

TOWN OF WARRENTON
SUBDIVISION ORDINANCE



ADOPTED BY THE TOWN COUNCIL
February 14, 2006

Town of Warrenton, Virginia
SUBDIVISION ORDINANCE

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**ARTICLE I
TITLE AND PURPOSE**

This ordinance regulates the subdivision of property into lots, streets, alleys, and other public areas, and provides for the making, recording, certification and approval of plats of such subdivisions.

1-1 Title

This Ordinance is known and may be cited as the 'Subdivision Ordinance of the Town of Warrenton, Virginia.' [moved from old section 1-3]

1.2 Authorization

The Town Council of Warrenton, Virginia, is authorized to adopt subdivision regulations pursuant to the provisions of Title 15.2, Chapter 22, Article 6 (Land Subdivision and Development), of the Code of Virginia 1950, as amended.

1 -3 Purpose

The purpose of this Ordinance is to establish reasonable and desirable subdivision standards and procedures for the Town of Warrenton. These are part of the implementation portion of the comprehensive planning process to guide and facilitate the orderly growth of the community, and to promote the public health, safety, convenience, and welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for appropriate development and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This Ordinance is designed to assist the Town in meeting these responsibilities.

1-4 Applicability

These regulations apply to all divisions of land into parcels or adjustments to the boundaries of parcels within the Town. No existing subdivision may be modified except by approval in accordance with this and other applicable ordinances of the Town. This Ordinance governs residential and nonresidential subdivisions. No plat of a subdivision may be recorded unless and until it has been approved and certified in accordance with the regulations set forth in this chapter. No lot of a subdivision may be sold or transferred before a plat has been approved and recorded, unless the subdivision was created prior to the adoption of the Town's original subdivision ordinance. Nothing herein may be construed as preventing the recordation of an instrument by which land is transferred or title passed as between the parties to the instrument.

1-5 Adoption, Amendment, and Recordation of this Ordinance.

- 1-5.1 The Planning Commission prepares and recommends the subdivision ordinance and transmits it to the Town Council. The Town Council may approve and adopt a subdivision ordinance only after notice has been published, and a public hearing held, in accordance with Virginia Code §15.2-2204.
- 1-5.2 The Planning Commission on its own initiative may, or at the request of the Town Council must, prepare and recommend amendments to the subdivision ordinance. The procedure for amendments is the same as for the original ordinance. The Town Council may not adopt any amendment without first referring it to the Planning Commission for recommendation. If the Planning Commission makes no recommendation within 60 days of such a referral, the Town Council may act on the amendment.
- 1-5.3 A certified copy of this Ordinance and any and all amendments thereto must be filed in the office of the Town Planning Director and in the office of the Clerk of the Fauquier County Circuit Court.

1-6 Interpretation and Meaning.

The provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety and general welfare. Words used in the present tense include the future tense, except where the natural construction of this Ordinance provides otherwise. Words in the singular number include the plural and words in the plural include the singular.

1-7 Relationship to Zoning Ordinance

Subdivisions must also comply with applicable provisions of the Town's Zoning Ordinance (and map).

1-8 Validity

If any section, clause, sentence, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, that decision will not affect the validity of the remaining portions of the Ordinance.

1-9 Effective Date

- 1-9.1 This Ordinance was duly considered, following required public hearings, and was adopted by the Town Council of Warrenton on February 14, 2006.
- 1-9.2 This Subdivision Ordinance of the Town of Warrenton, Virginia, took effect at 12:01 am., February 15, 2006.

1-9.3 This Ordinance applies to all subdivisions proposed after the effective date given in Section 7-2.1.

**ARTICLE 2
ADMINISTRATION AND GENERAL REGULATIONS**

2-1 Administration

The administration and enforcement of these regulations, insofar as they pertain to public improvements required herein, is vested in the Town Council. Except as provided above, the administration and enforcement of the provisions of this Ordinance is to be carried out by the Planning Director. The Planning Commission approves or disapproves of all preliminary subdivision plats in accordance with this Ordinance. The Town Council approves or disapproves all final subdivision plats in accordance with this Ordinance. In the performance of their duties, the Commission and the Council may call for verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State and other local government departments, including consultants where deemed necessary, in considering details of any proposed subdivision plat. The Town Council reserves the right to elect, by Resolution of record, whether it will or will not accept the dedication of any proposed subdivision, street, alley or public improvement.

2-2 Duties

The Planning Commission shall perform its duties regarding subdivisions and subdividing in accordance with this Ordinance and Title 15.2, Chapter 22, Article 6, of the Code of Virginia.

2-3 Additional Authority

In addition to the regulations and requirements contained in this Ordinance concerning the platting of subdivisions, the Planning Director may establish any reasonable additional administrative procedures deemed necessary for the proper administration of this Ordinance.

2-4 Subdivision Plat Recordation

2-4.1 From and after the effective date of this Ordinance, any owner or proprietor of any tract of land within the Town of Warrenton who subdivides the same as herein provided, must cause a plat of such subdivision to be made in accordance with the regulations set forth in this Ordinance and in the Code of Virginia, and a copy of the plat to be recorded in the office of the Clerk of Fauquier County Circuit Court.

2-4.2 No final subdivision plat may be recorded unless and until it has been submitted to and approved by the Town Council and certified by the Planning Director.

2-4.3 A Final Plat becomes null and void if it is not recorded in the Office of the Clerk of the Circuit Court of Fauquier County within six (6) months from the date of approval by Town Council, unless an extension is granted by the Town Council upon written application by the subdivider.

2-4.4 Nothing in this Ordinance will preclude or otherwise limit vested rights recognized under state law.

2-5 Transfer of Land

No parcel of land in a subdivision, as defined in this Ordinance, created after the effective date of this Ordinance may be transferred, sold, or offered for sale until a Final Plat has been approved and recorded as provided for in this Ordinance.

2-6 Issuance of Permits

No official of the Town may issue any zoning permit, building permit, or occupancy permit for any structure on any land subdivided as defined in this Ordinance after the effective date of this Ordinance until a Final Plat has been approved and recorded as provided in this Ordinance.

2-7 Variations and Exceptions

The Town Council may grant variations in or exceptions to the general regulations of this Ordinance in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

2-7.1 The Council may not grant a variation or exception unless it is consistent with the intent of this Ordinance and would still preserve and protect the public interest. In granting a variation or exception, the Council may do so only to the minimum extent necessary in the circumstances and may require other action by the subdivider to assure that the purpose of the affected regulation is accomplished.

2-7.2 The subdivider may submit a written petition to the Council for a variation in or exception to the provisions of this Ordinance at the time he submits the Preliminary Plat. The Town Council will not consider any petition that is not in writing. The petition must state fully the grounds for the requested variation or exception, including any basis for claiming an unusual situation, substantial injustice, and/or substantial hardship. If the subdivider seeks a variation in a requirement, the petition must state the extent to which he wishes the requirement to be varied.

2-7.3 This Article does not apply to acquisition of lands by the Town to construct new streets and to widen existing public streets, ways, and alleys.

2-7.4 The Town Council authorizes the Planning Director to permit the separation of one (1) parcel from a tract as it exists at the time of adoption of this Ordinance without complying with all requirements of this Ordinance if:

- a. It is not in conflict with the general meaning and intent of this Ordinance.
- b. No new streets are required to serve the parcel or the residual tract,
- c. Neither the parcel nor the residual tract is less than provided in the Zoning Ordinance.
- d. Both lots meet the lot frontage and width requirements as provided in the Zoning ordinance.

2-8 Complementary Ordinances

This Ordinance is intended to complement and be consistent with this Zoning Ordinance. The creation of a subdivision in no way exempts the land included within it from the provisions of the Zoning Ordinance or other Town ordinances or regulations.

