

ORDINANCE NO. 1224-1

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, REQUIRING A BUILDING PERMIT TO CONSTRUCT, DEMOLISH, REMOVE, RECONSTRUCT, REPAIR, REPLACE OR RELOCATE A DRIVEWAY; PROVIDING CRITERIA FOR AN APPLICATION FOR SAID PERMIT; PROVIDING FOR INVESTIGATION AND INSPECTION OF THE CONSTRUCTION OF DRIVEWAYS; ESTABLISHING STANDARDS FOR GRANTING A PERMIT FOR DRIVEWAYS; ESTABLISHING STANDARDS AND SPECIFICATIONS FOR DRIVEWAYS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas, is a Type A general law municipality located in Cooke County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Lindsay recognizes the importance in controlling the use and improvement of the right-of-way in the City; and

WHEREAS, the City of Lindsay has a legitimate governmental interest in controlling drainage within the City; and

WHEREAS, the City of Lindsay also

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the general public and has proposed these regulations operation of mobile food units within the City to further this interest; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY, TEXAS:

SECTION 1

Sections 150.170 – 150.184 of Chapter 150 “Building” of the Code of Lindsay are reserved for future use.

SECTION 2

Chapter 150 “Building” of the Code of Lindsay is amended to create a new division “Driveway Permit” to include new sections 150.185 through 150.189 to read as follows:

“DRIVEWAY PERMIT

§ 150.185 PERMIT REQUIRED.

It shall be unlawful for any person to construct, demolish, remove, reconstruct, repair, replace, or relocate a driveway or any portion thereof without first obtaining a building permit from the City.

§ 150.186 APPLICATION FOR PERMIT.

(A) Any person desiring to construct, demolish, remove, reconstruct, repair, replace, or relocate a driveway or any portion thereof within the corporate limits shall file an application with the City Secretary requesting a building permit. Upon filing an application for the permit, the applicant shall pay such fees as provided for a building permit in the fee schedule.

(B) The application shall contain the following information:

- (1) Name, address and telephone number of applicant;
- (2) Legal description and the local address of the lot upon which the driveway is located or will be located if a permit is granted;
- (3) Name, address and telephone number of property owner;
- (4) A drawing or plat plan showing the existing condition of the lot on which the driveway is or will be located, including buildings or structures upon the lot, the existing driveway improvements on the lot, and location of existing buildings, structures or driveways upon adjoining lots;
- (5) A drawing or plat plan showing the dimensions of the lot upon which the driveway is located or will be located, including the location of existing buildings or structures upon the lot, the location of existing buildings or structures upon adjoining lots, and the proposed location of the driveway;
- (6) A picture showing the existing condition of the lot upon which the driveway is located or will be located if a permit is granted; and
- (7) The proposed material, dimensions, and other specifications for the proposed driveway, including the diameter, materials, and proposed cross section of the culvert (for streets that do not have curb and gutter)

§ 150.187 INVESTIGATION AND INSPECTIONS BY BUILDING OFFICIAL.

(A) Upon filing of the application, the Building Official shall investigate the application by inspecting the lot where the proposed driveway is located or will be located to determine if the lot and the proposed driveway would meet all of the requirements of the Building Code and other applicable regulations of the City.

(B) The Building Official shall inspect the construction of the driveway to ensure that it is performed in accordance with the Building Code and other applicable regulations of the City.

(C) At the conclusion of all work, the Building Official shall inspect the lot where the proposed driveway is located to determine if the construction was performed in accordance with the Building Code, other applicable regulations of the City, and the permit granted for the project and to determine if the lot on which the driveway is located meets all of the requirements of the Building Code and other applicable regulations of the City.

§ 150.188 ISSUANCE OF PERMIT.

(A) After performing an investigation of the permit application, the Building Official shall grant a permit if the permit meets all requirements of this chapter, the Building Code, and all other applicable regulations of the City.

(B) A permit shall not be issued if:

- (1) The proposed driveway does not or cannot meet all the requirements of the Building Code and all other applicable ordinances of the City;
- (2) The lot where the proposed driveway is located or will be located does not meet all of the requirements of the Building Code and all other applicable ordinances of the City; or
- (3) The proposed driveway creates an unacceptable drainage condition on the lot where the proposed driveway is located or will be located or on adjacent properties.
- (4) The standards and specifications listed in Section 150.189 (or approved alternatives) are not met.

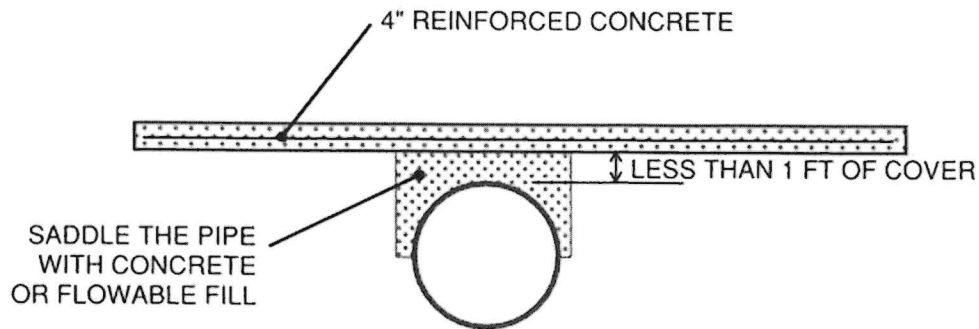
§ 150.189 DRIVEWAY STANDARDS AND SPECIFICATIONS.

