

## Article 2 General Provisions

Amended by Town Council: December 9, 2014  
December 11, 2018  
April 9, 2019  
December 10, 2019  
April 12, 2022  
October 8, 2024

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## **Article 2    General Provisions**

### **2-1    Application and Prohibition**

#### **2-1.1    General Application**

All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, structures, uses or land are located. Existing buildings, structures and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this Ordinance.

Existing lawful buildings, structures and uses which do not comply with regulations herein shall be subject to Section 11-4 of this Ordinance relating to nonconformities.

#### **2-1.2    General Prohibition**

No building or structure, no use of any building, structure or land, and no lot of record now or hereafter existing shall hereafter be established, altered, moved, diminished, divided, eliminated or maintained in any manner except in conformity with the provisions of this Ordinance.

### **2-2    Compliance with Chapter Required**

#### **2-2.1    Compliance with chapter generally**

- 1    No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be constructed, except in conformity with all of the regulations specified in this Ordinance for the district in which it is located.
- 2    No building or other structure shall be erected or altered:
  - 1)    To exceed the height or bulk specified in this Ordinance.
  - 2)    To accommodate or house a greater number of families than permitted by this Ordinance.
  - 3)    To occupy a greater percentage of lot area than specified in this Ordinance.
  - 4)    To have narrower or smaller rear yards, front yards, side yards, or other open space than required by this Ordinance.
  - 5)    In any other manner contrary to the provisions of this Ordinance.

## 2-2.2 Compliance with Ordinance in issuance of permits and licenses

All departments, officials and public employees of the Town vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits or licenses for uses, buildings or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

## 2-3 Exemptions

The following are exempt from this Ordinance:

2-3.1 Electrical transmission lines of 150 kV or more, approved by the State Corporation Commission.

2-3.2 Poles, wires, cables, conduits, vaults, laterals, pipes, valves, meters or any other similar equipment when used for the purpose of distributing service to individual customers within an approved or established service area, but not including telecommunications towers, plants or substations.

2-3.3 The height limitations of this Ordinance shall not apply to cupolas, barns, silos, farm buildings, chimneys, flag poles, water tanks, and monuments and necessary mechanical appurtenances not exceeding in height the distance therefrom to the nearest lot line.

2-3.4 Federal projects as applicable under 40 U.S.C. §3312.

2-3.4 State-owned lands and buildings, as applicable under Virginia Code § 15.2-2293.

## 2-4 Public Facilities Manual

2-5.1 The Town of Warrenton Public Facilities Manual, as amended by Town Council of the Town of Warrenton, is hereby incorporated herein by reference in the Zoning and Subdivision Ordinances as though set out in full herein.

2-5.2 All utility systems shall be designed and constructed in accord with the Town of Warrenton Public Facilities Manual.

## 2-5 Zoning of Annexed Territory

2-5.1 Any property annexed or boundary adjusted into the corporate limits, hereinafter referred to as the “annexed property”, which was zoned in Fauquier County for a density more intense than one (1) dwelling unit per acre, after the effective date of the Zoning Ordinance shall immediately upon the effective date of such annexation or boundary

adjustment be reclassified to the R-15 Zoning District pursuant to Article 3 of the Zoning Ordinance.

2-5.2 Notwithstanding the foregoing, if the annexed property was zoned in Fauquier County with a density equal to or less intense than one (1) dwelling unit per acre, the annexed property shall immediately upon the effective date of such annexation or boundary adjustment be reclassified to the R-E Zoning District, pursuant to Article 3 of this Zoning Ordinance.

2-5.3 Notwithstanding the provisions of paragraph 2-5.1 and 2-5.2, if the annexed property was zoned in Fauquier County to a commercial district, the annexed property shall immediately upon the effective date of such annexation or boundary adjustment be reclassified to the C Zoning District pursuant to Article 3 of the Zoning Ordinance.

2-5.4 The Planning Commission shall prepare and present a recommended zoning classification of any annexed property to the Town Council within twelve (12) months of the effective date of such annexation or boundary adjustment.

## **2-6 Calculation of Density**

2-6.1 Maximum Density. The maximum density specified in this Ordinance for a given zoning district shall not be exceeded. Calculations of development density, including lot, lot area, parent tract, net and gross density for residential development and other such terms, shall be made in accord with the formulas provided within the definitions of those terms in Article 12 of this Ordinance.

## **2-7 Authorization for Constructing Public Facilities**

No public facility shall be constructed, established or authorized unless and until it has been reviewed and approved by the Planning Commission as provided by Section 15.2-2232 of the Virginia Code, as being in substantial accord with the Town's adopted Comprehensive Plan.

Repair, reconstruction, improvement and normal, minor service extensions of public facilities or public corporation facilities, unless involving a change in the location or extent of a street or public area shall be deemed to be in accordance with Section 15.2-2232 of the Virginia Code. For purposes of this section, widening, extension, enlargement or change of use of public streets, public facilities or public areas shall not be excepted from the requirement of review for Comprehensive Plan conformity.

## **2-8 Provisions Are Minimum Requirements**

The provisions of this Ordinance shall be the minimum requirements to promote and the public health, safety and general welfare.

## **2-9 Interpretation of Terms**

For the purpose of this Ordinance, certain words and terms are to be interpreted as defined in Article 12.

In case of any dispute over the meaning of a word, phrase or sentence, whether defined in this Ordinance or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance, as set forth in Article 1; provided, that an appeal may be taken from any such determination as provided in Article 11 of this Ordinance.

## **2-10 Uses Not Permitted are Prohibited**

For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless it is otherwise clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

In case of any dispute as to whether a use is permitted in any district, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this chapter, as set forth in Article 10 and by the purposes and intent of the particular district, provided that an appeal may be taken from any such determination as provided in Article 11 of this Ordinance.

