

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA
WITH RESPECT TO DRIVEWAYS; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Chapter 7-2, entitled "Driveways," of the Code of Athens-Clarke County is hereby amended by deleting said Chapter in its entirety and substituting the following in lieu thereof:

"CHAPTER 7-2. DRIVEWAYS

- Sec. 7-2-1. Purpose.
- Sec. 7-2-2. Definitions.
- Sec. 7-2-3. Departmental Roles.
- Sec. 7-2-4. Technical Manuals
- Sec. 7-2-5. General Permitting Requirements.
- Sec. 7-2-6. Permit Application Procedure.
- Sec. 7-2-7. General Design Requirements.
- Sec. 7-2-8. Application fee Schedule.
- Sec. 7-2-9. Review and Inspection Process.
- Sec. 7-2-10. Appeals.
- Sec. 7-2-11. Penalties.

Sec. 7-2-1. Purpose. The purpose of this chapter is to ensure safe and efficient vehicular access to or from the public street system to or from private property, to protect the capacity for handling peak traffic volumes of public streets, to maintain smooth traffic flow, and to maintain street and right-of-way drainage. This chapter has been established to meet the following objectives:

- (1) To provide maximum safety and protection to the public through the regulation of vehicles entering and exiting public streets;
- (2) To provide a uniform ordinance for the design, location, operation and construction of driveways throughout Athens-Clarke County; and
- (3) To provide owners of abutting property with the maximum service feasible, consistent with the safe and efficient use of the public streets.

Sec. 7-2-2. Definitions.

- (a) The word "shall" is mandatory and the word "may" is permissive.
- (b) As used in this chapter, the following terms shall have the definitions set out below:

Clear Sight Triangle: An area of unobstructed vision at street intersections (including alleys) or street and driveway intersections defined by lines of sight between points at a given distance from the intersection of street and/or driveway lines.

Culvert: Closed conduit used for the passage of surface drainage under the driveway(s).

Curb and gutter: Two primary styles of curb and gutter exist in Athens-Clarke County: (1) Vertical curb and gutter-Generally 2.5 feet wide, with face of curb being two feet from edge of pavement and six inches high; (2) Rollover curb and gutter-Low curbs with flat slopes, generally 24 inches wide reaching a height at back of curb of three inches above front edge of gutter.

Approved the 7 day of
January 2009
A. L. A. M.

Approved the 10 day of
January 2009
A. L. A. M.

Driveway angle: The angle between the driveway centerline and the edge of the roadway.

Driveway width: The narrowest distance of the driveway running parallel with the edge of pavement.

Frontage: That distance measured along the right-of-way line between successive side property lines.

Point of tangency: That point where the driveway radius and the roadway meet.

Radius: That radius corresponding to a circular design pattern, which will allow for vehicle clearance when entering or leaving a driveway.

Right-of-way: That property owned by the governmental body on which the roadway system exists and which may be accessed with the construction of driveways.

Roadway capacity: Maximum rate at which vehicles can reasonably cross a given point on a roadway during a given time under prevailing roadway, traffic and control conditions.

Rural: Roadway characterized by the provision of ditches and culverts for the passage of surface drainage.

Side property line extension: Extension from the right-of-way line of the side property line perpendicular to the highway centerline.

Urban: Roadway characterized by the provision of curb and gutter for the passage of surface drainage.

Sec. 7-2-3. Departmental Roles.

- (1) *Public Works Inspector:* The Public Works Inspector shall be responsible for enforcing all regulations set forth in this chapter and the Athens-Clarke County Department of Transportation and Public Works Technical Standards Manual.
- (2) *Traffic Engineer:* The Traffic Engineer shall have the right to make changes to and approve all geometric designs for driveways so that they will conform with those requirements set forth in this chapter and the Athens-Clarke County Department of Transportation and Public Works Technical Standards Manual. In addition, whenever it is determined by the Traffic Engineer that indiscriminate or long stretches of paved or unpaved accesses result in undue hazard on area traffic (vehicular or pedestrian), driveways may be reduced, enlarged, altered or eliminated such that they will conform with section 7-2-7.
- (3) *Director of Transportation and Public Works:* The Director of Transportation and Public Works or designee shall approve all materials, type and character of work, and type of construction needed for installation of required driveway, including the material, work and type of construction necessary for proper drainage of driveway and the property it serves. In addition, whenever an existing street is improved by reconstruction, relocation, widening or maintenance work, the Director of Transportation and Public Works shall be responsible for altering any existing driveways abutting the right-of-way at government expense such that every reasonable attempt is made to conform with section 7-2-7.
- (4) *Building Official:* The chief building official described in Chapter 7-1, with the approval of the manager, may designate building inspectors or other duly authorized representatives to perform any inspections or other duties or services as may be required by this Chapter.

