

of-way may not serve more than three dwellings, or alternatively, the standards be increased when the number of dwellings exceeds three. Staff recommended, and the Committee agreed, that no change is necessary to the proposed legislation, since CB-40 states that the standards are minimum requirements, and the Director must make a written finding that the right-of-way is adequate to serve the extent of the development proposed. Furthermore, CB-39 specifically states that the Director may increase the standards when deemed appropriate. The Municipal Association supports the legislation. The Legislative Officer also noted several technical amendments to CB-40.

Regarding CB-39, Bob Zinsmeister, representing the Chamber of Commerce, requested that the bill be amended to specify that the Director of DPW&T may not waive or reduce the right-of-way standards set forth in Section 24-128(c). As drafted, CB-39 would prohibit him from from waiving any right-of-way standards in the County Code. Ruth Senes, of the Planning Department, requested that the new language exclude "(c)", since the Director does not have the authority to waive any of the right-of-way standards in Section 24-128, and specifying "(c)" would imply that this authority exists. The Committee agreed to this modified amendment. The Legislative Officer noted that the severability clause is not necessary and may be deleted.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Through 1991 State legislative changes, Article 28 now allows the County governing body to delegate authority to the executive branch or Planning Board to assure that a private right-of-way or easement is adequate, and to authorize the issuance of building permits for lots served by the private right-of-way or easement that meet these standards. This legislation grants authority to the Director of the Department of Public Works and Transportation to determine adequacy of private rights-of-way or easements for the issuance of one-family detached dwelling and agricultural use building permits. The legislation also specifies certain conditions which must be met before the Director may authorize the issuance of these building permits.

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