

**ORDINANCE NO. 63**

**AN ORDINANCE ESTABLISHING STANDARDS  
REGARDING DRIVEWAYS; TO CREATE A FINE OR  
PENALTY RELATED THERETO; REPEALING  
ORDINANCES IV AND V; TO DECLARE AN  
EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen has previously adopted certain standards regarding driveways and desires to augment those standards and bring them into a single ordinance for clarity and ease of reference.

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

**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 twenty feet (20') from the side property lines. A separation of forty feet (40') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') 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. 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.
- 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.

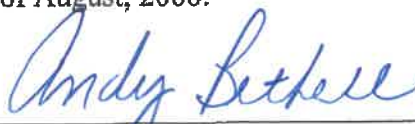
#### SECTION 5. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically Ordinances IV and V are hereby repealed.

#### SECTION 6. EMERGENCY CLAUSE

Because of the keen public interest as expressed by comments made at meetings of the City Council and the need to address driveway standards and the occasional need to address circumstances which might be the proper basis for a variance 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.

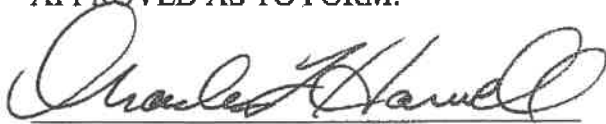
PASSED AND APPROVED this 8<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Andy Bethell, Mayor

ATTEST:

  
\_\_\_\_\_  
Fara Ferguson, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Poye  
Boyd  
Benson  
Seddon

Absent

Meek  
Huskey

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

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Poye  
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Absent

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