

## CHAPTER 140

### DRIVEWAYS

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**140.01 PURPOSE.** The purpose of this ordinance is to enhance driveways and improvements thereof, to place the maintenance, repair, replacement or reconstruction of driveways upon the abutting property owner and to minimize the liability of the City.

**140.02 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Defective driveway” means any driveway exhibiting one or more of the following characteristics:
  - A. Vertical separations equal to three-fourths (3/4) inch or more.
  - B. Horizontal separations equal to one-half (1/2) inch or more.
  - C. Holes or depressions equal to three-fourths (3/4) inch or more at least four (4) inches in diameter.
  - D. Spalling over fifty percent (50%) of a driveway with one or more depressions equal to one-half (1/2) inch or more.
  - E. Spalling over less than fifty percent (50%) of a driveway with one or more depressions equal to three-fourths (3/4) inch or more.
  - F. A driveway with any part thereof missing full depth.
  - G. A change in grade equal to and greater than three-fourths (3/4) inch.
2. “Driveway” means all permanent residential or commercial accesses from private property to the streets within the incorporated limits of the City.

3. “Driveway improvement” means the construction, reconstruction, repair, replacement or removal, of a driveway and or excavating, filling, or depositing of material in the public right-of-way in connection therewith. A driveway improvement does not imply the normal maintenance of an existing driveway such as re-rocking, however, a driveway improvement does imply the upgrading from an existing rock or seal-coated driveway to a Portland cement or asphalt surfaced driveway.

**140.03 DRIVEWAY CONSTRUCTION.** The driveway construction and improvements shall be at no cost to the City. Driveways and driveway improvements shall conform to the design and construction standards as established by the City and the latest version of the Cedar Rapids Metropolitan Area Engineering Design Standards Manual adopted by resolution by the City of Robins. Any repair of damage caused to existing streets resulting from a driveway improvement shall be the responsibility of the property owner.

**140.04 DRIVEWAY SURFACES.** Where the driveway is accessing a street surfaced with Portland cement or asphaltic concrete, the driveway improvement shall be surfaced with Portland cement or asphaltic concrete in accordance with City standards. Where the driveway is accessing a street not surfaced with Portland cement or asphaltic concrete, the driveway improvement shall be surfaced with a minimum of six (6) inches of compacted Class A road stone.

1. **Portland Cement Surfaces.** Where driveways are to be paved with Portland cement, the driveway slab shall be constructed of Portland cement conforming to the Iowa State Highway Commission C-3 or M-3 mix with a non-reinforced thickness of 6 inches or a reinforced thickness of 4 inches. Reinforcing shall mean the use of 6 inch by 6 inch 6 GA. welded wire, or better, installed into the concrete slab. Fiberglass additive is not considered as reinforcing. Before driveway slab is paved, the sub-grade shall be compacted, free of debris and vegetation. All paved driveways shall have one inch preformed expansion at front and back of sidewalks and at the curb.

2. **Asphalt Surfaces.** Where driveways are to be asphalted, the driveway shall be surfaced with 6 inches of compacted Class A road stone and then topped with a minimum of 3 inches of Type B asphaltic concrete.

3. **Alternative Driveway Surfaces.** Alternative driveway surface requirements may be required upon the recommendation of the City Engineer. Property owners or agents of the property owner requesting the use of alternative driveway surface requirements must submit the proposal to the City for review by the City Engineer prior to the alternative driveway surface usage. The Engineer shall review the request and based upon the

Engineer's recommendation the alternative driveway surface shall be denied or approved for usage.

**140.05 DRIVEWAY ACCESS.** All driveway accesses shall be at right angles to the street whenever practical and driveway access onto major streets shall be avoided whenever possible. A single driveway access shall not service more than two (2) parcels of land or lots.

**140.06 DRIVEWAY GRADES.** All permanent driveways shall, unless a special grade is established by ordinance, conform to the established grade of that part of the street upon which the driveway is located and shall be elevated above such established grade approximately one-fourth (1/4) inch for every one foot of the distance from the curb or street, unless such elevation is, under existing conditions, impractical.

**140.07 TEMPORARY DRIVEWAYS.** Temporary driveways shall be allowed only upon approval of the Public Works Superintendent and the installation and removal of temporary driveways shall be at no cost to the City. The temporary driveway shall be constructed and surfaced in order to provide sufficient and adequate support for the intended purpose of the temporary driveway. Hard surface/culvert requirements and their respective inspections specified herein may be waived upon the approval of the Superintendent of Public Works. The grade of the temporary driveway shall conform to the surrounding ground. No temporary driveway shall exist longer than a period of six (6) months unless permission has been obtained from the Superintendent of Public Works.

