.
- (b) Initiation on city council's own motion. The city council, by motion, may initiate a proposal to amend the general provisions of this chapter.

(Ordinance 362 adopted 3/28/18)

§ 38.05.094. Report and recommendation from zoning and planning commission.

- (a) Required. No amendment to this chapter shall be enacted without a report and recommendation from the zoning and planning commission.
- (b) Changing a zoning regulation or boundary. Changes to the zoning ordinance, including zoning regulations, restrictions, and boundaries, may from time to time be adopted at the request of a property owner (or the owner's designated agent, tenant, or a prospective buyer), or initiated by

the zoning and planning commission, city council, or city staff.

- (c) Public hearing required. The zoning and planning commission shall hold a public hearing on its preliminary report prepared by the city administrator/staff for all zoning changes or general amendments to this chapter proposed.
- (d) Notice of public hearing.
- (1) Publication. Notice of a public hearing before the commission to consider a proposed zoning classification change or a proposed general amendment to this chapter shall be published in the official newspaper of the city and on the city's official website before the 15th day before the hearing. The notice shall state the time and place of the hearing and contain a description of the matter to be considered, in accordance with Texas Local Government Code Chapter 211.
 - (2) Written notice to property owners. When the public hearing is to consider a proposed zoning district classification change, written notice of such hearing shall be sent to the property owner(s) of the tract which is the subject of the zoning district classification change and to the owners of all real property located within 300 feet of the property on which the change in classification is proposed at least sixteen (16) days before the hearing, in accordance with Texas Local Government Code Chapter 211.
 - (3) A sign shall be posted per Section 38.05.002.
- (e) Action by zoning and planning commission.
- (1) Recommendation. After all public input has been received and the public hearing is closed, the zoning and planning commission shall make its final report to the city council on the proposed zoning request and state its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the comprehensive plan. The zoning and planning commission may recommend:
 - (A) Approval of the request as submitted by the applicant;
 - (B) Approval of the request subject to specified conditions; or
 - (C) Disapproval of the request.
 - (2) Commission recommendation of zoning change or amendment. The commission may recommend enactment of such zoning change or amendment if it finds that the change or amendment is in the public interest, conforms to the provisions of this chapter and the comprehensive plan, and is designed to:
 - (A) Lessen congestion in the streets;
 - (B) Secure safety from fire, panic, and other dangers;
 - (C) Promote health and the general welfare;
 - (D) Provide adequate light and air;
 - (E) Prevent the overcrowding of land;
 - (F) Avoid undue concentration of population; or

(G) Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

- (3) Hearing deferral. The zoning and planning commission may, on its own motion or at the applicant's request, defer its decision to make a recommendation until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon to the next regular meeting. The zoning and planning commission may elect to defer its decision on the request to its next regular meeting, and the request will reappear on the next zoning and planning commission's agenda. After review at these meetings, the commission shall forward the amendment to the city council with or without a recommendation.

(Ordinance 379 adopted 9/25/19; Ordinance 2025-005 adopted 6/25/2025)

§ 38.05.095. Review and action by city council.

- (a) Public hearing required. The city council shall hold a public hearing on all proposed zoning classification changes and general amendments to this chapter before acting thereon. This hearing shall not be held until a final report is received from the zoning and planning commission.
- (b) Notice of public hearing.
- (1) Notice of a public hearing before the city council to consider an amendment to this chapter shall be given in the same manner as required for notice of a public hearing before the zoning and planning commission to consider a similar amendment.
 - (2) Notice of the hearing before the city council may be combined with the notice given for the hearing on the same matter before the zoning and planning commission.
- (c) Council action.
- (1) Generally. The city council may enact a proposed general amendment or zoning change if it finds that such amendment or change is in the public interest, conforms to the provisions of this chapter and the comprehensive plan of the city, and meets the criteria set forth in section 38.05.094(e)(2).
 - (2) Denial by zoning and planning commission.
 - (A) An application recommended for denial by the zoning and planning commission shall not be forwarded to city council unless the applicant files a written appeal with the city secretary within ten (10) business days after the zoning and planning commission's decision. Said appeal will, in that instance, be forwarded to the city council along with the zoning and planning commission's final report.
 - (B) The appeal shall be scheduled for the next possible city council agenda, following appropriate public notification as prescribed in section 38.05.095(b).
 - (C) Approval of a request for a zoning amendment will require a simple majority vote of the city council present and voting, unless the zoning and planning commission unanimously recommends denial. In that case, the approval by the city council shall require an affirmative vote of three-fourths of all members of the city council.
 - (D) No zoning change shall become effective until after the adoption of an ordinance for

