

No-19

AN ORDINANCE RELATING TO RESIDENTIAL AND COMMERCIAL DRIVEWAY APPROACHES; REGULATING SIZE, LOCATION, NUMBER AND CONSTRUCTION OF SAME; PROVIDING FOR VARIANCES; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE AND PROVIDING THAT MOST RESTRICTIVE ORDINANCE CURRENT OR FUTURE SHALL IN ALL CASES APPLY.

BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, TENNESSEE, AS FOLLOWS:

SECTION 1

Definitions: For the purpose of this ordinance the following definitions shall apply:

- A. DRIVEWAY - A driveway is an area on private property where auto and other vehicles are operated or allowed to stand.
- B. DRIVEWAY APPROACH - Any area, construction or facility between the roadway of public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property such as a parking area, a driveway or a door at least seven feet (7') wide intended and used for an entrance or exit of vehicles.

SECTION 2

Application for Permit: It shall be unlawful for any person, firm or corporation to construct or maintain a driveway approach in the Town of Mount Carmel without first obtaining a permit. Any person, firm or corporation desiring to obtain a permit for driveway approaches shall submit proposed plans for said construction to the Building Inspector. Plans shall contain information showing the type of construction, length of driveway or driveways, exact location of driveway or driveways and any other information as may be required by the Building Inspector.

The owner and contractor shall protect the public from injury or damage during the construction of driveway approaches and it is herein stipulated, as an essential condition of the issuance of a permit, that the city shall not be liable for damage which may arise from the prosecution of work.

SECTION 3

Issuance of Permit: Upon approval of such improvements by the Building Inspector the applicant may, upon request, secure a permit from the Building Inspector. The applicant shall pay \$2.00 per fifteen feet (15') of driveway approach width or fraction thereof for the said permit.

SECTION 4

Prohibited Locations:

- A. No driveway approach shall be permitted to encompass any municipal or other public facilities. Under the permit provided for herein the applicant may be authorized to relocate any such utility upon application to the subject utility provider and upon making suitable arrangements for financial reimbursements to said provider.
- B. No driveway approach including end slopes shall be permitted within five feet of the right-of-way of the intersecting streets.
- C. No driveway or series of driveway approaches serving other than residential property shall be permitted to be constructed in such a way that the exit from said property would be accomplished by backing vehicles into street right-of-way or roadway.

SECTION 5

Width of Driveway Approach: The width of driveway approach shall not exceed the following dimensions measured at the street line.

- A. For residential driveways the maximum width shall be fifteen feet (15') for single driveways and twenty-four feet (24') for double driveways, and not more than one driveway approach shall be permitted per lot when lot is seventy-five feet (75') or less in width fronting on any street.
- B. For Commercial Driveways: When one or more driveway approaches serving a given property frontage, no single approach shall exceed thirty feet (30') in width when said street provides parking on the side adjacent to the property. If said street does not provide parking on the side adjacent to the property, a maximum of a forty foot (40') width will be permitted. When a commercial establishment controls seventy-five feet (75') or more of the street frontage, the number of driveway approaches shall be limited to two for the first seventy-five feet (75') or part thereof, and not more than one additional driveway approach for each additional seventy-five feet (75') in excess of the initial seventy-five feet (75'). A safety island of not less than sixteen feet (16') of full height curb shall in all cases be provided between driveway approaches serving one property frontage. No portion of a driveway approach shall be less than two feet (2') away from the property line not located at an

intersection. When only one lane of traffic is provided on a single driveway, the width of a driveway approach shall not exceed twenty feet (20').

SECTION 6

Construction Details: All driveway approaches shall be constructed to the satisfaction of the building inspector.

SECTION 7

Public Property: City street rights-of-way may not be used for private commercial purposes. A permit for the construction of driveway approaches shall not be issued unless vehicles to be served or serviced can be parked entirely within the private property lines. When a facility is constructed on private property to provide for servicing of vehicles or drive-in type services, a minimum distance of fifteen feet (15') shall be provided between the street right-of-way property line and said facility.

SECTION 8

Unusual Conditions: Building inspector may issue variances from this ordinance, provided the following conditions are present:

- (a) The variance requested 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 upon the applicant's property;
- (b) that the variance requested is not against the public interest, particularly safety, conveniences and general welfare;
- (c) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and
- (d) that the terms of this ordinance will work unnecessary hardship upon the applicant property owner or tenant.

SECTION 9

Saving Clause: If any section or part thereof this ordinance shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirement of this ordinance.

SECTION 10

Penalties: Any person, firm or corporation violating any of the provisions of this ordinance, or causing, permitting, or suffering the same to be done, shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$50.00. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.

SECTION 11

Conflict with other Ordinances: In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel the most restrictive shall in all cases apply.

SECTION 12

BE IT FURTHER ORDAINED, That this ordinance take effect immediately after its passage on third and final reading and publication, as required by law, the public welfare requiring it.

Passed - 1-14-65