

Paradise Township
U. S. Route 30 Access Management Ordinance
(Draft 10/13/11)

Section 101. Short Title, Purpose, Authority, Application, Compatibility, and Interpretation

- A. Short Title This Ordinance shall be known and may be cited as the Paradise Township U.S. Route 30 Access Management Ordinance (AMO).
- B. Purpose The purpose of this U.S. Route 30 Access Management Ordinance is to promote safe and efficient traffic flow on U. S. Route 30 in Paradise Township, while providing abutting landowners reasonable street access. By reducing the potential for crashes at access points along the corridor and avoiding future degradation of roadway capacity, this Ordinance serves to promote the public health, safety and welfare of the people of Paradise Township.
- C. Authority Paradise Township derives its authority to enact and enforce this Ordinance from the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), Reenacted and amended November 9, 1995 (P.L. 350, No. 60).
- D. Application of Regulations This Ordinance shall apply to all applications, including, but not limited to, subdivision and land development approval, access/driveway permits, Highway Occupancy Permit or building permits, for all lots with frontage along U. S. Route 30 within Paradise Township.

Except for the criteria found within this Ordinance, the Pennsylvania Department of Transportation (PennDOT) criteria as found in Pennsylvania Code, Title 67, Chapter 441 shall govern the design of intersections on U.S. Route 30 with private driveways and other public streets.

- E. Compatibility with Other Requirements Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure permits or approvals for activities regulated by any other code, law, regulation or ordinance.
- F. Interpretation Unless otherwise expressly stated, the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:
 - 1. Words in the present tense imply the future tense.
 - 2. The singular includes the plural, and the plural includes the singular.
 - 3. The male gender includes the female and the neuter and vice-versa.
 - 4. The words "person," "subdivider," "landowner," "developer," and "applicant" include also partnership, corporation, association, or other legal entity.

5. The words “street,” “road,” and “highway” shall have the same meaning.
6. The words “shall” and “must” are always mandatory. The words “may” or “should” are always permissive.
7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be occupied.”
8. The words and abbreviation “includes,” “including,” “shall include,” “such as,” and “e.g.” are not limited to the specific example(s) given but are intended to extend the word’s or words’ meaning(s) to all other instances of like kind and character.

Section 102. Definitions (Refer to Figure 1.)

ACCESS POINT - The location of an intersection, whether existing or proposed, of a street or driveway with U. S. Route 30. The access point is considered to be the centerline of a street or driveway at its intersection with the centerline of U. S. Route 30.

ACCESS POINT SPACING - The measurement from one access point to the next access point measured along the centerline of U. S. Route 30.

ADT VOLUME - The total number of motor vehicles traveling on a road or street during an average weekday, other than Friday, Saturday or Sunday.

AMO - The Paradise Township U. S. Route 30 Access Management Ordinance as amended, and any provisions thereof, enacted by the Board of Supervisors.

CROSS ACCESS DRIVE - A service drive providing vehicular access between two or more contiguous sites so that the driver need not re-enter the public street system.

CURBLINE OPENING - The overall opening dimension at the curbline measured between the points of tangency of the driveway radii if curbing exists or the maximum width opening at the edge of the roadway if curbing does not exist.

DRIVEWAY - A private vehicular access between a street and a parking area or garage within a lot or property.

DRIVEWAY, HIGH VOLUME - A driveway used or expected to be used by more than 1500 vehicles per day or the most current regulations included in Pennsylvania Code, Title 67, Chapter 441.

DRIVEWAY, LOW VOLUME - A driveway used or expected to be used by more than 25 vehicles per day or the most current regulations included in Pennsylvania Code, Title 67, Chapter 441.

DRIVEWAY, MEDIUM VOLUME- A driveway used or expected to be used by more than 750 vehicles per day or the most current regulations included in Pennsylvania Code, Title 67, Chapter 441.

DRIVEWAY, MINIMUM USE - A driveway used or expected to be used by less than or equal to 25 vehicles per day or the most current regulations included in Pennsylvania Code, Title 67, Chapter 441.

