
Chapter 9

Driveways (Revised 00-1-1)

- 10-9-1 Driveway Permit Required
- 10-9-2 Driveway Location, Design and Construction Requirements

Sec. 10-9-1 Driveway Permit Required.

- a) **Purpose.** For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe and suitable access to properties abutting public roadways.
- b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Belleville without first obtaining a permit therefor as provided by this Chapter.
- c) **Application.** Application for a driveway permit shall be made to the Building Inspector on a form provided by the Village. When a driveway will be constructed in conjunction with the construction of a new principal structure, the driveway permit application shall be part of the building permit application, and the driveway permit shall be included in the building permit; otherwise, a separate application and permit shall be required. All driveway permit applications shall be accompanied by a drawing accurately depicting the proposed private driveway, the dimensions thereof, the distance of the driveway from abutting lot lines and street intersections, the angle of the driveway in relation to the public roadway, and a statement of the materials proposed to be used. There is no fee for a driveway

permit. Upon receipt of the application, the Building Inspector shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance or Construction Standards.

- d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
- 1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his or her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
 - 2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
 - 3) The permittee, and his or her successors and assigns, agrees to indemnify and hold harmless the Village of Belleville, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
 - 4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

Sec. 10-9-2 Driveway Location, Design and Construction Requirements.

- a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
- 1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area encompassed by the extension of all right-of-way lines at such intersection and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart. Driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- 2) **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1).
- 3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (6).
- 4) **Drainage.** The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- 5) **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a manner consistent with the Village's Construction Standards. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
- 6) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Village and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the Building Inspector determines that the total culvert length is excessive.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Building Inspector.
- 7) **Relocation of Utilities.** Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the Director of Public Works thereof necessary before any utility may be relocated and the driveway installed.
- 8) **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.

- 9) ***Variations.*** Any of the above requirements may be varied by the Building Inspector in such instances where the peculiar nature of the property or the design of the street make rigid adherence to the above requirements impossible or impractical. No variance may be granted where doing so may endanger the safety of vehicles or pedestrians, or would impair the convenience or utility of the street.
- b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
- 1) ***Width of Drive.*** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Building Inspector in its discretion may permit a driveway of additional width.
 - 2) ***Angular Placement of Driveway.*** The angle between the center line of the driveway and the curb line shall be 90. The Building Inspector may grant a variance permitting an angle of less than 90° if necessary to prevent an unnecessary hardship. The angle shall never be less than 45°.
 - 3) ***Island Areas.*** Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be placed between each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
 - 4) ***Construction Standards.*** Driveways shall be constructed in compliance with Village sidewalk construction standards.
 - 5) ***Location of Driveways.*** No driveway shall be located closer to a property line than the sideyard set back requirement for the property.
- c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- 1) ***Width of Driveways.*** Openings for vehicular ingress and egress shall be at least twelve (12) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
 - 2) ***Angular Placement.*** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.

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- 3) **Construction Standards.** Driveways shall be constructed in compliance with Village sidewalk construction standards.
 - 4) **Location of Driveways.** No part of a driveway shall be located closer than five (3) feet from a property line.
- d) **Appeal from Permit Refusal.** Denial of a driveway permit may be appealed to the Plan Commission within twenty (20) days after such denial.
- e) **Prohibited Driveways.**
- 1) No person, firm or corporation shall place or caused to be placed any obstruction or structure within the limits of any public road, highway or street except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street.
 - 2) No driveway shall be located closer to a property line than the sideyard setback requirement for that property.
 - 3) No driveway shall be closer than ten (10) feet to any extended right of way line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area encompassed by the extension of all right-of-way lines at such intersections, and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
 - 4) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - 5) No driveway apron shall extend into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
 - 6) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.
- f) **Culvert Construction and Standards.**
- 1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or archpipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be made of new manufacture, unless specifically excepted by the Director of Public Works or Village Engineer.

- 2) **Gauge.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (in feet)	Class of Pipe
0-2	IV
2-3	III
3-6	II

- 3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- 4) **Endwalls.** Culverts shall be provided with a concrete or metal apron endwalls as directed by the Village Engineer.
- 5) **Backfill Material.** Material used for backfill shall be of quantity acceptable to the Village Engineer or Director of Public Works and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- 6) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Village Engineer or Director of Public Works.
- 7) **Distance.** The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a)(6).
- 8) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.

- 9) ***Appeal.*** Persons may request a variance from the culvert requirements of this Section by filing a written request with the Village Clerk-Treasurer, who shall place the matter as an agenda item for the Plan Commission's next meeting. The Plan Commission may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Village Engineer or Director of Public Works may be asked to render an opinion on the request. A person aggrieved by the Plan Commission's decision may appeal to the Village Board by filing a written notice of appeal with the Village Clerk within 20 days after the Plan Commission makes its final decision.