**140.08 DRIVEWAY CULVERT AND OPEN DITCH DRIVEWAYS.** Where driveway culverts are deemed necessary in open ditch street right-of-ways, the driveway culvert shall conform to the following minimum requirements:

1. All culverts shall be reinforced concrete pipe or corrugated galvanized steel.
2. The minimum size of the driveway culvert shall be 18-inch inside diameter, with the following exceptions:
  - A. If there is a larger diameter culvert upstream of the driveway culvert, the driveway culvert shall be at least as large as the upstream culvert.
  - B. The Superintendent of Public Works may require that a larger diameter driveway culvert be installed based on recommendations of the City Engineer.
  - C. If the driveway access is on a road that is not in the jurisdiction of the City of Robins, the size of the driveway culvert shall be as directed by the appropriate jurisdiction.

D. If the property owner demonstrates, by the way of certified calculations of a professional engineer, that a smaller diameter driveway culvert is capable of conveying storm water runoff from a 50-year storm event, the Superintendent of Public Works may allow a smaller diameter driveway culvert. The driveway culvert should not cause the storm water flowing in the ditch to overtop the ditch or rise a level within six (6) inches of the edge of pavement elevation.

3. Where the roadway speed limits are above 45 miles per hour, the minimum length of the driveway culvert shall be sufficient to allow grading along the sides of the driveway. The minimum culvert length shall be extended to provide a maximum slope of 25% (4 horizontal to 1 vertical) from the driveway surface to the flow line of the ditch on either side of the driveway. (Ordinance No. 0903), 6/1/09)

4. Driveway culverts shall be constructed to the slope of the existing ditch, unless the Superintendent of Public Works allows a different slope.

5. The Superintendent of Public Works must inspect the culvert placement. This inspection shall be performed before surfacing of the driveway, will be documented on the inspection record and will be required before an occupancy permit is granted.

6. All open ditch driveways, which access rural cross-section public right-of-ways within the City, will contain either a drainage swale or an approved culvert. The Superintendent of Public Works must approve the use of a drainage swale. Driveway culverts shall be in accordance with specifications numbered 1-5 of this section.

7. Modifying the grade of the open ditch from that of the final inspection of the improvements, including installation of small diameter tubing or the addition of fill material, will not be allowed without the prior written approval of the Superintendent of Public Works. Removal of these materials may be performed by the City within the right-of-way without the approval or notification of the adjacent property owner. Specifications for the construction of concrete bottom Q-Nets, as per City resolution, must be followed. The contractual agreement must be signed before any construction on these structures may commence.

8. Sump pumps or downspouts must not discharge into the right-of-way open ditches closer than ten (10) feet to the side property line. The practice of pumping water into ditches may cause downstream ditches to become saturated for extended periods of time.

9. Grass bottom open ditches, which have slopes of about 1%, may retain water or become saturated during periods of rainfall. Because of the

lack of slope, saturation and puddling will not be considered unusual or unacceptable within these ditches.

10. Problems caused by violations of this section will be corrected and the cost may be assessed to the adjacent property owner.

11. If the findings, order or decision of the Superintendent of Public Works made in pursuance of the provisions of this section are not acceptable to any person, such person shall have the right to appeal to the City Council.

#### **140.09 DRIVEWAY WIDTH.**

1. All measurements for driveway widths shall be according to the latest version of the Cedar Rapids Metropolitan Area Engineering Design Standards Manual as adopted by resolution by the City of Robins. Except for as noted, the maximum driveway width is not to exceed thirty-four (34) feet for residential garages having 3 stalls or more and the driveway is not located on a cul-de-sac. Maximum width is as measured along the street side of the sidewalk line. If no sidewalk line has been established, the measurement shall be at the property line.

2. Curb openings shall be in accordance to all the provisions of this chapter and other City rules and regulations as established.

#### **140.10 DRIVEWAY LOCATION.**

1. No portion of a driveway, except the curb return, shall be constructed less than twenty (20) feet from an intersection, seventy-five (75) feet from a railroad crossing, and in no case closer than three (3) feet to the property line as extended.

2. No driveway shall be located and constructed which encroaches on the neighboring property line as extended to the street. The minimum driveway flare radius where the driveway meets the street shall be 3 feet. If the driveway flare is proposed to be greater than the 3-foot offset from the property line dimension, then the driveway shall be offset from the property line a distance equal to the driveway flare dimension.

