ORDINANCE No. 2251

AN ORDINANCE AMENDING SECTIONS 53.60 THROUGH 53.99 OF CHAPTER 5 OF THE CARROLLTON CODE, ESTABLISHING CRITERIA AND REGULATIONS RELATED TO DRIVEWAYS; PROVIDING A SAVINGS, PENALTY, AND SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

Section 1.

That Sections 53.60-53.99 of Chapter 5 of the Carrollton Code are hereby amended, to read in their entirety as follows:

"'DRIVEWAY REGULATIONS"

Section 1.

§ 53.60 PURPOSE.

The purpose of this chapter is to insure that prior to development all properties shall have vehicular access to or from the general street system.

This chapter provides standards necessary to protect the public health, safety and welfare: by protecting the functional level of public streets while meeting state, regional, local and private transportation needs and interests; by reducing accidents caused by conflicts on the public street system resulting from vehicles entering and leaving the street system via driveways; and by maintaining smooth traffic flow.

§ 53.61 SCOPE.

This chapter establishes minimum design and location criteria for all driveways for commercial, multi-family, industrial and residential land uses which access public streets or alleys.

The provisions of this chapter apply to the construction or modification of driveways and driveway approaches accessing public streets and alleys. These provisions also apply to driveways connecting to service roads of highways and tollroads.

§ 53.62 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires another meaning.

- (A) ALLEY. A public way or thoroughfare which has no regular or official name other than "alley" of 20 feet or less in width.
- (B) ARTERIAL STREET. All arterial thoroughfares as defined by the City's Thoroughfare Plan. "Arterial streets" for the purpose of this chapter shall include the service roads of highways or tollroads.
- (C) CIRCULAR DRIVEWAY. A driveway with two points of access to one public street connected by a non-intersected arc or arcs and tangents along its outer edges, with no parking internally off the driveway. Entrance to a garage is permitted. Circular driveways connecting to alleys are prohibited.
- (D) COLLECTOR STREET. A collector roadway as defined by the City's Thoroughfare Plan or any roadway required by the Subdivision Ordinance a 60 foot right-of-way width or greater, not classified as an Arterial Street.

- (E) COMMERCIAL AND MULTI-FAMILY LAND USE. A parcel of land zoned or used primarily for office, retail or institutional buildings, recreational, or a multi-family dwelling having more than four dwelling units.
- (F) CURB RADIUS. The connection of the outer limits of a driveway and street intersection by means of a circular arc.
- (G) DIRECTOR. The Director of Transportation of the City of Carrollton or his or her designated representative.
- (H) *DRIVEWAY*. A private roadway that permits access between private land use(s) and public streets and alleys. (Note: includes internal storage).
- (1) DRIVEWAY WIDTH. The width of the driveway approach measured between the termination of the curb radii, at a point of tangency essentially perpendicular to the street.
- (J) FRONTAGE. The length of a single property ownership or platted land use adjacent to a public street measured at the property line adjacent to the street.
- (K) HIGH CAPACITY/LIMITED MOVEMENT DRIVEWAY. A driveway constructed with non-standard design characteristics to meet the needs of greater driveway volumes and/or limitation of movements accessing or egressing the driveway.
- (L) INDUSTRIAL LAND USE. A parcel of land used primarily for industrial, manufacturing, assembly, and/or warehousing uses characterized by significant numbers of truck movements to and from the land uses.
- (M) INTERNAL STORAGE. The portion of the driveway between the property line and the near side of the first intersecting internal driving aisle or parking space.
- (N) LOCAL INDUSTRIAL STREET. Any non-residential street that requires 60 feet of right-of-way in accordance with the Subdivision Ordinance but which is not designated on the City's Thoroughfare Plan Map.
- (O) LOCAL RESIDENTIAL STREET. A street which requires 50 feet of right-of-way not defined within this Ordinance as an Arterial, Collector, or Local Industrial Street.
- (P) *MEDIAN.* A raised, curbed division between lanes of opposing traffic as constructed in accordance with approved City of Carrollton General Design Standards.
 - (Q) MULTI-FAMILY DWELLING. A structure containing more than four (4) dwelling units.
- (R) NONCONFORMING DRIVEWAY. Any driveway which does not conform to the provisions of this chapter but legally existed as a conforming driveway prior to the original adoption of this chapter shall be considered as a "nonconforming driveway'.
 - (S) ONE-WAY DRIVEWAY. A driveway constructed to accommodate only one direction of traffic movement, either an entrance or exit.
 - (T) PUBIC STREET. Any thoroughfare dedicated to the public and not designated as an alley.
 - (U) RESIDENTIAL LAND USES. A parcel of land used primarily for single family or duplex structures or multi-family structures having four or fewer dwelling units.
 - (V) STANDARD DRIVEWAY. A single, undivided driveway opening providing for both entrance and exit traffic movements with horizontal characteristics of width and radii as determined by this subchapter.

