

ACCESS MANAGEMENT REGULATIONS

Lorain County, Ohio

As Administered by the Lorain County Engineer

Effective NOVEMBER 1, 2004

Final as approved by
Access Management Committee
4/23/04
Rev. Sec. 8 Pg. 9 per Prosecutor's
Comments – 5/20/04

TABLE OF CONTENTS

Authority	3
Purpose	3
Implementation and Administration	3
Applicability	3 - 4
Definitions	4 - 7
Access Permits	7 - 8
Driveway Permits	8
Variances and Appeals	8 - 10
Enforcement	10
Standards	10 - 13
Adoption	13

ARTICLE ONE

Authority

These regulations are adopted pursuant to the authority granted to Boards of County Commissioners by Ohio Revised Code Chapter 5552.

ARTICLE TWO

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 collision 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.

This Board of County Commissioners finds and determines that these regulations establish the minimum standards necessary to properly manage access to county and township roads in the unincorporated area of Lorain County and to carry out the purpose and intent of the Ohio Revised Code Chapter 5552.

ARTICLE THREE

Implementation and Administration

The effective date of these regulations will be on the 31st day after adoption of these regulations by the Board of Lorain County Commissioners. The Lorain County Engineer is responsible for implementing and administering these regulations.

ARTICLE FOUR

Applicability

- A. These regulations shall apply to all access connections designed or intended for motor vehicles on county or township roads constructed on or after the effective date of these regulations. They shall also apply to all existing access connections for the purposes described in this Article whenever the land use, type of access required or the access classifications of such existing access connections change.

- B. These regulations do not apply to the original approval of platted subdivisions governed by the Lorain County Subdivision Regulations and shall be coordinated with

relevant local zoning regulations. They do apply to minor subdivisions approved without a plat under the procedure contained in R.C. 711.131 and to any point of access from a parcel of land not otherwise subject to regulation under Chapter 711 Revised Code of Ohio.

- C. The regulations shall be minimum requirements. Whenever these provisions are at variance with any and all laws of the State of Ohio, or other lawfully adopted rules or regulations, the provisions of the most restrictive of such rules or laws shall govern.
- D. Each article or other divisible part of these regulations is hereby declared severable, and if such an article or part is declared invalid by a court of competent jurisdiction in a valid judgment or decree, such invalidity shall not affect any of the remaining portions thereof.

ARTICLE FIVE

Definitions

Access Classification: A classification system that defines driveways according to their purpose and use:

1. **Minimum Volume (MV) driveway**
 - field drive – provides access to agriculture lands and principally used by large slow moving farm equipment
 - utility drive – provides access to public utility facilities
2. **Very Low Volume (VLV) driveway**
 - farm drive – provides access to farm buildings, including single home
 - 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
3. **Low Volume (LV) driveway**
 - less than 100 trip ends in the peak hour
4. **Medium Volume (MY) driveway**
 - 100 or more but less than 200 trip ends in the peak hour
5. **High Volume (HV) driveway**
 - 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 or motorcycles for the purpose of crossing the road or street or accessing the road or street. An access connection may be a road, street, alley or driveway.

Access Management: A set of policies and standards that manage the number and location of access points on to the public road system.

Average Daily Trips (ADT): Represents the average number of trips to and from a development in a 24 hour period.

Culvert: A drain that carries stormwater (as a pipe like construction), usually made of corrugated plastic, metal or concrete, that passes under a road or through an embankment.

Development Agreement: An agreement between a development/subdivider and the Board of County Commissioners which outlines the public improvements to be constructed as a part of a subdivision and other related matters.

Drainage Way: A watercourse, whether natural or constructed, that drains water from a property.

Drive Pipe: For the purpose of these regulations, drive pipes/culverts are used to allow the free flow of storm water for drainage purposes. Drive pipes shall be made of a minimum 12" diameter of corrugated double wall smooth bore plastic, metal or concrete.

Driveway: An access connection from a parcel of land onto the public road or street.

Driveway Permit: Permit required by governmental agency for property owner to construct driveway and approaches for access to highway under agency's jurisdiction.

Driveway upgrade: Improvement that would double the width of the driveway or cause an increase in traffic that would change the driveway classification to very low volume or higher.

Engineer: Any person registered to practice professional engineering in the State of Ohio.

Egress: A means or method of exiting or leaving a parcel of land to a public roadway or street.

Grade: The slope of a road, street or public way, specified on percentage (%) terms.

