

**DRAFT ORDINANCE AMENDING
SECTIONS 17-700 AND 17-701
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Sections 17-700 and 17-701. "Ownership" and "Streets" hereby is amended as follows:

Chapter 17 "Zoning": Article VII. – Development Standards.

Sec. 17-700.03. - Ownership.

- (a) At the time of rezoning approval, all community property, including common area, private streets, and any undeveloped land, shall be under unitary ownership or under unified control.
- (b) The applicant or a designee shall prepare documents which provide at a minimum that the property owners association (POA) shall accept title to any community property, including common area, private streets, and undeveloped land. ~~Responsibility for maintenance and control of all community property shall be clearly established and communicated to the POA accepting title.~~

The documents shall establish voting and use rights and shall provide for the collection of dues, levies, or assessments to cover expenses including, but not limited to, tax liabilities, maintenance, insurance, and municipal or state assessments. The POA shall have the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due. A residential POA and a commercial POA may be established within the same district.

(c) Ownership and maintenance of common areas and other community property; General requirements:

- (1). *Organization:* A POA shall be established to provide for the ownership, care and maintenance of all common areas and other community property and improvements.
- (2). *Ownership:* All common areas, community property and improvements shall be dedicated to the POA. No land within privately owned lots shall be considered common areas. Improvements may include, but are not limited to, any of the following: sidewalks, curbs, gutters, culverts and other drainage facilities, stormwater management facilities and private streets.

(3) Covenants: All POAs shall be created by covenants and restrictions recorded among the land records of the County. All such covenants shall include provisions for the maintenance of common areas, community property and improvements.

(4) Maintenance requirements:

- a. Responsibility: The POA shall be responsible for the maintenance of all common areas, community property and improvements in a reasonable condition.
- b. Responsibility for maintenance and control of all community property shall be clearly established and communicated to the POA accepting title.

(ed) If private ownership, including a POA, fails to function as required by the bylaws and covenants, the county shall be is authorized to maintain the common elements any of the community property and/or improvements and assess the private ownership accordingly. if private ownership fails to function as required by the bylaws and covenants. The costs to maintain any of the community property and/or improvements maintained by the county shall be recovered from the property owners in the form of a tax lien if not paid by owner.

Sec. 17-701. - Streets.

Streets shall be coordinated with the existing or planned streets shown on an approved subdivision plat, approved general development plans, current master plans, and with the major transportation network shown in the comprehensive plan or any other plan adopted by the county.

Sec. 17-701.01. - Street names.

- (a) Streets shall be named according to the established procedures set forth in the Road/Street and Subdivision Naming Manual, as amended.
- (b) Temporary street identification signs shall be placed at each intersection by the developer prior to any construction beginning in the subdivision. The developer shall contact the agent when temporary signs have been erected. No building permits shall be issued within a subdivision prior to verification by the agent that the signs have been erected. Developer shall be responsible for keeping these signs in place until such time as permanent signs are erected.
- (c) Permanent signs conforming to standard county specifications shall be erected by the county at the developer's expense, and the developer shall pay the county for the cost of the signs prior to the agent signing the final plat. If the cost of signs increases, and the funds paid by the developer to the county are insufficient to cover the cost of the signs, the developer shall pay the additional funds prior to the bond being released by the county.

Sec. 17-701.02. - Public streets.

- (a) All public streets shall comply with all VDOT regulations and shall become part of the VDOT state-maintained system.
- (b) In the R-1 and R-2, and R-3 zoning districts, all streets shall be public streets. For apartment structures and rowhouses in the R-3 zoning district apartment complexes, the parcel must may front on a either a public or private street. However

(1) If an apartment structure or rowhouse lots have frontage on a public street, access from the public street to the parking lot may be by a private access easement meeting the requirements of fire department access roads as outlined in the Rockingham County Fire Prevention Code.

(2) In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.

- (c) Application to have a street accepted into the state secondary highway system shall be completed by the developer and submitted to the county and VDOT ~~within three (3) months~~ after the county has issued a certificate of occupancy for seventy-five (75) percent of the structures addressed on said street. ~~issued a certificate of occupancy for the third structure addressed on said street.~~ The process shall be the same for each street within the development or subdivision in which the developer seeks acceptance into the state secondary highway system.

Sec. 17-701.03. - Private streets.

