

Elia Garcia
Mayor

Rene Rodriguez
Representative
At Large

Cesar Nevarez
District 1
Mayor Pro Tem



Ralph Duran
District 2

Victor Perez
District 3

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

NOTICE OF A REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION
OF THE
CITY OF SOCORRO, TEXAS

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (915) 858-2915 or fax (915) 858-9288 for further information.

Notice is hereby given that a regular meeting of the Planning and Zoning Commission of the City of Socorro, Texas will be held **Tuesday, January 21, 2020** at 5:30 p.m. at City Council Chambers, 860 N. Rio Vista, Socorro, Texas at which time the following will be discussed:

1. **CALL TO ORDER.**
2. **NOTICE TO THE PUBLIC – OPEN FORUM**

This time is reserved for members of the public who would like to address the Commission on any items that are not on the Commission Agenda and that are within the jurisdiction of the Commission. No action shall be taken.

3. **CONSENT AGENDA**

- a. Consider and Take Action:
On the approval of meeting minutes for the January 7, 2020 Planning and Zoning Commission meeting.

4. **REGULAR AGENDA-DISCUSSION AND ACTION**

NOTICE TO THE PUBLIC AND APPLICANTS

The staff report for an agenda item may include conditions, exceptions, or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made.

REGULAR MEETING AGENDA – SOCORRO PLANNING & ZONING COMMISSION
January 21, 2020 at 5:30 PM

(a) Consider and Take Action on an Ordinance to regulate the construction and maintenance of Sidewalks and Driveways in public rights-of-way.

5. Planning and Zoning Commissioners Report:
6. Planning and Zoning Department Report:
7. Excuse absent commission members:
8. Adjournment:

EXECUTIVE SESSION

The Planning and Zoning Commission of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Section 3.08 of the City of Socorro Charter and the Texas Government Code, Sections 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discuss in Executive Session, but the Planning and Zoning Commission of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The Planning and Zoning Commission will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATIONS WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

NOTICE TO PROPERTY OWNER

The Commission Policy requires that the applicant or representative be present at the public hearing for their item(s). Failure of the applicant or his/her/its representative to be present may result in the deletion of the matter from the agenda or such matter may be tabled until such time as the applicant or his/her/its representative is present.

I, the undersigned authority hereby certify that the above notice of meeting of the Planning and Zoning Commission of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 17th, day of January 2020.

Sergio Morales, Planning & Zoning Secretary

DATE & TIME POSTED: 1-17-2020 10:00am / BY: _____

REGULAR MEETING AGENDA - SOCORRO PLANNING & ZONING COMMISSION
January 21, 2020 at 5:30 PM

ALL PLANNING AND ZONING COMMISSION AGENDAS ARE PLACED ON THE
INTERNET AT THE ADDRESS BELOW:

(www.ci.socorro.tx.us)

CITY OF SOCORRO PLANNING AND ZONING COMMISSION

Meeting Minutes

January 7, 2020

Members Present	Members Absent	Staff Present	Others Present
Ernest Gomez David Estrada Arturo Lafuente Daniel Lopez Andrew Arroyos Enrique Cisneros		Job Terrazas Sergio Morales	Merwan Bhatti

Items for discussion and action:**1. Call to order.**

Chairperson Mr. Daniel Lopez called the meeting to order at 5:33 p.m.

2. Election of Officers.

A motion was made by Mr. Enrique Cisneros to keep the current head chair Mr. Daniel Lopez, the current 1st vice chair Mr. Arturo Lafuente, and to elect Mr. Andrew Arroyos 2nd vice chair, seconded by Mr. David Estrada. Motion was carried with all commissioners present in favor.

3. Consider and Take Action on the approval of the 2020 Meetings Calendar.

A motion was made by Mr. Enrique Cisneros to approve as is with the deletion of the December 15, 2020 meeting, seconded by Mr. Daniel Lopez. Motion was carried with all commissioners in favor.

4. Notice to the Public – Open Forum.

No one spoke at this time.

5. Consent Agenda.**a. Consider and Take Action:**

On the approval of meeting minutes for the December 17, 2019 Planning and Zoning Commission meeting.

A motion was made by Mr. Arturo Lafuente to approve, seconded by Mr. Ernest Gomez. Motion was carried with 4 commissioners in favor and 2 abstained.