## **2-11 Adding Unspecified Uses**

Uses other than those allowed in the applicable district may be added to a district only upon adoption of a text amendment approved by the Town Council, pursuant to the amendment procedures set forth in Article 11 of this Ordinance.

## **2-12 Zoning Map and District Boundaries**

2-12.1 The Town is divided into the Zoning Districts set forth in Article 2, and defined in Articles 3 of this Ordinance, and as shown on the map entitled “Zoning Map, Town of Warrenton, Virginia”, together with all explanatory matters thereon.

2-12.2 The Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning classification of land and water areas, buildings and other structures in the Town except for subsequent amendments enacted by the Town Council and not yet officially recorded on said map.

2-12.3 No changes of any kind shall be made to the Zoning Map except in conformity with the procedures and requirements of this Ordinance.

## 2-12.4 Determination of district boundaries

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

- 2-12.4.1 Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys or railroad main tracks, such center line of the right-of-way or prescriptive easement or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- 2-12.4.2 Where a district boundary is indicated to follow the shoreline of a river, creek, branch, pond, lake or other body of water, such boundary shall be construed to follow the shoreline at low water or at the limit of the jurisdiction, and if there is a change in the shoreline, such boundary shall be construed as moving with the actual shoreline. Where a district boundary is indicated to follow the centerline of a river, creek, branch or other body of water, such boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and if there is a change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 2-12.4.3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2-12.4.4 If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the zoning district shall be determined by the use of the scale shown on the zoning map.
- 2-12.4.5 If uncertainties continue to exist after the other provisions of this section are exhausted, the question of the property's zoning district shall be presented to the Zoning Administrator for interpretation and be so noted on the Map. In case of subsequent dispute, the matter may be appealed to the Board of Zoning Appeals in accord with the procedures set forth in Article 11.

## 2-13 Methods of Measuring Lots, Yards and Related Terms

### 2-13.1 Regular lots, width measurements

The width of a regular lot shall be determined by measurement across the lot at the depth of the required front yard or building setback line. The distance between side lot lines at

the points where they intersect with a street line (front lot line) shall be not less than eighty percent of the required width of the lot.

However, in cases where lots front on curved or circular (cul-de-sac) streets, the radii of which do not exceed ninety feet, the distances between side lot lines where they intersect with the street line (front lot line) may be reduced to sixty percent of the required lot width, measured in a straight line between the points where side lot lines extended intersect the street line.

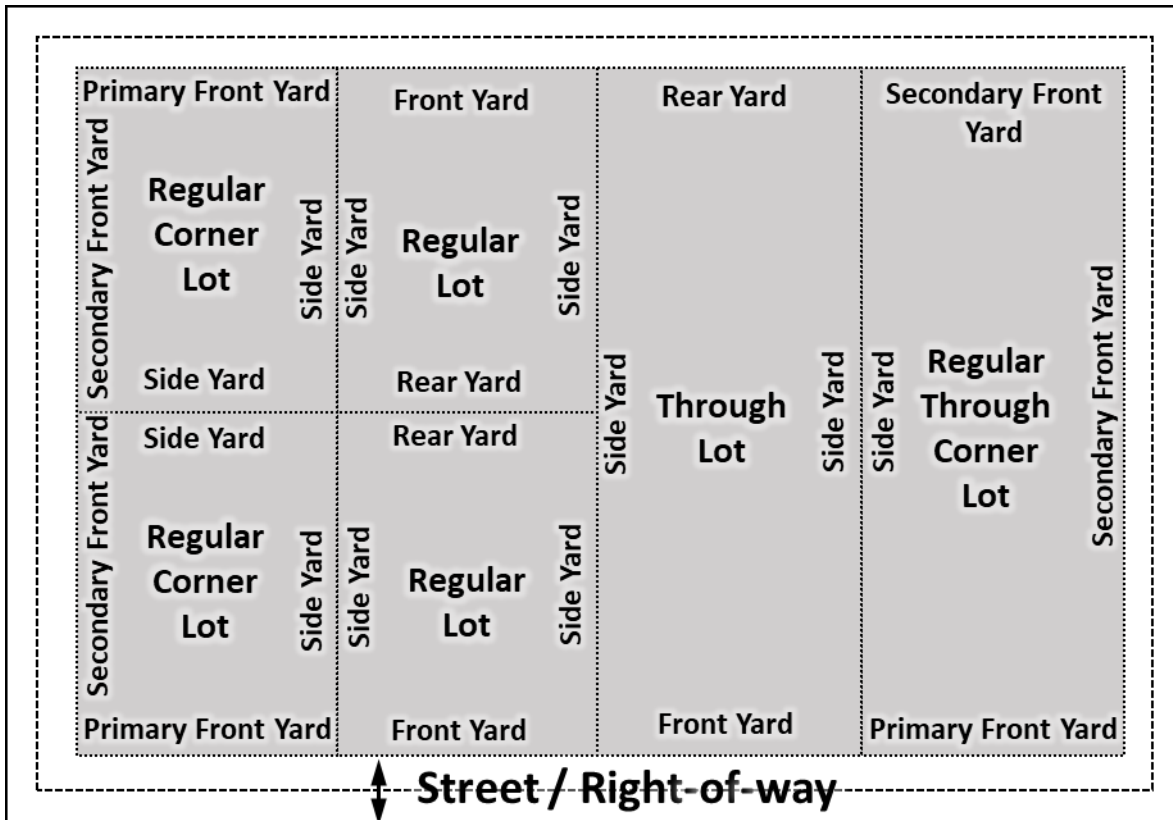
## 2-13.2 Regular lots, determination of front yard

2-13.2.1 On regular interior lots, the front shall be construed to be the portion nearest the street or access road.

