

## CHAPTER 105: STREET AND HIGHWAY ACCESS

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### 105.01 APPLICATION

These regulations shall apply to all classes designated in Section 105.03 and shall be entitled Access Permit Rules.

### 105.02 DEFINITIONS

For the purpose of these regulations the following definitions shall apply.

- (a) "DRIVEWAY" - Every way or place not on the right-of-way of any public highway and which issued for vehicular traffic.
- (b) "APPROACH" - A place improved for vehicular or pedestrian traffic on highway right-of-way which connects the edge of pavement of a public highway within a driveway, or pedestrian walkway.
- (c) "ENTRANCE" - The point of connection of an approach with the traveled portion of a public highway.
- (d) "MEDIAN" - The portion of a divided highway separating the traveled ways for traffic in opposite directions.
- (e) "TRAVELED WAY" - The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- (f) "MEDIAN OPENING (CROSSOVER)" - A gap in the median provided and designated for crossing and turning traffic
- (g) "AUXILIARY LANE" - The portion of the roadway adjoining the traveled way for parking, speed change, turning, storage, weaving, truck climbing or for other such purposes.
- (h) "ACCESS POINT" - The point of connection of a driveway at the right-of-way line of the highway with the approach.
  - (1) "PRIVATE ACCESS" - An entrance and an approach which connects a highway with a driveway to a residence, barn, private, garage, or other improved property and ordinarily used by the owner or occupant of the premises, his guests and necessary service vehicles.
  - (2) "COMMERCIAL ACCESS" - An entrance and an approach which connects a street, alley or thoroughfare with a driveway to private property used for commercial purposes and with public property which will ordinarily carry a heavy traffic movement.
  - (3) "FIELD ACCESS" - An entrance and an approach which is used for a construction site or which connects a street, alley or thoroughfare with vacant lots, fields or other unimproved property.
- (i) "BOARD" - Richmond Board of Public Works and Safety.

### 105.03 CLASSES

All entrances and approaches shall be divided into five classes as follows:

- (a) CLASS I Private Access - Raised curb used
- (b) CLASS II Private Access - Shoulder only, no raised Curb
- (c) CLASS III Commercial Access - Raised Curb used
- (d) CLASS IV Commercial Access - Shoulder only, no raised curb
- (e) CLASS V Field Access - Either raised curb or shoulder only

### 105.04 APPLICATION - FORM REQUIRED

Application to the Board of Works for permits to construct any entrance, driveway or approach connecting with any street, alley or highway right-of-way or to cut any curb along said street, alley or highway or to construct a crossover on said street, alley or highway shall be made on the form as prescribed by the board of Works. Reasonable fees for processing driveway permits may be established by appropriate Board action.

### 105.05 NEW APPLICATION - WHEN REQUIRED

Relocation, alteration, or remodeling of an entrance, approach, driveway or crossover, or any change in the character of the use of the entrance, approach, driveway or crossover shall be considered the construction of a new entrance, driveway, approach or crossover for which an application or permit for a wholly new entrance, approach, driveway, and or crossover were being applied for. The granting or denial of such application shall be governed by the same sections and judged by the same standards as an application for a permit for a wholly new entrance, approach, driveway, and/or crossover.

### 105.06 APPLICATION - PERSONS MAKING - DISCLOSURE

- (a) All applications for permits under these regulations shall be made in the name of the owner of the fee simple title. All persons having any interest in the land, including but not limited to mortgages, lessees, optioners, lien holders, and encumbrances shall join with the fee simple holder in the application. All such persons shall join in the application and shall sign and consent to the conditions of the application and shall be bound equally thereafter by the conditions of any permit which may be issued any permittee.
- (b) All title evidence will be at the discretion of the Board.

(c) If the applicant submits an application which his title evidence shows does not include the signatures of all interest holders, then if the application is evaluated in favor of granting the permit, the applicant must submit subsequent title evidence showing that all omitted interest holders have ceased to be interest holders or have by an addendum to the application joined the original applicant on the original application, and such subsequent title evidence or addendum must be submitted before any authorization for construction shall begin under the permit.

#### 105.07 APPLICATION - PURPOSE OF ACCESS DISCLOSURE OF INTENDED USE FOR OR WITH ADJACENT PARCELS

All applications for permits shall disclose the present and proposed use of the parcel for which access is requested. Any intended use of the access in conjunction with any adjacent parcel, whether owned by the applicants or by others, or to be purchased or sold by the applicant or others, shall be disclosed in the application. All adjacent parcels owned or controlled by the applicants, whether intended to be used in conjunction with the requested access or not shall be disclosed in the application. In the case where applicants own or control adjacent parcels, the Board may require applicants to dedicate easement for driveways to facilitate the use of combined entrances that the number of access points along the highway may be controlled to ensure the public a safe and convenient means of travel consistent with the right of the adjoining landowner to have access as provided by law.