Ingress: A means or method of entering a parcel of land from a public highway or street.

Intersection Sight Distance (ISD): Sight distance needed by drivers approaching an intersection.

Lorain County Engineer Specifications and Regulations for Subdivision Development: The most recent edition of the Lorain County Specification and Regulations for Subdivision Development as a part of the Subdivision Regulations and authorized by the Lorain County Board of Commissioners.

Lot Split Approval: The process of approving Minor Subdivisions (Lot Splits) in accordance with the Subdivision Regulations as authorized by R.C. 711.131.

NOACA: The Metropolitan Planning Organization that Lorain County participates in also known as Northeast Ohio Areawide Coordinating Agency (NOACA).

Road or roadway: For purposes of these regulations are interchangeable with the terms street or highways. They shall all have the same meaning.

Road Classification: A ranking system for roadways used to determine the appropriate degree of access management regulation in order to promote public safety and congestion prevention. For the purpose of these regulations, all roads on the County and Township road systems shall be placed in one of the following classifications:

- (a) Major Arterial Streets, shall include streets which serve as principal connections between communities, major land uses and larger traffic generators. Their primary function is to carry through traffic. In order to be classified as a major arterial, the street shall carry at least 8,000 vehicles per day or be a part designated on the State's primary system.
- (b) Minor Arterial Streets, shall include streets which primarily serve through traffic and augment the major arterial system. They also connect the rural areas with the major arterial system. Minor arterials shall carry a minimum of 2,000 vehicles per day or be part of the State's secondary system.
- (c) Collector Streets, shall include thoroughfare, whether within a residential, industrial commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- (d) Local Streets, shall include streets that primarily provide access to residential, commercial or other abutting property.
- (e) Cul-de-sac, a local street of relatively short length, as prescribed in the Lorain County Subdivision regulations, with one (1) end open to traffic and the other terminating in a vehicular turn-around.
- (f) Loop Streets, a local type street that terminates at two (2) different locations on the same arterial or collector street thus looping through a development back to the same street.
- (g) Marginal Access Streets, a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).

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 to the driver. Stopping Sight Distance shall be as defined in the most recent edition of the Location and Design Manual of the Ohio Department of Transportation.

Subdivision Regulations: The Lorain County Subdivision Regulations as enacted and amended by the Lorain County Board of Commissioners.

Traffic Impact Study: A transportation plan prepared by a civil engineer for the purpose of analyzing the effect a proposed development may have on a public infrastructure.

Trip End: A single or one-direction vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the highway and entering a property is one trip end and later leaving the property and entering the highway is another trip end.

Urban Boundaries for Federal Aid: A map produced and published periodically by NOACA for the Ohio Department of Transportation and the Federal Highway Administration. This document is used to classify Lorain County urbanized communities.

All definitions found in the Lorain County Subdivision Regulations, Article III – Definitions Section; the Lorain County Engineer Specifications and Regulations for Subdivision Development, Article I, section 110, Definition; the Driveway Permit Application; as well as the Utilities-Highway Use Permit are incorporated by reference into these regulations to the extent that they are not inconsistent with the above definitions.

ARTICLE SIX

Access Permit

- A. Prior to any lot split approval, the Lorain County Engineer shall determine whether an access permit may be issued. The review will be performed prior to the Lorain County Health Department performing their review, which is required for lot split approval. The person requesting the lot split will submit the same map that will be submitted to the Health Department to the Lorain County Engineer's office. The access permit shall be issued within seven (7) working days following submission to the Lorain County Engineer's office and will indicate those locations along the lot for which access is acceptable and in conformance with these regulations. Permits issued shall prescribe the permitted uses or conditions of the permit as well as the access classification. New permits are required whenever the land use or the access classification changes. Sales to an adjoining land owner are exempt unless the intent of the sale is to provide access.
- B. In rare cases where the preliminary review indicates there is a sight distance problem with the lot to be split, the Lorain County Engineer may require any or all of the following information be shown by a registered engineer or surveyor on either a survey plat or other accurate drawing:
- Distances from the side property lines to the nearest adjacent driveway and their use.
 - Location of any driveways across from the property and their type use.
 - Location of any driveways on the property and their type use.
 - Available stopping sight distance (SSD) and required stopping sight distance (SSD).

- Required driveway spacing.
- ISD available and required
- Location of proposed driveways, if known.
- Other information as required by the Lorain County Engineer.

