

ORDINANCE NO. 26-14()

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE II, ADMINISTRATION AND PROCEDURE, DIVISION 5, PROCEDURES FOR THE APPROVAL OF PRIVATE STREETS, SHARED DRIVEWAYS AND ALLEYS, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, DIVISION 1, PLAT REQUIREMENTS, ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, DIVISION 1, LOTS AND BLOCKS, DIVISION 2, STREETS AND ALLEYS, DIVISION 3, WATER, SEWERS AND OTHER IMPROVEMENTS OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 14, Subdivision of Land, Article II, Administration and Procedure, Division 5, Procedures for Approval of Private Streets, Shared Driveways and Alleys, Article III, Subdivision Plat Requirements, Article IV, On-Site Improvements and Design, Division 1, Lots and Blocks, Division 2, Streets and Alleys, Division 3, Water, Sewers and Other Improvements is hereby reordained and amended as follows:

By Amending:

- Sec. 14-234 Procedures to authorize private street and related matters
- Sec. 14-302 Contents of preliminary plat
- Sec. 14-307 Stream crossings
- Sec. 14-404 Lot location to allow access from lot onto street or shared driveway
- Sec. 14-409 Coordination and extension of streets
- Sec. 14-410 Standards for all streets and alleys
- Sec. 14-422 Sidewalks and planting strips

Chapter 14: Subdivision of Land

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Article II. Administration and Procedure

Division 5. Procedures for the Approval of Private Streets, Shared Driveways and Alleys

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Sec. 14-234 Procedures to authorize private street and related matters.

~~Requests~~ Proposals under [sections 14-232](#) and [14-233](#) shall be submitted, processed and acted upon as follows:

- A. A subdivider ~~shall~~ must submit a ~~request~~ proposal in writing to the agent at the time of the submittal of the preliminary plat or may, within the development areas, submit the written request prior to submittal of a preliminary plat or with an application to rezone the land.
 - 1. The ~~request~~ proposal ~~must~~ shall state the reasons and justifications for the ~~request~~ proposal, and ~~shall~~ must particularly address one or more applicable bases for granting the ~~request~~ proposal as identified in [sections 14-232](#) or [14-233](#), and each of the five findings identified in paragraph (C) required to be made.

(a) The request shall must include: (i) a map of the subdivision having contour intervals of not greater than 20 feet showing the horizontal alignment; (ii) field-run profiles and typical cross-sections of the proposed streets; (iii) the maximum number of lots to be served by each private street; and (iv) documentation explaining how the perpetual maintenance of the private street including, within the development areas, the curb, curb and gutter, sidewalks, and planting strip landscaping will be funded, and identifying the person or entity that will be responsible for maintaining the improvements. The county engineer may waive the requirement for the field-run profile in the case of an existing street or where deemed appropriate due to topography, or if the topographic map is based on aerial or field collected data with a contour interval accuracy of five vertical feet or better. A request under [section 14-232\(A\)\(1\)](#) shall must include earthwork computations demonstrating significant degradation.

(b) If the request proposal is made prior to submittal of a preliminary plat or with an application to rezone the land, it also shall must include: (i) a justification for the request proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, streamriparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; (vii) proposed private street profiles; and (viii) the maximum number of lots to be served.

(8-28-74; § 18-36, 9-5-96; § 14-234, Ord. 98-A(1), 8-5-98; § 14-233 (part); Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; [Ord. 22-14\(1\)](#), 2-16-22, [Ord. 26-14\(\)](#), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [15.2-2242\(3\)](#).

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Article III Subdivision Plat Requirements and Documents to be Submitted Division 1. Plat Requirements

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Sec. 14-302 Contents of preliminary plat.

A preliminary plat shall must contain the following information:

A. A preliminary plat shall must contain the following information, which must be included in order for a preliminary plat to be deemed complete under [section 14-218](#):

1. *Name of subdivision.* The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the eCounty, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.
2. *Vicinity map.* A map at a scale of one inch equal to 2,000 feet showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for

which a final plat has been approved, in detail adequate to describe the location of the property without field review.

