

# DRIVEWAY CONSTRUCTION AND PERMITTING ORDINANCE

## TABLE OF CONTENTS

- I. Intent.
  - II. Purpose of design standards.
  - III. Definitions.
  - IV. Application for permit.
  - V. Issuance or denial of permit; appeals.
  - VI. General design standards.
    - VI.A. Specific design standards.
      - VI.A.1 Driveway widths.
      - VI. A.2 Angle of entry and exit.
      - VI. A.3 Return radius of curb.
      - VI.A.4 Maximum percentage of frontage for driveway use.
      - VI.A.5 Distance to side property lines.
      - VI.A.6 Island areas.
      - VI.A.7 Intersection clearance.
      - VI.A.8 Parking and storage areas.
      - VI.A.9 Driveway grade.
    - VI. Common access driveways; general provisions.
      - VII.A. Common access driveways; submission of plans.
        - VII.A.1 Common access driveways; construction prior to plat approval or issuance of occupancy permit.
        - VII.A.2 Common access driveways; plats and required statements.
      - VII.B. Common access driveways; previously existing driveways.
      - VII.C. Common access driveways; minimum standards.
  - VIII. General conditions of approval; rights of county.
  - IX. Conflict with other laws.
  - X. Severability; penalty; additional remedies.
- APPENDIX A      Example figures.

## **I. INTENT.**

The safe operating of motor vehicles, and the need to minimize potential nuisance factors resulting from conflicts between commercial or industrial traffic utilizing streets designed for residential traffic, are issues, which directly relate to the public health, safety, and welfare of residents in the county. The appropriate design and location of driveways can significantly lessen the adverse effects related to these issues. The establishment of reasonable design standards and administrative procedures included herein shall aid in protecting the health, safety, and welfare of the residents of the county.

## **II. PURPOSE OF DESIGN STANDARDS.**

- A. To insure that vehicles leave or join the roadway traffic at a proper angle and in conformity with the rules of the road.
- B. To reduce hazard to vehicles by reducing areas of conflict and points of conflict between vehicles.
- C. To increase the capacity of roads and intersections by reducing areas of conflict between vehicles.
- D. To provide sufficient space for the installation of traffic control devices, utilities and crosswalks.
- E. To reduce hazard to pedestrians by reducing areas of possible conflict between pedestrians and vehicles, and to define such areas.
- F. To provide reasonable assurance against the hazardous and indiscriminate use of highway right-of-way through encroachment.
- G. To provide a maximum practical sight distance, especially at intersections.
- H. To provide uniform and impartial consideration in all cases where access is required by abutting property owners.
- I. To reduce the possibility of conflicts between commercial/industrial traffic generators and residential areas.

## **III. DEFINITIONS.**

The following definitions apply to the standards set forth in these regulations and figures included as examples of driveway types:

**Buffer areas** - Means the border area along the frontage between the traveled way and the right-of-way line and within the frontage boundary lines; areas (1), (2), (3), (4) in figures 1 and 2 of Appendix A.

**Buffer island** - means the area between the frontage right-of-way line and a line parallel to and a minimum of a four-foot distance from the right-of-way line extended away from the right-of-way line; area (5) in figures 1 and 2 of Appendix A.

**Common access driveway** - means the primary means of access to a public street, shared by and connecting three but no more than five parcels, tracts, lots, building sites or structures.

**Corner clearance (C)** - means, at an intersecting street or highway, the dimension measured along the edge of the traveled way between the frontage boundary line opposite the intersection of the two right-of-way lines and the tangent projection of the nearest edge of the driveway; see figure 3, Appendix A.

**Distance between double driveways (D)** - means the distance measured along the right-of-way line between the tangent projection of the inside edges of two adjacent driveways to the same frontage; D in figure 2 of Appendix A.

**Driveway angle (Y)** - means the angle of 90 degrees or less between the driveway centerline and the edge of the traveled way; see figures 1 and 2 of Appendix A.

**Driveway width (W)** - means the narrowest width of the driveway measured parallel with the edge of the traveled way; see figures 1 and 2 of Appendix A.

