

ADOPTED

JAN 12 2010

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 30A-36

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-26, TERM OF VALIDITY FOR THE PRELIMINARY PLAN AND EXTENSION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-26, Term of validity for the preliminary plan.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Sec. 19-26. Term of validity for the preliminary plan and extension.

~~(a) The subdivider shall have no more than 365 days from the date of approval of the preliminary plan to record a final subdivision plat in accordance with this chapter. A final plan shall be submitted and approved pursuant to section 19-30 prior to recordation. Failure to record a final plat within the specified time period shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant one or more extensions or preliminary approval for a period of one year finding:~~

- ~~(1) a. The subdivider has substantially satisfied all conditions of preliminary approval;~~
- ~~b. Significant progress has been made in construction;~~
- ~~c. There has been no significant change in comprehensive plan policy or James City County Code requirements that affect the property; and~~

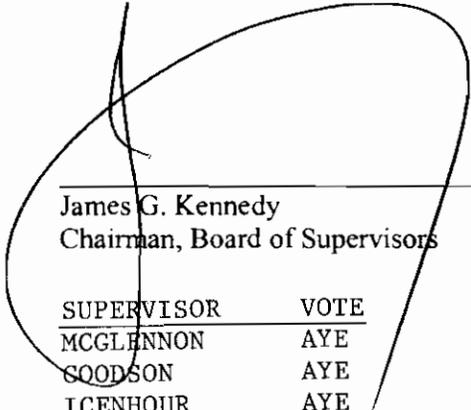
~~d. The project has progressed without being cited for any construction related violation of the James City County Code or, in the event such violation has occurred, it has been corrected in a timely manner; or~~

~~(2) There have been unusual delays in proceeding with the subdivision process or construction caused by government agencies or acts of God.~~

Once a preliminary subdivision plan is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plan approval, and upon 90 days written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

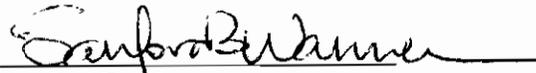
(b) If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan, and furnishes to the county a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the county for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years ~~from the recordation date of the first section.~~ *from the date of the latest recorded plat of subdivision for the property. The five-year period of validity*

shall extend from the date of the latest recorded plat. Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the zoning ordinance requirements in effect at the time that each remaining section is recorded.


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
SOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of January, 2010.