2-13.2.2 On regular corner lots, all sides along streets shall be considered front yards. The primary front yard shall be construed to be the shortest boundary fronting on a street, providing lot width requirements are met. If the lot has equal frontage on two or more streets, the primary front lot shall be determined and shown on the subdivision plat or site plan. The secondary front yard begins at the point where it intersects with the primary front yard and extends to the side yard.

2-13.2.3 On regular through corner lots, all sides along streets shall be considered front yards. The primary front yard shall be construed to be the shorter boundary fronting the street, provided that if the shortest boundary fronting on a street is eighty percent or more of the length of the longest boundary fronting on a street, the applicant may select either frontage providing the lot width requirements are met. The remaining yards fronting on a street shall be considered secondary front yards, beginning at the point where they intersect with the primary front yard and extend to the side yard.

2-13.2.4 On regular through lots, the front shall be construed to be the shorter boundary fronting on a street. If the lot has equal frontage on two streets, the front of the lot shall be determined and shown on all subdivision plats and site plans by the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.



### 2-13.3 Regular lots, yards adjacent to street

- 2-13.3.1 Front yards of at least the depth required by setback requirements in the district shall be provided across the entire frontage of a regular lot.
- 2-13.3.2 Other yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.
- 2-13.3.3 Rear yards on interior regular lots

Rear yards on interior regular lots shall be provided of at least the depth required for the district, and shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of land with minimum depth required by district regulations with its inner edge parallel with its outer edge.

- 2-13.3.4 Side yards on regular lots

Side yards on regular lots are defined as extending from the required front yard line (setback line) to the required rear yard line. On regular through lots the required side yard shall run from the required front yard line to the second required front yard line. On corner lots the required side yards shall



run from the point where side yard lines intersect, to the required front yard lines.

#### 2-13.4 Irregular lots, dimensional requirements

An irregular lot, as defined herein, shall be required to meet the dimensional requirements of the district.

#### 2-13.5 Irregular lots, yard requirements

All yards shall meet the yard requirements of the district.

#### 2-13.6 Setback Measurement from streets

All setbacks from public streets shall be measured from the front property line, which is the same as the street line or the front right-of-way.

#### 2-13.7 The depth of required yards adjacent to streets shall be measured perpendicular or radially to such street lines, and the inner line of such required yards shall be parallel to the outer line.

#### 2-13.8 If no dedicated right-of-way exists, if no construction plans are approved for the road, or if less than the minimum right-of-way exists, the right-of way shall be assumed to be the edge of the existing travel way.

#### 2-13.9 For corner lots, the primary front lot line shall be deemed to be the shortest of the two (2) sides fronting on streets.

#### 2-13.10 For corner lots, the secondary front yard setback adjacent to the side street shall be not less than the average of the side and front setbacks required for the lot.

#### 2-13.11 For corner lots, the lot width along the side street shall be in conformity with the minimum lot width requirements for the respective use.

### **2-14 Lots and Yard Requirements**

#### 2-14.1 Frontage Regulations

Except as provided elsewhere in this Ordinance with respect to townhouses, cluster developments, and Planned Unit Developments, no lot shall be used in whole or in part unless such lot abuts upon a public street in accord with the minimum frontage regulations of this Ordinance. No lot or parcel of land abutting the terminus of a public street shall be deemed to comply with the frontage regulations unless such lot abuts on an approved permanent cul-de-sac.

#### 2-14.2 Location on a Lot Required

Every building hereafter erected, reconstructed, converted, moved, or altered, other than accessory buildings as defined and other than townhouses, cluster developments, and Planned Unit Developments, shall be located on a lot of record and in no case shall there be more than one principal building on one lot unless otherwise provided for in this Ordinance. Uses otherwise provided for include multiple-family housing, commercial and office centers and complexes, industrial uses, and institutional complexes.

#### 2-14.3 Lot Access Requirements

All structures requiring a building permit shall be erected on lots which have frontage on a public road, unless otherwise specified or provided for herein, or in the Subdivision Ordinance.

#### 2-14.4. Definitions of Lots and Yards

All types of lots and yards shall be defined as provided in Articles 3 and 12 herein.

#### 2-14.5. Principal Use

Only one principal use or structure shall be permitted on a lot unless otherwise specifically provided for herein. Additional buildings may be permitted, but shall be designated as secondary or subordinate to the principal use.

#### 2-14.6 Required yards and other areas

No part of a yard or other open space, area, or off-street parking or loading space, required in connection with any building or use for the purpose of complying with this Ordinance shall be included as part of a yard, open space area or off-street parking or loading space similarly required for any other building or use, unless otherwise specifically provided for in this Ordinance.

#### 2-14.7. Reductions below minimum requirements of chapter

No lot, area, or yard existing prior to the adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Any lot, area, or yard created after the adoption of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### **2-15 Relationship to Private Agreements**

This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship, provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such private agreements or legal relationships, the regulations of this Ordinance shall govern. The Town bears no responsibility for enforcing any private easements, covenants or other such agreements to which the Town is not a party.

## **2-16 Conditional Zoning**

As part of a petition to rezone property and amend the official zoning maps, the property owner may include voluntary proffers in writing placing certain conditions and restrictions on the use and development of such property. If a petition to rezone is approved, the Zoning Administrator is vested with all necessary authority to administer and enforce such conditions and restrictions, all in accordance with Sections 15.2-2296 et seq., of the Code of Virginia, and such sections are incorporated herein as a part hereof to the same extent and purpose as though such sections were herein fully set out at length.

## **2-17 Condominium Conversion**

In all zoning districts, a structure or use may convert to condominium ownership only if all requirements of this Ordinance, the Subdivision Ordinance, the comprehensive plan, and all other applicable ordinances are met.

## **2-18 Encroachments in Required Yards**

The following features, and no others, may extend into required minimum yard areas, but only as qualified below.