**Edge clearance (E)** - means the distance measured along the edge of the traveled way, between the frontage boundary line and the tangent projection of the nearest edge of the driveway; see figures 1 and 2 of Appendix A.

**Frontage** - means the length along the highway right-of-way line of a single property tract of roadside development area between the edges of the property; the distance between (1) and (2) in figures 1 and 2 of Appendix A.

**Frontage boundary line** (abbreviated as FB line) - means a line perpendicular to the highway centerline, at each end of the frontage lines, extending from the right-of-way to the edge of the through-traffic lane; line (1)--(4) or (2)--(3) in figures 1 and 2 of Appendix A.

**Inside radius (U)** - means the inside or smaller curve radius on the edge of the driveway, used when Y is substantially less than 90 degrees; see figures 2 and 3 of Appendix A.

**Outside radius (R)** - means the outside or larger curve radius on the edge of the driveway; see figures 1, 2 and 3 of Appendix A.

For simplicity, the above definitions are stated in terms of single radius curves of the edge of driveways or intersecting highways. Where compound curves or tapers are used, an equivalent single radius curve may be used as a control guide.

#### **IV. APPLICATION FOR PERMIT.**

A. Application for a permit to construct or alter a driveway or curb cut occurring on or abutting a county road right-of-way shall be made to the Public Works Director of the county under the following circumstances:

1. When such driveway(s) or curb cut(s) are incidental to the development of a new single-family residential structure or the development of previously undeveloped property, the driveway permit shall constitute a part of the building permit application package.
2. When such driveway or curb cut construction occurs for a commercial, multi-family residential, office, institutional or industrial facility.
3. When such driveway or curb cut construction constitutes a separate action apart from any other construction on the same site.
4. When property abutting a county road right-of-way changes from one use to another and driveways and/or curb cuts have previously been extended across or to a county road right-of-way, or when the type of use or the volume of use of an existing and/or previously approved driveway is substantially changed, application for review shall be submitted and a driveway permit issued by the Public Works Director.

B. The occupancy permit of any building may be withheld until such driveway improvements have been approved.

#### **V. ISSUANCE OR DENIAL OF PERMIT; APPEALS.**

A. Upon reviewing an application for a residential, commercial, multi-family, office, institutional or industrial driveway permit in any of the aforementioned circumstances, the Public Works Director shall take one of the following courses of action:

1. Issue the permit if the standards correspond with the requirements as outlined in the regulations.

2. Deny the permit application.

3. If the driveway permit is denied by the Public Works Director, the applicant can appeal the Public Works Director's decision to the Board of Commissioners, who shall hear testimony from the applicant. The Board of Commissioners may either approve or deny the application.

## **VI. GENERAL DESIGN STANDARDS.**

The location, design and construction of the driveway shall be in accordance with the following standards. These standards are in no case to be modified unless specifically authorized by the Public Works Director:

A. A driveway shall be located and restricted as to width as necessary driveway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs or signals. This shall not be construed to pertain to property outside the right-of-way, except common access. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

B. The number of driveways permitted serving a single property frontage shall be a maximum of two unless more are deemed necessary by the Public Works Director for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway.

C. If the property has frontage on more than one street, and a driveway permit is requested, then one driveway will be allowed on each frontage or two on a single frontage if one is not requested for the other frontage(s). This may be reduced or increased as necessary by the Public Works Director to reduce potential adverse effects which may result. If it is determined [it] would cause a nuisance to the surrounding area, or a traffic hazard, or unduly congest traffic, then the permit may be denied.

D. The island area on the right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in subsection J. of this section.

E. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flooding onto the highway roadbed.

F. The driveway shall not obstruct or impair drainage in side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the roadway and in no case less than the equivalent of 15-inch diameter pipe 25 feet in length. Installation shall be as per Figure 8 in Appendix A of this Ordinance. This requirement may be increased as necessary by the Public Works Director. The distance between culverts under successive driveways shall be not less than ten feet except as such restricted area is permitted to be filled in under the provisions of subsection J of this section.

