



STARK COUNTY, OHIO ACCESS MANAGEMENT REGULATIONS (EFFECTIVE OCTOBER 1, 2016)

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August 16, 2016

ACCESS MANAGEMENT REGULATIONS

To properly manage access to County and Township roads in Stark County and to satisfy the purpose of Chapter 5552 of the Ohio Revised Code.

Accepted and adopted by the Board of Stark County Commissioners on August 31, 2016, to become **effective October 1, 2016**.

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1. INTRODUCTION

1.1 Authority

The Stark County Board of Commissioners is authorized by Sections 5552.02 and 5552.06 of the Ohio Revised Code (ORC) to adopt Access Management Regulations for the County and Township Roads in Stark County.

1.2 Purpose

The Stark County Engineer (hereafter, Engineer) designed and adopted these Access Management Regulations to reduce the potential for crashes, ease traffic flow, reduce conflicts between different types of travelers along the roadways, and preserve roadway capacity. The regulations promote these objectives in balance with the public's desire for convenient access, and property owners' rights to reasonable access.

These regulations establish the standards necessary to properly manage access to County and Township Roads in Stark County and to satisfy the purpose of Chapter 5552 of the Ohio Revised Code.

1.3 References and Resources

The Stark County Access Management Regulations are based on engineering judgment supported by considerable national research by the Transportation Research Board and other entities. This research demonstrates the direct relationship between the number of access points, their placement, and the number of crashes along roadways.

- A. State Highway Access Management Manual, Ohio Department of Transportation
- B. Butler County Access Management Regulations, Butler County Engineer's Office
- C. Union County Access Management Regulation, Union County Engineer's Office
- D. Access Management Manual, Transportation Research Board
- E. A Guidebook for Including Access Management (Report 548), National Cooperative Highway Research Program
- F. State of the Practice in Highway Access Management (Synthesis 404), National Cooperative Highway Research Program
- G. Transportation Impact Analyses for Site Development, Institute of Transportation Engineers
- H. Access Management Regulations, Tuscarawas County, Ohio

1.4 Definitions

1.4.1 Access classification

Access classification is a system that defines driveways according to their purpose and use. The following are used:

- Minimum Volume Driveway

- Field drive – provides access to agricultural land or open fields
- Utility drive – provides access to public utility facilities
- Very Low Volume Driveway
 - Farm Drive – provides access to agricultural buildings
 - Single family residence drive serving one single family dwelling
 - 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 Driveway
 - Less than 100 trip ends in the peak hour
- Medium Volume Driveway
 - 100 or more, but less than 200, trip ends in the peak hour
- High Volume Driveway
 - 200 or more trip ends in the peak hour

1.4.2 Access Connection

Any connection to a road or street which permits access to or from the road or street by vehicles, equipment, cars, trucks, busses, 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.

1.4.3 Cross Access

Cross access is the ability to move between adjacent properties without re-entering the public street. This includes the movement of vehicular and pedestrian traffic and non-exclusive parking rights; see Figure 1.

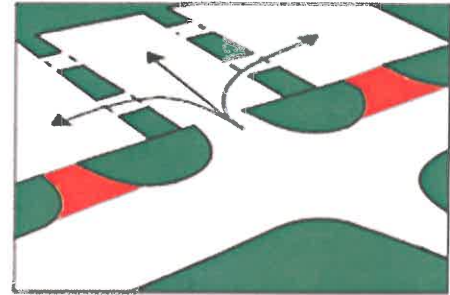


Figure 1. Cross Access

1.4.4 Division of Property without Plat

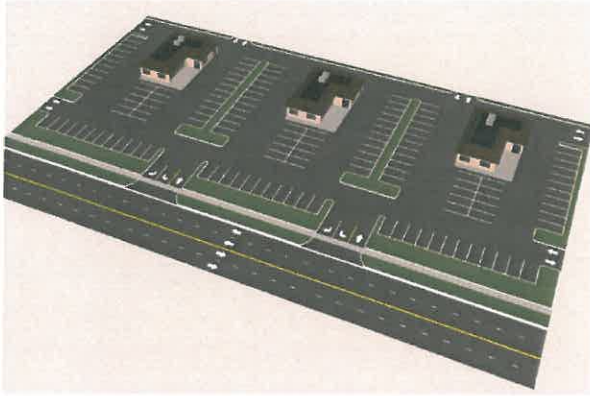
This is the process of approving minor divisions of property and designated Minor Subdivisions or Large Lot Developments in accordance with the Ohio Revised Code and the Stark County Subdivision Regulations.

1.4.5 Design Speed

The design speed of a road shall be the current, legal speed limit plus ten (10) miles per hour.

1.4.6 Driveway

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



**Figure 2. Shared (or Common)
Access Driveway.**

1.4.7 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 Ohio Department of Transportation (ODOT) Location and Design (L&D) Manual, Volume 1.

1.4.8 Shared (or Common) Access Driveway

A shared or common access driveway is a driveway that provides access to two or more adjacent properties; see Figure 2.

1.4.9 Stark County Area Transportation Study (SCATS) Functional Classes

SCATS expanded the federal functional classifications to include sub-classifications of local roads for the purposes of subdivision regulations. Descriptions of each class are as follows:

- A. Arterial System:** This system provides the highest level of mobility at the highest speed, for long, uninterrupted travel. Arterials generally have higher design standards than other roads, often with multiple lanes and some degree of access control. The arterial system includes the following:
 - Rural Interstates – Interstate highways located outside the urban boundaries of Stark County.
 - Rural Principal Arterials – Provides inter-county service so that all developed areas are within a reasonable distance of an arterial highway.
 - Rural Minor Arterials – Serves an urban area if it penetrates or comes within two (2) miles of the urban boundary.
 - Urban Interstates – Interstate highways located within the urban boundaries of Stark County.
 - Urban Freeways/Expressways – A divided highway for through traffic with full or partial control of access.
 - Urban Principal Arterials – Other principal arterials that serve the major centers of activity in a metropolitan area.

- **Urban Minor Arterials** – Provides service for trips of moderate length and at lower speeds and connect with urban principal arterial roads and rural collector routes.
- B. Collector System:** Collectors provide a lower degree of mobility than arterials. They are designed for travel at lower speeds and for shorter distances. Collectors are typically two-lane roads that collect and distribute traffic from the arterial system. The collector system includes the following:
- **Rural Major Collectors** – Provides service to larger towns not accessed by higher order roads and important industrial or agricultural centers that generate significant traffic.
 - **Rural Minor Collectors** – Spaced at intervals, consistent with population density, to collect traffic from local roads and to insure that all urbanized areas are within a reasonable distance of a collector road.
 - **Urban Collectors** – Provides traffic circulation within residential neighborhoods and commercial and industrial areas. Urban collectors distribute traffic from the arterials to the ultimate destination and channel traffic from local streets onto the arterial system.
- C. Local Roads:** Local roads provide basic access between residential and commercial properties, connecting with higher order highways. Examples of local roads include many township roads as well as those located within a residential subdivision or a cluster of commercial buildings. Local roads include the following:
- **Local Single Family Residential** – A rural or urban local road that provides access to single-family residential properties.
 - **Local Commercial/Multifamily Residential** – A rural or urban local road that provides access to commercial and/or multifamily residential properties.

1.4.10 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 ODOT L&D Manual, Volume 1.

1.4.11 Subdivision Regulations

The most recent edition of the Subdivision Regulations of Stark County as enacted and accepted by the Stark County Board of Commissioners and the Stark County Regional Planning Commission.

1.4.12 Technical Design Standards

The technical design standards referenced in this document are the most recent version of the Stark County Engineer's Standard Driveway Specifications as found in the Application for Driveway Permit (see Appendix A) and the most recent version of the Ohio Department of Transportation's Location and Design Manual, Volume 1.

1.4.13 Traffic Impact Study

A study which evaluates the effects that a particular development's traffic will have on the transportation network in a community. The studies can vary in their range of detail and complexity depending on the type, size, and location of the development. These studies are used to help assess whether a development is appropriate for a site and what type of transportation improvements may be necessary to adequately serve the development and the existing traffic demand.

1.4.14 Trip Ends

The calculations of trips is based on the most recent edition of the Trip Generation Manual and Trip Generation Handbook as published by the Institute of Transportation Engineers (ITE) or can be based on a local data, collected per the specifications in those ITE documents and accepted by the Engineer.

1.4.15 Urban Township

The unincorporated territory of any township with a population of 15,000 or more that adopts a limited home rule government is an urban township pursuant to Ohio Revised Code 504.01(B) and 5552.01(B).

NOTE: See Article II of the Subdivision Regulations for additional definitions.

1.5 Implementation

The effective date of these regulations is October 1, 2016. The Engineer, or his designee, is responsible for implementing and administering these regulations.

2. APPLICABILITY

These regulations shall apply to all access connections to County and Township Roads constructed on or after the effective date of these regulations and to all divisions of property without plat that occur after the effective date. Minimum and Very Low Volume Driveways located along Township Roads will be approved by the Township, using their standard driveway permit procedure. In the absence of a Township permit process, the applicant should submit the Stark County Engineer's Application for Driveway Permit to the Township for proposed driveways. All other access connections shall be subject to review and approval by the Engineer.

