

ADOPTED

JAN 9 1989

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

ORDINANCE NO. 30A-15

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING AND REPLACING THE EXISTING CHAPTER, SECTIONS 17-1 THROUGH 17-65.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained by repealing and replacing existing Sections 17-1 through 17-65 with new Article I, General Provisions, Section 17-1, Short title, Section 17-2, Definitions, Section 17-3, Compliance with chapter mandatory, Section 17-4, Penalties, Section 17-5, Administration and enforcement of chapter, Section 17-6, Effect of private contracts, Section 17-7, Changes, erasures and revisions, Section 17-8, Subdivider may appeal from disapproval of plat, Section 17-9, Final plan - by whom prepared, Section 17-10, How chapter may be amended, Section 17-11, Resubdivision same as subdivision, Section 17-12, Vacation of recorded plat, Section 17-13, Construction and severability of provisions, Section 17-14, Private streets declaration, Section 17-15, Fees, Section 17-16, Saving provision, Section 17-17, Special provisions for family subdivisions, and Section 17-18, Exceptions; Article II, Procedures and documents to be filed, Section 17-19, Pre-application conference, Section 17-20, Master plan, Section 17-21, Classification of subdivisions, Section 17-22, Procedure for review of

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Article I. General Provisions

Section 17-1. Short Title.

This Chapter shall be known and may be cited as the "Subdivision Ordinance of James City County, Virginia," or simply as the "Subdivision Ordinance."

Section 17-2. Definitions.

Agent. The Director of Planning or his designee.

Approved. The word "Approved" shall be considered to be followed by the words "or disapproved," when the sense so requires.

Arterial Streets. A street specifically designed to move high volumes of traffic from collector streets through the County and not designed to serve abutting lots except indirectly through intersecting streets. Arterial streets shall include all U.S. Highways, State primaries with one, two, or three digit numbers, State Secondary roads with three digit numbers, and any other street which the agent determines is functionally equivalent to these Transportation Department classifications. This definition shall not include three digit numbered streets which are part of a recorded subdivision or an extension thereof.

Block. Land containing lots which are bounded by streets or a combination of conservation areas, streets, public parks, cemeteries, railroads, rights-of-way, shorelines or boundaries of the County.

Central Water Systems. A water system in which all connections in the subdivision are served by one or more water sources through a common distribution system owned and operated by the James City Service Authority. Central water system shall include all structures, hydrants, property, equipment and appurtenances used in the production, storage and distribution of water.

Commission. The James City County Planning Commission.

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

County Attorney. The James City County Attorney or his designee.

County Engineer. The James City County Engineer or his designee.

Cul-De-Sac. A street with only one outlet having a circular turn-around for a safe and convenient reverse traffic movement.

Development Review Committee. A subcommittee of the Commission charged with reviewing major subdivisions and exceptions to this Chapter and making recommendations to the Commission.

Division of Code Compliance. The James City County Director of Code Compliance or his designee.

Easement. A grant by a property owner of the use of land for specific purposes.

Fire Chief. The James City County Fire Chief or his designee.

Governing Body. The James City County Board of Supervisors.

Health Department. The Commonwealth of Virginia Department of Health or an authorized official, agent, or employee thereof.

Improvements. All public and quasi-public utilities and facilities including but not limited to, streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, electrical service, monuments, signs, sidewalks, and streetlights required by this Chapter.

Lot. A unit, division or piece of land. A lot is synonymous with parcel or tract.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage. A lot having frontage on two or more streets.

Lot Frontage. The minimum width of a lot measured along a street from one side lot line to another.

Plat. A map or plan for a tract or parcel of land meeting the requirements of this Chapter which is to be or which has been subdivided. When used as a verb, "Plat" is synonymous with "subdivide."

Property. A unit or units of land of such size and dimensions that it may be subdivided into two or more lots.

Public Sewer. A sewer system owned and operated by a municipality, County, Service Authority or the Hampton Roads Sanitation District Commission, approved by the Governing Body, licensed by the State Corporation Commission if required by law, and approved by the Health Department and State Water Control Board where appropriate.

Public Water. A water system owned and operated by a municipality, County or Service Authority, approved by the Governing Body, licensed by the State Corporation Commission if required by law, and approved by the Health Department.

Right-of-Way. The total width of land dedicated or reserved for public or restricted travel, including pavement, ditches, drainage facilities, curbing, gutters, pipes, sidewalks, shoulders and land necessary for the maintenance thereof. The right-of-way may contain public or private utilities.

Septic Tank System. An individual sewage holding tank and drainfields approved by the Health Department.

Service Authority. The James City Service Authority.

Service Authority Manager. The Manager of the James City Service Authority or his designee.

Service Authority Regulations. The James City Service Authority Regulations Governing Utility Service.

