



Department of Planning, Zoning & Environmental Programs

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M E M O R A N D U M

TO: Policy File

FROM: Anne Ducey-Ortiz, AICP, Planning Director

DATE: March 2021 (Originally endorsed by the Planning Commission on May 5, 2010)

SUBJECT: Updated Policy for Private Road Requirements for Subdivisions of Property for Non-Residential Purposes Pursuant to 15.14.1(c)

In August 2006, the Subdivision Ordinance was revised to include standards for private roads permitted by sections 15-31(c) and 15-3.2. While section 15-3(c) of the Subdivision Ordinance does not differentiate the subdivision of lots for residential development as compared to other uses, other sections of the Ordinance, such as Section 15-14.1, related to septic requirements, and Section 15-21, related to residential zoning, contemplate the practicality that land may be divided for purposes other than residential development. Section 15-14.1, in particular, was amended in 2006 to include a provision for lots over 20 acres to be created without the requirement for sewage disposal in consideration of land divided for agriculture and forestry. This section was revised again in 2015 to apply to lots over 5 acres in size.

Under Section 15-14.1(c) of the Ordinance, the following is applied:

- (2) The owner certifies to the agent that no development requiring a sewage disposal system will be proposed or implemented until a method of sewage disposal approved by the county and the Virginia Department of Health is provided; and
- (3) The following notation is prominently displayed on the plat in, at a minimum, 12-point lettering:

NO DEVELOPMENT SHALL OCCUR ON LOT _____ AS SHOWN ON THIS PLAT THAT, BY LAW, REQUIRES A SANITARY SEWAGE DISPOSAL SYSTEM UNTIL SUCH TIME AS A SYSTEM SHALL BE SUBMITTED TO AND APPROVED BY THE COUNTY OF GLOUCESTER AND THE VIRGINIA DEPARTMENT OF HEALTH.

The purpose of the Subdivision Ordinance as provided in Section 15-2 is *“to establish certain subdivision standards and procedures for Gloucester County. These procedures are part of a long-range plan to guide and facilitate the orderly, beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, **the purposes of these standards and procedures are to provide a guide for the change that occurs when land and acreage become urban in character as a result of development for residential, business or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use, to implement the comprehensive plan, and to make possible the provision of public services in a safe, adequate and efficient manner**, as provided in Section 15.2-2240 of the Code of Virginia, 1950, as amended.”* (emphasis added)

The Comprehensive Plan calls for the protection of the rural character and economy in rural areas of the County. In order to protect and preserve existing farm and forestal land, agricultural zoning districts were created to limit the amount of residential development and encourage the continued rural uses of the land. As a result, when land is divided pursuant to the criteria of Section 15.14.1(c) **thereby establishing that no development will occur on the lot(s) created by the plat until a sewage disposal is provided**, the road improvement requirements of Section 15-31(c) should also not be applicable until such time as development occurs.

Therefore, the following policy will apply when a lot is created pursuant to Section 15.14.1(c) and 15.31(c):

The private road serving the lot is not required to be improved or a surety posted prior to final plat approval, provided that the following notation is prominently displayed on the plat in, at a minimum, 12-point lettering:

AT THE TIME OF ANY DEVELOPMENT ON LOT _____ AS SHOWN ON THIS PLAT, A DRIVEWAY SHALL BE CONSTRUCTED WITHIN THE EASEMENT OF RIGHT OF WAY, CONSISTING OF, AT A MINIMUM, AN ALL-WEATHER SURFACE OF ROCK, STONE, OR GRAVEL, AND A MINIMUM WIDTH OF TEN (10) FEET. THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THOSE HAVING A RIGHT TO USE THE RIGHT-OF-WAY IN A CONDITION PASSABLE BY EMERGENCY VEHICLES AT ALL TIMES. THIS PROVISION SHALL BE INCLUDED IN THE DEEDS OF ALL PARCELS TO WHICH THIS STATEMENT APPLIES.