



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: August 8, 2022

City Council Public Hearing Date: August 15, 2022

Case: P22-269
Section(s): Chapter 40, Article III (*Design Standards*)
Subject: Add Sec. 40-81 (*Driveways and Access Management*)

BACKGROUND

The City of Tomball's Code of Ordinance does not currently specify driveway separation requirements, nor does it call out cross-access easement requirements/recommendations. Ingress & egress points to and from properties are essential to site development. Each driveway that serves a parcel of land introduces an accident potential point. Therefore, minimum driveway separation requirements and ordinances that encourage shared access agreements between adjoining property owners are often adopted to help mitigate and reduce accident potential for motor vehicles, pedestrians, and bicyclists. This proposed addition to the code of ordinance is to adopt driveway standards, specifically by formally addressing driveway designs, spacing requirements and encouraging/requiring shared access driveways.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourri on July 27, 2022.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

ADD:

40-81.- Driveway and Access Management

- (a) Other Standards. Driveway approaches, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting properties in the City and ETJ in connection with platting or building construction shall be constructed, provided, altered or repaired in accordance with the City of Tomball Design, Details, and Construction Standards and as prescribed by the standards outlined within this Division.
- (b) All Driveway Approaches. All driveway approaches shall comply with the following standards.
 - (1) Sidewalks to Be Removed. Where a driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach unless the City Engineer has determined that the section of the sidewalk fully complies with the requirements of this section for driveway approaches. The area across the driveway will be jointed and edged as a sidewalk. The depth and design for the sidewalk will be consistent

with the driveway-approved design and will be consistent with the ADA regulations.

- (2) *Removal of Curb and Gutter.* Where a driveway approach is to be constructed at a location where a curb and gutter is in place, the curb and gutter shall be removed to the nearest existing construction joint or a new construction joint formed by other methods as may be approved by the City Engineer. The driveway approach shall be constructed in accordance with the City's Design, Details and Construction Standards.
- (3) *Drainage.* Driveway approaches shall be designed to prevent the entrance of water from the street onto private property, except that a drainage system may be provided within the property to handle water coming from the street. Driveway approaches and related drainage systems shall be constructed in accordance with the City's Design, Details, and Construction Standards.
- (4) *Radius.* Driveway approaches shall be constructed with return radii in accordance with the standards outlined in Table 40-81.1. The driveway radius shall not extend in front of the adjacent property.
- (5) *Design Criteria.*
 - (a) For all gated driveways the gate shall be set back a minimum of 25-feet from the edge of the street pavement. Locking mechanisms for vehicular gates shall be subject to approval by the City Fire Marshal or his/her designee.
 - (b) Driveway construction shall not occur without a driveway permit.
 - (c) Divided entrances to parking lots in nonresidential and multifamily developments shall have a minimum ingress lane of 18 feet, a minimum landscaped median width of 5 feet for an unbroken distance of at least 100 feet, and a minimum egress lane of 22 feet. All divided entrances shall be a maximum of 45 feet in width.
 - (d) Residential driveways shall have a minimum separation equal to the sum of the required curb returns for the two driveways.
- (c) All driveway approach dimensions shall comply with Table 40-81.1.

Table 40-81.1

| Driveway | Land Use | Width (ft.) | | Curb Return (ft.) | |
|-------------------|-----------------------------------|-------------|---------|-------------------|---------|
| | | Minimum | Maximum | Minimum | Maximum |
| Type I | Single-Family Residential, Duplex | 12' | 24' | 5' | 15' |
| Type II (One Way) | Multi-Family, Commercial | 20' | 20' | 10' | 15' |
| Type II (Two Way) | Multi-Family, Commercial | 24' | 40' | 10' | 15' |

- (d) *Type II Driveway Approaches.* Type II driveway approaches shall comply with the following standards and with Table 40-81.1
 - (1) *Number of Driveway Approaches.* On local streets, not more than one (1) driveway approach shall be permitted on any parcel of property with a frontage of one hundred feet (100') or less. On collector streets no more than one (1)

driveway approach shall be permitted on any parcel of property with a frontage of one hundred and fifty feet (150') or less. For arterials, no more than one (1) driveway approach shall be permitted on any parcel of property with a frontage of three hundred feet (300') or less. Except that additional openings may be permitted with the approval of the Community Development Director or their designee for the necessity and convenience of the public.

- (2) Driveway Separation. Driveway approaches shall be separated by a minimum distance, as measured between the edge of the driveway and the adjacent driveway or street right-of-way, as required by Table 40-81.2.

Table 40-81.2

| Street Type | Minimum Separation Between Drives (feet)* | Minimum Separation from Intersection (feet)* |
|----------------|---|--|
| Arterial | 200' | 150' |
| Minor Arterial | 150' | 100' |
| Collector | 100' | 75' |
| Local | 25' | 50' |

*Separation may be reduced, at the discretion of the Community Development Director or their designee, where right-in/right-out only driveways are used. Such drives must be on a median-separated road or be designed to physically prevent vehicles from making a left turn.

Notes:

- a) Single-family and two-family developments are exempt from these standards on local and collector streets.
- b) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet the spacing requirements from an existing driveway on adjacent property, a common access easement with adjacent properties shall be utilized to obtain the necessary spacing. Where site limitations preclude such common access easements, or where cooperation of adjacent property owners cannot be obtained (within a period of 90 days), the City Engineer may authorize a noncompliant driveway, which should be spaced as far from the intersection as practical.
- c) Where there is a signalized "T" intersection on the opposite side of the street, the spacing requirements shall apply.
- (3) Angle of Driveway Approach. The angle of the driveway approach with the curb line shall be approximately ninety degrees (90°) for two-way driveways or forty-five degrees (45°) to ninety degrees (90°) for one-way driveways.
- (4) Driveway Approaches at Intersections. Corner parcels less than one hundred and fifty feet (150') in length along the right-of-way shall combine access with the adjoining property, wherever possible. Where it can be shown that access is effectively denied to a corner parcel because of the required distance from the corner of the intersecting right-of-way and combined access is not available from the adjoining property, a variation to the requirement may be granted by the City Engineer, provided the applicant demonstrates that a variation will not create a traffic hazard.
- (5) Driveway Approaches in Existing On-Street Angle or Head-In Parking Areas. Driveway approaches shall not be constructed in existing on-street angle or

head-in parking areas unless all curb is restored to a standard location along the roadway in front of the premises.

(e) Shared Driveways and Cross-Access Drives.

- (1) Shared access for all driveways are encouraged by the City in order to ensure public safety access by providing mutual/common access to a median opening, to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots. (See Figure 40-81.1)
- a. Arterial Streets. Shared mutual access easement(s) for driveway(s) may be required by the City between driveways on adjacent lots fronting on arterial streets.
 - b. The location and dimensions of shared access easements shall be determined by the Community Development Director and City Engineer.
 - c. Such easements shall be noted on the Preliminary Plat and Final Plat when possible as “Open and Unobstructed Cross Access Easement”.

Figure 40-81.1

