

CITY OF BEREA

DRAFT **Access Management Ordinance**

Version 1.1

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Kentucky Transportation Cabinet

CITY OF BEREA ACCESS MANAGEMENT ORDINANCE

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Section 1. Intent and Purpose

The intent of this ordinance is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity, and speed. Major thoroughfares, including highways and other arterials, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property, with the right of the citizens of the City of Berea and the Commonwealth of Kentucky to safe and efficient travel.

To achieve this policy intent, state and local thoroughfares have been categorized by function and classified for access purposes based upon their level of importance. Regulations have been applied to these thoroughfares for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and

discouraging the unplanned subdivision of land.

Section 2. Applicability

This ordinance shall apply to all arterials and selected collectors within City of Berea as identified in Table 1, and to all properties that abut these roadways. The access classification system and standards of the Kentucky Transportation Cabinet (KYTC) shall apply to all roadways on the State Primary Road System.

Section 3. Conformance with Plans, Regulations, and Statutes

This ordinance is adopted to implement the Future Transportation Objectives of the City of Berea as set forth in the City of Berea Comprehensive Plan. In addition, this ordinance conforms with the planning policies of the KYTC set forth in the Kentucky Statewide Transportation Plan. The ordinance also conforms with the access classification system and standards of the KYTC, and policy and planning directives of the Federal Highway Administration.

Section 4. Definitions

Access - A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Classification - A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

Access Connection - Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Access Management - The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

Access Management Plan (Corridor) - A plan illustrating the design of access for lots on a highway segment or an interchange area that is developed jointly by the state and the affected jurisdiction(s).

Cartway - That area of road surface from curb line to curb line or between the edges of the paved or hard surface of the roadway, which may include travel lanes, parking lanes, and deceleration or acceleration lanes.

Connection Spacing - The distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

Corner Clearance - The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. (see Figure 1)

Corridor Overlay Zone - Special requirements added onto existing land development requirements along designated portions of a public thoroughfare.

Cross Access - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Deed - A legal document conveying ownership of real property.

Directional Median Opening - An opening in a restrictive median which provides for specific movements and physically restricts other movements. Directional median openings for two opposing left or "U-turn" movements along a road segment are considered one directional median

opening.

Easement - A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

Frontage Road - A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)

Full Median Opening - An opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection.

Functional Area (Intersection) - That area beyond the physical intersection of two controlled access facilities that comprises decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and driveway connection spacing standards (see Figure 2).

Functional Classification - A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

Joint Access (or Shared Access) - A driveway connecting two or more contiguous sites to the public street system.

Lot - A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

Lot, Corner - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

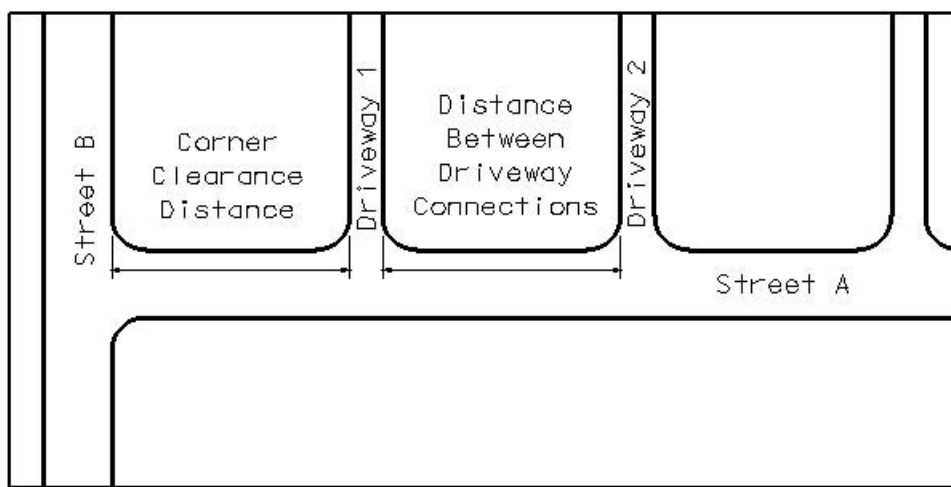


Figure 1. Corner Clearance and Driveway Spacing

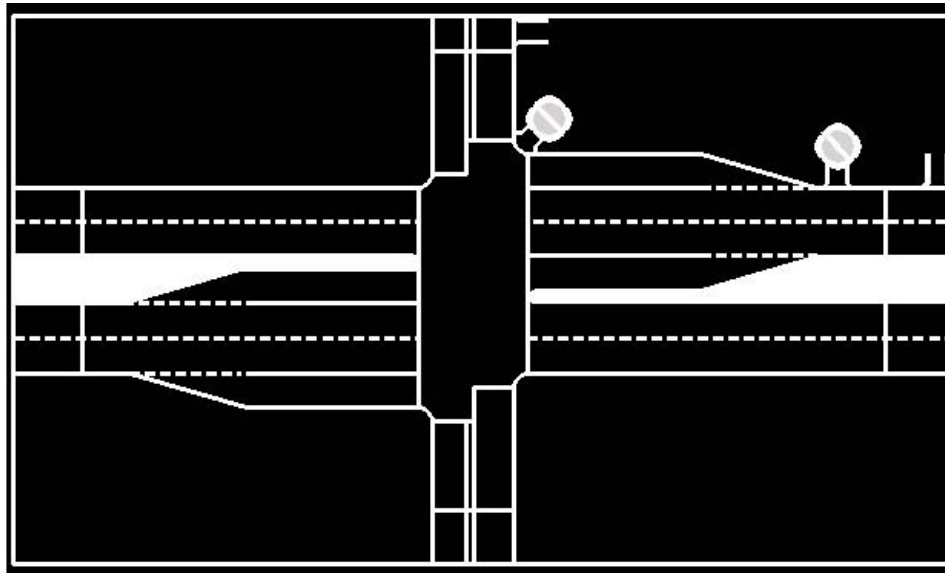


Figure 2: Functional Area of Intersection

Lot Depth - The average distance measured from the front lot line to the rear lot line.

