

SUBDIVISION ORDINANCE

JAMES CITY COUNTY

"This Ordinance shall be effective on and after September 1, 1964."

Adopted: August 31, 1964

SUBDIVISION ORDINANCE  
JAMES CITY COUNTY

An ordinance to regulate the subdivision of property into lots, streets, alleys and other public areas, to provide for the making, and recording of plats of such subdivisions and the certification of same and provide for the approval of plats.

WHEREAS, Article 7 of the Virginia Planning Act found in the Code of Virginia 1950, as amended, Section 15-967, et seq., the governing body of James City County, Virginia, is authorized to adopt regulations to provide:

- (a) For size, scale and other plat details;
- (b) For the orderly development of the general area;
- (c) For the coordination of streets within the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage;
- (d) For adequate provisions for drainage and flood control and other public purposes, and for light and air;
- (e) For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewers and other utilities or other facilities installed;
- (f) For the acceptance of dedication for public use of any right of way located within any subdivision which as constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the persons constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;

- (g) For monuments of specific types to be installed establishing street and property lines;
- (h) That unless a plat be filed for recordation within a reasonable time after final approval shall be withdrawn and the plat marked void and returned to the approving official; and
- (i) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this act.

Therefore, be it ordained by the governing body of James City County, Virginia, that the following regulations are hereby adopted for the subdivision of land within the jurisdiction of James City County, and from after the effective date of this ordinance, every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

#### SECTION 1 - PURPOSE AND TITLE

##### 1 - 1. PURPOSE

The purpose of this ordinance is to establish certain subdivision standards and procedures for James City County, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These 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 lands 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; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public

responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

This ordinance is known and may be cited as the "Subdivision Ordinance of James City County, Virginia."

## SECTION 2 - ADMINISTRATION

### 2-1. ADMINISTRATOR

The agent appointed by the governing body is hereby delegated to administer this ordinance. In so doing, the agent shall be considered the agent of the governing body, and approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent shall also consult with the commission on matters contained herein. The planning commission shall approve the preliminary plat as outlined in this ordinance.

### 2-2. DUTIES

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this ordinance and the Land Subdivision and Development Act.

### 2-3. TO CONSULT

In the performance of its duties the agent may call for written opinions or decisions, from other departments in considering details of any submitted plat. This authority by the agent shall have particular reference to the resident highway engineer and the health officer.

### 2-4. ADDITIONAL AUTHORITY

In addition to the regulations herein contained for the platting of subdivisions, the agent shall, from time to time, recommend to the governing body such reasonable additional administrative procedures as may be appropriate for the orderly

and proper administration of this Ordinance, which said recommendation shall be considered by the governing body as proposed amendments to this Ordinance.

SECTION 3 - PROCEDURE FOR MAKING  
AND RECORDING PLATS

3-1. PLATTING REQUIRED

Any owner or developer of any tract of land situated within James City County who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded.

3-1-1. In the event a plan for subdivision is disapproved by the agent, the subdivider may appeal to the governing body which may then override the recommendation of the agent and approve said plat.

3-2. DRAW AND CERTIFY

Each such plat shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

3-3. OWNER'S STATEMENT

Every such plat, or the deed of dedication to which plat is attached, shall contain in addition to the surveyor's or engineer's certificate a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any," which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds, and when thus executed and approved as herein specified shall be filed and recorded in the office of the clerk of the appropriate court, and indexed under the names of the land owners signing such statement and under the name of the subdivision.

3-4. NO ONE EXEMPT

No person shall subdivide any tract of land that is located within James City County as defined in Article 7 of the Virginia Planning Act except in conformity with the provisions of this ordinance.



3-5. PRIVATE CONTRACTS

This ordinance bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract the provisions of this ordinance shall control.

3-6. NECESSARY CHANGES

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the agent.

3-7. RELATION TO ZONING

When the intended use of all or part of the platted area, as indicated by the preliminary plat and as shown on that plat, would put the land in a more restrictive category than that which now exists, such shall be considered a petition for the rezoning of the platted area to the higher classification.