6. Regular Agenda – Discussion and Action:**a. Consider and Take Action on an Ordinance to regulate the construction and maintenance of Sidewalks and Driveways in public rights-of-way.**

A motion was made by Mr. Ernest Gomez to table the item for future discussion, seconded by Mr. Daniel Lopez. Motion was carried with all commissioners in favor.

7. Planning and Zoning Commissioners Report:

Mr. Daniel Lopez mentioned if they could ask on the status of ordinances and Mr. Terrazas informed that they could make questions regarding the ordinances. Mr. Enrique Cisneros asked if they are being limited to the scope of what they can bring up during the report because of what is defined in the bylaws or because it is defined in the bylaws that the City Manager has the discretion to limit the commission? Mr. Morales informed the commission he will include the questions in the minutes.

8. Planning and Zoning Department Report:

Nothing to report.

9. Excuse absent commission members.

A motion to approve absent commission members was made by Mr. Ernest Gomez, seconded by Mr. Arturo Lafuente. Motion was carried with 4 commissioners in favor and 2 abstained.

10. Consider and take action on adjournment.

Mr. Daniel Lopez stated since no further business is coming forth to the commission, meeting is adjourned. Meeting adjourned at 6:59 p.m.

Daniel Lopez, Chairperson

Sergio Morales, Secretary

Chapter XX.00 - STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE

Sections:

XX.01.010 - Sidewalk and curb permit required.

- A. Except as otherwise provided in this Code, no person shall construct, alter or repair any sidewalk or curb or change the grade thereof within the city's right-of-way without a permit. A permit under this chapter shall not be required for sidewalk and/or curb construction, alteration or repair that is included in a permit issued pursuant to [§ 10.01.010]. Permits under this section shall be issued only by the building official. The building official shall not issue any permit under this section without receiving the approval of the city manager's designee. In granting or refusing such permit the city manager's designee shall consider and be guided by the need for the proposed cut or alteration, the amount and pattern of traffic at the location in question, safety factors and the hazards likely to be created. The city manager's designee may suspend a permit for noncompliance with the requirements of this chapter. The city manager's designee shall provide notice of suspension of the permit to the permittee, at which time the permittee shall cease the work allowed under the permit and shall not resume work until authorized to do so by the building official. Any person aggrieved by the decision concerning the issuance, denial, revocation or suspension of a permit issued under this chapter may appeal such decision to the construction board of appeals in accordance with the requirements and procedures of [§ 10.01.015].
- B. No person shall cut or alter any sidewalk or curb, whether for the purpose of vehicular access to property or otherwise without permission of the city manager's designee, and in accordance with specifications prescribed by him. In granting or refusing such permission the city manager's designee shall consider and be guided by the need for the proposed cut or alteration, the amount of traffic at the location in question, and the hazards likely to be created. Any person aggrieved by the decision of the city manager's designee may appeal to the city council.
- C. The building official will issue sidewalk permits and will enforce the requirements of this chapter for all properties. The city manager and his/her designees, including but not limited to the code enforcement division and the director of the city development department and his designees, will enforce the requirements of this chapter for streets, alleys and other paved portions of street rights-of-way.

XX.01.015 - Sidewalk permits and fees.

- A. No person shall construct a sidewalk within the city limits without first obtaining a sidewalk construction permit issued in accordance with this title. No permit is required if the sidewalk is covered by a valid building permit or is part of a street improvement plan.
- B. Permits issued pursuant to this chapter shall be valid for six months from the date of issuance.
- C. The standard fee for a sidewalk permit shall be identified in the fee schedule. A fee shall be assessed for each reinspection.

XX.01.020 - Sidewalk specifications.