These regulations shall also apply to all existing access connections when any of the following conditions are met:

- A. The land use changes through modification of any existing structure or building of any new structure.
- B. A property owner upgrades the existing access by reconstruction, relocation, modification, or expansion, excluding driveway culvert replacement.
- C. The land use changes in a manner that could increase the traffic volume that utilizes the existing access connection. In making such a determination, the trip rates in the most recent edition of the ITE Trip Generation Manual shall be used as a guideline.
- D. The access will potentially change as the result of a construction project on the site.
- E. The connection is within the project limits of a major rehabilitation, reconstruction or utility project within the street right-of-way at the discretion of the Engineer.

These regulations shall not apply to the approval of lots within a platted residential subdivision in accordance with the Stark County Subdivision Regulations. They shall apply to subdivisions approved without a plat under the procedure contained in Sections 711.131 and 711.133 of the Ohio Revised Code and to any lot or parcel not otherwise subject to regulation under Chapter 711 of the Ohio Revised Code.

Access connections constructed after the effective date of these regulations, but prior to March 30, 2017, in accordance with an approved driveway permit issued prior to the effective date of these regulations shall also be exempt from these requirements.

3. GENERAL PROVISIONS

The purpose of this document is to define principles and policies for Access Management on all County and Township roadways in Stark County. There are many variables that affect the decisions on what is proper and adequate Access Management. The Engineer or his authorized agent will determine the proper access locations and types using the criteria in this document and sound engineering judgment. The Engineer shall administer this document in a fair and impartial manner. The regulations are designed to protect the health, safety and welfare of the traveling public and are as follows:

- A. Safety issues shall receive the highest priority.
- B. Achieving adequate sight distance shall be the goal in all cases.
- C. The goal of the Access Management process is to maintain or improve existing level of service and reduce potential for crashes on all County and Township Roads.
- D. American Association of State Highway and Transportation Officials (AASHTO) specifications shall be used whenever applicable.
- E. All current rules and regulations of the Stark County Subdivision Regulations for platting of land shall apply.
- F. All current township zoning regulations and the Stark County Subdivision Regulations shall apply with full force and effect and simultaneously with these access management regulations. These regulations apply to the points of access into the public rights-of-way. If a conflict arises when applying these access management regulations with zoning or subdivision requirements, these access regulations shall apply unless otherwise exempted by law.
- G. All divisions of property without plat shall be required to have pre-approved access locations prior to approval of a lot split by the Stark County Regional Planning Commission.
- H. Access approval shall be issued by the Engineer on all County and Township roads, except that urban townships may adopt their own regulations for their township roads and all townships can control access to township roads meeting the criteria of Section 2. Applicability. Upon approval of access, a driveway permit application shall be submitted.
- I. Access approval is based on the traffic generating characteristics of the proposed use of the property. If the traffic generating characteristics of the property change, the Access approval may be withdrawn until the required elements of the Access Management Regulations for the proposed use are met. Applicants shall use the ITE Trip Generation Manual or preapproved alternate to determine proposed trips.

- J. The Commissioners shall establish permit fees, to be collected by the Engineer, based on the costs associated with the development and operation of the program. The Commissioners may periodically change these fees.
- K. Pursuant to Revised Code 5552.07, the Board of Commissioners upon adoption of access management regulations shall designate a Stark County Road Access Board of Appeals to hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of these Regulations.
- L. In cases where the applicant and the Engineer cannot resolve an issue, the applicant has the right to take their case to the Stark County Road Access Board of Appeals to have their case heard and acted upon accordingly.
- M. Minimum Volume Field Drives and Very Low Volume Farm Drives used solely for agricultural purposes are only required to submit an Application for Driveway Permit (Appendix A) and meet all safety aspects of the Permit prior to permit approval.
- N. The current approved Stark County Area Transportation Study (SCATS) Functional Classification Map shall serve as reference for identifying roadway classifications relative to the use of these regulations. The SCATS functional classification definitions are located in section 1.4.9 and the most current functional classification map at the time of the access management regulation adoption is located in Appendix B or online at:

<http://www.starkcountyohio.gov/transportation/programs/functional-classes>.
- O. These regulations shall apply to all access requests and/or driveway permit applications received on or after the effective date of this document.
- P. Any part of this document that is found to be unlawful by the Court(s) having jurisdiction in these matters shall not invalidate any part of the remaining regulations.

4. ACCESS APPROVAL

The Stark County Access Management Regulations provide the Engineer authority to review all proposed access connections to County and Township roads. Townships and/or the Regional Planning Commission (RPC) have jurisdiction over land use planning, zoning and site plan reviews outside the road right-of-way. These regulations define requirements for access to public roads and changes within public right-of-way. Reviewing access in Stark County will require coordination between the townships, the Engineer and the RPC. Early communication with the Engineer can reduce the possibility of permit denial or changes to site plans. The recommended review process is shown in Figure 3. The path to access by type of land use or change in use is in Appendix C.



Figure 3. Recommended Review Process (Includes Coordination with Township and/or RPC)

4.1 Pre-Application Meeting

A pre-application meeting with the Stark County Engineer provides an informal opportunity to review the feasibility of an access proposal and compliance with the Access Management Regulations. It also provides the applicant with feedback and direction regarding submittal requirements, which if not addressed early, may delay the review process.

The information and level of detail required to review an application will vary according to the type and usage of the access connection requested. Material not relevant to the evaluation and review of the application will not be requested or required of the applicant.

Pre-application meetings are highly recommended for access to large, high volume residential, industrial, and/or commercial and retail developments (sites potentially generating 100 or more trip ends in the peak hour) or for access proposals whose traffic generation may require more detailed study including a Traffic Impact Study, in accordance with Section 7. The Engineer also recommends these meetings for applicants seeking direction regarding the level of detail and any additional studies or information that may be required.

4.2 Preliminary Access Approval

Prior to any division of property without plat approval, the property owner shall seek preliminary access approval from the Engineer. The preliminary access approval will indicate those locations along the lot or tract for which access is acceptable and in conformance with these regulations. The Engineer will issue preliminary access approval with the division of property approval or within seven working days following submission of the completed application. The Engineer may choose to not issue a preliminary access approval in situations where provisions for access may be determined at a later date.

For preliminary access approval the Engineer may require a registered professional engineer or surveyor show the following information on either a survey plat or other accurate drawing:

- A. Show distances from center of proposed access to center of all other proposed access points on the property and their use, or from side property line to center of access.
- B. Location of any existing driveways on the opposite side of the public road from the applicant's frontage within 150 feet to either side of the applicant's frontage, measured from center of drive to center of drive, and their use.
- C. Location of any existing driveways on the property and their use.
- D. Available sight distance (SSD and ISD) and required sight distance (SSD and ISD) measured from the proposed access point.
- E. Identify the spacing between driveways required by Stark County per the Access Management Regulations along with the distance provided (from 4.2.A and B), measured centerline to centerline.

- F. Show dimensions of the proposed driveway radii, width, and driveway throat length (see Figure 4).
- G. Detail any existing or proposed sidewalk crossings, profile grade and pavement markings.
- H. Other information as required by the Engineer.

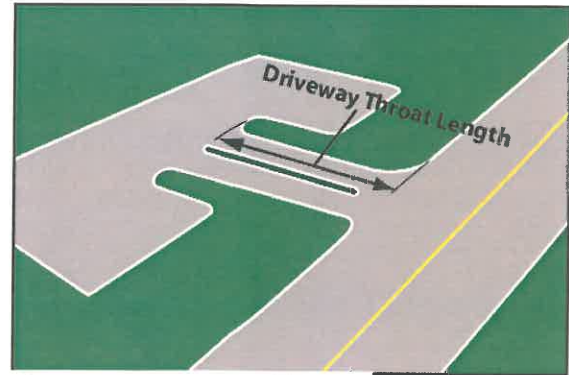


Figure 4. Driveway Throat

4.3 Access Permits

Prior to the issuance of a building permit, or prior to the construction of a driveway in those situations not requiring a building permit, the property owner shall submit an access permit application to the Engineer. In the case where the Engineer granted preliminary access approval and the proposed access point meets the stipulations of that approval, the Engineer may approve the request. If the Engineer modified these regulations since granting the initial permit, a new review may be required. In those situations where no preliminary access approval was issued, the Engineer will require submission of the Preliminary Access Approval information.

- A. If the driveway shall be restricted to one single family residential structure, the Stark County Application for Driveway Permit and the standard driveway specifications included shall be the extent of the requirements for the access permit process. (See Appendix A).
- B. Access 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.
- C. For *Minimum Volume* and *Very Low Volume* driveways, access permits shall be approved or disapproved within seven working days following submission of all information required by these regulations.
- D. 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 Engineer.
- E. An access permit which is not approved and issued or is not denied within the above time frames shall be deemed approved and shall be issued in accordance with the information submitted.
- F. An access permit fee shall be established by the Board of Commissioners to cover the cost of administering these regulations and shall accompany the access permit application.

- G. Access permits shall expire if the driveway is not constructed within six months of the date of access permit issuance. The Engineer may grant no more than two extensions of six months each.