2-18.1 Cornices, canopies, awnings, eaves, or other such similar feature, all of which are at least ten (10) feet above grade, may extend three (3) feet into any required setback but not nearer to any lot line than a distance of two (2) feet. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump island. Such canopies may extend into minimum required front yards, providing they do not overhang travel lanes or, if no travel lanes exist, they shall not be located closer than twenty-two (22) feet from the right-of-way line.

2-18.2 Sills, headers, belt courses, and similar ornamental features may extend twelve (12) inches into any required setback.

2-18.3 Bay windows, oriel, balconies, and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side setback, ten (10) feet into any required rear setback, but not nearer to any lot line than a distance of five (5) feet.

- 2-18.4 An outside stairway, unenclosed above and below its steps, may extend four (4) feet into any required side or rear setback, but not nearer to any side lot line than a distance of six (6) feet.
- 2-18.5 Decks may not project into any required front yard or side yard, but may project into rear yards by not more than one-half of the required rear yard setback, provided that no deck extends closer than 10 feet to any rear property line. Decks built within such encroachments may not be covered or enclosed. Decks or patios of a height of 18 inches or less as measured from the point of lowest grade are not subject to any setbacks.
- 2-18.6 Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and no closer to any property line than five (5) feet.
- 2-18.7 Front porches may project into any required front yard by not more than six feet into the required yard setback, not more than three feet into required side yard setback and into not more than ten feet into the required rear yard setback.
- 2-18.8 Heating, Ventilation, and Air Condenser Units (HVAC) may project into rear and side yard setbacks provided that no HVAC extends closer than five (5) feet to any rear or side property line.

## **2-19 Fences and Walls**

- 2-19.1 Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback, unless otherwise restricted by the ARB within the Historic District. Within the area bounded by the front setback and the side lot lines, fences and walls shall not exceed four (4) feet in height, unless otherwise restricted by the provisions of this Ordinance. Excluded are walls or fences encompassing swimming pools or other uses which are required by law.
- 2-19.2 Fences along the secondary front yard of a corner lot shall meet the side yard setback requirements within the front setback if they exceed four (4) feet in height.
- 2-19.3 In residential developments of five (5) or more dwelling units, fencing should be uniform throughout the development and shall be in accord with Article 8 of this Ordinance.
- 2-19.4 Retaining Walls shall not exceed a height of six (6) feet in any zoning district unless approved by the Planning Director. Any wall exceeding that height that is accessible to residential or pedestrian areas must have a safety railing along the top of the wall.
- 2-19.5 Fences exceeding 6 feet in height may be approved in conjunction with a Special Use Permit for a Permissible Use listed within Article 3.

## **2-20 Height Regulations**

Buildings may be erected up to the maximum height as allowed in the Zoning District within which it is located, except that:

- The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet.
- A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- No accessory building which is within twenty (20) feet of any party lot line shall be more than fifteen (15) feet high. All accessory buildings shall be less than the main building in height.
- No signs, nameplate, or advertising device of any kind shall be installed upon or attached to any chimney, tower, tank, or structure of like kind which is permitted to extend above the height limits of the district in which it is located.

## **2-21 Obstruction to Vision at Intersections Prohibited**

No shrubbery, sign, fence or other similar obstruction to vision between the heights of two and one half (2.5) and ten (10) feet from the ground level shall be permitted within the distance required to provide adequate sight distance to meet Virginia Department of Transportation requirements and included in Article 6.

## **2-22 Removal of Top Soil [see also Articles 4 and 5] Repealed (October 8, 2024)**

~~The retention of adequate top soil on the land within the Town is considered necessary for the general welfare of the Town. The permanent removal of topsoil from the land within the Town shall be regulated, as set forth in the Town's Erosion and Sediment Control Ordinance and Site Conservation Manual, incorporated as Article 4 of the Zoning Ordinance. Urban Best Management Practices shall be utilized to stabilize disturbed areas and reduce runoff volumes and sedimentation.~~

~~A land disturbance permit is required when disturbing or clearing an area in excess of 2,000 square feet for any purpose, including, but not limited to, structures, borrow pits, ponds, and~~

~~driveways, except as exempted in Articles 4 and 5 of this ordinance.~~

~~These activities are regulated in accordance with Virginia Erosion and Sediment Control Laws §§ 62.1-44.2 through 62.1-44.34:28; Virginia Water Quality Management Planning Regulations 9VAC25-720, and Virginia Erosion and Sediment Control Regulations 9VAC25-840, as adopted by the Virginia Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ). All of these laws and regulations and any future updates of the aforementioned sections are also adopted as a part of this Ordinance.~~

## **2-23 Districts Established**

For the purposes of this chapter, the Town is hereby divided into the following districts:

Regular (Base) Districts:

R-15	Residential District
R-10	Residential District
R-6	Residential District
RT	Residential Townhouse District
RMF	Residential Multifamily District
R-40	Residential District
R-E	Residential District
RO	Residential Office District
PSP	Public-Semi-Public Institutional District
C	Commercial District
CBD	Central Business District
I	Industrial District

Overlay and Special Districts:

FPD	Flood Plain District
PUD	Planned Unit Development District
HD	Historic District

# **Article 4    ~~Site Conservation Manual~~ Repealed (October 8, 2024)**

~~Amended April 9, 2019~~

~~December 10, 2019~~

REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance

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## **Article 4—Site Conservation Manual**

### **4.1—Title and Purpose**

#### **4.1.1—Title**

~~The Article contained herein shall hereafter be known as, referred to, and entitled: “The Town of Warrenton Site Conservation Manual.”~~

#### **4.1.2—Authority**

~~This Site Conservation Manual is authorized under Section 15.2-2280 of the Code of Virginia, 9VAC25-840, Virginia Erosion and Sediment Control Law, and any other applicable titles and sections of the Code, as amended. The Site Conservation Manual is hereby incorporated into and made a part of the Zoning Ordinance of the Town of Warrenton, Virginia.~~