3. *Existing or platted streets.* The location, width and names of all existing or platted streets and all other rights-of-way.
4. *Private easements.* The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.
5. *Public easements.* The location and dimensions of all existing and proposed public easements outside of a street right-of-way. Existing easements shall be labeled with the deed book and page number and the name of the public owner of record. Proposed easements shall be labeled as "dedicated to public use."
6. *Alleys and shared driveways.* The location and dimensions of all easements for alleys and shared driveways.
7. *Existing and departing lot lines.* If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.
8. *Proposed lots.* The number, approximate dimensions, and area of each proposed lot.
9. *Building sites on proposed lots.* The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 18-4.2. The plat shall also contain the following note: "Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with [section 4.2.1](#) of the Albemarle County Zoning Ordinance."
10. *Right of further division of proposed lots.* The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 18-10.3.1, if applicable. The plat shall also contain the following note: "Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is retaining [number] development rights and when further divided it shall not consist of more than [number] acres." Development rights need not be assigned to a special lot.
11. *Instrument creating property proposed for subdivision.* The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.
12. *Topography.* Existing topography at the time of plat submittal at up to 20 percent slope, with a contour interval that is not greater than the interval on aerial topography available from the county. The source of topography, including survey date and name of the

licensed professional; or a statement that topography data provided by the county was used Proposed grading, with a contour interval equal to the intervals of the existing topography, supplemented where necessary by spot elevations; areas of the site where existing slopes are steep slopes. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than 50 feet outside of the site unless otherwise approved by the agent. For property in the rural areas zoning district, the proposed grading shall show all grading on each proposed lot, including access, clearing and all other lot improvements.

13. *Proposed facilities.* The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.
14. *Land to be dedicated in fee or reserved.* The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.
15. *Identification of all owners and certain interest holders.* The names and addresses of each owner of record and holders of any easements affecting the property.
16. *Dam break inundation zones.* The limits of a dam break inundation zone.

B. A preliminary plat ~~shall~~must also contain the following information, provided that the preliminary plat ~~shall is not be deemed~~ incomplete for purposes of [section 14-218](#) if it does not include this information in the initial plat submittal:

1. *General information.* The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.
2. *Name of plat preparer.* The name of the person who prepared the plat.
3. *Public areas, facilities or uses.* The location of all areas shown in the comprehensive plan as proposed sites for public areas, facilities or uses, as described in Virginia Code § [15.2-2232](#), which are located wholly or in part within the property.
4. *Places of burial.* The location of any grave, object or structure marking a place of burial located on the property.
5. *Zoning classification.* The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
6. *Tax map and parcel number.* The eCounty tax map and parcel number of the property.

7. *Reservoir watershed; agricultural-forestal district.* A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.

8. *Yards.* The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.

9. *Floodplain and related information.* If [section 30.3](#), flood hazard overlay district, applies to any portion of the site, United States Geological Survey vertical datum shall be shown and/or correlated to plat topography and show existing and proposed ground elevations. The boundaries of the flood hazard overlay district, the base flood elevation on the site, the elevation of the lowest floor, including any basement, and for any structures to be flood-proofed as required by [section 30.3](#), the elevation to which the structures will be flood-proofed.

10. *Stream Riparian buffers.* The location of ~~stream~~riparian buffers required by the ~~water protection~~ zoning ordinance, with the following note: "The stream riparian buffer(s) shown hereon shall must be managed in accordance with the applicable standards of Albemarle County Code Water Protection Ordinance."

(8-28-74; 2-4-81; § [18-5\(2\)](#) 9-5-96; § 14-302, Ord. 98-A(1), 8-5-98; Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; Ord. [08-14\(1\)](#), 2-6-08; Ord. [11-14\(1\)](#), 6-1-11; Ord. [13-14\(1\)](#), 12-4-13, effective 1-1-14; Ord. [14-14\(1\)](#), 3-5-14; Ord. [14-14\(2\)](#), 3-5-14; Ord. 26-14 (), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [15.2-2241\(1\)](#), [15.2-2258](#), [15.2-2262](#).

Federal law reference—44 CFR § 60.3(b)(3).

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Article III Subdivision Plat Requirements and Documents to be Submitted
Division 2. Documents and Information to be Submitted with Preliminary or Final Plat

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Sec. 14-307 - Stream crossings.

