

DRIVEWAY ORDINANCE

SECTION 1. DRIVEWAY PERMIT AND FEES.

Prior to construction of a driveway, a Driveway Permit shall be required and shall be obtained from the Building Official, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. Such permits shall be granted only upon the condition that the applicant satisfy the necessary requirements for proper drainage and construction. The application shall be accompanied by graphic representation showing the location and proposed use of the driveway, the size of the proposed drainage tile, along with such other descriptive material necessary for decision-making.

SECTION 2. SPECIFICATIONS.

a. Driveways and Access

1. Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to site plan approval. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
2. At least one driveway shall be permitted for each lot.
3. Driveways shall be located a minimum of two feet (2') from the side property lines. At the intersection with the street and for a minimum distance of fifteen feet (15') of the depth of the driveway apron, a driveway shall be a minimum of twenty feet (20') from the side property lines. At the intersection with the street classified as a Local, Cul-de-Sac or Loop Street: (i) a separation of forty feet (40') is required between the driveways on one lot and the driveways on the adjacent lots; and, (ii) driveways on the same lot shall be no closer than fifty feet (50') to each other. At the intersection with the street classified as a Minor Collector, Major Collector, Minor Arterial, or Principal Arterial Street: (i) a separation of three hundred feet (300') is required between the driveways on one lot and the driveways on the adjacent lots; and, (ii) driveways on the same lot shall be no closer than three hundred feet (300') to each other.
4. Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than twenty-five feet (25') to the beginning of the curb radius.

- b. Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of thirteen feet (13') in width and shall not have more than three (3) lanes in one

entrance/exit. Any arch over a driveway shall not have a vertical clearance less than fifteen (15') feet.

c. Ingress/Egress Driveway Apron.

1. If a driveway slopes down from the street, the apron of the driveway which connects it to the street shall be concrete or asphalt for a minimum distance of fifteen (15') feet from the street and shall be constructed so as not to shed water onto the street. If a driveway slopes up from the street, the apron of the driveway which connects it to the street shall be concrete or asphalt for a minimum distance of twenty-five (25') feet from the street and shall be designed so as not to shed water onto the street or permit loose gravel be washed onto the street.

2. If gravel washes onto the street from a driveway, the property owner may be: (i) given a written warning in which owner shall be instructed to remove the gravel on the street and remedy the problem so it does not recur; or (ii) if previously given a warning, given a citation for violation of this ordinance; or (iii) be required to pave more of the driveway apron to eliminate the problem. This subsection shall apply to all driveway aprons, new or existing.

d. Proper Drainage Tile. If it traverses a drainage ditch, any driveway to be connected to a public street must use a drainage tile or culvert of sufficient size so as to carry the flow of water along such street or road ditch during times of heavy rain. Such tile shall be installed in accordance with state highway standards, in the case of a state highway, or in the case of a county road or city street, Standard Specifications for Highway and Roadway Construction for Washington County then in effect.

SECTION 3. VARIANCE.

A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant or someone acting at the direction of the applicant, a literal enforcement would result in unnecessary and undue hardship. Application for a variance from the literal provisions of this Driveway Ordinance shall be made to the City Council who shall not grant any variance unless and until an applicant demonstrates:

a. Special conditions. That special conditions and circumstances exist which are peculiar to the land involved.

b. Deprivation of rights. That literal interpretation of the provisions of this Driveway Ordinance would deprive the applicant of rights commonly enjoyed by other property in the City under the terms of the Driveway Ordinance.

c. Resulting actions. That the special conditions and circumstances do not result from the actions of the applicant.

d. No special privileges. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Driveway Ordinance to other property, in the City.

e. Nonconforming uses. No nonconforming use of neighboring lands, structures, or buildings in the City shall be considered grounds for the issuance of a variance.

f. Posting of decision. The decision by the City Council to grant or deny a variance shall be put in writing and sent to the applicant. It shall also be posted at City Hall at the same time it is sent to the applicant and a copy shall be given to the Recorder.

SECTION 4. PENALTY.

Any owner of property subject to this ordinance, who acts contrary to the requirements of this ordinance, shall be considered in violation of this ordinance. Any builder or contractor constructing a driveway not in compliance with this ordinance shall be considered in violation of this ordinance. Any person who violates this ordinance shall be subject to a fine or penalty up to \$250 for each violation. For purposes of this ordinance, each day of activity proscribed as unlawful under this ordinance shall be considered a separate violation for which the party violating the ordinance shall be subject. Any violation may form the basis of a citation to be issued by the City Marshall or may be referred to the City Attorney who shall apply to the appropriate court for relief, seeking either penalties or injunctive relief as permitted by law.

Changed
300' to 100'

ORDINANCE NO. 151

**AN ORDINANCE AMENDING ORDINANCES NO. 63, 68, 109 AND 114
WHICH ESTABLISHED STANDARDS REGARDING DRIVEWAYS;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen has previously adopted Ordinances No. 63, 68, 109 and 114, which established and revised certain standards regarding driveways and now desires to amend those standards and to clarify them; and

WHEREAS, the City Council of Goshen finds that for ease of reference by the public that its driveway ordinance as detailed in Ordinances No. 63, 68, 109, 114, and this Ordinance should be incorporated as an addendum into the document known as the "City of Goshen Subdivision Regulations."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1. Subsection a.3. of Section 2, "Specifications, a. Driveways and Access," is deleted in its entirety and in its place is inserted:

SECTION 2. SPECIFICATIONS.

