

**ACCESS  
MANAGEMENT  
REGULATIONS  
Tuscarawas County, Ohio  
effective  
April 1, 2005**

Revised - May 2008

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## **Authority**

Tuscarawas County is authorized by Chapter 5552 of the Ohio Revised Code (ORC) to adopt Access Management Regulations for the county and township roads in Tuscarawas County.

## **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 connections to county and township 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 county and township roads in Tuscarawas County and to satisfy the purpose of Chapter 5552 of the ORC. 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 April 1, 2005. The Tuscarawas County Engineer, or his designee, is responsible for implementing and administering these regulations. In addition to the procedures contained herein, the Tuscarawas County Engineer may develop other procedures to further the implementation of these regulations.

## **Applicability**

These regulations shall apply to all access connections to county and township 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. These regulations do not apply to the original approval of platted lots (Major Subdivisions) governed by the Subdivision Regulations. They do apply to minor subdivisions approved without a plat under the procedure contained in Section 711.131 of the ORC and to any lot or parcel not otherwise subject to regulation under Chapter 711 of the ORC.

Access connections which are constructed after the effective date of these regulations, but prior to October 1, 2005, 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 Classification:* A classification system that defines driveways according to their purpose and use:

Minimum Volume Access Connection

- field drive – provides access to agricultural land
- utility drive – provides access to public utility facilities

Very Low Volume Access Connection

- farm drive – provides access to agricultural buildings
- single-family residence drive
- single-family common access drive
  - serving five or fewer residences
- multi-family residence drive serving
  - five or fewer residential units
- 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 speed limit in the Ohio Revised Code, except as modified by the County Engineer. Any modified speed shall be the speed as judged by the County Engineer 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 Subdivision Regulations.

*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 Tuscarawas County as enacted and amended by the Tuscarawas County Board of Commissioners.

## **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 assumptions will be made:

- Gravel surfaced township roads shall be assumed to have ADT of 0 to 100 vehicles per day.
- Asphalt or concrete surfaced township roads shall be assumed to have ADT of 100 to 400 vehicles per day.

## **Preliminary Access Approval**

Prior to any lot split approval the Tuscarawas County Engineer 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 Tuscarawas County Engineer may choose to not 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 Tuscarawas County Engineer 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. Location of any driveways across from the property and their use.
3. Location of any driveways on the property and their use.
4. A plat or sketch of the property with sufficient information to allow definite field location.
5. Location of proposed driveways, if known. If location of proposed driveway is not known or if there are several possible locations, the corners of the property shall be clearly marked in the field so that potential location(s) can be found.
6. A driveway profile if requested by the County Engineer. Normally a profile will be requested if the profile of the proposed driveway potentially exceeds the grade limitations shown in the "Standards" section of these regulations.
7. Other information as required by the Tuscarawas County Engineer.

## **Access Permits**

**COUNTY ROADS:** Prior to the construction of a driveway, an access permit application shall be submitted to the Tuscarawas County Engineer. The Engineer 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 these regulations. In those situations where no preliminary access approval was issued, the Tuscarawas County Engineer 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 access connections, 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 Tuscarawas County Engineer.

An access permit fee shall be established, and may be periodically changed, by the Board of Commissioners 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 six months of the date of access permit issuance. Time extensions may be granted by the County Engineer as long as there are no substantial changes to the roadway and the physical surroundings.

**TOWNSHIP ROADS:** Access permits for township roads, if applicable, shall be obtained from the individual township having jurisdiction over the road. This access permit shall govern the physical construction of the access connection and will normally be granted only after the requirements of these regulations have been met.

## **Variances and Appeals**

The Board of Commissioners shall serve as the Board of Appeals for Access Management; alternately, the Board of Commissioners may appoint a three person Board of Appeals. The Board of Appeals shall hear and decide variances to these regulations and appeals where it is alleged that the Tuscarawas County Engineer made an error in any order, requirement, decision or determination in the enforcement of these Access Management Regulations.

Variances may be granted for all classes of driveways. Variances 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.

