Chapter 11.08 Driveway Construction Permits

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11.08.010 Purpose. The fundamental objectives of this chapter are threefold:
a. To provide maximum protection to the public through the orderly control of traffic moving onto and off of a road or street;
b. To provide a uniform practice in the design and construction of entrances and exits;
c. To provide the necessary drainage.
These objectives and the regulations which follow in this chapter constitute the City's policy concerning entrances and exits on road and street rights-of-way, and include the requirements for the construction within a dedicated right-of-way. (Prior code 14-400.1).

11.08.020 Applicability. The requirements of this chapter are applicable to all commercial and industrial establishments, service areas, and private residences having access to and/or through the right-of-way of a City right-of-way, insofar as the requirements for drainage, geometric design, signs, type and quality of workmanship, material used and work performed in the areas providing ingress and egress to the property are concerned. (Prior code 14-400.2).

11.08.030 Definitions. For the purposes of this chapter the following terms shall be defined as follows:
a. "Driveway" or "Approach" means that section of the roadway or alley right-of-way between the pavement edge or edge of shoulder and the property line which is designed and used for the movement of traffic between the roadway and the adjacent property.
b. "Stabilized Material" means any aggregate such as gravel, stone, slag, or mixture of such as to provide a smooth, stable, all-weather surface, not subject to raveling.
c. "Street" or "Road" means any dedicated public right-of-way twenty-one or more feet in width, which may or may not be in use as a traveled way. (Prior code 14-400.8).

11.08.040 Permit--Required. a. Any owner of abutting property desiring to gain access, or to enlarge or change the location of an existing access to a road or street right-of-way shall do so only in strict accordance with the provisions of a permit issued by the City. Written application must be made to secure such a permit from the City through the City Planner. Each application for a permit shall be accompanied by a fee in an amount determined by Council Resolution and set forth in the City of Homer Fee Schedule,
b. It is understood by the applicant that control of the location, construction and maintenance of driveways is under the supervision of the City at all times and that in granting such permit the City waives none of its powers or rights to direct the removal, relocation, and/or proper maintenance in the future of any driveway within the right-of-way of the City roads, streets, or trails. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the City whenever the use and presence of a driveway or approach unduly interferes with the required use of that portion of the right-of-way occupied by the driveway or constitutes a hazard to traffic. (Ord. 04-02, 2004; Ord. 95-22(S) 1, 1995; Ord. 78-9 1, 1978; prior code 14-400.3).

11.08.050 Permit--Application. Any owner or user or the agent of the owner or user of property abutting City roads, streets, or alleys, before beginning any construction, shall make application for a permit from the City for construction within any dedicated right-of-way for any purpose. All applications shall be submitted to the City Planner who shall transmit the application to the Director of Public Works for approval. The following must accompany applications:
a. The application must be accompanied by a plan showing:
1. Complete details on the property in question, including the location of property lines and all existing driveways and buildings;
2. Any drive that is to be altered or closed shall be so indicated;
3. All buildings, etc., should be shown in their correct location. It is required that all stands, buildings, gasoline pumps, and structures of any kind be placed at least twelve feet back on the property line. The conduction of business within a City street or road right-of-way is prohibited.
4. Complete details on drainage: All driveways and buffer areas should be constructed so as not to impair the drainage within the street or road right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. All structures required within the buffer area and under the driveways as the result of the property being developed, shall be installed in accordance with standards set by the City, the standard being available at City Hall.
b. Application for work on a street or road right-of-way will require attached evidence of acceptance of same, including line, grade and proposed drainage, by the Director of Public Works. Such design shall conform to Chapter 11.04.
c. After work begins it shall be the responsibility of the contractor or subdivider to notify the Public Works department when certain phases of the construction procedure are completed. Notice shall be given when:
1. The subgrade has been completed and prior to placing the base rock;
2. After base rock is placed;
3. After finish of leveling course;
4. Prior to paving operation, (if any);
5. Final. (Ord. 95-22(S) 2, 1995; Prior code 14-400.9)