#### **4.1.3—Intent**

~~The intent of the Site Conservation Manual is to promote responsible land development and the preservation of the Town’s natural landscape through the application of protective measures on and around site development both during and following development. The Town’s natural landscape shall include, but is not limited to, natural resources such as trees and woodlands, fresh water bodies, wetlands, riparian areas, other natural areas and natural soils.~~

#### **4.1.4—Purpose**

- ~~● To promote the preservation of the natural landscape on public and private lands and to encourage responsible development, this manual shall require the owner of each development area to be responsible for developing a comprehensive Site Conservation Plan (SCP). This plan will address preservation of our natural landscape through tree preservation, riparian setbacks, erosion and sediment control, stormwater management, and design.~~
- ~~● The Site Conservation Plan will assure all land disturbance activities are in accordance with the requirements of the Virginia Stormwater Management Program (VSMP) Regulations and permit, Town of Warrenton Zoning Ordinance; Section 8-7 Acceptable Tree Species; Section 8-9 Conservation of Heritage and Specimen Trees; Section 8-10 Retention and Replacement of Trees Requirements and Article 10 Site Development Plan; Town of Warrenton Subdivision Ordinance; and the Commonwealth of Virginia Erosion and Sediment Control Law.~~
- ~~● The Construction Site Conservation Manual (CSCM) shall establish procedures for the~~

~~administration and enforcement of such controls. The CSCM will include the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to be maintained on site during construction and that will clearly identify to conversion of temporary E&S measures to final SWM/BMP measures and to protect the integrity of those permanent facilities after construction is completed.~~

- ~~• The preparation of a VPDES (VSMP) Permit Registration Statement, submittal to the Town of Warrenton, along with required permit fees, for processing through the Department of Environmental Quality (DEQ), is hereby required, in accordance with the Authority set forth in section 4-1.2.~~

#### **~~4.1.5 — Conflicting Content with other Codes and Ordinances~~**

~~Whenever any provisions of any Commonwealth or Federal statute or other provisions impose a greater requirement, or higher standard, than is required by these regulations, the provisions of the Commonwealth or Federal statute, provision, or regulation shall govern.~~

#### **~~4.1.6 — Certain State Erosion and Sediment Control Provisions Adopted~~**

~~Chapter Three of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations (9VAC25-840) amended by the State Water Control Board, October 2013, or the most current edition of such regulations, is hereby adopted in its entirety and incorporated herein by reference in this manual as set out in full herein. The text of these regulations is on file in the Community Development Department.~~

~~Except as otherwise provided for in Section 4-5 Exceptions of this manual, no person shall engage in any kind of land disturbing activity within the Town of Warrenton until they have first acquired a Land Disturbance Permit.~~

#### **~~4.1.7 — Severability~~**

~~Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity or application of the remainder of the Ordinance as a whole or any part thereof.~~

### **~~4.2 — Recordation of Riparian Setback Areas~~**

~~Prior to final approval of a subdivision, site plan, or other development, as applicable, the Riparian Setback Area shall be permanently recorded on the plat records for all parcels associated with the site. Recordation shall be in accordance with the requirements of the Town of Warrenton Subdivision Ordinance Section 3-10 Final Plat Requirements.~~

## **4.3—Application Procedure**

~~The Site Conservation Plan shall be submitted as part of the acceptance of the preliminary plat (or in the absence of a requirement for preliminary plats, then as part of the final plat, as applicable) and/or a site development plan required for development within the Town of Warrenton and shall follow the requirements outlined in Article 10, Site Development Plans, of the Town Zoning Ordinance.~~

### **4.3.1—Applicant**

~~For the purposes of this Manual, the preparation, submission, and approval of the SCP shall be the responsibility of the property owner. In addition, the requirements of Section 4.8.4, Bond Requirements, of this Manual concerning a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement that is acceptable under the provisions of Section 4.8.4, Bond Requirements, shall be met.~~

### **4.3.2—Agreement in Lieu of SCP**

~~Pertaining to development sites exempt from the site review process as per Section 10-2 of the Town Zoning Ordinance, the Town of Warrenton and the land owner may enter into an Agreement in Lieu of the SCP. This agreement must specify the BMPs that the property owner will put into effect to assure the preservation of the Natural Landscape on site and on the adjacent sites in the best manner available. With this agreement the designation of a responsible land disturber who holds a certificate of competence is required per Section 62.1-44.15:53, Virginia Erosion and Sediment Control Law. If a violation occurs during the land disturbing activities the person designated as the responsible land disturber shall be responsible for correcting such violation. Failure to provide the name and contact information, including phone number, of an individual holding a certificate of competence prior to engaging in land disturbing activities may result in revocation of the approved plan and the person responsible for carrying out the plan shall be subject to the penalties referenced in Section 4-12, Criminal and Civil Penalties, of this Manual.~~

### **4.3.3—SCP Authority**

~~The Zoning Administrator, or the Administrator's designated representative, shall be responsible for the verification and assurance that all applicable requirements are met prior to the issuance of any permits for land development. The Zoning Administrator shall work with the Erosion and Sediment Control Administrator, Town Arborist and/or any other department or agency of interest to assure that a complete Site Conservation Plan has been approved prior to issuance of any permits for land development.~~

### **4.3.4—Erosion and Sediment Control Plan Approving Authority**

~~The Town of Warrenton's Erosion and Sediment Control Administrator shall be responsible for determining the adequacy of the Erosion & Sediment Control Plan submitted for land disturbing activities, for the approval of such plans, and that such plan will be complied with throughout the~~

