

**RULE NO.: R161-24.01**

**NOTICE OF PROPOSED RULE**

**POSTING DATE:** 04/04/2024

The Director of the Department of Transportation and Public Works proposes to adopt the following rule after 05/06/24.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before 05/07/24 (the 33rd day after the date of this notice) or not after 06/13/24 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before 06/13/24, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**REQUEST FOR COMMENTS ON PROPOSED RULES**

The City requests comments from the public with respect to the proposed rules included in this Notice. Comments must be received by writing to the contact person below no later than 05/06/24 (the first business day following the 31st day after the date of this notice).

**Contact Person:**

Amber Hutchens,  
Program Consultant  
Transportation and Public Works  
Department

**Email:**

amber.hutchens@austintexas.gov  
512-974-5646

**U.S. Mail**

Amber Hutchens  
Permitting and Development Center (PDC)  
Transportation and Public Works Dept.  
6310 Wilhelmina Delco Drive  
Austin, TX 78752

**TEXT OF PROPOSED RULE**

The text of the proposed rule, indicating changes from the current text, is attached to this notice.

## **BRIEF EXPLANATION OF PROPOSED RULE**

Rule R161-24.01 proposed revisions to the Driveway Chapter of the Transportation Criteria Manual (TCM 7.6.1). The TCM currently allows one driveway on most residential lots, particularly on Level 1 streets. While this is typical and appropriate for most residential development serving one unit, our Land Development Code allows for multiple units on many residential lots and market demands have indicated that two driveways are desired to better serve those properties. Very few properties on Level 1 streets have enough frontage length to meet requirements for two driveways and often applicants are submitting waiver requests with the argument the additional driveway does not present a specific safety issue while meeting the market's needs and addressing the City's needs for additional housing. These proposed changes remove some of those barriers and provide a clear path to providing a second driveway on those properties.

## **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction requirements is established in Section 25-6-267 and Section 25-6-268 of the City Code.

## **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule R161-24.01, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

## **REVIEWED AND APPROVED**



Richard Mendoza, Director  
Transportation and Public  
Works Department

Date: 4/1/2024

Anne L. Morgan  
Anne L. Morgan City Attorney

Date: 4/1/24

#### 7.6.1.1 – Multi-Unit Residential Development on Level 1 Streets

If a lot fronting a Level 1 street has less than 300 feet of street frontage and at least two dwelling units are proposed on the lot, two driveways are allowed if at least 20 feet of continuous street frontage (i.e., curb) can be provided between driveways.

The 20-foot driveway spacing requirement may be reduced administratively if any of the following site conditions prevent the required spacing:

1. Existing and proposed utility infrastructure such as a power pole, drainage inlet, water meter, wastewater cleanout, manhole, or fire hydrant on site or in the ROW frontage;
2. A drainage easement on-site;
3. Providing the required driveway spacing would result in impacts exceeding Standard Preservation Criteria as identified in Environmental Criteria Manual Section 3 for protected or heritage trees located on-site or on an adjacent site.
4. There is a slope of greater than 8% outside of the apron in the right-of-way.

If less than 20 feet of street frontage is proposed between the two driveways, the applicant shall identify the applicable site condition above and provide sufficient documentation why the site condition creates a constraint on driveway spacing with any permit application.

Additionally, a corner lot may have one driveway on each street that it fronts provided that each driveway meets all other TCM spacing and offset criteria and does not create a circular driveway (the driveways must be independent and not create a circular drive).