DRIVEWAY RADIUS - The radius of the curb or pavement at the intersection of the public roadway and the driveway.

DRIVEWAY THROAT - The section of a driveway between the street right-of-way and the first internal intersecting driveway or parking area within the site. The throat width shall be measured from the points of tangency of the driveway radii and the edgeline of the driveway.

PEAK HOUR VOLUME - The number of vehicles passing a single point during one hour within a defined period of a day, usually the morning or evening commuter peak or the Saturday shopping (i.e., early afternoon peak hour).

PENNDOT HIGHWAY OCCUPANCY PERMIT (HOP) - The permit issued by PennDOT to approve any construction, including streets and driveways, within all PennDOT rights-of-way.

SHARED ACCESS DRIVEWAY - A driveway that provides access to two or more properties from a street.

Section 103. Non-conforming Driveways

- A. Driveways that do not conform to the Access Management Ordinance (AMO) and have been constructed before the adoption of the AMO, shall be considered legal nonconforming driveways. However, nonconforming driveway(s) shall be reconstructed to comply with this ordinance if there is a change in use or intensity of the land use, such that the use of the access increases peak hour or ADT volume by ten (10) percent or by 100 daily trips on U.S. Route 30, based on the latest edition Institute of Transportation Engineers (ITE) Trip Generation Manual or upon other data approved by the Township. The existing and proposed number of daily trips must be included on the site plan.
- B. Paradise Township may require the closure of an existing non-conforming driveway if the parcel has access to another street or can gain access from a shared access driveway or cross-access drive.

Section 104. Relationship to Penndot Highway Occupancy Permit (HOP)

- A. Issuance of a PennDOT Highway Occupancy Permit (HOP) does not guarantee site plan approval by Paradise Township, nor does it deem the plan in conformance with the U. S.

Route 30 Access Management (AMO) or the Paradise Township Subdivision and Land Development Ordinance. The HOP submission to PennDOT should not occur without consent to do so by Paradise Township. Preliminary discussions with PennDOT may occur at the request of Paradise Township, to reconcile site design and access issues. In the case of a pre-existing driveway, a change of use on the property may require a revised HOP if the proposed new use will generate daily trips in excess of the PennDOT trip thresholds.

- B. For properties that have frontage along U.S. Route 30 and other streets, Paradise Township may prohibit access to U.S. Route 30, if all movements can be efficiently and safely accommodated on the other street or streets, based on design standards contained in the Paradise Township Subdivision and Land Development Ordinance. Access may be restricted to the Township street despite the ability to receive a Highway Occupancy Permit (HOP) from PennDOT for access onto U.S. Route 30.

Section 105. Number of Access Points

- A. One access point shall be permitted per property onto U.S. Route 30. Additional access points may be permitted if the applicant demonstrates that:
 - 1. The design is in the best interest of efficient traffic operations on the site and U.S. Route 30, including but not limited to, reducing delays at a single point that would otherwise operate lower than a Level of Service (LOS) "C" in rural areas and LOS "D" in Designated Growth Areas as defined by the Jackson and Paradise Township Joint Comprehensive Plan, and can improve safety; or
 - 2. The frontage of the property is of sufficient width to permit multiple access points in accordance with access point spacing requirements; or
 - 3. All access points on the property will be connected within the site by means of a parking lot, cross access drive, street or driveway.

Section 106. Multiple Street Frontage

For properties that have frontage along U.S. Route 30 and other streets, Paradise Township may prohibit access to U.S. Route 30, if all movements can be efficiently and safely accommodated on the other street or streets, based on design standards contained in the Paradise Township Subdivision and Land Development Ordinance. Access may be restricted to the Township street despite the ability to receive a Highway Occupancy Permit (HOP) from PennDOT for access onto U.S. Route 30.

Section 107. Driveway Radius

- A. The minimum and maximum driveway and access drive radii, which are based on volume of traffic and the posted speed limits along U.S. Route 30, are provided in Table 1.