- A. All sidewalks hereafter constructed shall conform to the following specifications, except as otherwise authorized under subsection B of this section:
 - 1. Sidewalks shall be carried out neatly to the required line and grade established by the city manager's designee;

2. Prior to the construction of the subgrade, all stones, roots, vegetation and other deleterious material shall be removed from the job site;
 3. The subgrade shall be thoroughly compacted to a compaction which is not less than ninety percent for noncohesive soils and eighty-five percent for cohesive soils as determined by ASTM D 1557. Tests may be ordered by the city manager's designee;
 4. Class A concrete shall be a minimum of three thousand psi comprehensive strength. Subgrade shall be thoroughly wetted before placing concrete;
 5. Cement shall be type I Portland cement ASTM C 150 and shall conform to the standard specification. Water used for mixing shall be suitable for drinking purposes and fine and coarse aggregates shall be well graded, clean and shall conform to the standard specifications of the city;
 6. Sidewalks shall have a minimum nominal thickness of four inches;
 7. Sidewalks shall rise from the elevation of the top of the curb with a minimum slope of one-fourth inch per foot across the sidewalk;
 8. Concrete shall be placed and tamped to a dense mass in such a way that all materials will remain well distributed;
 9. Contraction joints shall be placed at five-foot intervals and may be struck when concrete is uncured or saw cut after setting;
 10. Sidewalks adjacent to buildings, curbs, driveway aprons, ADA ramps, or other concrete structures shall be separated from existing structures with a one-half inch expansion joint to the full depth of slab;
 11. The finished surface of the sidewalk shall be floated and wire brushed or broomed to provide a nonskid wearing surface, or other finish as approved by the city engineer;
 12. All concrete sidewalks shall be properly cured;
 13. Sidewalks shall be a minimum of five feet wide within a public street right-of-way unless a subdivision is platted using the hierarchy of residential streets as allowed under Chapter 19.36 of this code, four-foot wide sidewalks shall be allowed.
- B. The city manager's designee may authorize different specifications which conform to good engineering practices.
- C. No person shall construct or employ any other person to construct any sidewalk or driveway within the right-of-way of any city street or alley except in accordance with the specifications set forth in this section or other specifications authorized pursuant to [Section XX.01.020\(B\)](#).
- D. Requirements of this section are appealable to the city council for final action.
- E. Contractor stamps may be allowed provided that the stamp imprints comply with the following requirements and specifications:
1. Individual imprints from the stamps shall cover an area no larger than one-half square foot. The imprint shall not penetrate the concrete by more than one-quarter of an inch at the imprint's deepest point. If a logo is included, the size of the entire imprint, including the name and date, cannot exceed one-half square foot and must conform to the requirements stated above. There shall be no vertical or sharp edges that would allow any object to be caught, causing tripping or other potential hazards. All stamps must be approved by the city manager's designee, solely at their discretion, for content and form before use.
 2. No more than four stamp imprints per normal block shall be placed and the exact locations must be approved in advance by the city manager's designee. The stamp shall display the contractor's name or initials and shall show the month and year of the imprint.

XX.01.045 - Sidewalks in new development.

- A. Where required. Sidewalks shall be required within all public and private street rights-of-way within new development as follows:
1. Local Residential Streets.
 - a. Sidewalks shall be required on all local residential street classifications, except on:
 - i. Alleys within an approved subdivision; or
 - ii. Local residential streets within an approved subdivision where all the lots provide a minimum one-half acre lot area, and the adjoining properties have no sidewalks; or
 - iii. Local residential streets within an approved subdivision where a determination has been made by the director of the city development department that the sidewalks will impede drainage; or
 - iv. Local residential streets within an approved subdivision where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; or
 - v. Local residential streets within an approved subdivision which meet all of the following criteria as determined by the planning and zoning commission:
 - (A) A characteristic of the neighborhood is that no sidewalks have been required to date, and
 - (B) The subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and
 - (C) The type of subdivision and intensity of land use is compatible with the character of the neighborhood; or
 - vi. Reserved.
 - vii. Local residential streets within an approved planned unit development where pedestrian access is provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way.
 - b. Where required, sidewalks shall be installed on both sides of the local residential street right-of-way and shall be located adjacent to the property line and parallel to the curbline.
 - c. Required sidewalks may be located adjacent to and parallel with the curbline only under the following circumstances:
 - i. On the turnaround portion of a cul-de-sac street; or
 - ii. On the rear side of a double-front lot when all of the following apply:
 - (A) The subdivision design provides for single-loaded streets, and
 - (B) Both street frontages are local residential streets, and
 - (C) The sidewalk is flared to a minimum width of seven feet along the curb radius at a street intersection, and
 - (D) The sidewalk is wide enough to provide a minimum clear width of three feet at encroachments, including street lights, traffic signs, neighborhood delivery collection box units, utility installations, or other facilities; or
 - iii. On a local residential street where an existing sidewalk on an adjoining property is located adjacent to and parallel to the curbline, and the planning and zoning commission determines that a public benefit would result from permitting the new sidewalk to be similarly designed and constructed.