(W) TOTAL PARKING SPACES. The total number of parking spaces for the purpose of defining the internal storage requirement of this chapter shall be the total number of parking spaces served by the affected driveway.

§ 53.63 AUTHORITY.

- (A) The Director is authorized to enforce minimum access standards as contained herein and to require additional access standards when, based on standards contained in the Institute of Transportation Engineers publication <u>Transportation and Land Development</u>, c 1988, such standards are necessary to insure proper function and to maintain general safety and welfare.
- (B) The Director is authorized to require modifications to any driveway if the Director determines the driveway to be unsafe in accordance with the Institute of Transportation Engineers publication <u>Transportation and Land Development</u>, c 1988 or in accordance with the American Association of State Highway and Transportation Officials publication <u>A Policy on Geometric Design of Highways and Streets</u>, c1984.
- (C) The City is authorized to withhold any certificate of occupancy unless and until all applicable standards contained in this chapter are met.

§ 53.64 ILLEGAL DRIVEWAY.

(A) Illegal driveways shall be discontinued and required to conform to the regulations prescribed herein. Illegal driveways for the purpose of this ordinance shall be considered driveways which did not legally exist as a conforming driveway prior to the original adoption of this chapter or amendment thereto. Illegal driveways do not have any nonconforming rights.

§ 53.65 NONCONFORMING DRIVEWAY.

- (A) All nonconforming driveways on a site shall be allowed to continue until the occurrence of one or more of the following events:
 - (1) A change of use, or an increase in intensity of use, occurs such that the Comprehensive Zoning Ordinance requires an additional five (5) parking spaces or a ten (1 0) percent increase in required parking spaces, whichever is greater. This, provision shall be cumulative for any site from the original adoption of this chapter on January 19, 1990. In the event this criteria is met, all driveways on the site shall be required to meet the requirements of this chapter.
 - (2) Addition or expansion of required stacking spaces.
 - (3) Any modifications which change the original design of the existing driveway occurs.
 - (4) The addition of a median opening on the public street by a developer. All driveways which are served by the new median opening shall comply with the provisions of this chapter. It will be the responsibility of the developer requesting the median opening to obtain the necessary permission for driveway modifications that may be required to driveways on other properties.
 - (B) Upon the occurrence of the events described, the nonconforming status shall cease.

§ 53.66 SPECIAL PROVISIONS

(A) When an applicant desires to construct a driveway which is an alternate design from that prescribed in this chapter and such construction is in conformance with the intent and purpose of this chapter and

that modification does not lessen safety or capacity of the public street, alley, or driveway, such design may be approved by the Director. The details of the alternate design shall be documented by the City.

- (B) If an applicant desires to modify nonconforming driveway access to reduce the degree of nonconformity, and practical difficulties are involved in carrying out the provisions of this chapter or if it is impracticable to fully comply with the minimum criteria established, herein, the application for driveway modification shall be evaluated on the following criteria ranked in order of importance:
 - (1) Reduction in number of driveways;
 - (2) Increased distance from nearest street intersection;
 - (3) Increased internal storage;
 - (4) Modification of driveway width and radii to reduce nonconformity;
 - (5) Increased spacing between driveways.
- (C) Financial hardship shall not constitute impracticability. The applicant shall demonstrate that safety is not compromised by the proposal. Such driveway modification application shall be approved by the Director if the proposal achieves the maximum compliance that is practicable given the property limitations.
- (D) In the event that physical impossibility prevents a property owner from achieving one point of access to a public street and a mutual access easement is impractical, the Director may approve a driveway that does not fully comply with the provisions of this chapter. The driveway approved shall not be considered nonconforming. Financial hardship shall not constitute physical impossibility. The driveway granted shall comply as fully as possible with the provisions of this chapter.