2-9 Violations and Penalties

2-9.1 It is a violation of this Ordinance for any person or agent to disobey, neglect, or refuse to comply with any of its provisions.

2-9.2 Any violation of this Ordinance is punishable by a fine of five hundred dollars (\$500) for each lot or parcel of land involved as set forth in § 15.2-2254 of the Code of Virginia, as amended.

2-9.3 All departments, officials, and public employees of the Town of Warrenton vested with the duty or authority to issue permits or licenses must conform to the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance is null and void.

2-9.4 Where there has been a violation of this Ordinance, the Town Council, notwithstanding the imposition of any fine in accordance with this section, may seek equitable and other relief to enjoin any violation, in any Court of competent jurisdiction.

2-10 Appeals

2-10.1 Any person aggrieved by a decision of the Planning Director, his agents, or any other administrative official acting pursuant to this Ordinance may appeal, in writing, the decision to the Town Council within 15 days of the decision. The filing of an appeal under this section postpones the review period under Virginia Code §§ 15.2-2259 and -2260.

2-10.2 If the Planning Commission disapproves a Preliminary subdivision Plat or the Town Council disapproves a Final Plat, and the subdivider contends that the disapproval was not properly based on the Ordinance or was arbitrary or capricious, he or she may appeal the determination to the Circuit Court of

Fauquier County. The appeal must be filed with the Circuit Court within sixty (60) days of the Commission's or the Council's written disapproval.

2-11 Fees

The Town Council may, by resolution, establish a schedule of fees to compensate the Town for costs incurred for administration, examining plats, making investigations, advertising, travel, and other work incidental to the approval of plats. To request a refund or waiver of fees established under the provisions of this Article, the subdivider must submit the request in writing to the Town Council. The written request must detail the reasons for the request and the amount of refund or waiver requested. The Town Council will render a decision on any such request within sixty (60) days of receipt of such written request.

2-12 Vacation of Plat

Any plat of record may be vacated in accordance with the provisions of § 15.2-2270, et seq., of the Code of Virginia, as amended.

2-13 Dedication and Reservation of Land

2-13.1 The subdivider must dedicate to the Town of Warrenton all land required for public streets and alleys as provided for in this Ordinance. Regardless of dedication, all streets and alleys must meet the minimum design standards in this Ordinance and of the Town's Public Facilities Manual.

2-13.2 The subdivider must dedicate to the Town of Warrenton such land for parking lots, public utilities, public stormwater management facilities and parks, as the Planning Commission or Town Council determines necessary to comply with the requirements of any Town ordinance, including the design standards of this Ordinance and the Town's Public Facilities Manual. Such land may be dedicated in fee simple or by easement, as appropriate, subject to the approval of the Planning Commission at the preliminary plat stage and Town Council at the final plat stage. A maintenance plan for the long-term care and operation of such land and facilities subject to an easement must be provided to the Town by a property owners association or the owner, subject to the approval of the Planning Commission at the preliminary plat stage and Town Council at the final plat stage. The Planning Commission or Town Council will determine the necessary size, location, and character of land to be dedicated or reserved.

2-13.3 Reservations of small strips of land at the ends of public or private streets, or along property lines, are prohibited.

2-14 Boundary Adjustments

The sale and exchange of parcels between adjoining lot owners, and boundary adjustments, are permitted and can be approved by the Planning Director without review

or approval by the Planning Commission or Town Council, subject to all of the following conditions:

- a. The sale or exchange does not create an additional building lot, a public or private street, or any other public improvement.
- b. The sale or exchange does not leave a parcel that does not conform to the lot size requirements of the zoning district in which the property is located.
- c. The applicant submits a duly executed survey of the property, in conformance with the submission requirements for final plats set forth in this Ordinance and suitable for recordation in the Circuit Court Clerk's office, with notation indicating the amount of acreage exchanged and that no new building lot is created.
- d. The applicant submits a copy of the new deed for review and approval.

2-15 Partition by the Court

The provisions of this Ordinance do not apply to the partition of any tract of land ordered by a Court of competent jurisdiction.

ARTICLE 3 PLAT PREPARATION AND PROCEDURE

3-1 Preliminary Conference, Preliminary Sketch

- 3-1.1 Before the preparation of a Preliminary Plat, a subdivider must attend a presubmission meeting with the Planning Director relative to the details contained in this Ordinance, the Comprehensive Plan, the Zoning Ordinance, and other applicable plans and ordinances. The purpose of such a meeting is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plan or plat preparation.
- 3-1.2 The subdivider is encouraged to submit to the Planning Director two (2) copies of a preliminary sketch of the proposed subdivision prior to his preparation of engineered Preliminary and Final Plats. The purpose of such a preliminary sketch is to permit the Planning Director to advise the subdivider whether his plans in general are in accordance with the requirements of this Ordinance prior to any appreciable investment on the part of the subdivider. The Planning Director will provide the subdivider written comments.

3-2 Purpose of Preliminary Plat

Any person proposing a subdivision of land under this Ordinance must submit to the Planning Director a Preliminary Plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the subdivider to ascertain whether his plans are in accordance with the provisions of this Ordinance and to reduce deficiencies in final plat submissions and corresponding cost to review those plats.

3-3 Preliminary Plat to be Submitted

- 3-3.1 The subdivider must submit twelve (12) paper copies of the Preliminary Plat, together with the preliminary street and utility plans, to the Planning Director. In addition to the paper copies, the subdivider must also provide to the Planning Director one digital copy of all submittals in a software and storage format suitable to the Town, as determined by the Planning Director.
- 3-3.2 The Planning Director must determine whether the submitted plat application is complete, in accord with Section 3-4 of this Ordinance and all other pertinent submission requirements. Within ten (10) business days of submission, the Planning Director must notify the subdivider whether the application is accepted as complete for processing ("officially accepted") and, if it is not, what items are required to make the application complete and eligible for official acceptance.
- 3-3.3 Once the Planning Director has officially accepted the plat application, he must promptly deliver copies of the plans to the Planning Commission and other Town or State officials, as required, and retain the other copies.

3-4 Preliminary Plat Requirements

The Preliminary Plat must meet the following requirements:

- 3-4.1 It must be legibly drawn and may be on more than one (1) sheet. The scale must be one (1) inch equals one hundred (100) feet.
- 3-4.2 It must show the following information, except where a variation or exception has been requested or approved:
- a. Date of plat and name of the surveyor or engineer preparing the same accompanied by an original seal and signature.
 - b. Scale.
 - c. Number of sheets comprising the plat.
 - d. North meridian, designated "true" or 'magnetic', and direction oriented to the top of the sheet and each sheet comprising plat shall be so oriented.
 - e. Name and signature of owner or their agent.
 - f. Name of subdivision which may not duplicate nor too closely approximate that of any existing subdivision in the Town of Warrenton or in Fauquier County.
 - g. Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
 - h. Names of all adjoining property owners and the location of their common boundaries together with zoning classifications and including the proposed subdivision.
 - i. Historical buildings, structures, and sites designated on the Virginia Landmarks Register.
 - j. The boundary lines of the proposed subdivision and any of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.

