



**Hillsborough
County Florida**

LDC TEXT AMENDMENT

24-0341

- **INTENT STATEMENT**
- **PROPOSED TEXT CHANGE**


LDC 24-0341
Private Road Railroad Crossings Written Authorization by Rail Line Owner

INTENT STATEMENT

This proposed amendment to the Land Development Code (LDC) will add requirements for future development seeking private railroad crossings including agritourism activities to obtain written authorization from rail line owners. This text amendment has been directed by the Board of County Commissioners.

All developments in unincorporated Hillsborough County are required to have access to a publicly owned and maintained roadway. Such access may be by a privately owned and maintained street or roadway, easement or commonly owned parcel. In some instances, a development may propose access to a public road that crosses existing rail lines. In such cases, the applicant may provide evidence of a right to cross the rail line, but the LDC currently does not require applicants to provide authorization from the rail line owner to ensure that necessary safety measures are in place for a specific project or use. Given the potential for significant offsite safety implications associated with the public crossing a rail line that does not have a appropriate crossing controls, it would be appropriate to require the authorization of the rail line owner to ensure that necessary safety measures are in place.

This Text Amendment will add regulations to LDC Sec. 6.04.03, General Access Standards, requiring all new development crossing existing rail lines on private roads to provide written authorization to the County by the rail line owner. This authorization from the rail line owner would allow the opportunity to assess the type and amount of traffic that would be crossing their rail line as well as identify whether the crossing would be used by the general public and decide on whether such crossing would be appropriate from a safety standpoint and identify what type of crossing control would be appropriate if they were to approve the crossing.

<p style="text-align: center;">LDC 24-0341</p>	<p style="text-align: center;">Division Director Sign-off</p>	 <p style="text-align: center;">Brian Grady in Feb 19 2024 13:15:22</p>
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Sec. 6.04.03. General Access Standards

A. Applicability

The following standards apply to all Connection Types.

B. Access to Residential Property

Direct access from residential property adjacent to arterial streets shall be prohibited when access can be provided via a collector roadway, unless it can be demonstrated by the applicant that access to the arterial roadway will provide a greater public benefit.

C. Primary Access to Non-Residential Property

If non-residential property is located such that access can be provided to either an arterial or collector facility, primary access shall be via the collector facility, unless it can be demonstrated by the applicant that primary access to the arterial roadway will provide a greater public benefit.

D. Shared Access

Shared access facilities onto arterial and collector streets are encouraged when two or more contiguous sites are planned for compatible uses. Shared access is desirable where the trip generation from the anticipated land uses will not be large enough to warrant a traffic signal.

E. Off-site Street Parking

Except for Single Family Residential Units or other types of residential units approved by the County, off-site street parking shall be designed to insure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion.

F. Sight Distance; Visibility At Intersections

1. Sight Distance Access points shall be located along the property frontage in such a manner as to provide adequate sight distance per the requirements of the Hillsborough County Transportation Technical Manual latest edition and Florida Department of Transportation Standard(s).
2. No structure or portion of any structure shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation shall be maintained, planted or allowed to grow in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street, between heights of two and one-half feet and eight feet, as measured from the pavement edge, of the adjacent roadway across sight distances complying with the Hillsborough County Transportation Technical Manual. Alternatively, the comparable design standards of the Florida Department of Transportation may be utilized.

G. Operational Characteristics of Access

The driveway should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits, i.e., avoid vehicle backups blocking the service operation and interfering with the safe movement of highway traffic. Where possible, a minimum of 50' (for Type II) or 100' (for Type III or higher) of the driveway throat shall remain free of internal connections or parking spaces which might interfere with the movement of vehicles into or out of the access. The applicant may submit an analysis showing that for his particular site, a throat of less than 100' is appropriate and will result in no adverse impact to the public roadway system.

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H. Access Along Acceleration/Deceleration Lanes

A driveway shall not be constructed along acceleration or deceleration tapers connecting to interchange ramp terminals, intersecting roadways, bus bays or other driveways unless access would be unreasonably denied and the driveway can be made to function properly, i.e., safe and efficient traffic operation.