#### 105.08 APPLICATION - PLOT AND INFORMATION REQUIRED

Listed below are the plot plan requirements which must be met before any driveway permit applications can be accepted for review.

- (a) Applicant must submit five (5) copies of plot plan.
- (b) The plot plan must be certified by registered professional Engineer, Architect or Land Surveyor.
- (c) A vicinity sketch must be shown on the plot plan at a scale of not less than 1" = 2000' and must indicate the location of said property to major arterial streets, railroads, etc.
- (d) Standard engineering scales (i.e. 1"=20', 1" =30') must be used.
- (e) Use of each access point must be specified - entrance only, exit only, entrance and exit.
- (f) Adequate description of proposed use of property must be included.

- (g) The plan must show the width of existing and adjacent driveways, streets, alleys and right of way 150 feet beyond property lines on both sides of the street, plus the plan must show the location of all utilities and any other pertinent topography.
- (h) Location and geometrics of proposed access points, and location and size of existing or proposed building must be shown.
- (i) Location and details of permanent signs must be shown.
- (j) Cross sections for pavement widening and curbs must be illustrated, if applicable.
- (k) The plot plan must include proposed parking arrangements with anticipated number of vehicles.
- (l) Plot plan must show all existing and proposed drainage structures, including pipe, catch basin, head walls, etc., necessary to provide adequate drainage.

#### 105.09 APPLICATION - STANDARDS

All construction and materials used within the public right-of-way must conform to the Richmond City Engineer "Standard Specifications" which shall be kept on file at the office of the City Engineer.

#### 105.10 APPLICATION - DESIGNS

All locations shall file in accordance with the Standards, Specifications and Design requirements of the Board of Works. The permittee agrees to make the improvements in accordance with such Standards, Specifications and Design requirements of the Board of Works.

#### 105.11 APPLICATION - COMMERCIAL - ENGINEER'S ATTESTATION

All applications for commercial purposes shall be signed by a registered professional engineer, and/or registered land surveyor, attesting that the applications, as proposed, conform with all Board sections and standards, except as he shall note in such attestation. All exceptions shall be accompanied by an explanation as to why the exception should be granted.

#### 105.12 COMPLIANCE - OTHER LAW

Approval of a permit application shall be subject to the permittee obtaining all necessary approvals involving land use from the zoning board and/or Plan Commission having jurisdiction or authority and complying with all applicable laws.

### 105.13 BOND REQUIRED

The Board of Public Works and Safety may require a performance bond to be filed along with each application for a commercial driveway with an amount to equal the estimated cost of that part of the project on the public right-of-way. The Board may also require adequate bond to be filed in any non-commercial application. Such bonds are required to insure compliance with all terms of the permit and shall, in the case of non-compliance, provide in addition to any damages suffered thereby, all witness and court costs in collecting the same, together with any attorney's fees, professional engineer's fees or land surveyors' fees reasonably due, and shall be released only when the work described on the permit has been completed to the satisfaction of the Board.

### 105.14 MEDIAN OPENINGS (CROSSOVERS) - LOCATION

Permits for private or commercial crossovers will not be approved unless the distance to the nearest existing crossover is in excess of four hundred (400) feet, unless the applicant can prove to the satisfaction of the board that the location of the crossover will not be detrimental to the safety of the traveling public.

### 105.15 DRIVEWAY STANDARDS

Included in Standard Details of the City of Richmond are the most common examples of driveways and approaches. These standards will apply in majority of cases because many conditions can be derived from each figure. However, there will be exceptional situations and borderline cases where the standards and guides do not apply. In such instances, interim standards will be used. The next lowest functional type will serve as the interim dimensions for each functional type (i.e., the interim dimensions for arterials are the dimensions for collectors). The use of interim dimensions will be subject to the approval of the Richmond City Engineer and such approval should precede the actual filing of permit application. Additional standards which will be required are as follows:

(a) Entrance and exit only driveways

This type of drive way is not highly recommended for a divided roadway. However, the entrance and exit driveways do have a purpose and when warranted use the following dimensions:

Minimum Width = 17 feet

Maximum width = 24 feet

In order to control entrance and exit drives they must be properly signed. This is the responsibility of the property owner.

(b) Number of driveways and spacing

Driveway spacing is largely dependent on land zoning, and as a result, it is difficult to develop definite standards. Although from past experience and a literature review on this subject, not more than two driveways are generally needed to serve a tract of land. Additional policies are as follows:

- (1) Arterials - frontage roads are encouraged but where this is not feasible a minimum spacing of 150 feet is required between adjacent property owners. Also, as a general section if the frontage is 100 feet or less, only one driveway will be permitted.
- (2) Collectors - a minimum spacing of 100 feet is required and generally only one driveway per 100 foot of frontage will be allowed.
- (3) Local - no minimum spacing is required; however, only one driveway per lot will be allowed.

