

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2024-246

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS PROVIDING FOR THE REGULATION OF DRIVEWAYS AND CULVERTS WITHIN THE CITY; PROVIDING FOR ENFORCEMENT AND A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas is a Type A general law municipality incorporated and governed by Chapter 22 of the Local Government Code; and

WHEREAS, pursuant to the Texas Local Government Code, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, Sections 311.002 and 311.003 of the Texas Transportation Code authorize the City Council of a Texas general law municipality to regulate public ways and streets, and crossways such as driveways, and to regulate the grade of premises; and

WHEREAS, City Council has determined that the installation and repair of driveways entering on to streets within the City should be regulated and permitted in order to protect the general health, welfare and safety of the public and to prevent property damage that might occur from obstructed drainage resulting from improperly constructed driveways; and

WHEREAS, the City Council desires to enact regulations upon driveways and culverts and finds that the regulations set forth below are in the best interest of the health, safety and general welfare of the City of Sandy Oaks and align with the Bexar County Emergency Management Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS, THAT:

SECTION 1. LEGISLATIVE FINDINGS. The City Council of the City of Sandy Oaks finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Sandy Oaks.

SECTION 2. PURPOSE AND ENACTMENT. Regulations are hereby prescribed for the location and type of driveways and culverts within the City. This ordinance shall apply to all driveways and culverts constructed after the date in which the ordinance became effective and to any driveway and culvert in which over fifty (50) percent of the driveway or culvert has been damaged, destroyed or otherwise requires replacement.

SECTION 3. DRIVEWAY REGULATIONS. The following permitting procedures and regulations regarding the installation and maintenance of driveways within the City shall apply:

- A. **Permit for Construction of Driveways.** It shall be unlawful for any person to construct, or cause to be constructed, any driveway connecting private property with a public street without first obtaining a written permit from the City. All work done under such permit shall conform to the requirements of this ordinance and shall be subject to inspection and approval by the Public Works Director or designee of the City Council.
- B. **Application for Permit.**
1. Application for a driveway permit shall be addressed in writing to the Public Works Director and shall set forth the property owner's name and address, and the address of the property where the work is to be performed.
 2. Upon receipt of an application for a driveway permit, the Public Works Director shall make a determination as to whether the driveway applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account the following matters:
 - a. The nature and volume of traffic on the street on which the private property abuts.
 - b. The dimensions and type of construction of the street on which the private property abuts.
 - c. The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects.
 - d. The use to be made of the private property.
 - e. The dimensions of the private property, and the type and location of improvements thereon or to be placed thereon.
 - f. The extent of the access which the private property has or will have to other public streets, if any.
 - g. A permit shall not be issued for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard, would excessively interfere with the normal use of the street right-of-way or road maintenance, would interfere with public safety or would impede drainage.
 - h. The permit fee and engineering fee to be assessed in accordance with the fee approved by Council in the Master Fee Schedule.

SECTION 4. DRIVEWAY AND CULVERT STANDARDS GENERALLY.

- A. Driveways shall be constructed to the following standards from that part of the driveway connecting to city streets to that part of the driveway connecting to the structure it is to serve.
- B. All driveways shall be a minimum of 12 feet in width.
- C. All stumps, surface organics, topsoil, and any other unsuitable materials shall be removed from paving areas.
- D. Driveways shall be constructed in a manner so as not to impede drainage, traffic, public safety, or road maintenance.
- E. Driveway approach surfaces shall be stabilized with surface material to prevent road damage and shall have a minimum of 8 inch gravel/road base, 4 inch concrete, or 4 inch asphalt.
- F. Positive drainage away from the area to be paved must be established and adequate drainage shall be maintained in drainage ditches so as not to prevent storm runoff. A survey must be provided and approved by the City Engineer before paving work begins.

- G. Concrete culverts or any plastic culvert currently approved for, and in use by, Bexar County must be used. Metal culverts are expressly prohibited.
- H. Culverts shall be backfilled/stabilized at each end.
- I. Culverts must be stabilized in place by the use of stabilized sand to a minimum depth of one-half (1/2) the culvert diameter.
- J. Standard concrete/base/asphalt driveways shall be composed of not less than, and must maintain, a minimum of four (4) inches of concrete/base/asphalt as measured over the top radius of the culvert and from the top of the forming materials.

