

JUL 26 2011

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 30A-39

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; ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-32, LAND MUST BE SUITABLE, SECTION 19-50, STREET DRAINAGE; SECTION 19-64, STREETLIGHTS; AND ARTICLE IV, PERFORMANCE ASSURANCES, SECTION 19-72, INSTALLATION OF IMPROVEMENTS AND BONDING.

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 19-2, Definitions; Section 19-32, Land must be suitable; Section 19-50, Street drainage; Section 19-64, Streetlights; and Section 19-72, Installation of improvements and bonding.

Chapter 19. Subdivisions

Article I. General Provisions

Sec. 19-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

~~Division of code compliance~~ *building safety and permits.* The James City County Director of ~~code compliance~~ *Building Safety and Permits* or his designee.

~~—Environmental division—~~*Engineering and resource protection division.* The Director of the James City County ~~Environmental Division~~ *Engineering and Resource Protection Division* or his designee.

Article III. Requirements for Design and Minimum Improvements

Sec. 19-32. Land must be suitable.

(a) 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 ~~environmental~~ director *of engineering and resource protection*, 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.

Sec. 19-50. Street drainage.

(c) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into natural drainage or enters a common area. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the ~~environmental division~~ director *of engineering and resource protection* upon written request and justification by the owner or developer.

Sec. 19-64. Streetlights.

(a) The subdivider shall install streetlights as determined by the ~~environmental division~~ director *of engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body, 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.

(b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the ~~environmental division~~ director of *engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body. 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.

Article IV. Performance Assurances

Sec. 19-72. Installation of improvements and bonding.

(a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are 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 the ~~environmental division~~ *engineering and resource protection*. Such documents shall be submitted to the director of the ~~environmental division~~ *engineering and resource protection*. 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 the ~~environmental division~~ *engineering and resource protection*. If the improvements are not completed in a timely manner, the director of the ~~environmental division~~ *engineering and resource protection* shall proceed to complete the improvements by calling on the surety.

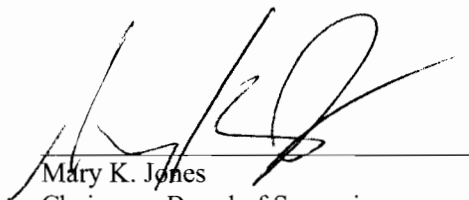
(b) Upon written request by the subdivider, the director of ~~the environmental division~~ *engineering and resource protection* shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities 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 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The director of ~~the environmental division~~ *engineering and resource protection* shall not be required to execute more than three periodic partial releases in any twelve-month period.

(c) Within 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 ~~the environmental division~~ *engineering and resource protection* shall notify the subdivider of any nonreceipt 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 ~~the environmental division~~ *engineering and resource protection* 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.

(d) If no action is taken by the director of ~~the environmental division~~ *engineering and resource protection* within the thirty-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-day period and there is an additional request in writing sent by certified mail to the county administrator. The director of ~~the environmental division~~ *engineering and resource protection* shall act within ten 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.

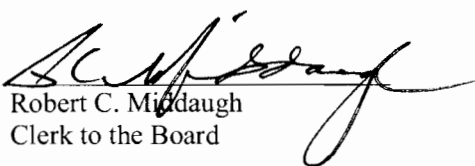
(e) Upon final completion and acceptance of said facilities, the director of ~~the environmental division~~ *engineering and resource protection* or his designee shall release any remaining surety to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when said public 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.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Mindaugh
Clerk to the Board

<u>SUPERVISORS</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

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