

CHAPTER 3

Driveways

- 5-3-1 Driveway Permit Required
- 5-3-2 Driveway Location, Design and Construction Requirements

SEC. 5-3-1 DRIVEWAY PERMIT REQUIRED.

- (a) **Purpose.** For the safety of the general public, the City shall determine the location, size, construction and number of access points to public roadways within the City limits. It is the City's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the City of Thorp without first obtaining a permit therefor as provided by this Chapter.
- (c) **Application.** Application for such permit shall be made to the Zoning Administrator on a form provided by the City and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be use. No fee shall be charged for a driveway permit. The Zoning Administrator shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable City Ordinances.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
 - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicate portion of the City street, or for any other purpose.
 - (2) The City, notwithstanding the construction of such driveway, reserves the right to make any changes,

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additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintenance of the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.

- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the City of Thorp, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the City Street.

SEC. 5-3-2 DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
 - (1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
 - (2) Number. Except as otherwise permitted by this Ordinance, the number of driveways to serve an individual property fronting on a street shall be:
 - (a) In a District zoned R-1, one (1) driveway; or if the following conditions are met, two (2) driveways, or one circular driveway having two exits upon a street:
 - (i) No part of a secondary driveway exit

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shall be located within 50 feet of an existing driveway exit as measured along the frontage of the abutting street; or

- (ii) If no driveway currently exists on an adjoining Lot, then no part of a secondary driveway exit shall be located within 25 feet of the shared property line.
 - (b) In a District zoned R-2, R-3, C-1 or C-2, two (2) driveways.
 - (c) In a District zoned LI or GI, four (4) driveways.
- (3) Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (7).
 - (4) Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
 - (5) Culverts. Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a 15-inch diameter pipe. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection (7) hereof.
 - (6) Reconstruction of Sidewalk and Curb and Gutter. When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway shall be connected, through the installation of a concrete driveway approach (apron) regardless of whether the driveway surface has been constructed, with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. Where no sidewalk exists, the driveway approach (apron) shall be installed in a manner to accommodate future sidewalk installation. The driveway construction shall include the replacement of sidewalk

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areas which are inadequate, or which are or may be damaged because of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with requirements of Section 5-2-2 of this Code insofar as such requirements are applicable. Standard thickness of driveway approaches will be six (6) inches.

- (7) Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Director of Public Works and except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Public Works Director.
 - (8) Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner. The approval of the Common Council is necessary before any utility may be relocated and the driveway installed.
 - (9) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements of Section 5-2-2 of this Code insofar as such requirements are applicable.
 - (10) Variances. Any of the above requirements may be varied by the Board of Appeals in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving

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commercial or industrial establishments:

- (1) Width of Driveway. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than forty-five (45) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Common Council in its discretion may permit a driveway of additional width.
 - (2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than 45°.
 - (3) Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a City Street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the City street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
- (c) **Special Requirements for Residential Driveways**. The following regulations are applicable to driveways serving residential property:
- (1) Unless a variance is obtained from the Board of Appeals, a residential driveway shall be no greater than thirty (30) feet wide at the curb line and shall have a symmetrical taper which narrows a minimum of four (4) feet at the street edge of the sidewalk or 5 feet from the right of way line where no sidewalk exists.
 - (2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (d) **Prohibited Driveways**.
- (1) No person, firm or corporation shall place, construct, locate, or cause to be placed, constructed or located any obstruction or structure within the limits of any public road, highway or street in the City of Thorp except as

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permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which does not conform with this chapter.

- (2) No driveway shall be closer than fifteen (15) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the City for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.