

ORDINANCE NO. 2024-1

**AN ORDINANCE OF THE BOROUGH OF DOYLESTOWN,
BUCKS COUNTY, PENNSYLVANIA AMENDING THE
BOROUGH'S CODE OF ORDINANCES TO ADD TO
CHAPTER 21 "STREETS AND SIDEWALKS" A NEW
PART 4 TITLED "DRIVEWAY ACCESS CONTROLS"**

WHEREAS, the Pennsylvania Borough Code provides that the corporate powers of the Borough Council (the "Borough Council") of the Borough of Doylestown ("Borough") include the ability to make regulations as may be necessary to regulate Borough streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and their construction, specifically Section 1202(12) and 1203 (8 Pa.C.S. § 1202(12), 1203); and

WHEREAS, Chapter 21 of the Borough of Doylestown Code of Ordinances ("Borough Code") regulates streets and sidewalks; and

WHEREAS, the proposed amendment has been advertised, considered, and reviewed in accordance with the Borough Code.

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Borough Council as follows:

I. Add to Chapter 21 of the Borough Code, "Streets and Sidewalks," a new Part 4 entitled "Driveway Access Controls."

Borough Council hereby adopts and establishes a new Part 3 titled "Cross-Connection Control Program" under Chapter 26 of the Borough Code as follows:

§ 401. Purpose.

1. The purpose of this Part is to provide vehicular access to properties and land development in a manner that preserves the safety and efficiency of the transportation system within the Borough of Doylestown.
2. Access management encompasses the careful planning of the location, design and operation of driveways, and street connections. If access drives and systems are not properly designed and maintained, drives connected to the Borough's street and primary transportation network, including arterials and highways, will be unable to safely accommodate the access needs of persons and traffic from properties and for development; and to retain their primary transportation function.
3. This Part is intended to promote safe and efficient travel within the Borough of Doylestown by limiting the number of conflict points, providing safe spacing standards

between driveways, encouraging shared access between abutting properties, and ensuring safe access by emergency vehicles.

§ 402. Applicability.

This Part shall apply to all access to streets within the Borough of Doylestown. Access to state highways, streets or roads is regulated by the Pennsylvania Department of Transportation.

§ 403. Conformance with Plans, Regulations, and Statutes.

This Part is authorized by § 1202(12) of the PA Borough Code, which provides that the Borough Council has the specific power to regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and their construction, and to prohibit the erection or construction of any building or other obstruction to the convenient use of the same; conforms with the requirements of the Pennsylvania Municipalities Planning Code; and meets or exceeds the standards contained in Title 67, Chapter 441, of the Pennsylvania Code, titled "Access to and Occupancy of Highways by Driveways and Local Roads."

§ 404. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

ACCESS - A driveway, street, or other means of passage of vehicles between the highway and abutting property, including acceleration and deceleration lanes and such drainage structures as may be necessary for proper construction and maintenance thereof.

ACCESS DRIVEWAY PAVEMENT - Access driveways shall be appropriately surfaced with a stabilized material between the traveled way and the right-of-way line unless a higher type material is specified by the permit. Low-, medium-, and high-volume driveways which provide access to paved highways shall be paved within the right-of-way. Materials used in the construction of driveways shall meet the requirements of PennDOT Form 408. The driveway pavement shall be at least four inches thick within the right-of-way.

AUXILIARY LANE - The portion of the roadway adjoining the through lane that is used for speed change, turning, storage for turning, deceleration, acceleration, weaving, and other purposes supplementary to through traffic movement.

AVERAGE DAILY TRAFFIC (ADT) - The total volume of traffic during a number of whole days (more than one day) and less than one year divided by the number of days in that period.

DESIGN SPEED - The maximum safe speed that can be maintained over a section of roadway when conditions are so favorable that the design features of the road govern.

DRIVEWAY - Every entrance or exit used by vehicular traffic to or from properties abutting a highway. The term includes proposed streets, lanes, alleys, courts, and ways.

