

ADOPTED

AUG 13 2013

Board of Supervisors
James City County, VA

ORDINANCE NO. 30A-42

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS, SECTION 19-15, FEES, SECTION 19-17, SPECIAL PROVISIONS FOR FAMILY SUBDIVISIONS; BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-33, LOCATION OF UTILITIES, SECTION 19-40, LOT ACCESS AND FRONTAGE, SECTION 19-51, STREET CONSTRUCTION STANDARDS, SECTION 19-64, INSPECTION OF PUBLIC WATER, SEWER, AND STORMWATER SYSTEM, SECTION 19-70 ESTABLISHMENT OF HOMEOWNERS ASSOCIATION, AND SECTION 19-73, SHARED DRIVEWAY REQUIREMENTS FOR MINOR SUBDIVISIONS.

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 Article I, General Provisions, Section 19-2, Definitions, Section 19-15, Fees, Section 19-17, Special provisions for family subdivisions; by amending Article III, Requirements for Design and Minimum Improvements, Section 19-33, Location of utilities, Section 19-40, Lot access and frontage, Section 19-51, Street construction standards, Section 19-64, Inspection of public water, sewer, and stormwater system, Section 19-70, Establishment of homeowners association, and Section 19-73, Shard driveway requirements for minor subdivisions.

Chapter 19. Subdivisions

Sec. 19-2. Definitions.

Lot, flag. A lot ~~not fronting on or abutting a public road and~~ where a majority of the parcel does not abut a public right-of-way, but that achieves access to the public road is by a narrow, ~~private right-of-way~~ section of land not less than 25 feet in width.

Sec. 19-15. Fees.

(3) Inspection fee for stormwater installations. There shall be a fee for the inspection by the ~~stormwater division~~ *engineering and resource protection division* of public stormwater installations and private stormwater installations required in accordance with section 23-10(4). Such fee shall be \$900 per practice for each best management practice constructed and \$.90 per foot for every foot of stormwater drain or channel constructed and shall be submitted at the time of filing an application for a land disturbance permit.

Sec. 19-17. Special provisions for family subdivisions.

(5) Each lot or parcel of property shall front on a road which is part of the transportation department system of primary or secondary highways or shall front upon a private drive or road which is in a right-of-way or easement of not less than 20 feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a ~~Minimum~~ minimum depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with section 19-72 ~~74~~. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.

Sec. 19-33. Location of utilities.

(c) Where approved by the transportation department, with the exception of sewer laterals and water service lines, all utilities shall be placed within easements or street rights-of-way, unless otherwise required by the service authority, ~~in accordance with "Typical Utility Details" (see Appendix A) as published by the service authority or as may be otherwise approved by the agent.~~

Sec. 19-40. Lot access and frontage.

Each lot shall abut and have access to a proposed public street to be dedicated by the subdivision plat or to an existing publicly dedicated street. ~~For flag lots, The~~ *For flag lots,* the minimum lot frontage abutting such public

street right-of-way shall be 25 feet. In zoning districts which permit private streets and where such streets have been approved via the process specified in section 24-62 of the zoning ordinance, the access and minimum lot frontage requirements can be met through frontage on a private street. If the existing streets do not meet the minimum transportation department width requirement, including adequate right-of-way to accommodate the appropriate pavement width, drainage, sidewalks and bikeways, the subdivider shall dedicate adequate right-of-way necessary for the street to meet such minimum requirement.

Sec. 19-51. Street construction standards.

(a) Subdivision streets, unless otherwise specifically provided for in this chapter, shall be paved and dedicated for public use in the state system of primary or secondary highways. Streets shall have a right-of-way width in accordance with transportation department standards. Street construction plans shall be submitted to the transportation department for approval as part of the subdivision review process required by this chapter. Construction of subdivision streets, unless otherwise permitted by this chapter, shall be in conformance with transportation department standards and accepted into the state system of primary or secondary highways prior to release of the construction surety bond. Streets of the entire subdivision as depicted on the master plan shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with transportation department standards.

Sec. 19-64. Inspection of public water, sewer, and stormwater system.

(b) Inspection of public stormwater system installations shall be the responsibility of the county. Any subdivider of a subdivision shall obtain a certificate to construct stormwater system installations prior to either altering existing installations or building new installations. Surety provided in accordance with section 19-72 ~~74~~ shall not be released until approved in accordance with section 19-74(b).

Sec. 19-70. Establishment of homeowners association.

Within any major subdivision approved under this article in which an area is intended to be used in common for recreation and/or conservation, or other public or semipublic purposes, or where other improvements have been made in which operation and/or maintenance is the responsibility of the homeowners, no lot shall be approved, recorded, sold, or used within the development until appropriate


documents in a form approved by the county attorney have been executed. Such documents shall set forth the following:

- a. The nature of the permanent organization under which common ownership is to be established, including its purpose, and provisions establishing requirements for mandatory membership;
- b. How it shall be governed and administered;
- c. The provisions made for permanent care and maintenance of the common property or improvements, including ~~bonds~~ **surety** when required by the county;
- d. The method of assessing the individual property for its share of the cost of adequately administering, ~~and~~ maintaining and replacing such common property; and
- e. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

Sec. 19-73. Shared driveway requirements for minor subdivisions.

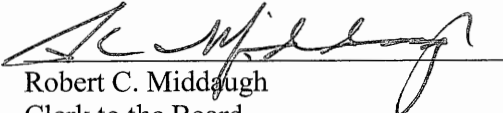
(d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:

- (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including ~~bonds~~ **surety** when required by the county; and
- (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	___	<u>X</u>	___
KENNEDY	___	<u>X</u>	___
ICENHOUR	<u>X</u>	___	___
BRADSHAW	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2013.

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