3. Whenever possible, a single driveway shall access a single parcel of land and there shall not be more than two (2) driveways accessing a single or double frontage lot. If more than a single driveway is to access a street front for a single parcel of land, a distance of thirty (30) feet between driveways shall be maintained and shall have the approval of the Superintendent of Public Works. The Superintendent of Public Works shall have the authority to refuse a second driveway where it has been determined to be a detriment to snow removal and street maintenance.

**140.11 DRIVEWAY MAINTENANCE.** It shall be the responsibility of the abutting property owner to repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken and defective driveways and to maintain in a safe and hazard-free condition, any driveway within the public right-of-way inside the curb lines or traveled portion of a public street.

**140.12 FAILURE TO MAINTAIN.** If the abutting property owner does not maintain or repair defective driveways as required and action is brought against the City for personnel injuries alleged to have been caused by its negligence, the City may notify, in writing, any person whose negligence it claims the injury caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of injury or damage, as to liability of the City to the plaintiff in the named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all expenses incurred by the city in the suit.

**140.13 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a driveway unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation complies with all ordinances and requirements of the City for such work. The application therefore shall be in writing and shall designate the location of the driveway on a lot or parcel of land, and the name of the owner thereof, and no permit shall be issued by the City, if said driveway is in violation of the rules and regulations of the City or, in the engineer's judgment, it is not advisable to do so, and no permit so issued shall be valid for a period of more than thirty (30) days, unless the permit was issued in conjunction with other construction. Failure to obtain said permit prior to starting construction shall be subject to a penalty by charging an amount equal to twice the normal permit fee.

**140.14 FEE FOR PERMIT.** Before any permit for a driveway is issued, the person who makes the application shall pay a fee as established in the Building Code Ordinance, unless the applicant intends to install said driveway in connection with other construction on the premises for which a building permit has been issued and said fee has been charged.

**140.15 PERMIT PREREQUISITE.** Prior to any person cutting any curb on any street in the City, there shall be obtained, a written permit from the City, which permit shall be issued, only on condition that the curb cutting be done in accordance with the provisions of this chapter and with the rules and regulations

of the City. No permit shall be issued for cutting the curb unless the driveway extending from the street to private property shall be hard surfaced in accordance to City standards.

**140.16 INDEMNIFICATION.** Any person securing a permit as required shall agree to hold the City free from all injuries from all liability for damages on account of injuries received by anyone through the negligence of such person or his agents or employees in making the driveway improvements, or by reason of such person's failure to guard the premises.

**140.17 INSPECTIONS.** The Building Inspector, or such other person as may be designated by the Council, shall inspect driveway improvements in accordance with City standards. The City, after twenty-four (24) hours prior notification, shall perform an inspection of the driveway base prior to hard surface application and, if a driveway culvert is required, the newly installed culvert prior to the completed backfilling and surfacing over the culvert. If installation is in conjunction with other construction on the premises for which a building permit has been issued, approval of the driveway and culvert installation is required before an occupancy permit is granted.

**140.18 SNOW REMOVAL.** This section shall not be construed to apply to or to limit the normal snow plowing operations performed by the City of Robins. The snow plowing operations performed by the City are exempt from the application of this section.

1. It is the responsibility of the property owner to remove snow from the property owner's driveway. It is unlawful for any property owner or person to remove or allow to be removed from his or her property, snow and/or ice accumulations and to place such accumulations in the traveled portion of streets or on the private property of another, without consent of the property owner thereof.
2. It is unlawful for any property owner, or person in possession, to remove or allow to be removed from his or her property, snow and/or ice accumulations in such a way to deposit such accumulation on public property or public right-of-way.

**140.19 VARIANCES.** Except as to the width of a driveway, variances from strict application of the Cedar Rapids Metropolitan Area Engineering Design Standards Manual or the provisions of this ordinance for construction, reconstruction, repair, replacement or removal of an existing or proposed driveway may be granted by the Building Official or designee if after review the building official determines:

1. The variance or modification will not create an increased hazard.

2. The variance will be in the public interest.
3. The variance will not impede traffic flow in the area.
4. The variance will not conflict with the provisions of Chapter 135 of the Code of Ordinances.

Decisions of the Building Official or designee may be appealed to the Building Board of Appeals. (Ordinance No. 0704, 3/19/07)