

SUBDIVISION REGULATORY ORDINANCE NO. 499

Sec. 40-045.01 Minimum Construction Standards for a Private Drive

1. If a private drive accesses more than one lot, tract or parcel, the following minimum construction standards shall apply:
 - a. An owner(s) who creates a private drive to access more than one (1) lot, tract or parcel, but not more than five (5), shall dedicate through title, deed and or covenant, a perpetual servitude of access (private drive) with a minimum width of thirty-five (35') feet.
 - b. The actual driving surface shall be a minimum of twenty (20') feet in width with two (2') foot shoulders on each side of the drive with five and a half (5 ½') feet on each side of the shoulders devoted to ditching/drainage and or utilities.
 - c. The drive shall be constructed with suitable compacted subbase materials and overlaid with an aggregate material (i.e. shell, gravel, limestone, three-course treatment, asphalt, concrete, etc...) that is acceptable to the Department of Engineering.
 - d. In order to provide adequate drainage, a ditch or ditches shall be constructed on either one or both sides of a private drive in accordance to the standard practices adopted and utilized by the Department of Engineering.
2. Plans for the construction of the private drive and drainage must be submitted to the Department of Engineering for review and approval prior to the initiation of work.
3. After the private drive has been constructed and drainage improvements made, the responsible owner(s) shall contact the Department of Engineering for a final inspection of the work performed.
4. Once the private drive has been constructed and all drainage improvements completed and approved by the Department of Engineering, then, and only then can the minor subdivision be recorded for public record in the Clerk of Courts Office and the lots sold or donated.
5. The owner(s) selling or donating lots or parcels to others shall be solely responsible for establishing a maintenance agreement specifying the entity or entities whom shall provide maintenance and upkeep for the private drive. Copies of the agreement must be provided to the departments of Engineering and Planning for their files.
6. A private drive cannot under any circumstances be dedicated as a public right-of-way unless said drive is upgraded to meet the definition and standards of a "private street" or "public street" pursuant to Subdivision Regulatory Ordinance No. 499.
7. Only one primary private drive shall be permitted per each minor subdivision.
(Section 40-045.0 & Subsection 40-045.01 created per Ordinance No. 05-1065, adopted March 3, 2005)