

RESOLUTION 2018- 13

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 41- Access Management

Section 1. OVERVIEW

The intent and purpose of the Access Management Policy is to encourage the orderly development of land while maximizing the health, safety and welfare of residents within Leavenworth County. The proposed Access Management Policy shall promote safety within Leavenworth County by assessing the number of access points thereby evaluating the safety of County roadways. The proposed Access Management Policy shall promote current and future development within areas of the County by encouraging the preservation of property which ultimately preserves land for future development. The proposed Access Management Policy shall preserve parcels of land where services can be feasibly provided in the future. Parcels of land which are situated adjacent to and abutting County Arterial and County Local Roads shall be subject to the policies and restrictions set forth in the Access Management Policy. Policies and regulations set forth in the Special Development District and future development districts shall supersede the Access Management Policy for parcels within those districts.

The Access Management Policy provides for the development of land, while protecting and managing current and future access, by allowing access of driveways to parcels which meet the minimum required road frontage. Driveway spacing will be determined by the road classification system.

Those regulations specific to the Access Management Policy would apply to properties only upon development or change of use. The Access Management Policy encompasses all parcels of land which are adjacent to or abutting County Arterial and County Collector Roads shown in Figure 1.

Section 2. DEFINITIONS

1. Development – Any division of the land.
2. Required driveway spacing – Minimum spacing required between driveways. To be determined by the Road Classification and vehicles per day (VPD) – See Table 1.

| Road Classification | Required Driveway Spacing (Feet) |
|-----------------------------------------------------------------------------------|----------------------------------|
| Arterial Roads | |
| Major (>1,000 VPD) | 660 |
| Minor (<1,000 VPD) | 300 |
| Collector | |
| Major (>1,000 VPD) | 300 |
| Minor (<1,000 VPD) | 200 |
| Local Road | 125 |
| <i>Minimum lot size shall be determined by Zoning and Subdivision Regulations</i> | |

Section 3. ACCESS MANAGEMENT

Driveway spacing shall be determined by the classification of the road per the Access Management Policy. There are four (4) road classifications which shall be applied to development. These classifications are: Major Arterial, Minor Arterial, Major Collector, and Minor Collector. Access points shall be allowed as follows:

1. Arterial Roads:
 - a. Roads with more than 1,000 VPD – Access is granted every 660 feet.
 - b. Roads with fewer than 1,000 VPD – Access is granted every 300 feet.
2. Collector Roads
 - a. Roads with more than 1,000 VPD – Access is granted every 300 feet.
 - b. Roads with fewer than 1,000 VPD – Access is granted every 200 feet.

3. Local Roads
 - a. Required driveway spacing is 125 feet.
 - b. Required road frontage shall be determined by Zoning District.

Section 4. ZONING AND SUBDIVISION REGULATIONS

Development of parcels shall be subject to the standards and requirements set forth in the Leavenworth County Zoning and Subdivision Regulations, Sanitary Code and Floodplain Management Ordinance.

Section 5. URBAN GROWTH MANAGEMENT AREAS

Development occurring within 660' feet of an incorporated city limits shall be required to obtain and produce a Certificate of Authorization for access; unless:

1. The incorporated City and County have agreed upon and implemented a separate Access Agreement Policy.

Section 6. EXCEPTIONS

The following exceptions shall apply:

1. Parcels of land which are located within the County Road One Special Development District and/or future development districts shall be exempt from the policies and regulations within the Access Management Policy.

Section 7. REIMBURSEMENT OF DEVELOPMENT IMPACT FEE (DIF) AND ROAD IMPROVEMENT FEE (RIF)

If a developer chooses to improve an existing County road to County Standards, they will be reimbursed by the following process:

1. If any development directly abutting said improved road occurs within five (5) years, the developer shall pay a DIF & RIF to the County.
2. The County will reimburse the original developer the funds collected from development abutting and adjacent to the said improved road not to exceed one half the original cost to improve the road.
3. Any difference between the Current DIF & RIF and the amount reimbursed will be allocated for road improvements within the township.

ARTICLE 2: GRANDFATHERING EXCEPTIONS TO THE ACCESS MANAGEMENT POLICY REGULATIONS

Section 1. GENERAL

The following exceptions to the Access Management Policy apply to all properties that are currently zoned rural residential which have less than the required road frontage set forth in the adopted Access Management Policy.

Section 2. BUILDING AND REBUILDING

Regulation: A proposed development affected by the Access Management Policy shall contain a minimum amount of road frontage.

Exceptions:

1. A home existing before the adoption of the Access Management Policy may be rebuilt after a fire/natural disaster if the property has less than the required amount of road frontage provided the requirements within the County regulations applicable at the time of application are met.
2. Additions may be built onto the homes of a property with less than the required road frontage provided the requirements within the County regulations applicable at the time of application are met.
3. An accessory building may be built onto the homes of a property with less than the required road frontage provided the requirements within the County regulations applicable at the time of application are met.
4. An accessory dwelling unit may be added to the property with less than the required road frontage provided the requirements within the County regulations applicable at the time of application are met. Accessory dwellings are allowed for certain agricultural and family situations.

Section 3. ACCESS

Regulation: A proposed development affected by the Access Management Policy shall contain a minimum amount of road frontage.

Exceptions:

1. Parcels which existed before the adoption of the Access Management Policy shall be granted an access. The access point shall be determined by the County Engineer with respect to the safest and most advantageous location.

Regulation: Development occurring within 660'feet of an incorporated city limits shall be required to obtain and produce a Certificate of Authorization for access.

Exception:

Section 4. SPECIAL USE PERMIT AND TEMPORARY USE PERMIT

Regulation: A proposed development affected by the Access Management Policy shall contain a minimum amount of road frontage.

Exception: Special Use Permits may be granted for parcels affected by the Access Management Policy which has less than the required road upon review and approval by the Planning Commission and Board of County Commission. Temporary Use Permits may be granted upon review and approval by the Board of County Commission.

Section 5. VARIANCES

An applicant may apply for a variance to the Access Management Policy. The Board of Zoning Appeals may review and approve a variance on a case-by-case basis according to the criteria set forth in the Leavenworth County Zoning and Subdivision Regulations Article 28 – Board of Zoning Appeals.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 9th day of May, 2018; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

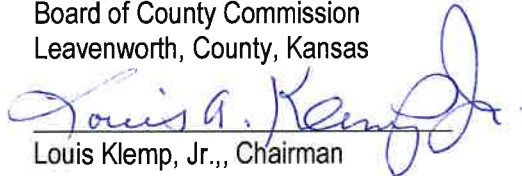
WHEREAS, the Board of County Commission considered, in session on 29th day of May, 2018, the recommendation of the Leavenworth County Planning Commission.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 29th day of May, 2018 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 29th day of May, 2018
Board of County Commission
Leavenworth, County, Kansas


Louis Klemp, Jr., Chairman


Doug Smith, Jr, Member


Robert W. Holland, Member



Janet Klasinski