DRIVEWAY THROAT - Driveway throat length is the distance available for vehicles measured from the outer edge of the traveled roadway to the point where the driveway meets conflicting vehicular traffic movements. A queue, a waiting line of vehicles. Throat length applies to arterial roads.

EGRESS - The exit of vehicular traffic from abutting properties to a street.

85TH PERCENTILE SPEED - The speed, in miles per hour, which is exceeded by only 15% of the drivers traveling on a section of highway.

EXCAVATION - Any act by which earth, sand, gravel, rock or other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated, bulldozed, including the use of hand tools. It shall include the conditions resulting therefrom.

FUNCTIONAL AREA - The area beyond the physical intersection that comprises decision and maneuver distance, and the required vehicle storage lengths.

BOROUGH HIGH-VOLUME DRIVEWAY - A driveway used or expected to be used by more than 750 vehicles per day.

HIGHWAYS, ROADS or STREETS - Any highways, roads, or streets identified on the legally adopted municipal street or highway plan or the official map that carry vehicular traffic, together with all necessary appurtenances, including bridges, rights-of-way and traffic control improvements. The term shall not include the interstate highway system.

INGRESS - The entrance of vehicular traffic to abutting properties from a street.

INTERNAL TRIPS - Site-generated trips that occur between two or more land uses on the subject site without exiting onto the intersecting street.

LEVEL OF SERVICE (LOS) - A qualitative measure describing the operational conditions within a section of roadway or at an intersection that includes factors such as speed, travel time, ability to maneuver, traffic interruptions, delay, and driver comfort. Level of service is described as a letter grade system (similar to a school grading system) where delay (in seconds) is equivalent to a certain letter grade from A through F.

LOCAL ROAD - Every public highway other than a state highway. The term includes existing streets, lanes, alleys, courts, and ways.

BOROUGH LOW-VOLUME DRIVEWAY - A driveway used or expected to be used by more than 15 but less than 100 vehicles per day.

BOROUGH MEDIUM-VOLUME DRIVEWAY - A driveway used or expected to be used by more than 100 but less than 750 vehicles per day.

BOROUGH MINIMUM USE DRIVEWAY - A residential or other driveway that is used or expected to be used by not more than 15 vehicles per day.

MUNICIPALITY - The Borough of Doylestown.

95TH PERCENTILE QUEUE LENGTH - The queue exceeded at some point during 5% of the signal cycles.

OFFSITE IMPROVEMENTS - Those public capital improvements that are not onsite improvements and that serve the needs of more than one development.

ONSITE IMPROVEMENTS - All improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for access, ingress and egress to the applicant's property, and required to be constructed by the applicant pursuant to any municipal ordinance, including, but not limited to, the municipal code, subdivision and land development ordinance, planned residential development regulations, and zoning ordinance.

OUTPARCEL - A lot that is adjacent to the roadway that interrupts the frontage of another lot.

PERMEABLE SURFACES - A variety of materials and designs can be used for permeable surfaces for driveways, parking areas, patios or walkways. The permeable surface can be poured in place or laid in a pattern upon a subbase of material designed and installed to permit water to infiltrate the surface, subsurface and land. The surface material can be designed and installed with gravel or stone filled within the gaps of the material to create a permeable surface. Concrete and asphalt can be mixed to allow water to drain through the surface and into the subsurface and land. Other building materials such as stone, concrete or brick designed and manufactured as permeable pavers can be used and laid with spaces between the pavers for gravel or stone to allow water to flow between them. Plastic or metal grids designed for permeable surfaces can also be used with stone or loose soil and vegetation installed within the grid to allow water soak and pass through.

PREEXISTING DRIVEWAY - Permitted driveways in place at the time of the adoption of this Part that do not conform to the standards herein.

RIGHT-OF-WAY - An area of land, measured from the centerline of the cartway, that can be used by the public for travel and the location of utilities.

