

**CITY OF HOLTON
HOLTON, KANSAS**

CURB CUTS, PAVEMENT CUTTING, ETC.

Authority: City of Holton Code, 1983, Chapter XIII, Article 2.

CONSTRUCTION SUPERVISED - All work done under a permit issued in compliance with Section 13-201 through 13-207 City of Holton Code, 1983 shall be under the direction and supervision of the Superintendent of Streets and Parks. A permit issued under the provisions of this section may be revoked at any time that the work is not being performed satisfactorily.

CONSTRUCTION - In addition to the rules, regulations and specifications promulgated by the City with respect to driveway approaches, etc., the following requirements shall be complied with in work done under the provisions of this ordinance.

1. No curb cuts shall be made beyond any property line as projected except by consent to in writing by the adjoining property owner and approved by the Superintendent of Streets and Parks.
2. The owner and contractor shall protect the public from injury and / or damage during construction of driveway approaches, etc., and it is hereby stipulated as an essential condition of the issuance of a permit that the City of Holton, Kansas, shall not be liable for damage which may arise from the prosecution of said work.
3. The top of the paving of the driveway slab at the curblines shall not extend into the gutter beyond the face of the curb, and shall not be constructed in a manner that will in any way interfere with or obstruct the drainage of the street, or interfere with the use of the street for the purpose of travel.
4. Where it is possible, the outside of the driveway approach shall be a straight grade from the top of the curb to the grade of the outside sidewalk line.
5. All business driveway approaches shall be paved.
6. Residential driveway approaches shall be paved a minimum of 5 feet from the back of the curb.

CURB CUTS FOR DRIVEWAYS - Residential driveway approaches: curb cutting width shall not exceed 24 feet. Commercial driveway approaches: curb cutting width shall not exceed 40 feet.

WIDTH AND LOCATION OF DRIVEWAY APPROACHES - In addition to the width restriction relative to driveway approaches, the following limitations on the width and location of driveway approaches for each parcel of land shall also be compiled with, to wit:

1. Where the frontage of a parcel of land does not exceed 50 feet in width, there may be constructed only one driveway approach.
2. Where the frontage of the parcel of land exceeds 50 feet in width, the curb cuts for driveway approaches shall not exceed sixty percent (60%) of the frontage of said parcel of land, provided, however, that at least one curb parking space shall separate each driveway approach.
3. No portion of a driveway approach, except the curb return, shall be constructed within 15 feet of a corner, and in no case closer than 2 feet from the property line extended.
4. Whenever any curb is cut for the purpose of constructing a driveway approach, it shall be entirely cut and removed, and the curb and gutter, if any, shall be replaced by sectional paving with expansion joints to prevent the breaking of the adjacent curb and gutter; and the curb at each side of the approach shall be replaced by a sectional curb rounded off on a radius of at least 2 feet.
5. Driveway approaches shall be constructed so as not to interfere with or change the grade of any existing street or sidewalk.

CURB CUT-BACK FOR PARKING OF VEHICLES - No person, firm or corporation shall remove or cut back the curbing along any street for the purpose of widening the area for parking vehicles in said street unless a permit has been obtained to do such work,

COOPERATION WITH CITY SUPERVISOR - Any plans submitted to the Superintendent of Streets and Parks for the approval which include or involve unusual driveway approaches or problems, shall be referred by the Superintendent to the City Manager for his approval before a permit shall be issued.

MAINTENANCE AND REMOVAL - Every driveway approach or entrance to abutting property shall be maintained and kept in a safe condition by the owner of the abutting property, and any such driveway approach which shall not be so maintained and kept or which shall interfere with or obstruct the drainage carried by such street or the use of said street for the purpose of travel shall be repaired to conform with the specifications of the ordinance or be removed. Upon removal of any such driveway, that portion of the street occupied by the same shall be restored as nearly as practicable to its former condition and all curbing shall be replaced.

Whenever any driveway approach constructed under the provisions of this ordinance no longer provides access for vehicles to something definite - private property, such as a parking

area, a driveway, or a door at least 8 feet wide, intended and used for the entrance of vehicles, such driveway approach shall be removed forthwith, and that portion of the street occupied by said driveway shall be restored as specified in the above section.

UNUSUAL CONDITIONS - The City Manger is hereby authorized to grant variances from the strict application of the provisions of this ordinance, provided he first determines that the following conditions are present:

1. The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the City or is due to the nature of the business or operation on the abutting property.
2. That the exception or variance desired is not against the public interest, particularly safety, convenience and general welfare.
3. That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.
4. That the strict application of the terms of this ordinance will work unnecessary hardship on the property owner or tenant.

City of Holton, Kansas, Code
1983
SUPPLEMENT