

Article VIII – Road and Access Standards.

Division II. – Standards for Roads and Access.

Sec. 54-121. – Approval, Construction, and Maintenance Standards.

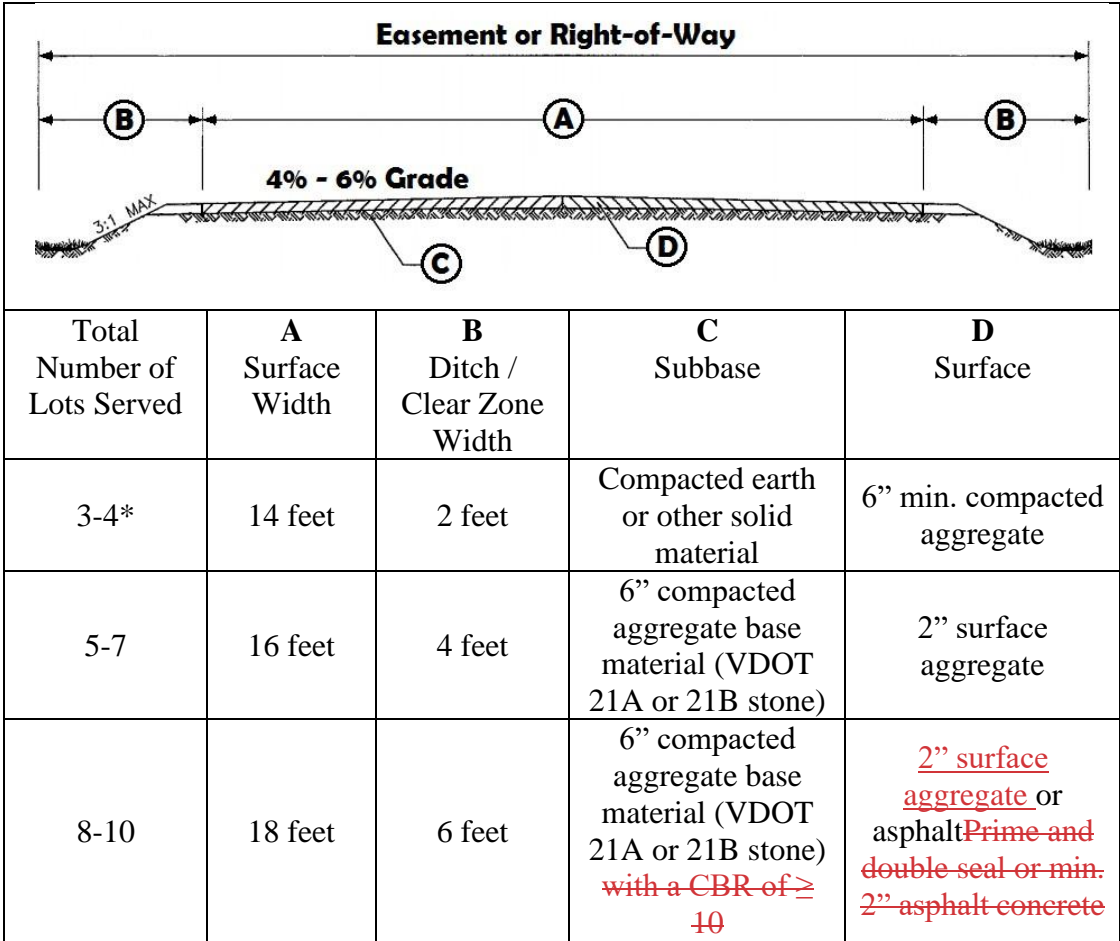
Roads and driveways shall be constructed and maintained as follows:

- (a) *Driveways.* Any vehicular travelway created to serve one (1) or two (2) lots shall be considered a driveway for the purposes of this Ordinance, and may be constructed and maintained at the discretion of the owners. However, any lot which is served by a driveway onto a private road shall be considered served by said private road for the purposes of subsections (b) and (c) below.
 - i. The Subdivision Agent may grant a modification to the requirements of this subsection for a situation in which an owner of a property with an existing driveway onto a state road wishes to grant an easement elsewhere on the property for a driveway to serve up to two (2) new lots. This modification may be used to exclude the consideration of the lot granting the easement as being served by said easement. There may be only one (1) such modification granted per lot and the subdivision plat shall properly denote this arrangement.
- (b) *Public Roads.* Any road serving more than two (2) lots shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet these standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).
- (c) *Private roads.* Although it is the intent of the county that all roads be constructed to meet current VDOT standards, the county recognizes that there might be unusual situations concerning the construction of a road, or situations when strict adherence to the general regulations would result in substantial injustice or hardship. In such cases, the Planning Commission may approve a private road subject to the following:
 - i. Except as provided in **Sec. 54-123** below, the Planning Commission may allow a road serving up to ten (10) lots to be privately constructed and maintained. In making its decision on a private road request, the Commission shall consider impacts of the proposed road and its resulting development related to: the future land use objectives of the Comprehensive Plan; the adequacy and safety of the state road network in the area; the availability of other means of accessing the property; sensitive environmental areas; the suitability of the land for utilities; and the proximity and arrangement of neighboring properties. The Planning Commission

may impose reasonable conditions on any approval of a private road to address identified impacts. The Planning Commission shall be the sole determiner of whether a variation/exception allowing a private road is granted, and a denied request shall be final and unappealable.