~~development process.~~

#### **4.3.5 — Responsible Land Disturber**

~~As a prerequisite to engaging in land disturbing activities shown on the approved SCP the person responsible for the plan shall provide all contact information, including phone numbers, of the individual holding a certificate of competence to the Town. This person will be held as the contact person to be notified if violations occur. This information shall be supplied directly onto the first page of the SCP. Failure to provide the name and contact information, including phone number, of an individual holding a certificate of competence prior to engaging in land disturbing activities may result in revocation of the approved plan and the person responsible for carrying out the plan shall be subject to the penalties referenced in Section 4-12, Criminal and Civil Penalties, of this manual.~~

#### **4.4 — Definitions**

~~See Article 12, the Virginia Erosion and Sediment Control Handbook (VESCH), 9VAC25-840, and any other applicable titles and sections of the Code, as amended.~~

#### **4.5 — Exceptions**

##### **4.5.1 — Erosion and Sediment Control Exemptions**

~~Minor land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work.~~

~~Individual service connections.~~

~~Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land disturbing activity is confined to the area of the road, street, or sidewalk, which is hard surfaced.~~

~~Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system.~~

~~Surface or deep mining.~~

~~Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off site disposal areas.~~

~~Tilling, planting, or harvesting or agricultural, livestock feedlot operations, horticultural, or forest crops or livestock feedlot operations; including agricultural engineering as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which the harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et~~

~~seq.) of the code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of (§ 10.1-1163) of the Code of Virginia.~~

~~Repair or rebuilding of tracks, right of way, bridges, communication facilities, and other related structures and facilities of a railroad company.~~

~~Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, silt basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-1100 et seq.) Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.~~

~~Disturbed land area of less than two thousand (2,000) square feet in size.~~

~~Installation of fence and sign posts or telephone and electric pole and other kinds of posts or poles.~~

~~Emergency work to protect life, limb, or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, and the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the plan approving authority.~~

#### **4.5.2 — Riparian Buffer and Setback Exceptions**

~~Grassy swales and other ephemeral streams~~

~~Roadside ditches~~

~~Drainage ditches whose purpose is to convey storm water to the public system~~

~~Tile drainage systems~~

~~Stream Culverts~~

#### **4.6 — Riparian Buffer and Setback Area**

##### **4.6.1 — Riparian Buffers**

~~Riparian buffers shall be composed of a 25 foot area extending from streamside and the existing natural landscape of the stream including trees and underbrush. If the natural landscape has been removed, the buffer area is required to be landscaped with a mixture of deciduous and coniferous trees with the majority being deciduous canopy or ornamental trees of species specified in Section 8-7 of the Zoning Ordinance. The riparian buffer shall be included as any buffer or part of any buffer area required in Article 8 of the Zoning Ordinance.~~

#### **4.6.2—Riparian Setback Area**

Riparian Setbacks, unless as specified as a riparian area of special concern referenced in Section 4-6.3, shall be 50 feet from streamside and will include the riparian buffer area.

#### **4.6.3—Riparian Areas of Special Concern**

##### **4.6.3.1 Delineated Floodplain Areas**

Where the 100 year floodplain is wider than the Riparian Setback on either or both sides of a stream, the Riparian Setback shall be extended to the outer edge of the 100 year floodplain as defined by FEMA.

##### **4.6.3.2 Steep Slopes**

In areas where the gradient of the riparian corridor significantly impacts the stream the following adjustments to the Riparian Setback shall be made:

<b>Average Percentage of Slope</b>	<b>Adjustment to Riparian Setback</b>
15% -20%	Add 25 feet
21% -25%	Add 50 feet
>25%	Add 100 feet*

\*See Article 9-17 of the Zoning Ordinance

##### **4.6.3.3 Wetland Areas**

Where potential wetlands are shown on the US Fish and Wildlife Service National Wetlands Inventory (NWI), a Jurisdictional Determination (JD) issued by the US Army Corps of Engineers shall be required with any application for a land disturbance permit. Riparian Setbacks shall include the full extent of wetlands protected by federal or state law.

#### **4.7—Permits**

Development in The Town of Warrenton shall require a two-tier permit system. This system will be required for all construction activities within the Town except for those exemptions outlined in Section 10-2 of the Town Zoning Ordinance and Section 4-5, Exceptions, specified in this manual. Permits will be issued once the site review process has been completed and proper bonding is in place. The two required permits are the Land Disturbance Permit and the Building Permit.

##### **4.7.1—Land Disturbance Permit**

The "LAND DISTURBANCE PERMIT" (LDP) shall be issued for the implementation of grading

~~which is composed of riparian protection, tree removal and those requirements set by the erosion and sediment control plan. No additional construction will be performed and no additional building materials shall be allowed on site until the Zoning Administrator has verified that all requirements of this permit have been met. No Land Disturbance Permit shall be issued without a plat survey showing all riparian setback areas and a tree survey and replacement schedule approved by the Town Arborist or Zoning Administrator.~~

~~The issuance of the Land Disturbance Permit shall be conditioned on an approved SCP which shall be presented at the time of application.~~

~~The ESC Administrator may allow the stockpiling of additional construction materials, or the temporary storage of equipment, on the site prior to the issuance of the second permit if a suitable location can be identified. Proper Erosion and Sediment Control, approved by the Erosion and Sediment Control Administrator, must be maintained on the stockpile area prior, during, and after the area is used for stockpiling.~~

#### **4.7.2 — Building Permit**

~~The "BUILDING PERMIT" will be issued once the Zoning Administrator certifies that the requirements set forth in this manual and required by the Land Disturbance Permit, have been properly installed. This permit will set forth the commencement of the final construction phase and requires review and approval of the Site Development Plan and of any and all building plans.~~

### **4.8 — Program Standards/Procedures**

#### **4.8.1 — Plan Contents**

~~The preservation of our natural landscapes requires that developers work to contain the natural features of the land in their development practices. The contents of the SCP will demonstrate the developer's intent toward preservation and shall include the following requirements based on the Chesapeake Bay Watershed Manual Section VI and Article 8 Sections 7, 9 and 10 of the Town Zoning Ordinance:~~

##### **4.8.1.1 Riparian Protection Plan**

~~Riparian Protection Plan showing riparian setback and buffer areas and those methods of either retaining the natural forested areas or plantings designed to protect the buffered area.~~

##### **4.8.1.2 Tree Survey**

~~A tree survey of existing trees as required by Section 10-4-2-15 of the Zoning Ordinance on sites proposed for development, which includes a listing of all heritage and specimen trees to be preserved and the location of all trees on the site with a caliper of six (6) inches or greater. Such trees shall be also identified in a table listing their species, caliper, and canopy~~

size.

