

At a meeting of the Gloucester County Board of Supervisors held on July 5, 2006 in the Board Room in the Colonial Courthouse, Gloucester, Virginia: On a motion duly made by _____, and seconded by _____, the following Ordinance was adopted by the following vote:

John J. Adams, Sr., _____
Charles R. Allen, Jr., _____
Teresa L. Altemus, _____
Burton M. Bland, _____
Michelle Ressler, _____
Christian D. Rilee, _____
Louise Theberge, _____

AN ORDINANCE TO AMEND AND REENACT CHAPTER 15 OF THE GLOUCESTER COUNTY CODE (THE "SUBDIVISION ORDINANCE") BY AMENDING SECTIONS 15-14 ENTITLED "PUBLIC SEWER" AND 15-15 ENTITLED "PUBLIC WATER" TO REQUIRE PUBLIC SEWER AND WATER FOR LOTS LESS THAN TWO (2) ACRES IN SIZE.

WHEREAS, the Planning Commission held a public hearing on June 1, 2006 on suggested amendments to the Subdivision Ordinance to require public sewer and water for lots less than two (2) acres in size and has forwarded recommended amendments to the Board of Supervisors for consideration; and

WHEREAS, the Board finds that it is in the best interest of public health, safety, and welfare of the citizens of Gloucester County to require public sewer and water for lots less than two (2) acres in size; and

WHEREAS, the Board has held a duly advertised public hearing on July 5, 2006, to receive and consider public comment on this issue.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Gloucester County Board of Supervisors this 5th day of July 2006, that Chapter 15 of the Gloucester County Code entitled "Subdivisions" be, and it hereby is, amended as follows:

Amend Sections 15-14 and 15-15 to read as follows:

Sec. 15-14. Public sewer.

~~Under the following conditions, Proposed subdivisions specified in this section shall be served by public sewer. Ssewer lines shall be extended and connections provided to all lots within the subdivision, in accordance with the specifications of the department of public utilities. , regardless of whether immediate connection is made to the public sewer system. If the public sewer system abuts the subdivision, immediate connection shall be required. If the public sewer system does~~

SUBDIVISION, UTILITY and ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

~~not abut the subdivision, connection shall be required at such time as the system is extended to the boundaries of the subdivision; in the interim, private sewage disposal systems shall be used, provided such systems meet all applicable requirements of the state health department and other agencies, and shall be maintained by means acceptable to the governing body. Conditions requiring provisions of sewer lines~~ **Public sewer service is required when:**

- ~~(1) Where~~ (1) The public sewer system abuts the subdivision, or
- (2) **Any lot within the subdivision is less than two (2) acres in area.**
- ~~(2) Where not density is equal to or greater than one (1) housing unit per two (2) acres, and the public sewer system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan, or~~
- ~~(3) Within the development district, and the public sewer system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan.~~

~~Where provision of public sewer infrastructure is required, the subdivider shall be required to pay a pro rata share of the cost of providing facilities located outside the property limits of the subdivision, but necessitated, at least in part, by the construction of the subdivision, subject to the following conditions:~~

- ~~(1) The county has established a general sewer improvement program for an area having related and common sewer conditions.~~
- ~~(2) The subdivider's property is located within said designated area covered by such program.~~
- ~~(3) The estimated cost of the total sewer improvement program has been determined.~~
- ~~(4) The estimated sewerage flow has been established for the designed area served by such program.~~

~~The subdivider's share of the above estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased sewage flow to be actually caused by the subdivision bears to the total estimated volume from such area in its fully developed state.~~

~~Each such payment received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established sewer program; however, in lieu of such payment the governing body may provide for the posting of a bond with surety satisfactory to the county conditioned on payment at commencement of such construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the improvement program is not commenced within twelve (12) years from the date of the posting of the performance guarantee.~~

SUBDIVISION, UTILITY and ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

Sec. 15-15. Public water.

