



**PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF HIGH POINT**

**DEVELOPMENT ORDINANCE
DETERMINATION**

NUMBER: 16-01

DATE: 04/27/16

Ordinance Section(s) Affected:

Section 5.2.2. *Street Access*, Sub-section A. *General Standards*, Paragraph 3.

Text of Section(s):

3. Direct access for a use to a publically maintained street through another zoning district is not allowed unless the other zoning district:
- (a) Is classified as a business or special district; or
 - (b) Allows the use; or
 - (c) Provides the sole means of access for the use.

Issue:

To prevent confusion as to when and how the subject section of the Development Ordinance is applied, a clarification of the intent of the section and examples of allowed and not allowed access are needed to ensure the correct and consistent interpretation.

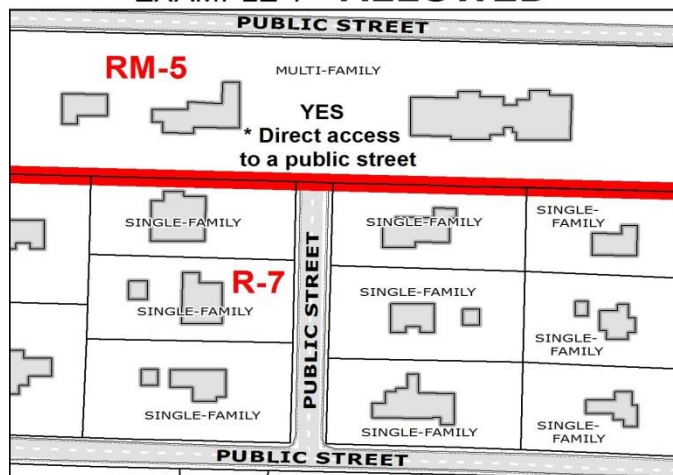
Determination:

This provision was re-written as part of the new (2016) Development Ordinance. It is derived from Section 9-4-16(b)(3) of the prior (1992) ordinance. The intent of both the old and new versions is, essentially, to protect less intense land uses (primarily residential) from unnecessary negative effects caused by traffic travelling to and from more intense land uses, where it is not necessary to do so. The key factor in whether it applies to a specific project proposal is whether the access from the project property to the public street will pass through a different zoning district from that of the project to get to the public street.

Access is prohibited where there is a private drive or private street that provides direct access to a public street from a particular land use in one zoning district that travels through a different zoning district on its way to the public street. The (a), (b) and (c) statements contained in the regulation are exceptions to that rule. To better explain the various situations covered by this provision, the prepared graphic examples illustrate when the rule applies and when it does not.

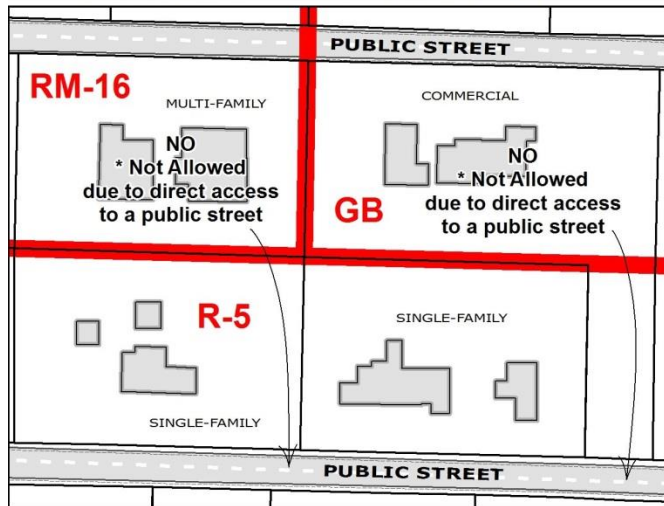
In **Example 1**, the multi-family development has direct access to a public street at the top of the graphic, and to another public street that connects to the public street at the bottom of the graphic. Therefore, multi-family traffic from the RM-5 property can access a public street without travelling through the R-7 zoned land, so Section 5.2.2.A.3. does not apply.