§ 53.67 LOCATION OF DRIVEWAYS.

- (A) Driveways intersecting public streets shall be located no closer to the nearest right-of-way line of the nearest adjacent public street intersections than the minimum distances shown in § 53.68.
- (B) Driveways intersecting public streets at T- intersections shall be located no closer to the nearest extension of the nearest right-of-way line of the nearest public street intersection than the minimum distances shown in § 53.68.
- (C) A lot, tract or parcel with less frontage than the minimum distance required for a driveway in accordance with this chapter may be required to obtain access rights across adjacent property to a driveway meeting these requirements.
- (D) Driveways intersecting arterial streets or larger with medians shall align with existing or planned median openings or be located a minimum distance along the property line of 125 feet from the nearest point of the median opening, as measured from the nearest median nose to the throat of the driveway.
- (E) Median access may be achieved by means of access rights obtained by mutual agreement with an adjacent property owner with driveway access meeting these requirements.
- (F) The termination of driveway curb radii, at a point of tangency essentially parallel to the street, shall not extend beyond the intersection of the right-of-way line and the property line between two adjacent lots, tracts, or parcels.
- (G) Residential subdivisions which were accepted by the City prior to January 19, 1990, and have existing primary access on a street are also allowed a driveway to an existing residential alley.

§ 53.68 MINIMUM CLEARANCE OF DRIVEWAYS FROM NEAREST INTERSECTING STREET OR ALLEY RIGHT-OF-WAY LINE TO DRIVEWAY THROAT.

Type of Street of Alley	Type of Adjacent Street or Alley	Minimum Clearance Distance
Intersected	Intersected	
Arterial	Arterial	150 feet
Arterial	Collector/Local Industrial	100 feet
Arterial	Local Residential	75 feet
Arterial	Alley	40 feet
Collector/Local Industrial	Arterial	100 feet
Collector/Local Industrial	Collector/Local Industrial	75 feet
Collector/Local Industrial	Local Residential	50 feet
Collector/Local Industrial	Alley	30 feet
Local Residential	Arterial	50 feet
Local Residential	Collector/Local Industrial	40 feet
Local Residential	Local Residential	30 feet
Local Residential	Alley	30 feet
Alley	Arterial	25 feet
Alley	Collector/Local Industrial	15 feet
Alley	Local Residential	10 feet
Alley	Alley	10 feet

§ 53.69 DRIVEWAY ACCESS PROHIBITED.

- (A) A driveway serving a primarily residential land use shall not directly access an arterial or major collector street.
- (B) A driveway serving a primarily commercial, multifamily, or industrial land use shall not be allowed to have access to a public residential alley.
- (C) Residential driveways shall not provide access to more than one street or alley.

§ 53.70 NUMBER OF DRIVEWAYS.

- (A) No single platted lot shall be allowed a cumulative driveway width greater than fifty percent (50%) of the total platted frontage on each street that is accessed.
- (B) A residential land use shall be allowed a maximum of one (1) driveway opening per lot, tract, or parcel except as provided by the approval of circular driveway access.
 - (C) Non-residential lots shall be allowed a maximum number of driveways as indicated in § 53.71.

§ 53.71 MAXIMUM NUMBER OF DRIVEWAY OPENINGS.

Type of Street Intersecting	Maximum Number of Driveway Openings
Arterial	1 per each 200 feet of street frontage
Collector/Local Residential	1 per 175 feet of street frontage
Local Industrial	1 per 150 feet of street frontage

(A) On property located at an intersection of two arterial streets, with property lines established prior to January 19, 1990, one driveway on each street that is constructed in the least non-conforming manner possible is permitted. The Director shall have the authority to determine what constitutes "the least non-conforming manner possible". This decision may be appealed in accordance with § 53.91 of this chapter.

§ 53.72 SPACING OF DRIVEWAYS.

