



*For more information
on dividing your property
or information on how to file
a Subdivision Potential analysis
application, call Zoning staff at
540-422-8220.*

Private Restrictions

Some parcels are subject to private restrictions or covenants that prohibit or limit the ability to divide a property. The County does not identify these private restrictions for an applicant, nor do we enforce these private restrictions. We do share proposed divisions with easement holders and also notify neighbors of pending applications. It is the applicant's responsibility to ensure that a proposed division complies with any private restrictions placed on a property.

Subdivision Potential

To start planning for a division of property located in the RA or RC zoning districts, or for an Administrative Division, the first step is to submit a Subdivision Potential application to Zoning and Development Services. The application form is available on the Department's website and requires a fee for each parcel. Upon application, staff researches and analyzes the property to determine the allowed density and whether an administrative division is available for the property. For rural properties, staff also determines whether there is a non-common open space requirement and whether the lot is eligible for large lot division.

FAUQUIER COUNTY

Department of Community Development

ZONING & DEVELOPMENT SERVICES

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Additional information available online at
<http://www.fauquiercounty.gov>

Dividing Rural or Residential Property



FAUQUIER COUNTY

Department of Community
Development

09/2018

There are many factors which determine whether a rural or residential property can be divided to create additional lots. This guide is intended to provide an overview of these factors to assist a property owner in exploring the ability to divide a property. References to Ordinance sections are provided for additional information. (Note: ZO=Zoning Ordinance and SO=Subdivision Ordinance; both Ordinances are available on-line.)

Density

The County's Zoning Ordinance establishes minimum lot sizes and density (the number of lots allowed for each acre of land) for each Zoning District. The Zoning Ordinance also establishes that some land, such as floodplains, water bodies, steep slopes or street easements, cannot be utilized for density calculations in some zoning districts. A property can only be divided if density is available and minimum lot size can be met for both the lot being created and the residue lot. (See §3-401, §3-402 and §2-308 of the ZO.)

Density in the rural districts is calculated based on a sliding scale. For more information on how the sliding scale works, see the Sliding Scale Zoning in the Rural Districts brochure.

Street Frontage

Frontage is the distance where a property abuts a street. The Zoning Ordinance requires that most lots have a minimum frontage on a **public** street. Depending on the zoning classification, this distance can range from 50 to 400 feet. (See §3-403 of the ZO.)

There are exceptions to the public street requirement

for *Family Divisions, Administrative Divisions and Large Lot Divisions*. In these cases, frontage may be provided along a private street or right-of-way easement. However, extending an existing private street to serve the proposed lot may require permission from other properties utilizing the private street, and there are limits on the length and the number of lots that can be served by a private street. (See §7-300 and §7-450 of the ZO.) In addition, *Family Division* lots can only be created for immediate family members specified by the Subdivision Ordinance, and involve unique restrictions. (See §3-2(B) of the SO.) *Administrative Division* lots are limited to one per parcel of record as of May 9, 1968, so an *Administrative Division* is not always possible. (See §3-2(A) of the SO.) *Large Lot Divisions* are allowed only on certain large rural lots being divided into lots of 50 to 100 acres or more. (See §3-2(D) of the SO.)

Utilities

Before a new lot can be created, it must be established that adequate water and sewer facilities are available. If the lot is within a county Service District in an area designated to receive services, hooking up to public water and/or sewer may be required. Typically, a "tap" fee is charged by the utility company for this service, and there may be additional costs associated with extending services to the lot.

If the lot is outside a Service District, or is in a Service District but is not designated to receive services, a septic system must be designed to handle sewage discharge, and a well must be installed to serve the lot. The Health Department issues permits for septic systems and wells. Not all land can accommodate septic systems or wells. Soil characteristics and other environmental factors such as the presence of floodplains and wetlands

can create challenges. Health Department staff can provide more information about requirements; they can be reached at 540-347-6363.

Driveway Entrances

Before a lot can be approved, VDOT must approve a safe location for an entrance onto the public street. If the lot is to be served by a private street, VDOT must still find that the connection of the private street to the public street meets VDOT requirements. VDOT staff can provide more information about entrance requirements; they can be reached at 540-347-6441.

Other Ordinance Requirements

The Fauquier County Zoning and Subdivision Ordinances have other requirements that must be considered when planning to divide property. Some key requirements include:

- The Zoning Ordinance requires buildings to be set back a minimum distance from all property lines. (See §3-404 and §3-405 of the ZO.)
- No buildings are allowed within the FEMA 100-year floodplain and a 25 foot setback from the floodplain is required for all dwellings. (See §2-412 and §4-400 of the ZO.)
- In the Rural zoning districts, 85% of the original parcel (generally based on the size of the parcel on May 21, 1986) must be maintained in a single lot, known as "non-common open space." Prime farm land and sensitive environmental areas, including wetlands and floodplain, are required to be left in the non-common open space parcel when a tract is being divided. (See §2-406.2-6 of the ZO.)