Lot, Flag - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Nonconforming - A lot that does not meet the dimensional requirements of the district in which it is located and that existed before these requirements became effective.

Lot, Through (also called a double frontage lot) - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Frontage - That portion of a lot extending along a street right-of-way line.

Lot of Record - A lot or parcel that exists as shown or described on a plat or deed in the records of the Clerk of the County Court.

Lot Width - The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manual of Uniform Traffic Control Devices (MUTCD) - A Federal document adopted by the Kentucky Transportation Cabinet that provides standards for traffic control devices.

Minor Subdivision – See definition in ordinance

Nonconforming Access Features - Features of the access system of a property that existed prior to the date of ordinance adoption and do not conform with the requirements of this code.

Nonrestrictive Median - A median or painted centerline that does not provide a physical barrier between traffic traveling in opposite directions or turning left, including continuous center turn lanes and undivided roads.

Outparcel - A parcel of land abutting and external to the larger, main parcel, which is under separate ownership and has roadway frontage.

Parcel - A division of land comprised of one or more lots in contiguous ownership.

Plat - An exact and detailed map of the subdivision of land.

Private Road - Any road or thoroughfare for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public Road - A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the thoroughfare, as consistent with the purpose and

intent of this code and any applicable plans and policies of the City of Berea.

Restrictive Median - A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

Right-of-Way - Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

Service Road - A public or private street or road, auxiliary to and normally located parallel to a controlled access facility that maintains local road continuity and provides access to parcels adjacent to the controlled access facility.

Significant Change in Trip Generation - A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property.

State Primary Road System) - The network of limited access and controlled access highways that have been functionally classified and are under the jurisdiction of the Commonwealth of Kentucky.

Stub-out (Stub-street) - A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

- **Subdivision** – See the definition in the City Land Development Ordinance.

Substantial Enlargements or Improvements - A 10% increase in existing square footage or 50% increase in assessed valuation of the structure.

- **Temporary Access** - Provision of direct access to the controlled access facility until that time when adjacent properties develop, in accordance with a joint access agreement or frontage road plan.

Section 5. Access Management Classification System and Standards

1. Roadways within the City of Berea are classified by the following functional categories:

Access Class 1A: By – Pass - High volume roadway that give priority to traffic movement to and around the central business area and other congested area. This class allows the quick movement of traffic to the interstate and to high labor areas. Access shall only be permitted as outlined in the City of Berea Ordinance # 23-02. All other access shall be provided by means of access or frontage roads.

Access Class 1: Principal (Major) Arterials – High volume roadways that provide priority to mobility over access. They often provide service to traffic entering and exiting the city and between major activity centers within the city.

Access Class 2 Minor Arterials – Moderate volume roadways that provide priority to mobility over access. They often feed the major arterial system, support moderate length trips, and serve activity centers.

Access Class 3 Collectors – Roads with moderate to low volumes that provide a balance between mobility and access. They often link Local Streets with the Arterials.

Access Class 4 Local Streets – Low volume streets that provide immediate access to individual residential, commercial, industrial and institutional properties not classified in Classes 1-3. Access and frontage roads are also considered local streets.

Table 1: Access Classification of State, County and City Roadways

Jurisdiction	Segment	Access Class
State Roads		
Berea Connector (By-Pass)	By-Pass	1A
U. S. Highway 25	Major Arterial	1
U. S. Highway 21	Major Arterial	1
State Highway 595	Major Arterial	1
State Highway 1016	Major Arterial	1
City Roads and Streets		
Glades Road	Minor Arterial	2
Menelaus Road	Minor Arterial	2
Mayde Road	Collector	3
Ellipse Street	Collector	3
Jefferson Street	Collector	3
North and South Powell Ave	Collector	3
Bratcher Lane	Collector	3
North and South Dogwood	Collector	3
City Roads and Streets		
All Other Streets not listed above	Minor or local	4

2. All connections on facility segments that have been assigned an access classification shall meet or exceed the minimum connection spacing requirements of that access classification as specified in Table 2.

Table 2: Minimum Access and Signal Spacing

Access Class	Minimum Adjacent Spacing for <=45mph (ft)	Minimum Adjacent Spacing for >45mph (ft)	Signal Spacing	Median Treatment
1A	2400	2400	2400	Restrictive
1	600	1200	2400	Restrictive
2	450	600	2400	Restrictive preferred
3	300	450	1200	Non-restrictive
4	150	150*	N/A	Non-restrictive

3. Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement (see *Definition section and Figure 1*). The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated in an adopted transportation plan.

4. The Codes Department may reduce the connection spacing requirements in situations where they prove impractical, but in no case shall the permitted spacing be less than 85% of the applicable standard, except as provided in Section 24.

5. If the connection spacing of this code cannot be achieved, then a system of joint use driveways and cross access easements may be required in accordance with Section 6. Variation from these standards shall be permitted at the discretion of the Planning Commission where the effect would be to enhance the safety or operation of the roadway.