3-8. FEES

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the subdivider shall deposit with the agent checks payable to the treasurer in the amount of twenty-five dollars (\$25.00) per plat, if the subdivision contains five (5) or more lots; if the subdivision contains less than five (5) lots, the charge shall be (\$10.00) per plat.

SECTION 4 - GENERAL REGULATIONS

4-1 MUTUAL RESPONSIBILITY

There is a mutual responsibility between the subdivider and James City County to divide the land so as to improve the general use pattern of the land being subdivided.

4-2. LAND MUST BE SUITABLE

The agent shall not approve the subdivision of land if from adequate investigations conducted by the Highway Department, the Health Department, and where applicable the Water Control Board, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

4-3. FLOODING

Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life or property, or aggravate erosion

or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

#### 4-4. BUILDING SITE

To insure that residents will have sufficient land upon which to build a house which is flood free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of flood waters.

#### 4-5. IMPROVEMENTS

All required improvements shall be installed by the subdivider at his cost. In cases where specifications for streets or roads have been established either by the Virginia Department of Highways or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the following requirements.

##### 4-5-1-A. LOT SIZE - PUBLIC WATER AND SEWER

Residential lots served by both public water and public sewer systems shall be eighty (80) feet or more in width and ten thousand (10,000) square feet or more in area. Additional improvements required in subdivisions containing lots of this size are that (1) streets shall be hard surfaced and treated, (2) storm drainage systems and curb and gutter systems shall be installed when required by the highway engineer.

##### 4-5-1-B. LOT SIZE - PUBLIC WATER OR SEWER

Residential Lots served by only one of public water or public sewer systems shall be one



hundred (100) feet or more in width and fifteen thousand (15,000) square feet or more in area. An additional improvement required in subdivision containing lots of this size is that all streets be hard surfaced and treated.

4-5-1-C. LOT SIZE - NEITHER PUBLIC WATER NOR SEWER

X  
Residential lots served by neither public water nor public sewer systems shall be one hundred feet or more in width and twenty thousand (20,000) square feet or more in area. An additional improvement required in subdivisions containing lots of this size is that all streets shall be hard surfaced.

4-5-1-D. EXCEPTIONS

*septic tank*  
Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The agent shall require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

4-5-1-E. FLOOD CONTROL AND DRAINAGE

*contour*  
The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivider shall also provide plans for all such improvements together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer.

4-5-1. LOT SIZE (Substitute for 4-5-1-A through 4-5-1-E)

The minimum lot size in any area shall be in accordance with the zoning ordinance, except that where public water and/or public sewer systems are not available such minimum lot sizes may be increased by the agent in accordance with the recommendations of the health officer which shall be submitted to the agent in writing, either by notations on the plat or by letter. The health officer may be guided by appropriate tests in determining the area required for the sanitary and safe disposal of septic tank effluent.

4-5-2. EASEMENTS

Easements shall be of sufficient width to permit the use for which provided and shall include the right of ingress and egress over the easement area for installation and maintenance.

4-5-3. SEWERAGE DISPOSAL

The agent shall not approve any subdivision where sanitary sewers are not provided unless the agent shall receive in writing from the health department a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks or some other sewerage disposal system, and that such tanks or other systems, so far as can be determined, will not create hazards to public health, and that such approval by the agent is only with the understanding that where septic tanks or other systems are to be installed, these must be approved on an individual lot basis by the health department.

4-5-4. PUBLIC WATER

Where public water is available the service shall be extended to all lots within a subdivision.

4-5-5. PRIVATE WATER AND/OR SEWER

Nothing in this regulation shall prevent the

installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other state or local regulation having authority over such installations.

4-5-6. FIRE PROTECTION

The installation of adequate fire hydrants in a subdivision at locations approved by the agent may be required, provided necessary public water is available. The agent shall consult with the proper authority before approving such location.

4-6. PERFORMANCE ASSURANCE

Before any subdivision plat will be finally approved by the agent the subdivider shall in lieu of construction certify to the governing body's satisfaction that the required physical improvements will be completed as required and that contracts are let and payment assured for such completion.