RIGHT-OF-WAY PRESERVATION - The acquisition of an area of land, through dedication or easement, needed to accommodate the future widening of the roadway.

ROAD IMPROVEMENT - The construction, enlargement, expansion, or improvement of public highways, roads, or streets.

SETBACKS - The minimum distance from the street right-of-way line to the lot line that establishes the area within which no structure can be erected.

STOPPING SIGHT DISTANCE - The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

STORAGE LENGTH - Lane footage needed for a right or left turn lane to store the maximum number of vehicles likely to accumulate during a peak period of travel.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether private or public, including the right-of-way for the same.

TAPER - The widening of the roadway to allow the redirection or transition of vehicles into or around an auxiliary lane.

TRIP - A one-directional vehicular trip to or from a site.

TRIP GENERATION - The total number of vehicular trips going to and from a particular land use on a specific site during a specific time period.

ULTIMATE RIGHT-OF-WAY - An area of land beyond the legal or dedicated right-of-way needed to accommodate future widening of the roadway, measured from the centerline.

§ 405. Driveways.

1. Number of Driveways.

- A. Single-family residence. Only one access shall be permitted for a single-family residence. An additional access drive for a single-family residence shall be permitted if the applicant demonstrates that an additional access is necessary to accommodate traffic to and from the residence and it can be achieved in a safe and efficient manner. An additional access drive for a single-family residence located on a street cul-de-sac may be permitted if the applicant provides a plan design that is necessary to accommodate traffic to and from the residence; and the Council determines that the additional access drive can be located and function in a safe manner and not create any unsafe conditions for the neighboring properties or the pedestrian or vehicle traffic on the cul-de-sac.
- B. Occupancies and uses for property other than a single-family residence. The number, location, size and features of such driveway access shall be determined by Council if an applicant demonstrates that such access or

additional accesses are necessary to accommodate traffic to and from the site and it can be achieved in a safe and efficient manner.

- C. The municipality shall restrict access to right-turn-only ingress and egress to a road if safe and efficient left-turn movements cannot be accommodated or interfere with LOS or safety of a Borough street.
- D. For a property that abuts two or more roadways, the municipality may restrict access to only that roadway that can more safely and efficiently accommodate traffic.
- E. If the municipality anticipates that a property may be subdivided and that the subdivision may result in an unacceptable number or arrangement of driveways, or both, the municipality shall require the property owner to enter into an access covenant to restrict future access.

2. Corner Clearance.

- A. Corner clearance shall meet the following driveway spacing standards that are desirable for arterial and major collector roads:
 - (1) Principal arterial: 600 feet.
 - (2) Minor arterial: 400 feet.
 - (3) Major collector: 200 feet.
 - (4) Minor streets: 40 feet minimum from an intersection.
 - (5) Minor collector streets: 200 feet.
- B. Access shall be provided to the roadway only where corner clearance requirements can be achieved.
- C. If no other reasonable access to the property is available, and no reasonable alternative is identified, the driveway shall be located the farthest possible distance from the intersecting roadway. In such cases, directional connections (i.e., right-in/right-out only, right-in only or right-out only) may be required.
- D. The municipality shall require restrictions at the driveway if the municipal engineer determines that the location of the driveway and particular ingress or egress movements will create safety or operational problems.
- E. Existing Driveways shall comply with this ordinance when the land use that said driveway serves changes and is intensified or the driveway increases to a higher driveway use category according to the definition section herein.