- d. Where a sidewalk is installed adjacent to the curbline, it shall be allowed to meander between the property line and the curbline to avoid encroachments, such as street lights, traffic signs, neighborhood delivery collection box units, utility installations or other facilities.

2. Arterial Streets.

- a. Sidewalks shall be required on all arterial street classifications, except on arterial streets which meet the following criteria as determined by the planning and zoning commission:
 - i. Arterial streets within an approved subdivision where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; or
 - ii. The arterial street provides access to only one development, and functions as internal circulation within the development, or
 - iii. Arterial streets where the location of sidewalks would be so unsafe for pedestrians that the risk to the public outweighs the benefits to the public; or
 - iv. Arterial streets where the installation of sidewalks is expressly prohibited by ordinance.
- b. Where required, sidewalks shall be installed on both sides of the arterial street right-of-way and shall be located adjacent to the property line and parallel to the curbline. A sidewalk shall be allowed to meander between the curbline and the property line to avoid encroachments, such as street lights, traffic signs, neighborhood delivery collection box units, utility installations, or other facilities.
- c. Required sidewalks may be located adjacent to and parallel with the curbline when all of the following apply:
 - i. The sidewalk is a minimum of seven feet wide. The sidewalk is wide enough to provide a minimum clear width of three feet at encroachments, including street lights, traffic signs, traffic control devices, utility installations, or other facilities.

B. Sidewalk Construction.

- 1. Local Residential Streets. Sidewalks required within an approved subdivision shall be installed as soon as reasonably possible after the first building permit is issued for each lot, or portion thereof, within the subdivision. The property owner of the lot, or portion thereof, for which a building permit has been issued shall be responsible for construction of the sidewalk. No certificate of occupancy shall be issued until the sidewalk has been inspected and approved by the director of the city development department or his designee
- 2. Arterial Streets.
 - a. Where sidewalks are required within an approved subdivision, the construction may be deferred until ordered by the city as provided in [Section XX.01.045\(B\)\(2.C\)](#). The planning and zoning commission may, as part of the subdivision recommend a deferral of the construction of sidewalks when the arterial street is designed to serve residential double-front lots; and the residential double-front lots are provided primary access through a fully improved local residential street; and the arterial street for which a sidewalk deferral is to be authorized provides frontage to the rear side of the residential double-front lots; and the improvement of the arterial street is delayed due to a partial dedication of the arterial street right-of-way within the approved subdivision.
 - b. Sidewalks required within an approved subdivision shall be installed as soon as reasonably possible, after the first building permit is issued for each lot, or portion thereof, within the subdivision; except where a sidewalk deferral was approved by the city council as part of the subdivision approval. The property owner of the lot, or portion thereof, for which a building permit has been issued shall be responsible for construction of the sidewalk. No certificate of occupancy shall be issued until the sidewalk has been inspected and approved by the director of the city development department or his designee.

- c. Where a sidewalk deferral is approved by the city council as part of an approved subdivision, the property owner of the lot, or portion thereof, for which the deferral was granted, shall be required to deposit the funds necessary to pay the cost for the future installation of the sidewalk by the city or an agent of the city.
 - i. The amount of the deposit shall be the future value of the sidewalk construction, determined as follows: Three dollars and thirty cents per square foot factored for ten years at an inflation rate of five percent, multiplied by the total lot frontage on the street, multiplied by the width of the sidewalk.
 - ii. The funds shall be deposited in full with the city prior to the issuance of any building permit. A deposit made pursuant to this subsection shall be tendered in the form of a cashier's check made payable to the City of Socorro. Funds received shall be reserved for sidewalk construction with reference to the individual subdivision involved.
 - iii. After having deposited funds with the city in accordance with this provision, the owner of the property for which the funds were deposited may at any time, but not more often than once in any twelve-month period, request the city council to determine whether it has become practical for the city to install the sidewalks. From the date of receipt of such a request, the city council shall have ninety days to render its determination. If the city council fails to do so, it shall be deemed practical for the city to install the sidewalk. Construction of a deferred sidewalk within a subdivision shall be completed within one year from the date the city council, after having obtained recommendations from the city manager or designee that it is practical for the city to install the sidewalks. The recommendation shall include an opinion from the city attorney as to whether the city has the legal authority to install the sidewalks under the circumstances. The term "practical," as used in this subsection, does not include consideration of whether the city has funds available to supplement the cost of installing the sidewalks. If it is determined by the city council that it is practical to install the sidewalks, and if the deferred sidewalk is not installed by the city as herein required, the property owner who deposited the funds shall, upon written request, be entitled to a full refund of monies paid within thirty days of receipt by the city of the request for the refund.