- ii. *Private road standards.* The standards governing the construction, maintenance, and usage of all private roads shall be as follows:

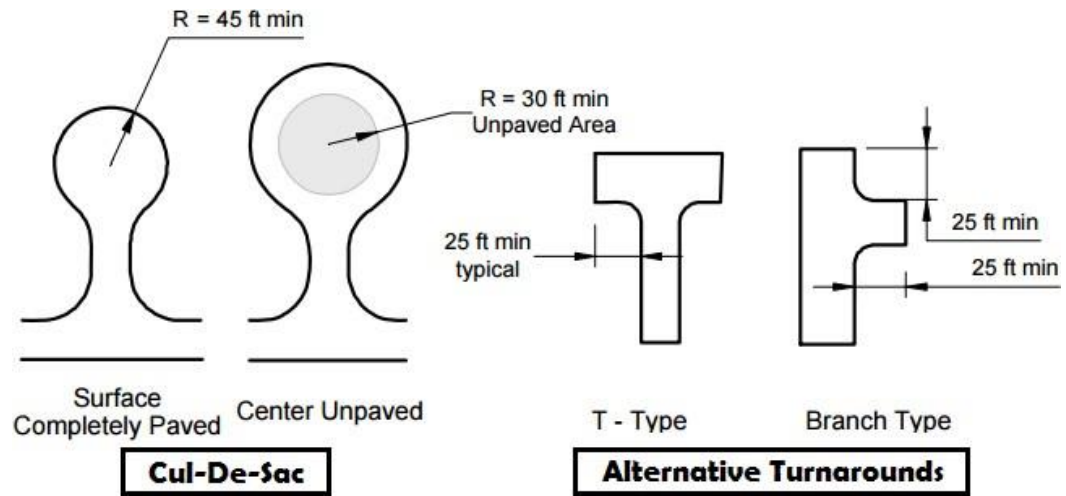
1. *Construction standards:*



*The center of the roadway may be grassed and/or non-surfaced

- 2. *Grades.* No portion of a private road shall exceed a grade of ten percent (10%).
- 3. *Vertical clearance.* The area between the roadway surface upward a minimum of fourteen (14) feet shall remain clear of tree branches and other obstructions.
- 4. *Drainage; culverts.* All culverts and other means of drainage for private roads shall be designed and constructed in accordance with the VDOT Road and Bridge Standards.

5. *Turnarounds.* A private road serving five (5) or more lots shall have a turnaround provided and constructed within the easement or right-of-way pursuant to either of the following:



6. *Easement/Right-of-Way Termini.* Where a private road does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property at the time of approval, the end of the road easement/right-of-way shall be no closer than fifty (50) feet to an adjoining property. However, the Subdivision Agent or Planning Commission may require the reservation of an appropriate easement that extends beyond the end of the road easement/right-of-way to accommodate drainage facilities, pedestrian traffic, utilities, or an anticipated potential future vehicular connection.
7. *Floodplain.* Private roads shall not be constructed within any area designated on FEMA Flood Insurance Rate Maps (FIRMs) as flood zone A or AE (areas subject to inundation by the 1%-annual-chance flood event).
8. *Zoning.* A private road shall not traverse a given zoning district in order to provide access to property in another zoning district.
9. *Parking.* Parking within a private road easement or right-of-way is prohibited except in any areas, outside of the travelway(s), which may be approved to be dedicated for parking.
10. *Intersections.* Where two (2) private roads intersect, or where a private road intersects with a state road, the angle of that intersection shall be no less than seventy (70) degrees. A minimum return radius of twenty-five (25) feet shall be utilized between intersecting private roads. The minimum sight distance at any such intersection shall be two-hundred (200) feet. Sight distance easements may be utilized to achieve this requirement.

(d) *Nonresidential Roads.* Any road constructed to serve two (2) or more lots used for non-agricultural commercial or industrial uses shall be constructed to meet current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way to public use.

(e) *Relationship to Zoning Ordinance.* Where the Zoning Ordinance prescribes standards and other criteria related to road construction and maintenance, those provisions shall control.

~~(e)~~(f) *Previously Platted Lots.* With respect to any subdivision plat that was approved and recorded in the Orange County Circuit Court prior to April 24, 2018 which shows roadways which are designated as private roads, said roads may be constructed subject to the standards and requirements contained in Sec. 54-121(c) ii. and subject to the recording of a Road Maintenance Agreement pursuant to Sec. 54-122.

Nothing contained in this paragraph (f) shall preclude a property owner from applying for a private road allowance pursuant to paragraph (c) of this section.

(Ordinance of 04/09/2019)