If any lot within the subdivision would be served by a street or driveway crossing a perennial or intermittent stream, the subdivider shall must submit with each preliminary plat or, if none, with each final plat, the information required to show that the stream crossing would satisfy the requirements of section ~~18-4.23~~ 17-320(D) or, in the alternative, ~~section 17-321(4)~~.

(Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; Ord. [13-14\(1\)](#), 12-4-13, effective 1-1-14; Ord. 26-14 (), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [62.1-44.15:73](#).

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Article IV On-Site Improvements and Design
Division 1. Lots and Blocks

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Sec. 14-404 - Lot location to allow access from lot onto street or shared driveway.

Each lot within a subdivision shall be located as follows:

- A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.
- B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a variation or exception under subsection (D) and [section 14-203.1](#); (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in [sections 14-410\(F\)](#) and [14-410\(G\)](#); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the variation or exception does not violate any covenants to be recorded for the subdivision.
- C. *Lots exempt from requirements of subsections (A) and (B).* The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.
- D. *Standards for variation or exception.* ~~The requirement of s~~ Subsection (A) may be varied or excepted by the agent as provided in section 14-203.1. A request proposal for a variation or exception may be made prior to or with submittal of a preliminary or final plat, as follows:
1. *Information to be submitted.* A request proposal ~~shall~~ must include a justification for the variation or exception and a conceptual plan. The conceptual plan ~~shall~~ must: (i) be drawn at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, ~~stream~~ riparian buffers, steep slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.
 2. *Consideration.* In reviewing a request proposal for a variation or exception and determining whether the findings provided in section 14-203.1 can be made, the agent ~~shall~~ will consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, ~~stream~~ riparian buffers, steep slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October

14, 2009; (iii) granting the variation or exception would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the a variation or exception would facilitate development of areas identified in the open space plan as containing significant resources.

E. *Terms defined.* For purposes of this section, the term "reasonable access" means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term "within the subdivision" means within the exterior boundary lines of the lands being divided.

((§ 14-500(C): (§ 18-29(part), 8-28-74; 9-5-96)(§ 18-34(part), 8-28-74; 9-5-96);§§ 18-29, 18-34; § 14-500; Ord. 98-A1, 8-5-98; Ord. [02-14\(1\)](#), 2-6-02) (§ 14-505: (§ 18-36 (part): 8-38-74; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-36, 18-39; § 14-505, Ord. 98-A(1), 8-5-98); §§ 14-500(C), 14-505; § 14-404, Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; Ord. [09-14\(2\)](#), 10-14-09; Ord. [10-14\(1\)](#), 2-10-10; Ord. [13-14\(1\)](#), 12-4-13, effective 1-1-14; Ord. [14-14\(2\)](#), 3-5-14, Ord. 26-14 (), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [15.2-2241\(5\)](#), [15.2-2242\(1\)](#).

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Article IV On-Site Improvements and Design

Division 2. Streets and Alleys

Sec. 14-409 Coordination and extension of streets.

Public streets within the development areas shall must be coordinated and extended as follows:

- A. *Coordination.* All public streets within a subdivision shall must be coordinated as to location, width, grades and drainage with other public streets, as follows: (i) by coordinating with existing or planned streets within the general area of the subdivision, including but not limited to existing or future adjacent subdivisions, or subdivisions contiguous to such adjacent subdivisions; and (ii) by continuing the public streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right of way adequate to accommodate continuation of the streets.
- B. *Extension.* All public streets within a subdivision shall must be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the subdivision with a temporary turnaround. The arrangement of the public streets shall must provide adequate access to adjoining lands within the subdivision where necessary to provide for the orderly development of the eCounty including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.
- C. *Variation or exception by commission of coordination requirement.* The requirements of subsection (A) may be varied or excepted by the commission as provided in section 14-

203.1. A request proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request proposal is made, it ~~shall~~ must include:
 - (i) a justification for the request proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of the nearest development and rural area boundaries, and the maximum number of lots proposed in the subdivision.
2. *Consideration.* In reviewing a request proposal for a variation or exception under section 14-203.1, the commission ~~shall~~ will consider: (i) the engineering requirements for coordination and connection; (ii) whether the need for coordination and connection outweighs the impacts on environmental resources such as streams, stream riparian buffers, steep slopes, and floodplain; (iii) whether the street would and should be extended into the rural areas; (iv) whether there is an alternative street connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the neighborhood model, and the applicable neighborhood master plan; and (v) whether the variation or exception would enable a different principle of the neighborhood model to be satisfied to a greater extent so that the overall goals of the neighborhood model are more fully achieved.