same.

- (E) An applicant will be timely informed in writing of the applicant's right to appeal to the city council upon denial by the zoning and planning commission.
- (F) An applicant will be timely informed in writing of the applicant's right, when appearing before the city council, to discuss or contest any conditions for approval recommended by the commission.
- (3) Approved by zoning and planning commission. Every application which is recommended for approval or approval with conditions by the zoning and planning commission shall be automatically forwarded, along with the written recommendation of the zoning and planning commission, to the city council for setting and holding of a public hearing thereon following appropriate public hearing notification, as prescribed in section 38.05.095(b). The city council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the city council members present and voting.
- (4) Protests. If a written protest is submitted against a proposed change of zoning classification signed by all the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the lots or land included in such proposed change or extending 200 feet therefrom, such proposed change of zoning classification shall not become effective except by the favorable vote of three-fourths of all the members of the city council
- (5) Representations by applicant. All representations, whether oral or written, made by the applicant or the applicant's agent on behalf of the zoning change become a condition upon which the zoning change is granted. It shall be unlawful for the applicant to vary from any such representations unless the applicant first obtains the approval of the city council.
- (6) Parcel of land. As used in this section, "parcel of land" shall mean that area designated by the applicant, even though such parcel of land may contain more than one lot subdivided in compliance with the subdivision ordinance of the city (chapter 36).
- (7) Postponement. The city council may postpone any action proposed under the provisions of this chapter.
- (d) Factual findings. Within 45 days of approving or denying a zoning change, the city council shall, in writing, explain its factual findings for the decision to approve or deny the request for rezoning. The written factual findings shall be filed in the office of the city secretary. The city council shall send a letter containing the factual findings to the applicant.

(Ordinance 362 adopted 3/28/18)

§ 38.05.096. Suspension of issuance of permits pending amendments.

No application shall be accepted for filing or be processed, and no building, site clearance or grading permit shall be issued for any work, other than in connection with a single-family residential use, for a period not to exceed 90 days, on land which is being considered for a change in zoning classification, with such 90-day period to begin on the date the city council submits the proposed zoning change to the zoning and planning commission for a report and recommendation.

(Ordinance 362 adopted 3/28/18)

§ 38.05.097. Undeveloped parcels zoned before July 24, 1996.

Undeveloped parcels (zoned property/lots without building permits) for which zoning was approved before July 24, 1996, shall retain such zoning until another zoning classification is requested and approved in accordance with the procedures in this chapter, as amended. All zoning expiration/due dates and zoning extension expiration/due dates are rescinded. Site plans, which were approved when the zoning for such parcels was granted, shall expire on the next zoning expiration/due date or zoning extension expiration/due date of the parcel for which each of these site plans was submitted and approved.
(Ordinance 362 adopted 3/28/18)

DIVISION 5 ADMINISTRATIVE EXCEPTIONS

§ 38.05.098 Provisions subject to administrative exception.

An administrative exception may be granted by the City Administrator subject to the provisions of this chapter in accordance with the rules and conditions of this division. Administrative exceptions run with the land, but each exception is specific to the project for which it was granted. Only those administrative exceptions listed below are eligible for approval by the City Administrator:

- (1) Up to a maximum of 5% relief from any numerical standard for permitted work with identified "after-the-fact" construction errors. This relief is not available at the building permit stage, but only to correct construction errors.

