

Town of Naples

DRIVEWAY/ENTRANCE ORDINANCE

Adopted June 9, 2018

Section 1. Purpose

This Ordinance provides for the review of any driveway and entrances onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage, and public improvements are not adversely affected. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. A permit is not required for paving, sealing, or repairs unless the driveway is relocated.

Section 2. Effective Date

This Ordinance shall be effective upon adoption by the Town of Naples.

Section 3. Permit Required

- (a) No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public or approved private road may be constructed, altered or relocated except in accordance with a Driveway Entrance Permit issued by the Town of Naples Road Commissioner upon application.
- (b) The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.
- (c) The Driveway/Entrance Permit shall be valid for a period of twelve months from the date of original issue.
- (d) No entrance, approach or other improvement constructed on the right of way shall be relocated or its dimensions altered without the modification of an existing or new Driveway/Entrance Permit from the Town.
- (e) All permits shall be approved, approved with conditions or denied within fourteen (14) days of receipt of a completed application.

Section 4. Town Held Harmless

The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Driveway/Entrance Permit.

Section 5. Approval Criteria

(a) General.

Driveways and entrances shall be designed and constructed in accordance with the latest Maine Department of Transportation's Manual for Standard Specifications.

(b) Sight Distance

- 1) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public or private road or to maneuver safely and without interference with traffic.
- 2) Measurements to determine sight distance shall be made in the proposed entrance at a point ten feet (10') from the edge of the shoulder line with the height of eye four feet (4') above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four feet (4') is first seen.
- 3) Driveway placement shall be such that an existing vehicle has an unobstructed sight distance according to the schedule.

Highway speed (MPH)	Minimum Sight Distance (In feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	570
60	645

(c) Geometry

- 1) If the driveway elevates above the traveled way, then the first 25 feet of the driveway shall be sloped to a negative 3 percent, unless otherwise approved by the Road Commissioner, and constructed to prevent run-off onto the traveled way. If the driveway descends from the traveled way, the first 25 feet of driveway shall not exceed -3 percent slope unless approved by the Road Commissioner.
- 2) The entrance should intersect the traveled way at a horizontal angle of 90 degrees but in no case shall the horizontal angle be less than 75 degrees without approval from the Road Commissioner. The entrance width at the traveled way shall be wide enough to allow emergency vehicles to enter from either direction. Radii for the edge of the driveway for 90-degree intersections shall be 35 feet. Less than 90-degree intersection, radii shall be 35 feet.
- 3) No part of the entrance shall extend beyond the property lot frontage for the lot being served.
- 4) The entrance shall not be located closer than 75 feet to an un-signalized intersection and 125 feet for a signalized intersection.
- 5) The maximum width of the curb cuts for driveways shall conform to the following standards:
 - i. Residential driveway: Maximum 20 feet.
 - ii. Commercial or industrial driveway: Maximum 40 feet.
- 6) Distance between driveways. Distances between driveways shall be measured by the outer edge of the sidewalk or curb, whichever is applicable.

- i. Residential driveways. Residential driveways shall be a minimum distance of ten feet from curb cuts on adjacent lots or driveways unless driveways on two adjacent lots use the same curb cuts.
- ii. Commercial or industrial driveways. All curb cuts for commercial or industrial driveways shall be no less than ten feet from proposed or existing driveways on adjacent lots. Entrances and exit driveways in the same lot on the same street must be provided with a safety island of a width no less than five feet.

(d) Drainage

- 1) Driveways shall be graded to ensure that drainage does not flow onto roadways.
- 2) The Road Commissioner or its designee shall determine the length, diameter, type and depth of cover of any culvert to be installed. Expense for the purchase and installation of specified culvert shall be the responsibility of the applicant.
 - a. Relocation of drainage facilities. Where the positioning of driveways or curb cuts requires the relocation or removal of drainage facilities, such relocation or removal shall be done according to a plan drawn up by the property owner and approved by the Road Commissioner or their designee. In deciding whether to approve a plan for relocation or removal of drainage facilities, the Road Commissioner shall consider:
 - i. The effect of the change on adjacent and down-grade properties;
 - ii. The potential for and probable impact of increased erosion or flooding caused by the drainage change; and
 - iii. Any other pertinent factors relative to human or environmental health or safety.
 - b. Driveway aprons. No driveway apron shall extend into the street line further than the base of the curb, or beyond the gutter line, whichever is applicable.
 - c. Existing walkways. The existing grade of walkways and sidewalks which are crossed by curb cuts shall be maintained as they are, to provide a safe area for people to walk.

(e) Abutting Pavement

New driveways or entrances opening on a paved public right of way shall have its apron paved. A minimum of three feet in depth and the same width as the opening shall be paved to the existing edge of the right of way pavement. The pavement must be completed by a date as specified by the Road Commissioner but not longer than eight (8) months from the date of the issued permit.

(f) Side Slopes

Driveway side slopes and banks shall not be steeper than a slope of two (2) horizontal to one (1) vertical.

(g) Shared Driveways/Entrances

Shared driveways/entrances shall be encouraged for adjacent sites to minimize the number of driveways along an arterial.

Section 6. Enforcement

(a) Road Commissioner

It shall be the duty of the Town of Naples Road Commissioner to enforce this ordinance and determine necessary fines.

(b) Fines

Whoever willfully violates the provisions of this Ordinance shall upon conviction, be penalized in accordance with Title 30-A MRSA § 4452. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

Section 7. Appeals

Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer or Road Commissioner, the person may file an appeal to the Board of Appeals within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Appeals, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.