- k. All adjoining roads and streets with their numbers and/or names.
- l. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the Administrator may require the Preliminary Plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets can be developed with the platted streets.
- m. Location of existing buildings within the subdivision and within two hundred (200) feet thereof.
- n. Location and description of all existing monuments.
- o. Topographical contour lines, existing and finished, as required for approval of drainage and sewer facilities.
- p. Proposed locations, widths, and names of all streets.
- q. The approximate location, number, and the proposed use of all lots and other areas, including water courses, marshes, impoundments, lakes, and those areas to be used or parking, recreation, commercial purposes, or for public or governmental use, and existing utility installation.
- r. Proposed lot numbers and block letters.
- s. If the proposed subdivision consists of land acquired from more than one (1) source of title, the outlines of the several tracts must be included on the Preliminary Plat by broken lines, and the tracts must be identified on the Preliminary Plat.
- t. A tree inventory, in accord with Article 8 of the Town's Zoning Ordinance, showing the location of all trees on the site with a caliper of six (6) inches or greater. Wooded areas must be designated by symbols that indicate the perimeter of the area covered by the canopy of the trees. Trees to be removed must be indicated. Trees and or wooded areas to be retained, and methods to be used to assure adequate protection for trees adjacent to disturbed areas, must be indicated. Such methods must conform to Section 3, Subsection 1.85, Tree Preservation and Protection of the Virginia Erosion and Sediment Control Handbook and the requirements of the Town's Zoning Ordinance.
- u. A landscape plan, prepared by a registered landscape architect, indicating the location, number, and type of plantings, and planting specifications as required by this Ordinance and Article 8 of the Town's Zoning Ordinance. Such plan must be drawn at a scale of one (1) inch equals thirty (30) feet.

3-4.3 Phasing

- a. If the subdivision is to be developed in phases, a declaration of phase sections must be shown on the Preliminary Plat.
- b. The maximum length of road segments for any phase without a second egress may not exceed 700 feet, in accord with the standards set forth in Article 4 of this Ordinance.
- c. Continuity of utility lines (water, storm water management, etc.) must be ensured.
- d. Temporary turn-arounds must be shown as needed.

3-5 Items to Accompany Preliminary Plat

The items as described below must accompany the Preliminary Plat at the time it is submitted to the Planning Director:

- 3-5.1 A tentative proposal for providing each building lot with a safe water supply and an adequate means of sewerage in conformance with the design standards set out in this Ordinance and in the Public Facilities Manual.
- 3-5.2 Preliminary plans and specifications of any streets or public parking areas to be included in the subdivision and any special treatment which will be required in their construction, including the drainage system which will be required and in conformance with the design standards set out in this Ordinance and in the Public Facilities Manual.
- 3-5.3 A statement by the subdivider indicating whether he proposes to dedicate or reserve land for public use or for the common use of future property owners in the subdivision and, if so, a statement giving an outline of the terms proposed and acreage involved. If private streets are involved, the subdivider must submit specific provisions for their maintenance.
- 3-5.4 A statement summarizing proposed restrictive covenants and reservations.
- 3-5.5 A check payable to the Town of Warrenton to cover the required fees as established by Town Council.
- 3-5.6 A completed Preliminary Plat checklist, available from the Town Planning Department.

3-6 Planning Commission to Act on Preliminary Plat

- 3-6.1 The Planning Commission discusses the Preliminary Plat with the subdivider to determine whether it generally conforms to the requirements of this Ordinance and the Zoning Ordinance.

The Planning Commission will then advise the subdivider in writing, by formal letter or by legible markings on his copy of the Preliminary Plat, concerning any additional data that might be required; the nature, character and extent of public improvements that will be required; and any other conditions that might have to be met as a prerequisite to approval of the final subdivision plat.

- 3-6.2 The Planning Commission must approve the Preliminary Plat if it has been properly drawn, all additional data requested by the Planning Commission has been provided, and the proposed subdivision conforms to the requirements and purposes of this Ordinance and the Zoning Ordinance. Otherwise, the Planning Commission must disapprove the Preliminary Plat and make a good faith effort to identify all deficiencies in the submission. The Commission must state the

deficiencies in the plat that cause the disapproval by reference to specific adopted ordinances, regulations, or policies and must identify the modifications or corrections that would permit approval of the plat. If only minor changes are required for approval, the Commission may approve subject to specified required revisions by writing such requirements on the plat or by placing upon it a reference to an accompanying statement.

3-7 Disposition of Preliminary Plat After Action

One (1) copy of the Preliminary Plat with the action of the Planning Commission noted thereon will be returned to the subdivider, and an annotated copy will be kept by the Planning Director and Town Council for comparison with future plats submitted by the subdivider.

3-8 No Guarantee

Approval of the Preliminary Plat does not constitute a guarantee of approval of the Final Plat. Likewise, official acceptance of any plat does not guarantee its approval.

3-9 Six-Month Limit

Within six (6) months after receiving official notification concerning the approval of the Preliminary Plat, the subdivider must file with the Planning Director a final subdivision plat in accordance with this Ordinance. Failure to do so will render the Preliminary Plat approval null and void. The Planning Commission may, upon good cause shown and upon written request by the subdivider, grant a one-time extension of this time limit up to sixty (60) days.

3-10 Final Plat to be Submitted

- 3-10.1 Twelve paper copies of the Final Plat must be submitted to the Planning Director, who will forward it to the Town Council. Together with the paper copies, one digital copy of the Final Plat must be provided to the Planning Director in a software and storage format suitable to the Town, as determined by the Planning Director.
- 3-10.2 Twelve (12) copies of the Final Plat drawn in accordance with Section 4-11 and twelve (12) copies of the Final Plat reduced in size to approximately eight (8) inches by fourteen (14) inches must be submitted. One copy each of the full size Final Plat and of the reduced size Final Plat must be provided on a durable, reproducible material such as Mylar, acceptable to the Planning Director. Such reproducible copies must be submitted together with the paper copies.

3-11 Final Plat Requirements

The Final Plat must adhere to the following requirements:

- 3-11.1 The Final Plat must be prepared by a certified professional engineer or land surveyor with their seal, who must endorse upon the plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.
- 3-11.2 The Final Plat must be substantially in accordance with the Preliminary Plat (together with any changes or additions required by the Planning Commission as a requirement for its approval), except that a Final Plat may include all or any part of the area covered by the Preliminary Plat.
- 3-11.3 The Final Plat must be legibly and accurately drawn upon sheets having a size of fifteen (15) inches by twenty (20) inches. The plat must be drawn at a scale of one (1) inch equals one hundred (100) feet. If the subdivision is shown on more than one (1) sheet, the sheet number, total number of sheets, and subdivision name must be shown on each sheet, and match lines must clearly indicate where the several sheets join.
- 3-11.4 The Final Plat must also show the following details:
 - a. A boundary survey.
 - b. Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision: names and widths of all streets; and boundaries of all easements, school sites, parks, or other public areas.
 - c. All dimensions shown in feet and decimals of a foot to the closest one-hundredth of a foot; and all bearings and degrees, minutes and seconds, to the nearest ten (10) seconds.
 - d. Curve data showing radius, delta, and arc either at the curve or in a curve data table.
 - e. Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
 - f. Number of each lot and letter or number of each block.
- 3-11.5 The Final Plat must show any land or water areas are being dedicated or reserved for streets, alleys, parking space, or for other public use, or for the common use of future property owners of the subdivision.
- 3-11.6 The Final Plat must show or have appended to it an unexecuted copy of a proposed Certificate of Owner's Consent to Subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees, and lien

holders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

3-11.7 The Final Plat must provide on the first sheet space for:

- a. The surveyor's certificate, as to title.
- b. The surveyor's certificate, as to monuments.
- c. All restrictive covenants, or reference thereto.
- d. Approval by the Town Council.