3. Safe Sight Distance.
 - A. Safe sight distance shall be available for all permitted turning movements at all driveway intersections.
 - B. PennDOT's Pub. 441 and Pub. 282 for driveways or Pub. 70 for local roads shall be referenced to determine minimum driveway and roadway intersection safe sight distance requirements.
 - C. All driveways and intersecting roadways shall be designed and located so that the sight distance is optimized to the degree possible without jeopardizing other requirements such as intersection spacing, and at least minimum sight distance requirements are met.
4. Driveway Channelization.
 - A. For high- and medium-volume driveways, channelization islands and medians shall be used to separate conflicting traffic movements into specified lanes to facilitate orderly movements for vehicles and pedestrians.
 - B. Where it is found to be necessary to restrict particular turning movements at a driveway, due to the potential disruption to the orderly flow of traffic or a result of sight distance constraints, the municipality may require a raised channelization island.
 - C. Raised channelization islands shall be designed with criteria consistent with the latest AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets."
5. Joint and Cross Access.
 - A. The municipality may require a joint driveway in order to achieve the following driveway spacing standards that are desirable for arterial and major collector roads:
 - (1) Principal arterial: 600 feet.
 - (2) Minor arterial: 400 feet.
 - (3) Major collector: 200 feet.
 - B. Adjacent nonresidential properties shall provide a joint or cross access driveway to allow circulation between sites wherever feasible along roadways classified as major collectors or arterials in accordance with the functional classification contained in the municipal comprehensive plan. The following shall apply to joint and cross access driveways:
 - (1) The driveway shall have a design speed of 10 miles per hour and have sufficient width to accommodate two-way traffic including the largest vehicle expected to frequently access the properties.

- (2) A circulation plan that may include coordinated or shared parking shall be required.
 - (3) Features shall be included in the design to make it visually obvious that abutting properties shall be tied in to provide cross access.
 - C. The property owners along a joint or cross access driveway shall:
 - (1) Record an easement with the deed allowing cross access to and from other properties served by the driveway.
 - (2) Record an agreement with the municipality so that future access rights along the driveway shall be granted at the discretion of the municipality and the design shall be approved by the municipal engineer.
 - (3) Record a joint agreement with the deed defining the maintenance responsibilities of each of the property owners located along the driveway.
- 6. Access to Outparcels.
 - A. For multifamily residential, commercial and office developments under the same ownership or phased developments comprised of more than one building site, the municipality shall require that the development be served by an internal road that is separated from the main roadway.
 - B. All access to outparcels shall be internalized using the internal roadway.
 - C. The driveways for outparcels shall be designed to allow safe and efficient ingress and egress movements from the internal road.
 - D. The internal circulation roads shall be designed to avoid excessive queuing across parking aisles.
 - E. The design of the internal road shall be in accordance with all other sections of this Part.
 - F. All necessary easements and agreements required under Subsection E3 shall be met.
 - G. The municipality may require an access covenant to restrict an outparcel to internal access only.
- 7. Driveway Design Elements.
 - A. Driveway Throat Length.
 - (1) For minimum use driveways, the throat length shall be a minimum of 20 feet.

- (2) For low-volume driveways, the throat length shall be a minimum of 50 feet or as determined by queuing analysis.
- (3) For medium-volume driveways, the throat length shall be a minimum of 120 feet or as determined by a queuing analysis.
- (4) For high-volume driveways, the throat length shall be a minimum of 150 feet or as determined by a queuing analysis.

B. Driveway Throat Width From Edge of Pavement or Curb Through the Road Right-of-Way.

- (1) A driveway throat for the principal driveway for a single-family residence, or a minimum use driveway, that is perpendicular from the connection point of the street pavement to the garage or carport, shall have a minimum width of 12 feet; and a maximum width of 1.25 feet for every one foot of the width of the garage door(s) or carport accessed from the driveway. In no instance shall the driveway throat exceed 30 feet in width. For a driveway that is not perpendicular from the connection point of the street pavement to the garage or carport (e.g., a side entry or rear entry garage or carport), the driveway throat shall not exceed 15 feet. For a driveway that is not connected to a garage or carport, the driveway throat shall not exceed 15 feet.
- (2) Low- and medium-volume driveways shall have a minimum width of 15 feet for one-way operation and a minimum width of 30 feet for two-way operation.
- (3) The design of high-volume driveways shall be based on analyses to determine the number of required lanes.
- (4) The municipality may require additional driveway width to provide turning lanes for adequate traffic flow and safety.

