

VIRGINIA:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING AT 108 EAST MAIN STREET IN THE TOWN OF TAZEWELL, VIRGINIA, ON THE 11 DAY OF JANUARY 2011. UPON RECOMMENDATION OF THE TAZEWELL COUNTY PLANNING COMMISSION AFTER A DULY ADVERTIZED HEARING BEFORE THE COMMISSION, UPON NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF TAZEWELL, NOT LESS THAN TEN DAYS BEFORE THE ABOVE SAID DATE, THE FOLLOWING ORDINANCE WAS ADOPTED, AFTER A JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION, UPON A MOTION AND SECOND:

Ordinance No.1112011-3

Date: January 11, 2011

AN ORDINANCE TO PERMIT CERTAIN SUBDIVISIONS TO INCLUDE PRIVATE ROADS NOT OPEN TO THE GENERAL PUBLIC

WHEREAS the Board desires to promote responsible development of residential property in the County:

WHEREAS the Board recognizes that requiring all roads within subdivisions to be built to Virginia-Department of Transportation Standards limits development in the County, escalates the cost of residential lots, and constricts housing opportunities for County residents;

WHEREAS the Board also recognizes that persons who purchase lots within an approved subdivision are entitled to expect certain minimum standards for access to their property;

WHEREAS, the Tazewell County Planning Commission has recommended the following ordinance to permit subdivisions to be approved when their planned roads do not meet standards for the Virginia Department of Transportation's secondary road system, while requiring such roads to meet certain minimum standards that safeguard the interests of potential purchasers of lots;

WHEREAS, the Board has considered the recommendations of the Planning

Commission and desires to approve said ordinance;

NOW THEREFORE BE IT ORDAINED, that pursuant to Section 15.2-2242(3) of the Code of Virginia (1950) as amended, Section 4-4-1 of the Subdivision Ordinance shall be amended to include new subparts (h) and (i):

“(h) Streets within certain subdivisions may be constructed to standards other than those for Virginia Department of Transportation Secondary Roads, under the following conditions:

1. If a proposed subdivision contains less than one hundred (100) lots, the streets shown therein may be constructed to standards set forth in Tier I of the private road standards set forth in Table II of this Ordinance.

2. If a proposed subdivision contains less than forty (40) lots, the streets shown therein may be constructed to standards set forth in Tier II of the private road standards set forth in Table II of this Ordinance.

3. Subdividers may not repeatedly avail themselves to the exception herein created by segregating their subdivisions into phases. Therefore, for purposes of calculating the number of lots in a proposed subdivision, the number of lots shall include the lots in any adjacent subdivision, either created from the same parent parcel or subdivided by the same subdivider pursuant to the provisions of this subpart (h). However, if such developer upgrades or causes to be upgraded, a thoroughfare to be shared by both subdivisions, to Virginia Department of Transportation Secondary Road Standards, then a subsequent subdivision may be eligible for development pursuant to this subpart (h).

“(i) If a proposed subdivision includes streets built to those standards set forth in sub part (h) such streets shall not be dedicated to the public. And such subdivision shall:

(i) Convey ownership of such streets at the time of recordation of the plat to a duly organized Home Owners Association, whose articles provide that said streets may not be conveyed or dedicated to public use except by a two thirds vote of the membership of the Association. The Articles of the Association must provide that the President of the association may not be the subdivider; *and*

(ii) The recorded plat and any deed conveying any lot within said subdivision must state in bold font as follows:

“The streets within this subdivision are not dedicated public streets and will not be maintained by the Virginia Department of Transportation (V-DoT) or the County of Tazewell. The streets are conveyed to the (*Name of Development*) Home Owners Association. The Association will be responsible for maintaining and repairing the streets. The streets have not been built to V-DoT standards for secondary roads.”

