

ORDINANCE NO. 07-5424

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 6-1208; PROVIDING CHANGES TO CERTAIN CURB CUT LENGTHS AND REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 6-1208 of the Billings, Montana City Code be amended so that such section shall read as follows:

“Sec. 6-1208. Curb cut regulations.

(a) *Purpose.* The purpose of this section is to standardize, regulate and control the location, size, type, construction, maintenance and quantity of curb cuts, driveway aprons, and sidewalk driveway crossings in the city from the standpoint of proper design, safe and efficient entry to and exit from city streets to private property, safety of vehicular traffic in the streets, and safety of pedestrian traffic on the sidewalk area.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply:

Alley shall mean a narrow public thoroughfare, providing access to the rears of the abutting properties.

Curb cut shall mean the total street curbing that is removed to place a driveway and slopes.

Curb return shall mean the curved portion of a street curb at drive approaches.

Driveway shall mean that area on private property where vehicles are operated, parked or allowed to stand.

Driveway apron shall mean the area, construction or improvement between the curb cut or proposed curb line and the back edge of walk or proposed walk line, to provide ingress and egress for vehicles from the alley, street or roadway to a definite area of the private property.

Driveway width shall mean that portion of the street curbing that is removed excluding curb returns or transitions to provide ingress to and egress from abutting property.

Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways which join each other at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

Right-of-way shall mean public property dedicated for streets, alleys or other public uses.

Roadway shall mean that portion of a street improved, designed and customarily used for vehicular travel, exclusive of the berm or shoulder.

Sidewalk shall mean that portion of a street between curb lines or the outer lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Street shall mean the entire width between the boundary lines of the right-of-way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic shall mean pedestrians, vehicles, and other conveyances, either singly or together, while using any street, alley or roadway for purposes of travel.

Transitions shall mean the three-foot ramp sections along the street curb on each side of a driveway apron.

- (c) *Permit required.* It shall be unlawful for any person either as owner, agent, servant, contractor or employee to cut, break, remove or alter any curbing, driveway apron or sidewalk, or cause to have cut, broken or removed any curbing, driveway apron or sidewalk, or to install or cause to have installed any driveway, or any vehicular access, on any public right-of-way in the city without a permit. Permits shall be issued only to properly licensed and bonded contractors by the city after payment of fees as prescribed by council resolution. At the time the permit application is made, the city shall be advised of any parking meters, traffic or street signs, signal poles, street light poles, fire plugs, trees or obstructions that will be affected by the placement or removal of the driveway or sidewalk.
- (d) *Accessibility study.* If any proposed site development will generate five hundred (500) or more vehicle trips per day, a traffic accessibility study shall be required before any developmental permit is issued. A vehicular trip is defined as a one-way journey of a motorized vehicle. If the study indicates a need for the installation of traffic-control devices to regulate traffic flow generated by the facility, such traffic-control devices shall be installed at the expense of the owner of the facility. The study shall include but not be limited to:

- (1) Estimated number of vehicular trips per day;

- (2) Location of approaches;

- (3) Circulation and channelization patterns;
 - (4) Location and type of traffic-control devices;
 - (5) Pedestrian systems;
 - (6) Bicycle systems;
 - (7) Projected turning movements; and
 - (8) Impact on surrounding existing street intersections.
- (e) *Consent of property owner required.* Before a permit is granted for the removal of the curb and/or the construction of a driveway on any street, the applicant for the driveway permit must produce evidence satisfactory to the city to show that the construction of such driveway is agreeable to and in accordance with the desire of the owners of the property to which such driveway will be an entrance.
- (f) *Fees.* Permit, inspection and service fees shall be charged by the city as prescribed by council resolution.
- (g) *City to furnish inspector.* The city shall furnish an inspector to inspect every piece of curb, driveway and driveway apron to be constructed, whose duties shall be to check the forms for alignment, grade and materials and to see that the work is done in accordance with the specifications of the city at the time of the issuance of the permit. The city shall be notified at least twenty-four (24) hours in advance of the time when the work is proposed to be started.
- (h) *Allowable curb cut ~~lengths~~ widths:*
- (1) In single-family residential zoned districts, the maximum driveway width shall be ~~twenty-four (24)~~ thirty (30) feet and shall be located in accordance with city specifications or drawings. For lots or parcels with more than 25 feet of frontage, the total combined width of all driveways shall not exceed 50% of the frontage of that parcel or lot. The minimum distance between curb cuts serving the same lot or parcel shall be twenty-five (25) feet.
 - (2) In any multifamily ~~and professional~~ zoned districts, the maximum driveway width shall not exceed ~~twenty-four (24)~~ thirty six (36) feet and shall be located in accordance with city specifications or drawings. The minimum distance between curb cuts shall be twenty-five (25) feet except in the case where two driveways serve side-by-side duplex units a minimum six (6) foot separation distance is required between the two driveways.