D. *Variation or exception by agent of extension requirement.* The requirements of subsection (B) may be varied or excepted by the agent as provided in section 14-203.1. A request proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request proposal is made, it ~~shall~~ must include: (i) a justification for the request proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) identification of the location of the nearest development and rural area boundaries and the maximum number of lots proposed in the subdivision.

2. *Consideration.* In reviewing a ~~request~~ proposal for a variation or exception under section 14-203.1, the agent ~~shall~~ will consider whether: (i) extending the street to the abutting property line would require offsite easements; (ii) the need for the extension outweighs the impacts on environmental resources such as streams, streamriparian buffers, steep slopes, and floodplain; (iii) alternative connections to the abutting lands from a different location would provide a better connection; (iv) the subdivider would contribute to the cost to complete the extension to the abutting property line when the adjoining lands are developed, and how; and (v) the street would be extended into the rural areas.

3. *Requirements if variation or exception granted.* If the agent grants the variation or exception: (i) the public street ~~shall~~ must be constructed past the point at which the primary structures on the lots abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than 30 feet beyond the curb line or ditch line on those lots; (ii) the subdivider ~~shall~~ must dedicate the required right of way to the abutting property line, along with all easements required to allow the street connection to be constructed in the future; (iii) the required easements ~~shall~~ must prohibit any improvements being established therein; (iv) the subdivider ~~shall~~ must provide a surety guarantee or an escrow of funds for its share of the cost to complete the extension if determined by the agent to be necessary; the type of surety guarantee or the escrow ~~shall~~ must be acceptable to the eCounty eEngineer and be approved by the eCounty aAttorney; and (v) the agent may require that the subdivider install and maintain a sign at the end of the constructed portion of the street stating that the street is a future through street, and that the sign is maintained until the eCounty grants final approval of extending the street to the abutting property.

(8-28-74; 3-29-78; 11-2(1)179; § 18-37, 9-5-96; § 14-510, Ord. 98-A(1), 8-5-98; § 14-409, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 26-14 (), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(2), (4), 15.2-2242(1).

Sec. 14-410 Standards for all streets and alleys

The following minimum design standards ~~shall~~ apply to all streets and alleys within a subdivision:

- A. *Layout.* Each street ~~shall~~ must be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of steep slopes and natural drainage areas, and to provide vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands, as provided in section 14-409.

- B. *Angle of intersection.* An angle of intersection of not less than 80 degrees is acceptable; however, a perpendicular intersection, where practical, is preferred. The eCounty eEngineer may grant an exception to this requirement for a private street in accord with American Association of State Highway and Transportation Officials guidelines.

- C. *Temporary turnarounds.* Streets more than 300 feet in length from an intersection, or proposed to serve more than four dwelling units that terminate temporarily shall must be provided with a temporary turnaround meeting American Association of State Highway and Transportation Officials guidelines. The temporary turnaround shall must be extended to the abutting property line unless a waiver is granted as provided in section 14-409(D). The temporary turnaround shall must exist until the street extensions are accepted into the secondary system of state highways.
- D. *Alleys.* Alleys with a right-of-way or easement width of not less than 20 feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications shall must be determined by the eCounty eEngineer, subject to the following: (i) the alley design shall must allow emergency services vehicles such as police cars and ambulances to use the alley; and (ii) an alley need not be designed to accommodate the largest emergency services vehicles, except that if firetrucks do not have adequate access to one or more lots from a street, the eCounty eEngineer shall must require that the alley be designed to accommodate firetrucks. The agent may authorize an alley to be established with a right-of-way or easement width of less than 20 feet if the eCounty eEngineer determines that the proposed design incorporates features that assure public safety and welfare. The eCounty eEngineer shall will consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. Alley rights-of-way may either be established as privately held fee simple interests or as privately held easements.
- E. *Reserved or spite strips.* Reserved or spite strips restricting access from adjoining lands to an existing or future street or alley shall are not be permitted; provided that nothing herein shall may prohibit areas for scenic planting and landscaping where adequate access to the adjoining lands is otherwise available.
- F. *Principal means of access to subdivision.* The principal means of access to a subdivision shall must be either a public street or a private street. The principal means of access shall must conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private street, to the standards of the eCounty as set forth in section 14-412, throughout the street's length, including any distance between the boundary of the subdivision and any existing public street. If discharge water of a 25-year storm could be reasonably anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential subdivision, the following shall will also apply:
1. The principal means of access shall must be designed and constructed so as to provide unobstructed access at the time of flooding; and/or
 2. An alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the subdivision shall must be constructed.
- G. *Drainage.* Adequate drainage control shall must be provided for streets by installing culverts under streets; side, lead, or outlet ditches; catch basins; curb inlets; or any other devices,