And

(iii) The Subdivider must provide the Association, for initial road maintenance, the sum of \$500.00 for each and every lot sold at the time each and every lot is sold by the Subdivider. These funds shall be deposited into a noninterest bearing account in the name of the Home Owners’ Association and may only be withdrawn by the President of the Home Owners’ Association. The subdivider shall be solely responsible for maintaining the road until a majority of the lots have been sold. Once a majority of the lots have been sold, the Home Owners Association shall be responsible for maintaining the road, pursuant to the terms of the Articles of the Home Owners Association. Such terms shall include the limitation that the funds deposited by the subdivider for road maintenance may not be used for snow removal, landscaping, lighting, or any purpose other than maintaining the surface integrity of the road. The subdivider shall also include this obligation in every deed conveying each lot as a covenant between the Subdivider and the purchaser of the lot;

And

(iv) The Subdivider shall, nevertheless, dedicate to the County of Tazewell, a

nonexclusive, transferrable easement for the construction, installation, inspection, maintenance, replacement and repair, of gas lines, water lines, sewer lines, electric power lines, telecommunications lines, or other utility lines beneath the streets shown on the plat.

And

(v) The subdivision plat must show and the deeds conveying affected lots must include an easement for adequate street drainage easements where necessary, as determined by the County's Agent for plan approval."

And

(vi) The Deeds, Articles for the Home Owner's Association and plat including the required provisions hereinabove set forth must be approved by the Commission. The Commission shall not deny approval of such documents for any reason other than their failure to adequately state those provisions required by this ordinance.

The Board further ORDAINS that Table II above referenced is attached hereto and hereby incorporated into this Ordinance by reference.

It is so ORDAINED by the Board on this the 11 day of January , 2011.

RECORDED VOTE: 5 to 0

MEMBERS PRESENT: Absher, Campbell, Hymes, Anderson & White

MEMBERS ABSENT: None

AYES: Five (5)

NAYS: None

ABSTENTIONS: None

ATTEST:



County Administrator



Chairman of the Board of Supervisors

GEOMETRIC DESIGN STANDARDS FOR RESIDENTIAL AND MIXED USE SUBDIVISION STREETS (GS-SSAR)

TABLE 2 – SHOULDER AND DITCH SECTION

PRIVATE ROAD STANDARDS

PROJECTED TRAFFIC VOLUME (ADT) *Based on 10 vpd/lot		MINIMUM DESIGN SPEED (MPH)	HORIZONTAL AND VERTICAL CONTROLS Maximum 2:1 Cut or Fill Slope					SHOULDER AND DITCH ROADWAYS Minimum ditch width (front slope) should be 4 feet or greater, based on slopes of 3:1 or flatter (Gentler slopes promote homeowner maintenance of ditches)				
			CURVE DATA		MAXIMUM % GRADE	MINIMUM SIGHT DISTANCE		IMPROVED SURFACE WIDTH			MIN. TOTAL WIDTH OF SHOULDER (2)	
			MINIMUM CENTERLINE RADIUS	SUPER ELEVATION		STOPPING	INTERSECTION	NO PARKING	PARKING 1 SIDE	PARKING BOTH SIDES		
Tier 1	400 to 1000	30	335'	NONE	12%	200'	335'	20'	24' (1)	29' (1)	6'	
Tier 2	0 to 400	25	200'	NONE	13%	155'	280'	18'	N/A	N/A	4'	

NOTES:

The roadway with the highest volume will govern the sight distance.

Tier 1 Right of Way requirements – 40 feet

Tier 2 Right of Way requirements – 30 feet

An engineering speed study sealed and signed by a licensed professional engineer, using VDOT's standard speed study report, must be provided by the developer and approved by VDOT for any roads posted at other than the statutory speed limit and planned for acceptance into the state system.

Surface material shall be a minimum of typical surface treatment, including a four inch (4") compacted stone beneath a tar and gravel surface.

VDOT's Traffic Impact Analysis Requirements shall be met prior to approval by Tazewell County Planning Commission.

1. If the Local Street has 1 point of access and ADT>400 vpd, then the roadway width must meet design values (2001 TO 4000 vpd).

2. Add an additional 3' if guardrail is required.

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