- (3) In ~~any~~ all commercial, professional and industrial zoned districts, the maximum driveway width shall be thirty (30) feet except driveway widths for service stations and trucking businesses may be up to forty (40) feet when approved by the city, and shall be located in accordance with city specifications and drawings. The minimum distance between curb cuts shall be twenty-five (25) feet.
 - (4) In any allowable location, no driveway width shall be less than twelve (12) feet wide.
 - (5) Frontages of sixty (60) feet or less shall be limited to one (1) driveway. Not more than two (2) driveways shall be provided to any single property tract or business establishment, except where the property frontage exceeds six-hundred (600) feet, there may be one (1) additional driveway for each additional three hundred (300) feet of frontage. In cases where parcels have more than one street frontage, each frontage shall be treated separately when determining the allowed number of driveways.
- (i) *General regulations.* Every curb cut and driveway apron constructed or altered in the street right-of-way shall conform to the following regulations:
- (1) No driveway apron shall be constructed closer than five (5) feet from the side property line or as may be regulated by city specifications in effect at the time of such work.
 - (2) No driveway apron shall be closer than five (5) feet to, nor shall it be so located as to interfere with, intersecting sidewalks, utility facilities, light standards, fire hydrants, catch basins, street signs, signals or other public improvements or installations.
 - (3) Any necessary adjustments to such utility facilities, light standards, fire hydrants, catch basins, street signs, signals, underground conduits for street lighting or fire alarm systems, or other public improvements or installations shall be accomplished without cost to the city.
 - (4) No curb cut shall be made between the points of curvature of any curb radius at intersections, nor closer than ten (10) feet from the points of curvature except along arterial streets or streets intersecting an arterial at a signalized intersection any curb cut shall be one hundred (100) feet from the corner. The location of curb cuts for lots or parcels along arterial streets having less than 100 feet of frontage shall be approved by the City Engineer or their designee.
 - (5) No curb cut or driveway apron shall be located so as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.

- (6) Every curb cut and/or driveway apron must provide complete access to a parking space, building or loading dock on private property requiring the entrance of vehicles.
- (7) In any commercial, professional or industrial zone, driveways shall be designed such that vehicles entering or egressing shall not be required to back from or into a street right-of-way.
- (8) All curb cuts and driveway aprons are to be constructed of portland cement concrete of a quality and type as specified by the city, and in accordance with city specifications in effect at the time of such work. Curb cuts shall be permitted only with construction of adjoining portland cement concrete aprons having a minimum depth of five (5) feet.
- (9) All work shall be done under the supervision of the city, and in accordance with city specifications in effect at the time of such work.
- (10) The licensed and bonded contractor or his or her agent doing the construction or alteration work shall maintain the premises in a safe manner and shall provide adequate barricades and lights at his or her own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the city free from any damages incurred by his or her operations.
- (11) The angle between any driveway apron and the street and/or curb line shall be ninety (90) degrees to the street tangent or on a radial line to the street curve.
- (12) The two (2) side borders of each driveway apron between the curb line and property line shall be parallel.
- (13) The city street right-of-way shall not be used for private commercial purposes. A permit for the construction of a curb cut driveway shall not be issued unless vehicles which will use the driveway can be parked entirely within the private property lines.
- (14) Any curb cut or driveway apron which has become abandoned or unused through a change of the conditions for which it was originally intended shall be closed and the owner shall replace any such curb cut and/or driveway apron with a standard curb and sidewalk (if necessary) to be constructed according to the city specifications in effect at the time of such work. If the owner does not make such replacement within sixty (60) days after notice, the city may do so at the expense of the owner.

- (15) Driveways serving facilities that will generate five hundred (500) or more vehicle trips per day may, at the discretion of the city, be classified and constructed as a street intersection. A complete design of the intersection shall be submitted to the city before a permit is issued. Approval of this type entrance may be contingent upon the applicant installing traffic-control devices at his or her sole expense. This type of entrance shall be included in calculating number, spacing, or any other requirement pertaining to driveways as specified herein.
- (j) *Restrictions.* In addition to the general regulations prescribed herein, curb cuts and driveway aprons to be constructed or altered in districts must conform to the following:
- (1) Where a property abuts more than one city street, the maximum curb cut permitted on each street shall be considered separately and shall be governed by the frontage of the property on that street.
 - (2) Two (2) or more curb cuts serving the same property must be separated by islands with full height curb not less than twenty-five (25) feet long except on arterial roads where there shall be a minimum of one hundred (100) feet of separation.
 - (3) Where a property width is sixty (60) feet or less, joint curb cut with an adjoining property of sixty (60) feet or less may be constructed at a maximum width of twenty-eight (28) feet. Both property owners must be in agreement to a joint curb cut and must submit a written agreement to the city.
- (k) *Deviation.* Permission to deviate from the requirements and regulations of this section shall be granted by the city council only where unusual conditions or strict adherence to this section would cause undue and extreme hardship.”

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 9th day of July 2007.

PASSED, ADOPTED and APPROVED on second reading this 23rd day of July 2007.

CITY OF BILLINGS

By _____
Ron Tussing, Mayor

ATTEST:

By _____
Cari Martin, City Clerk