EXAMPLE 1 - ALLOWED



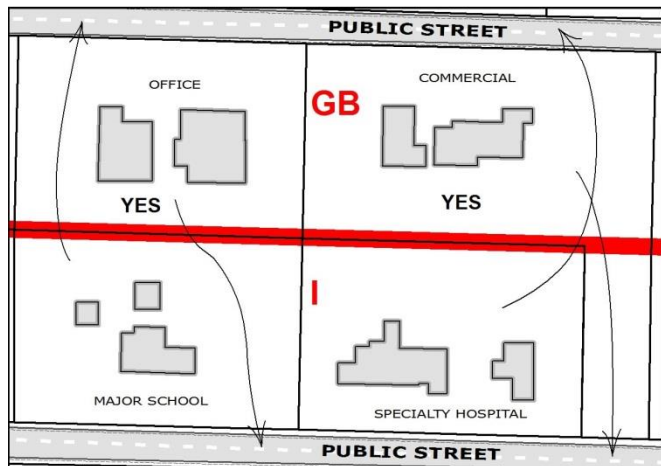
In **Example 2**, the RM-16 and GB zoned properties would not be allowed to access the public street at the bottom of the graphic because: 1) The R-5 zoning district is not a business or special district, so exception (a) does not apply; 2) Such an access would travel through a single family residential (R-5) zone which does not allow multi-family or commercial land uses, so exception (b) does not apply, and 3) Both the RM-16 and GB zoned properties have direct access to the public street at the top of the graphic, so access through the R-5 zoned property would not meet exception (c). Please note that if the lot containing the commercial property was zoned such that the flagpole portion was zoned GB and not R-5, access would be allowed through the flagpole portion to the public street.

EXAMPLE 2 - NOT ALLOWED



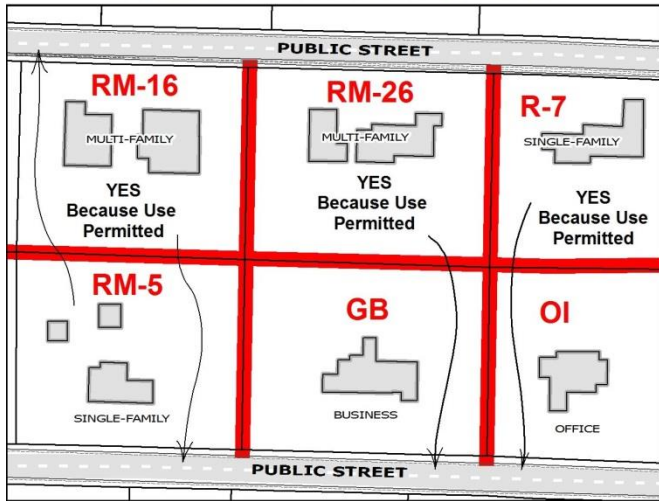
In **Example 3**, Access would be permitted from all properties in the graphic to either of the public streets because both zoning districts are classified in the Development Ordinance as either a business (GB) or special (I) district. Therefore, this example illustrates exception (a).

EXAMPLE 3 - CLASSIFIED AS A BUSINESS OR A SPECIAL DISTRICT



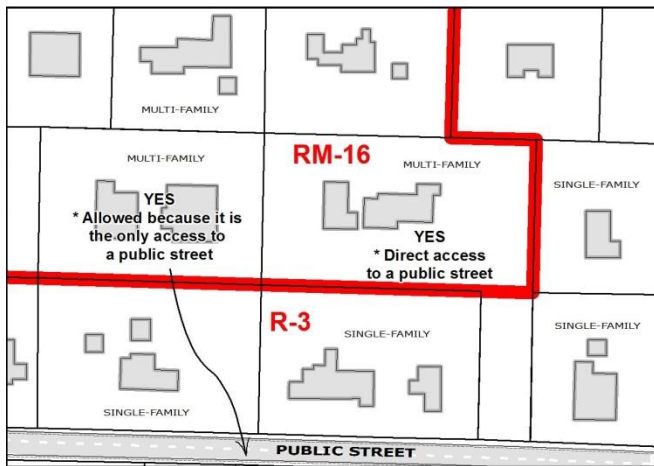
In **Example 4**, exception (b) is illustrated. The arrows shown in Example 4 indicate potential access from one property through another. On the left, the single-family use in the RM-5 zoned property is permitted in the RM-16 property to the north, and the multi-family use in the RM-16 zoned property is permitted in the RM-5 property. There is a public street fronting each of these properties. So, it is possible for either property to take access through the other. In the middle, the RM-26 use is also permitted in the GB district, but the GB use is not permitted in the RM-26; and on the right, the single-family use is permitted in the OI district, but the office use is not permitted in the R-7. The RM-26 and R-7 uses would be permitted to take access to the street to the south, but the GB and OI uses would not be permitted to take access to the street to the north.

EXAMPLE 4 - ALLOWS THE USE



In **Example 5**, exception (c) would apply, as the sole means of access to the public street from the RM-16 multi-family properties in the middle of the graphic is through single family R-3 zoned land. In this illustration, access to the public street can be achieved via an access easement through the single family property below the multi-family property on the left (as indicated by the arrow), or via property already owned, even though it is not zoned appropriately, as the flag lot multi-family parcel in the middle of the graphic shows. The R-3 zone does not permit multi-family uses, and neither zoning district is classified as a business or special district, so exceptions (a) and (b) do not apply.

EXAMPLE 5 - PROVIDES THE SOLE MEANS OF ACCESS



Approved: G. Lee Burnette, AICP
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