Examples might include a pair of one-way driveways in lieu of a two-way driveway, or alignment of median openings with existing access connections. Applicants may be required to submit a study prepared by a registered engineer to assist the City of Berea in determining whether the proposed change would exceed roadway safety or operational benefits of the prescribed standard.

Section 6. Corner Clearance

1) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway. 2) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this code, unless:

- a) No other reasonable access to the property is available, and
 - b) The Codes Department determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.
- 3) Where no other alternatives exist, the Codes Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required. 4) In addition to the required minimum lot size, all corner lots shall be of adequate size to provide for required front yard setbacks and corner clearance on street frontage.

(Figure 3 Illustrates corner clearance requirements with a turning lane involved).

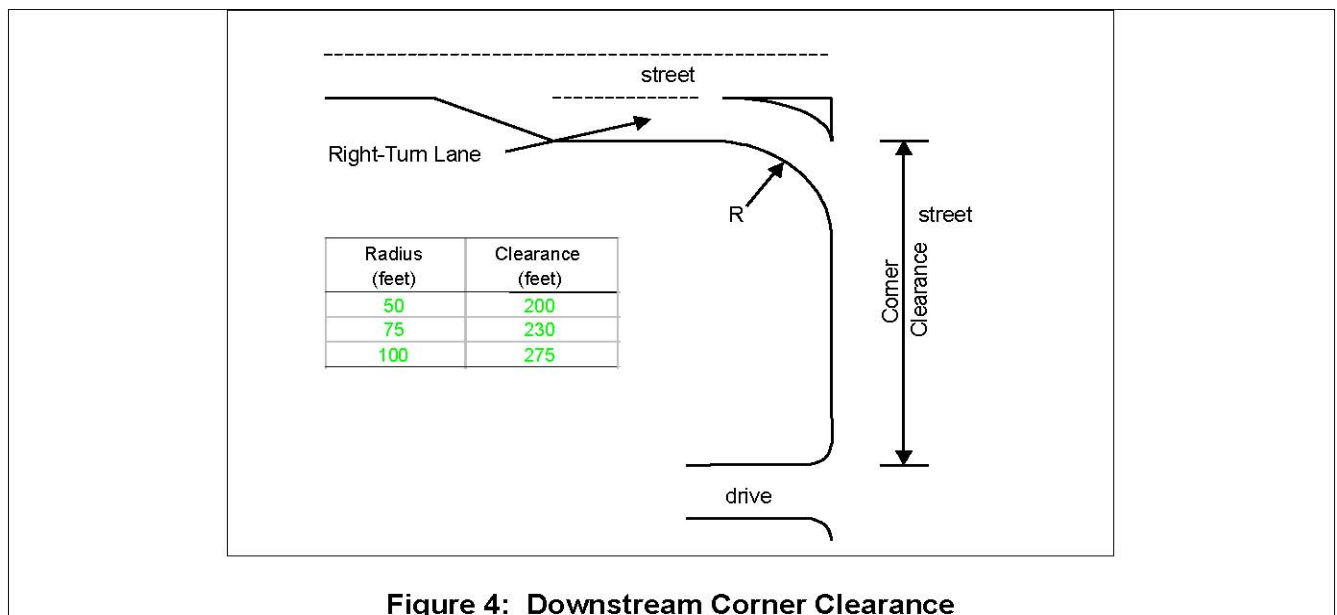
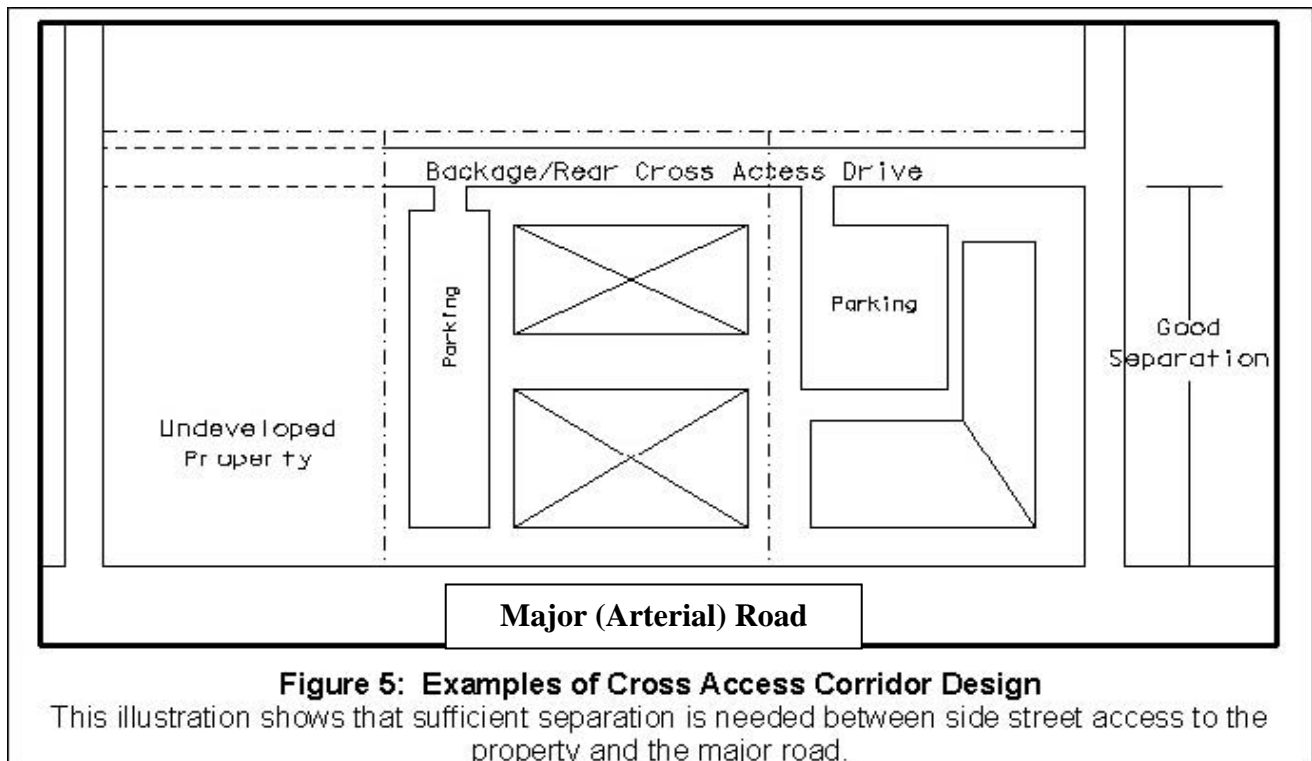