Setback Line. A line showing the closest point from a property line that a dwelling or principal structure may be constructed consistent with the Zoning Ordinance.

Street. An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the Transportation Department, or approved as a private transportation system under the Zoning Ordinance. A street shall provide access to property by vehicular and pedestrian traffic for all purposes of travel transportation or parking to which it is adopted and devoted. This term is synonymous with road, lane, drive, avenue, right-of-way, highway, or any other thoroughfare.

Subdivide. The Division of Property into two or more lots whereby legal title to the property is severed.

Subdivider. An individual, corporation, partnership or other entity owning any property to be subdivided.

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 serviced by an individual exterior entrance or entrances.

Transportation Department. The Commonwealth of Virginia Department of Transportation or an authorized official, agent or employee thereof.

Section 17-3. Compliance with Chapter Mandatory.

A. No person shall subdivide land without making and recording a plat of subdivision and fully complying with the provisions of this Chapter.

B. No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the agent.

C. No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto, provided that nothing herein contained shall be

construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

D. No clerk of any court shall file or record a plat of a subdivision required by this Chapter until such plat has been approved by the agent as required herein.

E. The requirements of this Chapter shall be considered separate from, and supplementary to any requirements otherwise specified by this code or by State or Federal law. Nothing contained herein shall excuse compliance with other applicable ordinances or laws. Where local requirements are in conflict with mandatory State or Federal requirements, the State or Federal requirements shall prevail.

Section 17-4. Penalties.

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating the provisions of this Chapter shall be subject to a fine of not more than five hundred dollars for each lot or parcel of land so subdivided or transferred or sold. 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 any transaction from such penalties or from other remedies.

Section 17-5. Administration and Enforcement of Chapter.

The agent is hereby delegated to administer and enforce the provisions of this Chapter. The agent shall be considered the agent of the governing body. Approval or disapproval by the agent shall constitute approval or disapproval as though it were given by the governing body. The agent may consult with the Commission on matters contained herein and may call for written opinions or decisions from other County departments, the Transportation Department, and the Health Department in considering details of any submitted plat.

Section 17-6. Effect of Private Contracts.

This Chapter bears no relation to any private easement, covenant, agreement or restriction, and the responsibility of enforcing such private easement, covenant, agreement or restriction is not implied herein to any public official. When this Chapter calls for more restrictive standards than are required by private contract the provisions of this Chapter shall control.

Section 17-7. Changes, Erasures and Revisions.

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

Section 17-8. Subdivider May Appeal From Disapproval of Plat.

In the event a plat for subdivision is disapproved by the agent or Commission, the subdivider may appeal to the governing body. The governing body may override the recommendation of the agent or Commission and approve said plat. No appeal shall be made unless it is filed in writing with the clerk of the governing body within thirty days of disapproval by the agent or Commission.

Section 17-9. Final Plan - By Whom Prepared.

Each final subdivision plan shall be prepared by a surveyor or engineer duly licensed by the Commonwealth of Virginia.

Section 17-10. How Chapter May Be Amended.

This Chapter may be amended in whole or in part by the governing body. Any such amendment shall either originate with or be submitted to the Commission for recommendation prior to adoption. If no recommendation is received from the Commission after sixty days from submission, the governing body may act without a recommendation. No such amendment shall be adopted without a public hearing having been held by the governing body.

For State law as to amendments to County Subdivision Ordinances, see Code of Va., Section 15.1-472. As to required filing of amendments, see Code of Va., Section 15.1-471.

Section 17-11. Resubdivision Same as Subdivision.

Any change in a recorded subdivision plat that modifies, creates, or adjusts lot lines shall be approved in the same manner and under the same requirements as a new subdivision. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage, or other public area laid out or described in such plat is affected, the plat shall be vacated pursuant to Section 17-12 prior to resubdivision.

Section 17-12. Vacation of Recorded Plat.

Any recorded plat, or part thereof, may be vacated pursuant to Section 15.1-481 through Section 15.1-485 of the Code of Virginia, as amended. Any such vacation shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest to the owners, proprietors and trustee, if any, the title to the streets, alleys, easements for public passage and other public areas laid out or described in such plat.

Section 17-13. Construction and Severability of Provisions.

This chapter shall be liberally construed so as to effectuate its purposes. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the constitution of the Commonwealth or of the United States, or if the application thereof to any government, agency, person or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application hereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to any other government, agency, person or circumstance.

Section 17-14. Private Streets Declaration.

If approved streets in a subdivision are not to be constructed to meet the standards necessary for inclusion in the secondary system of state highways, or are not to be dedicated to the Virginia Department of Transportation, the subdivision plat and all deeds conveying lots in the subdivision, or similar instruments, shall contain a statement advising that the streets in the subdivision do not meet state design standards or shall not be maintained by the Transportation Department or the County.