Proposed subdivisions specified in this section shall be served by public water. ~~Where the director of public utilities determines that sufficient public water supply capacity is available, and under the following conditions, w~~Water lines shall be extended **and connections provided** to all lots within the subdivision, in accordance with the specifications of the department of public utilities. ~~—, regardless of whether immediate connection is made to the public water system. If the public water system abuts the subdivision, immediate connection shall be required. If the public water system does not abut the subdivision, connection shall be required at such time as the system is extended to the boundaries of the subdivision; in the interim, private water supply systems shall be used, provided such systems meet all applicable requirements of the state health department and other agencies and shall be maintained by a means acceptable to the governing body. Conditions requiring provision of water lines:~~ **Public water service is required when:**

- ~~(1) Where~~ (1) ~~t~~The public water system abuts the subdivision. or
- (2) **Any lot within a subdivision is less than two acres in area.**
- ~~(2) Where not density is equal to or greater than one (1) housing unit per two (2) acres, and the public water system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan, or~~
- ~~(3) Within the development district, and the public water system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan.~~

~~Where provision of public water infrastructure is required, the subdivider shall be required to pay a pro rata share of the cost of providing facilities located outside the property limits of the subdivision, but necessitated, at least in part, by the construction of the subdivision, subject to the following conditions:~~

- ~~(1) The county has established a general water improvement program for an area having related and common water conditions.~~
- ~~(2) The subdivider's property is located within said designated area covered by such program.~~
- ~~(3) The estimated cost of the total water improvement program has been determined.~~
- ~~(4) The estimated water flow has been established for the designated area served by such program.~~

~~The subdivider's share of the above estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water flow to be actually caused by the subdivision bears to the total estimated volume from such area in its fully developed state.~~

~~Each such payment received shall be expended only for necessary engineering and related studies and the construction of those facilities identified in the established water program; however, in lieu of such payment the governing body may provide for the posting of a bond with surety satisfactory to the county conditioned on payment at commencement of such construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All bonds, payments, cash escrows, or other performance guarantees hereunder shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the improvement program is not commenced within twelve (12) years from the date of the posting of the performance guarantee.~~

A Copy Teste:

William H. Whitley, County Administrator

At a meeting of the Gloucester County Board of Supervisors held on July 5, 2006 in the Board Room in the Colonial Courthouse, Gloucester, Virginia: On a motion duly made by _____, and seconded by _____, the following Ordinance was adopted by the following vote:

John J. Adams, Sr., _____
Charles R. Allen, Jr., _____
Teresa L. Altemus, _____
Burton M. Bland, _____
Michelle Ressler, _____
Christian D. Rilee, _____
Louise Theberge, _____

AN ORDINANCE TO AMEND AND REENACT CHAPTER 19 OF THE GLOUCESTER COUNTY CODE ENTITLED "WATER, SEWERS AND SEWAGE" BY AMENDING SECTION 19-50 ENTITLED "APPLICATION FOR SERVICE; REQUIREMENTS" AND SECTION 19-125 ENTITLED "PERSONS AND FIRMS REQUIRED TO APPLY FOR CONNECTION TO PUBLIC WATER SUPPLY" TO CONFORM TO SUBDIVISION AND ZONING AMENDMENTS REQUIRING PUBLIC SEWER AND WATER FOR LOTS LESS THAN TWO (2) ACRES IN SIZE.

WHEREAS, in conjunction with proposed Subdivision and Zoning Ordinance amendments the Planning Commission held a public hearing on June 1, 2006 on suggested amendments to Chapter 19 of the Gloucester County Code to conform Chapter 19 to other ordinance amendments to require public sewer and water for lots less than two (2) acres in size and has forwarded suggested conforming amendments to the Board of Supervisors for consideration; and

WHEREAS, the Board finds the recommended changes to be appropriate; and

WHEREAS, the Board has held a duly advertised public hearing on July 5, 2006, to receive and consider public comment on this issue.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Gloucester County Board of Supervisors this 5th day of July 2006, that Chapter 19 of the Gloucester County Code entitled "Water, Sewers and Sewage" be, and it hereby is, amended as follows:

Amend Section 19-50 of the County Code to read as follows:

Sec. 19-50. Application for service; requirements.

a) Application and development fees: Applications for sewage service shall be made in writing on forms provided by the director of the department of public utilities. Application shall be made at the office of the director by the owner or agent of the premises to be served, at which time the following application and development fees shall be paid.