Figure 4: Downstream Corner Clearance

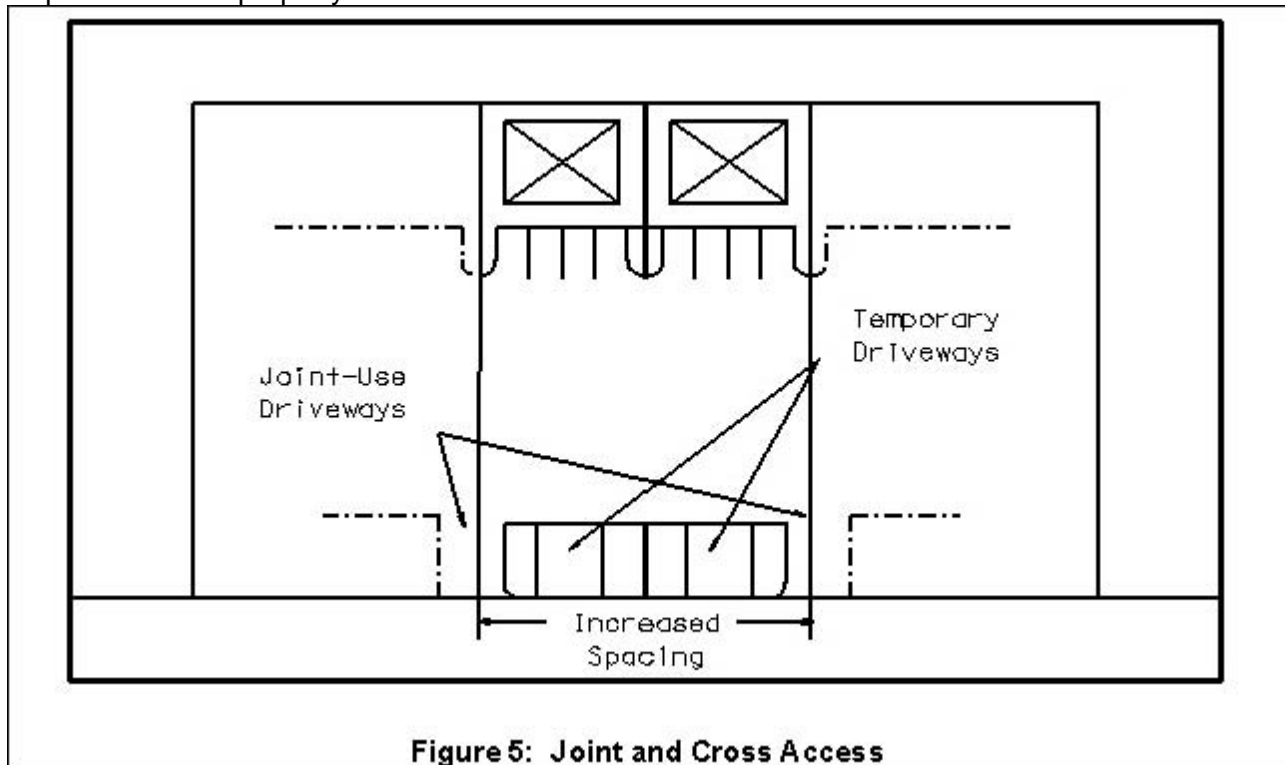
Section 7. Joint and Cross Access

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements as shown in Figures 4 and 5 shall be established wherever feasible along Roads of Access Class 1 and 2 and the building site shall incorporate the following:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - b. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
 - c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 - d. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.



3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods for proposed land uses do not occur at the same time periods.
4. Pursuant to this section, property owners shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

- b. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the *City of Berea* and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.



5. The *Codes Department* may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
 - b. The site plan incorporates a unified access and circulation system in accordance with this section.
 - c. The property owner shall enter a written agreement with the *City of Berea* recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

6. The *Codes Department* may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

Section 8. Interchange Areas

1 New interchanges or significant modification of an existing interchange will be subject to special access management requirements to protect the safety and operational efficiency of the limited access facility and the interchange area, pursuant to the preparation and adoption of an access management plan. The plan shall address current and future connections and median openings within 1/4 mile of an interchange area (measured from the end of the taper of the ramp furthest from the interchange) or up to the first intersection with an arterial road, whichever is less.

