

**ARTICLE XX****ACCESS****§ X.05 - INTENT & PURPOSE**

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The intent and purpose of this Article is to:

- (A) Facilitate public safety along streets and efficient movement of traffic and vehicular access;
- (B) Minimize congestion and disruptive and potentially dangerous traffic conflicts;
- (C) Assure unobstructed, safe, and continuous access to properties during emergencies;
- (D) Protect the substantial public investment in public streets;
- (E) Provide reasonable access to all properties within the Township; and
- (F) Establish minimum standards for access.

**§ X.10 - APPLICABILITY**

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The provisions of this Article apply to all properties within the Township's zoning jurisdiction. When there is a conflict between this Article and Road Commission standards, the stricter standard shall apply.

**§ X.15 - ACCESS FOR LOTS**

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All lots created after the effective date of this Ordinance shall have access to a street, as outlined below.

- (A) **Streets:** Lots may have access to an adjacent public or private street.
- (B) **Access Easement:** Lots may have access to a public or private street through an access easement, as outlined in this Article.
- (C) **Shared Driveway:** Lots may have access to a public or private street through a shared driveway, with an access easement, as outlined in this Article.
- (D) **Legally Non-conforming Lots:** Lots that do not have access to a street, as outlined above, may continue to exist. However, access, as outlined above, shall be established before issuance of a preliminary certificate of zoning compliance or expansion of an existing use.

## § X.20 - CLEAR VISION ZONES

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Fences, walls, berms, structures, and vegetation shall not obstruct vision at street intersections and driveway intersections. Clear vision shall be maintained at all times at a height of between two (2) feet to eight (8) feet above the grade of the travelled surfaces. Tree trunks may be located within this area if it does not obstruct vision, but foliage shall not be located within this area.

- (A) **Residential Driveways:** The clear vision zone shall be an area measured fifteen (15) feet from the intersection of the driveway along the right-of-way and fifteen (15) feet along the driveway from the right-of-way. **GRAPHICS**
- (B) **Commercial & Institutional Driveways:** 25 feet by 25 feet **GRAPHICS**
- (C) **Streets:** 30 feet by 30 feet **GRAPHICS**
- (D) **Administrative Adjustment:** The approving authority may grant an administrative adjustment reducing the size of a clear vision zone upon making a written finding that all of the following are true:
  - (1) **Property Characteristics:** There is some specific condition with the property makes strict compliance with these standards impractical; and
  - (2) **Line of Site:** The reduction will not have a negative impact on the line of site for users of the affected driveway or the street.

## § X.25 - GENERAL DRIVEWAY STANDARDS

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All driveways shall meet the standards outlined below.

- (A) **Free Movement:** Driveways shall be located in a manner to minimize interference with the free movement of traffic.
- (B) **Sight Distance:** Driveways shall provide adequate sight distance, as determined by the Road Commission.
- (C) **Culverts:** Culverts shall be installed in-line with and on the same grade as existing road ditches.
- (D) **Drainage:** Driveways shall not discharge runoff onto adjacent properties or streets, accelerate erosion, or create ponding that is hazardous to motor vehicle operation or pedestrians.
- (E) **Existing Plans:** Driveways shall conform with road improvement and corridor plans that have been adopted by the Planning Commission or Township Board.
- (F) **Number of Lots:** Driveways shall only serve a single lot unless a shared driveway has been approved.

### § x.30 - RESIDENTIAL DRIVEWAYS

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Residential driveways shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Width:** Residential driveways shall be at least ten (10) feet wide.
- (B) **Slope:** Residential driveways shall have a maximum slope of four point eight (4.8) degrees or eight point three (8.3) percent grade within the road right-of-way.
- (C) **Geometry:** Residential driveways shall intersect with streets at an eighty-five (85) to ninety (90) degree angle.
- (D) **Location:** Residential driveways shall be at least fifty (50) feet from the nearest right-of-way of an intersecting street.
- (E) **Setback:** Residential driveways shall be at least five (5) feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.
- (F) **Surface:** Residential driveways shall have a compacted gravel, paver, or paved surface.

### § x.35 - COMMERCIAL DRIVEWAYS

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Commercial driveways, including driveways for multiple-family dwellings, commercial uses, and institutional uses, shall meet the standards outlined below, in addition to other applicable standards.