I. Number of Access Points

1. The minimum number of driveways should be allowed that will adequately serve the need for the abutting property, and yet not seriously impact the function and capacity of the highway to which access is desired.
2. The number of entrances shall be determined based on the maximum desirable vehicle flow rate at entrances for residential and non-residential land uses based on the street characteristics.
3. All access drives shall be required to comply with access spacing criteria and cross access connections are considered as a driveway connection for the purpose of complying with this section of the LDC. Cross access connections shall be consistent with Section 6.04.03 (Q) of the Land Development Code.
4. Properties that are bordered by physical impediments such as railroad tracks, limited access highways, existing navigable river or government owned property with restrictions may request an Administrative Variance pursuant to Section 6.04.02(B) of the Land Development Code.
5. The applicant may be permitted fewer driveway connections than required by the threshold matrix if through an approved traffic engineering study it is demonstrated that the proposed driveway connections will provide adequate capacity for the project to operate in a safe and efficient manner without causing delays or backups on the impacted roadways.
6. Where Non-Residential development abuts Collector/Arterial and Local roads primary driveway connections shall be at Collector/Arterial roads and Local roads shall be use for secondary access.

Table 1: Function and Driveway Guidelines

Residential Uses

Street Character Function	Maximum Vehicle Flow Peak Hour Total
Local	90
Collector/Arterial	180

Table 2: Function and Driveway Guidelines

Non-Residential Uses

Street Character Function	Maximum Vehicle Flow Peak Hour Total
Local	180
Collector/Arterial	300

Calculation Formula

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Number of Driveways = Peak Hour Total Project Traffic/Maximum Vehicle Flow. Fractional results shall be rounded up to the next highest whole number.

Sample Calculation:

Example: A developer plans to construct a shopping center at a site near the intersection of two arterial roadways, which will house 250,000 square feet leasable area. The developer proposes three arterial connections.

Are three arterial connections adequate for this site? As with the above sample, we start by calculating the number of peak hour trips generated by the site. In this case the ITE trip generation indicates a total of 1,146 peak hour vehicle trips. We reference Table 2 and find the non-residential collector maximum vehicle flow figure. Dividing the peak hour total by 300 results in the need for 3.82 or four driveways. Therefore, the number of collector connections should be four.

J. Spacing of Accesses and Median Openings

The minimum spacing between adjacent access points and between adjacent median openings are a function of the Access Class assigned to the main roadway. The distances shown in 6.04.07 are minimums and may not be sufficient if extensive right or left turn storage is required. Greater distances may be required to provide sufficient site-specific storage. Right turn in/right turn out movement and accesses which do not meet the minimum spacing may be permitted where, due to size, configuration, or location of the parcel, there is no feasible alternative access meeting the desired standard.

K. Drainage Considerations

Access shall be constructed in accordance with the requirements of Hillsborough County Stormwater Management Technical Manual.

L. Existing Facilities

1. Improvements and upgrading of existing roadways are to conform with standards for new roadways of the same access class. Exception to these standards shall be allowed only where physically impossible for the permittee to comply or otherwise upgrade existing site conditions. All such exceptions shall be approved by the Director of Public Works.
2. Where driveways are constructed within the limits of existing curb and gutter construction, the existing curb and gutter shall be removed either to the nearest joints or to the extent that no remaining section is less than five feet long. If the curb is not removed to the nearest joint, the curb will be cleanly cut with a concrete saw. Driveways materials type should conform to the original construction on a section unless otherwise specifically provided on the permit.

M. Intersections

At an intersection, no driveway shall be allowed within the radius return of the intersecting roadways. An exception for existing developments may be considered when driveways are reconstructed as part of a roadway reconstruction project.

N. Emergency Access

In addition to minimum yard and building spacing requirements specified in this Code, all buildings and other structures, land preparation, and landscaping shall be so located and arranged on lots as to provide safe and convenient access for emergency purposes, fire protection, servicing, and off-street parking and loading located on the premises.

O. Prohibition of Use of Residentially Zoned Private Property for Access to Uses Not Permitted in Residential Districts; Exceptions

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No private land which is agriculturally or residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in agricultural or residential districts, except as provided below or otherwise authorized by this Code or other lawful regulations:

1. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residential or agricultural land, access reserved for and limited to such vehicles may be authorized by the Land Use Hearing Officer, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
2. Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Land Use Hearing Officer across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

P. Right-of-Way Protection and Acquisition

1. No development activity (buildings, parking areas, water retention, etc.) shall be permitted within existing right-of-way corridors, as established and recorded through the Hillsborough County Thoroughfare Plan Regulations.
2. Prior to the development of land contiguous to public transportation corridors, right-of-way shall be reserved or dedicated to the appropriate governmental jurisdiction in accordance with an adopted Hillsborough County Transportation Corridor Map. In the absence of an adopted Corridor Map, right of way shall be reserved or dedicated to the appropriate governmental jurisdiction in accordance with the current MPO Long Range Transportation Needs Assessment Map in effect at the time of the request for reservation or conveyance. No development activity shall be permitted within the designated transportation corridors.

