

ORDINANCE NO. 02-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, ADMINISTRATION AND PROCEDURE, ARTICLE III, PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, AND ARTICLE V, DESIGN REQUIREMENTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 14, Subdivision of Land, Article I, General Provisions, Article II, Administration and Procedure, Article III, Plat Requirements, and Article V, Design Requirements, of the Code of the County of Albemarle are amended and reordained as follows:

By Amending:

Sec. 14-106	Definitions
Sec. 14-303	Contents of final plat
Sec. 14-313	Instrument evidencing maintenance of certain improvements
Sec. 14-500	General
Sec. 14-512	Standards for both public streets and private roads
Sec. 14-514	Standards for private roads only

By Adding:

Sec. 14-241	Circumstances when shared driveways and alleys may be authorized
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Chapter 14 Subdivision of Land

Article I. General Provisions

Sec. 14-106 Definitions.

(2) *Alley.* The term “alley” means a form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along public streets or private roads. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is not a “private road.”

(12.1) *Driveway.* The term “driveway” means a form of vehicular access from a public street, private road or alley to the interior of a lot.

(35) *Private road.* The term “private road” means any road, street, or other way or means of vehicular access to a lot that is not maintained by the Virginia Department of Transportation, regardless of ownership, approved as a “private road” pursuant to sections 14-232 through 14-235 or any prior ordinance regulating the subdivision of land. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private road pursuant to this chapter or any prior ordinance of the county regulating the subdivision of land is not a private road as defined herein.

(43.1) *Shared driveway.* The term “shared driveway” means a form of vehicular access to only two lots which have frontage on a public street or an approved private road and which are authorized pursuant to section 14-241.

(§ 18-2 (part) 9-5-96, 4-13-88, 7-9-86, 3-29-78, 12-15-76, 4-21-76; § 18-56, 9-5-96, 10-17-79, 8-28-74; 1988 Code, §§ 18-2, 18-56; Ord. 98-A(1), 7-15-98; Ord. 02-14(1), 2-6-02)

Article II. Administration and Procedure

Sec. 14-241 Circumstances when shared driveways and alleys may be authorized.

A shared driveway or alley may be authorized as provided herein:

A. The agent may authorize a subdivision to be developed with one or more shared driveways in a development area designated in the land use element of the comprehensive plan when private road or public street frontage meeting the road frontage requirements of the zoning district exists or is to be provided to both lots.

B. The agent may authorize a subdivision to be developed with one or more alleys in a development area designated in the land use element of the comprehensive plan when private road or public road frontage meeting the road frontage requirements of the zoning district exists or is to be provided for all lots to be served by the alley(s).

C. Where alleys are authorized, vehicular access to the interior of a lot shall be provided only from the alley unless otherwise approved by the agent for cases such as, but not limited to, corner lots or lots where access is prevented by topographical constraints.

(Ord. 02-14(1), 2-6-02)

Article III. Plat requirements and documents to be submitted

Sec. 14-303 Contents of final plat.

In addition to containing all of the information required by section 14-302, except for the information required by sections 14-302(L) and 14-302(T), a final plat shall contain the following information:

A. *Statement of consent to division.* A statement that: "The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees. Any reference to future potential development is to be deemed as theoretical only. All statements affixed to this plat are true and correct to the best of my knowledge."

B. *Section name or number.* The name or number of the section if the property is a part of a larger piece of land.

C. *Boundary lines.* The exterior boundary lines of the property with bearings in degrees, minutes and seconds. Curvilinear data shall include radius, central angle, arc length, and tangent distance. All dimensions shall conform to the standards set forth in this chapter.

D. *Acreage of lots.* The total acreage of each existing lot and each proposed lot.

E. *Dimension standards and information on all lots, streets, alleys, easements, and shared driveways.* All linear, angular, and curvilinear dimensions of lots, streets, alleys, public easements and private easements shall conform to the requirements set forth in 18 VAC 10-10-370(C), a copy of which shall be on file in the department of engineering and public works. Curvilinear data shall include radius, central angle, arc length, and tangent distances and may be shown either directly on the corresponding boundary or surveyed line or in table form. If easements are shown for alleys and shared driveways, they shall be labeled as "alley easement" or "shared driveway easement." The easement holder(s) shall be identified on the plat. If alleys are shown, a maintenance agreement meeting the standards of section 14-313 shall be provided. If shared driveways are shown, a note shall be added to the plat stating that maintenance shall be by the owners of the lots affected by the shared driveway easement, not by VDOT or the County.

F. *Lot numbers.* The lot numbers, in numerical order, and block identification.

G. *Setback lines.* The location of all minimum building setback lines specified in this chapter and the zoning ordinance, with the area in square feet.

