

17.28.110 Driveways - Permits and Conditions.

- A. **Purpose.** Ensure that driveway locations promote the safe and orderly flow of pedestrians, bicycles, and vehicular traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated stormwater management, reduce conflicts with pedestrians and bicycles and enhance the pedestrian environment.
- B. **Authority.** The Director of the Bureau of Transportation or their designee may issue a permit to construct a driveway in the public right-of-way subject to the conditions and requirements herein. The Director of the Bureau of Transportation may refer any driveway permit application to the City Traffic Engineer and the Oregon Department of Transportation as appropriate, for a review of the operation, location and width. The City Traffic Engineer shall recommend such conditions and limitations regarding the location and operation of driveways as are found necessary to ensure the safe and orderly flow of pedestrian, bicycles and vehicular traffic, avoid adverse effects on transit operations, and preserve on-street parking.

The Director of the Bureau of Transportation may require an applicant for a driveway permit to provide evidence that the proposed driveway will access legal parking and maneuvering space on property as specified in PCC Title 33. The Director may refuse to issue a permit if the applicant cannot show evidence the Bureau of Development Services has determined that the driveway will access a legal parking space.

The Director of the Bureau of Transportation may require repair and/or reconstruction of an adjacent or abutting driveway, curb or sidewalk, or a portion thereof that will be impacted as a result of the construction of a new or reconstructed driveway.

- C. **Driveway definition:** For the purposes of this Code section, a driveway is a gravel or paved way for vehicular traffic extending from the roadway to the adjacent property line(s) for the purpose of providing access to parking as provided under PCC Chapter 33.266.
- D. **Reconstruction and Revocation of Existing Driveways.**
 - 1. The Director of the Bureau of Transportation may revoke any driveway permit or require the modification of any driveway if:
 - a. The area occupied by the driveway is needed for right-of-way purposes; or
 - b. Continued operation of the driveway interferes with the safe and orderly flow of pedestrians, bicycles or vehicular traffic; or

- c. The abutting owner has failed to comply with all specifications and conditions of the permit; or
 - d. The driveway does not access a legal parking space on abutting property per PCC Title 33.
 - 2. The Council may revoke any driveway permit if it deems such action will be in the public interest.
- E. **Enforcement:** Within 60 calendar days of written notice from the Director of the Bureau of Transportation to close or modify a driveway, the abutting property owner shall obtain any required permits and make the required corrections. If the abutting owner fails to make the required corrections within 60 calendar days, the City may perform the required work at the expense of the abutting property owner and the cost shall be determined and assessment made as provided in this Chapter.
- F. **Exceptions.** For any driveway that does not conform with the requirements of this chapter and administrative rule TRN-10.40, review and approval through a Driveway Design Exception shall be required. Any applicant requesting a Driveway Design Exception shall provide information, as determined necessary by the City Traffic Engineer, to support the application. The Director of the Bureau of Transportation may establish conditions and limitations deemed necessary to ensure the safe and orderly flow of pedestrian and vehicular traffic. Appeal of the decision can be submitted in writing to the Director or their designee(s). The Director or their designee(s) will review the determination and send a final decision to the applicant.
- G. **References.** Refer to administrative rule “TRN-10.40 – Driveways – Operation and Location” for additional requirements.

Refer to City of Portland Standard Drawings for additional design requirements.