C. Driveway Radius.

The following criteria shall apply to driveway radii:

- (1) For minimum use driveways, the radii shall be a minimum of Five feet.
- (2) For low-volume driveways, the radii shall be a minimum of 25 feet.
- (3) For medium-volume driveways, the radii shall be a minimum of 25 feet
- (4) For all driveways, the radii shall be designed to accommodate the largest vehicle expected to frequently use the driveway.
- (5) Except for joint driveways, no portion of a driveway radius may be located on or along the frontage of an adjacent property.

D. Driveway grade requirements:

- (1) The difference between the cross slope of the roadway and the grade of the driveway apron may not exceed the standards defined in the Subdivision and Land Development Ordinance.

- (2) The driveway grade shall not exceed 8% within 10 feet of the edge of travel lane for minimum use driveways and within 40 feet for low-, medium-, and high-volume driveways.
- (3) If a planted area exists between the sidewalk and curb, the following shall apply:
 - a. The grade of the planted area shall not exceed 8%.
 - b. If the driveway grade would exceed 8% in the area between the curb and the sidewalk, the outer edge (street side) of the sidewalk may be depressed to enable the driveway grade to stay within 8%. A maximum sidewalk cross slope of 8% must be maintained.
 - c. If the sidewalk cross slope exceeds 2%, the entire sidewalk may be depressed. The longitudinal grade of the sidewalk may not exceed 6%.

§ 406. Permit Fees.

Permit Issuance Fees, Renewal Fees, Inspection Fees, and Professional Services Escrow shall be as established and set forth in the Doylestown Borough Fee Schedule adopted by resolution of Borough Council as amended from time to time.

§ 407. Issuance of Permit.

1. General Rule. Upon application filed with the Borough; payment of the required fee; and review and approval of the application and compliance with this Part, a permit will be issued by the Borough Manager, subject to conditions contained on the permit and its attachments and supplements. The permit will be the authority for the applicant to proceed with the work.

2. Design and construction of medium and high volume driveways on municipal roads shall reviewed by the municipal engineer, who will advise the municipality on permit issuance and acceptance of improvements.

3. Permit Issued Only to Property Owner. Permits will be issued only to the owners of the property. Permits will only be issued to contractors if the property owner also signs the application.

4. Permit Requiring Agreement. Where the Borough determines that certain conditions must be met, applicant will be required to execute an agreement with the Borough as a prerequisite to issuance of the permit.

5. Requesting Permit Time Extension. A permit shall be valid for a six-month period. If the permittee has not completed all authorized work by the completion date specified on the permit, a renewal application shall be submitted to the Borough requesting a time extension. If approved, a supplement may be issued by the Borough, authorizing work to continue for an additional six-month period.

6. Work Completion Notification. When all permitted work and conditions have been completed, inspected and approved by the Borough, the permittee shall be provided with a written completion notification.

§ 408. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$500 nor more than \$1,000, plus costs, together with reasonable attorney fees; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

II. Inconsistent Provisions

To the extent any prior resolutions, specifications, or the like that have been adopted by the Borough Council of Doylestown Borough are in conflict with this Ordinance, it is understood and agreed that the provisions of this Ordinance will take precedence.

III. Partial Repealer

All other provisions of the Borough Code, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Borough Code inconsistent herewith or in conflict with any of the terms hereof, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

IV. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

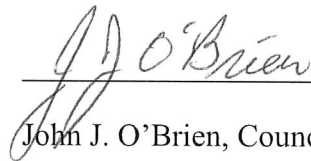
V. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this 26th day of February, 2024.

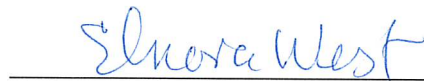
DOYLESTOWN BOROUGH COUNCIL

By:




John J. O'Brien, Council President

Approved:



Elnora "Noni" West, Mayor

Attest:



Borough Secretary