XX.01.050 - Maintenance of extant and new parkway, sidewalks, curbs and gutters—Abutting property owner's duty.

- A. It shall be the duty of the owner of property abutting on any public street containing a parkway, sidewalk, curb or gutter to keep such sidewalk, curb or gutter in repair and clear of physical obstructions and overgrown vegetation.
- B. When the city manager's designee or member of the code enforcement division finds that any such parkway, sidewalk, curb or gutter is in hazardous condition because of need of landscape maintenance, need of repairs, or faulty construction, he may notify the owner of the abutting property to make such clean up, repairs or changes as may be necessary to put the parkway, sidewalk, curb or gutter in safe condition. If the owner fails to make such repairs or changes within a reasonable time given in the notice, he shall be deemed guilty of a misdemeanor and punished as provided in [Section 1-15](#).
- C. If the owner fails to comply with the notice, the city council may authorize the work to be done by city forces or by contract, and may, after notice and an opportunity to be heard, assess the actual cost of the repairs against the abutting property and its owner. The ordinance of the city council making the assessment shall be recorded in the county clerk's office and the assessment shall then constitute a first and prior lien against the property from the date the improvements are ordered, and shall be a personal liability and charge against the owner of the property.

- D. Notice to the owner may be given in person or by mail, or may be given to any agent authorized by the owner to collect the rents or make repairs on the property.
- E. The owner of property abutting on any public street containing a sidewalk, curb or gutter that has become defective and has resulted in causing damage or injury as a result of such defective condition shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition. The city shall not be held as assuming any such liability by reason of inspection or reinspection authorized herein or by reason of the approval or disapproval of any construction made or not made in accordance with standards or specifications of this chapter or other applicable provisions of this code.

XX.01.060 - Installation of sidewalk on property on which building permit issued.

- A. The city manager's designee shall inspect each piece of property on which a building permit has been issued or for which a building permit has been applied for to determine whether the property owner shall be required to construct sidewalks. If there is no sidewalk on the part of the street or streets abutting the property, the director of city development or his designee shall proceed to order such sidewalk installed, unless the director or his designee authorizes that such sidewalk may be waived because of one or more of the conditions listed below. Such finding shall not deprive the city of its authority to order the installation of sidewalks at any subsequent time, as provided in this title.
 - 1. In existing single-family residential neighborhoods where sidewalks are not present and have not historically been provided or comply;
 - 2. On local streets within an approved subdivision where all the lots provide a minimum one-half acre lot area and the adjoining properties have no sidewalks;
 - 3. On local streets within an approved planned unit development where pedestrian access is provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way; provided, however, that an easement may be required by the city manager or designee to provide for the installation of traffic signage and signalization, utility services, neighborhood delivery and collection box units, or other similar facilities;
 - 4. On local streets within an approved subdivision which meet all of the following criteria as determined by the director of city development or designee:
 - a. A characteristic of the neighborhood is that no sidewalks have been required to date,
 - b. The subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and
 - c. The type of subdivision and intensity of land use is compatible with the character of the neighborhood;
 - 5. On streets within neighborhoods that meet the criteria in **Title 46** for infill development, where a street construction project, whether local, state or federal, has been awarded and the project includes construction of the sidewalks; and
 - 6. In areas with severe topography or other natural constraints that will constrain proper implementation of this title.

XX.01.070 - Recording paving proceedings and ordinances.

- A. All paving proceedings under **Article 1105b of Vernon's Texas Civil Statutes** shall be recorded and permanently kept in a separate book to be designated "Paving Proceedings." All other ordinances shall be recorded and permanently kept in a separate book to be designated "Ordinances."