G. Driveways connecting to "L" back curb and gutter must be constructed by removing the curb and gutter and pouring a valley gutter. When curb and gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway or valley gutter surface shall connect with the highway pavement and sidewalks, if any, in a neat workmanlike manner. In no case shall the driveway construction impair the flow of water in the gutter. Figure 7, Appendix A depicts the proper details for constructing a valley gutter.

H. Driveways connecting to rolled curb and gutter may be constructed by either pouring the driveway directly up to the back of the curb or by removing the curb and gutter and pouring a valley gutter. When curb and gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway or valley gutter surface shall connect with the highway pavement and sidewalks, if any, in a neat workmanlike manner. In no case shall the driveway construction impair the flow of water in the gutter. Figure 7, Appendix A depicts the proper details for constructing a valley gutter.

I. Any activities that impair the flow of water in a curb and gutter is prohibited. These prohibited activities include, but are not limited to: The filling in of curb and gutter with concrete or asphalt, or the removal of curb and gutter without provided an acceptable valley gutter as described in G and H above.

J. The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:

1. The filling or grading down shall be to grades approved by the public works director; and, except where drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.

2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100 feet.

3. Where no side ditch separates the restricted area from the roadbed, permanent provision may be required to separate the areas from the highway roadbed, to prevent its use for driveway or parking purposes, by construction of a border, curb or other deterrent as deemed adequate by the public works director.

### **VI.A. Specific design standards.**

The following specific design standards shall apply to driveways requiring permits as set forth in these regulations. The items are driveway width, angle of entry and exit, return radius of curb, surfacing for driveway use, distance to side property lines, island areas, intersection clearance, parking and storage areas and driveway grade. The public works director shall have the authority to increase these requirements if in his/her opinion such action is necessary for the protection of traffic. The public works director may also modify these requirements if justifiable on the basis of site conditions.

#### **VI.A.1. Driveway widths.**

Measured parallel to the roadway, driveway widths shall be as follows:

	Minimum	Maximum
Residential	8'	16'
Residential-duplex	8'	22'
Apartments	10'	30'
Commercial:		
One-way	15'	25'
Two-way	20'	40'
Industrial	20'	40'

#### **VI.A.2. Angle of entry and exit.**

Driveway angles shall be as follows:

- A. Residential, 60 to 90 degrees, or per Public Works Director;
- B. Apartments, 70 to 90 degrees for two-way driveways or 45 to 90 degrees for one-way streets;
- C. Commercial, 70 to 90 degrees for two-way driveways or 45 to 90 degrees for one-way on divided roadway or 60 to 90 degrees for one-way ramp on non-divided roadway;

- D. Industrial, 90 degrees, or as close as practicable, for two-way, or 45 degrees, one-way access on one-way street;
- E. Rural, land access only, 60 to 90 degrees.

**VI.A.3. Return radius of curb.**

Return radius of curbs shall be as follows:

	Minimum	Maximum
Residential	5'	15'
Apartment	10'	35'
Commercial	10'	35'
Industrial	50'	N/A (per Public Works Director)

**VI.A.4. Surfacing of frontage for driveway use.**

B. No approval for a curb cut will be given where it is apparent that the intent is not to provide access but to provide parking only. A driveway approach must provide access to something definite on private property such as a parking area considerably greater in extent than the width of the driveway, or provide access to a driveway, or to a door at least eight feet wide intended for the entrance of vehicles, etc. (door standard not applicable for residential driveways).

**VI.A.5. Distance to side property lines.**

- a. Subsection 1 or 2 of this section shall apply, whichever is more restrictive.
  - 1. The area within five feet of a frontage boundary line shall be a restricted area on which no driveway may be developed on public right-of-way (E). See figure 1, 2, 3 & 4 Appendix A.
  - 2. A minimum of 1 1/2 feet of pavement edge or curb shall be left undisturbed adjacent to each frontage boundary line to serve as an island area. This distance shall be measured between the FB line and the point of tangency of the driveway radius and the edge of the pavement measured along the edge of the pavement.
- b. These requirements may be waived when a single driveway is approved to serve two adjacent lots.

**VI.A.6. Island areas.**

- A. Minimum island dimensions.