H. *Monuments.* The location and material of all permanent reference monuments. Monuments found or installed prior to plat recordation may be referred to if permanent and undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.

I. *Bearing and distance ties.* A definite bearing and distance tie between not less than two (2) permanent monuments on the exterior boundary of the property and further tie to existing street intersection where possible and reasonably convenient.

J. *Restrictions.* Restrictions imposed in conjunction with the approval of the preliminary plat and their period of existence. If the length of a restriction makes its inclusion on the final plat impractical, and does not necessitate the preparation of a separate instrument, reference shall be made to the restriction on the final plat.

K. *Temporary cul-de-sacs.* The location of temporary cul-de-sacs, if needed, with the following accompanying note: "The area on this plat designated as a temporary cul-de-sac will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name), at which time the land in the temporary cul-de-sac area will be abandoned for street purposes and will revert to adjoining property owners in accordance with specific provisions in their respective deeds."

L. *Public utility and drainage easements.* The location of all public utility and drainage easements outside the right-of-way of public streets and private roads.

M. *Street and road names.* The name of each public street and private road, which names shall be reviewed and approved by the agent.

N. *Statement pertaining to private roads.* If the subdivision will contain one or more private roads, the following statement: "The streets in this subdivision may not meet the standards for acceptance into the secondary system of state highways and will not be maintained by the Virginia Department of Transportation or the County of Albemarle."

O. *Signature panels.* Signature panels for the owner and for the agent. The signature panel for the owner shall be located immediately below the statement required by paragraph (A).

P. *Notary panels.* Notary panels for the notary to acknowledge the signature of the owner.

(9-5-96, 2-4-81, 8-28-74 (§ 8); 1988 Code, § 18-55; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02)

State law reference--Va. Code §§ 15.2-2241(1), 15.2-2262, 15.2-2264.

Sec. 14-313 Instrument evidencing maintenance of certain improvements.

If the subdivision will contain one (1) or more private roads, alleys, or any water system, sewerage system, stormwater management facility, open space, common area, street or road sign, or other improvement, individually and collectively referred to herein as the "improvement," which are not to be maintained by the county or any authority or other public agency, the subdivider shall submit with the final plat an instrument evidencing the continuing maintenance of the improvement, as provided herein:

A. The instrument shall, at a minimum: (i) have a statement that the improvement shall be maintained in perpetuity to assure that it remains in substantially the condition it was in when approved by the county; (ii) identify the standard to which the improvement will be maintained; (iii) identify the timing or conditions warranting maintenance of the improvement; (iv) state a means to collect debt; (v) state a method for prorating expenses among the lot owners, including if and when there is further division of any lot or the number of units per lot increases; (vi) have a statement that no public agency, including the Virginia

Department of Transportation and the county, will be responsible for maintaining the improvement; and (vii) identify the plat to which the instrument applies.

B. If the instrument pertains to the maintenance of one or more private roads or alleys, it shall contain, in addition to the contents required by paragraph (A), a statement that for purposes of the instrument, maintenance shall include maintenance of the roads, alleys, curbs, gutters, drainage facilities, utilities or other road improvements, and the prompt removal of snow, water, debris, or any other obstruction so as to keep the road or alley reasonably open for usage by all vehicles, including emergency services vehicles.

C. The instrument shall be subject to review and approval by the county attorney and shall be in a form and style so that it may be recorded in the office of the clerk of the circuit court of the county.

D. For purposes of this section, the term “to maintain,” or any derivation of that verb, shall include maintenance, replacement, reconstruction and the correction of defects or damage.

E. Nothing in this section shall affect the rights of the county reserved under section 14-403.

(§ 18-7, 9-5-96, 12-21-83; § 18-36 (part), 9-5-96, 8-28-74; 1988 Code, § 18-7, 18-36; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02)

State law reference--Va. Code §§ 15.2-2242(3), 15.2-2262.

Article V. Design Requirements

Sec. 14-500 General.

Each subdivision shall comply with the following general lot design requirements:

A. The number of lots within a subdivision shall comply with the applicable provisions of the zoning ordinance.

B. Each lot shall have at least one building site which complies with the requirements of the zoning ordinance and applicable health regulations.

C. Each lot shall have reasonable access to the building site from a public street or private road within the subdivision. The term “reasonable access” means a location for a driveway, alley, or, if a driveway location is not provided, a location for a suitable foot path from the off-street parking spaces required by the zoning ordinance to the building site.

D. Double frontage lots shall not be permitted except where authorized by the agent or the commission, as the case may be, upon a determination that the lot arrangement is essential to provide separation of residential development from streets or to overcome topographical problems.

E. The applicable setback line as provided in the zoning ordinance for a lot affected by a reservation for a proposed right-of-way as provided in section 14-407 shall be measured from the proposed right-of-way line.