3-12 Documents to Accompany Final Plat

When delivered to the Planning Director, all Final Plats must be accompanied by the following:

- 3-12.1 A water supply and sewerage handling facilities plan conforming to the Public Facilities Manual and demonstrating that each building lot will have a safe water supply and an adequate means of handling sewerage.
- 3-12.2 Plans for all streets, street signs, and drainage systems, including profiles, elevations, inverts and specifications, acceptable and in conformity with the Public Facilities Manual.
- 3-12.3 A detailed estimate, prepared by a certified professional engineer, of the costs for construction and installation of the following on-site and off-site improvements:
 - a. Any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, located within ~~any~~ the subdivision and maintained by the Town, the Commonwealth, or any other public agency.
 - b. Any other site-related improvements required by this Ordinance or other Town ordinance for vehicular ingress and egress, including traffic signalization and control; for public access streets; for structures necessary to ensure stability of critical slopes; and for storm water management facilities.
 - c. Cost estimates must be based on per-unit quantities and costs for respective public- or private-sector construction within the Warrenton region. The estimates must include a reasonable allowance for estimated administrative costs, inflation during the anticipated time of project completion (determined using the most recent yearly rate of change in the Consumer Price Index), and potential damage to existing roads, utilities or other public facilities.
 - d. Each cost estimate must include an estimated time frame for phasing and completion of all improvements.
 - e. Cost estimates, including estimated time frames, will be reviewed and approved, approved with revisions, or disapproved by the Town Engineer

and/or Director of Public Works for the Town with notice provided in writing and addressed to the owner, or the subdivider's designated agent, as identified on the plat documents.

- 3-12.4 A completed and accurate Final Plat Checklist, available from the Town Planning Department, must also be submitted with the Final Plat.
- 3-12.5 A Tree Protection Plan, in accord with the requirements of the Zoning Ordinance that indicates the location of trunks and driplines for trees or wooded areas that are to be retained. In the case of wooded areas, the trunks and driplines of perimeter trees shall be sufficient indication of location. Methods of protection must be clearly indicated, including details of all retaining walls, tree guards, tree wells, indications that grading changes will not alter surface water movement to or from trees to be retained, and methods to mark trees and wooded areas to be preserved during grading and construction activities.
- 3-12.6 A check payable to the Town of Warrenton to cover all required fees and costs.
- 3-12.7 An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgements of deed, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. The deed must:
- a. Contain a correct description of the land subdivided and state that the subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.
 - b. Contain language such that when the deed is recorded it will operate to transfer in fee simple to the Town the portions of the platted premises designated on the plat and set apart for public streets, alleys, or other public use and to grant such easements as are shown on the plat to create a public right of passage.
 - c. Contain all protective or restrictive covenants, including those referred to in Section 4-11.7(c) and including provision for the maintenance of private streets, if any.
- 3-12.8 An Erosion and Sedimentation Control Plan approved by the appropriate agent in accordance with Article 5.

3-13 Town Council to Act on Final Plat

Within sixty (60) days after any Final Plat and the accompanying documents required by this Ordinance have been officially accepted, the Town Council will render a decision of approval or disapproval. Following disapproval of a plat, all copies of the plat and accompanying documents will be returned to the subdivider. The Planning Director, on behalf of the Town Council, will provide written notification to the subdivider stating the reasons for disapproval.

3-14 Disposition of Plat After Final Approval

Following approval, two (2) copies of the Final Plat measuring fifteen (15) inches by twenty (20) inches and one (1) copy of the reduced size plat will be returned to the subdivider. The subdivider must submit to the Clerk of Court one (1) copy of the reduced size plat for recordation and one (1) copy of the full size Final Plat for filing in the subdivision plat book. One (1) additional copy of the full size plat must be delivered to the Treasurer of the Town of Warrenton, and the remaining copies thereof, with the accompanying documents, shall be retained in the files of the Administrator. Any surety bond, approved by Town Attorney to be posted by the subdivider pursuant to the requirements of this Ordinance must be delivered to the Planning Director. A cash escrow, check or letter of credit, if any, must be delivered to the Finance Director.

3-15 Bonding

3-15.1 Upon approval of the cost estimates required in 3-12.3, the owner or developer is required to submit: (1) a certificate certifying that the construction costs have been paid to the person constructing such improvements covered by the cost estimates; or (2) a cash escrow, certified check, or performance and payment bond surety with escalation clause for the cost of improvements to insure completion; or (3) a bank or savings institutions letter of credit, on certain designated funds satisfactory to the Planning Director as to the institution, the amount and the form.

3-15.2 The Town Council, or its designated administrative agent, may grant periodic partial releases of any bond, escrow, letter of credit, or other performance guarantee required for the completion of publicly dedicated improvements under the following conditions:

- a. No more than three (3) periodic partial releases may be executed within any twelve (12) month period.
- b. At least thirty (30) percent of the facilities covered by any performance guarantee are completed.
- c. Less than eighty (80) percent of the facilities covered by any performance guarantee are completed.
- d. The owner or developer has submitted a written notification to the Planning Director of the percentage of work complete and the request for partial release of funds.
- e. Inspections by Town personnel and/or state agency personnel reveal no defects and/or deficiencies in the work completed. Such defects and deficiencies must be directly related to the construction of the facilities covered by said bond, escrow, letter of credit, or other performance guarantee. Identified defects and/or deficiencies and suggested corrective measures will be identified, within thirty (30) days receipt of a written request for partial release, and notice provided in writing and addressed to the owner, or their designated agent, as identified on the site plan documents.

- f. The Town may accept a certificate of partial completion from either a duly licensed professional engineer or land surveyor, without the necessity of further inspection.

If the above requirements and conditions are met, the Town Council will grant a periodic partial release within thirty (30) days of receiving a written request from the subdivider. If the Town Council takes no action within the time specified above, the request will be deemed approved and the partial release granted to the owner or developer.

- 3-15.3 A Maintenance Bond shall be provided by the subdivider to ensure full completion of required improvements and their durability, including landscaping, erosion and sediment control, finish paving and As-Built drawings. Such bond shall constitute 15% of the original bond or Letter of Credit and shall be available for release within 12 months after the release of the original bond, subject to approval of the Planning Director that the maintenance and finish items specified herein have been properly completed.
- 3-15.4 Final completion and acceptance of publicly dedicated or maintained improvements and facilities will result in the release of any remaining bond, escrow, letter of credit, or other performance guarantee by the Town. Final acceptance occurs when a public facility is accepted and taken over for operation and maintenance by the state agency, the Town, or other public authority that is to be responsible for maintaining and operating the facility or improvement upon acceptance.
 - a. The owner or developer must notify the Town Council in writing of the completion of all facilities and improvements and must request final release of the performance guarantee.
 - b. Within thirty (30) days of receiving a written request for partial release, the Planning Director will notify the subdivider or developer in writing whether the request has been approved. If it is disapproved, the notice will identify any required approval by an applicable state agency that is lacking and any defects or deficiencies in construction and suggested corrective measures.
 - c. The Planning Director may accept a certificate of completion from either a duly licensed professional engineer or land surveyor, or from a department or agency designated by the Town, without the necessity of further inspection.
 - d. If no notice is given to the subdivider within the time specified above for final release, and an additional request in writing is sent by the subdivider by certified mail, return receipt requested, to the Town Manager, and neither the Town Council nor the Planning Director has acted within ten (10) working days of receiving the request, it shall be deemed approved and final release granted.
- 3-15.5 As-Built drawings shall be provided for all subdivisions and related required improvements, in accord with this Ordinance and the Town's Zoning Ordinance,

as a condition for full final bond release. Twelve (12) paper copies such drawings and one digital copy shall be provided to the Planning Director upon completion of all site improvements.

