

SUBDIVISION ORDINANCE SECTION 78-3 and SECTION 78-6 (C)

Sec. 78-3. - Definitions.

Certain words and terms used in this chapter shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not discretionary; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this chapter includes all ordinances amending or supplementing this chapter; all distances and areas refer to measurements in a horizontal plane.

Large lot subdivision means any subdivision of land into three (3) or more parts **of at least five (5) acres in the Agricultural Zoned areas and three (3) acres in the Residential Zoned areas** each that creates either a public street or a private street.

Sec. 78-6. - Improvements.

(c) *Virginia Department of Transportation (VDOT) compliance.* All plans for streets and drainage facilities in subdivisions where public streets are required or intended shall be in accordance with the requirements of the Virginia Department of Transportation's secondary highway specifications and subdivision street requirements. Such plans shall be approved by VDOT before the final subdivision plat can be approved. Plans for streets that are not intended for addition as part of the secondary system of state highways shall be submitted to VDOT for review and approval of connections to the highway systems under that agency's jurisdiction and for the issuance of appropriate VDOT permits.

(1) *Private streets.* Streets not constructed to meet VDOT standards are allowed only in large lot subdivisions **(Refer to Section 78-3. – Definitions: Large lot subdivision). The maximum number of lots to be served by a private street, in large lot subdivisions, is nine (9). Private streets are also allowed in the Village Development Zoned Areas as approved by the Board of Supervisors.** Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current VDOT standards with funds other than those appropriated by the general assembly and allocated by the commonwealth transportation board.

For all subdivisions in which private streets are allowed (whether or not they are constructed to meet VDOT standards), the subdivision plat and all approved deeds of subdivision, or similar instruments, must contain the following statement:

SUBDIVISION ORDINANCE SECTION 78-3 and SECTION 78-6 (C)

"The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

Grantors of any subdivision lots to which such statement applies must include the foregoing statement on each deed of conveyance thereof.

a. ~~Private streets~~—Width Requirements. Private streets shall be at least 20 feet in width as measured from the edges of the street. The minimum width of the street right of way shall be no less than 30 feet. ~~Except along sections where narrowness of right of way through adjoining property makes it impossible, the width of private streets shall comply with VDOT's subdivision street requirements. The agent shall consult the resident engineer to determine what width would have been required had the street been intended for dedication as a public street.~~ Private streets shall be cleared and kept clear of vegetation for a minimum width of 20 feet. All branches and vegetation over the private street shall be maintained and trimmed to a height of 14 feet above the private street and 20 feet in width.

b. ~~Private streets~~—Construction. All private subdivision streets shall conform with the standards for construction road stabilization, as specified in the state erosion and sediment control handbook.

b. Design Standards.

1. Materials. Private streets shall be constructed with a minimum of crushed concrete or crusher run at a depth of four (4) inches.

c. Intersections.

1. Private streets shall intersect at right angles with public streets.

d. Turnarounds.

1. Private streets less than 750 feet in length that do not connect to another street capable as serving as a turnaround shall provide for vehicular turnarounds and shall have a 120 foot hammerhead, 60-foot 'Y' or 96-foot diameter cul-de-sac or other turnaround as recommended by the Accomack County Department of Public Safety.

2. Private streets longer than 750 feet must connect to another street capable as serving as a turnaround and must be reviewed and approved by the Accomack County Department of Public Safety.

SUBDIVISION ORDINANCE SECTION 78-3 and SECTION 78-6 (C)

e. Private Streets - Conformance with other Regulations.

1. Private streets are required to conform to and secure all necessary permits from applicable County, State, and Federal agencies.

- (2) *Adjacent subdivisions.* Where a developer or subdivider seeks to plat a subdivision adjacent to an existing subdivision and any private street in the existing subdivision is intended for use in providing access to any street in the planned subdivision, then the planned subdivision, for purposes of determining whether private streets will be permitted, shall be deemed to contain a number of lots totaling the sum of those in the existing subdivision and those in the planned subdivision. The foregoing requirements shall also apply when a developer or subdivider seeks to plat a subdivision adjacent to a proposed subdivision which is under review.

(Ord. of 3-15-2006; Ord. of 7-18-2007(2))