Sec. 7-2-4. Technical Manuals.

- (a) Athens-Clarke County Department of Transportation and Public Works Technical Standards Manual, as adopted by the Mayor and Commission on April 5, 1994 and revised on July 7, 2009, on file and available for public inspection in the Office of the Clerk of Commission, City Hall, Room 204, City Hall, 301 College Avenue, Athens, Georgia and in the office of the Department of Transportation and Public Works, 120 W. Dougherty Street, Athens, Georgia.
- (b) Regulations for Driveway and Encroachment Control (Driveway Manual), Georgia Department of Transportation, latest edition, on file and available for public inspection in the Office of the Clerk of Commission, City Hall, Room 204, City Hall, 301 College Avenue, Athens, Georgia and in the office of the Department of Transportation and Public Works, 120 W. Dougherty Street, Athens, Georgia.
- (c) Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, latest edition, on file and available for public inspection in the Office of the Clerk of Commission, City Hall, Room 204, City Hall, 301 College Avenue, Athens, Georgia and in the office of the Department of Transportation and Public Works, 120 W. Dougherty Street, Athens, Georgia.
- (d) MACORTS 2030 Long Range Transportation Plan, as adopted by the MACORTS Policy Committee on August 25, 2004, on file and available for public inspection in the Office of the Clerk of Commission, City Hall, Room 204, City Hall, 301 College Avenue, Athens, Georgia and in the office of the Department of Transportation and Public Works, 120 W. Dougherty Street, Athens, Georgia.

Sec. 7-2-5. General Permitting Requirements.

→AMENDED- PLEASE SEE LAST PAGE

(a) General Requirements.

- (1) The applicant applying for a driveway permit shall apply for the sole purpose of securing access to the property from a public street and not for allowance of parking, servicing vehicles, storage or merchandising of goods or for other uses within the right-of-way.
- (2) Permits are required for driveways in all zoning classifications.
- (3) When one or more of the following conditions exists, a driveway permit is required:
 - a. When a previously undeveloped property is being developed;
 - b. When an existing development is being reconstructed or redeveloped. This condition shall not include interior changes or be applicable during the renovation of an existing single family home;
 - c. When property is changing from one use to another according to Title 9 (Zoning and Development Standards);
 - d. When an existing driveway is no longer considered adequate for property usage due to a change in the use on the property thereby causing higher than originally designed for traffic volume, or has, since installation, become a hazard to the safety of area traffic the owner/developer/contractor is required to apply for a driveway permit;

e. For non-single family residential properties, any additional structural or site improvement square footage added to an existing structure or site improvement that is greater than ten percent of the existing building square footage for structural improvements or ten percent of the existing site improvement square footage for site improvements.

(4) Upon application for a driveway permit for either a new driveway or an existing driveway, all existing driveways to be retained that are not in conformance with this ordinance and current standards shall be brought into compliance at the expense of the applicant.

(b) Applicant Requirements.

(1) The applicant shall make no revisions or additions to a driveway without obtaining a new permit. The applicant shall furnish all materials, do all work and pay all costs in connection with the construction, reconstruction and maintenance of the driveway including that portion of the driveway and any associated culvert located within the right-of-way.

(2) The applicant shall arrange for and bear the entire cost of moving poles, trees, signs, hydrants, catch basins and other existing installations, which may interfere with the proposed driveway.

(3) The applicant shall make the installation without jeopardy to or interference with vehicular traffic using the highway or pedestrian traffic using the adjacent sidewalk. Street surfaces, shoulders, sidewalks, ditches, vegetation and overhead and underground utilities, to include storm drainage improvements, that are disturbed shall be restored to equivalent or better than current standards.

Sec. 7-2-6. Permit Application Procedure.