Table 1
Driveway Radius

Current Posted Speed Limit of U. S. Route 30		
	45 MPH	
	Minimum	Maximum
Minimum Use (all Zoning Districts except Village Zone)	40 feet	55 feet
Low Volume (all Zoning Districts except Village Zone)	45 feet	55 feet
Medium Volume (all Zoning Districts except Village Zone)	50 feet	55 feet
High Volume (all Zoning Districts except Village Zone)	50 feet	55 feet
Any Volume (Village Zone)	30 feet	30 feet

B. Notwithstanding any of the above, the applicant shall prepare a truck circulation plan to document that the largest truck which will regularly service the site can be accommodated by the site circulation design and the access design.

Section 108. Driveway Throat Width

Minimum and maximum dimensions for the throat width are provided in Table 2. Driveways shall be designed such that the opening at the curbline is no larger than necessary. The dimensions in Table 2 assume one lane in each direction; engineering judgment should be employed to determine appropriate dimensions for multi-lane driveways.

Table 2
Driveway (all sorts) Minimum and Maximum Throat Width

	One Way	Two-Way	Single Family
Minimum	10 feet	20 feet	10 feet
Maximum	24 feet	28 feet	20 feet

Section 109. Driveway Throat Length

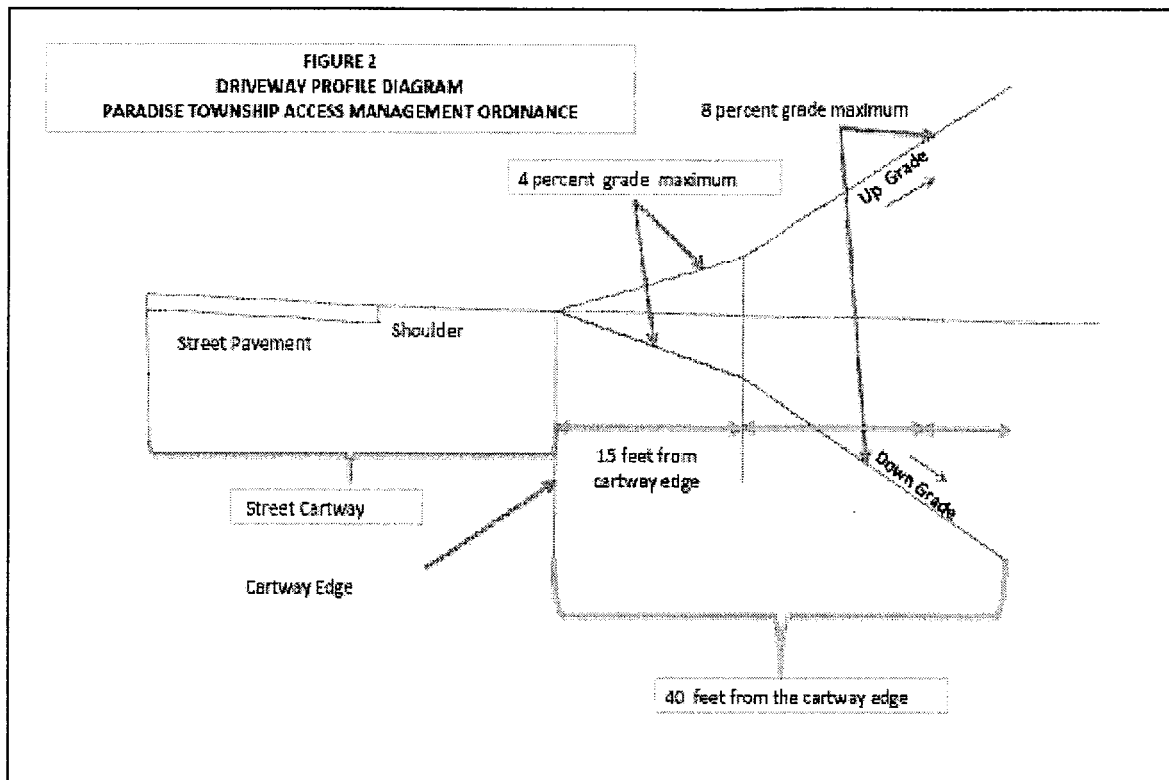
The minimum length required for driveways from the public street right-of-way to the first intersection with a parking area, cross access drive or internal driveway is provided in Table 3.

