

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Comprehensive Land Development Ordinance (CLDO) Amendment adding Section 68-1729 Access Management and Connectivity

DATE: October 10, 2024

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION:

STATUS REPORT

ANNUAL- N/A

OTHER

CAPITAL- N/A

COMMISSION ACTION REQUESTED ON: October 21, 2024 (First Reading)
November 18, 2024 (Second Reading)

PURPOSE: This is a Comprehensive Land Development Ordinance (CLDO) amendment limiting the number of residential units accessing existing county roads, requiring interparcel access, decel lanes, and controlled access.

BACKGROUND / HISTORY:

1. The County has had issues with multiple residential lots being created on existing county roads to avoid having to meet the subdivision requirements including an internal road.
 2. The County is partnering with CPL to create a unified development code and asked for a short term fix to correct the issue.
 3. The proposed amendment allows up to four lots to be developed on a county road. When five or more lots are proposed, an internal subdivision road is required.
 4. The amendment also requires interparcel access between non-single family uses. This is to prevent cars having to leave the property to access next door.
 5. Driveway separation is also regulated which limit the number of driveways on an existing road.
 6. The proposed amendment also imposes some regulations on gated communities to ensure the gates don't negatively impact the public road serving it.
-
-

FACTS AND ISSUES: The Planning Commission forwards this amendment to the Board with a recommendation of Approval.

OPTIONS:

1. Approval of the proposed amendment;
 2. Denial of proposed amendment;
 3. Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION: Motion to approve the Comprehensive Land Development Ordinance amendment to Section 68-1729 Access Management and Connectivity as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beechan

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

_____ **DATE:** _____

County Manager

FIRST READING: _____

APPROVAL: _____

**HABERSHAM COUNTY
STATE OF GEORGIA**

AN AMENDMENT TO THE HABERSHAM COUNTY, GEORGIA CODE OF ORDINANCES TO AMEND SECTION 68-1729 (ENTITLED "ACCESS MANAGEMENT AND CONNECTIVITY") OF CHAPTER 68 (ENTITLED "COMPREHENSIVE LAND USE AND DEVELOPMENT"); TO PROVIDE FOR PURPOSE; TO PROVIDE FOR ACCESS MANAGEMENT; TO PROVIDE FOR DRIVEWAY CONNECTIONS; TO PROVIDE FOR DEVELOPMENT WITH OUTPARCELS; TO PROVIDE FOR CONTROLLED ACCESS; TO PROVIDE FOR CHANGE OF DRIVEWAY LOCATION; TO PROVIDE FOR BLOCKING FIRE LANES AND REQUIRED PARKING AREAS; TO PROVIDE FOR PEDESTRIAN CIRCULATION; TO PROVIDE FOR CONFLICT WITH OTHERS LAWS; TO PROVIDE FOR SEPARABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of Habersham County, Georgia, is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety and welfare of the citizens of Habersham County, Georgia; and

WHEREAS, the duly elected governing authority of Habersham County, Georgia is the Board of Commissioners; and

WHEREAS, the governing authority desires to amend certain regulatory provisions in regard to comprehensive land use and development in Habersham County, Georgia by amending its Section 6-1729 of Chapter 68 of its Code of Ordinances as set forth hereinafter.

NOW, THEREFORE, THE HABERSHAM COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME as follows:

The Code of Ordinances of Habersham County, Georgia is hereby amended by deleting Section 68-1729 (entitled “Access Management and Connectivity”) of Chapter 68 (entitled “Comprehensive Land Use and Development” in its entirety and substituting in lieu thereof the following::

Section 68-1729 Access Management and Connectivity

(a) Purpose

The purpose of this Section is to set standards for the provision of access to development in a manner that preserves the safety and efficiency of the transportation system. The management of access is a means by which substantial public investment in the transportation system can be protected and the need for remedial measures eliminated or reduced.

(b) Access management

- (1) Interparcel access is required between all abutting parking lots and sites based on site conditions and as determined by the Director of Planning and Development to provide a cross-access drive and pedestrian access to allow circulation between sites.
 - a. Interparcel access is not required between non-residential uses and single-family residential uses or between single-family residential uses.
 - b. This shall be accomplished by stubbing a connection to each adjacent property line. The property owner shall grant an access easement granting public access through the lot. This easement shall be submitted to the Director of Planning and Development and recorded by the applicant or property owner with the Clerk of the Superior Court of Habersham County.
 - c. If full access between or among lots is implemented after initial site development, any deficiencies created to formalize the connection are permitted without need for any formal relief through the variance process (e.g.: removing a required parking space to accommodate the connection will render it nonconforming but is permitted to prioritize the connectivity).
 - d. Shared joint driveways between properties shall be established wherever feasible along a major thoroughfare, arterial, or collector street.
- (2) All developments shall have access to a public right-of-way. Developments serving more than four residential units shall have access points built to county road standards to a public-right-way. All parcels of a development serving more than four residential units shall have interior access, without need for accessing an outside public right-of-way, to each access point or road. The number of access points or roads shall be in accordance with **Table 68-1729(b)(3)**.