§38.05.099 Conditions required for granting administrative exception.

That granting the Administrative Exception serves an obvious and needed purpose.

- (1) That granting the Administrative Exception will ensure an equal or better level of design or land use compatibility as the otherwise applicable standards.
- (2) That granting the Administrative Exception will not materially and adversely affect adjacent land uses and the physical character of development in the immediate vicinity of the proposed project.
- (3) That granting the Administrative Exception will be consistent with the purposes and intent of the zoning ordinance and comprehensive plan.

§38.05.100 Interpretative criteria

The City Administrator, in performing duties regarding applications for administrative exceptions, may be guided by these interpretative criteria:

- (1) The condition is not intentionally self-created.
- (2) The hardship arises from unusual or unanticipated conditions.
- (3) The hardship is peculiar to the parcel involved.
- (4) There is no reasonable alternative way to meet the regulations.

§38.05.101 Procedure

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- (1) **Application.** An application for an administrative exception must be made in writing in a form prescribed by the city administrator, accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include but is not limited to survey, site and building plans, and contour maps. If the applicant is not the legal owner of the property, a statement from the owner that the applicant is the authorized agent of the owner should be provided with the application.
- (2) **Report by city administrator or designee.** Either the city administrator or the city administrator’s representative may visit the site where the proposed administrative exception will apply and the surrounding area and prepare a site report on the conditions affecting the request for administrative exception.
- (3) **Review by city administrator.** The city administrator will review each application for an administrative exception and the accompanying site report.
- (4) **Requirements for recommending approval.** The city administrator must not recommend approval of an administrative exception unless they find, based on competent evidence, that each of the interpretive criteria herein have been established. The burden of establishing such conditions is on the applicant.
- (5) **Conditional recommendation of approval.** A recommendation of approval may be conditioned on the applicant’s adoption of specified changes, conditions, limitations or safeguards deemed appropriate by the city administrator.
- (6) **Findings and recommendations to be in writing.** The city administrator must make their findings and recommendations in writing. The report must show that the conditions herein have or have not been satisfied.
- (7) **Imposition of conditions by city administrator.** The city administrator may impose such conditions, limitations and safeguards as they deem appropriate upon the grant of any administrative exception. Violation of any such condition, limitation or safeguard shall constitute a violation of this chapter.
- (8) **Lapse of administrative exception.** Any rights authorized by an administrative exception that are not exercised within one year from the date of granting such exception will lapse and may be reestablished only through re-application and approval of a new administrative exception. The city administrator may waive the requirement for the payment of fees for such renewal application if there has been no material change of conditions pertaining to the property since the granting of the first administrative exception.
- (9) **Proceeding without an administrative exception.** If work requiring an administrative exception is begun or completed before obtaining approval of the exception, the city administrator will investigate the circumstances of the failure to obtain the administrative exception. A stop-work order will be in effect until a decision on approval or denial is made. Approval of such administrative exception by the city administrator does not preclude the responsible party from being cited for a violation of this chapter and being prosecuted in municipal court pursuant to section 38.05.064. If the administrative exception application is

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denied or withdrawn prior to approval, the applicant has 10 days to bring the property into compliance. If the deviations are not corrected within the 10 days or timeframe agreed to, in writing, by the city administrator, immediate enforcement action described by section 2.02.041 of this code may be taken to bring the property into compliance. A resulting conviction in municipal court will not relieve any person from fully complying with any other requirement of this chapter.

**ARTICLE 38.06
PLANNED DEVELOPMENT DISTRICTS**

DIVISION 1

Generally

§ 38.06.001. Popular name.

This article shall be commonly cited as the “planned development district ordinance.”
(Ordinance 362 adopted 3/28/18)

§ 38.06.002. Scope.