- B. The regular minute books shall show the action taken by the council on all paving proceedings and ordinances, identified by caption and number, if any; but not the text of such proceedings and ordinances.
- C. The recording of paving proceedings and ordinances as herein provided shall have like effect as if the text thereof were recorded in the regular minute books.

Chapter XY.00 - DRIVEWAYS

Sections:

XY.01.010 - Definitions.

- A. Words and Phrases Generally. Whenever any word or phrase used herein is not defined herein, but is defined in any other ordinance or state law, such definition shall be deemed to apply to such word or phrase used herein.
- B. Abandoned or Abandoned Driveway. For the purpose of this chapter a driveway shall be considered to be abandoned when either one or both of the following conditions exist:
 - 1. When the adjacent property has been vacant and unused for any apparent purpose for a period of not less than six months; or
 - 2. When buildings or other structures have been situated on the adjacent property in such manner as to prevent a vehicle from passing completely on to such property.
- C. "Commercial driveway" means any passageway designed or intended for vehicular movements between the roadway and any point outside the street right-of-way, when such passageway leads to any public or private area outside the street which is designed or intended for the parking of any commercial vehicle, or for the parking of more than three passenger vehicles.
- D. "Curb return" means that part of the curbing at an intersection or at a driveway which is rounded to form the connection between intersecting curblines.
- E. "Freeway or expressway" means any fully controlled access highway which is constructed in such manner as to prohibit any traffic intersections, with cross streets being built either under or over or terminating before entering such highway.
- F. "Frontage" means that portion of adjacent property contiguous to a street property line. For the purpose of this chapter, frontage shall be measured as the total distance over which the street right-of-way line and the lot or property lines are congruent, and shall include all lots or properties under the legal control of the applicant.
- G. "Frontage road" means any roadway parallel and adjacent to any freeway, the principal purpose of which is to provide for the transfer of vehicle traffic between the freeway and other streets.
- H. "Limited access or controlled access highway" means every street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the city council.
- I. For the purposes of this chapter, the term "ramp" means any roadway providing a connection between a freeway and a frontage road, irrespective of any difference in grade or elevation between such freeway and frontage road.
- J. "Parkway" means that area of street right-of-way between the property line and the curb to include sidewalk or, in the absence of a curb and or sidewalk, between the property line and the nearest edge of the street paving.
- K. "Residential driveway" means any passageway designed or intended for vehicular movements between the roadway and any point outside the street right-of-way, when such passageway leads to

any public or private area designed or intended for the parking of not more than three passenger vehicles; provided, however, that driveways to gasoline service stations shall be considered as commercial driveways.

- L. "Safety zone" means that portion of the right-of-way between any two driveways.

XY.01.020 - Permit—Required.

- A. Except as otherwise provided in this code, no person shall construct a driveway within the city limits without first obtaining a driveway construction permit from the building official as hereinafter provided.
- B. No such permit shall be required for the construction of any driveways installed as a part of the paving or widening of any street in accordance with plans approved by the city manager's designee, and no permit shall be required for driveways when such driveways are included as a part of a building or construction plan.
- C. The building official will issue driveway permits and will enforce the requirements of this chapter for all properties.
- D. Permits issued pursuant to this chapter shall be valid for six months from the date of issuance.

XY.01.030 - Permit—Application—Generally.

Applications for driveway permits shall be made by the owner or lessee of the abutting property, or by a contractor representing the owner or lessee. Application by a contractor shall state the name of the owner or lessee whom he represents.

XY.01.040 - Permit—Application—Contents.

- A. Application for such permit shall be made to the building official as provided in **Section XX.01.020(C)** on forms provided by the city. Each such application shall show the address of the property where the driveway is to be located, the width of the driveway requested, the location of the driveway requested with respect to street intersections and private property lines, the location of any other existing driveways serving the same property, if any, and such other information as may be requested by the city.
- B. No such permit shall be issued by the building official until the location and design of the proposed construction has been approved by the city manager's designee, nor until curb and driveway grades and elevations have been approved by the building official.

XY.01.050 - Permit—Fee.