Final access approval will be made within seven (7) days of this submittal.

- C. Upon written request from the buyer, seller or their agent, the Lorain County Engineer will perform an access review on transfer of property. However, this is not required.

ARTICLE SEVEN

Driveway Permits

- A. Prior to the issuance of a building and/or zoning permit or prior to the construction of a driveway in those situations not requiring a building and/or zoning permit, the Lorain County Engineer shall issue a driveway permit on county roads. Each Board of Trustees shall appoint a person to issue driveway permits on their township roads. The permit will be for access at a location for which an access approval was previously granted or at a location that is otherwise in conformance with these regulations. In those situations where no access approval was issued, the County Engineer's established driveway permit regulations will apply.
- B. For driveway classifications LV, MY and HV, drive permits shall be issued within thirty (30) working days following submission of all information required by these regulations to the office of the Lorain County Engineer. All other driveway classifications shall be issued within 7 days.
- C. Any drive permit which is not approved or denied within the time frames in these regulations shall be deemed approved and shall be issued in accordance with the information submitted.
- D. Drive permits shall expire if the driveway is not constructed within one (1) year of the date of access permit issuance.

ARTICLE EIGHT

Variances and Appeals

- A. The Board of Appeals (Board) for Access Management shall compose of seven (7) residents of the county, who shall serve three year overlapping terms. The Board of Commissioners shall appoint three (3) township residents and one (1) surveyor/or engineer. The Lorain County Township Trustees and Clerks Association shall appoint three (3) members. The initial appointments shall be two members for one year, two members for two years and three members for three years. Vacancies on the Board

shall be filled by appointment of the same appointing authority as the original appointment for the unexpired term. The Board of Appeals shall hear and decide variances to these regulations in accordance with the standards of this Article. It may also hear appeals from the seller, buyer or agent where it is alleged that the Lorain County Engineer made an error in any order, requirement, decision or determination in the enforcement of these access management regulations.

- B. Variances may be granted by the Board of Appeals for all classes of driveways. Variances may be granted (1) according to the standards set forth below in paragraph (C) if not contrary to the public interest, the spirit of the regulations will be observed and substantial justice done, or (2) special conditions exist which cause literal enforcement of the regulations to create a hardship.
- C. The Board of Appeals shall consider the following factors in determining whether a variance should be granted as not contrary to the public interest, in the spirit of the regulations and to achieve substantial justice.
 - 1. Whether not granting the variance would deny all reasonable access.
 - 2. Whether granting the variance would endanger the public safety.
 - 3. Hardship cases.
 - 4. Whether granting the variance would hinder traffic safety or the proper operation of the public road.
 - 5. Whether granting the variance would be consistent with the purpose of these regulations.
 - 6. Whether all feasible access options except granting a variance have been considered.
 - 7. Whether granting the variance will represent minimum variation from the regulations.
- D. The Board of Appeals shall consider the following factors in determining whether special conditions exist which cause literal enforcement of the regulations to result in a hardship.
 - 1. Indirect or restricted access cannot be obtained.
 - 2. No reasonable engineering or construction solutions can be applied to mitigate the condition.
 - 3. No reasonable alternative access is available.
- E. All applications for appeals or variances shall be made on the form provided and accompanied by the fee established by the Board of County Commissioners. Appeals shall be filed with the office of the County Engineer within thirty (30) days of the County Engineer's decision.
- F. A verbatim record of the variance hearing shall be held, all testimony shall be taken under oath. The applicant shall have the right to present witnesses and evidence and to cross-examine witnesses who testify adverse to his/her position. The Board shall render its decision in writing within thirty (30) days of the conclusion of the hearing.
- G. Any person who believes they have been aggrieved by these regulations or actions of the Lorain County Engineer's office or the Appeals Board has all the rights of appeal as set forth in Chapter 711, Chapter 2506 or other applicable sections of the Ohio

Revised Code. Within 60 days after refusal to approve an access permit or variance, the applicant may appeal the decisions of the Lorain County Engineer's office and the Variance Appeals Board to the Lorain County Court of Common Pleas, in which they shall be named plaintiff.

ARTICLE NINE

Enforcement

- A. If any access connection is installed contrary to these regulations, the County Engineer shall notify the property owner and affected township in writing. The notification, which will be sent by certified mail, return receipt and regular mail, shall identify the problem with the access connection and establish a 30 day period from date of notification for the property owner to correct the problem. If the problem is not corrected within 30 days, the county Engineer may block the access at the point that it enters a public road right-of-way, without jeopardizing the health, safety and welfare of the resident.
- B. In addition, whoever violates any provision of these regulations shall be fined upon conviction not more than five hundred (\$500) dollars for each offense. Each day of violation is a separate offense.

