

Table of Contents

ARTICLE	Section 7 - Page
7 GENERAL REGULATIONS.....	7-1
7-A MUTUAL RESPONSIBILITY	7-1
7-C SUBDIVISION NOT EXEMPT FROM OTHER LAWS.....	7-1
7-D SECTIONAL DEVELOPMENT.....	7-1
7-E NORMAL REQUIREMENTS AND VARIATIONS	7-1
7-G PLANNING COMMISSION AGENDA.....	7-2
7-H CONFLICTS IN REGULATIONS.....	7-2
7-I BOUNDARY LINE ADJUSTMENTS	7-2

7 GENERAL REGULATIONS

7-A MUTUAL RESPONSIBILITY

There is a mutual responsibility between the subdivider and the Town of Boyce to divide the land in such a way as to insure the best general use pattern of the land being subdivided, and to avoid adverse impact on other properties.

7-B TRANSFERS, SALES AND PERMITS TO BUILD

No property in a subdivision shall be transferred or offered for sale by reference to, or exhibition of, or by other use of, a plat of a subdivision, nor shall a permit be issued for a structure thereon, until a Record Plat and such subdivision shall have been approved, as provided herein, and such Plat and a Deed of Dedications, as may be required pursuant to Sections 4-G-4 and 5-B-5-(c) herein, have been recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

7-C SUBDIVISION NOT EXEMPT FROM OTHER LAWS

The creation of a subdivision shall in no way exempt the land included within it from the provisions of zoning or other ordinances or laws.

7-D SECTIONAL DEVELOPMENT

7-D-1 Where a proposed subdivision includes more than one section, the development sequence for all sections must be presented at the time the plat of the first section is submitted. When a property owner intends to apply for multiple subdivisions of his/her property, an Exploratory Sketch Plan of the entire property, pursuant to Section 5-A, shall be presented with the initial subdivision. If such a sketch plan is not submitted, a subsequent subdivision of the property shall not be accepted or considered until 12 months after approval of the initial subdivision.

7-D-2 If any area of the original tract is not included in the plat of the first section, there shall also be submitted a plat showing the anticipated boundaries of future sections. This plat shall show the anticipated street locations and contours of the land in the future sections together with a statement of anticipated lot sizes in the future sections.

7-E NORMAL REQUIREMENTS AND VARIATIONS

In laying out subdivisions, the requirements of Article 6 and Article 8 shall ordinarily be observed as minimum requirements. However, said requirements may be varied in specific cases by the Commission if it determines that a peculiar or special situation exists which makes it necessary or desirable to vary one or more of the said requirements. The Commission shall determine that any such variation is not in conflict with or, in the case of a more stringent requirement and that such variation is deemed necessary to carry out, protect, or provide for the public welfare or the purpose of this Ordinance. Any such variance and the reasons therefore shall be stated in writing in the minutes of the Commission of the action on the proposed subdivision.

7-F DEDICATION OF STREETS

The subdivider shall dedicate to the Town of Boyce for public use, all land required for streets in the subdivision, except land used as a Private Access Easement in accordance with the terms of this Ordinance. Approval of a Record Plat shall not be deemed acceptance by the Town Council of any street or other public space shown on such plat for repair, maintenance or operation thereof. No public easement or right-of-way shown on any recorded plat of subdivision shall be deemed accepted by the Town of Boyce for public use until such acceptance of proposed dedication shall first have been formally approved by the Town Council in meeting duly assembled. The Council shall not give approval until any such easement or right-of-way complies with all requirements of this Ordinance and of the Virginia Department of Transportation, and such other requirements as the Council may impose for public streets, roads and drainage.

7-G PLANNING COMMISSION AGENDA

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate plat and procedural requirements of the Ordinance.

7-H CONFLICTS IN REGULATIONS

Whenever regulations in this Ordinance are different from regulations contained in other Ordinances, the most restrictive regulations shall prevail.

7-I BOUNDARY LINE ADJUSTMENTS

The intent of this section is to provide for adjustments of property lines that do not conflict with the intent of this Ordinance and Section 15.2-2275 of the Code of Virginia (1950), as amended. Boundary line adjustments, which would conflict with this intent, are subject to subdivision review under provisions of this Ordinance.

7-I-1 The relocation or altering of property lines is permitted between adjoining lots in the Residential Zoning District where the total acreage in the subject lots is not increased, and no non-conformity as to setback or lot size is created or increased.

7-I-2 The relocation or altering of property lines is permitted between adjoining lots in the Business Zoning District where the total acreage in the subject lots is not increased, and no non-conformity as to setback or lot size is created or increased.

- 7-I-3 Boundary line adjustments are not permitted where the boundary line adjustment would alter a property line that is coincident with a zoning district boundary.
- 7-I-4 No more than one Boundary Line Adjustment application may be approved for any parcel during a one year period.