

SECTION 4 - PLAT PREPARATION PROCEDURES, GENERAL (Amended by the Board of Supervisors on January 10, 2019.)

4-1 *Platting Required*

No tract of land situated within Fauquier County shall be subdivided unless the subdivider shall cause a plat of subdivision with reference to known or permanent monuments to be made, submitted and approved pursuant to the terms of this Ordinance and recorded among the land records of the Office of the Clerk of the Circuit Court of Fauquier County. No plat of subdivision shall be recorded unless or until the plat shall have been submitted to the governing body and approved and certified by the governing body in accordance with the regulations set forth in this Ordinance. No lot shall be sold in any subdivision before the plat shall have been recorded.

4-2 *Private Contracts*

This Ordinance bears no relation to any private easement, covenant, agreement or restriction nor is the responsibility of enforcing a private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restricted standards that are required by private contract the provisions of this Ordinance shall control.

4-3 *Right-of-Way Additions*

Where an 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 shall be dedicated for public use when the plat is recorded. Where a subdivision has occurred on public streets less than 50 feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be at least 50 feet in width.

4-4 *Plat Changes*

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

4-5 *Fees (Amended by the Board of Supervisors on June 12, 2014.)*

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent consistent with the fee schedule adopted by the Fauquier County Board of Supervisors.

4-6 *Mutual Responsibility*

There is a mutual responsibility between the County of Fauquier and the subdivider to divide and develop land in an orderly manner in accordance with the intent of the Comprehensive Land Use Plan of Fauquier County.

4-7 *Floodplains and Drainage Courses*

When any stream or substantial surface drainage course is located in the area being subdivided provisions shall be made by an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the streams or drainage course for drainage purposes. Such easements shall not be considered part of required street width. Floodplain limits shall be established in accordance with paragraph 2-9(1), definition of floodplain. No plat of subdivision shall be approved without provision for adequate drainage. To insure development of lots containing sufficient land upon which to place structures without impeding natural drainage, the subdivider shall provide elevation and flood profiles as may be required. Each lot shall contain a desirable building site and areas approved by the Health Department for location of a well and drainfield, all above the floodplain.

4-8 *Improvements*

All required improvements shall be installed at the cost of the subdivider. Where cost sharing or reimbursement agreements between the County of Fauquier and the subdivider are appropriate, the same shall be entered into by formal agreement prior to final plat approval and shall be subject to Virginia Department of Transportation inspection and acceptance. In cases where specifications have been established either by the appropriate public authority approval for streets, etc. or by this Ordinance such specifications shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and accepted by appropriate staff, or agent and the appropriate public authority, if applicable. All improvements shall be in accordance with the requirements set forth in this Ordinance. Upon written request by the subdivider or developer Fauquier County Community Development shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety (90) percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the governing body, local administrative agency, or State agency. This shall not occur before the completion of at least thirty percent of the facilities, covered by the bond, escrow, letter of credit or other performance guarantee, or after completion of more than ninety (90) percent of said facilities. Fauquier County Community Development shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of said facilities, Fauquier County Community Development shall release any remaining bond, escrow, letter of credit or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: when said public facility is accepted by and taken over for operation and maintenance by the State agency, local government department or agency, or other public authority which

is responsible for maintaining and for operating such facility upon acceptance. A certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to 54-17.1 of the Code of Virginia, or from a department or agency designated by the Board may be accepted without requiring further inspection of such facilities. Within thirty days after receipt of written notice by the subdivider or developer of completion of any part or all of any facilities required to be constructed hereunder unless Fauquier County Community Development notifies said subdivider or developer in writing of non-receipt of approval by applicable public authority, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty day period. If no such action is taken by Fauquier County Community Development or administrative agency, within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. Fauquier County Community Development shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

4-9 *Lot Size*

Lot sizes for residential lots shall conform to the Zoning Ordinance in effect in the County of Fauquier at the time of filing of the final plat.

4-10 *Flood Control and Drainage Structures*

The subdivider shall provide all information needed to determine what improvements are necessary to provide adequate drainage, including contour maps, drainage plans, and flood control devices. Contour intervals shall be not greater than 5 feet and shall be at such lesser intervals as specified by the agent. The subdivider shall also provide plans for all such improvements together with the properly qualified, certified engineer's or land surveyor's statement that such improvements when properly installed will be adequate for proper development. The subdivider shall also provide any other information required by the governing body, the Highway Engineer, or the agent for the governing body.