Table 68-1729(b)(3) - Minimum Number of Access Points	
Type of Development	Minimum Number of Access Points
Residential, 100 or fewer units	1
Residential, 101—300 units	2
Residential, 301—500 units	3
Residential over 500 units	4
Nonresidential, 50,000 sf or less gross floor area	1
Nonresidential, 50,001-200,000 sf gross floor area	2
Nonresidential, 200,001 sf or more gross floor area	2 or more, as determined by the Director of Planning and Development

- (3) The separation of access points on a thoroughfare, arterial, or collector road shall be determined by the speed limit of the road with the following minimum spacing requirements in accordance with **Table 68-1729(b)(4)**.
- The distance between access points shall be measured from the centerline of the proposed driveway or road to the centerline of the nearest existing adjacent driveway or road.
 - Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space.
 - No driveway, except driveways providing residential access, shall be allowed within 100 feet of the centerline of an intersecting thoroughfare, arterial or collector street.
 - No nonresidential access except right in/right out channelized access shall be allowed within 100 feet of the centerline of any other thoroughfare or arterial.
 - The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

Table 68-1729(b)(4) - Driveway Separation	
Posted Speed Limit of Road	Minimum Driveway Spacing
Less than 35 mph	125 feet
36 to 45 mph	245 feet
Greater than 45 mph	440 feet

- (4) All road design and other development activities, including landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.
- (5) Along thoroughfares, arterials, or collector roads, a deceleration lane, a turn lane, larger or

reduced turning radius, traffic islands or other devices or designs, including traffic calming devices and designs, may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location. The Director of Planning and Development may require the submission of a traffic analysis based on the scale and scope of the project to determine required improvements.

- (6) Deceleration lanes are required for access to residential uses according to Georgia Department of Transportation (GDOT) guidelines unless deemed necessary by the Director of Planning and Development.

(c) Driveway Connections

(1) Quantity

- a. One driveway connection per lot frontage shall be permitted to streets classified as an arterial or collector, unless otherwise prohibited in this Code.
- b. A shared driveway, if developed at the same time, shall be required to be constructed to serve adjacent properties, where deemed necessary by the Director of Planning and Development. This provision does not apply to residential single-family lots. A recorded access easement shall be required for all shared driveways on separate lots, prior to the issuance of a building permit.

(2) Type

Because each site is unique, the type of driveway access (e.g., full access movement or right-in, right-out) to be allowed shall be determined by the Director of Planning and Development or the Georgia Department of Transportation (GDOT), where applicable.

(3) Location

- a. Driveways shall be located outside the functional limit of an intersection, as determined by the Director of Planning and Development or GDOT, where applicable.
- b. Driveways shall be contained wholly within the lot frontage or as part of a shared access easement with an adjacent property.
- c. An internal access road shall be required for developments with five or more residential units. The internal access road shall be constructed to minor residential county road standards as outlined in Article XVII.
- d. New single-family detached and attached construction shall not be accessed from arterial and collector roadways if access is available from a lower street classification.
- e. Where only access is available from a public road, the driveway shall be designed to allow vehicles to enter "headfirst" instead of reverse in the roadway.

(d) Development with Outparcels

The following standards shall apply only to developments consisting of outparcels.

- (1) Access to the public street shall be made only by an internal access driveway.
- (2) Internal drives shall be located between outparcels and primary developments.
- (3) Internal drives shall connect to all access driveways.
- (4) Driveway connections to internal driveways and access driveways shall be at least 200 feet from all intersections. State roads may require a greater separation.

- (5) Parking areas shall be designed in such a way that will not require the backing of vehicles into or parallel parking along internal drives.

(e) Controlled Access

Access to any development that is controlled through any means such as gates and guardhouses, shall comply with the following standards. Emergency and "exit only" access points are exempt from these requirements.

(1) **Gate Width**

The clear opening through gates shall be at least two feet wider than the roadway it controls.

(2) **Queuing Distance**

- a. Residential uses up to 75 units shall have at least 20 feet of vehicle stacking distance. An additional 20 feet of stacking distance shall be provided for every additional 100 units.
- b. A deceleration lane in accordance with **Table 68-1729(b)(7)** shall be required on the exterior road serving the gated community.
- c. Vehicle stacking distance for mixed-use and nonresidential uses shall be no less than 70 feet.
- d. Vehicle stacking distance is measured from the back of the sidewalk, or five feet from the back of curb or edge of street, whichever is closest to the gate.
- e. For any controlled access device that opens on a horizontal plane, such as a gate, a minimum of 20 feet of clear width shall be provided unless additional width is required by the Fire Marshal. Such device shall open away from the street right-of-way.
- f. For residential developments, adequate maneuvering room between the gate and the street shall be provided for a turnaround area for vehicles to exit in a forward motion. The turnaround area shall have a minimum radius of 60 feet to the outside of the turnaround area. The turnaround area is subject to approval by the Fire Marshal.

(f) Change of Driveway Location

If the property owner initiates a change of driveway location and receives permission to construct a new driveway, the property owner shall be required to close the existing driveway and install a sidewalk and/or curb to match the existing sidewalk and/or curb, if a sidewalk and/or curb exists. A ditch to maintain drainage shall be required as determined by the Planning and Development Director. The property owner shall landscape the area in accordance with the screening and buffering requirements of this Code.

(g) Blocking Fire Lanes, Required Parking Areas

No vehicles, waste receptacles, storage, displays, or other obstacles shall be allowed to block driveways (including cross access easements), fire lanes or required parking, unloading and loading areas unless a valid temporary use permit has been issued.

(h) Pedestrian Circulation

To improve inter-parcel connectivity and pedestrian access, designated pedestrian paths shall be provided to non-residential principal uses from the street right-of-way to adjacent properties.

-2-

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

-3-

- A. It is hereby declared to be the intention of the Habersham Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this ordinance are upon their enactment, believed by the board of commissioners to be fully valid, enforceable and constitutional.
- B. It is hereby declared to be the intention of the Habersham Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is further declared to be the intention of the board of commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.
- C. In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the board of commissioners that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

-4-

Except as otherwise provided herein, all ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

-5-

This ordinance shall become effective upon its adoption.

DULY ORDAINED AND ADOPTED this _____ day of _____, 2024.

HABERSHAM COUNTY BOARD

OF COMMISSIONERS

Ty Akins, Chairman

Attest:

Brandalin Carnes, County Clerk