4.4 Exceptions

The Engineer has the ability to grant exceptions to the stated regulations based on unique or special conditions that make strict compliance with the regulations impractical or impossible. Property owners should discuss requests for exceptions with the Engineer during the application process. The Engineer can require information to support the requested exception(s), including illustrations of access alternatives, documentation that shared access with an adjacent property is unreasonable, a traffic impact assessment prepared by a qualified professional or other information.

4.5 Appeals

4.5.1 Appeals Board

- A. The Road Access Board of Appeals may grant variances to these regulations that are not contrary to the public interest where, owing to special conditions, a literal enforcement of these Regulations will result in unnecessary hardship, and so that the spirit of the Regulations will be observed and substantial justice done.
- B. The Road Access Board of Appeals shall be comprised of one Stark County Commissioner (or a designee appointed by the Commissioners), one Township representative (appointed by the Stark County Township Association), one Building Industry Association (BIA) member (appointed by the BIA president), the Regional Planning Commission Executive Director (or a designee appointed by the Executive Director) and the Stark County Engineer (or a designee appointed by the Engineer).

4.5.2 Appeal Procedure

- A. If an applicant believes the Engineer mistakenly applied or misinterpreted these access management regulations, the applicant can appeal the access decision.
- B. Appeals to Access Management findings shall be submitted in writing within 30 days of the decision of the Engineer. The request shall provide evidence of unique or special conditions that make the strict compliance with these regulations impractical or impossible. Two (2) copies of such request shall be filed with the Road Access Board of Appeals. Any applicable fees, as set by the Stark County Commissioners, shall accompany said request. The Road Access Board of Appeals address is as follows:

Stark County Road Access Board of Appeals
c/o Stark County Engineer
5165 Southway Street S.W.
Canton, Ohio 44706

- C. When considering an appeal, the Road Access Board of Appeals may review all data and information provided and other relative information; such as:
1. Does the property have reasonable access?
 2. Is there reason to believe granting of the variance could increase the potential for congestion or crashes compared to a location and design that complies with the standards of this ordinance?
 3. Was the hardship pre-existing or created by the current owner or developer?
 4. Granting of a variance would not be in conflict with the intent and purpose of these regulations.
 5. Have all feasible access options been considered?
 6. Is there a condition associated with the property that makes full compliance impractical? This may include the parcel shape, topography, limitations imposed by existing adjacent development access, utility lines or easements, natural features, existing or potential changes to speed limits, or other similar factor(s).
 7. Can engineering or construction solutions be applied to mitigate the conditions?
- D. Any decision by the Board of Appeals granting or denying an appeal shall state the regulatory basis and factual determinations for such decision. A written decision shall be served upon the applicant/appellant by ordinary U.S. mail to the property address provided on the permit application.
- E. Decisions of the Road Access Board of Appeals, may be appealed to the Stark County Court of Common Pleas by a person adversely affected pursuant to Chapter 2506 of the Ohio Revised Code.

5. ENFORCEMENT

5.1 Notice of Violation

The Engineer shall notify the property owner of any driveway installed contrary to these regulations. The notification may be served by ordinary U.S. mail, shall identify the problem with the driveway, and establish a 15-day period, or other longer period approved by the Engineer, for the property owner to correct the problem. If the property owner does not correct the problem within the established time period, Stark County may proceed in accordance with applicable law to enforce these regulations.

5.2 Penalty

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

6. STANDARDS AND SPECIFICATIONS

6.1 Purpose

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; 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 by SCATS.
2. The provision of any existing or future approved Access Management Plan prepared for a specific road or portion of a road shall apply and take precedent over these Access Regulations. The applicable requirements of the Subdivision Regulations and the Technical Design Standards from Section 1.4.12 shall also apply.

6.2 General

6.2.1 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 Technical Design Standards from Section 1.4.12 based on: Stopping Sight Distance (for minimum and very low volume driveways) and Intersection Sight Distance (for low, medium, and high volume driveways) for the design speed at the location of the driveway.

6.2.2 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 the requirements of the Engineer. Sample cross access agreements are included in Appendix C.

6.2.3 Existing driveways that do not conform to these regulations shall be considered nonconforming driveways and shall be brought into conformance with these regulations under the following conditions:

- A. When new access permits are requested;
- B. When driveway upgrades are proposed;
- C. When increases in trip generation are planned for the driveway;
- D. If the use served by the nonconforming driveway discontinues for a consecutive period of two years;
- E. As road improvements take place at the discretion of the Engineer, or

- F. If there is any change in use (i.e. tenant change, expansion, rehabilitation or significant construction) on a site.

6.2.4 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 developer 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.

6.2.5 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 Engineer. No new driveways or driveway upgrades shall be permitted for contiguously-owned parcels where access rights have been previously extinguished or acquired by a governmental body.

6.2.6 Property owners are required, at their expense, to install driveways in accordance with these regulations, the requirements of the Engineer, and any construction plans for the driveways approved by the Engineer. Compliance could include the cost of improvements necessary to safely accommodate desired access such as turn lanes on the public street; traffic signal installation and maintenance fees; relocation of existing driveways; channelization of existing driveways; or other items stipulated in the approved access permit.

6.3 Access Connection and Driveway Design

6.3.1 Driveways and or service drives shall be located on the lowest order of public roadway on which the lot has frontage or a shared access point unless the Engineer determines the public safety would be better served by allowing access on a higher order public roadway. For major residential subdivisions with private roadways the access locations will be determined during the Engineer and/or Stark County Regional Planning Commission review process.

6.3.2 Driveway design shall conform to AASHTO specifications, latest edition.

6.3.3 The length of driveways or "driveway throat length" shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flows of traffic on the public highway or causing unsafe conflicts with onsite circulation.

6.3.4 All entrances shall be designed so that all vehicles entering and leaving the site will not cross over into opposing lane of traffic or any portion thereof.

6.3.5 Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of full access driveways along acceleration/deceleration lanes and tapers is prohibited due to potential for vehicular weaving conflicts and obstruction of the public roadway.

6.3.6 Driveway width and flair shall be adequate to serve the volume of traffic and provide for efficient movement of vehicles off of the public highway.

6.3.7 Requirements for addition of left or right turn lanes; the minimum spacing between driveways; the minimum spacing between driveways and intersections; and the minimum spacing between service roads and intersections are found in Tables 1 and 2. (see pages 21 and 22)

7. TRAFFIC IMPACT STUDIES (TIS)

7.1 Applicability

The Engineer 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 Low Volume driveways accessing Major Collectors or Arterials. See Section 1.4.1, for more information on access classification based on driveway volumes. The Traffic Impact Study shall be prepared and paid for by the applicant. A sample TIS Memorandum of Understanding (MOU) is included as Appendix D. The Engineer recommends preparation of a MOU to ensure submittal of an acceptable TIS. The specific traffic information required for review of the TIS is site-dependent.

7.2 Required Content

The Engineer shall determine the level of detail required based on the amount of traffic expected to be generated by the proposed use based on generally accepted transportation engineering sources and the most recent version of the Institute of Transportation Engineers (ITE) handbook "Transportation Impact Analysis for Site Development." Population and employment density within the study area shall guide determination of multimodal requirements. Level of detail shall be discussed at the pre-application meeting, if requested by the applicant, or at a separate TIS Scope meeting.

While performing a TIS for the Stark County Engineer's Office the applicant shall use the ITE Trip Generation Manual, latest edition, to generate proposed traffic volumes. The Ohio Department of Transportation's Location and Design Manual, Volume 1, Section 400, latest revision, shall be used to determine the need for left and right turn lanes. The applicant shall use the Ohio Manual of Traffic Control Devices, Chapter 4C, latest revision, to evaluate traffic signal warrants when required by the Engineer. Capacity analyses for road segments and intersections shall utilize the current version of Highway Capacity Software, Synchro, SimTraffic or other suitable software as approved by the Engineer.

