

## GROUP 4, ITEM H

### REQUIRED STREET ACCESS

#### AMENDMENT SUMMARY

- Issue: The LDC does not provide an avenue for administrative relief from the required number access points to residential development greater than 5 acres or commercial developments greater than 10 acres. Two means of access are required by current LDC regulations. A public hearing is required to deviate from the standards established in this section.
- Solution: Provide administrative authority to the Director of Public Safety and Director of Transportation (for county-maintained roadways) or the Development Services Manager (for non-county-maintained roadways), to jointly consider administrative deviations from LDC Section 10-291(3).
- Outcome: Streamlines the review process for deviations from access requirements by providing an administrative mechanism for relief from LDC Section 10-291(3) where the applicant can demonstrate there is no reasonable method to provide two means of access and that the proposed alternative standard for the specified development type will not cause injury or detriment to public safety and welfare. Appropriate conditions may be attached to administrative deviation approvals to promote public safety.

## Chapter 10 - DEVELOPMENT STANDARDS

### ARTICLE II. – ADMINISTRATION

#### DIVISION 2. – DEVELOPMENT ORDERS

##### Subdivision II. - Procedures

#### **Sec. 10-104. Deviations and variances.**

- (a) *Provisions where deviations are authorized.* The Director is hereby authorized to grant deviations from the technical standards in the following sections of this chapter:
- (1) Section 10-261 (refuse and solid waste disposal facilities);
  - (2) Section 10-283 (access streets);
  - (3) Section 10-285 (intersection separations);
  - (4) Section 10-291(3) (additional means of ingress/egress);
  - (5)(4) Section 10-296(b), Table 2 (right-of-way width specifications for streets);
  - (6)(5) Section 10-296(e) (wearing surface, base, subgrade, cross section widths);
  - (7)(6) Section 10-296(d)(4) (drainage);
  - (8)(7) Section 10-296(d)(11), Table 3 (pavement design);
  - (9)(8) Section 10-296(j) (intersection designs);
  - (10)(9) Section 10-296(k) (cul-de-sacs);
  - (11)(10) Section 10-322 (swale sections);
  - (12)(11) Section 10-329(d)(1)a. (setbacks for water retention/detention excavations);
  - (13)(12) Section 10-329(d)(4) (excavation bank slopes and percent hardening);
  - (14)(13) Section 10-352 (public water);

- ~~(15)~~(14) Section 10-353 (public sewer);
- ~~(16)~~(15) Section 10-384(c) (water mains);
- ~~(17)~~(16) Section 10-415(b) (indigenous native vegetation);
- ~~(18)~~(17) Section 10-418(3) (percent hardening and compensatory littorals);
- ~~(19)~~(18) Section 10-441 (mass transit facilities);
- ~~(20)~~(19) Section 10-416(c) (landscaping of parking and vehicle use areas);
- ~~(21)~~(20) Section 10-610 (site design standards and guidelines for commercial developments);
- ~~(22)~~(21) Section 10-620(d)(4)a. (requiring full parapet coverage for roofs utilizing less than or equal to 2V:12H pitch);
- ~~(23)~~(22) Section 10-716 (piping materials in right-of-way);
- ~~(24)~~(23) Sections 10-329(f) and 10-418(4) (restoration of existing bank slopes and littoral designs).

### **ARTICLE III. – DESIGN STANDARDS AND REQUIREMENTS**

#### **DIVISION 2. – TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES**

##### **Sec. 10-291. Required street access.**

Staff note: Amend subsection to provide administrative means for relief from number of required access points, subject to review and approval by Director of Public Safety, Director of the Department of Transportation (County-maintained roads), and the Development Services Manager (non-County-maintained Roads).

General requirements for access are as follows:

- (1) The development must be designed so as not to create remnants and landlocked areas unless those areas are established as common areas.
- (2) All development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in §section 10-296. Any development order will contain appropriate conditions requiring all streets to which the project proposes access to be constructed or improved to meet the standards in §section 10-296. Improvements to off-site streets necessary to provide access to the project must extend, at minimum, from the project's access point to the point at which the street connects to a County or privately maintained street meeting the standards in §section 10-296. Direct access for all types of development to arterial and collector streets must be in accordance with the intersection separation requirements specified in this chapter.
- (3) Residential development of more than five acres and commercial or industrial development of more than ten acres must provide more than one means of ingress or egress for the development. Access points designated for emergency use only may not be used to meet this requirement.
  - (a) A deviation or variance from the access point (ingress/egress) requirements stated in this subsection must may be obtained in accordance with section 10-104, subject to the following:
    1. For county-maintained roadways, the Director of Public Safety and Director of Transportation must render an opinion that the proposed alternative standard will not cause injury or detriment to public safety and welfare.
    2. For non-county-maintained roadways, the Director of Public Safety and the Development Services Manager must render an opinion that the proposed alternative standard will not cause injury or detriment to public safety and welfare.
    3. Decisions pursuant to this section are discretionary and may not be appealed pursuant to section 34-145(a), the public hearing process.

- ~~4. If a variance or deviation from this section is approved, a notice to all future property owners must be recorded by the developer in the public records, prior to the issuance of a local development order allowing construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.~~
- (4) Additional access points may be required for continuation of an existing street pattern, to provide access to adjoining properties, or where additional access is needed to provide alternate access for emergency services. Where feasible, alternate access points should not be on to the same roadway. For planned developments, the determination of the Director regarding additional access points should be requested concurrent with the application for sufficiency. A deviation or variance will be required in cases where a determination of the Director under this subsection is sought to be changed or overturned.

## **DIVISION 5. – FIRE SAFETY**

### **Sec. 10-383. Interpretation; conflicting provisions.**

*Staff Note: Realign section 10-104 reference in section 10-383 more generally to avoid future inaccurate cross-references.*

*(a) through (c) remain unchanged.*

- (d) The Board of Adjustments and Appeals holds the jurisdiction to grant variances from the provisions of this division, except as otherwise provided herein. The procedure and criteria applicable to the variance proceedings is set forth in ~~§~~section 6-71 et seq. The Development Services ~~Manager~~Director holds the jurisdiction to grant administrative deviations from water main installation per ~~§~~section ~~10-104(15)~~ 10-104(a) and ~~§~~subsection (c)(6) of this section.