2 The distance to the first connection shall comply with the minimum driveway spacing standards. However, no connection will be less than 400'. This distance shall be measured from the end of the taper for that quadrant of the interchange.

3 The minimum distance to the first median opening shall be at least 1200 feet as measured from the end of the taper of the egress ramp.

Section 9. Access Connection and Driveway Design

An access connection is the location of a highway or street with another highway or street. A driveway is a private roadway on a tract of land that provides access to a street or highway. Section 508.1 of the Berea Development ordinance requires that access points on corner lots shall be a minimum distance of at least fifty (50) feet from the intersection of a street as measured along the curb. Section 508.9 provides for permits required to construct a driveway on a state road, residential driveway approach requirements, and culvert pipe requirements. The requirements below are designed primarily for either access connections or driveways as deemed appropriate.

Access connection/Driveway grades shall conform to the requirements of FDOT Standard Index, Roadways and Traffic Design Standard Indices, latest edition.

1. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view.
2. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts (see Figure 6).
3. Driveways with more than one entry and one exit lane shall incorporate channelization features to separate the entry and exit sides of the driveway. Double yellow lines may be considered instead of medians where truck off-tracking is a problem.
4. Driveways across from median openings shall be consolidated wherever feasible to coordinate access at the median opening.
5. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.

Figure 6: Driveway Location

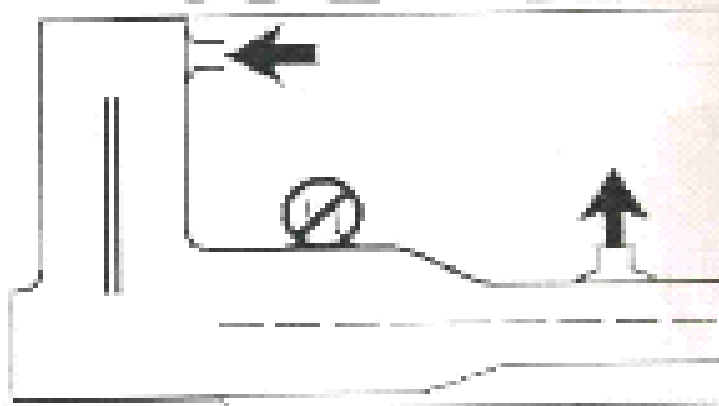


Table 4: Access Connection Design

Trips/Day	1-20		21-600		601-4000*	
Trips/Hour	Or 1-5		Or 6-60		Or 61-400	
	Urban	Rural	Urban	Rural	Urban	Rural
Connection Width (2-way)	12' min 24' max	12' min 24' max	24' min 36' max	24' min 36' max	24' min 36' max	24' min 36' max
Flare	10' min	N/A	10' min	N/A	N/A	N/A
Returns (Radius)	N/A	15' min 25' std 50' max	Small radii may Be used	25' min 50' std 75' max	25' min 50' std 75' max	25' min 50' std 75' max
Angle of Drive			60-90	60-90	60-90	60-90
Divisional Island			4-22' wide	4-22' wide	4-22' wide	4-22' wide

*Note: These standards are not intended for major access connections carrying over 4000 vehicles per day.

1. The length of access connection or "Throat Length" (see Figure 7) shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear in Table 5 but these requirements will vary according to the projected volume of the individual driveway. These measures generally are acceptable for the principle access to a property and are not intended for minor driveways. Variation from these shall be permitted for good cause upon approval of the *City of Berea*.

Table 4: Generally Adequate Driveway Throat Lengths

Signalized w/2 Egress Lanes	75'
Signalized w/3 Egress Lanes	200'
Signalized w/4 Egress Lanes	300'
Unsignalized Driveways w/2 Egress Lanes	50'-75'

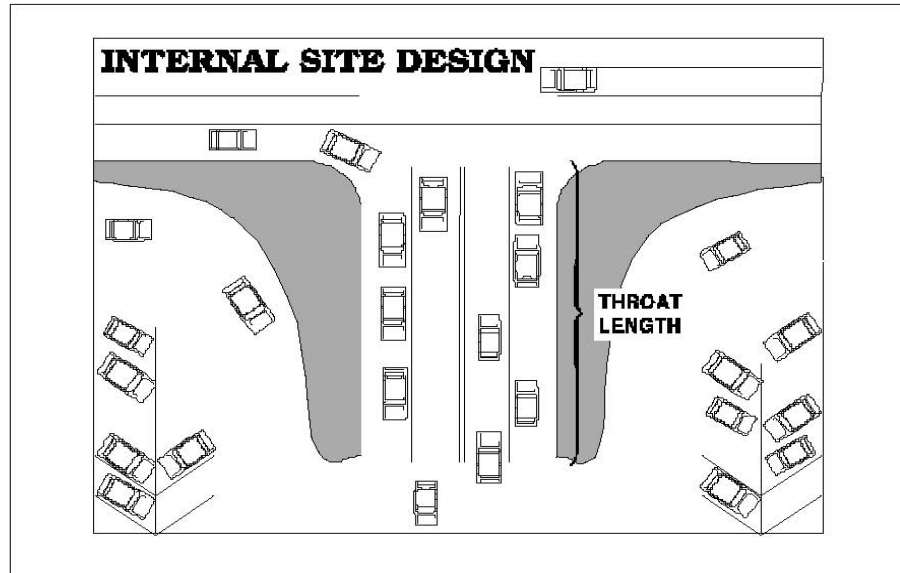


Figure 7: Driveway Throat Length

Section 10. Requirements for Outparcels and Phased Development Plans

1 In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this code. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under Section 7 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this code and both shall be cited for any violation.

