

DRIVEWAYS AND/OR PARKING AREAS IN PUBLIC PARKWAY

Chapter 12.08

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12.08.010 Permit required.

No person, firm or corporation shall hereafter construct, build, establish or maintain any driveway and/or parking area over, across or upon any portion of the public sidewalk or public right-of-way without first having obtained a written permit to do so from the Director of Public Works or his designee. Except that when a driveway is included in an application for a permit for a single family dwelling or garage, the application for permit shall be submitted to the Building and Code Enforcement Division Manager per the authorization for the driveway and/or parking area shall be included in the building permit. Authorization shall be obtained from the City prior to construction, establishment or maintenance of a parking area within the public parkway. No permit shall be issued for construction or establishment of any such driveway and/or parking area except in accordance with the provisions herein contained.

Application for permit must be made in writing upon forms furnished by the City. Said application shall contain the name and address of the person, firm, or corporation making the application, the name of the contractor or person who is to construct said driveway and/or parking area and the proposed location and dimensions of such driveway and/or parking area. No parking areas shall be constructed, used or permitted in a public parkway adjacent to a residential use (dwelling; attached/detached single family, multiple-family, two family) in a residentially zoned district. Complete plans and specifications for any driveway and/or parking area, except where included in a building permit application for a single family dwelling or garage, shall be submitted to the Building and Code Enforcement Division Office at least thirty (30) days before permit is desired. The City may refuse to issue a permit for a driveway in instances where it is deemed by the Director of Public Works and the Building and Code Enforcement Division Manager that the proposed driveway will interfere with the operation and/or maintenance of public utilities and/or vehicular traffic. (Ord. 2009-M-35 § 1; Ord. 1995-M-8 § 1.)

12.08.020 Bond.

Before issuance of any such permit the contractor or person proposing to construct such parking area shall file with the City, on a form approved by the City, a permit bond or performance bond in the amount of \$10,000.00 (City of St. Charles listed as beneficiary). This Bond will assure all work, including restoration, is performed in accordance with Chapter 12.30 of the St. Charles Municipal Code. The Permit bond or Performance bond must be an original copy issued by the Bond Insurance carrier, and/or agent; facsimiled copies will not be accepted. The Bond Insurance carrier and/or agent shall save harmless, defend and indemnify the City against or on account of accidents, damages, or claim arising out of or during the construction of any parking area laid by the said contractor. All such bonds shall be valid for a minimum of a one-year term.

(Ord. 2009-M-35 § 1.)

12.08.021 Insurance Requirement.

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Before issuance of any such permit the contractor or person proposing to construct such parking area shall file with the City an original copy of a Certificate of Liability Insurance in accordance with Chapter 13.22.008 of the St. Charles Municipal Code.
(Ord. 2009-M-35 § 1.)

12.08.030 Fees.

The fee for driveway and right-of-way construction permits shall be in accordance with 15.101.150 "Permit and Inspection Fees."
(Ord. 2009-M-35 § 1.)

12.08.040 Supervision.

All such work except driveway constructed in conjunction with single family dwellings and garages shall be done under the jurisdiction of the Director of Public Works and in accordance with the ordinances of the City; and upon completion shall be inspected by such Director or his designee. All driveways constructed in conjunction with single family dwellings and garages shall be done under the jurisdiction for the Building Commissioner and in accordance with the ordinance of the City; and upon completion shall be inspected by such Building Commissioner or his designee.

12.08.050 Specifications.

All plans and specifications must conform to the following minimum requirements before permit for construction or reconstruction shall be permitted.