ARTICLE 4 STANDARDS

4-1 Suitability of Land; Conformance to Town Public Facilities Manual

- 4-1.1 Land encumbered by any of the following characteristics may be deemed by the Planning Commission as being unsuitable for subdivision:
 - a. Land lying within a 100-year flood area designated by the Flood Insurance Study and accompanying maps as completed by the U. S. Department of Housing and Urban Development, Federal Insurance Administration.
 - b. Land having physical characteristics, such as poor drainage, highly erodible soils, and wetlands, where subdivision would increase danger to health, life, or property or aggravate erosion or flood hazard.
 - c. Slopes with grades in excess of twenty-five (25) percent

- 4-1.2 The Planning Commission may recommend the subdivision of any land which falls under 4-1.1. provided that:
 - a. Sufficient land is provided in each subdivided lot to provide a building site free from flood, steep slopes, or other danger or nuisance.
 - b. The developer installs land preservation improvements as may be required to prevent increased danger to health, life, or property and to render the land safe and otherwise acceptable for development.
 - c. The requirements of Section 5-7 of this Ordinance are met.

- 4-1.3 In connection with this Section, the Planning Commission may require the subdivider to furnish topographical maps, elevations, flood profiles, and other relevant data as necessary.

- 4-1.4 All construction of public infrastructure as required in this Ordinance must conform to the Public Facilities Manual.

4-2 Streets

- 4-2.1 Streets must connect with existing streets and provide access to adjoining subdivisions. The Town Council may grant a variation from this requirement for specific locations only if it deems the requirement to be in conflict with the Comprehensive Plan.
- 4-2.2 Streets must intersect at as near right angles as practical. Offsets or jogs must be avoided, except in cases in where the Town Council grants a variation based on a

determination that they are consistent with and necessary to accommodate traffic-calming measures recommend by the Comprehensive Plan. No street may intersect another street at an angle of less than eighty (80) degrees.

- 4-2.3 Proposed streets in a subdivision must be extended to the boundary lines of such adjacent property. Temporary turnaround must be provided at the ends of such streets, by means of temporary easements or otherwise.
- 4-2.4 Where the adopted Comprehensive Plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot, such additional right-of-way must be dedicated for public use when the plat is recorded.
- 4-2.5 Where lots in a subdivision abut on one (1) side of an existing public right-of-way, the subdivider must dedicate such additional land so that the distance as measured from the center line of the right-of-way to the subdivision property line is one-half of the required width of the right-of-way. The required width will be determined by the Town of Warrenton or as required by the Virginia Department of Transportation, where applicable.
- 4-2.6 Half-streets along the boundary of land proposed for subdivision are prohibited. All new streets must be platted and constructed to meet the full width required by this Article and such construction is the sole responsibility of the subdivider.
- 4-2.7 Proposed streets that are in alignment with other existing and named streets must bear the names of the existing streets. In no case, however, may the names of other proposed streets duplicate existing street names irrespective of the use of the suffix "Street", "Avenue", "Boulevard", "Drive", "Way", "Place", "Lane", or "Court". Street names must be indicated on the Preliminary and Final Plats, and may not be used without approval by the Planning Commission. Names of existing streets may not be changed except by approval of the Town Council.
- 4-2.8 Streets must have a minimum right-of-way of fifty (50) feet. Private streets, where approved by the Town Council, must have a minimum right-of-way of thirty (30) feet. Alleys, if provided, must have a minimum right-of-way of twenty (20) feet.
- 4-2.9 Dead-end streets (cul-de-sacs) are prohibited unless specifically recognized as such on the Comprehensive Plan or approved by variation or exception by the Town Council. All dead end streets authorized by the Town Council must be designed to have one (1) end permanently closed, must be no longer than seven hundred (700) feet and must be provided with a permanent turn-around terminus, the diameter of which must be a minimum of one hundred (100) feet. Such turn-arounds may have a landscaped island in the center.
- 4-2.10 All streets and their drainage facilities must be designed in compliance with the requirements of the Public Facilities Manual or, where applicable, the Virginia Department of Transportation.

- 4-2.11 Improvements must be made to streets and intersections as identified in the Comprehensive Plan when justified by the traffic projected to be generated by the proposed development.

4-3 Lots

- 4-3.1 Except as specifically provided in the Zoning Ordinance, each lot must abut a street dedicated by the subdivision plat or an existing dedicated public street, except that private streets may be permitted, with approval by Town Council where an acceptable arrangement for maintenance is provided, either through the creation of a condominium or through the creation of a homeowner's association with an appropriate provision to be included in the deed of each parcel to be sold. Such private streets must be clearly labeled "Private Street" on both the Preliminary and Final Plats. For a design approved under the provisions of the Zoning Ordinance, lots may be permitted to front on common parking areas.
- 4-3.2 No subdivision may result in the creation of unbuildable lots. Such lots (sometimes known as "outlots") are prohibited.
- 4-3.3 Where the land covered by a subdivision includes two (2) or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided must be transferred by deed to unified ownership, simultaneously with the recording of the Final Plat. The deed is to be deposited with the Clerk of the Circuit Court of Fauquier County and held with the Final Plat until the subdivider is ready to record same, and they both shall then be recorded together.
- 4-3.4 Pipestem lots are prohibited.

4-4 Blocks

- 4-4.1 Unless waived by the Planning Commission in order to protect the public health and safety, the maximum total perimeter length of blocks is sixteen hundred (1,600) feet. -Minimum block length on one side shall be four hundred (400) feet. Maximum block length on one side is six hundred (600) feet. Minimum block depth is two hundred (200) feet. Maximum block depth is four hundred (400) feet.
- 4-4.2 Blocks must be wide enough to allow two (2) tiers of lots of minimum depth, unless prevented by topographical conditions or size of the property.
- 4-4.3 Where a proposed subdivision will adjoin a primary thoroughfare or collector street, the Planning Commission may require that the greater dimension of the block front or back upon such street to avoid unnecessary ingress or egress.

- 4-4.4 Subdivisions of twenty (20) or more lots, or lots intended for multifamily development of twenty (20) or more dwelling units, must have more than one (1) means of vehicular ingress and egress to provide adequate access by emergency vehicles and personnel. If the subdivider can demonstrate that more than one (1) means of access cannot be provided, additional width along the single means of access, or elimination of on-street parking, may be required.

4-5 Easements

- 4-5.1 Easements for utilities must be provided at a minimum width of fifteen (15) feet. If two (2) utilities are located within one (1) easement area, the minimum easement width is twenty (20) feet. If more than two (2) utilities are located within an easement area, the easement width must be established by the Town Engineer.
- 4-5.2 Where a subdivision is traversed by a stream or other natural drainage way, the Planning Commission may require the subdivider to dedicate a suitable right-of-way or easement for storm water drainage, or to construct adequate water drains.
- 4-5.3 Provision must be made for permanent maintenance responsibilities for any land under easement that is dedicated to the Town, to the Commonwealth of Virginia, or to a property owners association.

4-6 Permits

Where it is necessary to place public utilities or facilities within public streets or rights-of-way, approval must first be obtained from the Town Council upon written recommendation from the Town Engineer.

4-7 Special Floodplain Requirements

4-7.1 Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they must be located and constructed to minimize or eliminate flood damage and impairment.

4-7.2 Water Facilities

All new or replacement water facilities must be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

4-7.3 Drainage Facilities

All storm drainage facilities must be designed to convey the flow of surface waters without damage to persons or property. The system must ensure that surface waters will drain away from buildings and on-site waste disposal sites. The Town of Warrenton may require a primary underground system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities must be designed to prevent the discharge of excess runoff onto adjacent properties.

4-7.4 Utilities

All utilities such as gas lines, and electrical and telephone systems being placed in flood-prone areas must be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

4-7.5 Streets and Sidewalks

Streets and sidewalks must be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings must sufficiently discharge flood flows without increasing flood heights.

4-8 Trees and Woodlands

4-8.1 Tree protection zones must be established for all trees and woodlands designated for retention in accord with the requirements of Article 8 of the Zoning Ordinance.