Table 3
Driveway (Multi-Family and Nonresidential) Minimum Throat Lengths

Driveway	Length
Minimum Use	25 feet
Low Volume	50 feet
Medium Volume	120 feet
High Volume	150 feet

Section 110. Driveway Profile

- A. Driveway grade requirements where curb is not present on U.S. Route 30:
 - 1. The change of grade between the cross-slope of the U.S. Route 30 cartway and shoulder and the driveway shall not exceed four (4) percent within 15 feet from the edge of the cartway. Between 15 feet and 40 feet of the edge of the cartway, the driveway shall not exceed eight (8) percent; and,
 - 2. A 40-foot minimum vertical curve shall be used for a high volume driveway.
- B. Driveway grade requirements where curbs and sidewalks are present on U.S. Route 30:
 - 1. The change of grade between the cross-slope of the U.S. Route 30 cartway or shoulder and the driveway shall not exceed four (4) percent within 15 feet from the edge of the cartway. Between 15 feet and 40 feet of the edge of the cartway, the driveway shall not exceed eight (8) percent;
 - 2. If the driveway grade would exceed four (4) percent in the area between the curb and sidewalk, the street side of the sidewalk may be depressed to enable the driveway grade to stay within four (4) percent; and;
 - 3. The cross slope of a sidewalk shall not exceed 1/4 inch per foot. If the sidewalk cross slope exceeds 1/4 inch per foot, the entire sidewalk may be depressed. The longitudinal grade of the sidewalk may not exceed two (2) inches per foot or the requirement set forth in the Americans with Disabilities Act of 1991.



Section 111. Driveway Islands

- A. Where it is found necessary to restrict particular turning movements at a driveway due to the potential disruption to the orderly flow of traffic or as a result of sight distance constraints, Paradise Township may require a raised island.
- B. Raised islands shall be designed with criteria consistent with the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) publication, *A Policy on Geometric Design of Highways and Streets*.

Section 112. Safe Stopping Sight Distance

- A. Safe stopping sight distance (SSSD) shall be required for all permitted turning movements at all driveways or streets onto U.S. Route 30 and the required and available SSSD's shall be documented on the site plan.
- B. The Pennsylvania Code, Title 67, Chapter 441, "Access to and Occupancy of Highways by Driveways and Streets," and PennDOT Publications 70, "Guidelines for the Design of Local Highways and Streets", shall be referenced on the site plan to determine minimum driveway and street intersection safe stopping sight distance requirements.

Section 113. Access Point Spacing

- A. Proposed access points on U.S. Route 30 shall meet the access spacing standards in Table 4.

Table 4
Minimum Required Access Point Spacing

Current Posted Speed	45 MPH	
	Driveway	Street
Same Side Driveway	360 feet	360 feet
Opposite Side Driveway	Directly Across from or 150 feet	Directly Across from or 360 feet
Same or Opposite Side Street	360 feet	800 feet

1. Spacing is measured from the centerline of one driveway or street to the centerline of the next driveway or street along the centerline of U.S. Route 30.
2. All access points shall be located outside the limits of existing right or left turn lanes and tapers serving other access points.
3. Paradise Township may require the extension of acceleration or deceleration lanes of adjacent access points to be connected to form an auxiliary lane.
4. Pre-existing lots, which do not have sufficient lot frontage to meet the above access point spacing standards, are permitted to install one driveway to serve a use on that lot which has been approved by the Township.
5. If minimum access point spacing standards cannot be achieved, the following techniques should be considered in the modification process in Section 118.B. of this Ordinance:
 - a. The proposed access point shall be sited as far from the existing access point as possible with street access points spacing preferred over driveway spacing ;
 - b. Paradise Township may require turn restrictions at the driveway if it is determined that the location of the access point and particular ingress or egress movements will create safety or operational problems. In no case shall left turns be made across a left turn lane serving another access point on the opposite side of U.S. Route 30; and,
 - c. Paradise Township may require a joint or cross access in accordance with this ordinance.