4-11 *Sanitary Sewer and Water (Amended by the Board of Supervisors on April 11, 2019)*

A) General Requirements

1. Adequate sanitary sewer and water shall be provided to all lots within a subdivision. Sewer and water shall be provided as found in Section 7-500 of the Zoning Ordinance and the Fauquier County Code.
2. Where a new or unapproved source of water is involved in a proposed central water system, the source must be tested for quality and quantity impacts, and meet the following requirements:

- a. The tests shall include all those required by the Virginia Department of Health, the Fauquier County Water and Sanitation Authority, and Section 18 of this ordinance.
 - b. A detailed hydrogeologic report meeting all requirements as described in Section 18 of this ordinance shall be submitted and approved prior to submission of a preliminary plat, or prior to submission of a construction plan where no preliminary plat is submitted or required, or prior to submission of an infrastructure plan.
3. Plans, profiles and specifications for central water supply and central sanitary sewer systems shall be provided with the initial submission of a construction plan or infrastructure plan, as applicable.
 4. Where the Health Department or Water Control Board is required to review and approve water and/or sewer plans, the approvals of these agencies shall be submitted by the applicant prior to the approval of the plans.
 5. Wherever a privately-owned, non-municipal central water or sewer system is permitted, said system(s) shall be deeded to a homeowners association, with every lot owner a member, established as a non-profit corporation duly authorized under the laws of Virginia. The developer or owner shall present a plan including proper agreements and covenants running with the land acceptable to Fauquier County, for the development and maintenance of the system(s). The members of such non-profit corporate ownership shall be the owner of the system(s) and said system(s) is to be held and maintained for the owners of said subdivision lots. Covenants shall provide that the assessments, charges and cost for the maintenance of the system(s) shall constitute a pro rata lien upon the individual lots of the subdivision, inferior only to taxes and bona fide deeds of trust on each lot. Said system shall be constructed in accordance with Health Department requirements.

B) Additional Requirements - Service Districts

1. Central water systems shall be designed and constructed to provide adequate fire flows as specified in Section 7-500 of the Zoning Ordinance.
2. For residential subdivisions to be served by a non-municipal central water system, all necessary easements and deed restrictions shall be provided requiring all lots to connect to the municipal water system when said system is extended to the subdivision.
3. All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to a municipal water system when it becomes available.

C) Agricultural Exemption for Sewer and Water

Where individual sanitary sewer and water supply systems are allowed per Section 7-500 of the Zoning Ordinance, new subdivision lots may be approved without the required individual sanitary sewer and water supply system under the following circumstances:

1. The lot is located in the Agriculture (RA) or Conservation (RC) zoning districts; and
2. The owner of the lot submits a notarized affidavit stating under oath that the lot is to be used solely for agricultural purposes, which do not require a sanitary sewer system; and
3. The lot conforms with all other requirements of this ordinance and the Zoning Ordinance; and
4. The subdivision plat and the deed of subdivision creating the lot contain the following statement in bold print:

THIS LOT WAS CREATED FOR USE FOR SOLELY AGRICULTURAL PURPOSES AND IS NOT APPROVED FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM. THIS LOT MAY NOT BE USED FOR ANY PURPOSE OTHER THAN AGRICULTURAL PURPOSES UNTIL A PERMIT FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM IS APPROVED BY THE FAUQUIER COUNTY HEALTH DEPARTMENT PURSUANT TO THE REQUIREMENTS OF CHAPTER 17 OF THE FAUQUIER COUNTY CODE OR PUBLIC SEWER IS EXTENDED AND AVAILABLE TO THE LOT.

5. For purposes of this section, the phrase “agricultural purposes” shall mean the following:
Activities devoted to the bona fide production of fruits and vegetables of all kinds, meat, dairy and poultry products; nuts, tobacco, nursery and floral products; to animal pasturage, or to the production and harvest of products from silviculture activities.

