

**COUNTY ADMINISTRATOR'S OFFICE
P. O. BOX 111
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 24, 2019, the following action was taken:

190924 – PH1

RE: STA 19-03; PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE VIII (ROAD AND ACCESS STANDARDS), SECTION 54 (SUBDIVISIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING INDIVIDUAL ROAD, ACCESS, AND ROAD NETWORK DESIGN STANDARDS

WHEREAS, staff previously initiated Planning Commission action on amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Orange County Code of Ordinances concerning individual road, access, and road network design standards; and

WHEREAS, staff prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on August 1, 2019; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on September 24, 2019, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 24th day of September, 2019, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Orange County Code of Ordinances concerning individual road, access, and road network design standards, as presented and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Management Services
Connie Clark, Accountant
Thomas Lacheney, County Attorney
File: Board Actions 2019

Attachment: Adopted Amendments to the Orange County Code of Ordinances

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 190924 – PH1
by the Orange County Board of Supervisors
on September 24, 2019**

Chapter 54 - Subdivisions

Article VIII - Road and Access Standards

Sec. 54-124. - Individual Road, Access, and Road Network Design Standards

- (a) *Right-of-Way Widths.* The minimum width of any access easement or right-of-way shall be as follows:
- (1) Fifty (50) feet for conventional subdivisions and other developments. If any portion of a road serving a proposed subdivision is within an easement or right-of-way less than fifty (50) feet in width, the width of the entire easement or right-of-way shall be increased to fifty (50) feet up to and including the frontage of the subdivided lot(s).
 - (2) Twenty (20) feet for family subdivisions or for any easement or right-of-way serving only two (2) lots. In either case, if a future conventional subdivision occurs along said easement or right-of-way, the width of the entire easement or right-of-way shall be increased to fifty (50) feet up to and including the frontage of the subdivided lot(s).
 - (3) Fifteen (15) feet for pedestrian access easements.
- (b) *Utilization of Subdivision Road for Access.* Lots within any subdivision which is served by an internal subdivision road serving five (5) or more lots shall utilize the subdivision road for access and shall not have entrances onto a state primary or secondary highway.
- (c) *Multiple Points of Access.* Any subdivision which creates forty (40) or more lots as part of a common plan of development shall comply with the following:
- (1) For the primary purpose of traffic dispersion, there shall be at least two (2) improved points of access to the development.
 - (2) The second access point shall be either constructed or properly permitted and under construction before permits may be issued for construction on the fortieth (40th) lot.
 - (3) If the subdivision only has frontage on one (1) existing state road, the entrances shall be separated by at least five-hundred (500) feet centerline-to-centerline unless a greater distance is required by any County or VDOT access management regulations. If the subdivision has frontage on two (2) or more existing state roads, the entrances shall be provided on differing roads.
 - (4) Lots within the subdivision shall utilize the internal subdivision roads for access. For any lots with frontage along an arterial highway and/or other secondary road, such frontage(s) shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).
 - (5) Multiple adjacent properties under common ownership shall be considered a single project and/or plan of development for the purposes of this Ordinance. Such an arrangement shall not be utilized to circumvent the provisions of this section, the road construction and maintenance standards, or any other provision of this section.

~~(d) Subdivisions Fronting on Arterial and/or Primary Roads. Any subdivision which borders or contains an arterial and/or primary highway, per current functional classification assignments, shall comply with the following:~~

~~(1) Individual subdivisions of land. For individual subdivisions of land where the arterial/primary road provides the sole property access, shared driveway access shall be required so that no property has an exclusive access point to the road. Irrespective of property lines, entrances shall be separated by at least six hundred (600) feet centerline-to-centerline where the legal speed limit is greater than or equal to fifty miles per hour (50 mph), and at least five hundred (500) feet where the legal speed limit is up to forty-five miles per hour (45 mph). If a greater distance is required by any County or VDOT access management regulations, that regulation shall control. Where achieving consistency with these provisions is not possible due to proliferation of existing entrances, the subdivider shall seek another access option to meet the standards of this Ordinance.~~