- A. Construction material is to be concrete or asphalt.
- B. The contractor or other permittee will pay for construction materials, labor and design.
- C. Design and material specifications shall be in accordance with the 'Standard Specifications for Road and Bridge Construction' and supplemental specifications of the current edition by the Illinois Department of Transportation, three copies of which are and have been on file in the City Clerk's Office for at least thirty (30) days prior to the adoption of this Ordinance, which specifications and special provisions are incorporated herein by reference unless otherwise superseded by this title, said specifications and special provisions being sometimes referred to herein as 'Standard Specifications'. (Ord. 2009-M-35 § 1; Ord. 1984-M-71 § 1.)
- D. For parking areas in public parkways the following additional conditions shall apply:
 1. The area must be designed by a professional engineer registered in the State of Illinois.
 2. The professional engineer shall certify that the parking area will not interfere with safe passage of traffic, will not interfere with existing or proposed pedestrian walkways, and will not interfere with the operation, installation or maintenance of utilities, including but not limited to water, sanitary and storm sewer, electric, telephone, gas, cable television and shall comply with Title 18 Storm Water Management Ordinance. (Ord. 2009-M-35 § 1.)
 3. The permittee shall provide a contractor's affidavit and lien waivers in accordance with the Illinois Mechanics Lien Act prior to approval of the parking area by the City. The permittee shall pay for the material and labor costs incurred by the City to restore the parking areas as a result of the installation, operation and/or maintenance of any public utility within the parking area. (Ord. 2009-M-35 § 1.)
 4. All parking areas shall be in accordance with Chapter 17.24 Off Street Parking, Loading, and Access in the St. Charles Municipal Code. (Ord. 2009-M-35 § 1.)
 5. Minimum setback from corners and driveways.
 - (a) Parallel - 20 feet
 - (b) Straight - 20 feet
 - (c) Diagonal - 20 feet
 6. Where practical and reasonable and at the discretion of the City Council, landscape areas may be required to compensate for all or a portion of the lost public parkway vegetative area.

12.08.060 Driveway grade surfaces.

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No driveway shall be so constructed or graded as to leave a step, a sharp depression or other obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It is unlawful to have the surface finish of any driveway, where the same crosses the sidewalk constructed of such materials as to render it slippery or otherwise hazardous to pedestrians, to have the grade of such portion vary from the grade of the sidewalk, or be other than level, or to obstruct the surface drainage.

12.08.070 Driveway construction specifications.

Driveways across sidewalks shall be constructed in compliance with Chapter 12.30 Street Improvements. Where concrete curb and gutter and concrete sidewalk exists, or where installation is imminent, such as would be the case in a new subdivision, then the driveway approach shall be constructed of asphalt or concrete.

12.08.080 Driveway and/or parking area repair and maintenance.

It shall be the duty of the person benefiting from the driveway to keep the driveway and driveway approach on public right-of-way in good repair and free from obstruction and openings. Snow removal from parking areas, driveway and driveway approaches is the responsibility of the owner of the property adjacent the parkway where the parking area, driveway or driveway approach is located.

Restoration obligations. In the event it becomes necessary for the City or its contractors to perform any maintenance or repairs within the City right of way (R.O.W.), the owner agrees that by taking out a permit, the city or its contractors may remove or dig up the 'nonstandard pavement' defined as brick pavers or stamped concrete/bituminous asphalt without notice to the owner. In this event, neither the City or its contractors have any obligation to replace, repair or otherwise reconstruct the "nonstandard pavement"; the responsibility and the cost thereof shall be the obligation of the owner. The Director of Public Works or his designee may, however, authorize a partial cost reimbursement which would reflect the City's cost to repair only the disturbed portion of the "nonstandard pavement." Said reimbursement will be based on the current city secured unit cost for asphalt or concrete based on existing conditions. The owner understands, acknowledges and accepts any and all responsibility for repair, restoration and any and all other work necessary to restore Non-Standard Pavement as a result of City damage during use or access of public R.O.W. shall be owner's responsibility. The City shall have no responsibility under any condition for repair or restoration of Non-Standard Pavement. (Ord. 2007-M-55 § 1; Ord. 2007-M-5 § 1.)

12.08.090 Ownership.

All driveways and parking areas within the public parkway are and shall remain public property irrespective of how and when installed. Parking areas within the parkway may be altered or removed at any time at the sole discretion and direction of the City Council.

12.08.100 Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1984-M-50 § 1.)