**SUBDIVISION, UTILITY & ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES**

TABLE INSET:

Meter size (inches)	Application Fee	Development Fee
3/4	\$2,800.00	\$1,200.00
1	4,500.00	3,000.00
1 1/2	9,000.00	5,000.00
2	13,500.00	9,000.00
3	18,000.00	12,000.00
4	22,500.00	15,000.00
6	37,000.00	25,000.00
8	67,500.00	30,000.00
Multifamily dwellings including duplexes, condominiums, apartments and townhouses	2,800.00/unit	1,200.00/unit

When the number or size of an existing meter is increased, then the difference between the present application and development fee costs and the new application and development fee costs shall be paid.

An application fee shall be assessed all applications. Its payment grants the applicants authorization to connect to the system and covers payment for back-up facilities. These fees are intended to help defray the capital costs of providing equipment necessary to continue operation of the county sewage facilities. When a building with an existing connection or authorization to connect is razed or removed, a building subsequently erected on the same premises shall not be considered a new connection and no application fee shall be assessed except to the extent an increased fee is due for an increase in the size of the service as otherwise provided.

A development fee shall be assessed all applications. These fees are to be used for the expansion of the public water and sewer system as deemed appropriate by the board of supervisors. The development fee may be waived in cases where the county extends sewer service and requires connection to the system of any existing building(s), if the applicant does so within one hundred and eighty days (180) of the announcement of service availability. When a building with an existing connection or authorization to connect made or granted on or after July 1, 2002, is razed or removed, a building subsequently erected on the same premises shall not be considered a new connection and no development fee shall be assessed except to the extent an increased fee is due for an increase in the size of the service as otherwise provided.

The applicant shall construct and pay for all local and remote facilities in accordance with subsection (e) below. When requested by the applicant, and when the work could be accomplished within the capability and existing workload of the

SUBDIVISION, UTILITY & ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

department of public utilities, the director may construct local facilities for an applicant charging the applicant a local facilities fee calculated to cover time and materials, plus twenty (20) percent for miscellaneous costs. Normally such construction would be limited to a service lateral on a residential street.

(b) *Sewer lateral size.* The size of the sewer lateral installed to the main sewer shall be determined by the director of the department of public utilities.

(c) *Service provided.* Sewer service is only provided by the county sewer system to the property line of any premises supplied with sewer service. All application rules and regulations of the Hampton Roads Sanitation District shall apply to sewer service provided through the facilities of the county sewer system.

Basement drains or drains connecting fixtures located below the level of the ground surrounding the building shall not be connected to the sewer unless the owner provides positive protection against the danger of flooding due to sewer blockages, such as through the use of such devices as pumps, check valves, etc. In any case, no back-up of sewage into any portion of a building or residence shall impose any liability therefore upon the board of supervisors, the county administrator, or the director of department of public utilities.

(d) *Location and manner of connection.* The location of all connections is to be determined by the director. All connections shall be made with the approval and under the supervision of the director.

Each individual building, be it a residence or a place of business, receiving sewer service shall have a separate lateral to the sewer main whether or not owned by the same person or persons occupying the same lot or lots. For the purpose of this article, an outbuilding shall not be considered an individual residence unless it is used as a dwelling.

(e) *Plans for development.* Developers, subdividers and individuals constructing any type of industrial, commercial, housing development or individual home or building or building addition where people live or congregate, within the Gloucester Sanitary District No. 1, or desiring to connect ~~a building~~ to the county sewer system, shall submit plans and specifications to the director for all local and remote facilities, as defined by section 19-2 of this Code, necessary for connection to the public sewage system. New off-site extensions shall be sized as required by the director or the approved sewer development plan to serve all existing and projected sewer demands to be served by the design route for the fifty-year planning period.

After approval of said plans and specifications by the director, said developers, subdividers and individuals, at their own expense and in accordance with department of public utilities requirements, shall proceed to construct local and remote facilities, referenced above, as required for connection to the public sewage system. The director shall have the authority to inspect such systems during any phase of construction and may order construction stopped when not in conformity with plans and specifications

SUBDIVISION, UTILITY & ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

previously approved. Such main sewage lines, laterals, pumps, manholes, and other appurtenances, when connected, shall become the property of the county sewer system, and the developer, subdivider or individual shall execute such instruments as may be required conveying same to the county. Whenever main sewage lines, pumps, or manholes ~~heretofore~~ **hereafter** are located on private property, the owner shall grant an exclusive deed of easement not less than twenty (20) feet in width about such lines and appurtenances to the county for maintenance and repair access. Where the capacity of the existing sewer system is not sufficient to meet the needs of the development, the developer, subdivider, or individual shall expand the capacity of the local and/or remote facilities of the existing sewer system, as required by the director, so as to provide sufficient capacity to serve the sewer needs of the development as well as the needs of the existing users of the sewer system. **All application and development fees shall be paid for each lot or parcel to be served prior to final plat or site plan approval by the county.**

