

**ACCESS
MANAGEMENT
REGULATIONS**

City of New Philadelphia, Ohio

Effective

March 24, 2008

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Purpose

These Access Management Regulations are adopted for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular accident frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connection to city roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads.

The regulations establish the standards necessary to properly manage access to city roads in New Philadelphia. Access to state routes, United States routes, and interstate routes is controlled by the Ohio Department of Transportation.

Implementation and Administration

The effective date of these regulations is March 24, 2008. The Service Director, or his designee, is responsible for implementing and administering these regulations.

Applicability

These regulations shall apply to all access connections to city roads constructed on or after the effective date of these regulations. These regulations shall also apply to all existing access connections whenever the land use or the access classifications of such existing access connections change or whenever the existing access is upgraded by relocation, modification, or expansion.

Access connections which are constructed after the effective date of these regulations, but prior to March 24, 2008, in accordance with an approved driveway permit issued prior to the effective date of these regulations shall also be exempt from these requirements.

Definitions

Access Classifications: A classifications system that defines driveways according to their purpose and use:

Minimum Volume Driveway

Field drive – provides access to agricultural land

Utility drive – provides access to public utility facility

Very Low Volume Driveway

- Farm drive – provides access to agricultural buildings
- Single-family/Duplex residence drive
- Private access drive
 - Serving five or fewer residences
- Walking, jogging, biking or equestrian trails

Low volume access connection

- Less than 100 trip ends in the peak hour

Medium Volume Access Connection

- 100 or more, but less than 200, trip ends in the peak hour

High Volume Access Connection

- 200 or more trip ends in the peak hour

Access Connection: Any connection to a road or street which permits access to or from the road or street by vehicles, equipment, cars, trucks, buses, motorcycles, bicycles, pedestrians, horses, etc. for the purpose of crossing the road or street or accessing the road or street. An access connection may be a road, street, driveway, trail, etc.

Design Speed: The legal limit in the Ohio Revised Code, except as modified by the City of New Philadelphia. Any modified speed shall be the speed judged by the Safety Director or his representative to be the maximum safe operating speed of the existing road in the immediate area of the proposed access point.

Driveway: An access connection. The terms driveway and access connection mean the same and may be used interchangeably. The driveway includes the driveway base, surface, shoulders, curbs, etc. and the culvert under the driveway. A driveway upgrade includes relocation, modification, or expansion.

Intersection Sight Distance (ISD): The sight distance required by a stopped driver to observe traffic traveling at a given speed on a road in order to safely enter or cross the road. Intersection Sight Distance shall be as defined in the most recent edition of the "Location and Design Manual" of the Ohio Department of Transportation and in the "Guidelines for Geometric Design of Very-Low Volume Local Roads" published by the American Association of State Highway and Transportation Officials (AASHTO).

Lot Split Approval: The process of approving Minor Subdivisions (Lot Splits) in accordance with the City of New Philadelphia Ordinances.

Stopping Sight Distance (SSD): The distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes

visible. Stopping Sight Distance shall be as defined in the most recent edition of the "Location and Design Manual" of the Ohio Department of Transportation and in the "Guidelines for Geometric Design of Very Low-Volume Local Roads" published by AASHTO.

Subdivision Regulations: The most recent edition of the Subdivision Regulations of the City of New Philadelphia's Ordinances.

Roadway Classifications and Traffic Counts

Since the Intersection Sight Distance and the Stopping Sight Distance as defined in the ODOT and AASHTO publications are dependent upon Average Daily Traffic (ADT) counts, actual traffic counts will be used where available in order to determine sight distances. Where traffic counts are not available, the following assumption will be made:

- Asphalt or concrete surfaced city roads shall be assumed to have ADT of 100 to 400 vehicles per day.

Preliminary Access Approval

Prior to any lot split approval the Service Director may issue a preliminary access approval. The preliminary access approval will indicate those locations, if any, along the lot for which access is acceptable and in conformance with these regulations. The preliminary access approval may be issued with the lot split approval or within seven working days following submission of all the information required by these regulations. The Service Director may chose not to issue a preliminary access approval in situations when access is not desired or when provisions for access may be determined at a later date. For preliminary access approval or for access permit issuance when no preliminary access approval was required, the Service Director may require the following information be shown on either a survey plat or other accurate drawing by a registered engineer or a surveyor:

1. Distances from the side property lines to the nearest adjacent driveways and their use.
2. Locations of any driveways across from the property and their use.
3. Location of any driveways on the property and their use.
4. Available sight distance (SDD or ISD) and required sight distance (SDD or ISD.)
5. Location of proposed driveways, if known.
6. Other information as required by the Service Director.