4-8.2 When the original grade cannot be retained at the tree protection zone line, a retaining wall must be constructed outside the tree protection zone. All retaining walls must be designed and constructed in accord with the standards of the Public Facilities Manual.

4-8.3 All trees which have experienced any disturbance or have had damage to roots or branches must be fertilized. This shall be accomplished in early fall (September-October) or mid-spring (April-May), with fall application preferred. Fertilizer must be broadcast over the surface in an area twice the size of the tree protection zone, or a minimum area of one thousand (1,000) square feet per tree, whichever is larger. Fertilizer grade must have approximately three (3) parts nitrogen to one (1) part phosphorous and one (1) part potassium (3-1-1 ratio) and be applied at a rate equivalent to one (1) pound nitrogen per one thousand (1,000) square feet.

- 4-8.4 In instances where there is no alternative to locating underground utilities within a tree protection zone, tunneling must be used wherever possible to avoid trenching. Where trenches are to be used, they must be located as far away as possible from tree trunks and tamped lightly to avoid air pockets.
- 4-8.5 No deciduous or evergreen tree of eighteen (18) inch caliper or greater, and no flowering or ornamental tree of ten (10) inch caliper or greater, may be removed unless the subdivider demonstrates that the tree poses a risk to life or property; that the tree has been damaged or is otherwise unhealthy and unlikely to survive; or that retention of the tree would render the property unusable for any permitted use designated by the Zoning Ordinance for that parcel.
- 4-8.6 In instances where trees are removed prior to approval of a site grading plan, or in violation of an approved tree protection plan, the subdivider must replace those trees in the location of the trees illegally removed.

4-9 Responsibility for Required Improvements

The subdivider or developer must provide the improvements required by this Ordinance. All improvements must be installed at the cost of the subdivider or developer. No subdivider or developer may commence the construction of any required improvement without obtaining a construction permit in compliance with all fees and procedures set out by this Ordinance.

4-10 Monuments

- 4-10.1 Permanent reference monuments must be placed in the center line of all streets at all points of curvature, points of tangent, points of compound curve, reverse curve, and intersections of streets and alleys. Such permanent reference monuments must be of stone or reinforced concrete, at least twenty-four (24) inches long and four (4) inches square with a suitable center point, and must be set flush with the finished grade.
- 4-10.2 Solid metal pins or steel pipe not less than 3/4 inches in diameter and at least twenty-four (24) inches long must be set in place flush with the finished grade at the following points:
- a. At all intersections of streets and alleys with the subdivisions boundary lines.
 - b. At all points and boundary lines where there is a change in direction or curvature.
 - c. At all lot corners.
- 4-10.3 All monuments must be inspected and approved by the Town Engineer before any improvements are accepted by the Town.

4-11 Curbs, Gutters and Sidewalks

Curbs, gutters, and sidewalks are required in all subdivisions, however, the Town Council may grant variation and exceptions of sidewalk requirements in subdivisions with a density of less than one dwelling unit per acre.

4-12 Drainage

A drainage system must be provided by means of culverts, ditches, catch basins, and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from and across all streets and adjoining property. Such drainage system must comply with the regulations of the Public Facilities Manual or, where applicable, the Virginia Department of Transportation. Urban Best Management Practices must be used to reduce storm water volumes and transport of sediment off-site.

4-13 Street Identification Signs

Street identification signs must be installed as specified in the Public Facilities Manual.

4-14 Location of Utility Structures

4-14.1 All utility poles or underground conduits for electric power lines or telephone lines must be placed in easements provided along the rear or side lot lines..

4-14.2 All gas, water, and sewer mains must be installed underground in accordance with the Public Utilities Manual. Electric, telephone, and cable television lines must be installed underground in accordance with the prevailing standards and practices of the utility or other companies providing such services. The Town Council may approve an exception to this requirement where the subdivider or developer demonstrates to the satisfaction of the Town Council, acting on recommendation of the Director of Public Utilities, that underground installations are not feasible.

4-15 Water Service

4-15.1 The subdivider or developer must extend public water service to all lots within the subdivision.

4-15.2 In all subdivisions being serviced by the public water supply system, an acceptable system of fire hydrants must be installed in compliance with the Public Facilities Manual.

4-15.3 The water facilities shall be in compliance with regulations of the Town of Warrenton Public Facilities Manual.

4-16 Sewage Service

4-16.1 The subdivider or developer must extend public sewerage facilities to all lots within the subdivision.

4-16.2 The sewerage facilities must comply with regulations of the Public Facilities Manual.

4-17 Lighting

4-17.1 Street lights must be installed along all public streets at the expense of the subdivider or developer. Such lights must be located within the right-of-way dedicated for the street. The Town of Warrenton will assume responsibility for the payment of monthly electrical bills upon final acceptance of the public street.

4-17.2 Lights must be installed to illuminate public access areas designed or intended for evening use, including parking lots and walkways, associated with multifamily, townhouse, commercial, industrial, public, and institutional uses. Such lighting must be designed, sized and placed to promote the safety, comfort, and convenience of pedestrians and motorists on-site and in the public streets. Lighting facilities must be arranged in a manner that will protect public streets and neighboring properties from direct glare or hazardous interference.

4-18 Pro Rata Share of Improvements

4-18.1 The improvements must be as specified in the Comprehensive Plan or as required by the Planning Commission based on the Comprehensive Plan. In either case, they must be constructed consistent with the Public Facilities Manual.

4-18.2 Where a general sewer and drainage improvement program has been adopted by the Town for a defined area that includes the land to be subdivided, the subdivider must pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities located outside the property limits of the land proposed for subdivision but necessitated or required, at least in part, by the construction or improvement of the subdivision.

4-18.3 The method of computing a subdivider's pro rata share of such cost is on a directly proportional basis, based on the estimated contribution of runoff or sewerage of that given subdivision to the estimated cost of the total improvement for the defined area. The basis for computing the contribution of runoff or sewerage and cost must be consistent with the Public Facilities Manual.

4-18.4 Each such payment must be made prior to the approval of the Final Plat and these funds must be expended only for the construction of those facilities for which the payment was required. Until expended, these funds will be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. In lieu of payment, before plat

approval, the subdivider may furnish the Town with a surety bond or other security in accordance with 3-15, conditioned on payment at commencement of such construction.

ARTICLE 5 DEFINITIONS

5-1 Words and Terms.

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot," and "Parcel"; the word "shall" is mandatory and not advisory; the word "approve" when used in regard to the review of a plat or plan shall be considered to be followed by the words "or disapprove"; any reference to this Ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurements in a horizontal plane.

Acre: a unit of land measure containing 43,560 square feet.

Administrator: The Town Planning Director or his designee, unless specifically stated otherwise herein.

Alley: A permanent service way, with a minimum width of twenty (20) feet, providing a secondary means of vehicular access to an abutting property, and not intended for general traffic circulation.

Applicant-Owner: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

Architect: A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a licensed architect.

Berm: A continuous bank of earth designed and placed to block or partially obscure elements of a site (such as a parking area), or of a building (such as a loading dock). Berms typically range in height from two (2) to six (6) feet, with width-to-height ratios of 2:1 to 5:1. Berms are often used in combination with shrubbery and trees.

Block: That land abutting on one (1) side of a street extending to the rear lot lines (or, for parcels of land extending through to another street, to a line midway between the two (2) streets) and lying between the nearest intersecting and intercepting streets or between the nearest intersecting or intercepting street and boundary of any railroad right-of-way, park, school ground, or unsubdivided acreage or center line of any drainage channel twenty (20) or more feet in width.

Buffer: A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or from the roadway or to block noise or other nuisances; land areas reserved for the purpose of providing screening and separation from adjacent, different land uses.