~~(2) Subdivisions with common plans of development. For subdivisions which involve the creation of a subdivision road to serve the development, the location of the subdivision road intersection with the arterial/primary highway shall comply with the spacing standards contained in subsection (1) above. Additionally, lots along the subdivision road or other non-primary road and those otherwise served by such a road shall be prohibited from having direct access to the arterial/primary highway. For such lots, frontage(s) along the arterial/primary highway shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).~~

~~(e) Subdivisions Fronting on Major Collector Roads. Any subdivision which borders or contains a major collector road, per current functional classification assignments, shall comply with the following:~~

~~(1) Individual subdivisions of land. For individual subdivisions of land where the major collector road provides the sole property access, shared driveway access shall be required so that no property has an exclusive access point to the road. Irrespective of property lines, entrances shall be separated by at least four hundred and fifty (450) feet centerline-to-centerline where the legal speed limit is greater than or equal to fifty miles per hour (50 mph), and at least three hundred and fifty (350) feet where the legal speed limit is up to forty-five miles per hour (45 mph). If a greater distance is required by any County or VDOT access management regulations, that regulation shall control. Where achieving consistency with these provisions is not possible due to proliferation of existing entrances, the subdivider shall seek another access option to meet the standards of this Ordinance.~~

~~(2) Subdivisions with common plans of development. For subdivisions which involve the creation of a subdivision road to serve the development, the location of the subdivision road intersection with the major collector road shall comply with the spacing standards contained in subsection (1) above. Additionally, lots along the subdivision road or other non-major collector road and those otherwise served by such a road shall be prohibited from having direct access to the major collector road. For such lots, frontage(s) along the arterial/primary highway shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).~~

~~(f) Access to Adjoining Property. For subdivisions involving publicly-dedicated rights-of-way, the road network shall provide for the continuation of roads into adjacent properties for the purpose of enhancing local connectivity. Determining points of connectivity to adjacent properties shall be determined by the Subdivision Agent or the Planning Commission, as the~~

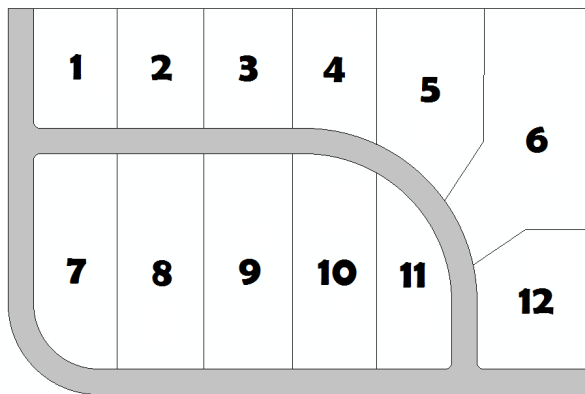
~~case may be. In determining the connection points and frequency thereof, consideration shall include the Comprehensive Plan, either town's adopted future plans, existing development patterns, topographical limitations, utility provisions, and commonly-accepted transportation planning principles. If a determination is made that such considerations do not warrant connections to adjoining properties, the requirements of this section may be waived. Where connections are required, the roadway stub(s) shall be improved up to the adjoining property line(s).~~

(d) Individual Subdivisions Fronting on Primary, Arterial, and/or Collector Roads. Any subdivision which borders, fronts, or contains a primary, arterial, and/or collector road or roads, as functionally classified by VDOT, shall comply with VDOT's applicable access management regulations.

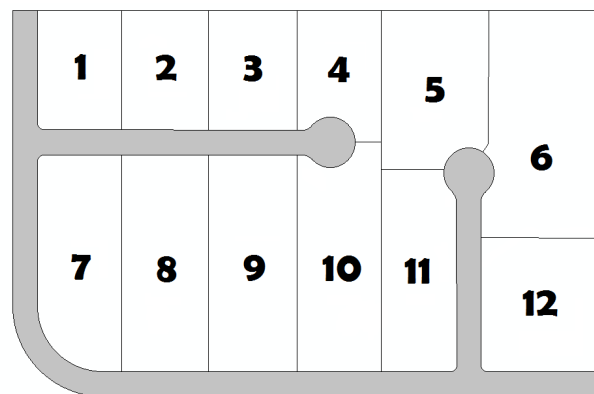
(e) Subdivisions with Common Plans of Development. For subdivisions which involve the creation of a subdivision road to serve the development, the location of the subdivision road intersection with the primary, arterial, or collector road, as functionally classified by VDOT, shall comply with VDOT's applicable access management classification. Additionally, lots along the subdivision road and those lots otherwise served by such a road shall be prohibited from having direct access to the primary, arterial, or collector road. For such lots, the frontage(s) along the primary, arterial, or collector road shall be clearly identified with a hashed area on the plat and a statement that no vehicle access may be provided to the primary, arterial, or collector road.