Section 17-15. Fees.

There shall be a fee for the examination of every plan reviewed by the agent or Commission. The fee for a major or minor subdivision shall be twenty-five dollars per plan plus fifteen dollars per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be twenty-five dollars. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the Treasurer.

Section 17-16. Saving Provision.

The adoption of this Chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the County under any provision in effect prior to the adoption of this Chapter, unless expressly provided for in this Chapter. Any subdivision plan which has received preliminary approval prior to the adoption of this Chapter and for which a final plat is recorded within one year from the date of preliminary approval shall have vested rights under the ordinance in effect at the date of preliminary approval. Failure to record a plat within one year shall render the preliminary approval null and void.

Section 17-17. Special Provisions for Family Subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner. Such subdivision shall be subject only to any express requirement contained in the Code of Virginia and the following provisions:

1. Only one such division shall be allowed per family member, and shall not be made for the purpose of circumventing this Chapter.
2. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the Zoning Ordinance.
3. For property not served with public water and public sewer, each lot shall have its septic tank system and water source approved by the Health Department and shall be shown on the subdivision plat.
4. Each lot or parcel of property shall front upon a road which is part of the Transportation Department road system or shall front upon a private drive or road which is in a right-of-way twenty 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 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 in all weather. The provision of an all-weather drive shall be guaranteed in accordance with Section 17-68 of this chapter.
5. The corners of all lots created by Family Subdivisions shall be marked with iron pipes as provided for in Section 17-35 of this chapter.
6. A final subdivision plan shall be submitted to the agent for approval as provided for in Section 17-29 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created.

Section 17-18. Exceptions.

The Commission may grant an exception to any requirement of the Chapter. The burden shall be on the subdivider to demonstrate the need for an exception. If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

No such exception shall be granted unless the subdivider petitions the Commission in writing. The petition shall state fully the grounds for the exception and all the facts relied upon by the subdivider. The agent may require such additional information as he may deem necessary to process the request for the exception. In addition, all property owners of any abutting property and property immediately across the street or road from the property affected shall be notified in writing by the agent of the request for an exception. Such notice shall specifically describe the exception requested and the date, time and location of the Development Review Committee meeting first considering such request. Such notice shall be mailed by the agent at least ten days before the committee meeting. Evidence that such notice was sent by first class mail to the last known address as shown on the current real estate tax assessment book shall be deemed adequate compliance.

The Commission shall not approve any exception unless it first receives a recommendation from the Development Review Committee and finds that:

- a. Strict adherence to the ordinance requirement will cause substantial injustice or hardship;
- b. The granting of the exception will not be detrimental to public safety, health, or welfare, and will not adversely affect the property of others;
- c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this Chapter;
- d. No objection to the exception has been received in writing from the Transportation Department, Health Department, or Fire Chief; and
- e. The hardship or injustice is created by the unusual character of the property; including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self inflicted hardship shall not be considered proper justification for an exception.

The Commission in authorizing an exception may impose such reasonable conditions in addition to the regulations of this Chapter as it may deem necessary in the public interest. The Commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Article II. Procedures and Documents to be Filed

Section 17-19. Pre-Application Conference.

Before submittal of any preliminary or final subdivision plan, the applicant is advised to confer with, and submit a conceptual sketch to, the subdivision agent and such other agencies of the State and County as the agent deems advisable concerning the proposed subdivision.

Section 17-20. Master Plan.

For multiphased subdivisions, the subdivider shall submit to the agent a master plan for all phases of the proposed subdivision as part of the preliminary plat submittal. The purpose of such a master plan is to permit the agent to advise the subdivider whether his plans are generally in accordance with the requirements of this Chapter. The Commission, upon submission of any master plan, may study it, and advise the subdivider where it appears that changes are appropriate. The agent may mark the master plan indicating appropriate changes. The subdivider shall return such master plan to the agent with each preliminary plan. The master plan shall, at a minimum, 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 also show the location of all proposed streets, lots, development phases, parks, playgrounds and other proposed uses of the land to be subdivided and their approximate dimensions and a conceptual layout of the water and sewer systems. The master plan is not binding on the subdivider or the governing body.

Section 17-21. Classification of Subdivisions.

(A) Minor Subdivision. A minor subdivision shall be a division of a tract of land into not more than five lots abutting an existing public road within the Transportation Department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the agent as a logical part of a contiguous subdivision, cannot be subdivided into greater than five lots without being reviewed as, and meeting the requirements of, a major subdivision. A minor subdivision may include family subdivisions as defined herein. A preliminary or final plan shall include only those submittal requirements of this chapter and requirements for design and minimum requirements required by Article III deemed necessary by the agent.