- A. The standard fee for a driveway permit shall be identified in the fee schedule per curb cut.
- B. The total number of curb cuts on public property of all driveways proposed to serve any one property shall determine the required fee.
- C. Reinspection Fee. A fee of fifty dollars shall be required to be paid for each reinspection due to work failing to comply with this chapter or other applicable ordinances of the city, or the work was not

ready for inspection when requested. A reinspection fee shall not be required to be paid when a reinspection may not be completed due to weather or other conditions not created by the applicant.

XY.01.060 - Indemnification.

The grantee of any driveway permit shall hold harmless the city and its agents and employees against any action for personal injury or property damage sustained by reason of the exercise of his permit.

XY.01.070 - Permit—Relocation or alteration.

No driveway shall hereafter be relocated or structurally altered, nor any dimensions altered without a duly executed permit as set forth herein.

XX.01.080 - Materials.

- A. The grantee of any driveway permit shall furnish all materials necessary for the construction of the driveways authorized in the permit.
- B. All materials shall meet city specifications and shall be subject to approval by the building official.

XY.01.090 - Location.

- A. When measured at the curblines of the roadway, and perpendicular to the centerline thereof, no commercial driveway shall be located nearer than two and one-half feet to any property line; provided, that upon approval of the city manager's designee, driveways may be so situated as to serve more than one property if the total width of such driveway does not exceed thirty-five feet when measured as provided in **Section XY.01.120**.
- B. When measured at the curblines of the roadway and perpendicular to the centerline thereof, no driveway shall be located nearer than ten feet to any property line adjacent to or parallel to any intersecting street; provided, that when street property lines are described by curves, no driveway shall be located nearer than five feet to the end of such curved property line.
- C. When the street abutting the property to be served by any driveway is a frontage road to any freeway, no commercial driveway shall be located so that the centerline thereof is nearer than seventy-five feet to the intersection of the centerline of any ramp with the curblines of said frontage road.

XY.01.095 - Slopes.

All driveways shall extend from any public or private street, alley pavement or curblines to any garage, carport or parking space. A minimum parking space length of twenty feet measured from the property line to a garage, carport or parking space shall be provided. The slope of a driveway from the face of the curb at the gutter to any garage, carport or parking space shall be no greater than ten percent for the first twelve feet, and not greater than fourteen percent thereafter. The vertical transition of the driveway shall be designed to prevent contact of any vehicle undercarriage or bumper with the surface. Provided, however, that any provision within this section may be modified upon approval of the building official.

XY.01.100 - Angle of intersection of roadway.

The interior angle formed by the intersection of the centerline of the roadway and the centerline of the driveway shall be not more than ninety degrees and not less than forty-five degrees.

XY.01.110 - Flaring at intersection of roadway.

Where the driveway and the roadway pavement meet, flaring of the driveway shall be permitted to allow safe easy turning of the vehicle either into or out of the property. The radius of the flare shall be as long as practical to provide free and safe turning movements, but shall in no case be less than two and one-half feet. For the purpose of this chapter, flares may be provided either by sloping the street curb, or by providing curb returns.

XY.01.120 - Width.

- A. The width of a commercial driveway where it crosses the property line shall be not less than fifteen feet nor more than thirty-five feet measured at right angles to the centerline of the driveway; provided, however, the minimum width of a two-way driveway shall be twenty-five feet.
- B. The width of a residential driveway where it crosses the property line shall be not less than twelve feet nor more than twenty-four feet when measured at right angles to the centerline of the driveway; provided, that the driveway width may be decreased to ten feet at the property line. The width of a residential driveway may be increased to a maximum of thirty feet when it is proposed to serve a three-car garage or when the overwidth is needed to store a recreation vehicle, trailer, boat, etc. off the public street and on private property; provided, that such storage of a recreation vehicle, trailer, boat, etc., will not constitute a visual obstruction to the driving public.

XY.01.130 - Municipal facilities.

No driveway shall be permitted to encompass or encroach upon any municipal facility. The relocation of the municipal facilities may be authorized, however, if the construction of a driveway as authorized herein shall encroach thereon, and such relocation shall be completed by and at the expense of the owner or lessee of the adjacent property. Any work done in such relocation shall be done in accordance with the specifications of the city department or public utility having control of the facility to be relocated.

XY.01.140 - Intermediate island.

Between any two driveways serving the same property there shall be an intermediate island within the right-of-way. Such islands shall measure not less than six feet along the property line, and not less than fifteen feet along the curblines or edge of pavement of the street.