- (A) Successive driveways located on the same platted property shall be located no closer together than sixty-five (65) feet as measured between the adjacent driveway throats or the sum of the adjacent curb radii of the two driveways plus a 25 foot tangent length, whichever is greater. A one-way driveway pair shall be separated by a minimum distance equal to the sum of the two adjacent curb radii as measured between the adjacent driveway throats, with a minimum 2' radius and maximum 5' radius. On circular driveways a minimum of 25 feet of curb tangent to the street between driveway curb radii shall be required.
- (B) Driveways on adjacent properties shall be located no closer together than the sum of the two adjacent curb radii as measured between the adjacent driveway throats.
- (C) A common driveway on a property line may be allowed if a perpetual access easement is provided and the driveway conforms to all other design standards.

DESIGN STANDARDS

53.80 DRIVEWAY TYPES.

Driveways shall be classified as follows:

- (A) Standard Driveways provide two-way access at a single, undivided curb opening.
- (B) One-way Driveways provide one-way inbound or outbound access and can only be permitted when the orientation of on-site circulation and parking layout clearly utilize the driveway for one-way movements.
- (C) High Capacity/Limited Movement Driveways are intended to provide two-way access with geometric provisions which more adequately respond to greater driveway volumes and/or access limitations than standard driveways. These provisions include increased width, curb radii, and/or internal storage. Median divider and on-street deceleration lanes may also be required to be incorporated.
- (D) Circular Driveways provide one or two-way access to and from single family residential property only by means of two curb openings on the same property to a public street. The curb openings for a circular driveway may not be located on different intersecting streets. Circular driveways may not intersect alleys.

§ 53.81 DRIVEWAY WIDTHS.

- (A) Driveway widths shall be measured between the termination of the curb radii at a point of tangency perpendicular to the street and shall be in accordance with the requirements of § 53.82 for the type of driveway and land use shown.
- (B) High Capacity/Limited Movement Driveways shall be composed of the combination of an entrance lane width, exit lane width and median (if applicable) and in accordance with the minimum requirements of § 53.83.
- (C) Circular Driveways shall apply to residential land uses only and shall require a minimum lot frontage of sixty-five (65) feet. The inside radius of the driveway shall be tangent to the inside curb return radius approximately perpendicular to the street.
- (D) The width of a driveway at median openings shall be no greater than the width of the median opening measured nose-to-nose minus 40 feet.

§ 53.82 MINIMUM AND MAXIMUM WIDTHS OF DRIVEWAYS.

		Width (Ft.)	
		(As measured face to face)	
<u>Driveway Type</u>	<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Standard	Residential	12	24
ű	Commercial/Multi-Family	24	40
ű	Industrial	30	50
One-Way	Residential	n/a	n/a
ű	Commercial/Multi-Family	15	24
ű	Industrial	15	24
Circular	Residential	10	16
ű	Commercial/Multi-Family	n/a	n/a
"	Industrial	rial n/a n/a	

^{*}A driveway width of 32 feet is allowed to an alley if the residential property garage faces onto a public alley.

§ 53.83 HIGH CAPACITY DRIVEWAY – MINIMUM/MAXIMUM WIDTH.

	Width (FT.)	
Lane	Minimum	Maximum
Entrance Lane	16	24
Exit Lane		
One Lane	12	16
Two Lane	24	24
Three Lane	36	36
Median (if applicable)	4	10

§ 53.84 DRIVEWAY CURB RADII.

- (A) Driveway curb radii shall be in accordance with § 53.85 for the type of driveway and land use shown. Driveway radii shall be constructed to meet the street edge of pavement or curb at a point of tangency and shall describe a full quarter circle arc from the street onto the property accessed.
- (B) High Capacity/Limited Movement Driveway shall be constructed to serve the greater driveway volumes and/or limitation of movements. Curb radii features shall be a minimum of five (5) feet where turning movements are to be prohibited or discouraged and a maximum of fifty (50) feet where turning movements are allowed.

§ 53.85 MINIMUM/MAXIMUM CURB RADII.