SECTION 5. CURB APPROACHES—RESIDENTIAL.

- A. **Applicability:** All residential driveways on curbed streets must have a concrete driveway as provided in Section 4 herein.
- B. **Maximum Width:** Residential driveways shall have a maximum of 20 feet in width for up to a two car garage or 28 feet in width for greater than two car garage.
- C. **Modification to existing curb:** The existing curb may remain in place and may be shaved to the appropriate size and shape of the driveway opening. If rebar is exposed, the rebar must be removed and the impression or hole must be filled in using an epoxy grout.
- D. **Subbase:** A minimum 2 inch flexible base material, cement treated base, or asphaltic concrete base is required. Recycled concrete will not be accepted as subbase material for driveways.
- E. **Reinforcement Supports:** Reinforcement shall not be supported by pebbles, pieces of broken stones or brick, metal pipe or wooden blocks. Precast concrete blocks or manufactured supports, chairs, bolsters, spacers, or dobies are acceptable.
- F. **Reinforcement:** Concrete reinforcement must be one of the following:
 - a. # 3 rebar 12 inch on center both ways with no splices with all intersections tied with wire, or
 - b. 6 inch x 6 inch W/ D5 x W/D5 welded wire flat sheets. Overlap shall be no less than 8 inch wire tied at all intersections.
- G. **Concrete:** 3,000 psi minimum compressive strength at 28 days (5 sack mix, 2 inch – 5 inch slump, 7% maximum water-cement ratio).
- H. **Minimum Slab thickness:** Minimum slab thickness shall be 5 inches.
- I. **Finish:** The finish shall be Broom Finish with troweled rounded edges (no other finish or coatings will be allowed).
- J. **Expanding Existing Driveway Approach or Adding a Driveway Approach:** The expansion of a driveway approach or the addition of a driveway will only be permitted when a plot plan shows limits of: (a) sidewalk to be removed and replaced with the driveway approach section; and (b) limits of curb to be shaved or removed.
- K. **Sidewalks:** All the above apply, except:
 - a. Minimum Width: 4 feet (provide passing space every 200 feet if sidewalk width is less than 5 feet);
 - b. Slab thickness: 4 inch;
 - c. Reinforcement: # 3 rebar 18 inch on center both ways with all intersections tied or 6 inch x 6 inch W/D 2.9 x W/D 2.9 welded wire flat sheets with minimum 8 inch overlap and all intersections tied.

SECTION 6. CURBED APPROACHES—COMMERCIAL

- A. **Applicability:** All commercial driveways on curbed streets must have a concrete driveway as provided in Section 4 herein and may be asphalt, concrete, or flexible base.
- B. **Maximum Width:** Commercial driveways shall have a maximum of 40 feet in width.
- C. **Modification to existing curb:** The existing curb must be removed since the thickness of the curb will be less than the driveway section. The existing curb is to be saw cut where the driveway flair or curb transition will end and replaced with a 1 foot x 1 foot lug (thicken slab) sloped back towards the driveway to the desired slab thickness to be poured at the same time the driveway approach is poured.
- D. **Concrete Driveway Approaches**
- a. **Subbase:** The subbase shall be a minimum 2 inch flexible base material, cement treated base, or asphaltic concrete base. Recycled concrete will not be accepted as subbase material for driveways.
 - b. **Reinforcement Supports:** Reinforcement shall not be supported by pebbles, pieces of broken stones or brick, metal pipe or wooden blocks. Precast concrete blocks or manufactured supports, chairs, bolsters, spacers, or dobies are acceptable.
 - c. **Reinforcement:** Concrete reinforcement must be one of the following: 1) # 4 rebar 12 inch on center both ways with no splices with all intersections tied with wire, or 2) 6 inch x 6 inch W/ D10 x W/D10 welded wire flat sheets. Overlap shall be no less than 8 inch wire tied at all intersections.
 - d. **Concrete:** 3,000 psi minimum compressive strength at 28 days (5 sack mix, 2 inch – 5 inch slump, 7% maximum water-cement ratio).
 - e. **Minimum Slab thickness:** Minimum slab thickness shall be 6 inches.
 - f. **Finish:** The finish shall be a Broom Finish with troweled rounded edges (no other finish or coatings will be allowed).
- E. **Asphalt Driveway Approaches**
- a. **Subgrade Preparation:** When subgrade has been exposed, the top 6 inches of the subgrade must be scarified, recompact, and shaped to proper line and cross-section of the proposed approach.
 - b. **Flexible Aggregate Base Thickness:** There shall be a minimum of 8 inches.
 - c. **Asphalt Thickness:** 2 inch HMA, Type D (surface treatment not allowed)
- F. **Flexible Base Driveway Approaches**
- a. **Subgrade Preparation:** When subgrade has been exposed, the top 6 inches of the subgrade must be scarified, recompact, and shaped to proper line and cross-section of the proposed approach.
 - b. **Flexible Aggregate Base Thickness:** There must be a minimum of 8 inches.
 - c. **Sidewalks:** All the above apply, except:
 - i. **Minimum Width:** 4 feet (provide passing space every 200 feet if sidewalk width is less than 5 feet);
 - ii. **Slab thickness:** 4 inches;
 - iii. **Reinforcement:** # 3 rebar 18 inches on center both ways with all intersections tied or 6 inches x 6 inches W/D 2.9 x W/D 2.9 welded wire flat sheets with minimum 8 inches overlap and all intersections tied.