Access Permits

Prior to the construction of a driveway, an access permit application shall be submitted to the Service Director. The Service Director shall issue an access permit if the access permit application is approved. The permit will be for access at a location for which a preliminary access approval was previously granted or at a location that is otherwise in conformance with regulations. In those situations where no preliminary access approval was issued, the Service Director may require submission of the Preliminary Access Approval information. Permits issued may include interim or temporary permits and shall prescribe the permitted uses and any limitations or conditions of the permit as well as the access classification.

For Minimum Volume and Very Low Volume driveways, access permits shall be approved and issued or disapproved within seven working days following submission of all information required by these regulations.

For all other driveway classifications, access permits shall be disapproved or approved and issued within 30 working days following submission of all information required by these regulations or by the Service Director.

An access permit fee shall be established, and may be periodically changed, by the Council of the City of New Philadelphia to cover the cost of administering these regulations and shall accompany the access permit application. Access permits shall expire if the driveway is not constructed within 24 months of the date of access permit issuance. Time extensions may be granted by the Service Director as long as there are no substantial changes to the roadway and the physical surroundings.

Variations and Appeals

The Board of Zoning Appeals shall serve as the Board of Appeals for Access Management. The Board of appeals shall hear and decide variations to these regulations and appeals where it is alleged that the Service Director made an error in any order, requirement, decision or determination in the enforcement of these Access Management Regulations.

Variations may be granted for all classes of driveways. Variations are appropriate if not contrary to the public interest where, due to special conditions, a literal enforcement of the regulations will result in unnecessary hardship, and such that the spirit of the regulations will be observed and substantial justice done.

Applications for variations or appeals shall be filed within 30 days of the decision of the Service Director.

Enforcement

The Service Director shall notify the property owner of any driveway that has been installed contrary to these regulations. The notification shall identify the problem with the driveway and establish a 15-day period, or other longer time period approved by the Service Director, for the property owner to correct the problem. If the problem is not corrected within the established time period, The City of New Philadelphia and/or the appropriate subdivision reserves the right to remove and/or block that portion of the driveway that is on publicly owned right-of-way or to otherwise proceed in accordance with applicable law.

Pursuant to Section 5552.99 of the ORC, whoever violated an access management regulation adopted under section 5552.02 of the ORC, shall be fined not more than \$500.00 for each offence. Each day of violation is a separate offence. This remedy is in addition to other remedies as provided by law, including but not limited to, an action for declaratory judgment, injunction, etc.

Standards

The arrangement, character, extent, width, grade, and location of all access connections shall conform with these regulations and shall be considered in their relation to existing and planned roads, streets and driveways, topographical conditions, and public convenience and safety and the proposed uses of the land to be served by such access connections.

All new access connections shall meet minimum requirements in regard to sight distance. The recommended sight distance shall be the Intersection Sight Distance (ISD) shown in the latest edition of the Ohio Department of Transportation (ODOT) Locations and Design Manual, corresponding to the legal speed of the roadway or design speed as determined by the engineer. If this recommended sight distance cannot reasonably be met, the minimum sight distance shall be the Stopping Sight Distance (SSD) shown in the latest edition of the ODOT Locations and Design Manual, corresponding to the legal speed of the roadway or design speed as determined by the Engineer. For roadways having an average ADT of 400 vehicles per day or less, the "Guidelines for Geometric Design of Very Low-Volume Local Roads" published by AASHTO shall govern.

All new Minimum Volume and Very Low Volume Driveways shall be located no closer than 30 feet (center line to center line) from an existing or proposed driveway and no closer than 130 feet (center line to center line) from an existing or proposed public road.

All new Low, Medium, and High Volume Access Connections shall be located no closer than 250 feet (center line to center line) to an existing or proposed driveway or public road.