8. GRANTING OF ACCESS PERMITS

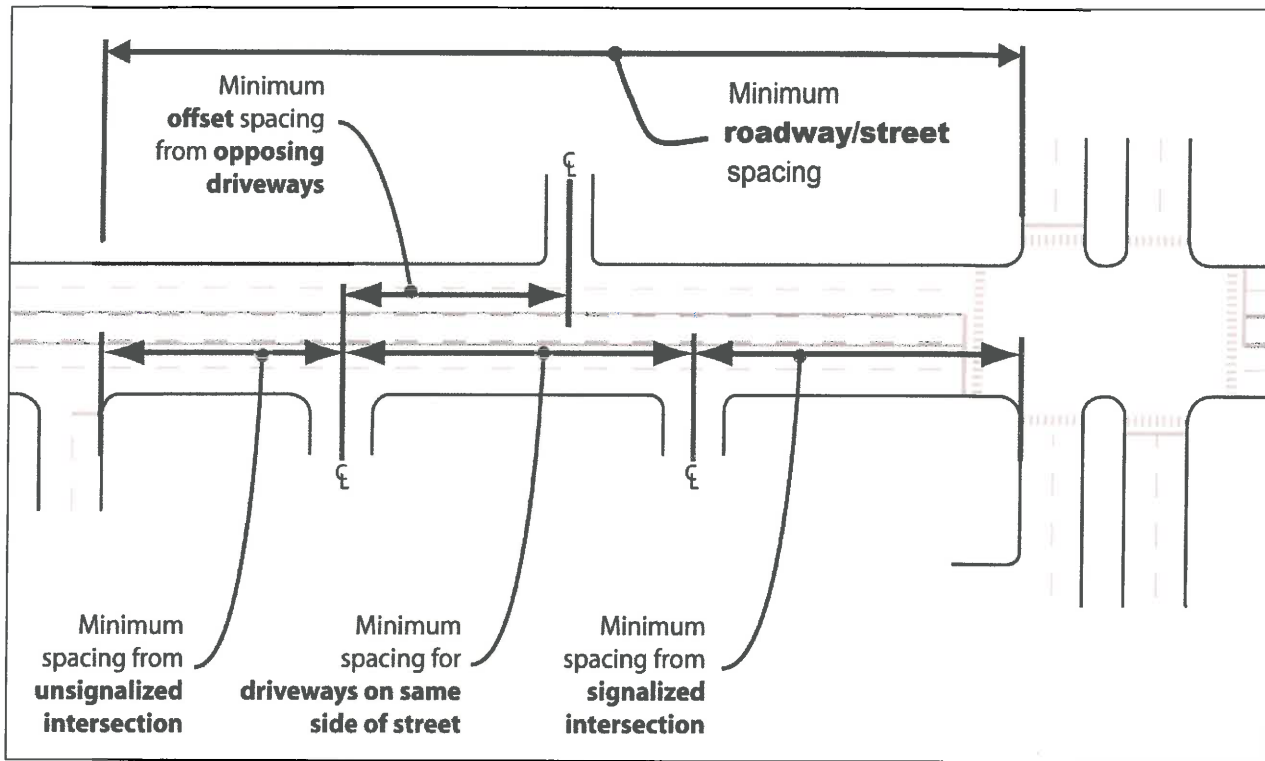


Figure 5. Graphic of Spacing Requirements Found in Tables 1 and 2

Upon receipt of a permit request the Engineer shall review the request for compliance with the standards in these regulations, the dimensional requirements of Tables 1 and 2, and the Technical Design Standards stated in Section 1.4.12. A graphic depicting some of the dimensional requirements is located in Figure 5. Prior to approval of the permit request and in conjunction with the results of a Traffic Impact Study, the Engineer may impose requirements to meet the intent of these regulations such as the following:

- A. Additions of left and right turn lanes.
- B. Minimum and maximum widths and turning radii for driveways.
- C. Increased “throat” lengths between the public road and parallel driveways or parking areas.
- D. Require a design that will restrict certain turning movements at driveways, which may include channelized access.
- E. Denying direct access.
- F. Installation or modification of traffic signals.
- G. Consolidating driveways.
- H. Requiring common access driveways.

- I. Closing driveways.
- J. Increased driveway spacing.
- K. Relocation of the access to a different location on the site.

Based on professional judgment, the Engineer may reduce by up to 25%, or a maximum of 150', whichever is less, the driveway spacing found in Tables 1 and 2 for Minimum and Very Low Volume driveways. The Engineer may take into account physical constraints, existing driveway spacing, current legal or advisory speed limits, and other issues.

TABLE 1. SINGLE FAMILY ACCESS REGULATIONS

SINGLE FAMILY RESIDENTIAL ONLY

Roadway Classification		TIS Required			Left Turn Lane Required	Right Turn Lane Required	Minimum Rdwy/Street Spacing (NOTE C)	Minimum Driveway Spacing (NOTE C)	Minimum Intersection Spacing (NOTE C)
		Low*	Medium*	High*					
Local	Platted	No	Yes	Yes	B	B	600'	50' E, F, G	200' E, F
	Division of Property	No	Yes	Yes	B	B	600'	50' E, F, G	200' E, F
Minor Collector		No	Yes	Yes	B	B	800'	200' E, F	200' E, F
Major Collector		A	Yes	Yes	B	B	800'	200' D, E, F	B, C
Minor Arterial (non-State)		Yes	Yes	Yes	B	B	1000'	200' D, E, F	B, C
Principal Arterial (non-State)		Yes	Yes	Yes	B	B	1000'	200' D, E, F	B, C

Note A May be required upon request by SCEO and subject to SCEO TIS Standards

Note B Subject to TIS recommendations as scoped and approved by SCEO

Note C Shall align with existing opposing driveway or road when possible

Note D When minimum driveway and or street spacing cannot be met - right in and right out may be required

Note E Private drives and/or streets that have >100 peak hour trips shall be evaluated as public streets for the purposes of Access Management

Note F If sight distance requirements can not be met, cross access easements and/or shared drives may be required

Note G The minimum spacing of single family residential driveways on Local Roads is 50 feet. The minimum spacing between residential driveways and public street intersections should be 200 feet.

*** - Driveway Volumes**

Low	< 100 Peak Hour Trips
Medium	100 > 200 Peak Hour Trips
High	> 200 Peak Hour Trips
Minimum / Very Low	See Definition 1.4.1 on pages 1 & 2 of 22

+ - Minimum and Very Low Volume Drives on Township Roads are Exempt from Access Management Regulations but must meet Township requirements for driveways

SCEO Stark County Engineer's Office

TABLE 2. NON-SINGLE FAMILY ACCESS REGULATIONS

ALL USES (except SINGLE FAMILY RESIDENTIAL)

Roadway Classification		TIS Required			Left Turn Lane Required	Right Turn Lane Required	Minimum Rdwy/Street Spacing (NOTE C)	Minimum Full Access Driveway Spacing (NOTES C, E, F)	Right In / Right Out Only	Minimum Intersection Spacing (NOTE C, E, F)
		Low*	Medium*	High*						
Local	Platted	No	Yes	Yes	B	B	600'	200' G	B	200'
	Division of Property	No	Yes	Yes	B	B	600'	200' G	B	200'
Minor Collector		No	Yes	Yes	B	B	800'	Low* 250'	B	Low* 250'
								Med* 350'		Med* 350'
								High* 800'		High* 800'
Major Collector		A	Yes	Yes	B	B	800'	Low* 400'	B	B, C
								Med* 500'		
								High* 800'		
Minor Arterial (non-State)		Yes	Yes	Yes	B	B	1000'	Low* 500'	B	B, C
								Med* 600'		
								High* 1000'		
Principal Arterial (non-State)		Yes	Yes	Yes	B	B	1000'	Low* 500'	B	B, C
								Med* 600'		
								High* 1000'		

Note A May be required upon request by SCEO and subject to SCEO TIS Standards

Note B Subject to TIS recommendations as scoped and approved by SCEO

Note C Shall align with existing opposing driveway or road when possible

Note D When minimum driveway and or street spacing cannot be met - right in and right out may be required

Note E Private drives and/or streets that have >100 peak hour trips shall be evaluated as public streets for the purposes of Access Management

Note F If sight distance requirements can not be met, cross access easements and/or shared drives may be required

Note G Spacing may be reduced to 50' for Minimum and Very Low Volume Driveways at the discretion of the County and/or Township

* - Driveway Volumes	Low	< 100 Peak Hour Trips
	Medium	100 > 200 Peak Hour Trips
	High	> 200 Peak Hour Trips
	Minimum / Very Low +	See Definition 1.4.1 on pages 1 & 2 of 22

+ - Minimum and Very Low Volume Drives on Township Roads are Exempt from Access Management Regulations but must meet Township requirements for driveways

SCEO Stark County Engineer's Office

Stark County Access Management Regulations
August 16, 2016

22 of 22

APPENDIX A:

STARK COUNTY APPLICATION FOR DRIVEWAY PERMIT



STARK COUNTY ENGINEER

Keith A. Bennett, P.E., P.S.

5165 Southway St., S.W.
Canton, Ohio 44706-1998
Phone (330) 477-6781 Fax (330) 477-3926
www.engineer.co.stark.oh.us



**HYDRAULICS
DEPARTMENT**

Application for Driveway Permit

Applicant Information

Applicant(s) Name:			
Mailing Address:			
City:		Phone:	
Zip:		Fax:	

Site Information

Township:			
N S E W (Circle One)	side of County Road:		
miles	feet	N S E W (Circle One) of	
House Number:	(Nearest Intersection or Public Road)		
Between House Numbers	and	House No. Across Road:	
Length of Property Frontage:	feet	Parcel Number:	

Type of Permit (Check All That Apply)

- | | | |
|--|---|---|
| ☐ New Driveway | ☐ Existing Driveway Reconstruction | ☐ Renewal Permit No. _____ |
| ☐ Residential (Single Family Private) | ☐ Field | ☐ Commercial |
| ☐ Common Access Drive | ☐ Industrial | ☐ Other: _____ |

Contractor

Call OUPS 48 hours before you dig 1-800-362-2764

Company Name:			
Address:			
City:		Phone:	
State:	Zip:	Fax:	
Contact:		Cell:	

Applicant's Certification

I, the undersigned, understand that the Stark County Engineer assumes no responsibility or liability for the work done under a permit and that all work shall be done at no cost to the County by a contractor licensed by the County Engineer to perform such work. All work shall be done as applicable, in accordance with the State of Ohio Department of Transportation Construction and Materials Specifications, the Ohio Manual of Uniform Traffic Control Devices, and any supplemental and special provisions deemed necessary or as stated on the permit as special provisions or conditions. The County Engineer reserves the right to order the removal, reconstruction, relocation or repair of any work performed under a permit in the event of future work or for the benefit of requirements at the owner's expense, reference Chapter 5543.16 of the Ohio Revised Code which states in part, "The owner of land shall construct and keep in repair all approaches or driveways from the public roads, under the direction of the County Engineer". The County Engineer or his representative may revoke or annul any permit or halt work at any time for noncompliance or nonperformance of the conditions set forth in the application, specifications, standard details and permit. The County Engineer reserves the right to appoint an inspector to oversee the work.