Q. Cross-Access Criteria and Requirements

1. The purpose of requiring cross-access in certain situations is to reduce the necessity to use the public street system in order to move between adjacent and complementary land uses where such interchange of vehicular or pedestrian trips are likely to occur.
2. When each of the following conditions exist, provisions for vehicular and pedestrian cross-access must be provided:
 - a. The site is on at least one roadway with an Access Management Classification of 1 through 6.
 - b. The site has a commercial or office land use or zoning designation, and is adjacent to a parcel which also has a commercial or office land use designation or zoning and which has access on the same roadway.
3. When each of the following conditions exists, provisions for pedestrian cross-access must be provided.
 - a. The site has frontage on at least one roadway with an Access Management Classification of 1 through 6.
 - b. The site has a commercial or office land use or zoning designation and is adjacent to a parcel having frontage on the same roadway which has a land use or zoning designation allowing 12 dwelling units per acre or more, or
 - c. The site has a residential land use or zoning designation allowing 12 dwelling units or more per acre and is adjacent to a parcel having a land use or zoning designation of 12 dwelling units or more per acre or a commercial or office land use or zoning designation and which has access on the same roadway.

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4. As used herein, "provisions for cross-access" shall mean that the developer of the property shall design his site in such a manner as to make cross-access possible as provided in this division.
5. When the criteria in 2 or 3 above are met, provisions for cross-access must be provided as established below:
 - a. If the adjacent site is developed and, in the opinion of Hillsborough County, cross-access is feasible, the developer shall design and build the appropriate cross-access to the property line of the adjacent parcel.
 - b. If the adjacent site is developed but, in the opinion of Hillsborough County, cross-access is not feasible at this time, the developer shall design and designate on the site plan the location of future cross access, but will not be required to construct the cross-access at the time of initial site development. The owner shall commit, in writing, to construct and allow cross-access at such time as Hillsborough County determines that cross-access is feasible and desirable.
 - c. If the adjacent site is undeveloped, the developer shall design and build the cross-access to the property line of the adjacent parcel in anticipation of future connection when that site is developed.
 - d. The minimum width of a vehicular cross-access shall be 24 feet. The minimum width of a pedestrian cross-access shall be five feet.

R. Corner Clearance

Corner clearances for all connections shall meet or exceed the minimum connection spacing requirements of 6.04.07 of this division except as provided below:

1. Type I. The minimum corner clearance for a Type I connection shall be ten feet.
2. All Other Types. Isolated Corner Property—A single connection (on each frontage) may be placed closer to the intersection if, due to property size, the applicable minimum spacing standards in Table I cannot be met, and where joint access which meets or exceeds the applicable connection spacing cannot be obtained with a neighboring property or, it is determined by the County that joint access is not feasible based on conflicting land uses or conflicting traffic volumes/characteristics, then the minimum corner clearance given in 6.04.08 can be used. Such properties, for the purpose of this document will be called "isolated corner properties".
3. In cases where connections are permitted under this criteria, the permit will contain the following conditions:
 - a. There will be no more than one connection per frontage.
 - b. When joint or alternative access which meets or exceeds the applicable minimum connection spacing becomes available, the permittee will close the permitted connection, unless the permittee shows that such closure is not feasible because of conflicting land use or conflicting traffic volumes/characteristics or existing structures which preclude a change in the existing connection.


S. Rail Line Crossings on Private Roads

All new development or redevelopment, including agritourism activities, accessed by a privately owned and maintained street or roadway, easement, or commonly owned parcel that crosses a rail line to reach a public Right of Way, shall obtain a written authorization and approval from the rail line owner. The rail line owner shall consider whether such crossing of the rail line would be appropriate from a safety standpoint and identify what type of crossing controls are appropriate if they were to approve the crossing. The type of use,

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intensity or crossing frequency and hours shall be considered as part of the authorization review and approval.

- a. The applicant or property owner shall provide the written authorization by the rail line owner to the County prior to the approval of site development plans, building permits or change of use applications for the project or site.
- b. Any operator of an agritourism activity, as defined in Section 570.86, Florida Statutes, on land classified as agricultural land under Section 193.461, Florida Statutes, that is accessed by a privately owned and maintained street or roadway, easement, or commonly owned parcel that crosses a rail line to reach a public Right of Way, shall provide the written authorization by the rail line owner to the County's Development Services Department prior to commencement of any event or activity on site.

<p>LDC 24-0341</p>	<p>Division Director Sign-off</p>	 <p>Brian Grady e Feb 20 2024 10:01:10</p>
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