Section 114. Shared Driveways and Cross Access Drives

- A. Paradise Township may require a shared driveway or cross access drive for multi-family and non-residential uses in order to comply with the access point spacing standards and

safe stopping sight distance standards in the AMO, or in order to maintain efficient traffic flow on U.S. Route 30.

1. Paradise Township may waive the requirement if installing a shared driveway or cross access drive is not possible. Documentation that a shared driveway or cross access drive is not possible may include, but is not limited to the following:
 - a. A good faith offer to develop a shared driveway or cross access was presented to adjacent owners, but was declined. In such cases, the property owner shall extend cross access drive easements to the property boundary to be recorded with the plan and to sign and record an agreement with the municipality so that the access rights along the easement and driveway are granted at the discretion of Paradise Township. Such agreements may include the closure of existing driveways when a new shared driveway or cross access drive is established.
 - b. Topographical conditions or other natural features.
2. If a shared driveway or cross access drive is developed, the property owners shall:
 - a. Record an easement with the deed allowing access to and from other properties served by the cross access or shared driveway;
 - b. Record a joint agreement with the deed defining maintenance responsibilities of the property owners along the driveway; and,
 - c. Record an agreement with the municipality so that future access rights along the driveway are granted at the discretion of Paradise Township.

Section 115. Signalized Intersection Spacing

- A. The minimum spacing (in feet) for traffic signals for efficient vehicular progression is 2640 feet.
- B. Warrant for the signalization of an intersection shall be justified by PennDOT Publication 212, "Official Traffic-Control Devices" and the "Manual of Uniform Traffic Control Devices (MUTCD)", with Paradise Township concurrence, through a formal municipal resolution to maintain and operate the traffic signal in accordance with the Permit issued by PennDOT.

Section 116. Right Turn Deceleration Lane

- A. Access points on U.S. Route 30 shall require a right turn deceleration lane at access points when there are 30 or more right turns in the peak hour.
- B. Table 5 shows the minimum deceleration lengths on roadways with a grade of two (2) percent or less. These lengths include both the taper and the full width deceleration lane. For roads with grades greater than two (2) percent, the deceleration lengths shall be multiplied by the factors shown in Table 6.

Table 5

Right Turn/Deceleration Lanes Lengths*

Posted Speed	Deceleration Lengths
35 mph	220 feet
40 mph	275 feet
45 mph	360 feet

* Includes the taper and the full lane width deceleration lane.

Table 6
Slope Adjustment Factors for Right Turn/Deceleration Lanes Lengths

Slope	Upgrade	Downgrade
3% to 4%	.9 %	1.2 %
5% to 6%	.8 %	1.35 %

- C. Where the width of U.S. Route 30 right-of-way is insufficient to permit construction of the right turn/deceleration lane, the property owner shall provide any necessary right-of-way for the improvement.
- D. Where the lot frontage is insufficient to permit installation of a deceleration lane of recommended length and right-of-way is not available on the adjacent property, the property owner shall install a turn lane to the extent of the property boundary. Township Officials may request a financial contribution to be used for the future improvements that can not be completed by the property owner.

Section 117. Left Turn Lane

Signalized intersections shall require the installation of a left-turn lane.

Section 118. Administration and Enactment

A. Disclaimer/Liability

Any permit or approval issued pursuant to this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by Paradise Township or any official or employee thereof as to the practicability or safety on U.S. Route 30; and, shall create no liability on the part of the Paradise Township, its officials or employees.