including piping, as determined to be necessary by the eCounty eEngineer. All of these improvements ~~shall~~must meet the standards of the eCounty or, in the event no eCounty standards exist, Virginia Department of Transportation standards.

- H. *Curb, curb and gutter, sidewalks and planting strips.* In the development areas, streets ~~shall~~ must be constructed with curb or curb and gutter, sidewalks and planting strips. Sidewalks and planting strips ~~shall~~ must be designed and constructed in compliance with section 14-422.
- I. *Variation of or exception to requirement for curb or curb and gutter.* The requirement for curb or curb and gutter may be varied or excepted by the commission as provided in section 14-203.1. A request proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a request proposal is made, it ~~shall~~ must include: (i) a justification for the request proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, ~~stream~~ riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the maximum number of lots to be served by the rural cross-section street, the location of the nearest development and rural area boundaries, and a cross-section of existing streets to which the proposed subdivision streets would be extended, if any.

2. *Consideration.* In reviewing a request for a variation or exception under section 14-203.1 to allow a rural cross-section (no curb and no curb and gutter) instead, the commission ~~shall~~ may consider: (i) the number of lots in the subdivision and the types of lots to be served; (ii) the length of the street; (iii) whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section; (iv) the proximity of the subdivision and the street to the boundaries of the development and rural areas; (v) whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands; (vi) whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan; (vii) whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and (viii) whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.

((§ 18-37: 8-28-74; 3-29-78; 11-2(1)179; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-37, 18-39; § 14-512, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02, § 14-410, Ord. 05-

14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14(), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(4), 15.2-2242(1), 15.2-2242(3).

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**Article IV On-Site Improvements and Design
Division 3. Water, Sewers and Other Improvements**

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Sec. 14-422 Sidewalks and planting strips.

Sidewalks and planting strips shall be provided as follows:

A. *Requirement.* Sidewalks and planting strips for street trees and other vegetation shall ~~shall~~ must be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.

B. Sidewalk design. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. The agent may allow privately maintained sidewalks to be a ten-foot multi-use asphalt path in unique circumstances such as a path leading to a school or major employment center. The asphalt path generally shall run parallel to the street and shall be constructed to a 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.

C. Sidewalk ownership. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be dedicated to public use. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association for ownership and maintenance. The agent may require that a sidewalk proposed by the subdivider to be privately maintained instead be dedicated to public use if the agent determines there is a need for the sidewalks to be publicly owned and maintained.

D. Planting strip design. Each planting strip shall be a minimum of six feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.

E. Variation of or exception to sidewalk requirements. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.

2. Consideration. In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

F. Variation of or exception to planting strip requirements. The requirements for planting strips may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.

2. Consideration. In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master

plan; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(8-28-74; 5-10-77; 10-19-77; § 38-39, 9-5-96; § 14-422, Ord. 98-A(1), 8-5-98, § 14-525; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14 (), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(5), 15.2-2242(1).

This ordinance will be effective on and after September 1, 2026.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on June 17, 2026.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Gallaway	_____	_____
Ms. Duncan	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Mr. Missel	_____	_____
Mr. Pruitt	_____	_____