#### 4.8.1.3 ~~Tree Protection Plan~~

~~Tree Protection Plan as required by Section 10-6-12 of the Zoning Ordinance that indicates the location of trunks and drip lines for trees or wooded areas that are to be retained. In the case of wooded areas, the trunks and drip lines of perimeter trees shall be sufficient indication of location.~~

#### 4.8.1.4 ~~Tree Replacement Schedule~~

~~A replacement schedule of all trees required to be replaced in Section 8-10 of the Zoning Ordinance. Replacement trees shall be replaced by trees indigenous to the Warrenton region. Deciduous trees shall replace deciduous trees and nondeciduous trees shall replace nondeciduous trees.~~

#### 4.8.1.5 ~~Erosion and Sediment Control Plan~~

~~An erosion and sediment control plan containing a description of the controls appropriate for the best management of each construction operation as outlined in the Virginia Erosion and Sediment Control Law. The plan must make use of the practices that preserve the existing natural conditions to the maximum extent possible. Clear cutting, as defined in Article 12, shall not be authorized.~~

~~For subdivisions of two lots or greater, and site plans comprising one or more acres of land, the plan shall be designed after a Phase I investigation that identifies all potentially historically significant and environmentally sensitive areas on the property. These include, but are not limited to, structures, wetlands, floodplain, steep slopes, endangered habitats, and unstable soils. Buildings and lot locations shall be laid out to preserve, to the maximum extent possible, the conditions identified in the Phase I investigation.~~

~~Development of the plan shall be accomplished through the use of phased development practices per the following schedule that follows the normal progression of land development:~~

- ~~▪—Phase 1: Streets, parking areas, and utilities, including temporary and permanent erosion and sediment control and stormwater installations~~
- ~~▪—Phase 2: Open space and amenity areas, where provided.~~
- ~~▪—Phase 3: Lots for buildings and structures. Lots shall not be cleared until a land disturbance permit in conjunction with a building permit has issued.~~



#### 4.8.1.6 Methods of protection

Methods of protection shall be clearly indicated on site plan with a legend of symbol included on each sheet.

#### 4.8.1.7 Responsible Party

Protected natural areas including riparian areas and all storm water management facilities shall have an inspection and maintenance plan that identifies the owner and the responsible party for carrying out the inspection and maintenance plan. Contact information, including phone numbers, shall be located on the first page of the SCP.

### **4.8.2—Operation and Maintenance of Storm Water Management Facilities**

An approved plan for the maintenance of all storm water management facilities is required by Article 5 of the Zoning Ordinance. The responsibility for the operation and maintenance of storm water management facilities, unless assumed by the Town of Warrenton, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall be designated for each property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

### **4.8.3—Approval Process**

#### 4.8.3.1 Approval

The Town of Warrenton Erosion and Sediment Control Administrator and the Zoning Administrator shall review any and all SCPs and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Town's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of the SCP Manual. The approval process follows after a site development plan (SDP) has been approved in accordance with Article 10 of the Zoning Ordinance. The land disturbance permit will be issued after the site plan is approved in its entirety and all required documentation, including proof of the purchase of off site nutrient or wetland credits, copies of required wetlands permits or Jurisdictional Determinations from the US Army Corps of Engineers, and all easements, plats, bonds or surety contracts and documents have been submitted and approved, as applicable.

#### 4.8.3.2 Denials

When an SCP is determined to be inadequate, written notice of denial stating the specific reasons for the denial shall be communicated to the applicant within sixty (60) days. The notice shall specify the modifications, terms and conditions that will permit approval of the

~~plan. If no action is taken by the Town of Warrenton within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

#### 4.8.3.3 Plan Alterations

~~An approved SCP may be changed in the following cases:~~

- ~~1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulation;~~
- ~~2. Where the person responsible for carrying out the approved SCP finds that because of changed circumstances, or for other reasons, the approved plan cannot be effectively carried out; and~~
- ~~3. Proposed amendments to the SCP, consistent with the requirements of this manual, are agreed to by the Erosion and Sediment Control Administrator, and Zoning Administrator, and the person responsible for carrying out the plan.~~

#### 4.8.4 Bond Requirements

~~Upon approval of the cost estimates required by Section 10-8 of the Zoning Ordinance and Section 3-12.3 of the Subdivision Ordinance, 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 institution's letter of credit, on certain designated funds satisfactory to the Planning Director as to the institution, the amount and the form.~~

#### 4.8.5 Multi-jurisdiction Requirements

~~Where land-disturbing activities involve lands under the jurisdiction of more than one local control program an erosion and sediment control plan, the SCP may, at the option of the applicant, be submitted to the State Board for review and approval rather than to each jurisdiction concerned.~~

#### 4.8.6 Erosion Impact Areas

~~The Town may designate areas in the town which shall be classified as Erosion Impact Areas as defined in Article 12. Any such designation and classification shall be deemed to be a component of the local control program. Consistent with this Manual, and in order to prevent further erosion, the Erosion and Sediment Control Administrator may require the approval of a conservation plan for any~~