4-12 Sub-Standard Subdivisions

A subdivision recorded and/or developed prior to the adoption of, and not in conformity with, this Ordinance may be resubdivided and redeveloped in whole or in part or a portion thereof at the option of the owner of all the lots to be resubdivided, or at the option of the owner of any group of contiguous lots therein as the case may be, but only under the following conditions:

- A) the resubdivision shall result in improvement to the general area of lot layout and street connection; and
- B) the resubdivision shall be in full conformity with the provisions of this Ordinance.

4-13 Utility Easements

Adequate easements shall be required for drainage and utilities on any lot.

4-14 Public Water and Sewer

Where public water and/or sewer service is required, such service shall be extended to all lots within a subdivision by the developer.

4-15 Fire Protection

Where public water is available the installation of adequate fire hydrants by the developer in a subdivision at locations approved by the governing body or its agent shall be required as necessary to provide adequate fire protection.

4-16 Bonding Requirements

Prior to acceptance of a dedication for public use and/or maintenance of facilities, of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvements dedicated for public use, and maintained by the locality the Commonwealth, or other public agency, and for the provision of other site-related improvements required by this Ordinance or other ordinances for vehicular ingress and egress, for public and private streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities pursuant to the Fauquier County Design Standards Manual, financed or to be financed in whole or in part by private funds, the owner or developer shall,

- A) Certify to the agent for the governing body that the construction is complete and the costs have been paid to the person constructing such facilities; or
- B) Furnish to the agent for the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in the amount sufficient for and conditioned upon the construction of such facilities, or a contact for the construction of such facilities and the contractors bond, with like surety, in like amount and so conditioned; or
- C) Furnish to the agent for the governing body as to the bank or saving and loan association, the amount and the form. The amount of such certified check, cash escrow, bond or letter of credit shall include the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

4-17 Certifications Upon Completion of the Improvements

Upon the completion of the installation of all subdivision improvements, the subdivider shall furnish a statement under oath that all construction conforms to the regulations and requirements of the Ordinance and the plans as approved by the governing body.

4-18 ~~Lots, Shape~~ (Deleted by the Board of Supervisors on June 8, 2017)

4-19 Location

Except as provided in paragraph 2-39 and 3-2, all lots shall front on an existing or recorded public street or a street dedicated by the subdivision plat and maintained or to be maintained by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted road or street, the subdivider shall be required to dedicate at least half the right-of-way necessary to make such street comply with the minimum width fixed for the same by this Ordinance.

4-20 Corner Lots

Corner lots shall have extra width sufficient for maintenance of any required building line on both streets as determined by the agent and as set forth in the Zoning Ordinance of Fauquier County.

4-21 Side Lot Lines

Side lot lines shall be approximately at right angles or radial to the street line, except as cul-de-sac terminal points.

4-22 Remnants or Outlots

All remnants of lots or outlots below the minimum size remaining after subdividing a tract must be added to adjacent lots rather than allowed to remain as unbuildable parcels.

4-23 Separate Ownership

When the land covered by a subdivision includes two or more parcels in separate ownership and lot arrangements are such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Said 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 simultaneously. Double frontage or reversed frontage lots should be avoided except where essential to provide separation of residential development from streets or to overcome disadvantage of topography.

4-24 Blocks

No residential blocks (established after the date of the adoption of this Ordinance) shall be longer than 1200 feet. The greater dimensions of blocks adjoining a major street shall wherever practical be parallel to such major street.

4-25 Width

Blocks shall be wide enough to allow two tiers of lots of minimum depth fronting on major streets unless prevented by topographical conditions or size of the property in which case the governing body or its agent may approve a single tier of lots of minimum depth.

4-26 Access and Egress

When a proposed subdivision will adjoin a primary highway or a secondary street, designated as a major collector in the Comprehensive Plan, all efforts will be made to avoid unnecessary ingress and egress as the case may be. In the interest of safety and future collector efficiency, all lots in such subdivisions will front on internal subdivision streets or on a service drive where such is planned. Street access from such a subdivision shall, in general, be located at minimum center-line to center-line intervals of 800 feet on any parcel or subdivision containing more than one parcel. Exceptions will be made only in accordance with paragraph 4-27.