I hereby agree to all terms, conditions and restrictions so far as they apply to work to be done under the permit as issued and general provisions listed above. I hereby certify that the above information is true and accurate.

Applicant's Signature

Date

Permit to be mailed to (Check One):

- | | | |
|--------------------------------|-------------------------------------|--|
| ☐ Owner | ☐ Contractor | ☐ Picked up at County Engineer's Office |
|--------------------------------|-------------------------------------|--|

Preferred Drive location must be staked and address displayed prior to a permit being issued.
Location of driveway is subject to the requirements and approval of the Stark County Engineer.
Please allow 7 working days to process this application. Driveway construction cannot begin until a permit is granted.
Permit expires 6 months from approval date.
Make check payable to Stark County Treasurer.

Fee: \$30.00

This page to be filled out by Department Staff Only

D R I V E W A Y P E R M I T

Permit #:

Pre Construction Inspection Requirements to be met:

Township: _____			Section: _____			Quarter: _____																	
Drive Culvert: ☐ Required ☐ Not Required																							
Diameter of Pipe: _____			Inch			Length of Pipe: _____			feet			Type of Pipe: _____											
Legal Speed Limit: _____									mph														
Corresponding Recommended Sight Distance: _____									feet														
Approx. Actual Sight Distance: _____									feet for _____			bound traffic			_____			feet for _____			bound traffic		
Direction of Flow in Existing Ditch: _____									N			S			E			W					
Depth of Existing Ditch: _____									feet			Ditch needs to be cleaned: ☐ Yes ☐ No											
☐ Non Curb and Gutter									☐ Curb and Gutter			Length of Curb Cut: _____											
Road is: ☐ Straight ☐ Curved ☐ Level ☐ Hilly																							
Distance from Edge of Pavement to Centerline of Drive Culvert: _____																							
Distance from Edge of Pavement to Right of Way Line: _____																							
Additional Requirements: _____																							
Date of Pre Construction Inspection: _____									Inspector: _____														

Post Construction Inspection

Date of Final Inspection: _____ ☐ APPROVED ☐ NOT APPROVED

Comments: _____

Inspector _____

Date of Acceptance _____

Contact Stark County Engineer's Office 48 hours prior to beginning drive construction to schedule inspection at (330) 477-6781



STARK COUNTY ENGINEER

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HYDRAULICS
DEPARTMENT



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**HYDRAULICS
DEPARTMENT**

Standard Driveway Specifications

1. No driveway shall be constructed on any County road right-of-way until the owner or lessee of the land which the proposed driveway will serve has been granted a County driveway permit from the County Engineer's Office. Application for permit to construct driveway on right-of-way shall be filed with the Stark County Engineer from whom all forms may be obtained. Before a permit may be granted, or any work begun, an applicant shall agree to all terms and conditions stated on the Application for Driveway Permit, the Driveway Permit, the Standard Driveway Specifications and the Standard Driveway Details.
2. The location, construction and maintenance of driveways are under the supervision of the Board of County Commissioners at all times, and that granting such permit under these regulations the Board waives none of its powers or rights to direct the removal, relocation and/or proper maintenance in the future of any driveway within the right-of-way of the dedicated road. Any permit granted will be construed as regulatory and not contractual. Such permits are revocable by the Board of County Commissioners whenever the use and presence of a driveway or approach interferes with the required use of that portion of the right-of-way occupied by the driveway or constitutes a hazard to traffic, or the driveways are not built in compliance with the permit issued under these regulations.
3. The applicant shall have all work performed by a qualified, insured contractor. All work shall be performed in accordance with the permit. The applicant shall save harmless the Stark County Board of Commissioners, the Stark County Engineer, County officers and employees from all liability, judgments, costs, expenses and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property, either public or private, arising out of performance or non-performance of said work or the existence of said driveways, or for any other act by parcel owner or lessee within right-of-way included within parcel frontage.
4. No part of the dedicated road right-of-way shall be used for servicing vehicles, displays or the conduct of private business. The buffer area (the border area along the parcel frontage between the traveled way and the right-of-way line) is to be kept clear of buildings, sales exhibits, business signs, parking areas, service equipment and appurtenances thereto. Any grading or landscaping within the buffer area shall be only as approved by the Stark County Engineer.
5. The County Engineer will determine if a drive culvert is required. Location, type, length and size of pipe must be approved by a representative of the County Engineer prior to a permit being issued. All pipes installed must be a minimum of 30 feet in length and minimum 12 inches in diameter. Pipe shall be either Smooth Wall Polyethylene Pipe (CPP) (N-12, Hi-Q, or Equivalent), Reinforced Concrete Pipe (RCP) or Corrugated Metal Pipe (CMP). CPP pipe shall have a minimum 6" bedding of aggregate type 304 and no less than 12" of aggregate cover over the pipe. RCP or CMP may be used in lieu of CPP, in the opinion of the engineer, when available cover is less than 12", however these culvert pipes require a minimum of 6" bedding of aggregate type 304 and no less than 6" of aggregate cover over the pipe. Sod will be removed from the bottom of the ditch to assure the new pipe is not above or below the existing flowline. Headwalls may be permitted upon approval of the engineer on a case by case basis. Headwalls installed at the ends of the culvert shall not extend above the existing edge of pavement.

6. Permittee to furnish all labor, material and equipment necessary to complete and maintain the driveway and pipe. The permittee assumes all responsibility for the cleaning and maintenance of the drainage installation authorized. All work must be done by a qualified, insured contractor.
7. The permittee is held responsible for keeping the County Road free and clear of mud and debris in the area of operation. Excavated materials must stay behind the ditch line.
8. The Property Owner is responsible for driveway approach repair and authorized drainage culvert repair.
9. Existing roadside drainage to remain undisturbed.
10. Areas of vegetation within the County road right-of-way that have been disturbed by activities associated with the permit must be fertilized, seeded and mulched in accordance with ODOT standards. All restoration work is to be completed within 30 days after completing culvert/drive installation. The site is to be cleaned and restored to its original or better condition when work is completed. The permittee shall take any and all appropriate measures to limit soil erosion during and after construction authorized herein. As such, permittee shall be fully accountable to the Ohio EPA, the Soil Conservation Service, the Stark County Soil and Water Conservation District and other appropriate agencies for any violation or disregard of the applicable governing standards and regulations related to the protection and conservation of soils that are affected by this permitted work.
11. No machinery or materials are to be stored on the roadway or within the right-of way at any time.
12. Traffic to be maintained on the County Road at all times, in accordance with the Ohio Manual of Uniform Traffic Control for Construction and Maintenance Operations and Item 614 in the ODOT Construction and Material Specifications.
13. The permittee or the permittee's contractor must notify the County Engineer's Office at least 48 hours prior to starting the installation of the drive and again upon completion in order for a final inspection of the driveway. Failure to notify the Engineer's Office prior to and again upon completion will void this permit.
14. The County Engineer's Office will notify property owner of any installations which do not meet these specifications, and allow the property owner two (2) weeks to correct the driveway. Should no corrective action be taken, the County reserves the right to perform corrective work and invoice the property owner for all labor and materials necessary. Any expense incurred by the County due to the applicant's use of the right-of-way will be paid by the applicant.
15. The driveway location will be determined in cooperation with the County Engineer. The driveway location should permit a clear view of the road for 550 feet in each direction where the posted speed limit is 55 mph, 475 feet in each direction where the posted speed limit is 50 mph, 400 feet in each direction where the posted speed limit is 45 mph, 325 feet in each direction where the posted speed limit is 40 mph and 250 feet in each direction where the posted speed limit is 35 mph.
16. Driveways shall be constructed so that they will not permit water or stone to run onto the road pavement. Drive profiles shall slope down and away from pavement edge at a rate of 1 inch per foot to the centerline of ditch or four (4') feet from the edge of pavement, whichever is greater. Beyond the centerline of ditch, the driveway slope should not exceed ten percent (10%); (1' in 10'), eight percent (8%) being the preferred maximum. Drive approaches shall not be constructed higher than the existing edge of pavement. Crowning of the driveway outside of the road berm is suggested. Drive profiles that can not meet the requirements set forth herein shall, by determination of the engineer, be permitted to install an open grate trench drain (6" wide minimum) across the entire width of the driveway at the right-of-way line.
17. All excess and discarded material is to be removed from the County right-of-way.