(B) Major Subdivision. A major subdivision shall be a division of a tract of land into six or more lots or any division which creates a new street or extends any existing street.

(C) Townhouse or Condominium Subdivision. A townhouse or condominium subdivision shall be a division of a tract of land into lots for townhouses or condominiums as shown on an approved site plan pursuant to the Zoning

Ordinance. A preliminary or final plan shall include only those requirements for design and minimum improvements required by Article III of this chapter deemed necessary by the agent.

Section 17-22. Procedure for Review of Minor Subdivisions, Townhouse or Condominium Subdivisions.

The subdivider shall submit to the agent one reproducible copy plus five (5) prints of a final plan for a minor, townhouse, or condominium subdivision. If a preliminary plan is submitted the number of copies of the preliminary plans required shall be determined by the agent. Upon submittal the subdivider shall pay the appropriate subdivision plan review fee.

Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the County and State as deemed necessary by the agent. The agent shall transmit County staff review comments to the subdivider within thirty (30) days. The agent shall within ninety (90) days approve or deny the subdivision plan and notify the subdivider of the action in writing. If a final plan is approved, such approval shall be in accordance with Section 17-30. The agent shall certify such approval by signing the record plat. If a preliminary plan is approved, the agent shall include in the notification of preliminary approval all conditions required for final approval. If disapproved, the agent shall state in the notification to the subdivider the specific reasons for denial.

Section 17-23. Procedure for Preliminary Plan Review for Major Subdivisions.

The subdivider shall submit to the agent nine (9) copies of the preliminary subdivision plan for a major subdivision and pay the appropriate subdivision plat review fee.

Upon meeting all submittal requirements, the plan shall be reviewed by the agent and other agencies of the County and State as deemed necessary by the agent. The agent shall prepare a composite report on the proposed subdivision to determine if it meets the requirements of this Chapter and the Zoning Ordinance. The report shall include review requirements by other agencies. The preliminary plan and the agent's composite report shall be reviewed by the Development Review Committee when it meets to make its recommendation to the Commission.

The Commission shall consider the plan and either grant preliminary approval or disapprove it within ninety days of submittal. The plan may be granted preliminary approval with conditions. The agent shall notify the applicant of the Commission's findings in writing within seven days of the commission meeting. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure final approval of the subdivision. If disapproved, the notice shall state the specific reasons for disapproval.

Section 17-24. Procedure for Preliminary Plan Review for Major Subdivisions of Fewer Than Fifty Lots.

Major subdivisions of fewer than fifty (50) lots may, at the agent's discretion, be reviewed under the procedures set forth in Section 17-22.

Section 17-25. Effect of Approval of Preliminary Plat.

Approval by the Commission or the agent of the preliminary plan shall not constitute a guarantee of approval by the agent of the final plan.

Section 17-26. Term of Validity for the Preliminary Plan and Extension.

The subdivider shall have no more than three hundred and sixty-five (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 17-30 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 and for good cause shown, grant one extension of preliminary approval for a period of one year.

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 (5) years from the recordation date of the first section 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.

Section 17-27. Preliminary Plan - Submittal Requirements.

The preliminary plan for a minor or major subdivision shall be on a blue-line or black-line print. The scale shall be one-hundred (100) feet to the inch except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan for a minor or major subdivision shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow and scale. If true north is used, the method of determination shall be shown.

- (b) The location of the proposed subdivision on an inset map at a scale of not less than one inch equals two thousand feet showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A boundary survey, or existing survey of record, providing a closure with an accuracy of not less than one in twenty-five hundred, total acreage, acreage of subdivided area, existing buildings, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines.
- (d) All existing, platted and proposed streets, including their names, numbers, and widths; existing and proposed utility or other easements, public areas, parking spaces, culverts, drains, watercourses, lakes, their names and other pertinent data.
- (e) A drainage plan showing the proposed drainage system including all open ditches, closed storm drain pipes and stormwater management facilities proposed to convey the subdivision drainage to an adequate channel. The plan shall include sizes of all pipes and ditches, types of pipes and ditch linings, drainage easements and construction details of any stormwater management facilities. Drainage calculations shall be submitted with a drainage area map to verify the design of the drainage system including the adequacy of the channel receiving drainage from the proposed subdivision.

For multiphased subdivisions, a drainage area map shall be provided with drainage calculations for all phases of the subdivision to determine the adequacy of receiving channels. If receiving channels are not adequate, the map shall include the location of proposed stormwater management facilities.