4-27 Variations and Exceptions

Whenever because of unequal size, topography, or shape of the property or other unusual condition not resulting from the developer's deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer, or wherever standards for waiver of specific provisions of this Ordinance by the Planning Commission are set forth, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Fauquier County. The procedure for requesting such variation or modification shall be as follows:

- A) At the filing of the preliminary plat of subdivision, the subdivider shall submit a list of all waivers requested and a detailed justification statement demonstrating that all requirements of this section and any applicable waiver standards are met.
- B) The request for waivers will be presented to the Planning Commission at the same public meeting at which the preliminary plat is considered by the Planning Commission, and public comment will be permitted at the meeting.
- C) The waiver requests and action of the Planning Commission with respect to the waivers will be transmitted to the Board of Supervisors in accordance with Section 9-7 of this Ordinance.

4-28 Septic Tank Installation

The Health Director shall require whenever necessary for the satisfactory installation of septic tanks that individual lots be graded and drained so as to insure effective removal of

surface water from each lot. When the contour of the subdivision is such that the use of individual wells with individual septic tank systems will be enlarged, the subdivision shall not be approved for the use of individual wells.

4-29 *Parks, Schools, and Public Land*

In subdividing property, consideration should be given to suitable sites for parks, schools, and other areas of public use as contained in the Comprehensive County Plan. Such Plan regulations for parks, schools, or other public land should be indicated on the preliminary plat in order that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquire by the appropriate governing body for that use. These regulations shall not be construed to preclude the dedication of property for public use not included in the Comprehensive County Plan provided such property is acceptable to the County for dedication and maintenance.

4-30 *Payments for Off-Site Improvements*

The cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, shall be in accordance with Section 15.2-2243 of the Code of Virginia.

4-31 *Optimal Yield*

That amount of groundwater that an aquifer can produce safely without adversely affecting natural groundwater discharge base-flows and existing groundwater withdrawals.

4-32 *Hydric Soils*

Where the County Soils Map or the applicant's soils report indicate hydric soils or soils with hydric inclusions soils on a property, the applicant shall submit a US Army Corps of Engineers Jurisdictional Determination and supporting documentation, maps, etc. with the submission of the preliminary plat or infrastructure plan.

4-33 *Additional Design and Performance Standards for Preliminary Plats and Construction Plans/Final Plats (Amended by the Board of Supervisors on June 12, 2014.)*

A) In addition to the technical requirements of this Ordinance, the following shall also be evaluated. Except for agricultural lots meeting the requirements of Section 4-11(4), should any of the following be deemed to exist, the development will not be approved unless the developer and/or the County can provide an adequate solution to remedy the problem in accordance with the requirements set forth herein.

- 1) The inability to provide a permanent means of sewage disposal acceptable to the Health Official and the County. The criteria for adequacy is as follows:
 - a) Public/central sewer to be provided by the Fauquier County Water and Sanitation Authority or other established service provider.
 - b) Where construction on drainfields is authorized, sufficient drainfields and replacement area is to be provided to last the expected life of the dwelling units. The adequacy of the area is to be approved by the Health Department.

- B) Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:
 - 1) Water supplies - The impact shall be deemed excessive if the Health Official finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage condition, water table, history of failure of septic systems in adjacent areas, and the extent of septic system development there appears to be doubt of the proper functioning of septic systems, with respect to contamination of water supplies.

 - 2) Lack of adequate drainage including excessive environmental impact with respect to drainage, shall be deemed to exist if surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided.

 - 3) Layout and Design - The development should be designed so as to provide a quality environment for residents by minimizing its adverse impact. General considerations for minimal impact are as follows:
 - a) Road and street layout should utilize topography so that unnecessary cuts and fills are avoided.

 - b) Where open space, public or private is planned the following should be considered:
 - (1) Provide an integrated system, being contiguous, if possible.

 - (2) Provide convenient access to as many of the lots as possible.

- (3) Planned use and maintenance whether active or passive, should be adequately assured through a homeowners' association or other method acceptable to the Governing Body.
 - (4) Any system of trails or paths should be designed to take advantage of visual qualities of the area, and provide for safe and convenient movement of pedestrians.
- c) Tree masses and large individual trees, wherever possible, should be preserved.
 - d) Wherever possible, utility transmission lines should be placed underground.
 - e) All major streams and rivers, especially those upon which flood control, water impoundment, and recreation facilities are located or planned, should be left in the natural state where adequate or improved to provide for the maintenance of water quality standards.