4-7. PLANS AND SPECIFICATIONS

Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed, shall be prepared by an engineer and shall be submitted to the agent for approval or disapproval within forty-five (45) days. If approved one (1) copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in forty-five (45) days such subdivision shall be deemed approved.

4-8. PART OF TRACT

Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch plan for the entire

tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the governing body.

**\*\* LOTS \*\***

4-9. SHAPE

The lot arrangement, design, and shape shall be reasonably related to topography, and shall not contain normally unusable elongations for the sole purpose of providing the required minimum square footage of area.

4-10. LOCATION

Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedications of such roads or streets to a width of fifty (50) feet.

4-11. CORNER LOTS

Corner lots shall have extra width sufficient for maintenance of required building lines on both streets. The building line shall be thirty (30) feet on the public streets and roads having a right of way of fifty (50) feet or more, and fifty-five (55) feet if of less width.

4-12. SIDE LINES

Side lines of lots shall be approximately at right angles, or radial to the street line.

4-13. REMNANTS

All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

SEPARATE OWNERSHIP:

Where the land covered by a subdivision included two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

\*\* BLOCKS \*\*

4-15. LENGTH

Generally, the minimum and maximum length of blocks shall not be fixed, but shall be controlled by considerations of public safety, traffic flow and existing topographic conditions. Where streets are approximately parallel, consideration shall be given to connecting streets between said parallel streets at reasonable intervals to be established by application of the criteria stated in the preceding sentence, however as lot development occurs along existing public streets and roads at least a fifty (50) foot right of way must be left at suitable intervals, as determined by the agent, to afford access to the rear areas.

4-16. WIDTH

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.

4-17.           ORIENTATION

Where a proposed subdivision will adjoin a major road, the agent may require that a greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

4-18.           BUSINESS OR INDUSTRIAL

Lots intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

                  \*\* MONUMENTS \*\*

4-19.           ALIGNMENT AND LAYOUT

The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication of the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the agent upon recommendation of the highway engineer.

4-20.           SERVICE DRIVES

Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a

service drive or marginal street approximately parallel to such right of way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right of way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

4-21. APPROACH ANGLE

Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the agent, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

4-22. MINIMUM WIDTHS

The minimum widths of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan shall be:

- 4-22-1. Major streets - not less than eighty (80) feet;
- 4-22-2. Minor streets - not less than fifty (50) feet;
- 4-22-3. Local services drives or other minor streets which cannot be extended in the future - not less than fifty (50) feet.

4-23. CONSTRUCTION REQUIREMENTS

In cases where Virginia Department of Highways specifications are lacking or are less restrictive than the requirements of this ordinance, this ordinance shall prevail.

- 4-23-1. The roadway shall be graded to thirty (30) feet exclusive of side ditches. Except where

concrete curbing and gutters are used the graded width shall be 30 feet between place of curb.

- 4-23-2. Base for pavement shall be at least twenty-four (24) feet in width and six (6) inches in depth and be of stone, gravel or other satisfactory material approved by the Virginia Department of Highways, except as provided in Section 4-23-3.
- 4-23-3. Pavement width shall be minimum of twenty-two (22) feet, constructed of material passing Virginia Department of Highways specifications. The pavements shall consist of a bituminous oil primer treatment and double sealed treatment with rates of application to be in accordance with the Virginia Department of Highways specifications, or 1½" of bituminous concrete on a 5" base or 2" bituminous concrete on a 4" base on an approved sub-base.
- 4-23-4. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the highway engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed ten (10) percent.
- 4-24. CUL-DE-SACS

Generally, minor terminal streets (cul-de-sacs), designed to have one end permanently closed, shall be no longer than four hundred (400) feet to the beginning of the turn-around, except where terrain is such that a through street is impractical, then the agent may permit a greater length in dead end streets. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter.



4-26. PRIVATE STREETS AND RESERVE STRIPS

There shall be no private streets platted in any subdivision, unless in the opinion of the Planning Commission a hardship or waste of land would result then private streets may be allowed. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.

4-27. NAMES

Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.

4-28. IDENTIFICATION SIGNS

Street identification signs of a design approved by the agent shall be installed at all intersections.