(a) Application for a driveway permit should be made at the Athens-Clarke County Transportation and Public Works Department Office. Application shall be made prior to any on-site construction. The application must be accompanied by a scaled drawing showing the following:

- (1) Length, width and radius of all curves of the driveway;
- (2) The relationship (distance and angle) of the driveway to property lines, structures and existing private roads and public highways;
- (3) Location and size of any culverts;
- (4) Slope of the driveway;
- (5) Topography of the immediate area of the proposed driveway location;
- (6) Location and structure of any retaining walls in the immediate vicinity of the proposed driveway; and
- (7) Cross-section of the driveway.

(b) No permits for building construction or site work, including grading and paving, shall be issued until a site plan meeting the requirements of this Chapter has been approved by the Director of Transportation and Public Works or their designee.

Sec. 7-2-7. General Design Requirements.

(a) The design and construction of driveways situated within the Athens-Clarke County right-of-way (ROW) shall conform to the design standards contained in the Athens-Clarke County Department of Transportation and Public Works Technical Standards Manual.

(b) Access points to the property shall be limited based on the adjacent public roadway's functional classification as identified in the MACORTS 2030 Long Range Transportation Plan and are as follows:

i. Distance between driveways:

- On Urban Principal and Minor Arterial streets – 150 feet
- On Urban Collector streets – 100 feet
- On all other streets – 50 feet

For single family homes in RS-5 and RS-8 zoning designations, the spacing requirements between driveways may be as close as 10 feet in one direction as long as there is at least 50 feet of separation between driveways in the other direction.

ii. Distance from intersection:

- On Urban Principal and Minor Arterial streets – 150 feet
- On Urban Collector streets – 100 feet
- On all other streets – 50 feet

A request for driveway spacing less than that defined above may be considered by the Director of Transportation and Public Works if safety is not impacted. The process for this request is identified in section 7-2-10.

(c) The driveway shall be located and its dimensions restricted so that the entire design is contained within the property to be served, unless it is a shared driveway.

(d) The minimum distance from the side property line that a driveway may be located is five feet, unless it is a shared access drive with the adjoining property. This distance is measured from the side property line or property line extension, along the edge of pavement to the beginning of the driveway point of tangency or taper.

(e) When property is a corner lot, the driveway shall not provide direct access into the intersection, but shall be located away from the intersection, as set forth in section (b) above.

(f) Driveways shall not encroach upon areas of rights-of-way deemed necessary for effective traffic control, highway signs or signals.

(g) The number of driveways permitted to access a property is defined in Table 1 of this chapter and shall not vary unless the Traffic Engineer deems it necessary that the number allowed be altered while providing reasonable service to the property without jeopardizing safety, convenience and maintenance of the highway.

(h) Design requirements for urban driveways shall apply when the adjacent roadway is characterized by the provision of curb and gutter for the passage of surface drainage.

~~(i)~~ (i) Design requirements for rural driveways shall apply when the roadway is characterized by the provision of ditches and culverts for the passage of surface drainage. ~~* Amended - please see last page~~

(j) When, in the judgment of the Traffic Engineer, it is necessary for safety purposes, a driveway may be deemed as only an entrance or exit.

(k) No landscaping, fences, terraces or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety nor shall such features in any way create potential hazards to pedestrians.

(l) A driveway shall be located and designed such that adequate sight distance is allowed in either direction. At all driveways a clear sight triangle shall be enforced on both sides of the driveway to prevent off-street parking, landscaping or other material obstructions from blocking the driver's view. The dimensions of this clear sight triangular area to be maintained for each side of the driveway shall be 35 feet by 25 feet and defined as: 35 feet along the property line from the intersecting point of the driveway centerline and the right-of-way or property line, and 25 feet along the driveway centerline from the intersecting point of the driveway centerline and the right-of-way or property line towards the interior of the property. In addition, at all intersections a clear sight triangle shall be enforced on the property frontage along the roadway based on specific site conditions including right-of-way widths, pavement widths and topography. Further information on this subject is contained in the Athens-Clarke County Department of Transportation and Public Works Technical Standards Manual. The Transportation and Public Works Director or their designee shall have the authority to adjust these distances if in their opinion such action is necessary for the protection of traffic and/or the basis of site conditions.

(m) On roadways maintained by the Unified Government, the need for the applicant to provide dedicated right-turn and/or left-turn lanes will follow the standards contained in the Georgia Department of Transportation's (GDOT) Regulations for Driveway and Encroachment Control Manual (Driveway Manual).