- (A) **Width:** Commercial driveways shall meet the width standards outlined below.
  - (1) **One-way Access:** Commercial driveways with one-way access shall have a width between twelve (12) feet and eighteen (18) feet. For the purposes of driveway width, each side of a boulevard entrance shall be considered as one-way access.
  - (2) **Two-way Access:** Commercial driveways with two-way access shall have a width of between twenty-four (24) feet and thirty-six (36) feet.
  - (3) **Administrative Adjustment:** The approving authority may grant an administrative adjustment for commercial driveway width as part of site plan review as outlined below.
    - a. **Wider Width:** The approving authority may allow or require a wider width upon making a written finding that the extra width is necessary for the safe movement of vehicles due to the anticipated traffic volume or turning radius of vehicles using the site.
    - b. **Narrower Width:** The approving authority may allow a narrower driveway by up to two (2) feet for two-way driveways upon making a written finding that the safe movement of vehicles will not be impeded due to the anticipated traffic volume or turning radius of vehicles using the site.
- (B) **Slope:** Commercial driveways shall have a maximum slope of three point four (3.4) degrees or six (6) percent grade.
- (C) **Geometry:** Commercial driveways shall intersect with streets at a ninety (90) degree angle.
- (D) **Location:** Commercial driveways shall meet the Road Commission's standards for distance from intersecting streets and other commercial driveways.
- (E) **Setback:** Commercial driveways shall be at least thirty (30) feet from side and rear lot lines. This shall not apply to the common lot line for shared driveways.

- (F) **Surface:** Commercial driveways shall be paved, unless otherwise provided in this Ordinance. All commercial driveways that intersect with paved streets shall be paved a distance of at least fifty (50) feet from the street.
- (G) **Egress Lanes:** The approving authority may require two (2) egress lanes for high-volume uses.
- (H) **Offset Spacing:** Commercial driveways shall be aligned with intersections and driveways across the street or shall be offset at least two hundred fifty (250) feet, as measured horizontally from driveway and/or street centerline to centerline.
- (I) **Boulevard Entrance:** Boulevard entrances shall be fully curbed and have an area of at least one hundred eighty (180) square feet.

## § X.40 - SHARED DRIVEWAYS

Shared driveways shall meet the standards and be reviewed as outlined below, in addition to other applicable standards. **GRAPHICS**

- (A) **Standards:** Shared driveways shall meet the standards outlined below.
- (1) **Width:** Shared residential driveways shall be at least twelve (12) feet wide. Other shared driveways shall be at least twenty-two (22) feet wide.
  - (2) **Passing Flares:** Shared residential driveways shall have passing flares at least every three hundred (300) feet, with a width of at least eighteen (18) feet and a length of at least sixty (60) feet.
  - (3) **Length:** Shared driveways shall have a maximum length of one thousand (1,000) feet.
  - (4) **Turn Around:** Shared driveways with a length of one hundred fifty (150) feet or more shall include an area dedicated to emergency vehicle turnaround that meets the standards of the International Fire Code.
  - (5) **Addresses:** All addresses served by a shared driveway shall be posted at its intersection with the street, and the individual addresses shall be posted at each location where the private driveway splits from the shared driveway.
  - (6) **Lots Served:** Shared driveways may serve up to four (4) parcels.
  - (7) **Easement Width:** The easement shall be at least sixty-six (66) feet wide.
  - (8) **Maintenance Agreement:** Shared driveways shall have a maintenance agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The maintenance agreement shall include at least the following information:
    - a. **Maintenance:** A reasonable method of initiating maintenance and improvements necessary in order to keep the driveway current with the standards of this Article; and
    - b. **Financing:** A reasonable method for financing and apportioning the costs of the maintenance and improvements of the shared driveway.
  - (9) **Easement Agreement:** Shared driveways shall have an easement agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The easement agreement shall include at least the following information:

- a. *Public Access:* Easements to the public for purposes of emergency and other public vehicles for necessary public services;
- b. *Access:* A statement that the owners and users shall refrain from prohibiting, restricting, limiting, or interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the shared driveway; and
- c. *Legal Description:* A legal description and survey of the access easement and a legal description of the properties with access to the shared driveway.

**(B) Authority:** Shared driveways shall be reviewed and approved by the Director of Planning and Zoning.

**(C) Review Process:** Shared driveways shall be reviewed as outlined below.

**(1) Application:** An application for a shared driveway shall include the following:

- a. *Application Form:* A signed and completed application form;
- b. *Fee:* An application fee, as outlined in the adopted fee schedule;
- c. *Site or Plot Plan:* A plot plan or site plan drawn to a scale of at least one (1) inch to forty (40) feet, showing the location of the access easement and the driveway;
- d. *Cross Section:* A cross section of the shared driveway;
- e. *Road Commission Permit:* A permit from the Road Commission for the shared driveway, if the shared driveway intersects a public street;
- f. *Maintenance Agreement:* An agreement outlining the maintenance of the shared driveway;
- g. *Easement Agreement:* An agreement outlining the access easement; and
- h. *Additional Materials:* Additional materials determined necessary by the Director of Planning and Zoning, Township Attorney, or Township Engineer, including, but not limited to, existing topography, proposed grade, and soil conditions.