B. Modifications

The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undo hardship because of peculiar conditions pertaining to the land in question or when an alternate standard can be demonstrated to provide equal or better results. Any such modification shall not be contrary to the public interest or to the purpose or intent of this Ordinance.

All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary

C. Enforcement

1. It shall be unlawful for any person to undertake any activity regulated by this Ordinance, except as provided for on plans and permit applications accepted and approved by the Municipality.
2. It shall be unlawful to violate any section of this Ordinance.
3. Inspections regarding compliance with Access Management Ordinance (AMO) are the responsibility of Paradise Township. All inspections regarding compliance shall be the responsibility of the Paradise Township Engineer or other qualified person designated by the Paradise Township.

D. Suspension and Revocation

1. Any approval or permit issued by the Paradise Township pursuant to this Ordinance may be **suspended** or **revoked** for:
 - a. Non-compliance with or failure to implement any provision of the approved Subdivision Plan, Land Development Plan or permit.
 - b. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
 - c. The creation of any condition which constitutes or creates a hazard, nuisance or endangers the life or property of others.
2. A **suspended approval** may be reinstated by Paradise Township when:
 - a. Paradise Township has inspected and approved the corrections to the violations that caused the suspension.
 - b. Paradise Township is satisfied that the violation has been corrected.
3. A **revoked approval** cannot be reinstated. The applicant must apply for a new approval under the provisions of this Ordinance.

4. If a violation causes no immediate danger to life, public health, or property, Paradise Township, at its sole discretion, may provide a limited time period for the owner to correct the violation. In these cases, Paradise Township will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, Paradise Township may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

E. Notice of Violation

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, Paradise Township shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for the correction of the violation(s). Failure to comply within the time specified may subject such person to the penalty provisions of this Ordinance.

F. Penalties

(Paradise Township should confer with their solicitor to provide appropriate wording and a judgement amount for this section.)

1. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Paradise Township, pay a judgement of not more than (\$____). No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, Paradise Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
2. Paradise Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunction, mandamus or other appropriate forms of remedy or relief.

G. Appeals

1. Any person aggrieved by any action of Paradise Township or its designee may appeal

to the governing body of Paradise Township within 30 days of that action.

2. Any person aggrieved by any decision of Paradise Township's governing body may appeal to the Court of Common Pleas of York County within 30 days of Paradise Township's decision.

H. Repealer

Any other ordinance provision or regulation of Paradise Township inconsistent with any of the provisions of this Ordinance is hereby repealed to give this Ordinance full force and effect to the extent of the inconsistency only.

I. Severability

In the event that a court of competent jurisdiction declares any section, clause or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining sections, clauses or provisions of this Ordinance.

J. Erroneous Permit

Any permit or authorization issued or approval granted based on false, misleading or erroneous information provided by the applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or authorization is unlawful. No action may be taken by a board, agency or employee of Paradise Township purporting to validate such a violation.

K. Fees

All fees shall be established by Paradise Township to defray review and inspection costs incurred by Paradise Township. All fees for plan and permit review shall be paid by the applicant at the time of submission of same. Fees for inspections shall be paid by the applicant within ten (10) days of the receipt of an invoice. A Review and Inspection Fee Schedule shall be established by resolution of the governing body of Paradise Township based on Paradise Township's costs for reviewing plan and permit applications and the conduction of inspections during and after construction. Paradise Township may periodically update the Review and Inspection Fee Schedule to ensure review costs are adequately reimbursed.

The fees required by this Ordinance shall at a minimum cover:

1. Administrative costs.
2. The review of plans and permit applications.
3. Required site inspections of all types.
4. Any additional work required to enforce any permit and/or approval provisions regulated by this Ordinance, correct violations, and assure the proper completion of stipulated remedial actions.

ENACTMENT

(Name) _____ (Title)

(Name) _____ (Title)

(Name) _____ (Title)

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FIGURE 1

PARADISE TOWNSHIP ACCESS MANAGEMENT ORDINANCE DEFINITION DIAGRAM