2 All access to the outparcel must be internalized using the shared circulation system of the principle development or retail center. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

3 The number of outparcels shall not exceed one per ten acres of site area, with a minimum lineal frontage of 300 feet per outparcel or greater where access spacing standards for that roadway require. This frontage requirement may be waived where access is internalized using the shared circulation system of the principle development or retail center. In such cases the right of direct access to the roadway shall be dedicated to the *City of Berea* and recorded with the deed.

Section 11. Emergency Access

In addition to minimum side, front, and rear yard setback and building spacing requirements specified in this code, all buildings and other development activities such as landscaping, shall be arranged on site so as to provide safe and convenient access for emergency vehicles.

Section 12. Transit Access

In commercial or office zoning districts where transit service is available or is planned to be available within five years, provisions shall be made for adequate transit access, in the form of turn around loops or turnout bays. At a minimum, in the case of a loop or cul-de-sac, entrance curves shall have a radius of 35 feet, and the internal circle shall have an inside radius of 30 feet and an outside radius of 52.5 feet. In the case of turnout bays, the curve radius shall be 35 feet the distance from the roadside edge to the inside edge of the outside radius shall be 52.5 feet.

1. Permitted access connections in place as of *(date of adoption)* that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - a. When new access connection permits are requested;
 - b. Substantial enlargements or improvements;
 - c. Significant change in trip generation; or
 - d. As roadway improvements allow.
2. If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 365 days or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the permitting authority. For uses that are vacant or discontinued upon the effective date of this code, the 365 day period begins on the effective date of this code.

Section 14. Corridor Access Management Overlay

1. The minimum lot frontage for all parcels with frontage on Roads of Access Class 1 or 2 shall not be less than the minimum connection spacing standards of that thoroughfare, except as otherwise provided in this Section. Flag lots shall not be permitted direct access to the thoroughfare and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this Code.
2. The following requirements shall apply to segments of designated thoroughfares that are planned for commercial or intensive development. All land in a parcel having a single tax code number, as of *(date of adoption)*, fronting on Roads of access class 1 or 2, shall be entitled one (1) driveway/connection per parcel as of right on said public thoroughfare(s). When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, parcels designated herein shall provide access to all newly created lots via the permitted access connection. This may be achieved through subdivision roads, joint and cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of this Code. The following standards shall also apply:
 - a. Parcels with large frontages may be permitted additional driveways at the time of

adoption of these requirements provided they are consistent with the applicable driveway spacing standards.

b. Existing parcels with frontage less than the minimum connection spacing for that corridor may not be permitted a direct connection to the thoroughfare under this Section where the Planning Commission determines alternative reasonable access is available to the site.

[Note: The Planning Commission could allow for a temporary driveway as provided in Section 7 with the stipulation that joint and cross access be established as adjacent properties develop.]

c. Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site.

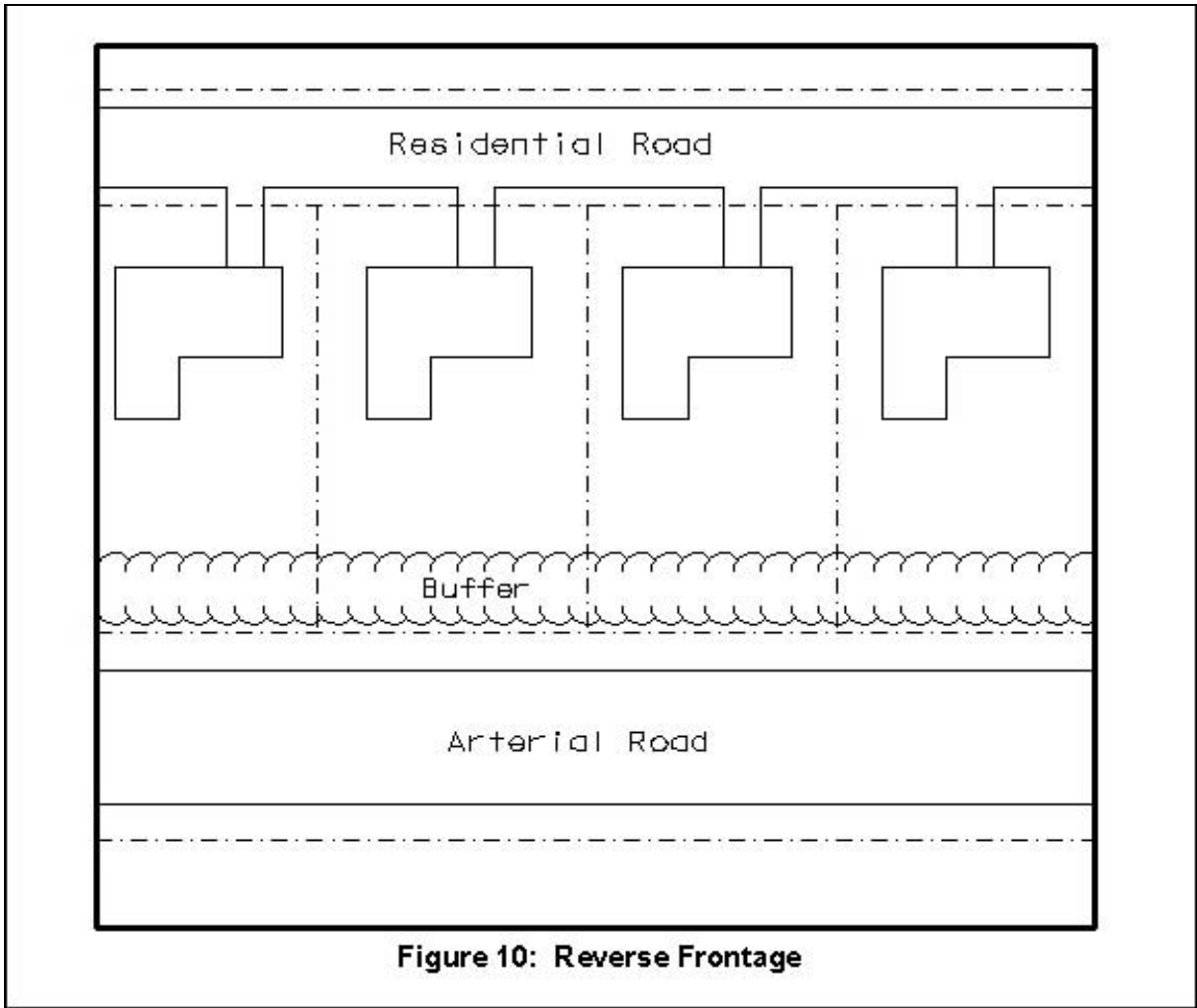
d. No parking or structure other than signs shall be permitted within 50 feet of the roadway right-of-way. The 50 foot buffer shall be landscaped with plants suitable to the soil and in a manner that provides adequate sight visibility for vehicles exiting the site. Property owners shall be permitted to landscape the right-of-way, pursuant to an approved landscaping plan.