- (a) In manufactured home parks in the MH-1 zoning district, all streets shall be private streets. In the R-1 and R-2, ~~and R-3~~ zoning districts, no streets shall be private streets. In all other zoning districts, streets may be public streets or private streets.
- (1) All private streets in the RR-1 zoning district shall meet the requirements of article VII, with the exception of those requirements in direct conflict with those requirements under section 17-305. In such case, the requirements of section 17-305 shall control.
- (2) All private streets in the MH-1 zoning district shall meet the requirements of article VII, with the exception of those requirements in direct conflict with those requirements under section 17-309. In such case, the requirements of section 17-309 shall control.
- (b) Private streets shall not exceed the maximum grades for local rural roads as defined in the AASHTO manual. Fire & Rescue shall inspect any private streets with grades greater than ~~ten (10)~~ fifteen (15) percent grade.
- (c) All private streets shall be paved and constructed according to VDOT standards and specifications.
- (d) Sight distances for all intersections and entrances shall conform to VDOT ~~standards~~ regulations.
- (e) Private streets shall be constructed to ensure proper drainage and adequate base and surface construction capable of supporting imposed loads or fire apparatus as required in chapter 8, fire and protection.
- (f) Private streets shall be the responsibility of the developer to construct and maintain until such time as maintenance responsibility is legally passed to a property owners association or other legally recognized body. Private streets shall be fully constructed at the time maintenance responsibility is transferred.
- (g) For the purpose of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs, or other street improvements, including the correction of defects or damages, so as to keep such road open for public usage.

Table 17-701.03. Minimum Private Street Requirements.

Vehicles Per Day	Number of Traffic Lanes	Width of Traffic Lanes	Number of Parking Lanes (Optional)
No maximum	1 (One-way traffic only)	12 feet	2
Up to 400	2	10 feet	1*
401 to 3,000	2	11 feet	2*
3,001 to 5,500	2	12 feet	2**
Over 5,500	4	12 feet	2**

* If no curbing is installed, shoulders shall be a minimum of five (5) feet wide.

** If no curbing is installed, shoulders shall be a minimum of eight (8) feet wide.

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- (h) No streets shall be constructed with a curvature radius of less than one hundred (100) feet measured at the center line.
 - (i) Shoulders shall be constructed to the same specifications as the street.
 - (j) Wherever possible, private streets shall intersect private streets at right angles, Private streets shall intersect private streets at angles of not less than sixty (60) degrees, unless approved by the zoning administrator. Intersection curb radii may be ~~fifteen (15)~~ twenty-five (25) feet minimum for minor streets, and ~~twenty-five (25)~~ thirty-five (35) feet minimum for major streets. ~~if approved by VDOT.~~
 - (k) The intersection of a private street with a public street shall conform to VDOT standards and regulations.
 - (l) All alleys shall be private and shall meet the standards for private streets with the following exceptions:
 - (1) Alleys may be permitted for residential and service vehicle access only. Alleys shall have a pavement width of no less than ten (10) feet. No on-street parking shall be permitted on the alley.
 - (2) Alleys constructed in a development project shall be designed and constructed based on sound engineering principles to be practical and functional and shall be certified as such by an engineer.

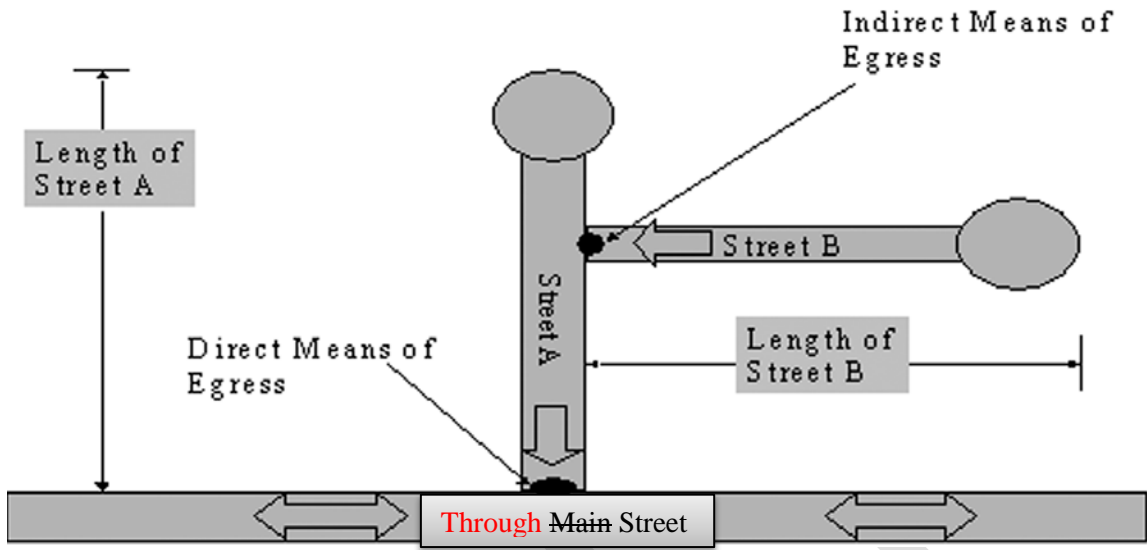
Sec. 17-701.04. - Connectivity.