		Radius (FT.)	
Driveway Type	Land Use	Minimum	Maximum
Standard	Residential	5	15
"	Commercial/Multi-Family	20	40
"	Industrial	25	50
Circular	Residential		
"	Outside Radius	5	15
"	Inside Radius	5	15
"	Commercial/Multi-Family	n/a	n/a
"	Industrial	n/a	n/a

§53.86 INTERNAL STORAGE REQUIREMENTS.

- (A) Internal storage shall be provided at non-residential driveways to minimize vehicle conflicts in accordance with § 53.87. Adequate area on private property to queue vehicles off-street to minimize congestion and increase safety both on the public street and within the driveway shall be provided. The design of the internal storage must include a physical arrangement to prohibit any obstruction or impedance of through vehicles within this area. Approved methods include raised curbs constructed in accordance with City of Carrollton General Design Standards. Alternate methods must be approved before construction by the Director with justification provided by the applicant to substantiate equivalency to the intent of the requirement.
- (B) The total number of parking spaces for the purpose of defining the internal storage requirement of this chapter shall be the total number of parking spaces accessible by the affected driveway. Should a driveway be constructed prior to the completion of the ultimate design of a site, the total number of parking spaces shall be estimated based on land use, area, and allowable densities. All driveways serving a site shall be designed to accommodate the ultimate total number of parking spaces.

§ 53.87 INTERNAL STORAGE REQUIREMENTS.

	MF/Commercial Land Use		Industrial Land Use	
Total Parking	At Non-median	At Median Opening	At Non-median	At Median Opening
Spaces Provided	<u>Opening</u>		<u>Opening</u>	
Less than 25	15	15	15	3
26 to 50	15	33	15	33
51 to 100	33	33	33	33
101 to 200	33	75	33	55
More than 200	75	75	55	75

§ 53.88 INTERSECTION WITH PUBLIC STREETS.

All driveways shall intersect the public street at essentially right angles except that one-way driveways may intersect at angles no less than 45 degrees.

§ 53.89 VERTICAL DESIGN CRITERIA.

Vertical Design Criteria shall include a maximum driveway grade of ten (10) percent. Maximum "break over" angles, being the algebraic difference in successive grade changes, shall be twelve (12) percent for crest conditions and eight (8) percent for sag conditions.

§ 53.91 APPEALS AND VARIANCES

- (A) Decisions of the Director regulating the provisions contained herein may be appealed to the Construction Advisory and Appeals Board within ten (10) days of the date of the decision.
- (B) The Construction Advisory and Appeals Board may not vary any of the provisions of this ordinance except where physical impossibility prevents compliance. Financial hardship shall not constitute physical impossibility. The variance granted shall be the minimum necessary to meet the intent of the provisions of this chapter. In no event shall the Construction Advisory and Appeals Board have the ability to grant additional development rights not related to physical impossibility.
- (C) The Construction Advisory and Appeals Board may hear an appeal of the Director's interpretation of the provisions of this ordinance. If the Construction Advisory and Appeals Board determines that the Director's interpretation is correct, no variance may be permitted.

§ 53.99 PENALTY.

- (A) Any person, firm or corporation violating any of the terms and provisions of §§53.40 through 53.49 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with the provisions set forth in §10.99. Each and every day those violations continue shall be deemed to constitute a separate offense.
- (B) Any person, firm or corporation violating any of the terms and provisions of §§53.60 through 53.91 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in accordance with §10.99 of this code. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of these sections shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 2.

<u>PENALTY CLAUSE.</u> That any person, firm or corporation violating a provision of this ordinance, upon conviction is guilty of an offense punishable as provided in Section § 10.99 of the Carrollton City Code.

Section 3.

<u>SAVINGS CLAUSE</u>. That Chapter 53 of the Carrollton City Code, as amended, of the shall remain in full force and effect, save and except as amended by this ordinance.

Section 4.

<u>SEVERABILITY CLAUSE.</u> That the terms and provisions of this ordinance are severable and are governed by Section 10.07 of the Carrollton City Code, as amended.

Section 5.

EFFECTIVE DATE. This ordinance shall be effective from and after-the date of passage as permitted by law.

PASSED AND APPROVED on this 1st day of April 1997.

By:

Pamela Schmidt, City Secretary

Milburn L Gravley, Mayor

R. Clayton Hutchins, Assistant City Attorney

Cissy Sylo, Director of Transportation