XY.01.150 - Service stations for motor vehicles.

No service pump island, vendor stand, tank or water hydrant, or any other device or structure designed or intended to be used to service motor vehicles shall be erected within twelve feet of the street right-of-way; provided, that in instances where the lot size, shape or other physical characteristic makes this requirement impractical, the city manager's designee may reduce this requirement, but in no case shall this requirement be reduced to less than ten feet. Any such authorization shall be obtained from the city manager's designee in writing before any permit is issued.

XY.01.160 - Parking areas.

Where the area immediately behind and adjacent to the street right-of-way is to be used as a vehicle parking area, curbs or other barriers shall be installed as may be required by the city manager's designee to prohibit such parked vehicles from extending into the right-of-way. Curbs or other barriers so required not less than six inches high, and shall be located not less than three feet from the right-of-way line on the adjacent property, except that walls or fences over twenty-four inches high may be situated on the property line.

XY.01.170 - Drainage structures.

Drainage in gutters or side ditches shall not be altered or impeded. When drainage structures are required, the size of opening and other design features shall be approved by the building official before any permit is issued.

XY.01.180 - Access by handicapped.

Driveways shall be designed and constructed in such a manner that the safe and convenient movement across the driveways by physically handicapped persons, including those in wheelchairs, shall not be impeded.

XY.01.190 - Driveway abandonment.

- A. When a driveway has been abandoned within the meaning of **Section XY.01.010**, the city manager's designee may order the replacement of curbing and/or sidewalk so as to effectively close such driveways.
- B. When any such driveway is to be closed for the reasons set forth in subsection A of this section, the city manager's designee shall notify the property owner in writing of the work to be done. Upon notification thereof, the property owner shall proceed to perform such work at his own cost.
- C. If within thirty days from such notification work has not been started on the installation of the curb and/or sidewalk as set forth in the notification, such work may be done by the city and all costs thereof assessed to the property.

XY.01.200 - Curbing required.

- A. No building permit shall hereafter be issued for the construction of any building designed or intended to be used for commercial purposes unless the construction plans for such structure indicate the

installation of curbing where such is not already in place, and of driveways, if any are required, in accordance with the regulations set forth herein.

- B. In those cases where the grade and/or location of the permanent street curb cannot be established because of existing conditions, the curbs required to be shown on the plans need not be installed until such time as such curb is constructed by or at the instance of the city; provided, that construction of temporary curbs may be authorized pending establishment of grades and locations of permanent curbs.
- C. Where required, sidewalks shall extend to the street curbline of the intersecting street. Sidewalks may be required on both the side and front streets when the need thereof exists in the opinion of the city council.

XY.01.210 - Variances.

Where special conditions exist, or where practical difficulties in the development and adequate use of land would result from the literal enforcement of the terms of this chapter, the city manager's designee is hereby authorized to vary the requirements herein set forth, provided that any such variances granted shall be in harmony with the general intent of this chapter, and consistent with the public interest, safety and general welfare. Any substantial variances shall be in writing and shall be specifically set forth in the permit issued.

XY.01.220 - Maintenance.

The maintenance of any driveway shall be the responsibility of the adjacent property owner.

XY.01.230 - Clarification regulations.

For more ready understanding of the requirements set forth in this chapter there is attached hereto, and by this reference made a part hereof, a drawing entitled "DRIVEWAY REGULATIONS," copies of which shall be made available to any interested party by the city manager's designee.

XY.01.240 - Inspections.

The city reserves the right to inspect driveways at the time of construction and to require such changes as may be necessary to make the construction conform to city requirements. At any time after the construction of any driveway, the city reserves the right to inspect such driveway and require such repairs or maintenance as may be necessary to protect the public. The cost of any such repair or maintenance shall be borne by the adjacent property owner.

XY.01.250 - Appeals.

In the event that any application is rejected under the provisions of this chapter, the applicant therefor may appeal such decision to the city council. All such appeals shall be made in writing, and shall be submitted to the city clerk within ten days of notification that his original application has been denied.

XY.01.260 - Violation—Penalty.

Any person who shall violate any provision of this chapter shall be deemed guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars; and if such violation shall be continuing, each day's violation shall constitute a separate offense.