

ORDINANCE 737

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 12.36 OF THE LACEY MUNICIPAL CODE RELATING TO THE LIMITATIONS AND REGULATIONS FOR DRIVEWAY ACCESS TO ARTERIAL STREETS

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 12.36 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 12.36

ARTERIAL STREET ACCESS

Sections:

- 12.36.010 Limitations.
- 12.36.020 Number of driveways for each separately owned tract.
- 12.36.030 Waiver of limitations--Appeal procedure.

12.36.010 Limitations. Driveway access to arterial streets within the city shall be limited so that no driveway access to an arterial street shall be located within 75 feet (measured along the arterial) of any other such arterial street access on either side of the street; provided, that such access may be located directly opposite another access. Further, no driveway access shall be allowed to an arterial street within 150 feet from the nearest right-of-way line of an intersecting street. (Ord. 586 §1(part), 1980).

12.36.020 Number of driveways for each separately owned tract. Within the limitations set forth in Section 12.36.010, access to arterial streets within the city shall be limited to one driveway for each tract of property separately owned. For purposes of such limitation, properties which are contiguous to each other and are owned by the same party shall be considered to be one tract of property; provided, however, that if driveway access is shared with adjoining properties owned by others at the contiguous property line, there may be two shared driveway accesses along the property line allowed for such tract of property. (Ord. 586 §1(part), 1980).

12.36.030 Waiver of limitations--Appeal procedure.

Those limitations set forth in Section 12.36.010 and Section 12.36.020 may be waived by the director of public works upon a demonstration by the property owner that the safety of motorists, cyclists and pedestrians both on-site and off-site will be enhanced by a variance of such requirements and that the proposed design is in accordance with normally accepted engineering practices set forth in the Federal Highway Administration Manual entitled, "Urban Transportation Design of Urban Streets." Any person deeming himself aggrieved by a decision of the director of public works under this section, may, within 10 days of such decision, file with the city clerk an appeal of such decision to the transportation committee of the city council. Upon the receipt of such appeal, a public hearing shall be scheduled before the transportation committee of the council which shall proceed to hear testimony on such appeal and render its decision either upholding, reversing, or modifying the decision of the director of public works, which decision of the transportation committee shall be final. (Ord. 586 §1(part), 1980).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 12.36 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985