1. Distance between double driveways (D), ten feet minimum at narrowest point;
2. Minimum island depth, four feet where parking abuts street right-of-way line.

B. Treatment of island or buffer area. In the development of private property and the construction of driveways thereto, it may be necessary to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The buffer area outside the driveways shall be treated to prevent use by vehicles. This may be accomplished by grading, or use of curbs, rails, low shrubs, etc., in a manner which will not impair clear sight across the area.

C. Visibility clearance. No landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the height of three feet and ten feet, measured from the roadway level, shall be permitted within triangular areas defined by lines connecting points described as follows:

1. Nonresidential use. Beginning at a point where the midline of the entrance or exit intersects the public right-of-way, thence to a point of 35 feet along the right-of-way in the direction of approaching traffic, thence to a point of 25 feet toward the interior of the lot along the midline of the entrance or exit, and thence to a point of beginning. (See figure 5A of Appendix A.)

2. Multifamily residential use. Beginning at a point where the midline of the entrance or exit intersects the public right-of-way, thence to a point of ten feet along the right-of-way in the direction of approaching traffic, thence to a point of ten feet toward the interior of the lot along the midline of the entrance or exit, and thence to the point of beginning. (See figure 5B of Appendix A.)

#### **VI.A.7. Intersection clearance.**

The length, width and shape of corner island areas will vary for different locations. The angle of intersection, angle of driveways, width of the right-of-way on both approaches, channelization radii, and other conditions will influence the location of driveways at intersections. The location and angle of an approach in relation to the highway intersection shall be such that a vehicle leaving the service facility may be merged in the lane of traffic moving in the desired direction before crossing the intersection, and that a vehicle entering the facility from the intersection may do so in an orderly and safe manner with a minimum of interference to through traffic.

The following conditions may be applicable in most instances:

- A. No driveway shall be allowed to encroach upon pavement edge radii.
  
- B. The following minimum distances from the intersection right-of-way line (C) (see Figures 3 & 4, Appendix A) shall apply where there is no conflict with the foregoing conditions:
  - 1. Residential Street, 5 feet
  - 2. Minor Collector Street, 20 feet;
  - 3. Major Collector, 35 feet;
  - 4. Minor Arterial, 50 feet;
  - 5. Major Arterial, 65 feet;
  - 6. Interstate Highways, 100 feet.

The public works director shall have the authority to increase these distances if in his opinion such action is necessary for the protection of traffic. The public works director may also modify these requirements if justifiable on the basis of site conditions.

#### **VI.A.8. Parking and storage areas.**

- A. Each roadside business establishment, when providing off-street parking or storage space, shall provide such parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the travel way. This is particularly needed for businesses where a number of vehicles will be leaving and entering at the same time.
  
- B. Particular attention will be paid to drive-in facilities such as banks, minute car washes, drive-in restaurants, drive-in bill paying facilities, and other service facilities where motorists are served while in their vehicles, to insure that queues of vehicles will not extend out onto the public streets.

#### **VI.A.9. Driveway grade.**

A. Residential driveways: The maximum grade which shall be permitted is 15 percent within the county right-of-way.

B. Apartment, commercial and industrial driveways: The maximum grade which shall be permitted is eight percent.

C. Grades within the right-of-way shall be controlled by existing shoulder slope or existing and future sidewalk elevations.

D. When driveways are intended for special use vehicles, the underside clearance and/or break over angle of the subject vehicle shall dictate the maximum driveway grade.

## **VII. COMMON ACCESS DRIVEWAYS; GENERAL PROVISIONS.**

The following specific design standards shall apply to common access driveways requiring permits as set forth in these regulations. Even though a common access drive may provide access to parcels or lots, each resultant parcel, tract or lot must still meet the minimum public street frontage requirements for the zoning district in which it is located unless otherwise exempted as a lot of record. Parcels, tracts, lots, or building sites for which building permits are requested or upon which there is a proposed subdivision of land that will not have separate and individual driveway access to a public street within the limits of the property itself, but is proposed to be served by a common access driveway, shall install such a driveway in conformance to the following standards in VII.A-VII.C.