(§ 18-29 (part), 9-5-96, 8-28-74; § 18-34 (part), 9-5-96, 8-28-74; 1988 Code, §§ 18-29, 18-34; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02)

State law reference--Va. Code § 15.2-2241(3).

Sec. 14-512 Standards for public streets, private roads and alleys.

All design standards for public streets and all design standards for private roads based upon public street standards shall comply with Virginia Department of Transportation standards and other design standards applicable to the particular classification of street or road. In addition, the following minimum requirements for public streets, private roads, and alleys shall apply:

A. *Layout.* Public streets and private roads in predominantly residential subdivisions shall be designed to discourage through-traffic. Offset or jog streets shall be avoided, whenever possible.

B. *Angle of intersection.* An angle of intersection of not less than eighty (80) degrees is acceptable; however, a perpendicular intersection, where practical, is preferred. The county engineer may grant an exception to this requirement for a private road in accord with the Virginia Department of Transportation standards for public streets.

C. *Right-of-way width.* The right-of-way width for major highways shall conform to the widths designated on the comprehensive plan. Except as otherwise provided, the width of all public street or private road right-of-ways or access easements shall conform to Virginia Department of Transportation standards.

D. *Cul-de-sacs and dead-end streets.* Cul-de-sacs and dead-end streets shall provide a terminal turnaround having a right-of-way radius as prescribed by Virginia Department of Transportation standards. The permitted length of a cul-de-sac shall be determined by the agent or the commission, as the case may be, taking into consideration the terrain, density of development, and lot frontage.

E. *Temporary cul-de-sacs.* Public streets and private roads more than three hundred (300) feet in length from an intersection, or proposed to serve more than four (4) dwelling units that terminate temporarily shall be provided with a temporary terminal cul-de-sac having a radius as prescribed by Virginia Department of Transportation standards. The temporary cul-de-sac shall exist until the street extensions are accepted into the secondary system of state highways.

F. *Alleys.* Alleys with a right-of-way or easement width of not less than twenty (20) feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications shall be determined by the county engineer, subject to the following: (1) the alley design shall allow emergency services vehicles such as police cars and ambulances to use the alley; and (2) an alley need not be designed to accommodate the largest emergency services vehicles, except that if firetrucks do not have adequate access to one or more lots from a public street or private road, the county engineer shall require that the alley be designed to accommodate firetrucks. The director of planning and community development may authorize an alley to be established with a right-of-way or easement width of less than twenty (20) feet if the director determines that, based upon the recommendation of the county engineer, the proposed design incorporates features that assure public safety and welfare. The county engineer shall consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. Alley rights of way may either be established as a privately held fee simple interest or as a privately held easement.

G. *Reserved or spite strips.* Reserved or spite strips restricting access to a public street, alley, or private road shall not be permitted; provided that nothing herein shall prohibit areas for scenic planting and landscaping where adequate access is otherwise available.

H. *Principal means of access.* The principal means of access to a subdivision shall conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private road, to the standards of the county as set forth in section 14-514, throughout its length, including any distance between the boundary of the subdivision and any existing public street. If the subdivision will result in the potential development of fifty (50) or more dwelling units, the subdivision shall have more than one principal means of access from an existing public street. If discharge water of a one hundred year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential subdivision, the following shall also apply:

1. The principal means of access shall be designed and constructed so as to provide unobstructed access at the time of flooding, subject to the requirements of section 30.3, flood hazard overlay district, of the zoning ordinance; and/or

2. An alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the subdivision shall be constructed.

I. *Entrances to streets, roads and highways.* Each entrance onto any public street or private road for traffic to and from a subdivision shall be designed and constructed in accordance with Virginia Department of Transportation standards. If the entrance is onto a multi-laned divided highway, an entrance which is not directly opposite any crossover in the median of any that highway shall not be permitted within five hundred (500) feet of the crossover except upon findings by the agent that: (i) there is no other reasonably practicable access to the subdivision except within five hundred (500) feet of the crossover; (ii) no reasonable means of alternative access is available to the subdivision; and (iii) the provision of an entrance within five hundred (500) feet of the crossover will be consistent with the public health, safety or welfare.

J. *Drainage.* Adequate drainage control shall be provided for public streets or private roads by installing culverts under streets; side, lead, or outlet ditches; catch basins; curb inlets; or any other devices, including piping, as determined to be necessary by the county engineer. All of these improvements shall meet the standards of the county or, in the event no county standards exist, Virginia Department of Transportation standards.

(§ 18-37, 9-5-96, 11-21-79, 3-29-78, 8-28-74; § 18-39 (part), 9-5-96, 10-19-77, 5-10-77, 8-28-74; 1988 Code, §§ 18-37, 18-39; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02)

State law reference--Va. Code §§ 15.2-2241(4), 15.2-2242(3).