- (f) An Erosion Control Plan showing the location, type, and details of proposed erosion and sediment control devices to be used during and after construction. The plan shall meet all requirements of the Erosion and Sedimentation Control Ordinance and shall be provided at a scale of one hundred feet to the inch except in cases where the Director of Code Compliance approves an alternate scale. The plan shall show existing and proposed contours at intervals of no more than five feet.
- (g) Cross sections showing the proposed street construction, depth and type of base, type of surface, compaction, shoulders, curbs and gutters, sidewalks, side ditches and other features of the proposed streets.
- (h) Street profiles 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 connecting grade lines therewith.

- (i) Size and location of existing sanitary sewer and water facilities, location and method of proposed connections to existing sewer and water facilities, size and location of proposed sewer and water facilities showing location of proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and clean-outs, grinder pump locations, profile views of water and sewer mains with manhole rim and invert elevations and percent of slope, sewage pump station location, design and details, and water well facility location, design, and details.

Alternate means of proposed sewage disposal and water supply if public sewer or water is not available, with well type, classification, and locations; specific on-site sewage system locations and soils information as required by the Health Department regulations.

Section 17-28. Preliminary Plan – Townhouse and Condominium Subdivisions.

The preliminary plan for a townhouse or condominium subdivision shall be on a blue-line or black-line print. The scale shall be one hundred feet to the inch, except in cases where the agent approves an alternate scale. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. The preliminary plan shall include the following information:

- (a) The name of the subdivision, owner, subdivider, and surveyor or engineer, the date of drawing, number of sheets, north arrow and scale. If true north is used, the method of determination must be shown.
- (b) Location of the proposed subdivision on an inset map at a scale of not less than one inch equals two thousand feet, showing adjoining roads, their names and numbers, subdivisions and other landmarks.
- (c) A boundary survey, or existing survey of record, providing a closure with an accuracy of not less than one foot in twenty-five hundred feet, total acreage, acreage of subdivided area, existing buildings, names of owners and existing property lines within the boundaries of the tract and for adjacent properties thereto, proposed monuments, lots, lot numbers, lot areas, blocks, building setback and yard lines.
- (d) All existing, platted and proposed streets, including their names, numbers, and widths; existing and proposed utility, drainage or other easements, public areas and parking spaces; culverts, drains and watercourses, lakes, their names and other pertinent data.
- (e) All parcels of land to be dedicated for public use and conditions of such dedication.

Section 17-29. Final Plan - Submittal Requirements.

The final plan for a subdivision shall be on blue-line or black-line print. The scale shall be one hundred feet to the inch except in cases where the agent approves an alternate scale. The size of the record plat portion of the final plan shall not be smaller than eight and one-half inches by eleven inches or larger than eighteen inches by twenty four inches. If more than one sheet is used, sheets shall be numbered in sequence and an index shall be provided. In addition to the requirements of the preliminary plan, the final plan for a subdivision shall include the following:

- (a) The accurate location and dimensions by bearings and distances, including all curve data, for all lots, and street lines and centerlines of streets. Distances and bearings shall balance and close with an accuracy of not less than one in ten thousand.
- (b) 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.
- (c) When the subdivision consists of land acquired from more than one source of title, the outlines of these tracts shall be indicated by dashed lines, and the identification of the respective tracts shall be shown on the plat.
- (d) A certification of each owner's consent duly acknowledged before a licensed notary public in the following format:

Owner's Certificate

The subdivision of land shown on this plat and known as (name of subdivision) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and or trustees.

_____ Date

_____ Name

_____ Date

_____ Name

Certificate of Notarization

State of Virginia

City-County of _____ (Name) I, _____ (Name Printed)
a Notary Public in and for the City-County and State aforesaid, do hereby certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in the City-County aforesaid. Given under my name this _____ day of _____, 19 ____.

_____ (Signature)

My commission expires _____.

- (e) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided, the place of record of the last instrument in the chain of title, and that the subdivision conforms to all requirements of the Board of Supervisors and Ordinances of the County of James City County, Virginia, in the following format:

Certificate of Source of Title

The property shown on this plat was conveyed by (previous owner) to (current owner) by (type of instrument) dated (date) and recorded in the Office of the Clerk of the Circuit Court of the County of James City in Deed Book (number) Page (number).

Engineer or Surveyor's Certificate.

I hereby certify that to the best of my knowledge or belief, this plat complies with 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.

Date	Name
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- (f) Certificate of approval as follows:

Certificate of Approval

This subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

Date	Virginia Department of Transportation
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Date	Virginia Department of Health
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Date	Subdivision Agent of James City County
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Section 17-30. Procedure for Approval of Final Plan.