(g) *Internal Connectivity.* For subdivisions under a common plan of development within (1) mile of the jurisdictional limits of either town, within the Germanna Wilderness Area as established by the Board of Supervisors, and/or for any subdivisions which create forty (40) or more lots, the following shall apply:

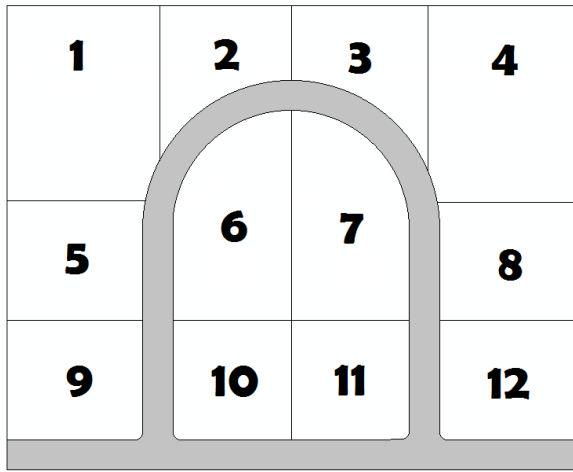
(1) Where practicable, internal connectivity shall be achieved via a continuous road network in lieu of a series of disconnected dead-end roads, as illustrated by the figures below. The Subdivision Agent or the Planning Commission, as the case may be, shall determine what is practicable.



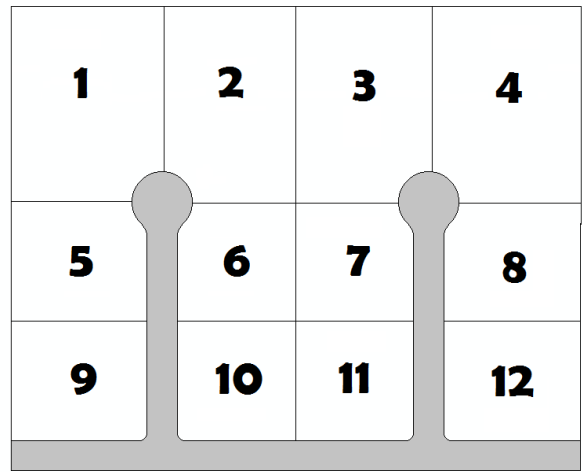
Acceptable Internal Connectivity



Unacceptable Internal Connectivity



Acceptable Internal Connectivity



Unacceptable Internal Connectivity

(2) Multiple adjacent properties under common ownership shall be considered a single project and/or plan of development for the purposes of this section. Such an arrangement shall not be utilized to circumvent the provisions of this section, the road construction and maintenance standards, or any other provision of this Ordinance.

(hg) *Dead-End Roads.* Where they are permitted pursuant to this Ordinance, VDOT regulations shall determine the maximum length and turnaround type of any dead-end road approved by VDOT to be accepted into the state secondary system of roads. Dead-end private roads shall be subject to the standards for private roads contained within this Ordinance.

(h) *Alleys.* Alleys may be provided pursuant to the following:

- (1) Residential subdivisions may utilize alleys if specifically permitted in the underlying zoning district. Any easement or right-of-way for an alley shall be no less than twenty (20) feet or greater than twenty-eight (28) feet in width. Utilities shall be co-located in residential alleys wherever practicable.
- (2) Nonresidential subdivisions may utilize alleys provided they are not dead-end. Easement/right-of-way widths shall be as established in subsection (1) above.
- (3) Any subdivider utilizing alleys in a development shall demonstrate that maintenance of the alley and its associated easement/right-of-way is guaranteed in a format approvable by the Subdivision Agent.
- (4) Where a particular zoning district prescribes standards for alleys, those particular standards of the district shall control.