- (a) To facilitate the appropriate movement of pedestrian and automobile traffic, the roads and streets in each development project shall provide sufficient connections in multiple directions, to multiple properties, and, if applicable, to local and higher order roadways.
- (b) Proposed streets shall be constructed to the boundary line of every adjoining property where an existing street terminates at the property line, where a future street is planned to terminate at the property line, and to multiple directions within urban growth areas designated in the comprehensive plan or any other plan adopted by the county.
- (c) In the compact area, streets shall be interconnected in a system of blocks. Not more than twenty (20) percent of the total number of blocks in the project may exceed a total of two thousand (2,000) feet in total perimeter length, measured from the centerline of the street.
- (d) In the suburban area, networks of streets, sidewalks, and multi-use paths shall provide direct pedestrian movement throughout the development and to adjoining property.
- (e) In the rural area, roadways shall provide connections to adjoining properties or streets in varying directions.
- (f) Road construction may be phased, but connectivity requirements shall be met at full build-out.
- (g) Exceptions.
 - (1) The connectivity standards may be reduced by the zoning administrator where constrained by one (1) or more the following features:
 - a. Railroad tracks;
 - b. Limited access highway;
 - c. An existing navigable river or a standing body of water with a depth greater than four (4) feet under normal conditions;
 - d. Jurisdictional wetlands;
 - e. Terrain grades in excess of twenty (20) percent; and
 - f. Government-owned property with restrictions upon development such as military installations; parks, as defined, and in existence prior to the submission of the development proposal for the network addition; and land under conservation easements recognized by the county.

Sec. 17-701.05. - Dead-end streets, public and private.

- (a) All dead-end streets shall terminate in a VDOT approved cul-de-sac that meets the standards of the VDOT Road Design Manual and is approved by the fire marshal.
- (b) Dead-end streets shall not be less than two hundred (200) feet in length.
- (c) The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the development project, either directly or indirectly (see figure 1).
- (d) Dead-end streets shall connect to a through street that provides a direct means of egress (see figure 1).

Figure 1



- (e) Dead-end streets greater than eight hundred (800) feet in length shall be allowed if the following conditions are met:
- (1) Approval in writing, by the fire marshal, VDOT, and director of public works;
 - (2) An easement from the turnaround to another street to provide a looped water system or the system is otherwise looped, unless otherwise approved by the director of public works.

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Aye Nay Abstain Absent

- Supervisor Cuevas
District 1
- Sallie Wolfe-Garrison
District 2
- Supervisor Chandler
District 3
- Supervisor Kyger
District 4
- Supervisor Breeden
District 5

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

November 16, 2018

This is a staff-generated request for an ordinance amendment regarding public and private streets in rowhouse developments. On May 23, 2018, the Board authorized County staff to study this issue and present a recommended amendment. With increased requests for rowhouse developments the study re-evaluated the rowhouse regulations that currently require all lots to be on a state-maintained road. Several prospective developers have proposed apartment and rowhouse subdivisions in R-3 zoning district and the prohibition of private streets may actually hinder the desired compact development intended by this zoning district.

Staff recommends approval.

PLANNING COMMISSION

TBD

_____, 2018

DRAFT

History of Draft Ordinance Revisions

Date	Type	Sections Revised	Status
9/11/18	First Draft for Discussion	All	Policy & Ordinance Review Committee
10/10/18	Revisions	Common Ownership; POAs	Policy & Ordinance Review Committee
10/24/18	Revisions	Street Standards	Routed for Comment
11/6/18	Final Draft	DOT Revisions	VDOT Comments
11/14/18	Final Committee Draft	Several	Routed to PORC & Legal Review
12/4/18	Staff-Recommended Ordinance		Scheduled for Planning Commission Public Hearing 12/4/18

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