ARTICLE TEN

Standards

- A. The arrangement, character, extent, width, grade, and location of all access connections shall conform to 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.
 - 1. The requirements of these regulations vary depending on the road classification as defined herein.
 - 2. The provisions of any existing or future Access Management Plan prepared for a specific road or portion of a road shall apply. The applicable requirements of the Subdivision Regulations and the Lorain County Engineer Specifications and Regulations for Subdivision Development shall also apply.
 - 3. Minimum Volume (MV) Driveways
New driveways or driveway upgrades shall be subject to local zoning requirements.
 - 4. Very Low Volume (VLV) Driveways

No new driveways or driveway upgrades shall be permitted where access is available or can be made available from a lower classification road or street.

5. Low, Medium and High Volume Driveways

No new driveways or driveway upgrades shall be permitted along any classification road from parcels or contiguously owned parcels where access is available or can be made available from a lower classification road or street or from a common access driveway, without the approval of the County Engineer.

6. Sight Distance

Shall meet ODOT requirements in ODOT's Location and Design Manual.

7. 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 as specified in the ODOT Location and Design Manual.
- b. Proposed or common access driveways and/or cross access or through access easements shall meet Township zoning requirements and be reviewed and approved by the Lorain County Engineer. Common access driveways are not encouraged, but will be considered as a last resort, provided driveway maintenance is addressed by agreement.
- 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 2 years; or
 5. When there is a change of use of the property being accessed.
- 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 Arterial or Local Street, the proposed development shall, when necessary, upgrade the intersection at the Arterial or Local Street and the existing subdivision's or development's access to the Arterial or Local Street.
- e. Whenever 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 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. The County Engineer shall require a Traffic Impact Study for any Medium Volume or High Volume driveway and may require a Traffic Impact Study for any Low Volume driveway. The Traffic Impact Study shall be prepared in accordance with the requirements of the ODOT State Highway Access Management Manual.

An Engineer shall be required to prepare the Traffic Impact Study. The cost of the study shall be at the expense of the applicant. The County reserves the right to review and approve the Traffic Impact Study based upon input from the Lorain County engineer or a registered civil engineer retained by the County for purposes of reviewing a specific project.

- g. Upon completion of the Traffic Impact Study, the improvements will be constructed in the following manner:
 - 1. If the development falls under the jurisdiction of the Lorain County Subdivision Regulations, the improvements will be included in the Subdivision construction plans and will follow the procedure set forth for subdivision construction.
 - 2. If the development does not fall under the jurisdiction of the Lorain County Subdivision Regulations, the County and developer shall enter into a Development Agreement that will include all improvements within the right-of-way.
- h. The developer will be responsible for all engineering and construction within the right-of-way. Construction drawings shall be prepared by a professional engineer. If additional right-of-way is needed for the improvements, this will be conveyed to the County (or Township) at no cost to the County (or Township) and properly recorded at no cost to the County (or Township). The developer will provide a performance bond, escrow account, certified check or other assurance approved by the County Prosecutor in the amount of the estimated construction cost of all required improvements. All work will be under the supervision of the County Engineer.
- i. All work shall be completed within one year of the date of approval of the construction plan. After construction, a maintenance bond, certified check, or other assurance approved by the County Prosecutor, in the amount of 10% of the construction cost will be submitted. This will be in place for one year from the County Engineer's acceptance of the work as a guarantee against any and all defects and deficiencies in workmanship and materials.
- j. The owner/developer shall hold the County (or Township) free and harmless from any and all claims for damage of any nature arising or growing out of the construction of improvements or resulting from the improvements and shall defend, at his own cost and expense, any suit or action brought against the County (or Township) by reason thereof.

- k. No person or owner shall violate any of the regulations established in this section and upon violation; the County shall have the right to:
 - a. stop all work on the development site forthwith;
 - b. complete the project using the construction guarantee provided by the developer in Sec. H

ARTICLE ELEVEN

Adoption

These regulations are adopted by resolution of the Lorain County Board of Commissioners on _____, 2004 after public hearings were held on _____

BOARD OF COUNTY COMMISSIONERS
LORAIN COUNTY, OHIO

ATTEST:

Clerk