SECTION 7. STREETS WITHOUT A CURB--RESIDENTIAL

- A. **Maximum Width:** Residential driveways shall have a maximum of 20 feet (up to a two car garage or each additional driveway) or 28 feet (greater than two car garage)
- B. **Culvert:** When the slopes of a typical driveway without culvert section cannot be met without raising the bottom of the bar ditch, a pipe or box culvert will be required. The Public Works Director will determine the size of the culvert when visiting the site or the owner or contractor may hire an engineer with experience in drainage to design the culvert crossing. The pipe culvert shall have a minimum diameter of 15 inches. A 12 inch arched pipe culvert may be substituted for a standard 15 inches diameter pipe culvert. The culvert must be a minimum of 9 inches below the top of driveway but cannot be more than 12 inches below the top of driveway unless otherwise specified by the pipe manufacturer. A culvert pipe may be corrugated metal, concrete, or approved equal.
- C. **Culvert Concrete End Treatment:** Concrete end treatments are required at all culvert crossings. The maximum slope is 6:1 when the pipe end treatment edge closest to the road is within 12 feet of the edge of the travel lane. The maximum slope must not exceed 4:1 if the closest edge of the pipe end treatment is beyond 12 feet of the edge of the travel lane.
- D. **Expanding Existing Driveway Approach or Adding a Driveway Approach:** The expansion of a driveway approach or the addition of a driveway will only be permitted when the permit application includes a plot plan shows limits of sidewalk to be removed and replaced with the driveway approach section (if applicable).

E. Concrete Driveway Approaches

1. Subbase: The subbase must be a minimum 4 inch flexible base material, cement treated base, or asphaltic concrete base. Recycled concrete will not be accepted as subbase material for driveways.
2. Reinforcement Supports: Reinforcement shall not be supported by pebbles, pieces of broken stones or brick, metal pipe or wooden blocks. Precast concrete blocks or manufactured supports, chairs, bolsters, spacers, or dobies are acceptable.
3. Reinforcement: Concrete reinforcement must be one of the following:
 - i. # 4 rebar 12 inch on center both ways with no splices with all intersections tied with wire, or
 - ii. 6 inch x 6 inch W/ D10 x W/D10 welded wire flat sheets. Overlap shall be no less than 8" wire tied at all intersections.
4. Concrete: 3,000 psi minimum compressive strength at 28 days (5 sack mix, 2 inch – 5 inch slump, 7% maximum water-cement ratio).
5. Minimum Slab thickness: There shall be a minimum slab thickness of 6 inches.
6. Finish: The finish shall be Broom Finish with troweled rounded edges (no other finish or coatings will be allowed).

F. Asphalt Driveway Approaches

1. Subgrade Preparation: When subgrade has been exposed, the top 6" of the subgrade must be scarified, recompacted, and shaped to proper line and cross-section of the proposed approach.
2. Compacted Flexible Aggregate Base Thickness: There shall be a minimum of 6 inches.
3. Asphalt Thickness: 1.5 inch HMAc, Type D or Two Course Surface Treatment

G. Flexible Base Driveway Approaches

1. Subgrade Preparation: When subgrade has been exposed, the top 6 inches of the subgrade must be scarified, recompacted, and shaped to proper line and cross-section of the proposed approach.