**\*\* MONUMENTS \*\***

4-29. VISIBLE FOR INSPECTION

Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. Such monuments shall be inspected and approved by the agent before any improvements are accepted by the governing body.

4-30. LOCATION - CONCRETE

Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.

4-31. LOCATION - IRON PIPE

All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered a hole shall be drilled four (4) inches deep in the rock, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

**\*\*RESERVATION OF LAND FOR PUBLIC PURPOSES\*\***

4-32. Subdividers of residential subdivisions may be required to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semi-public uses, subject to the following regulations:

4-32-1. Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the governing body. Where land is required in excess of this amount, the reimbursement by the governing body shall be based on a proportionate share of the (1) cost of raw land, (2) cost of improvements, including interest on investments, (3) development costs, (4) plus not more than ten (10) percent profit on the total of such costs.

- 4-32-2. Subdividers that set aside adequate and suitable land for parks and playgrounds, the jurisdiction and maintenance of which would be controlled by a subdivision recreation association, shall not be required to dedicate additional land for parks and playgrounds as prescribed by the above regulation Section 4-32-1.
- 4-32-3. The commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision.
- 4-32-4. Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the zoning ordinance.

#### SECTION 5 - APPROVAL OF PLATS

##### 5-1. APPROVAL REQUIRED BEFORE SALE

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. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner:

##### 5-2. PRELIMINARY SKETCH

The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general

are in accordance with the requirements of this ordinance. The commission, upon submission of any preliminary sketch, shall study it, and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the commission with the preliminary plat. The preliminary sketch shall be as follows:

5-2-1. It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale of one hundred (100) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

5-3. PRELIMINARY PLAT

The subdivider shall present to the commission three (3) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information.

5-3-1. Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.

5-3-2. Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.

- 5-3-3. The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- 5-3-4. All existing, platted and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.
- 5-3-5. The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage.
- 5-3-6. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- 5-3-7. A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grade lines connecting therewith.
- 5-3-8. A location map tying the subdivision into our present road system, either by aerial photographs or topographic maps of the U. S. Department of Interior.
- 5-3-9. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

5-3-10. All parcels of land to be dedicated for public use and conditions of such dedication.

5-4. PROCEDURE

The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The subdivider shall then be advised in writing within forty-five (45) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the agent may consult with a duly licensed engineer who shall prepare this data for the agent, or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

5-5. NO GUARANTEE

Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

5-6. SIX MONTH'S LIMIT

The subdivider shall have no more than six (6) months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this ordinance. Failure so to do shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

5-7. FINAL PLAT

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of one hundred (100) feet to the inch on sheets having a size (insert size of sheet in plat book). In addition to the requirements of the preliminary plat the final plat shall include the following:

- 5-7-1. A blank oblong space 3" x 5" shall be reserved for the use of the approving authority.
- 5-7-2. Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
- 5-7-3. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.
- 5-7-4. When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash-lines, and the identification of the respective tracts shall be placed on the plat.
- 5-7-5. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets, boundaries of all proposed or existing easements, parks, school sites, all existing public and private streets, their names, numbers and widths, existing utilities, and those to

be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.

5-7-6. Distances and bearings must balance and close with an accuracy of not less than one in ten thousand.

5-7-7. The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord, and chord bearings.

5-8. CONDITIONS

The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat shall be written on the face of the plat by the agent. The subdivider shall record plat within sixty (60) days after final approval; otherwise agent shall mark plat "void" and return same to subdivider.

SECTION 6 - ADVERTISING STANDARDS

6-1. A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to the following items:

6-1-1. Whether officially approved water and sewage facilities are available or not;

6-1-2. The amount of officially approved water available to each lot purchaser in terms of gallons per day.



## SECTION 7. - EFFECTUAL CLAUSES

### 7-1. EXCEPTIONS

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the agent with the reasoning, on which the departure was justified, set forth. No such variance may be granted by this ordinance which is opposed in writing by the county or highway engineer or health official.

