

**9. PUBLIC HEARING****A. ORDINANCE AMENDMENT – STREET LIGHTING**

This public hearing is held pursuant to § 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance to amend Chapter 14 of the Southampton County Code as it relates to the provision of street lighting in residential subdivisions.

The notice of this public hearing was published in the Tidewater News on June 9 and June 16, 2013 as required by law. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered and may act upon the ordinance or defer action until such time as it deems appropriate.

**MOTION REQUIRED:** A motion is required to adopt the attached ordinance.

AN ORDINANCE TO AMEND CHAPTER 14 OF THE SOUTHAMPTON COUNTY CODE  
AS IT RELATES TO PROVISION OF STREET LIGHTING IN SUBDIVISIONS

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended as follows:

**ARTICLE I. In General.**

**Sec. 14-1. Definitions**

**Add the following definitions:**

"Common areas" means property within a development which is owned, leased, or required by the declaration to be maintained or operated by a property owners association for the use of its members and designated as "common area" in the declaration.

"Declaration" means any instrument, however, denominated, recorded among the land records of the county or city in which the development or any part thereof is located, that either (i) imposes on the association maintenance or operational responsibility for the common area, or (ii) creates the authority in the association to impose on lots, or on the owners or occupants of such lots, or on any other entity any mandatory payment of money in connection with the provision of maintenance or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition. "Declaration" shall not include the declaration of a condominium, real estate cooperatives, timeshare project or campground.

"Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration.

**Article II. Plats**  
Division 1. Generally

**Sec. 14-37. - Approval of plats required; lots not to be sold prior to approval and recording of plat.**

**Amend as follows:**

(a) Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit three (3) copies of the preliminary plat including the lot, street and utilities layout and the property owners association declaration and related documents (residential subdivisions only). ~~No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.~~

*Said property owners association shall be in accordance with §55-508 et. seq. of the 1950 Code of Virginia, as amended. The property owners association declaration shall include, among other things, a provision or stipulation imposing the responsibility for the installation, maintenance and operation of all common elements or areas, including, but not limited to, street lights on the property owners association and the declaration shall grant to the property owners association the authority for the installation, maintenance and operation of all common elements or areas, including, but not limited to, street lights.*

45 *No lot shall be sold in a residential subdivision until a final plat and property owners association*  
46 *declaration and related documents shall have been approved and recorded.*

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48 *No property owners association declaration shall be approved unless it includes, among other*  
49 *requirements or stipulations, that the installation, maintenance and operation of all common elements or*  
50 *areas, including, but not limited to street lights, are the responsibility of the property owners association and*  
51 *unless the property owners association is granted the authority in the declarations to install, maintain, and*  
52 *operate all of the common elements or areas, including, but not limited to, street lights.*

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54 *No subdivision shall be approved unless the property owners association is established, in accordance*  
55 *with the provisions of § 55-508 et. seq. of the 1950 Code of Virginia, as amended.*

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57 (b) The agent may approve preliminary or final subdivision plats containing five (5) or less lots which  
58 required no new street or improvement without submitting the plat to the local planning commission and  
59 governing body, provided such subdivision plat meets all other requirements of this Code. Subdivision plats  
60 containing six (6) or more lots shall be submitted by the agent to the local planning commission which shall  
61 make its recommendation to the governing body.

### 62 **Article III. Improvements**

#### 63 **Division 7. Utilities (Other than Water and Sewer)**

#### 64 **Sec. 14-207. - Street lights.**

#### 65 **Amend as follows:**

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67 (a) In any proposed subdivision containing five (5) or more building ~~sites each having an average lot~~  
68 ~~size of less than one (1) acres~~, the developer/owner of such subdivision shall cause to be installed, at no cost  
69 to the county, street lights of a type and design and at locations approved by the agent.

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71 (b) ~~The developer/owner shall pay to the board of supervisors a sum based on a current monthly charge~~  
72 ~~per light established by the utility company times the number of lights times twelve (12). This figure shall~~  
73 ~~equal the charge for the first year. Each subsequent year up to and including the fifth year shall be increased~~  
74 ~~over the previous year by seven (7) percent. The five (5) sums shall be totaled and the complete amount shall~~  
75 ~~be payable in cash or certified check to the board of supervisors prior to the lights being connected for service~~  
76 ~~by the utility company. Street lighting maintenance and utility costs in residential subdivisions shall be the~~  
77 ~~responsibility of the property owners association in perpetuity as set out in the property owners association~~  
78 ~~declaration and related documents, pursuant to Sec. 14-37 (a) of the Southampton County Code.~~

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80 (c) *In non-residential subdivisions, street lighting shall be installed at no cost to Southampton County, of*  
81 *a type and design approved by the agent. The maintenance and utility costs associated with street lighting in*  
82 *non-residential subdivisions may be borne by Southampton County, pursuant to duly adopted resolution of*  
83 *the Southampton County Board of Supervisors.*

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A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted : June 24, 2013