2. **Compacted Flexible Aggregate Base Thickness:** There shall be a minimum of 6 inches.

SECTION 8. STREETS WITHOUT A CURB--COMMERCIAL

- A. **Minimum and Maximum Width:** Commercial driveways shall have a maximum of 40 feet.
- B. **Culvert:** When the slopes of a typical driveway without culvert section cannot be met without raising the bottom of the bar ditch, a pipe or box culvert will be required. The Public Works Director will determine the size of the culvert when visiting the site or the owner or contractor may hire an engineer with experience in drainage to design the culvert crossing. The pipe culvert shall have a minimum diameter of 15 inches. A 12 inch arched pipe culvert may be substituted for a standard 15 inch diameter pipe culvert. The culvert must be a minimum of 9 inches below the top of driveway but cannot be more than 12 inches below the top of driveway unless otherwise specified by the pipe manufacturer. Culvert pipe may be corrugated metal, concrete, or approved equal.
- C. **Culvert Concrete End Treatment:** Concrete end treatments are required at all culvert crossings. The maximum slope is 6:1 when the pipe end treatment edge closest to the road is within 12 feet of the edge of the travel lane. The maximum slope must not exceed 4:1 if the closest edge of the pipe end treatment is beyond 12 feet of the edge of the travel lane.
- D. **Concrete Driveway Approach**
 1. **Subbase:** The subbase must be a minimum of a 4 inch flexible base material, cement treated base, or asphaltic concrete base. Recycled concrete will not be accepted as subbase material for driveways.
 2. **Reinforcement Supports:** Reinforcement shall not be supported by pebbles, pieces of broken stones or brick, metal pipe or wooden blocks. Precast concrete blocks or manufactured supports, chairs, bolsters, spacers, or dobies are acceptable.
 3. **Reinforcement:** Concrete reinforcement must be one of the following: 1) # 4 rebar 12 inch on center both ways with no splices with all intersections tied with wire, or 2) 6 inch x 6 inch W/ D10 x W/D10 welded wire flat sheets. Overlap shall be no less than 8 inch wire tied at all intersections.
 4. **Concrete:** 3,000 psi minimum compressive strength at 28 days (5 sack mix, 2 inch – 5 inch slump, 7% maximum water-cement ratio).
 5. **Minimum Slab thickness:** There shall be a minimum slab thickness of 6 inches.
 6. **Finish:** The finish shall be a Broom Finish with troweled rounded edges (no other finish or coatings will be allowed).
- E. **Asphalt Driveway Approaches**
 1. **Subgrade Preparation:** When subgrade has been exposed, The top 6 inches of the subgrade shall be scarified, recompact, and shaped to proper line and cross-section of the proposed approach.
 2. **Flexible Aggregate Base Thickness:** There shall be a flexible aggregate base thickness of a minimum of 8 inches.
 3. **Asphalt Thickness:** 2 inch HMA, Type D (surface treatment not allowed)
- F. **Base Driveway Approaches**
 1. **Subgrade Preparation:** When subgrade has been exposed, the top 6 inches of the subgrade must be scarified, recompact, and shaped to proper line and cross-section of the proposed approach.

2. Flexible Aggregate Base Thickness: There shall be a flexible aggregate base thickness of a minimum of 8 inches.

SECTION 9. ALTERING LINES OR GRADES WHEN PUTTING DOWN PERMANENT STREET PAVEMENT. The City hereby expressly reserves the right, when putting down a permanent street pavement, either by the original construction or reconstruction, to change or alter the lines and grades of such permanent pavement and of the driveways, curbs and gutters on the street, when in the opinion of the City Engineer such change is necessary for the proper paving or drainage of the street, and without liability on the part of the City by reason of such change. In the event that a driveway, the line or grade of which is changed, is in good condition and does not, in the opinion of the City Engineer, require entire reconstruction, the owner thereof shall be given notice to break such driveway back to a point fixed by the City Engineer and to remove the broken portion and reconstruct such portion on the line and grade determined by the City Engineer, at the cost of such abutting owner. In the event such owner fails or refuses to obey the order of the Public Works Director or designee of the City, the Public Works Director or designee shall have the right to have such breaking and reconstructing to grade of such driveway done by a paving contractor, or other person, at the expense of the abutting owner.