Building: A structure having one (1) or more stories and a roof designed primarily for support and shelter of persons, animals, or property of any kind. When a structure is divided into separate pans by firewalls, and having separate plumbing, electrical, heating, drainage, and ventilation, each part so divided shall be deemed a separate structure.

Building Area: The area of the horizontal section of the buildings taken at their greatest outside dimensions on the ground floor including all attached structures and covered porches.

Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back more than ten (10) feet from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, Main: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building Setback Line: A line establishing the distance by which any structure must be separated from any lot boundary line.

Caliper: A measurement of the diameter of a tree trunk taken at four and one-half feet above the soil line; also known as diameter at breast height (DBH).

Capital Improvement Plan: A plan outlining the nature, location, costs, funding, and timing of future capital expenditures for community facilities such as streets, sidewalks, drainage facilities, water and wastewater lines and treatment facilities, parks, public buildings, and required property.

Carport: A structure attached to a dwelling unit, open on at least one (1) side, designed for the parking and storage of vehicles by the residents of the dwelling and their guests.

Centerline: The midpoint of the width of a highway or right-of-way.

Clear-cutting: The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition does not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, removal of dead trees and shrubs, or normal mowing operations.

Clerk: The Clerk of the Circuit Court of Fauquier County having jurisdiction in the Town of Warrenton.

Cluster Development: A residential development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas or historic and cultural resources.

Commission: The Planning Commission of the Town of Warrenton, Virginia.

Comprehensive Plan: Maps, charts, and descriptive matter officially adopted by the Warrenton Town Council as provided by § 15.2-2223 of the Code of Virginia showing, among other things, recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water and sewer; and for the general location, character, and extent of community facilities.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas and their structures in their built, natural, scenic, open, or wooded condition or for the purpose of maintaining existing land uses.

Construction Standards: Specifications and standards as adopted by or applicable in the Town of Warrenton relating to the construction of all physical improvements.

Council: The Town Council of Warrenton, Virginia

Covenant: A formal agreement of legal validity between two (2) or more parties outlining restrictions, rights, or responsibilities concerning the use of property or structures.

Cul-de-Sac: A street with only one (1) outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

Density: The number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per gross acre of land on the site or lot.

Density, Net: The number of dwelling units per net acre of land on the site or lot. The net density is equal to the gross site or lot area less floodplain, steep slopes and other unbuildable areas.

Detention Facility: A facility which serves the purpose of collecting and retaining rainfall falling on a site for controlled release to primary stormwater management facilities as a result of land alteration activities.

Developer or Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title for, or authorization from the owner, use any tract of land or parcel of land to be developed in planning, negotiation, or in representing or executing the requirements of the ordinances of the Town of Warrenton.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

District: A zoning category or classification within the Town of Warrenton zoning regulations; Zoning District.

Drive-Through Facility (or “Drive-Through”): Any portion of a building or structure from which customers can receive a service, or obtain a product, while in their motor vehicle.

Driveway or Accessway: That space specifically designated and reserved on the site for movement of vehicles from one (1) location to another on site or from the site to a public street.

Dustless Surface: A surface adequately covered in accordance with good construction practice, with a minimum of either two (2) applications of bituminous surface treatment concrete, or bituminous concrete approved by the Town, and to be maintained in good condition at all times.

Dwelling: Any structure, or portion thereof, which is designed for generally permanent residential purposes, not including hotels, boardinghouses, lodging houses, tourist cabins or automobile trailers.

Dwelling, Mobile Home: Manufactured homes are also commonly referred to as “mobile homes” and differ from Modular Homes as defined herein, in that they do not necessarily comply with BOCA or Virginia Uniform Statewide Building Code standards. Three types are defined herein as follows:

Mobile (Manufactured) Home, Type A: A multi-sectional manufactured home (“doublewide”) constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development.

Mobile (Manufactured) Home, Type B: A traditional single manufactured home (“singlewide”) constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U.S. Department of Housing and Urban Development.

Mobile (Manufactured) Home, Type C: Any manufactured home (“mobile home”) constructed before July 1, 1976 and which consequently does not meet the criteria of a Type A or Type B manufactured home as defined herein.

Easement: A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Engineer: A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration “professional engineer.”

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose, partition, or screen areas of land.

Floodplain: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodway: The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the one hundred-year flood can be discharged without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Flood Hazard District: The area subject to inundation by waters on the one hundred year flood, which is the flood that has a one (1) percent chance of being equaled or exceeded in any given year, as defined by the Federal Emergency Management Agency.

Flood Fringe: All that land in a floodplain not lying within a delineated floodway and subject to inundation by relatively low velocity flows and shallow water depths.

Floodproofing: The protection of structures and public utility systems from damage caused by inundation or seepage of flood waters.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. The distance between the side lines of any lot measured along a line, measured at the required setback, generally paralleling the street upon which the lot fronts. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line, as defined and required herein. On irregularly shaped lots that make such a measurable line impossible, the frontage shall be measured along the line that can be drawn so as to best meet the intent of the above definition. Lots located on the corners of streets will have at least two front yards.

Geometric Design: Typical cross-sections used in street design.

Governing Body: The Town Council of Warrenton, Virginia.

Grade: The average of the finished ground level at the center of all walls of a building. In the case where walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Gross Floor Area: The sum of the total horizontal areas of all floors of a structure on a lot, measured from the interior faces of exterior walls, basements, elevator shafts, stairwells, and enclosed porches or atriums. This definition does not include floor space not used for human habitation or suitable for temporary storage or merchandise or equipment such as areas designed for heating and ventilating equipment, off-street parking, or areas with less than six (6) feet, six (6) inches or more of structural headroom.

The term “floor area” shall include basements, elevator shafts and stairwells at each story, floor space for mechanical equipment with headroom of seven feet or more, attic space, interior balconies and mezzanines.

The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building.

Parking structures and rooftop mechanical structures are excluded from gross floor area.

The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height or fraction thereof as being equal to one floor.

Health Officer: The health director or sanitarian of Fauquier County, Virginia or his designated agent.

Highway Engineer: The Resident Engineer serving the Town of Warrenton, Virginia, of the Department of Highways and Transportation of Virginia, or his designated deputy.

Homeowners Association: A private nonprofit corporation of homeowners for the purpose of owning, operating, developing, and maintaining various common property and facilities.

Impervious Surface: A surface on previously undeveloped land that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including gravel driveways and parking areas.

Improvements: All utilities, facilities, buildings, and structures including but not limited to streets, cul-de-sacs, storm and sanitary sewers, water lines, curb and gutter, and landscaping required pursuant to the terms of the Ordinances of Warrenton, Virginia.

Jurisdiction: The limits of territory within which authority may be exercised by the governing body.

Landscape Architect: A person who is certified by the State of Virginia in the practice of landscape design.

Landscaping: The modification of existing site conditions by earthwork, planting, and/or structural installation to complete a desired landscape scheme.

Landscape Design: The planned treatment of land, structures, plants, topography, and other natural features.

Lot: A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building or, in the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey showing the metes and bounds or simply described by metes and bounds.

Lot Area: The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way.

Lot, Comer: A lot abutting upon two (2) or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, Coverage: The area of a site covered by buildings or roofed areas.

Lot, Depth of: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Interior: A lot other than a comer lot having frontage on one (1) street.

Lot Line: A property boundary line of any lot held in single and separate ownership from adjacent property, except that, in the case of any lot abutting a street, the lot line or such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

Lot, Pipestem: A lot with access provided to the bulk of the lot by means of a narrow corridor that does not meet the street frontage requirement of the district regulations.

Lot of Record: A lot which has been recorded in the office of the Clerk of the Circuit Court of Fauquier County.

Lot, Substandard: See Nonconforming Lot.