e. Permitted connections shall be identified on a map that shall be adopted by reference and that portion of a corridor affected by these overlay requirements shall be delineated on the City of Berea zoning map with hatch marks.

Section 15. Reverse Frontage

1 Access to double frontage lots shall be required on the street with the lower functional classification.

2 When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road (see Figure 8). Access rights of these lots to the arterial shall be dedicated to the *City of Berea* and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.



Section 16. Flag Lot Standards

- 1 Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to the State Primary Road System or other major thoroughfares.
- 2 Flag lots may be permitted for residential development, when deemed necessary to achieve planning objectives, such as reducing direct access to thoroughfares, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:
 - a. Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

- b. The flag driveway shall have a minimum width of 20 feet and maximum width of 50 feet
- c. In no instance shall flag lots constitute more than 10% of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.
- d. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
No more than one flag lot shall be permitted per private right-of-way or access
- e. easement.

Section 17. Lot Width-to-Depth Ratios

- 1. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (*or 4 times its width in rural areas*).

Section 18. Shared Access

- 1 Subdivisions with frontage on the State Primary Road System shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served (see Figure 9).
- 2 Subdivisions on a single residential access street ending in a cul-de-sac shall not exceed 25 lots or dwelling units and the cul-de-sac shall have a minimum cartway radius of 30 feet.

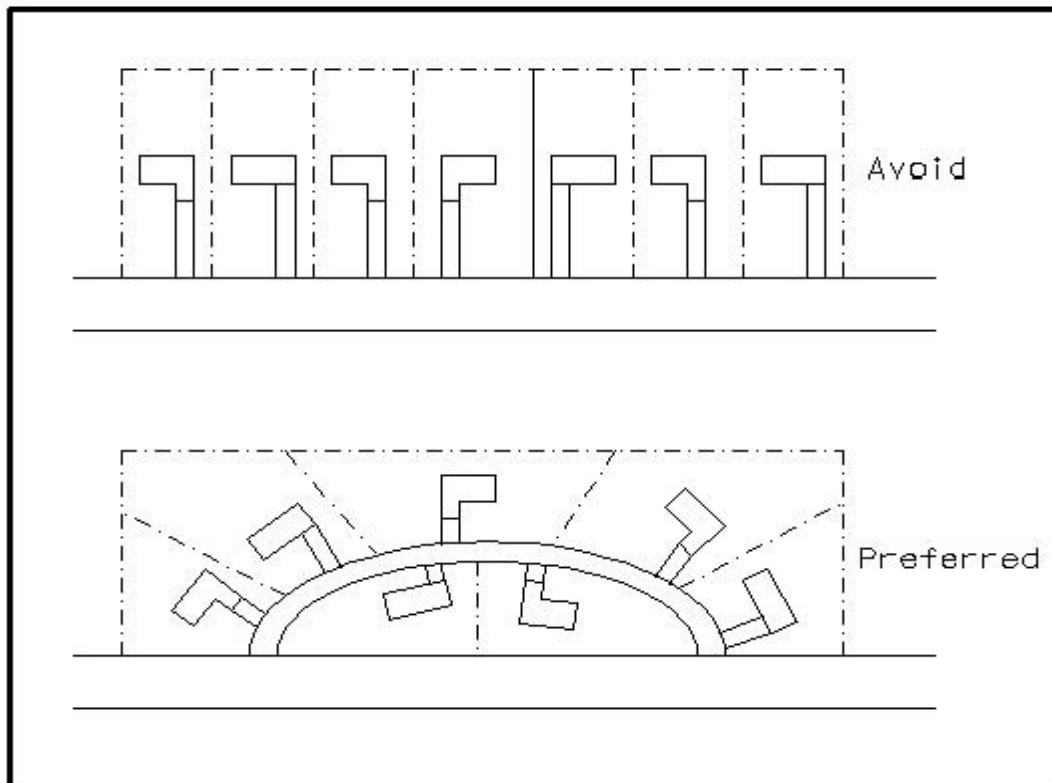


Figure 12: Shared Access on Major Thoroughfares

Section 19. Connectivity

- 1 The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
- 2 Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the *City of Berea* to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- 3 Collector streets shall intersect with collector or arterial streets at safe and convenient locations.
- 4 Subcollector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- 5 Pedestrian connections should be provided between adjacent properties in addition to roadway connections. These pedestrian connections should provide for safe pedestrian travel along roadways and across parking areas to the buildings.

