

Chapter 1: General Provisions

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SECTION 100 PURPOSE AND INTENT

The Board of Supervisors recognizes that there is a mutual commitment between government, the development community and the citizens of Fauquier County to assure the development of land in an orderly manner so that the public health, safety, convenience and welfare of County citizens may be maintained or improved. This effort also recognizes the mutual responsibility between the County, the development community and the citizens to assure all improvements are designed, constructed and maintained to continually serve their intended functions.

This document presents the minimum requirements, recommended criteria and practices, and procedures for development in Fauquier County. Its purpose is to guide applicants through the design, submission, construction and acceptance of development projects and to provide the appropriate references to agencies involved in the process. To address this need the Fauquier County - Design Standards Manual, herein after referred to as the DSM, is published to:

- Assure the orderly development of land to maintain or improve the health, safety, convenience and welfare of the county citizens;
- Provide a single source document that defines clear, consistent guidelines and standards for design and review, while allowing for flexibility and creativity;
- Present a user friendly and dynamic document that is evaluated and reviewed periodically based on experience and technological advances;
- Clarify administrative procedures for review of technical items and consideration of waivers; and
- Assist the public and development community in understanding the policies and regulations that apply to land development in Fauquier County.

SECTION 101 REFERENCED DOCUMENTS

The standards and guidelines presented in the DSM supplement and effectuate the requirements of the following documents which are part of the Fauquier County Code:

- Appendix C Subdivision Ordinance
- Appendix D Zoning Ordinance
- Chapter 5 Building Code
- Chapter 11 Grading, Soil Erosion and Sedimentation Control, Articles I and II
- Chapter 17 Sewers and Sewage Disposal
- Chapter 19 Water

Nothing herein shall be deemed to waive or modify the requirements of the existing Codes. The DSM also makes reference to the requirements of the following agencies:

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- Fauquier County Water and Sanitation Authority (WSA); Town of Warrenton; Town of Remington
- John Marshall Soil and Water Conservation District (JMSWCD)
- Virginia Department of Transportation (VDOT)
- Virginia Department of Health (VDH)
- Virginia Department of Conservation and Recreation – Division of Soil and Water Conservation (DCR)
- Virginia Department of Environmental Quality (DEQ)
- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (EPA)
- Virginia Marine Resources Commission (VMRC)
- Virginia Uniform Statewide Building Code (VUSBC)
- Virginia Occupational Safety and Health Standards (VOSHA)
- U. S. Fish and Wildlife Service (USFWS)

Also any others that may be referenced by a specific chapter in this DSM.

SECTION 102 AUTHORITY

This DSM is a compilation of the policies, procedures and guidelines set forth by the development departments as necessary to reasonably implement and administer the regulations and provisions of the County Code. In the event any part or provision of the DSM is held to be illegal or void, this shall not have the effect in making void or illegal the DSM, in its entirety, or any section or provision thereof, which shall remain effective.

The standards and specifications contained herein are the minimum acceptable standards. The Director may in certain circumstances, require higher standards if it is deemed necessary for the insurance of health, safety and welfare of the citizens of Fauquier County.

SECTION 103 APPLICABILITY

The provisions of the DSM apply to all development projects or activities requiring Fauquier County approval and/or permits.

Whenever any provision of this DSM imposes a greater requirement or a higher standard than is required in any State or Federal statute or County ordinance or regulation, the provision of this DSM shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than is required by this DSM, the provision of such State or Federal statute or County ordinance or regulation shall govern.

SECTION 104 ADMINISTRATION

The policies, procedures and guidelines herein will be administered by the Director of the Department of Community Development, or designee, herein after referred to as Director, or by the administrator otherwise identified in this DSM.

A. Administrative Amendments

Periodic amendments to the DSM may be implemented by the directors of the development departments, as necessary, to address:

- Changes in technology, construction methods, and/or development issues that are deemed beneficial to the public health, safety and welfare.
- Board of Supervisor approval of specific Subdivision and Zoning Ordinance text amendments.
- Federal and/or state mandates.

Amendments to the DSM will be posted on the Fauquier County website and registered holders of the DSM will be notified.

B. Annual Evaluation

To assure that the DSM fulfills its purpose and achieves the goals of the County, it will be reviewed and evaluated annually. To conduct this evaluation, the Director will:

- Provide an annual summary of the amendments.
- Request suggestions for additions or revisions to the DSM from County staff, other development plan review agencies, and the Engineers and Surveyors Institute (ESI) Fauquier County Committee.
- Post the annual summary and a request for suggested additions or revisions to the DSM on the Department of Community website from County departments and the development community with a comment period of 30 days.

The Director shall review all comments.