### **VII.A. Common access driveways; submission of plans.**

Any person seeking an (a) building permit or occupancy permit requested for lots of record, or (b) proposed subdivision of land, whereby two but not more than five parcels or lots are to be served by a common access driveway, shall, at the time of the permit application or proposed subdivision of property, submit all necessary plans as required by the county indicating the proposed location and construction specifications for the proposed common access driveway.

#### **VII.A.1. Common access driveways; construction prior to plat approval or issuance of occupancy permit.**

New common access driveways shall be constructed prior to the issuance of an occupancy permit for lots of record and must be constructed prior to the approval and recording of a final plat for the proposed subdivision of land. Construction may not commence on proposed driveway until a land development permit is approved.

### **VII.A.2. Common access driveways; plats and required statements.**

Plats indicating the location of common access driveway easements and lots to be served shall be recorded with the clerk of superior court of the county. The plats shall include:

- A. The following statement:  
“The common access driveway shall be identified as “Privately Maintained” are private ways and are not maintained by state, county, city or other public agencies. Maintenance of these private ways shall be the responsibility of an established homeowners association or related private organization.”
  
- B. School bus service, Mail/Parcel Delivery, Fire Service and Police Service statement:  
“Privately maintained roads may not be acceptable or adequate for school bus service or for mail or parcel delivery service, unless specifically approved by the County School Superintendent, the Postmaster, the County Fire Chief, and Sheriff respectively.”
  
- C. Public Acceptance statement:  
“The County will not consider acceptance of any private roadway until/unless the roadway is brought up to county standards.”

### **VII.B. Common access driveways; previously existing driveways.**

Any existing easements or common driveways which have been recorded prior to the effective date of this ordinance may continue to serve existing lots which were also recorded prior to the effective date of the resolution codified in this chapter. Any new driveways which would propose access to two or more undeveloped lots of record must conform with the standards for a common access driveway in accordance with this amendment.

### **VII.C. Common access driveways; minimum standards.**

Construction of common access driveways shall conform to the following minimum standards. Please see figure 6 of Appendix A for a cross-section detail. . The public works director shall have the authority to increase these requirements if in his/her opinion such action is necessary for the protection of traffic. The public works director may also modify these requirements if justifiable on the basis of site conditions.

- A. Easement width, 30 feet, 30 feet radius easement in cul-de-sac;
- B. Roadbed width 20 feet;
- C. Shoulder width, two feet;

- D. Base width, 18 feet;
- E. Pavement width, 16 feet;
- F. Minimum radius at cul-de-sac transition and intersections, 20 feet;
- G. Pavement type:
  - 1. Plant mix, one and one half (1 ½ ) inch thick over graded aggregate four inches thick (except within the public right-of-way, graded aggregate shall be six inches thick);
  - 2. Concrete, four inches thick (except within the public right-of-way, which shall be six inches thick);
- H. If a common access driveway terminates in a dead end, the termination shall be either a cul-de-sac with a paved radius of 25 feet, a 50' hammerhead or another termination method that allows for vehicles to turn around safely and is acceptable to Dawson County Public Works;
- I. If a common access driveway is a dead end, the maximum length of the drive shall be 1,000 feet;
- J. Individual driveways joining the common driveway must be placed entirely on the property that they serve;
- K. Individual driveways joining the common driveway may only serve one lot;
- L. Ditches: Front slope, maximum 2:1 ratio; rear slope, maximum 2:1 ratio; 1 1/2 foot minimum depth;
- M. Maximum finished driveway grade, 15 percent;
- N. Pavement crown, 1/4-inch per foot;
- O. All slopes and shoulders to be grassed;
- P. Minimum pipe size, 18 inches;
- Q. The driveway must intersect the public road at an angle of 65 degrees or greater;
- R. The driveway must enter the public road at least 65 feet from any intersection of another common access driveway as measured from centerline to centerline. The driveway must enter the public road at least 65 feet from another public road intersection as measured from the centerline of the common access driveway to the closest point of right-of-way intersection;

S. Intersections shall be designed with adequate sight distance. Where necessary, backslopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance. Also, backslopes may be flattened along existing roadways to provide the minimum required sight distance. Sight distance design will be relative to 85th percentile speeds.