Lot, Width of: The horizontal distance between side lot lines measured at the required front setback line.

Mobile Home (also "Manufactured Home"): See "Dwelling, Mobile Home."

Mobile Home Park: A residential neighborhood conforming to the requirements of the former MHP Residential District.

Mobile Home Subdivision: An arrangement of lots designed and intended for the placement of mobile homes for residential purposes, meeting the requirement of the former MHP Residential District.

Noise: Sound of a harsh, loud, or confused kind causing disturbance to occupants of an adjoining property, as provided for in the performance standards of the Zoning Ordinance and any other provisions of the Town Code.

Nonconforming Activity: (see Nonconforming Use)

Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the district in which it is located, either at the effective date of this Ordinance, or as a result of subsequent amendments to the Ordinance.

Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Use: An otherwise legal use that does not conform with the regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

One Hundred-Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

On-Site: That area within the boundary of any land to be developed or planned for use or development.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes and may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water bodies, but not including driveways, parking lots, and storage yards.

Open Space, Common: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of a development.

Parcel: A continuous quantity of land as shown on the parcel maps of the County Commissioner of the Revenue and/or an approved record plat, in the possession of or owned by, or recorded as the property of, the same person or persons.

Performance Bond: A letter of credit, corporate surety, or cash deposit, approved by the Planning Director and Town Attorney in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time (A performance and payment bond also provides for the payment of subcontractors). A bond of surety, and/or cash deposit approved by the Town Council equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term.

Person: An individual, a partnership, or a corporation or any other legal entity by whatever term customarily known.

Planner: A person qualified to prepare site development plans, either licensed as such, or meeting the educational training and work experience standards for membership of the American Institute of Certified Planners.

Planning Director: The person designated by the Town Manager to serve in this capacity.

Plat: A plan, map or drawing of a tract or parcel of land which is to be or has been subdivided.

Plat, Final: A map or plan filed, or to be filed, of record of a subdivision and any accompanying material, as described in this Ordinance.

Plat, Preliminary: A preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Administrator for approval.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open-sided, but it may be screened or glass enclosed.

Profile: A drawing of a side or sectional elevation of an object

Property: Any tract, lot, or parcel or several of the same collected together for the purpose of subdividing, preparing a site development plan, and/or developing.

Public Facilities Manual: The Town of Warrenton Public Facilities Manual. This manual provides standards and specifications for public facilities construction within the Town.

Public Improvement: All public utilities and facilities for which the Town Council may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which Town Council responsibility is established. Such improvements shall include, but not be limited to, streets, storm and sanitary sewers, water lines, curb, gutter, sidewalks, and street signs. All such improvements shall be properly bonded.

Public Water and Sewer Systems: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the Governing Body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

Retention Facility: The same as a Detention Facility except that the lower water elevation of the pond may be at a level lower than the normal hydraulic grade line of the drainage system into which it drains. Water detained in this lower elevation must therefore be dissipated by evaporation, seepage into the soil, or retained as a permanent water pool.

Reverse Frontage: A lot with double frontage which is not accessible from one (1) of the streets upon which it fronts, usually the street designed for or experiencing the highest vehicular traffic volumes.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use and may include a fee simple or easement ownership.

Screening: See “Buffer.”

Setback: The minimum distance by which any building or structure must be separated from the front, side, or rear lot line.

Setback Line: The line which establishes the required setback; the same as building restriction line.

Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the ordinance applicable in the Town of Warrenton, Virginia.

Standards: Criteria for public improvements set out in the Town of Warrenton Public Facilities Manual.

Steep Slope: A slope exceeding twenty-five (25) percent grade.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, it will be the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds of the floor area is finished off for use.

Street: A strip of land intended primarily for vehicular traffic and proving the principal means of access to property, including but not limited to a road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, or other thoroughfare.

Street, Arterial: A highway utilized primarily as a supplement to, and an extension of, the interstate highway system, defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of one hundred twenty (120) feet is required and carrying capacity is in excess of eight thousand (8,000) vehicles per lane per day.

Street, Collector: Any existing or future street shown as a collector street on the adopted Comprehensive Plan or that carries a volume of through traffic between four hundred (400) and three thousand (3,000) vehicles per day.

Street, Interstate: A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of three hundred (300) feet in rural area and carrying capacity in excess of fifteen hundred (1,500) vehicles per lane per hour.

Street, Line: The dividing line between a street or road right-of-way and the contiguous property.

Street, Local: Any existing or future street shown as a local street on the adopted Comprehensive Plan and is used primarily as a means of public access to the abutting properties with anticipated traffic of less than four hundred (400) vehicles per day, and having a right-of-way of not less than fifty (50) feet.

Street, Primary Thoroughfare: Any existing or future street shown as a major, or primary, street on the adopted Comprehensive Plan or that carries a large volume of traffic, or anticipated traffic, exceeding three thousand (3,000) vehicles per day, and having a right-of-way of not less than seventy (70) feet, and where feasible, a right-of-way of ninety (90) feet.

Street, Private: A local or collector street constructed to Town and State standards or the equivalent thereto, guaranteed to be maintained by a private corporation by means of a covenant, deed, and easement acceptable to the Town of Warrenton. Private streets are not a component of the State primary or secondary road system. Such streets shall have guaranteed public vehicular access.

Street, Public: All public property reserved or dedicated for street traffic, maintained by the Town of Warrenton or the Virginia Department of Highways.

Street, Secondary Collector: A street that carries or is anticipated to carry a volume of through-traffic exceeding four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet nor more than ninety (90) feet depending upon existing or anticipated traffic volume.

Street, Service Drive: A public right-of-way generally parallel with and contiguous to a major, highway. Primarily designed to promote safety by eliminating pernicious ingress and egress to the major safe and orderly points of access to the major highway.

Street Width: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and where necessary, utility strips.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, fences, walls, etc., but not private driveways.

Subdivide: To divide any tract, parcel, or lot of land into two (2) or more parts for the purpose of transferring ownership of any part or for the purpose of building development on any part. The term 'subdivide' includes the term 'resubdivide' and when appropriate to the context shall relate to the process of subdividing.

Subdivision: The process of subdividing or the result of subdividing.

Surveyor, Land: An individual who is certified and licensed by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration as a "registered land surveyor."

Town Engineer: The person designated to serve in this capacity by the Town Manager.

Town Manager: The duly appointed Town Manager for Warrenton, Virginia.

Travel Lane: Space specifically designated and reserved on the site for the movement of vehicular traffic.

Tree Protection Zone: An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there are a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

Use: Activity proposed for any portion or part of a parcel, tract, or lot.

U.S.G.S.: U. S. Geological Survey.

U.S.C. & G.S.: U. S. Coast and Geodetic Survey.

Utility: (1) A system of facilities provided by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service; (3) the component parts of such facilities, including poles, wires, transformers, underground pipelines or conduits; treatment plants are considered and/or defined as separate items.

Variance: A variance is a relaxation of the terms of the Subdivision Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Woodland: An area comprising one (1) or more acres of wooded land where the largest trees have at least a six (6) inch caliper, or a grove of trees forming one (1) canopy where ten (10) or more trees have at least eight (8) inch calipers.

Yard: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Front: An open, unoccupied space on the same lot as a building between the nearest front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.

Yard, Rear: An open, unoccupied space on the same lot as a building between the nearest rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.

Yard, Side: An open, unoccupied space on the same lot as a building between the nearest side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line. The side(s) of the building resting on the line typically does not include windows.

Zoning Administrator: An employee of the Planning Department designated by the Director of Planning to administer the Zoning Ordinance and any other similar duties as may be assigned by the Planning Director.

Zoning Ordinance: Zoning Ordinance of the Town of Warrenton, Virginia.