Sec. 14-514 Standards for private roads only.

In addition to the minimum design requirements set forth in section 14-512, the following minimum design requirements shall apply to private roads authorized pursuant to section 14-232:

A. *General.* Each private road shall be designed to be adequate to serve the subdivision of which it is a part. Except as otherwise expressly provided, the private road shall be designed and constructed to conform with Virginia Department of Transportation standards.

B. *Roads subject to Table A.* Each private road authorized by sections 14-232(A)(1), 14-232(A)(4), 14-232(B)(1) or 14-232(B)(2) shall conform to the requirements of Table A.

C. *Roads subject to Table B.* A private road authorized by sections 14-232(A)(2) or 14-232(A)(3) shall conform to the requirements of Table B, except that: (i) a pavement structure design that conforms to Virginia Department of Transportation standards shall be required for the most traffic-intensive uses to which the land may be lawfully devoted for a private road authorized by section 14-232(A)(2); and (ii) the commission may authorize the application of Virginia Department of Transportation mountainous terrain design standards to apply to a private road, as provided in section 14-233(D).

D. *Right-of-way width.* Except as otherwise expressly provided, a private road subject to Table A which serves fewer than six (6) lots shall have a minimum right-of-way width of thirty (30) feet.

E. *Clearing land for improvements.* Notwithstanding any practice of the Virginia Department of Transportation, only those areas necessary to accommodate private road improvements and to achieve required sight distance shall be required to be cleared.

F. *Landscaping and other improvements permitted.* Subsequent to construction of a private road, a subdivider may install ornamental plantings and any other improvements provided that they do not conflict with sight distance, drainage facilities or other required improvements.

G. *Minimum allowable radius.* The radius for horizontal curvature shall be forty (40) feet or greater, unless otherwise authorized by Table A or Table B.

**Table A
Single-Family Detached Residential
(Also Agricultural)**

NUMBER OF LOTS SERVED BY ROAD SEGMENT*	WIDTH OF TRAVELWAY	DEPTH OF BASE (VDOT Aggregate Base)	SURFACE TREATMENT (Except as otherwise expressly provided)	MINIMUM SIGHT DISTANCE (In accordance with VDOT methodology for stopping sight distance)
Family Division Only (Any number of lots)	See note**	See note**	See note**	See note**
2 Lots	See note**	See note**	See note**	See note**
3 - 5 Lots	14 Feet (In addition to 4 foot shoulders and ditch requirements)	6" - # or # 26	Not required (unless slope exceeds 7%)***	100 Feet
6 Lots or More	Shall be designed to VDOT MOUNTAINOUS TERRAIN Standards.			

*NUMBER OF LOTS SERVED shall mean the aggregate of all lots served by such road segment and all lots having access over such segment to a public road. ROAD SEGMENT shall mean each portion of a private road between its intersection with other private or public roads (See illustration below.)

**The surveyor shall certify on the plat that the existing and/or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a travelway passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of such travelway. Such certification may be accomplished by the following wording on the plat: "This private road will provide reasonable access by motor vehicle as required by § 14-514 of the Albemarle County Code." This provision includes family divisions.

***If slope exceeds seven percent, 6" of #21 or 21A **and** prime & double seal are required.

For purposes of this chapter, shared driveways and alleys are not private roads.

ILLUSTRATION TO ACCOMPANY NOTE ONE:

NUMBER OF LOTS SERVED:

Segment A = Lots on Segment A

Segment C = Lots on Segments A, B and C

Segment E = Lots on Segments A, B, C, D and E

Note: Any lot with frontage on more than one road segment shall be counted on each road segment on which such lot fronts, unless access is specifically restricted by notation on the final plat.

TABLE B
Residential Uses Other Than Single-Family Detached Dwellings
(Also Commercial/Industrial)

1. Shall be designed to VDOT ROLLING TERRAIN Standards.
2. The Planning Commission may require concrete curb and gutter and sidewalks or other pedestrian ways in accordance with Section 14-513.
3. The Planning Commission may require increased travelway to provide for on-street parking upon a determination that provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking.

(§ 18-36, 9-5-96, 8-28-74; § 18-37, 9-5-96, 11-21-79, 3-29-78, 8-28-74(part); 1988 Code, §§ 18-36, 18-37; Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02)

State law reference--Va. Code § 15.2-2242(3).

I, Ella W. Carey, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

 Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Bowerman	_____	_____
Mr. Dorrier	_____	_____
Mr. Martin	_____	_____
Mr. Perkins	_____	_____
Ms. Rooker	_____	_____
Ms. Thomas	_____	_____