The subdivider shall submit for review and approval seven copies of the final plan for a major subdivision or as many copies of the final plat for minor subdivisions, townhouse or condominium subdivision as deemed necessary by the agent. Upon approval of the final plan by the agent, the subdivider shall submit one reproducible copy plus five prints of the record plat portion of the final plat to the agent for review and approval. The record plat shall not be approved until the applicant:

1. Has complied with the requirements and minimum standards of design set forth in this Chapter;
2. Has incorporated such changes or complied with such conditions on the final plan as may have been stipulated in the letter of notification following action by the Commission or agent on the preliminary plan;
3. Has made satisfactory arrangements for performance assurances as specified in Article IV of this Chapter; and
4. Has executed all certificates required in Section 17-29.

Section 17-31. Term of Validity for the Final Plan.

The subdivider shall record the approved record plat in the Clerk's Office of the Circuit Court of the County within one hundred and eighty days after approval thereof; otherwise, such approval shall become null and void.

Article III

Requirements For Design and Minimum Improvements

Section 17-32. Land Must Be Suitable.

The agent shall not approve the subdivision of land if he determines after adequate investigations conducted by the Transportation Department, the Health Department, or the Director of Code Compliance, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.

In determining the suitability of lots, the minimum criteria shall be for each lot to have an accessible building site. Land not suitable within a proposed subdivision shall be platted for uses not endangered by periodic or occasional inundation and which otherwise shall not produce conditions contrary to public welfare or such land shall be combined with other suitable lots.

Section 17-33. Location of Utilities.

All utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable television or similar service shall be placed underground; provided that the following utilities shall be permitted above ground:

- (1) Electric transmission lines and facilities in excess of fifty kilovolts;
- (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antenna and associated equipment, which is, under accepted utility practices, normally installed above ground;
- (3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises.

Whenever existing utilities are located above-ground in proposed subdivisions, they shall be removed and placed underground except where they are within ten feet of existing public street rights-of-way.

Section-17-34. Locations and Specifications for Monuments.

Concrete monuments which are four inches in diameter or square, three feet long, and 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 at points of curve in each street. The top of the monument shall have a cross or metal plug at the center for

identifying the location and shall be set flush with the finished grade. Alternate types of monuments may be used if approved by the Division of Code Compliance prior to installation.

Section 17-35. Lot Corner Monuments.

All lot corners shall be marked with an iron pipe monument not less than three-fourth's inch in diameter and twenty four inches long. Such monuments shall be driven flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock into which shall be cemented a steel rod one-half inch in diameter. The top of the rod shall be flush with the finished grade line. Alternate types of monuments may be used if approved by the Division of Code Compliance prior to installation.

Section 17-36. Monuments - General Requirements.

Upon completion of subdivision streets, sewers, waterlines and other improvements, all monuments required by this Chapter shall be clearly visible for inspection and use. The subdivider shall be responsible for replacing any monument which is damaged or knocked out of alignment during construction. Prior to final release of the surety required for a subdivision, the subdivider shall provide certification from an engineer or surveyor that monuments required by this chapter have been properly placed.

Section 17-37. Easements.

Appropriate easements shall be provided by the subdivider. The easements shall be of sufficient width for the specified use and shall include the right of ingress and egress for installation and maintenance of such use. The agent may require that easements through adjoining property be provided.

Section 17-38. Lot Size.

The minimum lot size shall be in accordance with the Zoning Ordinance; provided, however, that where public water or public sewer systems or both such systems are not available, such minimum lot size may be increased by the agent in accordance with the recommendation of the Health Department.

Section 17-39. Lot Arrangements, Design and Shape.

The lot arrangement, design and shape shall be related to the topography such that each lot has: (1) an acceptable building site in compliance with the requirements of the Zoning Ordinance and applicable health regulations; and (2) suitable access to the building site from an approved street. Unusually shaped or elongated lots established primarily for the purpose of providing minimum square footage shall not be permitted.

Section 17-40. Lot Location.

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, unless otherwise specifically provided for in this chapter. If the existing streets do not meet the minimum Transportation Department width requirement, the subdivider shall dedicate the necessary right-of-way necessary for the street to meet such minimum requirement.

Section 17-41. Side Lot Lines.

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

Section 17-42. Lot Remnants.

Remnants of lots not meeting minimum lot requirements shall not be created by the subdividing of a tract. All such remnants shall be added to adjacent lots.

Section 17-43. Double Frontage Lots.

Double frontage lots shall not be permitted except where it is necessary that they abut arterial streets. Any access to an arterial street shall be prohibited by easement. This section shall apply to corner lots only if such lots abut an arterial street.

Section 17-44. Separate Ownership of Lots to be Subdivided.

Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property line is extinguished in the subdivision, each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such a deed shall be recorded with the final plat.

Section 17-45. Lot Frontage.

Lots within major subdivisions shall not front on arterial streets.

Section 17-46. Block Length.