#### SIGHT DISTANCE TABLE

Design Speed(MPH)	Required Sight Distance (feet)
25	150
30	200
35	225
40	275
45	325
50	400
55	450

Note: The height of eye and the height of object are 3.5 feet and 0.5 feet respectively for stopping sight distance.

### **VIII. GENERAL CONDITIONS OF APPROVAL; RIGHTS OF COUNTY.**

The following conditions shall apply to all approvals for driveway construction on public right-of-way:

A. The applicant shall represent all parties with a property interest in the proposed driveway and shall certify that any driveway or approach constructed by him is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the county right-of-way.

B. The applicant shall furnish all materials, do all work, and pay all costs in connection with the construction and maintenance of the driveway and its appurtenances on the right-of-way unless the county agrees otherwise. The applicant shall arrange for and bear the entire cost of moving poles, trees, signs, hydrants, catch basins, and other existing installations which may interfere with the proposed driveway. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designated by and subject to approval of the public works director. The timetable for installation shall be approved by the public works director. The applicant shall make the installation without jeopardy to or interference with vehicular traffic using the highway or pedestrian traffic using the adjacent sidewalk.

Street surfaces, shoulders, ditches and vegetation disturbed shall be restored to equivalent or original condition by the applicant.

C. No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Public Works Director.

D. The county reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to life and property [on] or adjacent to the street. The county shall make all reasonable attempts to comply with all provisions of this resolution chapter.

E. The applicant, his successors or assignees agree to hold harmless the county and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit issued pursuant to this chapter.

F. Whenever an existing road is improved by reconstruction or maintenance work, existing entrances to the road may be altered by the county to conform to the spirit and intent of the policy and standards set forth in this chapter.

G. Whenever the public works director determines that inadequate or indiscriminate access or long stretches of paved or unpaved accesses result in an undue hazard to the motoring public on the thoroughfare, existing entrances may be required to be altered or reduced in extent to conform with the spirit and intent of this policy and upon approval of the governing authority.

## **IX. CONFLICT WITH OTHER LAWS.**

Should any requirement or design standard conflict in any manner with any other law, rule or regulation of any local, state or federal governmental body or administrative agency, then the stricter law, rule, or regulation shall be applied. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that, where this chapter imposes a greater restriction upon the use of property or premises than is imposed or required by other resolutions, rules or regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern.

## **X. SEVERABILITY; PENALTY; ADDITIONAL REMEDIES.**

A. Validity. Should any article, clause or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the chapter as a whole or any part hereof being declared severable.

B. Remedies. In case any driveway is (or is proposed to be) constructed, reconstructed, altered, converted, or maintained, or any driveway is (or is proposed to be) used, in violation of any provision of this chapter, a county representative may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violation. Where a violation of these regulations exists, the Public Works Director may, in addition to other remedies, notify all public utilities and county service departments of such violation and request that service be withheld therefrom until such time as there is no longer a violation of these regulations.

C. Penalties for violations. Any firm, person, or corporation who shall do anything prohibited by this chapter as the same exists or as it may hereafter be amended, or who shall fail to do anything required by this chapter now existing or as it may hereafter be amended, shall be guilty of a misdemeanor, amenable to the process of the superior court of the county or the state court of the county, and, upon conviction, shall be punished by a fine not exceeding \$1,000.00. Each and every day that such violation exists shall be deemed a separate offense.

## APPENDIX A

The following figures may be used in conjunction with the standards and definitions set forth in this chapter as examples of typical driveway types:

Figure 1. Single Driveway--Diagrammatic for Illustrating Definitions

Figure 2. Double Driveway--Diagrammatic

Figure 3. Driveways for Corner Installations--Diagrammatic

Figure 4. Driveways to a Corner Commercial Establishment

Figure 5A. Visibility Clearance (Non-Residential)

Figure 5B. Visibility Clearance (Residential)

Figure 6. Construction Requirement Common Access Driveway

Figure 7. Construction Requirement Valley Gutter, Residential Driveway

Figure 8. Driveway Cross-section