**(2) Right to Enter Property:** Submission of a shared driveway application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.

**(3) Review of Completeness:** A shared driveway application shall be reviewed by the Director of Planning and Zoning for completeness.

- a. *Review Letter:* The Director of Planning and Zoning shall issue a review letter within fourteen (14) business days of receiving the application if it is not complete, outlining what additional materials or information is necessary for it to be considered complete.
- b. *Administratively Complete:* The date on which the Director of Planning and Zoning declares an application complete or the expiration of the fourteen (14) day period described above, unless it has been declared incomplete, shall be considered the date the application is administratively complete.

- (4) *Timely Decisions:* The Director of Planning and Zoning shall render a decision within forty-five (45) days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Director of Planning and Zoning. The decision shall be final upon issuance of a letter outlining the decision by the Director of Planning and Zoning.
- (5) *Acceptance of Conditions:* The approval of a shared driveway shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.

## § X.45 - ACCESS EASEMENTS

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A lot used for agricultural use or a single dwelling unit may be accessed by an exclusive permanent access easement instead of direct street access, as outlined below, in addition to other applicable standards.

- (A) *Easement Width:* The access easement shall have a width of at least sixty-six (66) feet.
- (B) *Turnaround:* Driveways in access easements with a length of one hundred fifty (150) feet or more shall include an area dedicated to emergency vehicle turnaround that meets the standards of the International Fire Code.
- (C) *Easement Agreement:* Access easements shall have an easement agreement, signed by the applicant and owner(s), approved by the Township Attorney, and recorded with the Register of Deeds, with a copy provided to the Township. The easement agreement shall include at least the following information:
  - (1) *Public Access:* Easements to the public for purposes of emergency and other public vehicles for necessary public services;
  - (2) *Access:* A statement that the owners and uses shall refrain from prohibiting, restricting, limiting, or interfering with normal ingress, egress, public utilities, and use by any of the other owners. Normal use shall include use by family, guests, invitees, vendors, tradesmen, delivery services, emergency vehicles, and others bound to or returning from any of the properties using the access easement; and
  - (3) *Legal Description:* A legal description and survey of the access easement and a legal description of the properties that benefit from and are burdened by the easement (dominant and servient properties).
- (D) *Process:* Access easements shall be reviewed as outlined below.
  - (1) *Application:* An application for an access easement shall include the following:
    - a. *Application Form:* A signed and completed application form;
    - b. *Fee:* An application fee, as outlined in the adopted fee schedule;
    - c. *Site or Plot Plan:* A plot plan or site plan drawn to a scale of at least one (1) inch to forty (40) feet, showing the location of the access easement and the driveway;
    - d. *Road Commission Permit:* A permit from the Road Commission for the driveway, if the driveway intersects a public street;
    - e. *Easement Agreement:* An agreement outlining the access easement; and
    - f. *Additional Materials:* Additional materials determined necessary by the Director of Planning and Zoning, Township Attorney, or Township Engineer, including, but not limited to, existing topography, proposed grade, and soil conditions.

- (2) *Right to Enter Property:* Submission of an access easement application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (3) *Review of Completeness:* An access easement application shall be reviewed by the Director of Planning and Zoning for completeness.
- a. *Review Letter:* The Director of Planning and Zoning shall issue a review letter within fourteen (14) business days of receiving the application if it is not complete, outlining what additional materials or information is necessary for it to be considered complete.
  - b. *Administratively Complete:* The date on which the Director of Planning and Zoning declares an application complete or the expiration of the fourteen (14) day period described above, unless it is declared incomplete, shall be considered the date the application is administratively complete.
- (4) *Timely Decisions:* The Director of Planning and Zoning shall render a decision within forty-five (45) days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Director of Planning and Zoning. The decision shall be final upon issuance of a letter outlining the decision by the Director of Planning and Zoning.
- (5) *Acceptance of Conditions:* The approval of an access easement shall only be effective upon acceptance of the approval and any conditions of the approval by the applicant.

**End of Article XX.**

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