18. A copy of the permit must be on the jobsite at all times.
19. Width of driveway at the right-of-way line shall be not less than ten (10) feet nor more than twenty (20) feet on residential parcels, special drives, such as common access drives or multi-family drives, may be wider, but should not exceed twenty-four (24) feet. Commercial drives should not be more than forty (40) feet. Field drives may be wider than 24' to prevent equipment from driving into traffic lanes when entering or exiting the drive.
20. All residential driveway aprons must be constructed at a minimum of either 2" Asphalt over 6" Crushed Aggregate Base, or 2" of ODOT 703.01-1 size No. 57 compactable material (limestone or slag) topping over a base of ODOT 703.01-1 size No. 1 and 2 compactable material, and shall be paved or stoned from the edge of existing pavement to the right-of-way line at the grades shown in the standard details. The drive must be covered with aggregate prior to use. No concrete drive aprons shall be permitted unless on a curb and gutter road, in such cases ODOT standards shall apply.
21. All portions of the driveway shall be within the parcel boundary with minimum edge clearance of five (5) feet.
22. New drives should intersect the County road at an angle from 70 to 90 degrees. 90 degrees is desirable.
23. Turnout radii should be a minimum of twenty five (25) feet for residential and field drives. Permitted slopes on driveway fill sections around existing ditches shall not exceed a 2:1 ratio. Driveway radii must not encroach abutting property owner.
24. Mailbox installations shall meet all applicable ODOT requirements. All rural mailbox support structures will be of the breakaway type.
25. Driveways installed on curb and gutter streets shall meet all applicable ODOT requirements.
26. There shall be no private drainage (including but not limited to septic, cellar drains, downspouts, footer drains, floor drains) into the County road right-of-way without a permit issued by the Stark County Engineer's Office after written permission has been obtained from the Stark County Health Department.
27. All commercial, industrial and residential development drives must be approved by the Stark County Regional Planning Commission.
28. The County Engineer may grant variances to these requirements on a case by case basis when requested in writing.
29. The State of Ohio Department of Transportation Construction and Material Specifications (ODOT CMS), latest edition shall apply to all work performed under this permit. If a conflict exists between the ODOT CMS, the Stark County Standard Driveway Specifications, Stark County Standard Driveway Details or any other governing standards or regulations mentioned herein, the County Engineer will make the final determination as to what regulations apply to the specific circumstances in conflict.



STARK COUNTY ENGINEER

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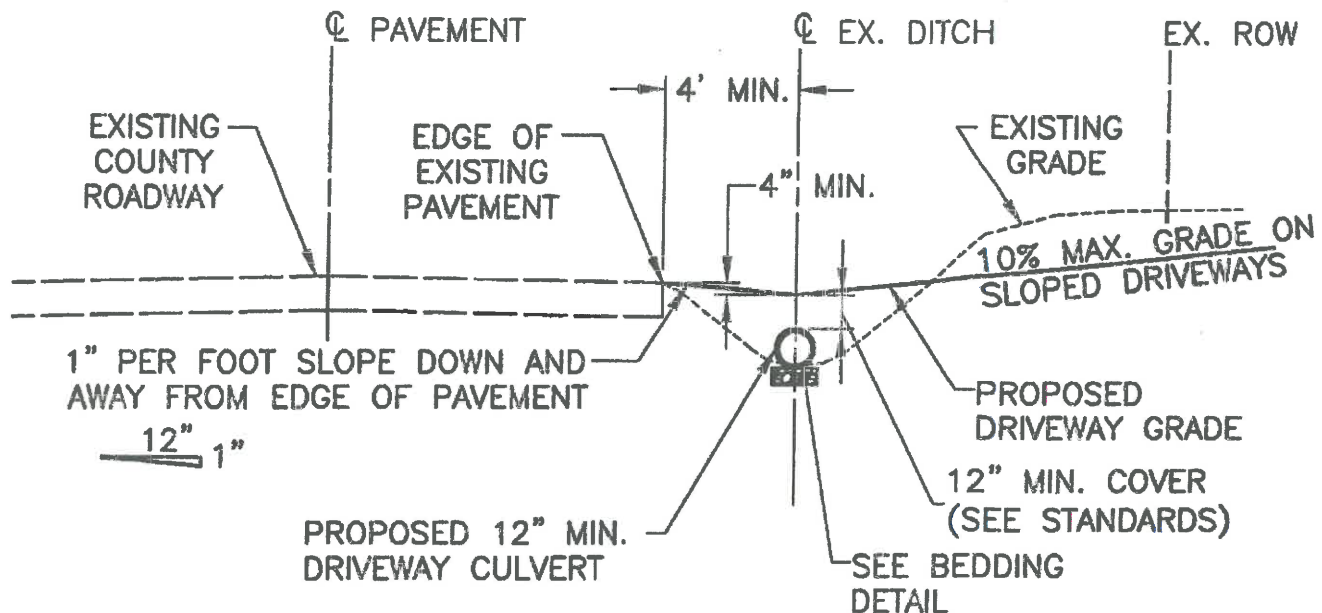
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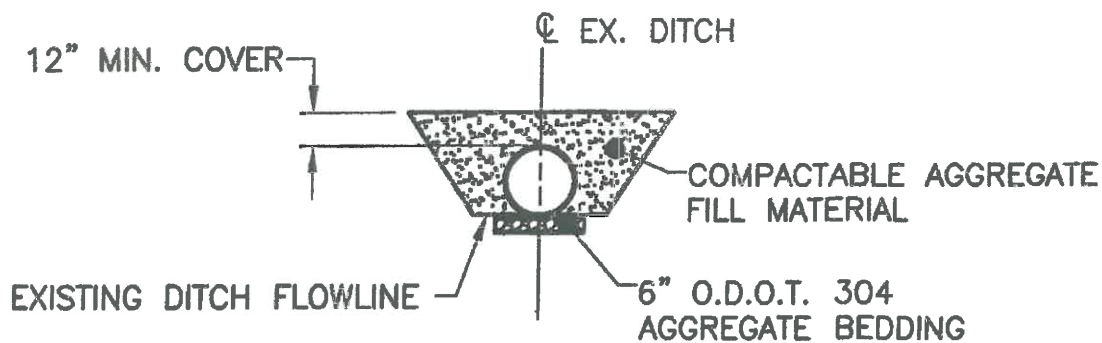
**HYDRAULICS
DEPARTMENT**