This article applies to all property within the incorporated municipal boundaries (i.e., “city limits”), and may also extend to the extraterritorial jurisdiction (“ETJ”) to the extent property owners are willing to be voluntarily annexed into the city concurrently with the adoption of the planned development district. This chapter applies solely to projects that are not single-family residential projects.
(Ordinance 362 adopted 3/28/18)

§ 38.06.003. Definitions.

(a) General. Words and phrases used in this article 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 Ordinances 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.

(b) Specific.

City. The City of West Lake Hills, an incorporated municipality located in Travis County, Texas.

City administrator. The chief administrative officer of the City of West Lake Hills. The term may also include the deputy city administrator, development coordinator, or any other agent of the city specifically designated by the city council to perform the duties of the city administrator, as set out in this article.

PD district. Planned development district.

PD master plan. A development plan that serves as the basis for the enactment of a planned development district. The plan may be for one or more lots. The plan depicts the existing and proposed conditions of the lot, including: water features; landscaping and open spaces; walkways, means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; screening devices; and any other information required by this article. A PD master plan is not required to have an engineer’s seal.

Site plan. See section 1.01.003.

(Ordinance 362 adopted 3/28/18)

§ 38.06.004. Purpose.

- (a) This article provides standards and procedures for the legislative creation of specialized zoning districts that are crafted specifically for certain land endeavors. Planned development districts are intended to allow flexibility and encourage creative land use and site development while providing natural resource preservation and protecting adjoining properties. Through planned development districts the city is better able to give developers the flexibility they need for complicated projects, while protecting the public interest by mitigating externalities related to traffic, noise, aesthetics, lighting and drainage.
- (b) Planned development districts are established by ordinance and, thus, are not agreements, although often they are developed through negotiations between the city and property owners.
- (c) Unless clearly stated in the ordinance creating the PD district, the development project must comply with all applicable city regulations. PD districts are intended to implement generally the goals and objectives of the city's comprehensive plan. PD districts are also intended to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
 - (1) To designate a town center(s) and "main street" area as the commercial or mixed use area but still protect and preserve City of West Lake Hill's rural appeal.
 - (2) To protect or preserve native natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats.
 - (3) To provide streets to accommodate bikes and pedestrians[.]
 - (4) To encourage environmentally-friendly construction and construction of energy efficient buildings[.]
 - (5) To protect or preserve existing historical buildings, structures, features or places.
 - (6) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and,
 - (7) To meet or exceed the present standards of this article.

(Ordinance 362 adopted 3/28/18)

§ 38.06.005. Nature of district.

Each PD district shall be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses.

(Ordinance 362 adopted 3/28/18)

§ 38.06.006. through § 38.06.030. (Reserved)

DIVISION 2
Minimum Standards

§ 38.06.031. Standards by ordinance.

Minimum standards proposed for the PD district must be incorporated within an ordinance adopted by the city council. In the adopting ordinance, the city council may incorporate minimum standards by making reference to a standard zoning district. In considering whether a PD district is appropriate and in the public interest, the city council shall consider the principles outlined in attachment “B” of the city’s master plan.

(Ordinance 362 adopted 3/28/18)

§ 38.06.032. Land use.

- (a) Principles. When proposing that the city creating a PD district and confer that status on a particular tract of property, the applicant shall provide specific information to the city explaining in detail how the proposed pdd addresses the principles established in attachment “B” of the city’s master plan.
- (b) Uses. An application for a PD district shall specify the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district.
- (c) Base district. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
- (d) Variiances. All applications to the city shall list all requested variances from the standard requirements set forth throughout this article (applications without this list will be considered incomplete).
- (e) Conditional uses. Conditional use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an “additional use” in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.
- (f) Location. The location of all authorized uses shall be consistent with the PD master plan and the PD site plan.
- (g) Residential uses. Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential uses within a PD district:
 - (1) Density. Except on the basis of exceptional design and provision of enhanced open space, residential density shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.
 - (2) Drainage. Drainage features shall be in accordance with the drainage and erosion control design manual.

