ORDINANCE NO. 07-A-2015

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
SO AS TO REVISE THE PROVISIONS OF SECTION 3-080(C),
OFF STREET PARKING REQUIREMENTS,
RELATING TO ESTABLISHING SPECIFICATIONS FOR DRIVEWAYS,
TO REPEAL CONFLICTING ORDINANCES,
TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend the Code to provide in Section 3-080(C) relating to specifications for driveways, to repeal conflicting ordinances, to establish an effective date, and for other purposes.

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that the Code of Ordinances, Section 3-080(C), Off street parking, be hereby amended so that hereafter the ordinance shall read as hereinafter provided.

**SECTION 1**

The Code of Ordinances is hereby amended so as amend Section 3-080(C) regarding driveway specifications which shall read as follows:

**Sec. 3-080.** ***Off-street parking requirements.***

(C) Control of access to structures used for residential purposes including but not limited to single family, duplex, triplex, two family, multifamily, townhomes, apartments, time shares, and condominiums whether owner occupied or held for rental. In order to promote the safety of motorists and pedestrians, the following regulations shall apply to all newly constructed driveways:

(1) A driveway opening which connects a lot with a public street shall not be greater than 25 feet in width at the property line. Driveways that serve duplex lots shall not have a width greater than 15 feet per unit measured at the property line. This section is not intended to prevent the installation of flared driveway ends. These flared ends, when constructed in accordance with adopted standards and specifications, shall not count towards the width of the driveway.

(2) There shall be no more than two driveway openings on any lot of any width. The total of the widths at the property line of two driveway openings shall not be greater than 25 feet.

(3) No driveway opening shall be constructed within 25 feet of an intersection, measuring from the nearest improved portion of the right-of-way. However, in any instance where there is not adequate space available and other access is not feasible, staff may permit a reduction in the distance to an intersection from a driveway in order to permit safe access to the property provided the speed limit on abutting or adjacent roads is 30 miles per hour or less.

(4) No curb on any city street or right-of-way shall be cut or otherwise altered without prior written approval of the designated city official. Driveway requirements specified in this Section, notwithstanding, staff may issue a permit to a residential property owner to place approved materials in the city right of way, provided the owner is informed and acknowledges that the city will maintain the right to initiate any required action within the right of way and that permitting materials in the right of way shall not create any vested rights in the property owner and such permission may be terminated at any time. In addition, such permit by staff may only be made in the event the improvement does not create a safety issue or interfere with city metered parking and does not violate any city ordinance including, but not limited to, the requirements of Section 3-165 to maintain 65% of the property setback area as greenspace. If the staff of the building and zoning department finds that a request under this section needs or should have additional review for any reason, it may request review by the mayor and council or, if the staff of the building and zoning department declines the applicant's request, the applicant may apply for the granting of the permit which will result in the application going to the mayor and council. However, before the mayor and council, a public hearing is not required but action may only be taken at a public meeting of the mayor and council.

(5) For water quality purposes, all newly constructed driveways and replacements of more than 50 percent of existing driveways serving residential uses shall be constructed of materials designed to allow retention of the first one inch of stormwater. A new driveway includes the initial placement of any material on bare soil. Such new driveways and replacements of more than 50 percent of an existing driveway are subject to permitting and inspection(s). A permit and inspection(s) are also required for repair of less than 50 percent of an improved driveway. The retention requirement is based on a 24-hour, 25-year Tybee III SCS storm. A permit is required for installation of a new or replacement driveway. An inspection is required of each layer prior to the next layer being installed. The permit applicant shall be responsible for all engineering fees incurred by the city for review of materials, even when a material is not approved. Acceptable materials include:

a. Stone must be either AASHTO #57, #67, #78, or #89 open graded with no fines, or pea gravel with no fines, or a combination of two or more. Graded aggregate base (also known as "crusher run" or "crush and run") is not allowed.

b. Standard brick pavers are four-inch by eight-inch with minimum five-sixty-fourths-inch average continuous joints/borders with eight one-eighth-inch wide spacers per paver filled with masonry sand. See item (c) for base and header requirements. If larger bricks are used, thereby creating less linear joint and surface area joint, calculations by a state licensed design professional must be reviewed and approved by the city. See engineering fee information in subsection (1).

c. Permeable interlocking concrete pavers (PICP) are solid structural units installed with openings as described in the coastal stormwater supplement (CSS) through which stormwater runoff can rapidly pass into the underlying reservoir of a four-inch minimum depth open-graded stone, no fines. Openings may be filled only with pea gravel or larger stone, or with masonry sand. A concrete header curb or paver/concrete block ribbon with a maximum width of eight inches must be installed around the perimeter of the pavers. Building foundations and garage floors may serve as a portion of the perimeter. The edge of a paved road may not serve as a

perimeter. Flush headers and ribbons are included in the driveway measurements. To not be included in the driveway measurements a header or ribbon must be installed lower than the driveway pavers, covered with adequate top soil, and seeded or sodded to facilitate vegetation.

d. Ribbon driveway designs are normally constructed of concrete but other materials may be considered. The ribbons are to be a maximum of 18 inches wide with a one to two percent cross slope to route runoff to adjacent pervious areas rather than down the strips to the street. The area between the strips may be either grass or stone as described in subsection (a). The area between the drive strips is to be flush or one-eighth-inch below the driving strip to encourage the percolation of stormwater runoff between the driving strips.

e. Concrete grid pavers (CGP) are precast concrete units that allow rainfall and stormwater runoff to pass through large openings that are filled with pea gravel, sand or topsoil and turf. A concrete header curb or brick/concrete block ribbon with a maximum width of 12 inches (flush or one-eighth-inch higher than the contained permeable pavement) must be installed around the perimeter of the permeable pavement. Building foundations and garage floors may serve as a portion of the perimeter. The edge of a paved road may not serve as a perimeter. Header and ribbons are included in the driveway measurements. To not be included in the driveway measurements a header or ribbon must be installed lower than the driveway pavers, covered with adequate top soil, and seeded or sodded to facilitate vegetation.

f. Plastic grid pavers (PGP) consist of flexible, interlocking plastic units that allow rainfall and stormwater runoff to pass through large openings that are filled with gravel, sand or topsoil and turf. A header curb is required and is included in the driveway measurement.

g. Pervious concrete (also known as porous concrete) is similar to conventional concrete in structure and form, but consists of a special open-graded surface course, typically four to eight inches thick, that is bound together with Portland cement.

h. Porous asphalt is similar to pervious concrete, and consists of a special open-graded surface course bound together by asphalt cement.

For all other proposed materials, calculations are required from a state licensed design professional demonstrating compliance with the retention requirement of this section.

## SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

## SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

## SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 5**

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to the ordinances of the City.

ADOPTED THIS 23 DAY OF April, 2015.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: 4/9/15

SECOND READING: 4/23/15

ENACTED: 4/23/15

Tybee/Ordinances/07-2015 Sec 3-080(C) off-street parking requirements 02.16.15 – EMH
Tybee/Ordinances/07-A-2015 Sec 3-080(C) off-street parking requirements 03.23.15 - EMH