SECTION 10. CULVERT AND GRADE REQUIREMENTS

- A. Culverts are required to be installed where a slope exceeds 5 percent.
- B. No driveway may be constructed without use of an approved culvert of at least a minimum diameter of fifteen (15) inches or of such larger diameter exists upstream, as may be required by the depth of the drainage ditch, or of a larger size as deemed appropriate by the City Engineer.
- C. Placement of the culvert shall in all cases maintain the line and grade of the drainage ditch which the driveway is to cross.
- D. No driveway may be constructed without a bulkhead at the inlet and outlets of the drainage culvert of the driveway. Bulkheads must be on both sides of the driveway and must be at least 12 inches below the bottom of the ditch flow line with a 5.5-inch curb above driveway grade.
- E. Culvert placements will require stabilized sand to be minimum (6) inches under and halfway up each side of the culvert placement. Temporary culverts, culverts used for access to property used for agricultural purposes or for access to single family dwellings are exempt from this requirement.
- F. Any second culvert placed on the property must be 20 feet from any adjacent culvert and must have a concrete approach over the culvert that continues for 4 feet past the approach on the interior property.
- G. All future maintenance of the driveway and culvert shall be the responsibility and at the expense of the individual property owner. This responsibility includes the requirement to maintain the culvert portion of the driveway free of debris or other foreign matter and at the proper grade to allow proper drainage through the culvert portion of the driveway.

SECTION 11. PROTECTING NEW WORK. After driveways and any attached curbs and gutters have been completed, they must be protected from damage by keeping traffic off of the new construction for at least five (5) days, and from the sun by a covering of sand, boards, building paper or canvas, and must be sprinkled daily for at least two (2) days after completion.

SECTION 12. INSPECTION REQUIREMENTS. No concrete shall be poured until the worksite for the driveway or culvert has been inspected and approved by Public Works, and City Engineer, if required. Final or completion approval of the driveway shall be required but in no instances will final approval be given less than five (5) working days after completion of the pour.

SECTION 13. MISCELLANEOUS REQUIREMENTS. In general, all forms shall be smooth; the work shall be done in a workmanlike manner giving straight lines where required; true planes and a smooth finish properly brushed to remove marks; and shall be completely satisfactory to the Public Works Director or the City's designee. When the work is completed, earth shall be thoroughly filled in and tamped against the sides of the concrete and all rubbish, surplus excavated material, forms and other materials used in the construction of the driveway shall be removed and the work site left in a neat and orderly manner.

SECTION 14. OFFENSE. It shall be unlawful for any person to violate any regulation described in this ordinance.

SECTION 15. ENFORCEMENT AND PENALTIES.

- A. If the City finds any person engages in the construction of a driveway or culvert crossing a City easement or right-of-way without a permit, or if any person engages in the construction or repair of a driveway or culvert in any manner except as specified in the permit issued by the City, the City may order the landowner to remove or repair the driveway or culvert at the landowner's expense. The city shall give written notice via postal service, personal delivery, or email of the violation to the owner. The notice shall state the nature of the violation and direct the recipient to alter or remove the subject of the violation or correct the violation within a specified period. Failure to comply with the provision of this ordinance after the time specified by the City shall result in a citation being issued to the owner, agent or occupant.
- B. Civil and Criminal Penalties. The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.
- C. Criminal Prosecution. Any person violating any provision of his ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.
- D. Civil Remedies.
 - a. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to:
 - i. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - ii. A civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and other available relief including but not limited to removing or repairing the

driveway or culvert at the owner's expense to include administrative expense, penalties, and reasonable attorney's fees.

SECTION 16. REPEAL OF CONFLICTING ORDINANCES. All City ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

SECTION 17. 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 18. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

SECTION 19. PUBLICATION. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained therein the manner and for the length of time prescribed by law.

PASSED, APPROVED AND ADOPTED THIS 9th day of January 2025.

CITY OF SANDY OAKS, TEXAS

Michael Martinez, Jr., Mayor

ATTEST:

Delma Doyal, City Clerk