TABLE 1
DRIVEWAY ALLOCATION

SINGLE & TWO FAMILY RESIDENCE ON A SINGLE LOT

	ONE TWO- WAY DRIVE WAY	ONE TWO- WAY DIVIDED DRIVE WAY	TWO ONE- WAY DRIVE WAYS	TWO TWO- WAY DRIVE WAYS	THREE TWO- WAY DRIVE WAYS	TWO ONE- WAY MULTIPLE LANE DRIVE WAYS	ONE ONE- WAY DRIVE WAY
SINGLE & TWO FAMILY RESIDENCE			X				X

SINGLE BUSINESS

	ONE TWO- WAY DRIVE WAY	ONE TWO- WAY DIVIDED DRIVE WAY	TWO ONE- WAY DRIVE WAYS	TWO TWO- WAY DRIVE WAYS	THREE TWO- WAY DRIVE WAYS	TWO ONE- WAY MULTIPLE LANE DRIVE WAYS	ONE ONE- WAY DRIVE WAY
NO MORE THAN A COMBINED 1500 VEHICLES ENTERING AND EXITING PER WEEKDAY	X	X	X				

NO LESS THAN A COMBINED 1501 VEHICLES ENTERING AND EXITING PER WEEKDAY	X	X	X	X			
CORNER LOTS—PER FRONTAGE	X		X				

MULTIPLE BUSINESSES ON COMMERCIAL TRACTS

	ONE TWO- WAY DRIVE WAY	ONE TWO- WAY DIVIDED DRIVE WAY	TWO ONE- WAY DRIVE WAYS	TWO TWO- WAY DRIVE WAYS	THREE TWO- WAY DRIVE WAYS	TWO ONE- WAY MULTIPLE LANE DRIVE WAYS	ONE ONE- WAY DRIVE WAY
0-300 LINEAR FEET OF FRONTAGE	X	X	X				
300-1000 LINEAR FEET OF FRONTAGE	X	X	X	X			
1000-2000 LINEAR FEET OF FRONTAGE	X	X	X	X	X		
2000-3000 LINEAR FEET OF FRONTAGE	X	X	X	X	X	X	
3000 LINEAR FEET OF FRONTAGE AND UP	X	X	X	X	X	X	

Sec.7-2-8. Application Fee Schedule.

The applicant shall pay a non-refundable fee at the time of making the application for a Driveway Permit as provided in Section 7-1-560.

Sec. 7-2-9. Review and Inspection Process.

(a) The Transportation and Public Works Department reserves the right to make inspections to ensure compliance with this chapter and applicable standards at any time during the construction of the driveway and before a Certificate of Occupancy or a Certificate of Completion has been issued.

(b) When it is determined by the Traffic Engineer that the access conditions may result in safety or operational hazards to area traffic (vehicular or pedestrian), existing driveways may be reduced, enlarged, altered or eliminated at the discretion of the Transportation and Public Works Director.

(c) Whenever an existing street is improved by reconstruction, relocation, widening or maintenance work, Transportation and Public Works Department shall be responsible for altering any existing driveways abutting the right-of-way at government expense such that every reasonable attempt is made to conform with the standards.

(d) The Building official or their designee shall withhold the issuance of a certificate of occupancy or certificate of completion upon the request of the Transportation and Public Works Director or their designee until on-site inspection by the Public Works Inspector, Traffic Engineer, or Director of Transportation and Public Works determines that all requirements of this chapter and/or other conditions associated with the driveway permit have been met.

Sec. 7-2-10. Appeals.

(a) After reviewing a driveway design, the Transportation and Public Works Director or their designee may:

- (1) Approve design as submitted; or
- (2) Approve design with corrections so as to conform the design to the requirements of this Chapter; or
- (3) Approve design with variations from the requirements of this Chapter, provided that roadway drainage can still be designed without adversely affecting private properties and driveway design with variations will not adversely affect public safety.

(b) If the applicant disagrees with the final decision of the Transportation and Public Works Director or designee, the applicant shall have the right to appeal such decision in writing to the Hearings Board created under the Zoning Code. The appeal shall be made by the applicant within five business days of the final decision and filed with the Athens-Clarke County Planning Department. Procedures for administrative hearings as provided in Section 9-4-10(C), (D) and (F) of the Athens-Clarke County Code shall govern appeals made pursuant to this paragraph. The decision of the Hearings Board shall be the final decision of the Unified Government of Athens-Clarke County.

