

## 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 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.
- (C) **Shared Driveway:** Lots may have access to a public or private street through a shared driveway, with an access easement.
- (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

Fences, walls, berms, structures, and vegetation shall not obstruct vision at street intersections and driveway intersections. Clear vision shall be maintained at a height of three (3) 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, and as long as... ~~Trees may be planted in this area, but~~ foliage shall not be located within the ~~clear vision~~ 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.

(B) **Commercial & Institutional Driveways:** 25 feet by 25 feet

(C) **Streets:** 30 feet by 30 feet

(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) Safety: The reduction will not have a negative impact on the safety for users of the affected driveway or the street.

## § x.25 - GENERAL DRIVEWAY PROVISIONS

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) **Geometry:** Driveways shall intersect with streets at a ninety (90) degree angle.

(D) **Culverts:** Culverts shall be installed in-line with and on the same grade as existing road ditches.

(E) **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.

(F) **Existing Plans:** Driveways shall conform with road improvement and corridor plans that have been adopted by the Planning Commission or Township Board.

(G) **Number of Lots:** Driveways shall only serve a single lot unless a shared driveway has been approved.

(H) **Number of Driveways:** Each lot shall have ~~a maximum of~~ one (1) driveway per frontage. Lots with a frontage greater than one hundred fifty (150) feet may have an additional driveway for each additional one hundred fifty (150) feet of frontage, rounded down. SOMETHING ABOUT SPACING.

### § x.30 - RESIDENTIAL DRIVEWAYS

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 ten (10) percent within the road right-of-way.
- (C) **Location:** Residential driveways shall be at least fifty (50) feet from the nearest right-of-way of an intersecting street.
- (D) **Setback:** Residential driveways shall be at least five (5) feet from side and rear lot lines.
- (E) **Surface:** Residential driveways shall have a compacted gravel, paver, or paved surface.

### § x.35 - COMMERCIAL ~~& INSTITUTIONAL~~ DRIVEWAYS

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

- (A) **Width:** Commercial ~~and institutional~~ 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.
  - (2) Two-way Access: Commercial driveways with two-way access shall have a ~~minimum~~ width of between twenty-four (24) feet and ~~a maximum width of~~ thirty-six (36) feet.
  - (3) Administrative Adjustment: 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. The approving authority may allow a narrower driveway by up to two (2) feet 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.
- (~~A~~)**(B) Slope:** Commercial ~~and institutional~~ driveways shall have a maximum slope of six (6) percent.
- (~~B~~)**(C) Location:** here Commercial driveways shall meet the Road Commission's standards for distance from intersecting streets and other commercial driveways.
- (~~C~~)**(D) Setback:** Commercial ~~and institutional~~ driveways shall be at least ~~fifteen (15)~~ thirty (30) feet from side and rear lot lines.
- (~~D~~)**(E) Egress Lanes:** The approving authority may require two (2) egress lanes for high-volume uses.
- (~~E~~)**(F) Surface:** Commercial ~~and institutional~~ driveways shall be paved, unless otherwise provided in this Ordinance. All commercial ~~and institutional~~ driveways that intersect with paved streets shall be paved a distance of at least fifty (50) feet from the street.
- (~~F~~)**(G) Offset Spacing:** Commercial ~~and institutional~~ 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 centerline to centerline.
- (~~G~~)**(H) 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.

(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 a maximum of 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; and
  - 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.

(B) **Authority:** Shared driveways ~~serving two (2) residential properties~~ shall be reviewed and approved by the Director of Planning and Zoning. ~~Shared driveways serving three (3) or more residential properties and shared driveways serving non-residential properties shall be reviewed by the Planning Commission.~~

(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;
  - ~~e.d.~~ **Cross Section:** A cross section of the shared driveway;
  - ~~d.e.~~ **Road Commission Permit:** A permit from the Road Commission for the shared driveway, if the shared driveway intersects a public street;
  - ~~e.f.~~ **Maintenance Agreement:** An agreement outlining the maintenance of the shared driveway;
  - ~~f.g.~~ **Easement Agreement:** An agreement outlining the access easement; and
  - ~~g.h.~~ **Additional Materials:** Additional materials determined necessary by the Director of Planning and Zoning, Township Attorney, Township Engineer, or Planning Commission, 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. ~~If the review letter is not issued within the above period, a shared driveway reviewed by the Planning Commission shall be placed on the next available Planning Commission agenda.~~
  - 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 shall be considered the date the application is administratively complete, unless it has been declared incomplete.
- ~~(4) **Planning Commission Review:** When the Planning Commission is the approving authority, shared driveway review shall be conducted at a public hearing.~~
- ~~(5) **Director of Planning and Zoning Review:** When the Director of Planning and Zoning is the approving authority, shared driveway review shall not be conducted at a public hearing.~~
- ~~(6)~~(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. Decisions shall be made in a timely manner, based on the approving authority, as outlined below.
  - ~~a. **Planning Commission:** The Planning Commission shall render its decision within sixty (60) days of the date the application is administratively complete, unless a delay is agreed to by the applicant and the Planning Commission. The decision shall be final upon adoption of meeting minutes or signing of a resolution by the Township, whichever occurs first.~~

~~*Director of Planning and Zoning:* 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.~~

~~(7)(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.~~

~~(8) *Reapplication:* here~~

~~(9) *Revocation:* here~~

## § X.45 - ACCESS EASEMENTS

A lot used for agricultural or single-family use may be served by an exclusive permanent access easement instead of direct street access, as outlined below.

- (A) ***Easement Width:*** The easement shall have a ~~minimum~~ width of at least sixty-six (66) feet. This width may be reduced to forty (40) feet if the applicant can demonstrate there is adequate room for utility access and vehicle turnaround.
- (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:
- a. *Public Access:* Easements to the public for purposes of emergency and other public vehicles for necessary public services; and
  - b. *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.
- (D) ***Process:*** Access easements shall be reviewed as outlined below.
- (1) ***Application:*** An application for an access 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 not less than 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 shared 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, Township Engineer, or Planning Commission, including, but not limited to, existing topography, proposed grade, and soil conditions.



- (2) *Right to Enter Property:* Submission of an 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 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. ~~If the review letter is not issued within the above period, a shared driveway reviewed by the Planning Commission shall be placed on the next available Planning Commission agenda.~~
- 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 shall be considered the date the application is administratively complete, unless it is declared incomplete.
- (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 driveway 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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