#### 105.16 LOCATION - VISIBILITY

All entrances and approaches shall be located so as to provide adequate sight distance in both directions along the alley, thoroughfare or highway for safe access to same without interfering with traffic.

#### 105.17 LOCATION - TRAFFIC DEVICES

No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary highway signs or other traffic control devices.

#### 105.18 LOCATION - PROPERTY LINE

No approach radii shall be so constructed that any part of the same extends in front of property belonging to persons other than the permittee unless both property owners sign a joint application for said permit.

#### 105.19 DRAINAGE REQUIREMENTS

All improvements authorized by the permit shall not interfere with drainage of the street or highway, nor cause an additional area to drain onto the right-of-way. However, part of the improvements within the public right-of-way may drain toward the street or highway, subject to the approval of the Board.

#### 105.20 PERMIT - FOR CONSTRUCTION

Upon receipt of such permit the permittee is authorized to proceed with the work covered by it, subject to the conditions imposed by the Board of Public Works & Safety

and these Rules. If the application is approved with conditions, all of the signatures to the original application shall indicate their consent to said conditions in writing.

#### 105.21 FINAL PERMIT - INSPECTION

A final approval of the permit shall be issued upon completion of construction as covered by the permit to construct in accordance with the plans and specifications filed in the application as amended by the Board; together with any special conditions set forth by said permit; together with an acceptance inspection by the City Engineer.

#### 105.22 PERMIT - RECORDING

The permittee shall at the time of receipt of a Permit to Construct sign a copy of a "Limitation of Access" instrument, if so required by the Board, which shall be obtained and left within the Permit Clerk of the City Engineer's Office, for recording in the deed record, together with a check payable to the County Recorder covering the costs of recording the instrument. Such clerk shall immediately cause said Limitation of Access instrument to be recorded and send acknowledgment thereof to the permittees.

#### 105.23 PERMIT - NOTIFICATION OF BEGINNING WORK WHEN EFFECTIVE

Before beginning work under any permit to construct, the permittee shall notify, in writing, five (5) days prior to start of work, the Richmond Street Commissioner of the date he will begin such work.

#### 105.24 PERMIT - DISPLAY

The applicant's permit complete with drawings and special provisions shall be on the job site at all times so that it can be shown, if requested.

#### 105.25 PERMIT - VALIDITY - COMPLETION OF CONSTRUCTION

All improvements authorized by a permit must be completed within one (1) year after the permit is issued; otherwise, the permit will be cancelled unless an extension is requested, in writing, by the applicant, and said request is approved by the Board of Public Works and Safety. However, all construction authorized by the permit on the right-of-way must be completed within thirty (30) days after starting said construction, unless otherwise expressly approved as a special condition.

#### 105.26 PERMIT - LIABILITY DURING CONSTRUCTION

The permittee shall assume all responsibility during the time from the beginning of the work covered by any permit until final approval of the work and shall furthermore be obligated to save harmless the City of Richmond from any and all injury, loss or damage occasioned to or by persons or property resulting directly or indirectly from such work; the Board of Public Works and Safety shall, in its discretion, require the

permittee to provide liability and indemnity insurance for the use and benefit of the City of Richmond.

#### 105.27 PERMIT CONSTRUCTION NOT TO INTERFERE WITH STRUCTURE IN RIGHT-OF-WAY

The construction of all improvements authorized by the permit shall not interfere with any existing structure on any city street, alley or thoroughfare without specific permission in writing from the Board of Public Works & Safety or other owner thereof. Any structure or traffic control device affected by the proposed construction shall be relocated at the applicant's expense as directed.

#### 105.28 PERMIT - ENCROACHMENT OF UNLAWFUL SIGNS

The permittee shall not erect or maintain any advertising sign on or over the right-of-way or any portion thereof in violation of any law.

#### 105.29 PERMIT - EXISTING ACCESS - SUBJECT TO NEW RULES

Any person, who by law has an existing legal right to access to a street, alley or thoroughfare shall if he desires to improve, relocate, alter or remodel the same, or if he has applied for and been issued final approval of a permit under these sections, if he desires to make any change in the character of the use of such right of access, shall as a condition of the issuance of any permit and in consideration of the same, agree that such rights of access, then existing or granted thereafter with respect to such real estate shall be subject to these sections as the same may from time to time be amended by the Board of Public Works a Safety.

#### 105.30 SEVERABILITY

If any provision of these sections or the application thereof to any person or circumstances is invalid, such invalidity shall not affect the other provisions or applications of these sections which can be given effect without the invalid provision or application, and to this end, the provisions of these sections are declared to be severable. (Ord. 35-1986)