(Ordinance 362 adopted 3/28/18)

§ 38.06.033. Open space standards.

- (a) Public or private. Unless otherwise provided by the PD ordinance, a site-appropriate area or

areas within the entire PD district shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this subsection are in addition to the city's general requirements for landscaping and buffering. Public open space shall be dedicated to the city.

- (b) Preservation of natural features. Unless otherwise provided by the PD ordinance or PD master plan:
 - (1) Floodplain areas shall be preserved and maintained as open space; and
 - (2) Significant stands of native trees and other natural features of the City of West Lake Hills shall be preserved and protected from destruction or alteration. Applicant shall submit a nature preservation plan to the city.
- (c) Open space allocation and preservation. Open space requirements shall be satisfied for each phase of a multi-phased development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the city that such open space will be provided. The city may require that all open space within the PD district must be provided prior to completion of development within the PD district.

(Ordinance 362 adopted 3/28/18)

§ 38.06.034. Height regulations.

Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the city's zoning regulations for the base zoning district.

(Ordinance 362 adopted 3/28/18)

§ 38.06.035. Area regulations.

Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the city's zoning regulations for the base zoning district. There is no minimal allowable size.

(Ordinance 362 adopted 3/28/18)

§ 38.06.036. through § 38.06.090. (Reserved)

DIVISION 3
Master Plan

§ 38.06.091. Mandatory.

The PD master plan is the mandatory first step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, building footprints, thoroughfare locations, and open space boundaries, including any proposed public trail systems. The PD master plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district. The PD master plan shall incorporate (to the extent reasonably possible) the principles set forth in attachment “B” of the city’s master plan.

(Ordinance 362 adopted 3/28/18)

§ 38.06.092. Compliance with approved plans.

Except as otherwise provided by the city’s subdivision regulations, no development shall begin and no building permit shall be issued for any land within a PD district until a PD site plan that is substantially consistent with the PD master plan has been approved. Each PD district shall be developed, used, and maintained in compliance with the approved PD master plan, and conform to site plans for the PD district.

(Ordinance 362 adopted 3/28/18)

§ 38.06.093. Establishment of district.

- (a) Zoning Amendment.The procedures for establishing a PD district shall be the same as for any other type of zoning request, except that more information is typically needed along with the request, and a PD master plan shall be submitted along with the request.
- (b) Application.An application for the establishment of a PD district shall be submitted in accordance with this article. The application shall include:
 - (1) A PD master plan.
 - (2) A list of proposed PD district development standards.
 - (3) Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD master plan or by the proposed PD district development standards.
 - (4) A PD master plan informational statement, and
 - (5) A traffic impact analysis, unless waived by the city council.

(Ordinance 362 adopted 3/28/18)

§ 38.06.094. Governing regulations.

Except to the extent provided by the PD master plan and the PD ordinance, development within the PD district shall be governed by all of the city’s ordinances, rules, and regulations in effect at the time of such development, including the standards of the zoning district identified in the application. Of particular importance when deliberating approval and implementation of PD master plans and PD districts are the principles contained in attachment “B” of the city’s master plan.

(Ordinance 362 adopted 3/28/18)

§ 38.06.095. Conflict.

In the event of any conflict between the PD master plan, the PD ordinance, and/or the ordinances, rules, and regulations of the city in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD master plan and PD ordinance shall control.

(Ordinance 362 adopted 3/28/18)

§ 38.06.096. PD master plan requirements.