Standard Driveway Details



DRIVE PROFILE SECTION

NO SCALE



BEDDING DETAIL

NO SCALE



STARK COUNTY ENGINEER

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Canton, Ohio 44706-1998

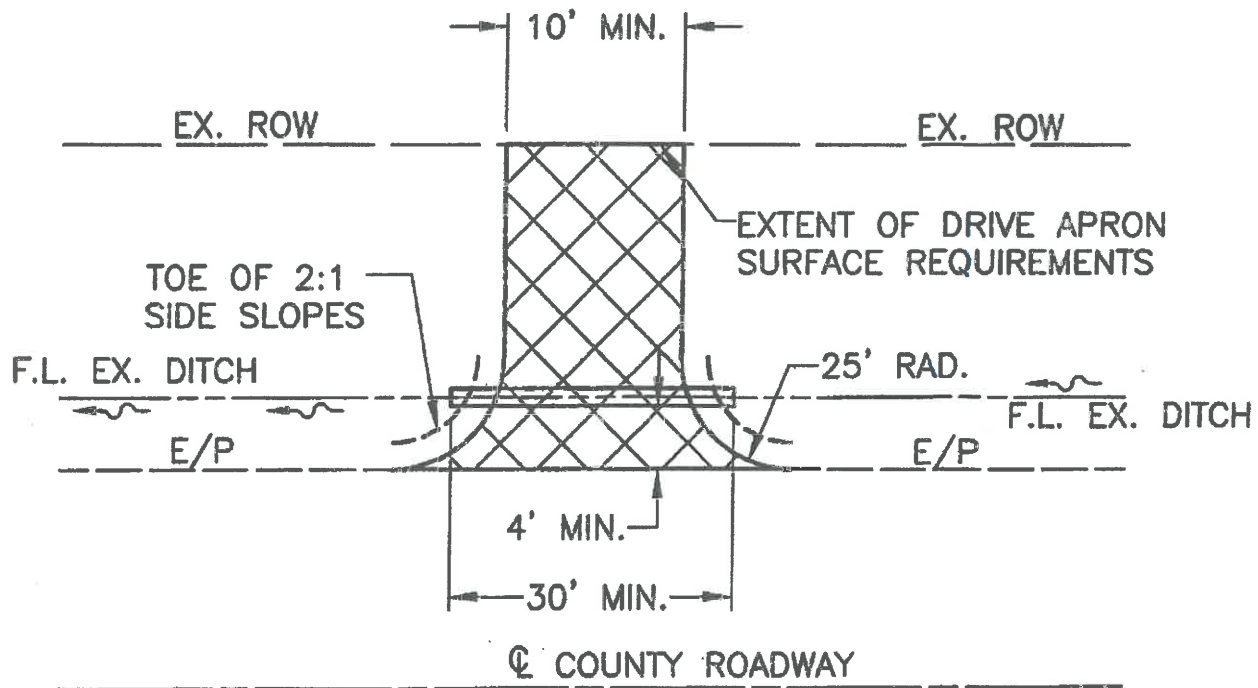
Phone (330) 477-6781 Fax (330) 477-3926

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**HYDRAULICS
DEPARTMENT**

Standard Driveway Details



DRIVE PLAN VIEW

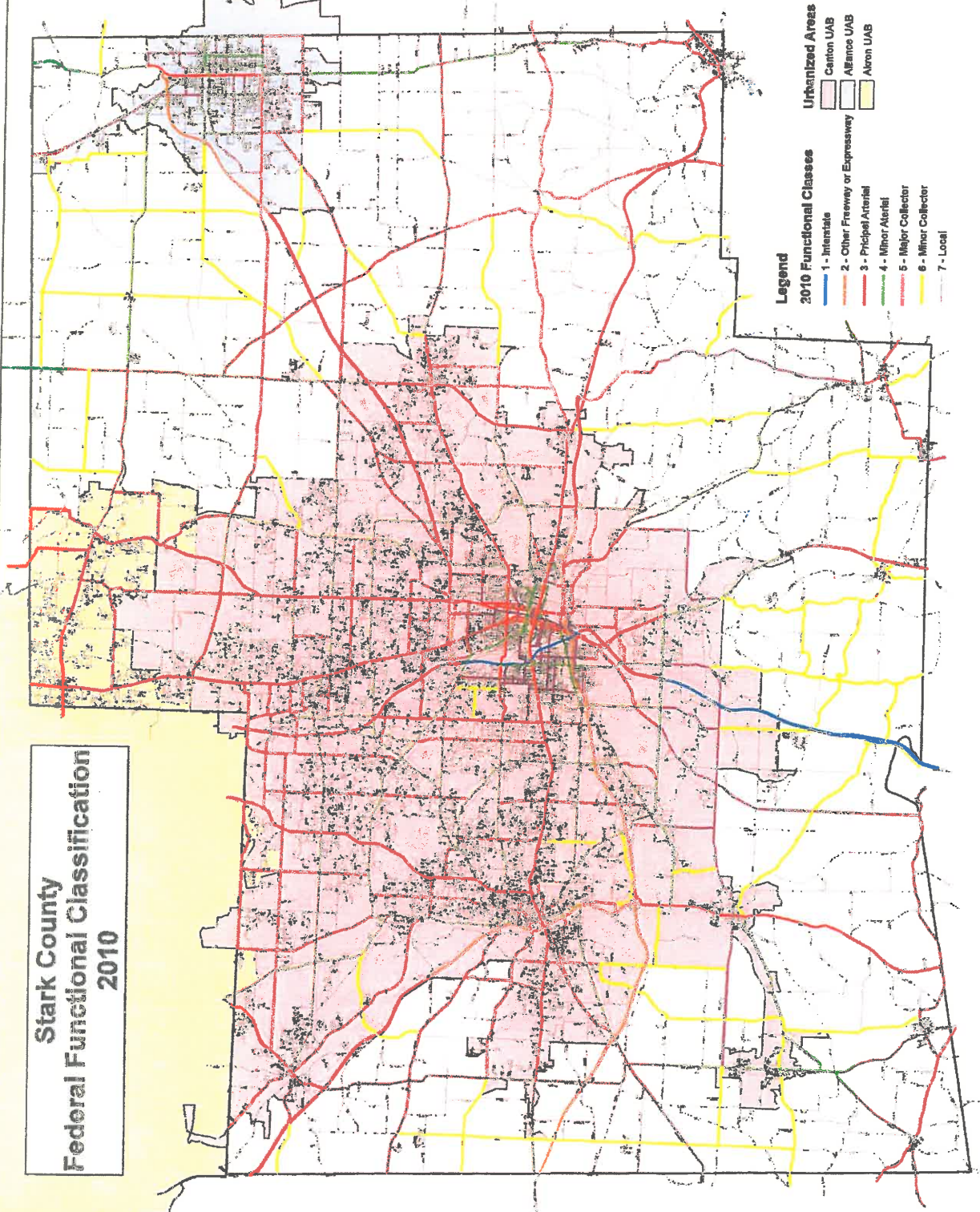
NO SCALE

APPENDIX B:

2010 FEDERAL FUNCTIONAL CLASSIFICATION MAP FOR STARK COUNTY

The most recent version of the Stark County Functional Classification Map can be found online at <http://www.starkcountyohio.gov/transportation/programs/functional-classes>.

**Stark County
Federal Functional Classification
2010**



APPENDIX C:

PATH TO ACCESS PERMIT BY TYPE OF LAND USE OR CHANGE IN USE

Path to Access Permit by Type or Change in Use

See Typical Recommended Review Process

Zoning Change

Rezoning Request

RPC Review – Provides Recommendation to Township

County Engineer Provides Guidance Regarding:

- ☐ If resultant minimum lot width allows conformance to access spacing standards
- ☐ If a traffic impact study is required based on access classification and site review

Township Takes Action

Condos/PUDs

May or May Not require Township or RPC review, Access Permit is still required

See County Engineer Review under Site Plan Process

Township or RPC Takes Action

Site Plans and Subdivisions

Reviewed by Township or RPC (using Subdivision Regulations, if applicable) with input from County Engineer (see below)

County Engineer Reviews to Determine:

- ☐ Compliance with access spacing and placement standards
- ☐ Sight distance required
- ☐ Throat depth and driveway geometrics
- ☐ Traffic impact study, if required
- ☐ Potential for shared access
- ☐ Potential access restrictions needed to meet standards

Lot Split

Reviewed by RPC, via the process for Subdivisions of Property Without Plat within Unincorporated Area only, with input from County Engineer

County Engineer Reviews to Determine:

- ☐ If resultant lots have adequate sight distance
- ☐ If resultant lot widths will allow conformance to access spacing standards or a shared access agreement is provided between the parcels

Note: The county may require information including the location of existing access points in the vicinity, sight distance calculations and a shared access plan.

RPC Takes Action

APPENDIX D:

SAMPLE CROSS ACCESS AGREEMENTS

Cross-Access Agreement

THIS AGREEMENT is made and entered into on this *(date)* by *(owner's name)*, a corporation authorized to transact business in the State of Ohio ("OWNER") and the County of Stark, a Commission County organized under the laws of the State of Ohio "COUNTY".

RECITALS

1. OWNER owns certain real property ("Parcel A") located *(legal description of property)*.
2. As a part of its land use approvals from the COUNTY, the OWNER has been requested by COUNTY to provide cross access to adjacent properties ("Parcel B" and "Parcel C") located *(location of abutting properties)*, subject to the terms and conditions set forth below.
3. The COUNTY has a health, safety and welfare interest in providing for the cross access easement.
4. The OWNER acknowledges the COUNTY's health, safety and welfare interest and agrees to provide said cross access subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the obligations contained herein, and in good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the OWNER and the COUNTY hereby agree as follows:

Section 1. Grant of Easement in Escrow. Subject to the terms set forth in this agreement, the OWNER hereby grants a cross access easement to the COUNTY to be held in escrow for the benefit of the owner of Parcel B. The cross access easement is described in *(Exhibit #)* attached to and incorporated in this Agreement. Said cross access easement shall be freely assignable to Parcel B's owner; provided, however, that the COUNTY shall not assign said easement until the Owner of Parcel B applies for or is issued any of the following land development approvals as defined in the County Code.

- (1) Site plan approval;
- (2) Special land use permit;
- (3) Rezoning;
- (4) Subdivision plat approval;
- (5) Land division approval;
- (6) Variance;
- (7) Building permit;
- (9) Driveway permit; or
- (10) Paving and/or drainage permit.

Likewise, the OWNER hereby grants a cross access easement to the COUNTY to be held in escrow for the benefit of the owner of Parcel C. This cross access easement area shall be of a size similar to that of the one granted for use by the Owner of Parcel B and said location shall be later determined by the COUNTY and OWNER. Said cross access easement shall be freely assignable to Parcel C's owner; provided, however, that the COUNTY shall not assign said easement until the Owner of Parcel C applies for or is issued any of the following land development approvals as defined in the County Code.

- (1) Site plan approval;
- (2) Special land use permit;
- (3) Rezoning;
- (4) Subdivision plat approval;

- (5) Land division approval;
- (6) Variance;
- (7) Building permit;
- (9) Driveway permit; or
- (10) Paving and/or drainage permit.

Notwithstanding anything to the contrary contained herein, however, the COUNTY shall not assign a cross access easement to either Owner unless the land use proposed for that Owner's parcel is consistent and compatible with the land use on the OWNER's property.