~~(f) Subdivision requirements. Whenever a subdivision is created as defined in section 15-3, sewer lines must be extended to all lots within this subdivision, in accordance with the provisions of subsection 19-50(e), regardless of whether immediate connection is made to the public sewer system. If the public sewer abuts the subdivision, immediate connection shall be required. Conditions requiring provision of sewer lines:~~

- ~~(1) Where the public sewer abuts the subdivision, or~~
- ~~(2) Where the net density is equal to or greater than one (1) housing unit per two (2) acres, and the public sewer system is deemed available within twelve (12) years, consistent with the master water and sewer plan, or~~
- ~~(3) Within the development district, and the public sewer system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan.~~

~~Where provision of public sewer infrastructure is required, the subdivider shall be required to pay a pro rata share of the cost of providing facilities located outside the property limits of the subdivision, but necessitated, at least in part, by the construction of the subdivision in accordance with and abiding by all the requirements of section 15-14 of the county's subdivision ordinance.~~

~~(g) Whenever a subdivision is created under the conditions provided above, and immediate connection to the sewer system is not provided, the subdivider shall pay all application and development fees, upon final plat approval by the county, for each lot in the subdivision.~~

Amend Section 19-125 of the County Code to read as follows:

Sec. 19-125. Persons and firms required to apply for connection to public water supply.

SUBDIVISION, UTILITY & ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

(a) When determined to be essential to the establishment of an adequate water supply and distribution system within the county, which is necessary in order to protect the public health, safety and general welfare and to prevent the spread of diseases and illnesses related to the consumption of water, and is necessary to prudently and with foresight prepare for the potential diminishment, loss, or pollution of groundwater, through making publicly supplied water readily accessible if and when the supply is needed, the county may construct a public water supply system and require application for a water service connection with it in accordance with this section.

(b) Whenever a water line is constructed by the county water system, and when water service is available to properties abutting the line, the county may declare the water supply to be available and notify the owners of the properties abutting the road, right-of-way, or easement in which the water line is located of the service availability by certified mail.

(c) Whenever the county water system constructs and provides a water meter connection at a point on a property or within ten (10) feet of a property, and an inhabited or occupied building, dwelling or residence of any type is situated thereon, the owner of the property shall make an application for water service, paying the applicable application fee (or one sixtieth hundredths (1/60) part thereof as provided in section 19-126(a) hereinafter), and begin paying the monthly minimum charge (as provided in section 19-137 hereinafter), within ninety (90) days of the time the county declares the water supply to be available.

(d) Whenever water lines of the county water system exist, the owner of any inhabited or occupied building, dwelling or residence of any type completed after the county has declared the water supply to be available, and which is situated on a property which abuts a road, right-of-way, or easement in which a water line of the county water system is located, is required to make an application for water service, paying the applicable application and development fees, and begin paying the monthly minimum charge.

(e) Nothing contained herein shall be construed to require the filing of an application for connection to the county water system by the owner of any detached one-family dwelling on an individual lot or parcel of land which, at its closest point, is more than two hundred (200) feet from the water meter connection, if one is constructed and provided by the county water system, or from the side of the road, right-of-way, or easement which abuts the property and in which the water line is located, measured at the point nearest the structure, if no water meter connection is provided.

(f) *Subdivision requirements:* ~~Whenever a subdivision is created as defined in section 45-3~~ **required to be served by public water**, water lines must be extended to all lots within ~~this the~~ subdivision, in accordance with the provisions of section 19-126(d). **Subdividers shall pay all applicable application and development fees prior to final plat approval by the county for each lot in the subdivision. regardless whether immediate connection is made to the public water system. If the public water abuts the subdivision, immediate connection shall be required. Conditions requiring provision of water lines:-**

SUBDIVISION, UTILITY & ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

- ~~(1) Where the public water abuts the subdivision, or~~
- ~~(2) Where the net density is equal to or greater than one (1) housing unit per two (2) acres, and the public water system is deemed available within twelve (12) years, consistent with the master water and sewer plan, or~~
- ~~(3) Within the development district, and the public water system is deemed to be available within twelve (12) years, consistent with the master water and sewer plan.~~