The length of blocks shall be determined by public safety, traffic flow and existing topographic conditions. Where streets are approximately parallel, connecting streets shall be provided. In addition, a minimum fifty foot right-of-way shall be platted to the property line at suitable intervals, as determined by the agent, where appropriate to afford access to undeveloped land.

Section 17-47. Block Width.

Blocks shall be designed to consist of two tiers of lots. If such block design is prevented by topographical conditions, size of the property, adjoining major streets, railroads or waterways, the agent may approve a single tier of lots.

Section 17-48. Street Alignment and Layout.

Streets in new subdivisions shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision as to location, width, grades and drainage. All street intersections shall be in accordance with Transportation Department standards. Street intersection jogs, with centerline offsets of less than one hundred and fifty feet, shall be prohibited.

Section 17-49. Street Construction Standards.

All subdivision streets, unless otherwise specifically provided for in this Chapter, shall be paved and dedicated for public use. No street shall have a right-of-way less than fifty feet in width. 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 Highway System prior to release of the construction surety bond. Streets shall be designed to fit into a street hierarchy separating streets into categories based on traffic levels in accordance with Transportation Department standards.

Any private street permitted shall be certified to the satisfaction of the County Engineer, or his designee, as having been constructed in accordance with all ordinance requirements and approved plans. Until such time as the County Engineer has accepted and approved such certification, surety required to guarantee the proper construction of such private streets shall not be released. Construction certification shall be in accordance with administrative guidelines prepared by the County Engineer.

Section 17-50. Street Drainage.

Streets with a longitudinal slope of less than 0.75 percent as shown on the profile sheet of the preliminary and final plan shall be constructed as curb and gutter streets or as open ditch streets with a concrete paved ditch. The minimum longitudinal slope for any street to be constructed with a paved ditch shall be 0.5 percent.

The minimum longitudinal slope for curb and gutter sections shall be 0.3 percent. If curb and gutter is proposed for any portion of a subdivision, it shall be required for all subsequent sections which extend a curb and gutter improved street.

Section 17-51. Reserved.

Section 17-52. Cul-de-sac Streets.

Cul-de-sac streets shall not exceed one thousand feet in length. Each cul-de-sac shall be terminated by a circular turn-around meeting minimum Transportation Department standards.

Section 17-53. Private Streets.

There shall be no private streets permitted in any subdivision except where permitted by the Zoning Ordinance or by Section 17-17 of this Chapter; provided, however, private streets may be allowed in townhouse and condominium subdivisions if the private streets are approved by the Commission and meet, unless specifically exempted, all other street requirements in this Chapter.

Section 17-54. Street and Subdivision Names.

Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets or subdivisions shall not duplicate, irrespective of suffixes, or be similar in sound or spelling to existing street or subdivision names in James City County, the City of Williamsburg, or the northern portions of York County served by the Williamsburg Post Office, by common zip code or by interjurisdictional emergency services.

Street names shall be indicated on the preliminary and final plat and shall be approved by the agent. Names of existing streets or subdivisions shall not be changed except by approval of the governing body.

Section 17-55. Street Signs.

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

Section 17-56. Public Water.

If public water is available, it shall be extended to all lots within a subdivision including recreation lots. Availability of public water shall be determined in accordance with the Service Authority Regulations.

Section 17-57. Water Facilities.

If public water is not available, the subdivider of any major subdivision shall construct a central water system including distribution lines, storage, and supply facilities within the subdivision. Central water

service shall be extended to all lots within a subdivision, including recreation lots. Upon completion and acceptance of the improvements, the water system together with all necessary easements and rights-of-way, including the well lot, shall be dedicated to the Service Authority by deed and an accompanying plat.

The central water system requirement may be waived by the Service Authority Manager. Such a waiver shall be requested in writing by the subdivider and approved prior to submission of preliminary plans. Any waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider.

Section 17-58. Individual Wells.

If public water is not available, each lot in a minor subdivision shall be served by an individual well. All individual wells shall be approved by the Health Department or the Service Authority prior to approval of the Subdivision plat.

Section 17-59. Public Sewer.

If public sewer is available, it shall be extended to all lots within the subdivision including recreation lots. Availability shall be determined in accordance with the Service Authority Regulations.

Section 17-60. Individual Sewer.

If public sewer is not available, subdivision lots shall be served by individual septic tank systems provided individual septic tank systems have been approved by the Health Department. Any proposed lots not suitable for the installation of septic tank systems shall be combined with lots that are suitable. The plans for such subdivisions shall include specific on-site septic tank locations and soils information as required by Health Department regulations.

Section 17-61. Regulations Governing Utility Service.

All subdividers shall comply with the Service Authority Regulations.

Section 17-62. Inspection of Public Water and Sewer System.