### 7-2. PENALTIES

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this ordinance shall be subject to a fine of not more than one hundred dollars (\$100.00) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

### 7-3. VALIDITY

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

7-4. REPEAL

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

7-5. AMENDMENTS

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the commission for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five (5) days prior to the hearing.

7-6. EFFECTIVE DATE

This ordinance was duly considered, following a required public hearing held on August 31, 1964, and was adopted by the governing body of James City County, Virginia, at its regular meeting held on August 31, 1964, the members voting:

Charles W. Richards - yea

Dr. Murray Loring - yea

William F. Pettengill - yea

This ordinance shall be effective on and after 12:01 a. m. on September 1, 1964.

## SECTION 8 - DEFINITIONS

### WORDS AND TERMS

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

- 8-1. AGENT: The representative of the governing body who has been appointed to serve as the agent of the board in approving the subdivision plats.
- 8-2. ALLEY: A permanent service way providing a secondary means of access to abutting properties.
- 8-4. BUILDING LINE: The distance which a building is from the front lot line or front boundary line.
- 8-4. COMMISSION: The planning commission of James City County, Virginia.
- 8-5. CUL-DE-SAC: A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.
- 8-6. DEVELOPER: An owner of property being subdivided, whether or not represented by an agent.
- 8-7. EASEMENT: A grant by a property owner of the use of land for a specific purpose or purposes.

- 8-8. ENGINEER: An engineer licensed by the Commonwealth of Virginia.
- 8-9. GOVERNING BODY: The Board of Supervisors of James City County, Virginia.
- 8-10. HEALTH OFFICIAL: The health director or sanitarian of James City County, Virginia.
- 8-11. HIGHWAY ENGINEER: The resident engineer employed by the Virginia Department of Highways.
- 8-12. JURISDICTION: The area or territory subject to the legislative control of the governing body.
- 8-13. LOTS: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.
- 8-14. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
- 8-15. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.
- 8-16. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 8-17. LOT, INTERIOR: A lot other than a corner lot.
- 8-18. LOT OF RECORD: A lot which has been recorded in the office of the clerk of the appropriate court.
- 8-19. LOT, WIDTH OF: The mean horizontal distance between the side lot lines.

- 8-20. PLAT: Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."
- 8-21. PROPERTY: Any tract, lot, parcel or several of the same collected together for the purposes of subdividing.
- 8-22. STREET: The principal means of access to abutting properties.
- 8-23. STREET OR ALLEY; PUBLIC USE OF: The unrestricted use of a specified area or right of way for ingress and egress to two or more abutting properties.
- 8-24. STREET, MAJOR\*: A heavily traveled thoroughfare or highway that carries a large volume of through traffic, or anticipated traffic exceeding five hundred (500) vehicles per day.
- 8-25. STREET, OTHER\*: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.
- 8-26. STREET, SERVICE DRIVE\*: A public right of way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way by providing safe and orderly points of access to the highway.
- 8-27. STREET WIDTH: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.
- 8-28. SUBDIVIDE: To divide any tract, parcel or lot of land into two or more parts, except, however,

- 8-28-1. The term "to subdivide" shall not include a bona fide division or partition of agricultural land for agricultural purposes/ or for the building site for members of the family owning any such agricultural lands.
- 8-28-2. The agent may, however, permit the separation of one parcel from a tract of land without complying with all requirements of this ordinance if it is (1) not in conflict with the general meaning and purpose of the ordinance, (2) no new streets are required to serve the parcel, (3) at least one acre in area, and (4) not less than one hundred and fifty-(150) foot frontage.
- 8-28-3. The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in Section 8-29.
- 8-29. SUBDIVIDER: An individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

\*SEE APPENDIX

SURVEYOR'S CERTIFICATE\*

I hereby certify that to the best of my knowledge and belief, all of the requirements of the board of supervisors and ordinances of the County of James City, Virginia, regarding the platting of subdivisions within the county have been complied with.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
State Certified Engineer  
(or Land Surveyor)

CERTIFICATE OF APPROVAL

This subdivision known as \_\_\_\_\_ Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Highway Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Health Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent or Representative of  
Governing Body

\* The foregoing plat is not approved until all signatures have been obtained.