- (a) A PD master plan shall be submitted along with a PD zoning request, and shall be processed simultaneously with the PD zoning request. The PD master plan shall be reviewed by the city's building design committee and zoning and planning commission. If the PD zoning application is approved, the PD master plan shall be incorporated and made a part of the PD ordinance.
- (b) Development standards. Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses; density; lot size; building size; lot dimensions; setbacks; coverage; height; landscaping; lighting; screening; fencing; parking and loading; signage; open space; drainage; and utility and street standards. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply. At the city administrator's discretion, the city administrator may waive any of items listed in this subsection. The city council may require submission of the above information or any other item deemed necessary by the council for creation of a PD district. In weighing the standards and regulations to apply to the PD master plan and PD district, the city administrator shall principles contained in attachment "B" of the city's master plan.
- (c) Informational statement. A PD master plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant or the land owner, but shall not be considered part of the PD master plan or the PD ordinance. If the PD master plan and the PD ordinance conflict in any way, the PD ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD master plan. Each statement shall include the following:
 - (1) A general statement setting forth how the proposed PD district will relate to the city's comprehensive plan.
 - (2) The total acreage within the proposed PD district.
 - (3) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
 - (4) An aerial photograph with the boundaries of the PD master plan clearly delineated.

(Ordinance 362 adopted 3/28/18)

§ 38.06.097. Master plan amendments.

- (a) PD master plans. PD master plans, excluding informational statements, are considered part of the

PD ordinance. Any substantive amendment to a PD master plan, as determined by the city administrator, shall be considered a zoning change. Nonsubstantive modifications may be approved by the city administrator.

- (b) PD site plans. PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this subsection, any amendment/revision to an approved site plan shall be in accordance with the city's site development ordinance.

(Ordinance 362 adopted 3/28/18)

§ 38.06.098. Lapse of master plan.

A PD master plan shall be effective for a period of one year (365 calendar days).

(Ordinance 362 adopted 3/28/18)

§ 38.06.099. Extension and reinstatement.

Extension of a PD master plan or site plan shall be in accordance with the following:

- (1) Prior to the lapse of approval for a PD master plan, the applicant may request in writing that the city extend the plan approval. Such request shall be considered at a public meeting before the zoning and planning commission and the city council, and an extension may be granted by city council at such meeting. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of PD master plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.
- (2) Determination of extension. In determining whether to grant a request for extension, the city council shall take into account the reasons for the lapse, the ability of the applicant to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The city council shall either extend the PD master plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two (2) aforementioned extensions shall not be unreasonably withheld without due cause.

(Ordinance 362 adopted 3/28/18)

§ 38.06.100. Contents of master plans.

- (a) Objective. A PD application and the master plan must include enough information to allow the city to plan for infrastructure and to demonstrate that the plan will be an enhancement to the city, while allowing for flexible and creative planning.
- (b) Scale. The master plan shall be prepared at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36") [.]
- (c) Contents. The master plan shall show the following:
- (1) A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Travis County, Texas.

- (2) A vicinity or location map that shows the location of the proposed development within the City or its extraterritorial jurisdiction and in relationship to existing roadways.
 - (3) The boundary survey limits of the tract and scale distances with north clearly indicated.
 - (4) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property.
 - (5) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year floodplain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries.
 - (6) Proposed strategies for tree preservation, which may include showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction.
 - (7) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings.
 - (8) A general arrangement of land uses and buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; floodplains and drainage ways; and other pertinent development related features; and
 - (9) The phasing scheduled for the development.
- (Ordinance 362 adopted 3/28/18)

§ 38.06.101. through § 38.06.120. (Reserved)

DIVISION 4
Submission and Review Process

§ 38.06.121. Submission of complete application.

- (a) For the purpose of this article, the “official submission date” shall be the date that a complete application for approval of a PD master plan is first submitted to the city administrator. No application shall be deemed officially submitted until the city administrator determines that the application is administratively complete and a fee receipt is issued by the city.
 - (b) PD master plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a P&Z agenda until the proper information is provided to city staff.
- (Ordinance 362 adopted 3/28/18)

§ 38.06.122. Additional information.

The city’s staff may require information and data other than that set out in this section for specific PD master plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a PD may establish conditions for construction based upon such information. (Ordinance 362 adopted 3/28/18)

§ 38.06.123. Principles and standards for review.

