

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**O-16-21**

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12<sup>th</sup> day of July, 2021:

| Present:              | Vote: |
|-----------------------|-------|
| Patricia Paige        | Aye   |
| Ron Stiers            | Aye   |
| John N. Lockwood      | Aye   |
| C. Thomas Tiller, Jr. | Aye   |
| Thomas W. Evelyn      | Aye   |

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Motion was made by Mr. Tiller, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND  
SECTION 91-103 OF THE NEW KENT COUNTY CODE**

WHEREAS, the Virginia Department of Transportation's guidelines for the acceptance of low volume roads and subdivisions have been updated to greater standards than what is in Section 91-103 of the Subdivision Ordinance; and

WHEREAS, the intent of the proposed text amendment is to align with VDOT's guidelines on low volume roads and subdivision streets; and

WHEREAS, the Planning Commission is charged with reviewing and recommending Code/Ordinance changes to the Board of Supervisors when such changes affect the Land Development sections of the Code, and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on June 21, 2021, carefully considered the public comment received, and voted 8:0 to recommend approval of these Ordinance amendments; and

WHEREAS, the Ordinance Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

NOW THEREFORE, BE IT ORDAINED this, the 12<sup>th</sup> day of July, 2021, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

**Sec. 91-103. - Private streets.**

Private streets may be authorized by the agent in accordance with the applicable provisions of the zoning ordinance as it applies to ~~planned developments~~, cluster subdivisions, ~~and~~ attached residential development, and shopping centers. Where authorized, private streets shall conform to the following requirements:

(1) The geometric standards contained in section 91-94 shall be met or exceeded, provided however that the agent may approve minor deviations where the resulting design is clearly equal to or superior to that which would otherwise result. Geometric requirements for private streets shall extend to the nearest public street to which it connects directly or indirectly.

2) The construction standards contained in section 91-95 shall be met or exceeded. ~~Where unique or nonstandard surface treatments are proposed, the agent may approve deviation from the standards provided that the subdivider provides evidence, certified by a professional engineer, that the proposed alternative will have the same or reduced maintenance requirements as would the otherwise required surface treatment.~~ Construction standards for private streets shall extend to the nearest public street to which it connects directly or indirectly.

(3) A duly constituted property owners' association shall be vested with ownership of and maintenance responsibility for private streets at the time of recordation. The subdivider shall provide initial funding to the property owners' association for the maintenance of private streets in the amount of 15 percent of the actual construction cost of such private streets.

(4) As provided by Section 15.2-2242.3, Code of Virginia, each plat on which such a private street is shown shall contain, in addition to all other required notations and certifications, the following notation prominently displayed in, at minimum, 12-point lettering:

THE STREET(S) SHOWN HEREON IS/ARE PRIVATE, MAY NOT MEET STATE STANDARDS, AND WILL NOT BE MAINTAINED BY EITHER THE COMMONWEALTH OF VIRGINIA OR NEW KENT COUNTY. MAINTENANCE OF THE ROAD(S) AND RIGHT(S)-OF-WAY SHOWN HEREON IS/ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION FOR THE LOTS CREATED BY THIS PLAT.

Grantors of any subdivision lot to which the above statement applies must include the statement on each subsequent deed of conveyance thereof.

(5) The subdivider shall be required to guarantee and post surety for the construction of any private streets authorized herein.

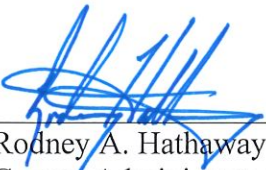
(6) Private streets shall be inspected at the expense of the subdivider both during and after construction by an independent testing and engineering firm to ensure that the road design and construction meets or exceeds the standards of the department of transportation for public roads of the same class and volume. Certification to this effect

by an engineer licensed in Virginia shall be submitted to the agent together with relevant logs and reports prior to the issuance of a certificate of occupancy for any structure having its sole access from a private street.

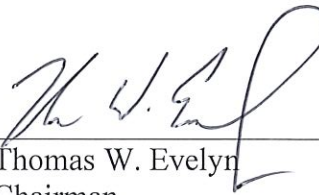
(7) Existing non-standard private streets and driveways may not be extended to provide access to additional lots except and unless brought to the geometric and construction standards contained herein.

(Ord. No. O-03-05(R), 3-14-2005)

Attest:



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Rodney A. Hathaway  
County Administrator



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Thomas W. Evelyn  
Chairman