General

- a. All driveways or driveway upgrades shall meet or exceed the requirements of these regulations. The location of all access connections shall permit adequate horizontal and vertical sight distance based on the Stopping Sight Distance (Intersection Sight Distance for low, medium and high volume access connections) for the legal speed limit at the location of the driveway.
- b. Common access driveways and/or cross access or through access easements may be required and are permitted to satisfy the requirements of these regulations. Proposed common access driveways and/or cross access or through access easements shall be in accordance with applicable Subdivision Standards.
- c. Existing driveways that do not conform with these regulations shall be considered nonconforming driveways and shall be brought into conformance with these regulations under the following conditions:
 1. When new access permits are requested,
 2. When driveway upgrades are proposed,
 3. When significant increases in trip generation are planned for the driveway,
 4. If the use served by the nonconforming driveway discontinues for a consecutive period of two years, or,
 5. As major road improvements take place at the discretion of the City of New Philadelphia
- d. To the greatest extent possible developments shall incorporate unified access and circulation systems. Where proposed development abuts to and connects, through internal circulation, to an existing subdivision or development which has access to a road or street, the proposed development shall, when necessary, upgrade the intersection at the road or street and the existing subdivision's or development's access to the road or street.
- e. When a new driveway or driveway upgrade is permitted, the property owner(s) shall eliminate all pre-existing non-conforming driveways upon completion of the new driveway or driveway upgrade as required by the

Service Director. No new driveways or driveway upgrades shall be permitted for parcels or contiguously owned parcels where access rights have been previously extinguished or acquired by a government body.

- f. Property owners are required, at their expense, to install driveways in accordance with these regulations, the requirements of the Service Director and any construction plans for the driveways, which have been approved by the Service Director.
- g. The Service Director shall require a Traffic Impact Study for any medium Volume or High Volume driveway and may require, at his discretion, a Traffic Impact Study for and Low Volume driveway. The Traffic Impact Study shall be prepared in accordance with the requirements of the Service Director. All costs associated with preparing a Traffic Impact Study and any modifications to the roadway and/or traffic signal(s) needed shall be the responsibility of the property owner.
- h. Based on a Traffic Impact Study or the requirements of the Service Director, the Service Director may impose requirements such as:
 - 1. Addition of left and right turn lanes,
 - 2. Minimum and maximum widths and turning radii for driveways,
 - 3. Increased "throat" lengths between the public road and parallel driveways or parking areas,
 - 4. Restricting turning movements at driveways,
 - 5. Denying direct access,
 - 6. Installation or modification of traffic signals,
 - 7. Consolidating driveways,
 - 8. Requiring common access driveways,
 - 9. Closing driveways,
 - 10. Increased driveway spacings,
 - 11. Increased lane width or berm width on the existing road.
- i. Based on professional judgment, the Service Director may reduce by up to 35% the above driveway spacings for Minimum Volume, Very Low Volume and Low Volume driveways. The Service Director may take into account

physical constraints, existing driveway spacings, current legal or advisory speed limits, and other issues.

Severability

If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as whole, or any part thereof, other than the part so held to be invalid.

DRIVEWAY SPECIFICATIONS

City of New Philadelphia
Service Director
(330) 308-5752

Revised

1. A driveway permit is required for any new driveway from a city street or alley
2. Permittee to furnish all labor, material and equipment to complete and maintain the driveway.
3. The Permittee is held responsible for keeping the city street/alley free and clear of mud and debris in the area of operation.
4. The Permittee assumes all responsibility for cleaning and maintaining of the authorized drainage installation.
5. Existing roadside drainage to remain undisturbed
6. The portion of excavation on city right-of-way must be seeded to prevent erosion.
7. The Permittee agrees that the city shall be held harmless from any or all claims damages, public or private, arising from or growing out of the issuance of this permit.
8. No machinery or material to be stored on the roadway at any time.
9. Traffic shall be maintained on the street/alley at all times.
10. The Permittee must notify the Service Director's Office at least 48 hours prior to installation of drive. No concrete or asphalt drive approaches shall be constructed without contacting the Service Director's Office to approve grading or formwork **prior** to placing concrete or asphalt.
11. The developer of a commercial type driveway must submit plans for approval to the Service Director.
12. The Service Director's Office will notify property owners of any installations which do not meet these specifications, and allow the property owner a 15-day period, or other longer time period approved by the Service Director, for the property owner to correct the problem. Should no corrective action be taken, the city reserves the right to perform corrective work and invoice the property owner for all labor and materials necessary.

