An Ordinance Regulating
Construction of Driveways

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Editors Note: H. B. Woodling, Traffic Engineer of Akron, Ohio, discussed the topic "The Design of Driveways and Entrances" at the Traffic Engineers' separate session on Tuesday, March 28. The discussion was from notes and concerned a recent ordinance passed by the city of Akron, Ohio, relative to this subject. Mr. Woodling did not submit a paper for the proceedings, but, because of the interest expressed by many persons for copies of the ordinance, he granted permission to publish the ordinance in these Proceedings. The complete text of the ordinance follows.

Ordinance No. 82, 1959, amending and supplementing Chapter 34 of The Code of The City of Akron, Ohio, 1952, by enacting new Sections 66 and 76 inclusive, regulating the construction of driveway approaches.

Be It Enacted by the Council of The City of Akron:

Section 1. That Chapter 34 of The Code of The City of Akron, Ohio, 1952, be and the same hereby is amended and supplemented by the enactment of Article IX, Sections 66 through 76, as follows:

Article IX. Driveway Approaches.

Section 66. Definitions.

For the purposes of this ordinance, the following definitions shall apply:

(a) Driveway.

An area on private property for the accommodation of automobiles, trucks and other vehicles coming from or entering a public street.

(b) Driveway Approach.

An area, construction, or facility, between the roadway of a public street and private property, intended to provide access for vehicles from the roadway of a public street to private property.

(c) Outside Sidewalk Line

A line parallel to the property line lying along the edge of the sidewalk nearest the street, roadway or curb; or where no
sidewalk exists, a line in the street right-of-way parallel to, and 4 feet from the line of the private property.

(d) Corner.
The point of intersection of the lines of two street-curb lines extended into the street intersection.

(e) Curb Parking Space.
A length of curb equal to 20 feet where an automobile or other vehicle can park.

(f) Parcel of Land.
A lot, lots, or tract of land recorded under one ownership.

(g) Street or Streets.
A public way or ways including alleys, avenues, boulevards, circles, courts, drives, lanes, parkways, paths, places, roads, streets, terraces, walks, ways, thorofares, expressways, freeways and other public rights-of-way.

(h) Curb Cut.
The section of a raised curb that is cut down to permit vehicles to cross the curb at driveway approaches. The term "curb cut" also applies to places where the curb was originally constructed as dropped curb in front of driveway approaches and to places where curb was removed or broken out for driveway purposes.

Sec. 67. In General.

(a) It shall be unlawful for any person other than an authorized employee of The City of Akron to cut break out, or remove any curb along any street or public way.

(b) It shall be unlawful for any person to construct, alter, or extend, or permit or cause to be constructed, altered, or extended any driveway approach which can be used only as a parking space or parking area between the curb and private property.

(c) Any person constructing a driveway approach shall first secure the necessary permits, as follows:

(1) A sidewalk permit.

(2) A curb-cut permit when a new cut is to be made or an old cut redressed or extended.

(3) A street-opening permit when new curbing is required to restore an abandoned curb cut.

(d) Curb-cut permits shall not be issued until provision is made for the restoration of existing curb cuts that are to be abandoned or which will not become a part of the new curb cut.
Such restoration shall be at the expense of the owner, and the estimated cost of such restoration shall be deposited with the Division of Highway Maintenance.

Sec. 68. Width of Curb Cut.

For the purpose of constructing a driveway approach, no curb cut, opening, or section of curb broken out or removed shall exceed 30 feet except as provided in Section 74 hereof.

Sec. 69. Location of Curb Cuts and Driveway Approaches.

No curb cut or driveway approach shall be located so that vehicles using them will cross a “corner.”

No part of a curb cut shall be in the area between a corner and the property lines extended, nor less than 3 feet from the property line or street right-of-way line extended.

Two or more curb cuts or driveway approaches serving the same parcel of land shall be separated by at least one curb-parking space.

Sec. 70. Slope of Driveway Approaches.

Where the distance between the curb line and the outside sidewalk line is 4 feet or more the surface of the driveway approach shall slope from the top of the curb cut to the outside edge of the sidewalk. Where sidewalks cover the entire area between the curb lines and the property lines, the surface of the driveway approach shall slope from the top of the curb cut to a line parallel to and no closer than 3 feet from the property line. In no case shall the surface of a driveway approach be one continuous slope from top of curb cut to the property line.

Sec. 71. Curb Return Radius.

Where curb returns are used on each side of a driveway approach, the radii of the curb returns shall not exceed the distance between the curb line and the outside sidewalk line.

Curb returns shall not be used where the sidewalks cover the entire area between the property line and the curb. Curb returns shall not cross the area between the property line and the outside sidewalk line.

Sec. 72. Street Structures and Appurtenances.

When a proposed curb cut or driveway approach interferes with street light poles or posts, traffic signal standards, signs, storm water inlets, hydrants, utility poles, fire alarm supports, underground ducts or pipes, or other necessary street structures, the owner of the
parcel of land served by the curb cut shall pay the expense of moving such structures.

Sec. 73. *Building Division Co-operation.*

Any plans submitted to the Division of Building Inspection for approval which include or involve unusual driveway approaches or problems, shall be referred by the Superintendent of Building Inspection to the Chief Highway Engineer for his approval before a building permit is issued.

Sec. 74. *Unusual Conditions.*

The Chief Highway Engineer is hereby authorized to grant in writing variances from the strict application of the provisions of this ordinance, provided:

1. The exception or variance desired arises from peculiar physical conditions, or from the nature of the business or operation on abutting property.
2. The exception or variance desired does not impair the public interest, safety, or convenience.
3. The exception or variance will not adversely affect the rights of adjacent owners or tenants.
4. The strict application of the terms of this ordinance will work unnecessary hardship.

Sec. 75. *Saving Clause.*

If any section or part of this ordinance shall be held illegal, unconstitutional, or void, the other provisions and requirements of this ordinance shall not be thereby invalidated.

Sec. 76. *Penalties.*

Any person violating any of the provisions of this ordinance, or causing, permitting, or suffering the same to be done, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars nor more than Fifty Dollars. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

The issuance or granting of a permit shall not be deemed or construed to be a permit for, or an approval of, any violation of this ordinance.

Passed: February 17, 1959.