Section 20. Minor Subdivisions

1. The *Codes Department* may approve a Minor Subdivision that conforms to the following standards:

- a. Each proposed lot must be buildable in conformance with the requirements of this Code and all other applicable regulations.
- b. Each lot shall abut a public street for the required minimum lot frontage for the zoning district where the lots are located.
- c. If any lot abuts a street right-of-way that does not conform to the design specifications of this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet minimum design requirements.

1 Further subdivision of the property shall be prohibited unless applicants submit a plat or development plan in accordance with requirements for major subdivisions in this Code.

2 The *Codes Department* shall consider a proposed Minor Subdivision upon the submittal of the following materials:

4. Review Procedure

- a. The *Codes Administrator* shall transmit a copy of the proposed Minor Subdivision to the appropriate *personnel* for review and comment.
- b. If the proposed Minor Subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the Codes Administrator shall approve the Minor Subdivision by signing the application form.

- a. An application form provided by the City of Berea
- b. (8) copies of the proposed Minor Subdivision plat
- c. A statement indicating whether water and/or sanitary sewer service is available to the property; and
- d. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended divisions shall be prepared by a professional land surveyor registered in the Commonwealth of Kentucky. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

Section 22. Regulatory Flexibility

1. The Planning Commission may permit departure from dimensional lot, yard, and bulk requirements of the zoning district where a subdivision or other development plan is proposed to encourage creativity in site design, protect natural resources, and advance the access objectives of this Code. Such regulatory modifications under this section are not subject to variance approval by the Board of Adjustment.

Section 23. Site Plan Review Procedures

1 Applicants shall submit a preliminary site plan for review by Codes Department. At a minimum, the site plan shall show:

2. Subdivision and site plan review shall address the following access considerations:

- a. Is the road system designed to meet the projected traffic demand and does the road network consist of hierarchy of roads designed according to function?
- b. Does the road network follow the natural topography and preserve natural features of the site as much as possible? Have alignments been planned so grading requirements are minimized?
- c. Is access properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access? Are entry roads clearly visible from the major arterials?
- d. Do units front on residential access streets rather than major roadways?
- e. Is automobile movement within the site provided without having to use the peripheral road network?
- f. Does the road system provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection?
- g. Have the edges of the roadways been landscaped? If sidewalks are provided alongside the road, have they been set back sufficiently from the road, and has a landscaped planting strip between the road and the sidewalk been provided?
- h. Does the pedestrian path system link buildings with parking areas, entrances to the development, open space, and recreational and other community facilities?

- a. Location of access point(s) on both sides of the road where applicable;
- b. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- c. Number and direction of lanes to be constructed on the driveway plus striping plans;
- d. All planned transportation features (such as auxiliary lanes, signals, etc.);
- e. Trip generation data or appropriate traffic studies;
- f. Parking and internal circulation plans;
- g. Plat map showing property lines, right-of-way, and ownership of abutting properties; and
- h. A detailed description of any requested variance and the reason the variance is requested.

1 The City of Berea reserves the right to require traffic and safety analysis where safety is an issue or where significant problems already exist.

2 After 30 days from filing the application, applicants must be notified by the *Codes Department* if any additional information is needed to complete the application.

3 Upon review of the access application, the *Codes Department* may approve the access application, approve with conditions, or deny the application. This must be done within 90 days of receiving the complete application.

4. Any application that involves access to the State Primary Road System shall be reviewed by the Kentucky Transportation Cabinet for conformance with state access management standards. Where the applicant requires access to the State Primary Road System, and a zoning change, or subdivision or site plan review is also required, development review shall be coordinated with the Kentucky Transportation Cabinet, as

follows:

a. An access management/site plan review committee, that includes representatives of local KYTC District Office, the City Engineer, and others as deemed appropriate by the Codes Administrator, shall simultaneously review the application. The committee shall inform the developer what information will be required for access review. Information required of the applicant may vary depending upon the size and timing of the development, but shall at a minimum meet the requirements of this section.

b. Upon review of the application, the access management review committee shall advise the *Codes Department* whether to approve the access application, approve with conditions, or deny the application.

5. If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made. The plan, with submitted changes, will be reviewed within 10 working days and approved or rejected. Second applications may only be rejected if conditional changes are not made.

6. If the access permit is denied, the *City of Berea* shall provide an itemized letter detailing why the application has been rejected.

7. All applicants whose application is approved, or approved with conditions, have thirty days to accept the permit. Applicants whose permits are rejected or approved with conditions have 60 days to appeal.

Section 24. Waiver Standards

1 The granting of the waiver shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

2. Applicants for a waiver of these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:

- a. indirect or restricted access cannot be obtained;
- b. no engineering or construction solutions can be applied to mitigate the condition; and
- c. no alternative access is available from a street with a lower functional classification than the primary roadway.

2 Under no circumstances shall a waiver be granted, unless not granting the waiver would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No waiver shall be granted where such hardship is self-created.