In the granting of variances, the Board of Appeals may consider all relevant matters including, but not limited to, the following:

1. Not granting the variance would deny all reasonable access.
2. Granting the variance would endanger the public safety.
3. The hardship was self-created.
4. Granting the variance would hinder traffic safety or the proper operation of the public road.
5. Granting the variance would be consistent with the purpose of these regulations.
6. All feasible access options have been considered.
7. Physical constraints, existing driveway spacings, current legal or advisory speed limits, and other issues.

The Tuscarawas County Engineer may require applicants for variances to provide evidence of unique or special conditions that make the strict application of these regulations impractical or impossible. Such evidence may include:

1. Indirect or restricted access cannot be obtained.
2. No engineering or construction solutions can be applied to mitigate the condition.

3. No alternative access is available.

The Board of Commissioners may establish, and may periodically change, a fee to cover the cost of administering the variance or appeal. The fee shall accompany the application for variances or appeals.

Applications for variances or appeals shall be filed within 30 days of the decision of the Tuscarawas County Engineer. Appeals to decisions of the Board of Appeals may be initiated by any person adversely affected and shall be pursuant to Chapter 2506 of the ORC. Applications for variances or appeals shall be acted upon within 30 days of receipt.

## **Enforcement**

The Tuscarawas County Engineer 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 Tuscarawas County Engineer, for the property owner to correct the problem. If the problem is not corrected within the established time period, Tuscarawas County 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 violates an access management regulation adopted under Section 5552.02 of the ORC, shall be fined not more than \$500.00 for each offense. Each day of violation is a separate offense. 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) Location and Design Manual, corresponding to the legal speed of the roadway or reasonable safe traveling 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 Location and Design Manual, corresponding to the legal speed of the roadway or reasonable safe

traveling 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 Access Connections 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 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 Tuscarawas County Engineer.
- d. To the greatest extent possible developments shall incorporate unified access and circulation systems. Where a 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 Tuscarawas County Engineer. 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 governmental body.
- f. New driveways shall slope down and away from the pavement edge at a minimum slope of 1 inch drop per foot of slope (0.083 % grade) to the normal ditch line or for a distance of 6 feet, whichever is greater, so as to provide for routing surface water away from the traveling surface of the public roadway. From the ditch line to the right-of-way, the grade shall not exceed 10%. If the grade exceeds 10% outside the right-of-way a written plan shall be submitted to the County Engineer showing how surface drainage will be controlled so as to be directed to the road ditch, but not allowed to enter the roadway. Alternately, the owner may elect to provide a cross-grate system with a concrete or asphalt surface within the right-of-way to prevent water and/or aggregate from entering upon the traveling surface of the public road.
- g. New driveways shall intersect with the public road at an angle between 70 degrees and 90 degrees, with 90 degrees being preferred.
- h. Property owners are required, at their expense, to install driveways in accordance with these regulations, the requirements of the Tuscarawas County Engineer, and any construction plans for the driveways which have been approved by the Tuscarawas County Engineer.
- i. The Tuscarawas County Engineer shall require a Traffic Impact Study for any Medium Volume or High Volume Access Connection and may require, at his discretion, a Traffic Impact Study for any Low Volume Access connection. The Traffic Impact Study shall be prepared in accordance with the requirements of the Tuscarawas County Engineer. All costs associated with preparing a Traffic Impact Study and any modifications to the roadway shall be the responsibility of the property owner.

- j. Based on a Traffic Impact Study or the requirements of the Tuscarawas County Engineer, the Tuscarawas County Engineer 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 Tuscarawas County Engineer may reduce by up to 35% the above driveway spacings for Minimum Volume, Very Low Volume and Low Volume Access connections. The Tuscarawas County Engineer may take into account physical constraints, existing driveway spacings, current legal or advisory speed limits, and other issues.

## **Amendments**

The Board of County Commissioners may, after two public hearings advertised and held in accordance with Ohio Revised Code Section 5552.06, amend or supplement these regulations. The requirements for the advisory committee shall not apply to any amendments.

## **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 a whole, or any part thereof, other than the part so held to be invalid.