Inspection of public water or sewer system installations shall be the responsibility of the Service Authority. Any subdivider of a subdivision shall obtain a Certificate to Construct sewer or water lines and facilities from the Division of Code Compliance prior to either extending existing facilities or building new facilities. Certificates to Construct shall not be issued until the subdivider has paid to the County inspection fees in the

amount of fifty cents per foot for every foot of main sewer line or water main constructed. A Certificate to Construct shall be required prior to final approval of the subdivision plat.

Section 17-63. Fire Protection.

Fire hydrants shall be installed in subdivisions at locations designated by the Fire Chief and the Service Authority at the time of an extension or construction of a public water system.

Section 17-64. Streetlights.

The subdivider shall install streetlights at locations designated by the Division of Code Compliance in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the Transportation Department prior to the end of the one year billing period covered by the deposit, the subdivider shall compensate the County for any additional rental charges incurred prior to release of the subdivision surety.

Streetlights, in subdivisions with private streets, shall be installed by the subdivider at locations designated by the Division of Code Compliance. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners association or other legal entity shall be demonstrated to the satisfaction of the County Attorney.

Section 17-65. Off-site Sewer, Water, and Drainage Costs.

The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary sewer, water or drainage improvements located outside of the property limits of the land owned or controlled by him whenever the following conditions exist:

- a. The County determines that such off-site improvements to sewer, water, or drainage are necessitated at least in part by the construction or improvement of the subdivision.
- b. The County or other appropriate authority has established a general sewer, water, or drainage improvement program for an area having related and common water, sewer and drainage conditions.
- c. The subdivider's property is located within said designated area covered by such program.
- d. The estimated cost of the total water, sewer or drainage improvement program has been determined.

- e. The estimated water flow, sewerage flow or storm water runoff has been established for the designated area served by such program.

The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the increased water and sewage flow or increased volume and velocity of storm water runoff to be actually caused by his subdivision bears to the total estimated volume and velocity of such water, sewage or runoff from such area in its fully developed state.

Such payment received by the County shall be expended only for construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider; provided, however, that in lieu of such payment the County may permit the subdivider to post a bond with surety satisfactory to the County conditioned on payment at commencement of such construction.

Section 17-66. Off-site Road Improvements.

A subdivider may voluntarily contribute and the County may accept funds for off-site road improvements substantially generated and reasonably required by the construction or improvement of the subdivision.

Section 17-67. Dedication and Reservation of Land for Public Purposes.

A subdivider may be required to dedicate or reserve land up to a maximum of five percent of the land subdivided for public purposes including, but not limited to, parks, playgrounds, well lots, schools, libraries, municipal buildings and similar public or semi-public uses. The governing body shall not be required to compensate any owner for such land if the need for the land is substantially generated by the subdivision. No land shall be reserved in such manner that would render it unusable to the subdivider if not used for the intended public purpose. The subdivider may petition the governing body to release the reservation of any land so reserved if not used for a proper purpose within a reasonable time.

A subdivider that provides for the transfer of adequate and suitable land for parks and playground to a subdivision homeowner or a subdivision recreation association shall not be required to dedicate additional land for parks and playgrounds.

Article IV. Performance Assurances

Section 17-68. Installation of Improvements and Bonding.

Prior to approval of the final plat, all public improvements required by this Chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the County and furnishing to the County a certified check, bond with surety satisfactory to the County, or a Letter of Credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the Director of Code Compliance. Such documents shall be submitted to the Director of Code Compliance. The form of the agreement and type of surety shall be to the satisfaction of and approved by the County Attorney. The length of time in which the improvements are to be completed shall be determined by the Director of Code Compliance. If the improvements are not completed in a timely manner, the Director of Code Compliance shall proceed to complete the improvements by calling on the surety.

Upon written request by the subdivider, the Director of Code Compliance shall make periodic partial releases of surety in a cumulative amount equal to no less than eighty (80) percent of the original amount of the surety based upon the percentage of facilities completed and approved by the County, Service Authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least thirty (30) percent of the facilities covered by any surety, or after completion of more than eighty (80) percent of said facilities. The Director of Code Compliance shall not be required to execute more than three periodic partial releases in any 12-month period.

Within thirty (30) days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the Director of Code Compliance shall notify the subdivider of any non-receipt of approval by an applicable State Agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the Director of Code Compliance requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.

If no action is taken by the Director of Code Compliance within the thirty (30) day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty (30) day period and there is an additional request in writing sent by certified mail to the County Administrator. The Director of Code Compliance shall act within ten (10) working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.


Upon final completion and acceptance of said facilities, the Director of Code Compliance or his designee shall release any remaining surety to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when said public facility is accepted by and taken over for operation

and maintenance by the state agency, County government department or agency, or other public authority which is responsible for maintaining and operating such facility upon acceptance.

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 9th day of January, 1989.

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