11.08.060 Applicant's responsibility--General. The applicant agrees to perform all work in accordance with this permit, and shall indemnify and save harmless the city, its officers and employees, from all liability, judgement, costs, expenses, and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of the performance or nonperformance of the work. (Prior code 14.400.4)

11.08.070 Applicant's responsibility--For construction. The permit shall require that the applicant assume the following construction responsibilities:
a. The applicant shall furnish all materials, including any necessary signs, and bear all costs within the street or road right-of-way.
b. All work and material shall meet the standards of the City.
c. All driveways and street approaches will be inspected during and after construction. The City has the right to stop work until such time as any objectionable conditions are corrected. All cost of material and labor shall be borne by the applicant.
d. No alteration shall be made without securing a new permit. (Prior code 14-400.10)

11.08.080 Maintenance responsibility. The cost of all construction and maintenance of the work specified shall be borne by the applicant, his grantees, successors and assignees. (Prior code 14-400.11.)

11.08.090 Driveways, road approaches--property of City. All driveways or road approaches, constructed under permit within any road rights-of-way shall be the property of the City, but all cost and liability in connection therewith, in connection with the maintenance thereof, shall be at the sole expense of the owner of the property served thereby. (Prior code 14-400.5)

11.08.110 Building setback requirement. There shall be a minimum twenty foot building setback required which shall apply to any property line abutting any dedicated road or street right-of-way. This section shall not apply where there is a setback requirement in excess of twenty feet. (Prior code 14-400.7).

11.120 Design Requirements. The design standards are based on the type of road, rights of road user and abutting property owners:
a. Driveways shall be located to the best advantage with regard to the street or road alignment, profile, sight

distance conditions, etc.
b. There shall not be more than two driveways for any one property. Additional drives should not be requested unless there is a clear necessity for them. Additional driveways must be approved by the Director of Public Works.
c. Driveways shall not be approved at street corners. Driveways are not to be set back thirty feet or more from intersections.
d. The radii of a private driveway may not extend beyond the applicant's property line.
e. The radii of a street approach may extend beyond the range of the street sideline.
f. All signs must conform to the Alaska Traffic Manual. The cost and the responsibility for erection of signs is to be borne by the applicant. (Prior code 14-400.12).

11.08.130 Other requirements. a. No advertising signs or display material of any advertising nature will be permitted on, or extend over on, City streets or road rights-of-way.
b. No person or entity shall remove, injure, tamper with, destroy, break or deface in any way any public property, or property of a public utility, lawfully placed in the right-of-way or in any way interfere with the lawful use therefore by the utility without first having obtained the written consent of the appropriate authority or public utility.
c. No structure for a business enterprise, serving vehicles or providing services or entertainment to customers while in said vehicles, shall be located so as to cause traffic congestion within the street or road right-of-way. The driveway beyond the right-of-way must be sufficient length and width to accommodate such vehicles and have a design to provide for the safe and expeditious handling of traffic thereon as determined by the City.
d. no lights, signs, signals, or other structures shall be located adjacent to the road or street within the vicinity thereof which will distract the attention of, and thus impair the safety of the traveling public.
e. All driveways and approaches shall be so constructed that vehicles approaching or using them will be able to obtain adequate sight distance in other directions along the road or street in order to maneuver safely and without interfering with road or street traffic. (Prior code 14-400.13).

11.08.140 As built plans required for street construction. Before final approval will be granted, an as built plan shall be submitted. The as built plan shall be drawn on plan-profile transparency paper, sheet size 24" X 36". The horizontal scale shall be either 1"=50' or 1"=100'. The as built plan shall show the details of construction such as:
a. Culvert size;
b. Width of roadway;
c. Location of underground utilities;
d. Right-of-way monuments;
e. Profile of finish grade;
f. Any other pertinent data. (Prior code 14-400.14).

[3] For statutory provisions authorizing cities to regular public rights-of-way, see AS 29.35.210. Prior ordinance history: Ordinances 74-5 and 74-11.

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