C. Annual Amendments

The need for amendments will be assessed (based on the annual evaluation) and draft amendments prepared by the Director or designee. Amendments that may be implemented administratively, will be summarized and posted on the Department of Community Development website with a comment period of 30 days. At the end of the

comment period, the Director will review the comments, revise the proposed amendments as necessary, and implement the amendments.

Changes that require ordinance amendments may not be implemented administratively. Such changes will be referred to the appropriate staff and brought to the Planning Commission or Board of Supervisors for a resolution of intent and the scheduling of the requisite public hearing process. The timing of the ordinance amendments will be based on the priority and process set by the Planning Commission and/or Board of Supervisors.

D. Exceptions to DSM Amendments

All development plans and plats will comply with the current DSM and any implemented amendments. In the event an amendment creates a hardship for a final subdivision plat, major site plan, or construction plan for public or private improvements, the Director may grant an exception or modification, as allowed by Code.

In order to be considered for an exception, the applicant must submit a written request to the Director. The request shall include a justification and supporting documentation. The Director may consider the exception provided the:

- Final Plat or plan was submitted prior to implementation of the amendment; and the
- Final Plat or plan is substantially complete; and the
- Public interest would be served.

In making this determination, the Director will request the opinion or decision from the Chief of Planning, Chief of Zoning, Permitting and Inspections or the County Engineer as appropriate. This provision is not applicable to amendments mandated by Federal and/or State requirements, or those necessary to protect public health and safety.

SECTION 105 WAIVERS

When compliance with a particular development plan requirement contained in this DSM unduly burdens the applicant or causes harm to an adjacent property, the applicant may request a waiver of the requirement for consideration by the Director, depending on the nature of the request and the stage of the application process. The applicant shall examine alternative methods to attempt to meet with the general intent of the requirement unless otherwise specified.

All requests for waivers are made by the applicant to the Director accompanied by a non-refundable fee. The request shall be in writing and state the regulation involved, the relief requested and the justification why the waiver should be granted. Four sets of any supportive plans, profiles or drawings necessary to review the request must accompany the submission. Generally, waiver requests must be made and acted upon prior to the 2nd submission of any subdivision or site plans. Action on a waiver request will be made within thirty (30) calendar days of acceptance. Any decision on waivers by the Director is final.

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SECTION 106 APPEAL OF DECISIONS

Appeals of decisions made by the administrator will be filed in accordance with the procedures provided in the County Code, Subdivision and Zoning Ordinances as applicable.

SECTION 107 PUBLIC PROTECTION

The following safety measures shall apply to insure the protection to the general public whenever construction areas are readily accessible:

- 1) All construction activity shall be constructed in accordance with the requirements of the Virginia Uniform Statewide Building Code and the Virginia Occupational Safety and Health Standards.
- 2) Because open bodies of water can be attractive to children and can be dangerous, they shall be posted, and efforts shall be made to deem these areas inaccessible to persons not directly connected with the construction effort.

The following kinds of construction sites shall be deemed readily accessible to the public and shall require special public safety measures:

- 1) Sites within five hundred (500) feet of residential areas.
- 2) Sites within five hundred (500) feet of public areas such as schools, parks, churches and commercial areas.
- 3) Any other sites which, in determination of the Director are readily accessible to the public due to prolonged time of construction, close proximity to public or private streets, or any other characteristics or conditions making the site particularly attractive to the general public, especially children.

SECTION 108 PLAN REQUIRED

No application for land development, land use conversion or land disturbance will be approved unless a plan, if required, has been approved by Fauquier County in accordance with the DSM, Ordinance or Code requirements. The requisite checklists for Construction, Site and Subdivision Plans are included in the appendix.

SECTION 109 DISCLAIMER

The purpose of this DSM is to establish reasonable land development standards and guidelines for the protection and promotion of the general health, safety and welfare of the County's residents. Approval of plans and plats by the County or its agencies pursuant to the ordinance of this DSM, is not intended and shall not be deemed as a guarantee or warranty for any individual, landowner or developer that any improvements will be designed, planned, constructed or operated in any particular manner or be free from defects. Such approval shall create no duty or result in any liability on the part of the County, its officials or employees for any claim, demand, suit or damages alleged to have resulted from the development, construction, existence or operation of improvements constructed pursuant to such approved plans or plats. Further, no such approval shall operate as or be deemed as a waiver of any provision or requirement of the ordinance of this DSM, unless such waiver has been specifically granted in writing by the Director allowed under Section 105 hereof. In the event that any aspect of any such approved plan or plat fails to comply with any provision or requirement of this ordinance or this DSM, in effect at the time of such approval, such provision or requirement of the ordinance or this DSM, shall take precedence over the approved plans, and development shall be in accordance with the ordinance and this DSM.