

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS AMENDING ITS CODE OF ORDINANCES BY ADDING SECTION 40-81 (DRIVEWAY AND ACCESS MANAGEMENT) TO ARTICLE III, DESIGN STANDARDS OF CHAPTER 40, SUBDIVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.

* * * * *

WHEREAS, the City Staff presented the proposed text amendment regarding driveway and access management to the Planning and Zoning Commission; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the Planning and Zoning Commission held a public hearing regarding the proposed text amendment; and

WHEREAS, the Planning and Zoning Commission recommended in its final report that the City Council approve the requested text amendment; and

WHEREAS, at least fifteen (15) days after the publication in the official newspaper of the City of the time and place of a public hearing, the City Council held a public hearing on the proposed text amendment; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens to approve the text amendment as contained in this ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. Article III, Design Standards, of Chapter 40, Subdivisions of the Code of Ordinances of the City of Tomball, Texas is hereby amended, as set out in Exhibit A, attached hereto and made a part of this Ordinance for all purposes.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6TH DAY OF SEPTEMBER 2022.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DUNAGIN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN PARR	<u>AYE</u>

SECOND READING:

READ, PASSED, AND ORDAINED AS SET OUT BELOW AT A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 3RD DAY OF OCTOBER
2022.

COUNCILMAN FORD	_____
COUNCILMAN STOLL	_____
COUNCILMAN DUNAGIN	_____
COUNCILMAN TOWNSEND	_____
COUNCILMAN PARR	_____

Lori Klein Quinn, Mayor

ATTEST:

DORIS SPEER, City Secretary

Exhibit "A"

AMEND: Article III of Chapter 40 (Design Standards: Subdivisions)

REVISE: Add the following entries in alphabetical order and renumber accordingly:

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:

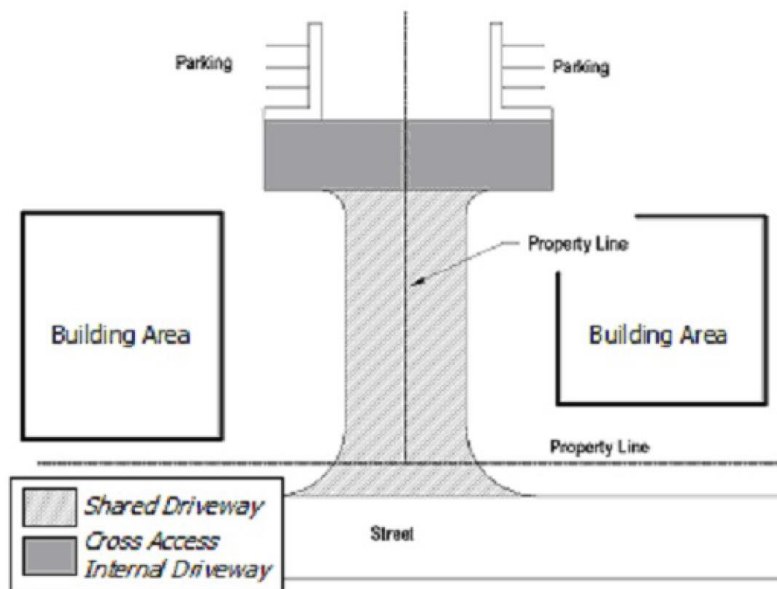
- a) Single-family and two-family developments are exempt from these standards on local and collector streets.
- b) Where a property at a corner does not have the necessary frontage to accommodate the required spacing from the intersection, or an interior property does not have adequate width to meet 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



-END-