(A) General Specifications

- (1) All new driveway culverts along streets with roadside swales shall be reinforced concrete pipe (RCP), minimum Class III, with concrete headwalls. Thick gage corrugated metal pipe, or alternative materials may be proposed. However, the City may reject the proposed design if adequate cover or constructability criteria cannot be met or addressed, per the manufacturer's minimum specifications.
- (2) Commercial and Residential Driveways proposed along TxDOT-maintained highways, or County-maintained roads are subject to the applicable jurisdiction's requirements but shall not be less restrictive than the City of Lindsay's requirements.
- (3) The maximum slope approaching the street should be a 10% slope. Driveways incorporating a public sidewalk extension shall be designed to meet ADA guidelines, including a maximum 2% cross slope across the width of the sidewalk extension through the driveway.
- (4) Materials for driveway construction shall not be installed without an approved driveway permit.

(B) Residential Driveways (Single-Home Lots)

- (1) At a minimum, a concrete driveway meeting the specifications of this subsection shall be provided within the city's right of way (from property line to street pavement edge). Homes in a planned subdivision that has curbed streets shall comply with the subdivision construction plans, development agreement, and the City's Subdivision Ordinance.
- (2) All new residential driveways shall be a minimum of 10' wide, and a maximum of 30' wide, with 5' flares. Driveways wider than 24' may be allowed only to match the width of a large garage (e.g., a three-car garage).
- (3) A maximum of one driveway to the local road shall be permitted per single home lot.
- (4) A maximum of two 10' driveways shall be permitted to an alley-accessed lot. The alley driveway shall be made of reinforced concrete meeting the specifications below.
- (5) Within the city's right of way (from property line to street pavement edge), driveway shall be made of a minimum 4" thick, Portland Cement Concrete (PCC) mix with a strength of 3,500 psi at 28 days.
- (6) The concrete driveway shall be reinforced with either:
 - a. #4 rebar on 12" centers or
 - b. 6" x 6" number 10 welded reinforcing wire frame.
- (7) Expansion joints shall be installed at all radius points and sidewalk intersections. Expansion joints shall also be installed at house slab tie-ins when the concrete driveway extends to the home.
- (8) Subsoil, free of organic material, shall be compacted uniformly and evenly. Forms shall be constructed to provide a minimum slope of 1/8" per foot towards the street.
- (9) A culvert that meets the material specifications in section (A) shall be placed with sufficient cover over the driveway per culvert manufacturer specifications (typically 1-foot). If cover cannot be achieved, the pipe should be saddled with flowable fill, or a concrete cap to protect the pipe from being point-loaded, as illustrated below:



- (10) Horizontal Geometry: The inverts of the pipe should be placed in the center of the channel, or in a manner that does not require changing the alignment of the flowline.
- (11) Vertical Placement: Pipes should not be buried by more than 25% of its height. The City Engineer may require upsizing the size or number of culverts in a situation where additional bury is necessary.
 - a. A concrete headwall shall be installed at the pipe ends. Driveways can be constructed monolithically with end sections.
- (12) The minimum diameter of the pipe shall be the lesser of 18” or the depth of the channel. However, the City Engineer may require a different size at certain locations known for high flows or to match upstream or downstream drainage facilities.

(C) Commercial, Institutional, and Industrial Driveways

- (1) All new commercial driveways shall be a minimum of 24’ wide, and a maximum of 36’ wide, with 15’ flares.
- (2) The applicant shall propose a reinforced concrete design that accounts for the expected traffic type based on the proposed land use, with a minimum thickness of 6”.
- (3) Commercial land uses shall be designed with a reinforced concrete parking lot with fire lanes as required by the City’s fire protection service provider chief.
- (4) A maximum of three driveways shall be permitted for each 1,000 feet of roadway frontage.

SECTION 3.

The City Fee Schedule is hereby amended by adding the following fees related to issuance of a Building Permit to construct, demolish, remove, reconstruct, repair, replace, or relocate a driveway:

“

BUILDING PERMIT FEES	
OTHER PERMIT FEES	
Building Permit - Driveway	\$150.00

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**SECTION 4.
CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Lindsay, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00.

**SECTION 7.
SAVINGS**

All rights and remedies of the City of Lindsay are expressly saved as to any and all violations of the ordinances of the City of Lindsay related to operating mobile food units within the City that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

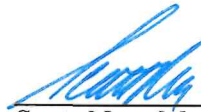
**SECTION 8.
PUBLICATION**

The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this ordinance as provided by law.

**SECTION 9.
EFFECTIVE DATE**


This Ordinance shall be in full force and effect after its passage and publication.

PASSED AND APPROVED ON THIS 14 DAY OF January, 2024.



Scott Neu, Mayor

ATTEST:



Monica Laux, City Secretary