~~Where provision of public water infrastructure is required, the subdivider shall be required to pay a pro rata share of the cost of providing facilities located outside the property limits of the subdivision, but necessitated, at least in part, by the construction of the subdivision in accordance with and abiding by all the requirements of section 15-15 of the county's subdivision[ordinance].~~

~~(g) Whenever a subdivision is created under the conditions provided above, and immediate connection to the water system is not provided, the subdivider shall pay all application fees, upon final plat approval by the county, for each lot in the subdivision.~~

A Copy Teste:

William H. Whitley, County Administrator

At a meeting of the Gloucester County Board of Supervisors held on July 5, 2006 in the Board Room in the Colonial Courthouse, Gloucester, Virginia: On a motion duly made by _____, and seconded by _____, the following Ordinance was adopted by the following vote:

John J. Adams, Sr., _____
Charles R. Allen, Jr., _____
Teresa L. Altemus, _____
Burton M. Bland, _____
Michelle Ressler, _____
Christian D. Rilee, _____
Louise Theberge, _____

AN ORDINANCE TO AMEND AND REENACT APPENDIX B – ZONING, OF THE CODE OF GLOUCESTER COUNTY, VIRGINIA, BY AMENDING SECTION 5-2 ENTITLED “OFFICIAL SCHEDULE OF DISTRICT REGULATIONS” TO REQUIRE A MINIMUM LOT SIZE OF TWO (2) ACRES FOR LOTS NOT SERVICED BY PUBLIC WATER AND SEWER

WHEREAS, the Planning Commission held a public hearing on June 1, 2006 on suggested amendments to Appendix B – Zoning of the Gloucester County Code to require public sewer and water for lots less than two (2) acres in size and has forwarded recommended amendments to the Board of Supervisors for consideration; and

WHEREAS, the Board finds that it is in the best interest of public health, safety, and welfare of the citizens of Gloucester County to require public sewer and water for lots less than two (2) acres in size; and

WHEREAS, the Board has held a duly advertised public hearing on July 5, 2006, to receive and consider public comment on this issue.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Gloucester County Board of Supervisors this 5th day of July 2006, that the portion of Appendix B – Zoning of the Gloucester County Code entitled “Official schedule of district regulations adopted” be, and it hereby is, amended as follows:

Amend the SC-1 schedule on page 1841, and the SF-1 schedule on page 1844 of the County Code to read as follows:

Sec. 5-2. Official schedule of district regulations adopted.

District regulations shall be set forth in the official schedule of district regulations hereby adopted and declared to be a part of this ordinance, and in Article 9 of this ordinance, “Supplementary District Regulations.” District regulations for the H-1 district shall be those specified in Article 6, district regulations for the HCOD district shall be those specified in Article 6A, district regulations for the MH-1 district shall be those specified in Article 7, and district regulations for the PUD-1 district shall be those specified in Article 8.

SUBDIVISION, UTILITY and ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES

SC-1 SCHEDULE – PG 1841 is changed only in the columns and subcolumns

shown below as follows:

Permitted uses	Minimum Lot Size		
	Sewer and Water	Sewer or Water	On-site S &W
Single family detached dwelling	30,000 sf or 2 acres (see Misc. Requirements)	30,000 or 2 2 acres	30,000 or 2 2 acres

SF-1 SCHEDULE – PG 1844 is changed only in the columns and subcolumns

shown below as follows:

Permitted uses	Minimum Lot Size			Misc Requirements
	Sewer and Water	Sewer or Water	On-site S &W	
Single family detached dwelling	10,000 or 30,000 sf (see Misc. Requirements)	20,000 2 acres	20,000 2 acres	For major subdivision, a maximum net density of 2 units per acre is permitted. For major subdivisions, a minimum lot width of 80 feet with central water and sewer is permitted. For minor subdivisions and family transfers, a minimum lot size of 30,000 square feet is required with public water and sewer . For side yard abutting side streets on corner lots – a minimum of 30 feet is required.

A Copy Teste:

William H. Whitley, County Administrator

SUBDIVISION, UTILITY and ZONING ORDINANCE CHANGES
PUBLIC WATER & SEWER FOR LOTS LESS THAN TWO ACRES