Sec. 7-2-11. Penalties. The violation of any provision of this Chapter shall be an offense. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Chapter shall be punished as provided in Section 1-1-5 of this Code. Each day that a violation exists shall constitute a separate offense."

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH
RESPECT TO DRIVEWAYS; AND FOR OTHER PURPOSES

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 7-2-5 of the Code of Athens-Clarke County, Georgia, entitled "*General permitting requirements*", subsection (a) thereof entitled "*General requirements*", is hereby amended by adding the following words to subsection (a)(2) thereof, "except that a permit shall not be required for driveways constructed along an unimproved roadway," so that said section 7-2-5(a) is as follows:

Sec. 7-2-5. - General permitting requirements.

(a) *General Requirements.*

- (1) The applicant applying for a driveway permit shall apply for the sole purpose of securing access to the property from a public street and not for allowance of parking, servicing vehicles, storage or merchandising of goods or for other uses within the right-of-way.
- (2) Permits are required for driveways in all zoning classifications, except that a permit shall not be required for driveways constructed along an unimproved roadway.
- (3) When one or more of the following conditions exists, a driveway permit is required:
 - a. When a previously undeveloped property is being developed;
 - b. When an existing development is being reconstructed or redeveloped. This condition shall not include interior changes or be applicable during the renovation of an existing single family home;
 - c. When property is changing from one use to another according to Title 9 (Zoning and Development Standards);
 - d. When an existing driveway is no longer considered adequate for property usage due to a change in the use on the property thereby causing higher than originally designed for traffic volume, or has, since installation, become a hazard to the safety of area traffic the owner/developer/contractor is required to apply for a driveway permit;
 - e. For non-single family residential properties, any additional structural or site improvement square footage added to an existing structure or site improvement that is greater than ten percent of the existing building square footage for structural improvements or ten percent of the existing site improvement square footage for site improvements.
- (4) Upon application for a driveway permit for either a new driveway or an existing driveway, all existing driveways to be retained that are not in conformance with this ordinance and current standards shall be brought into compliance at the expense of the applicant.

SECTION 2. Section 7-2-7 of the Code of Athens-Clarke County, Georgia, entitled "*General design requirements*", subsection (i) thereof, is hereby amended by adding the following sentence to said subsection (i), "In these cases, the driveway apron may be constructed of either concrete or asphalt materials," so that said section 7-2-7(i) is as follows:

Approved the 7 day of
October, 2014
G. J. S. III
Clerk of Commission

Approved the 10 day of
October, 2014
Nancy B. Denson
Nancy B. Denson
Commissioner

Sec. 7-2-7. - General design requirements.

(i) Design requirements for rural driveways shall apply when the roadway is characterized by the provision of ditches and culverts for the passage of surface drainage. In these cases, the driveway apron may be constructed of either concrete or asphalt materials.

SECTION 3. Section 7-1-560 of the Code of Athens-Clarke County, Georgia, entitled "*User Fees – Department of Transportation and Public Works Land Development Services*," subsection (3) thereof entitled "*Driveway Permit*" is hereby amended by adding the following words thereto, "or \$30.00 for repair work on an existing driveway." so that said subsection (3) is as follows:

Sec. 7-1-560. – User Fees – Department of Transportation and Public Works Land Development Services.

(3) *Driveway Permit*: Permit for driveway plan review and inspection: \$60.00, or \$30.00 for repair work on an existing driveway within the right-of-way.

SECTION 4. Section 7-1-560 of the Code of Athens-Clarke County, Georgia, entitled "*User Fees – Department of Transportation and Public Works Land Development Services*," is hereby amended by adding to the Driveway Permit Fee Category, FY2012 Fee, in the Fee Schedule Table therein the following words, "for new construction" and "\$30.00 per permit for repairs on existing driveways," so that the Driveway Permit Fee Category of said Fee Schedule Table is as follows:

FEE SCHEDULE TABLE			
Fee Category	FY2010 Fee	FY2011 Fee	FY2012 Fee*
Driveway Permit	\$60.00 per permit	\$60.00 per permit	\$60.00 per permit for new construction. \$30.00 per permit for repairs on existing driveways.

SECTION 5. All ordinances or parts of ordinance in conflict herewith are hereby repealed.