a. Driveways and Access

3. Driveways shall be located a minimum of two feet (2') from the side property lines. At the intersection with the street and for a minimum distance of fifteen feet (15') of the depth of the driveway apron, a driveway shall be a minimum of twenty feet (20') from the side property lines. At the intersection with the street classified as a Local, Cul-de-Sac or Loop Street: (i) a separation of forty feet (40') is required between the driveways on one lot and the driveways on the adjacent lots; and, (ii) driveways on the same lot shall be no closer than fifty feet (50') to each other. At the intersection with the street classified as a Minor Collector, Major Collector, Minor Arterial, or Principal Arterial Street: (i) a separation of one hundred feet (100') is required between the driveways on one lot and the driveways on the adjacent lots; and, (ii) driveways on the same lot shall be no closer than one hundred feet (100') to each other.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. INCORPORATION INTO SUBDIVISION REGULATIONS

The City Attorney and Recorder are directed to include the entire driveway ordinance, as amended, including the above referenced amendments into the current subdivision regulations and incorporate them as an addendum into the document known as the "City of Goshen Subdivision Regulations" which shall also reflect the effective date of this Ordinance.

SECTION 5. EMERGENCY CLAUSE

Because the current requirements of the driveway ordinance are too restrictive in the distance between private driveways onto the streets of Goshen and because of the keen public interest as expressed by comments made at meetings of the City Council, these matters are such pressing business that it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 13th day of March, 2018.



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Paula Anderson

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

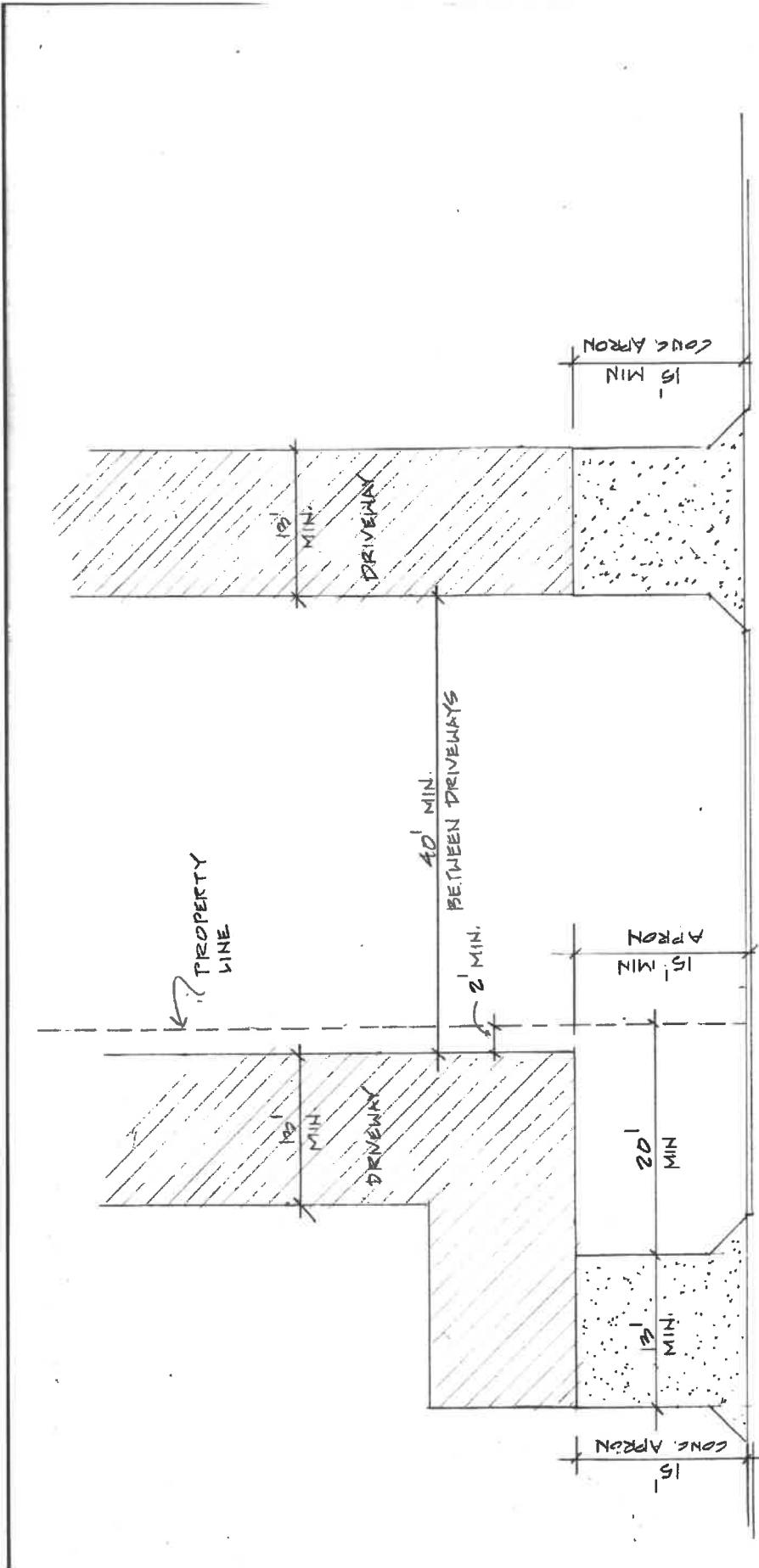
Names Of Those Voting YEA

Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Paula Anderson



LOCAL, CUL-DE-SAC, OR LOOP STREETS