

## PROPOSED ZONING AND SUBDIVISION ORDINANCE TEXT AMENDMENT

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### ZONING ORDINANCE

#### III DISTRICT REGULATIONS

##### 3-C SUPPLEMENTARY REGULATIONS

###### 3-C-4 *Private Access Easements*

- a. *In the AOC and FOC zoning districts, any one Private Access Easement may serve not more than nine lots or parcels. Parcels not served by Private Access Easements shall be served by dedicated public rights of ways improved to Virginia Department of Transportation standards.*
- b. *In all other zoning districts, any one Private Access Easement may serve not more than two lots or parcels. Parcels not served by Private Access Easements shall be served by dedicated public rights of ways improved to Virginia Department of Transportation standards.*
- a. *Interconnecting Private Access Easements shall be deemed to be a single Private Access Easement for purposes of this section.*
- b. *A lot or parcel of land shall be deemed to be served by a Private Access Easement if the lot or parcel can access a public road by use of the Private Access Easement.*
- c. *Private Access Easements existing as of [adoption date of ordinance] and serving nine lots or more may continue to serve those lots, but no additional lots may be served by that Private Access Easement unless such additional lots are created as the result of a minor subdivision approved at least five years after any previous subdivision of the parcel being divided. When a minor subdivision of a parcel approved less than five years after approval of a previous subdivision or a major subdivision creates a situation where a Private Access Easement, existing as of [adoption date], would provide access to 10 or more lots, that portion of the Private Access Easement serving 10 or more lots shall be dedicated as a public right of way and improved to Virginia Department of Transportation standards. Private Access Easements existing as of [adoption date] and serving less than nine lots may serve an additional lot or lots with the limitation that the Private Access Easement may not serve more than a total of nine lots.*

##### 9-B DEFINITIONS

*9-B-### PRIVATE ACCESS EASEMENT: A perpetual easement, not a part of any public road system, which provides access on a continuing basis to any lot or parcel.*

## SUBDIVISION ORDINANCE

### 2 USAGE AND DEFINITIONS

#### 2-B DEFINITIONS

2-B-39 ~~PRIVATE ACCESS EASEMENT: A perpetual easement, not a part of any public road system, which grants principal means of access on a continuing basis to any lot or parcel hereinafter created under the terms and provisions of this Ordinance. Any such private access easement shall be privately constructed and maintained. Except in the Agricultural Open Space Conservation (AOC) and the Forestal Open Space Conservation (FOC) zoning districts, no such private access easement shall serve more than three lots, nor shall any subdivision be approved in which more than three lots are served by such easements.~~

*A perpetual easement, not a part of any public road system, which provides access on a continuing basis to any lot or parcel.*

### 8 DESIGN REQUIREMENTS

#### 8-J PRIVATE ACCESS EASEMENTS

##### 8-J-1 General Regulations

~~**8-J-1(a)** A subdivision may be approved in which not more than two lots are served solely by any one Private Access Easements, except in the Agricultural Open Space Conservation (AOC) and Forestal Open Space Conservation (FOC) zoning districts, where not more than nine lots may be served solely by any one Private Access Easement. This limit applies to lots served by Private Access Easements existing as of [the date of adoption of this ordinance] as well as such Easements created after [same date] ] and connected to a state maintained road. Interconnecting Private Access Easements shall be deemed to be a single access easement for purposes of this section. A lot or parcel of land is deemed to be served by a Private Access Easement if the lot or parcel can access a public road by use of the Private Access Easement.~~

*Lots in a proposed subdivision may be served by a Private Access Easement if in compliance with Zoning Ordinance Section 3-C-5. All Private Access Easements shall comply with Section 8-J-2 of this Ordinance.*

8-J-2

## Design Standards

8-J-2-(a)

All Private Access Easements shall have a minimum width of 30 foot right-of-

(6/17/03)

way, and any additional right of way necessary to include the travel surface

(6/21/05)

and the drainage facilities necessary to carry the 2-year storm event. The maximum right of way width shall be 40 feet with 50 feet allowed for short distances when the Planning Commission determines there are unique site-specific circumstances.

8-J-2-(b)

No telescoping, stacking, paralleling, or similar design configuration of Private Access Easements shall be permitted.

**8-J-2-(c)**

***All Private Access Easements serving three or more parcels shall have travelways with:***

(6/17/03) (6/21/05)

1. a minimum design speed of 15 miles per hour;
2. ***an all weather surface (graveled or asphalt)***
  - a. ***minimum gravel road construction (for all travel ways, pull-offs, and turn-arounds) shall consist of a single compacted aggregate base material course of 7 inches;***
  - b. ***minimum asphalt road construction (for all travel ways, pull-offs, and turn-arounds) shall:***
    - 1) ***have insitu CBR tests at 300 foot intervals along the road centerline to verify the CBR value is at least 4. If the CBR test results in a value less than 4, the subgrade must be improved with “soil cement” or other means as recommended by the onsite geotechnical engineer;***
    - 2) ***consist of the following:***

a) <b><i>asphalt surface course:</i></b>	<b><i>1.5 inches</i></b>
b) <b><i>asphalt base course:</i></b>	<b><i>3 inches</i></b>
c) <b><i>aggregate base (21B) course:</i></b>	<b><i>4 inches</i></b>
3. a minimum radius of ~~40~~ ***100 feet for gravel roads and 70 feet for asphalt roads. The radius shall be measured along the centerline of the travel way. The maximum super-elevation of travel ways in such radii shall be 4%;***
4. the following maximum grades, measured along the centerline of the travel way:
  - a. 4% within 25 feet of a public right of way,
  - b. ***a vertical curve providing a transition between the above grades in the area between 25 feet and up to 125 feet from a public right of way;***
  - c. 8% for any portion of the travel way more than 125 feet from a public right of way, however up to 12% may be allowed for short distances if specifically approved by the Planning Commission based on site-specific circumstances;
5. not more than 100 linear feet, measured on the centerline, that crosses pre-development slopes of 25% or greater;

6. a minimum stopping sight distance of 65 feet distance is based on a 3.5 foot height of eye and a 0.2 foot height of object);
7. a minimum intersection sight distance of ~~100~~ **60** feet (distance is based on a 3.5 foot height of eye and a 4.25 foot height of object);
8. travel way crown with a ~~maximum of 1/2 inch per foot and a minimum of 1/4 inch per foot~~ **2%**;
9. a minimum travel way surface width (graveled or asphalt) of 14 feet and a maximum travel way surface width of 18 feet;
10. no obstruction (such as posts, pillars, walls, or fences) erected within 10 feet of the centerline a travel way or within a public right of way.
11. a pull-off area(s) not further than 900 feet from a public right of way or other pull-off area to accommodate emergency vehicles;
12. a turn around area (either circular or 'T' shaped) at the end of a travel way;
13. ~~all travel ways, pull-offs, and turn-arounds constructed to the VDOT vertical construction standards for a gravel road;~~
14. drainage facilities to allow a 14-foot wide travel way on the roadway during the 2-year storm event.
15. a minimum travel way side slope of 3:1 (horizontal: vertical) to the flow line of the ditch or the limit of the easement, however a slope of 2:1 may be approved by the Planning Commission if there are unique site-specific circumstances;
16. storm drain culverts shall meet VDOT standards; and
17. a minimum 100 foot setback for travel ways and drainage facilities from sinkholes and perennial streams (except for approved stream crossings).