

## **Chapter 114**

### **DRIVEWAYS**

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**[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 6, Ch. 3 of the 1992 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Streets and sidewalks -- See Ch. 232.

Vehicles and traffic -- See Ch. 260.

#### **§114-1. Purpose.**

For the safety of the general public, the village shall determine the location, size, construction and number of access points to public roadways within the village limits. It is the village'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.

#### **§114-2. Permit required to construct, reconstruct, alter or enlarge.<sup>1</sup>**

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 Village of Albany without first obtaining a driveway permit therefor as provided by this chapter. A driveway permit is not required when a new driveway is to be constructed in conjunction with the construction of a new principal structure; the driveway is included in the building permit process in such cases. More restrictive standards may be imposed by county and state regulations in certain circumstances where lots front on county and state highways.

#### **§114-3. Application for permit.<sup>2</sup>**

Application for a driveway permit shall be made to the Village Clerk-Treasurer on a form provided by the village and shall be accompanied by a drawing accurately depicting the portion of

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. There is no fee for a driveway permit. Upon receipt of the application and the fee, if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Clerk-Treasurer shall approve such application if the proposed driveway complies with the terms and conditions of this chapter and any other applicable village ordinance.

#### **§114-4. Applicant's statement.**

All driveway permit applications shall contain the applicant's statement that:

A. 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 dedicated portion of the village street, or for any other purpose.

B. The village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the village street at any time, including relocation, reconstruction, widening and maintaining the street, without compensating the owner of such private driveway for the damage or destruction of such private roadway.

C. The permittee, his successors or assigns agrees to indemnify and hold harmless the Village of Albany, 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.

D. The village 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 village street.

#### **§114-5. Driveway location, design and construction; general requirements.**

The location, design and construction of driveways shall be in accordance with the following:

A. 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. Driveway approaches shall be at least 10 feet apart, except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

B. Number. The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Street Superintendent for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.

C. 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 G.

D. Drainage. The surface of the driveway connecting with rural-type 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.

E. Culverts.

(1) 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 twelve-inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet, except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection G hereof.

(2) For new culverts, the village will provide, where needed, one twenty-four-foot culvert at village expense. Installation shall be as prescribed by the Village Engineer at the owner's expense. For culverts over 24 feet in length, the property owner shall pay for the additional length.

(3) For replacement culverts, the village shall pay 50% of the cost of culvert purchase. Installation shall be as prescribed by the Village Engineer at the owner's expense.

F. Reconstruction of sidewalks 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 surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

G. Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

(1) The filling or draining shall be to grades approved by the village 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.

(2) 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.

(3) Where no streetside 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 Village Board.

H. Relocation of utilities. Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.

I. Construction across sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in §232-5, Construction and repair of sidewalks, of this Code insofar as such requirements are applicable, including thickness requirements.

J. Variances. Any of the above requirements may be varied by the Village Board 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.

#### **§114-6. Special requirements for commercial and industrial driveways.**

The following regulations are applicable to driveways serving commercial or industrial establishments:

A. Width of drive. 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 30 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 Village Board in its discretion may permit a driveway of additional width.

B. Angular placement of driveway. The angle between the center line of the driveway and the curbline shall not be less than 45°.

C. Island areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curbline shall be placed between each entrance to a village 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 10 feet measured along the right-of-way line shall be maintained along each entrance to the village street. All flares shall be tangent to the curbline. A curb length of not less than three feet shall be left undisturbed adjacent to each property line to serve as an island area in the event that an adjoining property owner applies for a driveway permit to serve his property.

#### **§114-7. Special requirements for residential driveways.**

The following regulations are applicable to driveways serving residential property:

A. Width of driveways. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties, but shall not exceed 24 feet at the property line and 30 feet at the curb opening.

B. 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 curbline.

#### **§114-8. Appeal from permit refusal.<sup>3</sup>**

Any person feeling himself aggrieved by the refusal of the Superintendent of Public Works to grant permission for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.

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<sup>3</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## **§114-9. Prohibited driveways.**

A. No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village of Albany except as permitted by this chapter. As used herein, the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in nonconformance with this chapter.

B. No driveway shall be closer than 10 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 village for effective traffic control or for highway signs or signals.

C. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as 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.

D. 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.

E. 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 watercourse located in such public way.