The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of West Lake Hills, and to ensure that all developments are, to the best extent possible, constructed according to the city’s codes and ordinances.

- (1) Compliance with the spirit and intent of the principles contained in attachment “b” of the city’s master plan.
- (2) The city administrator shall review the PD master plan for compliance with all applicable city ordinances and with the comprehensive plan; for harmony with surrounding uses and with long-range plans for the future development of west lake hills; for the promotion of the health, safety, order, efficiency, and economy of the city; and for the maintenance of property values and the general welfare.
- (3) PD master plan review and evaluation by the city administrator shall be performed with respect to the following:
 - (A) The plan’s compliance with all provisions of the zoning ordinance and other ordinances of the City of West Lake Hills.
 - (B) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (C) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible

negative impacts.

- (D) The provision of a safe and efficient vehicular and pedestrian circulation system.
- (E) The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (F) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- (G) The coordination of streets so as to arrange a convenient system consistent with the transportation plan of the City of West Lake Hills.
- (H) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- (I) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (J) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (K) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (L) Protection and conservation of watercourses and areas subject to flooding.
- (M) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (N) Consistency with the comprehensive plan.

(Ordinance 362 adopted 3/28/18)

§ 38.06.124. Approval process.

- (a) Pre-application conference. The applicant(s) shall consult with the city administrator and/or other designated administrative officers before preparing a concept plan in order to save time, to save money and to avoid potential unnecessary delays.
- (b) Prior to formal application for approval of any PD master plan, the applicant(s) shall request and attend a pre-application conference with the city administrator, and any other pertinent city official(s) in order to become familiar with the city's development regulations and the development process.

(Ordinance 2020-014 adopted 10/14/20)

§ 38.06.125. City staff review.

Upon official submission of a complete application for PD master plan approval, the city shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the city administrator, and any other pertinent city official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable city regulations.

(Ordinance 362 adopted 3/28/18)

§ 38.06.126. Supplementation and corrections.

Following city staff review of the plan and supporting documents, and following with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected or supplemented plan to the city administrator within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the city administrator.

(Ordinance 362 adopted 3/28/18)

§ 38.06.127. Approval by administrator.

Prior to consideration by the zoning and planning commission or city council, all PD proposals must be reviewed by the city administrator. At the city administrator's discretion, the city administrator may forward a planned development proposal to the zoning and planning commission, and city council with or without a recommendation.

(Ordinance 2020-014 adopted 10/14/20)

§ 38.06.128. Action by ZAPCO/city council.

- (a) The zoning and planning commission shall review the planned development application and shall recommend approval, approval subject to certain conditions, or disapproval of the planned development application. If the zoning and planning commission recommends approval, with or without conditions, of the plan, then it will be forwarded to the city council for consideration. Upon request of applicant, the commission may allow one postponement of the planned development application to the following regular meeting of the commission, at which meeting the commission must either make a recommendation or forward the planned development application to the city council without a recommendation.
- (b) The city council shall consider the PD application at a public meeting following receipt of a determination by the zoning and planning commission. The city council may also, where appropriate, remand the planned development application back to the zoning and planning commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.

(Ordinance 2020-014 adopted 10/14/20)

§ 38.06.129. Public hearing and notice.

- (a) Public hearing and notice will follow the same procedure in Section 38.05.094.

(Ordinance 362 adopted 3/28/18; Ordinance 2025-005 adopted 6/25/2025)

§ 38.06.130. Administrative fees.

The city shall impose its standard fees for the negotiation, preparation and implementation of PD districts. These fees shall be established by the city council in accordance with the city's rate schedule. The city may also recoup from applicants any out-of-pocket expenses related to professional services the city requires in order to design the PD district.

(Ordinance 362 adopted 3/28/18)

§ 38.06.131. Grandfathering.

PD districts are an option available to developers and the city. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code chapter 245, the “project” shall be the endeavor described in an approved PD master plan for an approved PD district.
(Ordinance 362 adopted 3/28/18)