

ADOPTED

MAR 11 1985

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

ORDINANCE NO. 30A-10

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 17-2, DEFINITIONS; SECTION 17-6, ADMINISTRATION AND ENFORCEMENT OF CHAPTER BY AGENT; SECTION 17-22, SAME - LOCATION TO ABUT ON STREET; SECTION 17-24, SAME - SIDE LINES; SECTION 17-28, BLOCKS - LENGTH; SECTION 17-29, SAME - WIDTH; SECTION 17-30, SAME - ORIENTATION; SECTION 17-34, SAME - MINIMUM WIDTHS; SECTION 17-37, SAME - PRIVATE STREETS AND RESERVE STRIPS; ARTICLE II, PLATS, DIVISION 2, APPROVAL OF PLATS, SECTION 17-55, APPROVAL AND RECORDING REQUIRED PRIOR TO GRANTING OF BUILDING PERMIT OR SALE OF LOTS; PRELIMINARY PLATS; SECTION 17-57, PRELIMINARY PLAT - GENERALLY; SECTION 17-57.1, PRELIMINARY PLAT - TOWNHOUSE AND CONDOMINIUM SUBDIVISIONS; SECTION 17-59, EFFECT OF APPROVAL OF PRELIMINARY PLAT; AND SECTION 17-61, FINAL PLAT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, of the Code of the County of James City is hereby, amended and reordained by amending Section 17-2, Definitions; Section 17-6, Administration and Enforcement of Chapter by Agent; Section 17-22, Same - Location to Abut on Street; Section 17-24, Same - Side Lines; Section 17-28, Blocks - Length; Section 17-29, Same - Width; Section 17-30, Same - Orientation; Section 17-34, Same - Minimum Widths; Section 17-37, Same - Private Streets and Reserve Strips; Section 17-55, Approval and Recording Required Prior to Granting of Building Permit or Sale of Lots; Preliminary Plat; Section 17-57, Preliminary Plat - Generally; Section 17-59, Effect of Approval of Preliminary Plat; and Section 17-61, Final Plat and by adding Section 17-57.1, Preliminary Plat - Townhouse and Condominium Subdivisions.

CHAPTER 17

SUBDIVISIONS

ARTICLE I. IN GENERAL

Section 17-2. Definitions

CONDOMINIUM. A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

TOWNHOUSE. A dwelling unit for single-family occupancy in a structure containing three or more such dwelling units not more than three stories in height, attached by one or more vertical party walls extending to the roof sheathing without passageway openings to one or more additional such units, and each of which is served by an individual exterior entrance or entrances.

Section 17-6. Administration and Enforcement of Chapter by Agent.

The agent appointed by the governing body is hereby delegated to administer and enforce the provisions of this Chapter. 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 agent shall approve preliminary plats for townhouse and condominium subdivisions where the site plan is reviewed by the Site Plan Review Committee of the Commission and the Commission shall approve all other preliminary plats as outlined in this Chapter.

The agent shall perform his duties as regards subdivisions and subdividing in accordance with this Chapter and the Land Subdivision and Development Law of this Commonwealth.

In the performance of his 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.

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 Chapter, and such recommendations shall be considered by the governing body as proposed amendments to this Chapter. (8-31-64, Section 2.)

Section 17-22. Same - Location, to Abut on Street.

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. (8-31-64, Section 4-10) In townhouse and condominium subdivisions, each lot shall not be required to abut on a public street provided each lot has access to a public street through commonly-owned property.

Section 17-24. Same - Side Lines.

Side lines of lots shall be approximately at right angles, or radial to the street line. (8-31-64, Section 4-12) Townhouse and condominium subdivisions shall be exempt from this section.

Section 17-28. Blocks - 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 such 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. (8-31-64, Section 4-15) Townhouse and condominium subdivisions shall be exempt from this section.

Section 17-29. Same - 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. (8-31-64, Section 4-16) Townhouse and condominium subdivisions shall be exempt from this section.

Section 17-30. Same - 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. (8-31-64, Section 4-17) Townhouse and condominium subdivisions shall be exempt from this section.

Section 17-34. Same - 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:

Major streets - Not less than eighty (80) feet;
Minor streets - Not less than fifty (50) feet;
Local service drives or other minor streets which cannot be extended in the future - Not less than fifty (50) feet. (8-31-64, Subsection 4-22 through 4-22-3)

Townhouse and condominium subdivisions shall be exempt from this section provided the subdivision is served by private streets.

Section 17-37. Same - Private Streets and Reserve Strips.

There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets. (8-31-64, Section 4-26) Townhouse and condominium subdivisions shall be exempt from this section. Private streets may be allowed in townhouse and condominium subdivisions provided the private streets are approved by the Site Plan Review Committee and meet all of the other street requirements in this Chapter unless specifically exempted.

ARTICLE II. PLATS

Division 2. Approval of Plats

Section 17-55. Approval and Recording Required Prior to Granting of Building Permit or Sale of Lots; Preliminary Plats.

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 nine (9) copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold or transferred until a final plat for the subdivision shall have been approved and recorded as provided in this Article. (8-31-64, Section 5-1; 2-11-74)

Section 17-57. Preliminary Plat - Generally.

The subdivider shall present to the Commission or their appointed representative, nine (9) prints of a preliminary layout at a scale of one hundred (100) feet to the inch as a preliminary plat except as provided for in Section 17-57.1. The preliminary plat shall include the following information:

- (a) 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.
- (b) 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.

- (c) The boundary survey or existing survey of record; provided, that such survey shows a closure with an accuracy of not less than one in twenty-five (2500) 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.
- (d) All existing, platted and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
- (e) 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.
- (f) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.
- (g) 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.
- (h) A location map tying the subdivision into the present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.
- (i) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- (j) All parcels of land to be dedicated for public use and conditions of such dedication. (8-31-64, Subsection 5-3 through 5-3-10)

Section 17-57.1. Preliminary Plat - Townhouse and Condominium Subdivisions.

For townhouse and condominium subdivisions, the subdivider shall present to the Commission or their appointed representative, nine (9) 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:

- (a) 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.
- (b) 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.

- (c) The boundary survey or existing survey of record; provided, that such survey shows a closure with an accuracy of not less than one in twenty-five (2500) 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.
- (d) All existing, platted and proposed streets, their names, numbers, and widths; existing utility, drainage or other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.
- (e) A cross section showing the proposed street construction, depth and type of base, type of surface, etc. if not shown on site plan.
- (f) A location map tying the subdivision into the present road system, either by aerial photographs or topographic maps of the U.S. Department of Interior.
- (g) All parcels of land to be dedicated for public use and conditions of such dedication. (8-31-64, Subsection 5-3 through 5-3-10)

Section 17-59. Effect of Approval of Preliminary Plat.

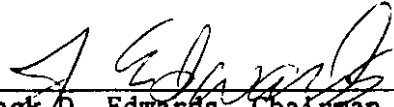
Approval by the Commission, or the agent appointed by the governing body, of the preliminary plat does not constitute a guarantee of approval of the final plat. (8-31-64, Section 5-5; 2-11-74)

Section 17-61. 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:


- (a) A blank oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) 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 unless shown on the site plan for townhouse and condominium subdivisions.
- (f) Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).
- (g) 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. (8-31-64, Subsection 5-7 through 5-7-7)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 11th day of March, 1985.

0340A

SUPERVISOR	VOTE
BROWN	AYE
DEPUE	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE