

Sec. 14-412 - Standards for private streets only.

In addition to the minimum design requirements set forth in section 14-410, the following minimum design requirements shall apply to private streets authorized by this chapter:

- A. *Residential private streets.* Each private street serving detached residential uses authorized under sections 14-232 or 14-233 shall satisfy the following:
1. *Streets serving two lots.* Each private street serving two lots: (i) shall not exceed a 16 percent grade calculated over a distance of 50 feet; (ii) shall have a travelway that is at least ten feet in width; and (iii) shall include a rectangular zone superjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten feet in width and 14 feet in height. The subdivider shall demonstrate to the satisfaction of the county engineer that the street will meet the requirements of this subsection.
 2. *Streets serving three to five lots.* Each private street serving three to five lots shall satisfy the following: (i) vertical centerline curvature shall meet a minimum design K value of five for crest curves and 15 for sag curves; (ii) sight distances shall not be less than 100 feet; (iii) turnarounds shall be provided at the end of each street per American Association of State Highway and Transportation Officials guidelines; (iv) street easements or right-of-way widths shall be 30 feet minimum; and (v) the radius for horizontal curvature shall be 40 feet or greater, unless otherwise authorized by this chapter. Any standard in this paragraph (2) may be reduced to the standard for streets serving two lots where a driveway departs from the street and two lots remain to be served, and a turnaround is provided. In addition, the following shall also apply:
 - (a) *Private streets in the rural areas.* For such private streets in the rural areas: (i) travelway widths shall be 14 feet minimum, with three feet minimum shoulder widths, and a minimum of four feet from the edge of the shoulder to the ditch centerline; (ii) the grade shall not exceed 16 percent calculated over a distance 50 feet; (iii) if the grade of any portion of the street exceeds seven percent, the entire street shall be surfaced as required by Virginia Department of Transportation standards; streets having a grade of seven percent or less may have a gravel surface; and (iv) the street shall have a rectangular zone superjacent to the street that is clear of all obstructions, including any structures and vegetation, that is at least 14 feet in width and 14 feet in height.
 - (b) *Private streets in the development areas.* For such private streets in the development areas: (i) an urban cross-section street design shall be provided, with a minimum width of 20 feet measured from the curb faces or such alternative design, including a street easement or right-of-way width, deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare; additional widths shall be

provided for gutters to control drainage at the discretion of the county engineer; and (ii) the entire street shall be surfaced as required by Virginia Department of Transportation standards.

3. *Streets serving six lots or more.* Each private street serving six or more lots shall satisfy Virginia Department of Transportation standards, provided:
 - (a) *Private streets in the rural areas.* For such private streets in the rural areas, the commission may approve Virginia Department of Transportation standards for mountainous terrain if the subdivider demonstrates, for a specific, identifiable reason, the general welfare, as opposed to the proprietary interests of the subdivider, would be better served by the application of those standards.
 - (b) *Private streets in the development areas.* For such private streets in the development areas, the agent may approve Virginia Department of Transportation standards for mountainous terrain or an alternative standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.
4. *Streets serving family subdivisions.* Each private street authorized to serve a family subdivision under section 14-232(B)(1) shall satisfy the following: (i) easement or right-of-way widths shall be ten feet minimum; and (ii) the surveyor shall include the following wording on the plat: "The existing and/or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a travelway passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of the travelway, as required by section 14-412 of the Albemarle County Code."
- B. *Private streets serving non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses.* Each private street authorized to serve non-residential, non-agricultural, attached residential, multi-unit residential and combined residential and non-residential uses under sections 14-232 or 14-233 shall satisfy Virginia Department of Transportation standards or an alternative standard deemed adequate by the agent, upon the recommendation of the county engineer, to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare. The agent may require minimum travelway widths to provide for on-street parking upon a determination that the provisions for off-street parking may be inadequate to reasonably preclude unauthorized on-street parking.
- C. *Clearing land for improvements.* A private street constructed to Virginia Department of Transportation standards shall not be subject to that department's clear zone requirements.
- D. *Landscaping and other improvements permitted.* Subsequent to construction of a private street, a subdivider may install ornamental plantings and any other improvements provided that they do not conflict with sight distance, drainage facilities or other required improvements.

- E. *Variation or exception.* The standards of sections 14-412(A)(1)(i) and 14-412(A)(2)(a) relating to street easement or right-of-way widths may be varied or excepted by the agent as provided in section 14-203.1, as follows:
1. *Variation of or exception to section 14-412(A)(1)(i).* The agent, with the recommendation of the county engineer and the fire marshal, may vary or except the standard in section 14-412(A)(1)(i) and authorize a street having a grade that exceeds 16 percent if the subdivider demonstrates to the satisfaction of the county engineer and the fire marshal that public safety vehicles would be able to access each lot even though the grade may exceed 16 percent. In developing their recommendation to the agent, the county engineer and the fire marshal shall consider: (i) the length of the segment of the street that would exceed 16 percent; and (ii) whether the segment that would exceed 16 percent would require the public safety vehicle to travel uphill towards each lot. In authorizing such a grade, the agent may impose reasonable conditions to ensure that the public safety vehicles may access the lot including, but not limited to, a condition limiting the maximum length any segment of the driveway may exceed 16 percent.
 2. *Variation of or exception to section 14-412(A)(2)(a).* In reviewing a request for a variation or exception for a lesser street easement or right-of-way width under section 14-412(A)(2)(a), the agent shall consider whether: (i) the subdivision will be served by an existing easement or right-of-way of fixed width that cannot be widened by the subdivider after documented good faith effort to acquire additional width; and (ii) the existing easement or right-of-way width is adequate to accommodate the required travelway and its maintenance. If the variation or exception pertains to minimum street easement or right-of-way widths over an existing bridge, dam or other structure, the agent shall consider whether: (i) the long-term environmental impacts resulting from not widening the bridge, dam or other structure outweigh complying with the minimum width requirements, as determined by the county engineer; or (ii) whether the bridge, dam or other structure is a historical structure.
- F. *Eligibility for future acceptance into the system of state highways.* Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

((§ 18-36: 8-28-74; § 18-36, 9-5-96)(§ 18-37; 8-28-74(part), 3-29-78; 11-2(1)179; § 18-37, 9-5-96); §§ 18-36, 18-37; § 14-514, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02; § 14-412, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 13-14(1), 12-4-13, effective 1-1-14)

State Law reference— Va. Code §§ 15.2-2242(3), 15.2-2242(1), 33.1-72.2.