Section 2. Conditions of the Use of the Cross Easement Agreement. The use of two cross access easements to be granted to the COUNTY and held in escrow pursuant to Section 2 hereof is subject to the following terms and conditions:

- (1) The owner of Parcel B shall equally share with OWNER in the maintenance and repair of the cross access easement area as designated in the attached (*Exhibit #*);
- (2) The owner of Parcel C shall equally share with OWNER in the maintenance and repair of the cross access easement area to be designated by COUNTY and OWNER;
- (3) Tractor trailer vehicles shall not use the cross access easement for access to or from Parcels B or C;
- (4) The owners of Parcels B and C shall not use the cross access easement in any manner which would result in congestion within the cross access easements or the blocking of the cross access easement or driving aisles of Parcel A; and
- (5) The cross access easements shall be subject to the consent of the mortgage(s), if any, of the OWNER and the owners of Parcels B and C.

Section 3. Delegation to COUNTY Transportation Engineer. The parties agree that the COUNTY ENGINEER, upon notice to all involved parties, has the power and authority to adjust the conditions set forth in this agreement in order to preserve the integrity, character, and safety of the (*type of land use on OWNER's property*).

Section 4. Covenant Running with the Land. All rights and obligations arising or described hereunder are intended to be appurtenances and covenants running with the title of the OWNER's property and shall be binding upon and inure to the benefit of the parties and their respective successors in title.

Section 5. Dedication. Nothing contained herein shall constitute a grant of any rights to the general public.

Section 6. Governing Law and Venue. The laws of the State of Ohio shall govern this agreement. Any legal action instituted herein shall be brought in Stark County, Ohio.

Section 7. Modification or Termination. The terms and provisions of this Agreement may be modified, supplemented or terminated only by a written instrument executed by the OWNER and COUNTY, their successors or assigns.

Section 8. Recording. This Agreement shall be recorded by the OWNER at its sole expense in the public records of Stark County, Ohio.

Section 9. Obligation of the COUNTY. The COUNTY agrees that it will condition the issuance of any of the permits listed in Section 1, above, to the owner of Parcel B or Parcel C upon the condition that said owner(s) enter into the Cross Access Easement Agreement.

Section 10. No Easement Rights or Other Rights. Notwithstanding anything to the contrary herein, the owners of Parcel B and Parcel C shall have no rights to, on, in or over the Easement Area until the Cross Access Easement Agreement is agreed upon between the parties, executed by the appropriate entities and recorded in the public records of Stark County, Ohio.

Section 11. Severability. If any term, provision, clause, sentence or other portion of this Agreement shall become or be determined to be illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions thereof shall remain in full force and effect.

Section 12. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any previous discussions, understandings, and agreements.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first stated above.

Mutual Access Easement Agreement

By and Between:

_____, Inc.,
Stark County,
&

This agreement is made and entered into this ____ day of _____ 20__ by and between _____, Inc., henceforth referred to as DEVELOPER ; _____, henceforth referred to as 2ND PARTY; and the County of Stark, henceforth referred to as the COUNTY.

WHEREAS, DEVELOPER is the current owner and interest holder of the property legally described as *(insert legal description)*, henceforth referred to as "Parcel A"; and

WHEREAS, the COUNTY holds in escrow a cross access easement on the property legally described as *(insert legal description)*, henceforth referred to as "Parcel B"; and

WHEREAS, said 2ND PARTY is the owner and interest holder of the property legally described as *(insert legal description)*, henceforth referred to as "Parcel C"; and

WHEREAS, Chapter 21 of the 1990 The COUNTY Zoning Ordinance, as amended, entitled "Arterial Access Management Regulations" mandates, where possible, the establishment of shared driveways, parking lot connections, and other cross access arrangements for properties along major roadways; and

WHEREAS, it has been required by the COUNTY Planning Commission, in approving the site plan for the _____ *(name of development)* that it is necessary to establish a means of cross access between Parcel A, Parcel B, and Parcel C, in order to facilitate efficient traffic operations and improve public safety along regional arterial roadways; now

THEREFORE, in consideration of the foregoing and the terms and conditions contained herein, the above named parties agree as follows:

1. Access Easement

- a. An easement shall be created which shall allow the above named parties and the general public vehicular and pedestrian access across Parcel A, Parcel B, and Parcel C. Said easement being illustrated on the attached Exhibit A, and legally described as follows:

(insert legal description)

- b. No physical barrier including, but not limited to, curbs, structures, buildings, signs, parking spaces, and product displays shall be placed across the easement in such a manner as to block access across and/or between Parcel A, Parcel B, and/or Parcel C.

- c. Details pertaining to the placement of the access drive within the easement shall be illustrated on the final site plans for any future developments on Parcel A, Parcel B, and/or Parcel C, or any portions thereof. Said plans shall be submitted to the COUNTY Engineer for review and approval.
 - d. Properties located adjacent to the easement shall be permitted to connect their parking areas, aisleways, driveways, etc. to the access drive within the easement. The easement and corresponding access drive shall be open for use by the general public.
 - e. The easement shall be permanently recorded with the Stark County Recorder.
2. The owners of Parcel A, Parcel B, and Parcel C hereby covenant and agree that this agreement shall be binding and shall inure to the benefit of the parties hereto, their successors, assigns, tenants, and subtenants, and that the covenants herein contained shall be deemed to be covenants running with the land.
 3. DEVELOPER shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the maintenance and repair of the pavement within that portion of the easement area located on Parcel A. 2ND PARTY shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the maintenance and repair of the pavement within that portion of the easement area located on Parcel C.
 4. DEVELOPER and 2ND PARTY shall be responsible for the payment of any and all costs and expenses incurred and arising out of the initial construction of the access drive within that portion of the easement area located on Parcel B. DEVELOPER and 2ND PARTY shall each pay one-half (1/2) of the costs and expenses of construction of said access drive. DEVELOPER shall construct said access drive within the easement area on Parcel B up to the western property line of said parcel concurrent with the construction of the _____ (*name of development*). 2ND PARTY shall reimburse DEVELOPER for its portion of the costs of construction upon completion of said access drive on Parcel B.
 5. Each party shall separately operate the easement area located on their respective parcels and shall maintain the same in good condition and repair at their own cost and expense so long as such easement area shall exist.

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____, Inc. have hereunto set their hands on the date affixed hereto.

Witnessed by: _____, Inc.

Date

Date

Its:

Date

Date

Its:

STATE OF)ss
)ss

COUNTY OF)ss

On this _____ day of _____, 20__ before me personally
appeared _____ and _____ the _____, and _____,
respectively, of _____, Inc. to me known as the persons who executed the foregoing instrument and
acknowledged the same to be their own free act and deed.

Notary Public, _____ County,
Acting in _____ County,
My Commission Expires:

APPENDIX E:

SAMPLE TRAFFIC IMPACT STUDY MEMORANDUM OF UNDERSTANDING

TIS MEMORANDUM OF UNDERSTANDING

LOCATION: _____

Date: _____

NOTE: All blank areas are to be updated with project specific information.

The following assumptions are based on the proposed site as indicated on the [Concept Design Master Plan] dated: _____ for approximately _____ square feet of [mixed] [commercial] [residential] and [office] uses. Changes in the proposed uses from this [Master Plan] shall be documented in the Traffic Impact Study (TIS) to indicate the proper trip generation analysis was performed.

Activities of the Consultant for the developer:

- Utilize the ITE Trip Generation Manual, latest edition, Stark County Access Management Regulations and HCS Software, latest edition, for the traffic impact evaluation
- Utilize the Synchro/SimTraffic Software (latest version) for the signal progression analysis for the _____ and _____ Corridor
- TIS boundaries –

- A Traffic Signal Justification Study will be performed at the intersection(s) of _____
 - Analyze all existing and proposed traffic signals within the TIS boundaries during the a.m. and p.m. peak hours (to be determined from the traffic counts)
 - Perform traffic counts [(weekday only at this time; weekend traffic counts are not required at his time)];
 - 24-hour machine counts
 - 1.
 - 2.
 - 3.
 - 4.
- (add additional sheets if needed)

- Intersection turning movement counts (7-9 am, 4-6 pm, or as otherwise determined from the 24-hour counts)

- 1.
- 2.
- 3.
- 4.

(add additional sheets if needed)

- Determine trip generation (opening day for signal justification study and full build); Opening day _____ at 75% capacity
- Determine trip distribution for newly generated traffic
- Determine pass-by rates
- Determine actual peak hours
- Determine peak hour factor based on latest traffic counts
- Intersection should meet Level of Service (LOS) ['C' or 'D'] overall, with no approach movement exceeding LOS ['D' or 'E']
- Recommend access control/traffic control for the driveway(s) to _____
- Other issues: _____

The County Engineer or the third party consultant shall approve all determinations referenced above.

Activities of the County Engineer:

- Provide signal timing for existing traffic signals within the TIS
- Provide the growth factor; use _____% per year
- Provide point of contact with the City/Village/Township of _____ and ODOT if necessary
- Provide copies of the following information:
 -
 -
 -
 -
 -

Reviews of Consultant submissions, by third party review agency, may take up to two weeks after receiving submissions.

This Memorandum of Understanding is tentative, in effect for the duration of the TIS, based on the submittal and acceptance of an application for a Planned Unit Development, which substantially resembles the draft submission.

_____	_____
Consultant for the Developer	Date

_____	_____
Stark County Engineer	Date

_____	_____
(Third party reviewer)	Date