~~Erosion Impact Area. Such plan shall be subject to all review, bonding, inspections and enforcement provisions of this Manual which apply to Land Disturbance Permits. The plan must be submitted by the property owner.~~

#### **4.8.7 — ~~Preconstruction Meeting~~**

~~Pre-Construction meeting shall be held prior to the initiation of any site work. Attendees include, but are not limited to, Planning Director, Erosion and Sediment Control Inspector/Administrator, Town Arborist, Town Engineer, Town Zoning Administrator, and the Responsible Land Disturber or his representatives.~~

#### **4.8.8 — ~~Inspection Process~~**

~~During the development process, all land disturbing activities within the Town of Warrenton shall be inspected by the Town's Erosion and Sediment Control Administrator and when applicable, The Town Erosion and Sediment Control Inspector, the Town Arborist, or a qualified Town representative. The inspection process includes the following:~~

~~An initial site inspection shall be made prior to the start of construction to assure that all relative onsite protective measures are in place and that all affected offsite waterways and environmental impact areas are protected. The E&S Administrator shall give written notice to Responsible Land Disturber that the inspection is complete and that construction can start. If the inspection finds that these protective measures are not in place, corrective action shall be recorded and given to the Responsible Land Disturber either directly onsite or via first class mail. Construction shall not begin until the relative onsite and offsite protective measures are in place.~~

~~Each site in which land disturbing activities are being conducted shall be inspected at least once every two weeks and within twenty four (24) hours of a runoff producing event and at the completion of the project prior to the release of any performance bonds.~~

~~Town of Warrenton Standard Operating Procedure for Erosion and Sediment Control Inspection further outlines the inspection process.~~

#### **4.9 — ~~Fees~~**

~~A reasonable fee to defray the cost of plan review, including site inspections for the duration of the construction process, shall be paid to the Town. These charges shall be in accord with the Site Plan Review fee schedule as adopted by the Town Council and relative permits such as the Land Disturbance Permit.~~

#### **4.10 — ~~Variances~~**

~~The ESC Administrator may waive or modify any regulations that are deemed inappropriate or too~~

restrictive for site conditions, by granting a variance. The ESC Administrator shall follow the process as outlined in section 9VAC25-840 of the Virginia Erosion and Sediment Control Regulations. For ESC variance denials, the applicant may resubmit a variance request with additional documentation to the State Water Control Board.

- During construction, the person responsible for implementing the approved ESC plan may request a variance in writing from the Erosion and Sediment Control Administrator. The Erosion and Sediment Control Administrator shall respond in writing either approving or disapproving such a request.
- If variances submitted during construction are not approved within ten (10) days of receipt of the variance request, the request shall be considered to be disapproved.

#### **4.11—Violations, Remedies, and Public Notice**

Violations include, but are not limited to, failure to comply with an approved plan or undertaking a land disturbing activity without an approved plan, and the destruction of adjacent property including adjacent tree damage or damage to any tree save areas. When a violation is noted, the ESC Administrator shall take the following steps to secure compliance:

##### **4.11.1—Informal Contact/Verbal Warning**

The Inspector shall complete a standard inspection report form detailing the observed violation and circumstances pertaining to it. The report shall specify the measures needed for compliance and a time frame for completion. The on-site job superintendent shall be notified verbally, if possible, and asked to sign the inspection report to verify that verbal notification has been given. Copies of the inspection report shall be given or sent to the permit holder and other concerned parties.

##### **4.11.2—Notice to Comply**

If the informal contact is unsuccessful, the Erosion and Sediment Control Administrator shall issue a “Notice to Comply”. This notice shall specify the measures required for compliance and the deadline for completion. The notice must be sent to the permit holder by registered or certified mail to the address specified by the permit holder in his application or the notice can be delivered to the person supervising the activity.

##### **4.11.3—Stop Work Order**

If the Notice to Comply is not acted upon by the land developer the Zoning Official or ESC Administrator shall issue a stop work order requiring that all or part of a land disturbing activities on the site be stopped until the specified corrective measures have been taken.

Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, tree removal is

~~taken place without notification to the Zoning Administrator, and/or land disturbance activity has commenced without a an approved plan or land disturbance permit, per Section 11-3.3.11 of the Zoning Ordinance, such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified above. Under these circumstances, a stop work order may be issued on site to the responsible party or their agent.~~

~~Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply. The stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the locality in which the site is located. Upon failure to comply within the time specified, the land disturbance permit or construction permit may be revoked and the permit holder or person responsible for carrying out the plan shall be deemed to be in violation of the requirements of this manual and shall be subject penalties set forth in Section 4-12 Criminal and Civil Penalties.~~

4.11.3.1 — ~~The order shall remain in effect for seven days from the date of service; pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court of Fauquier County. If the alleged violator has not obtained an approved site plan or any required permits within seven days from the date of service of the order, the Zoning Administrator and/or ESC Administrator or his designee may issue an order to the owner requiring that all construction and other work on the site be stopped until the appropriate corrective measures have been taken.~~

4.11.3.2 — ~~The owner may appeal the issuance of an order to the circuit court of Fauquier County. Any person violating, neglecting, or refusing to obey an order issued by the Town may be compelled in a proceeding instituted in the court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits the order shall immediately be lifted.~~

#### **4.12 — Criminal and Civil Penalties**

~~Violators shall be guilty of a Class 1 misdemeanor and shall be subject to fines not to exceed \$2,500 and/or twelve months imprisonment in jail.~~

~~Every violation not remedied in the notice to comply letter shall carry a \$100.00 fine per day with a total of \$3,000.00 per violation and \$1,000.00 per day for any land disturbing activity commenced without an approved plan for a total of \$10,000 per violation.~~

~~In addition to any criminal or civil penalties provided this section, any person who violates any provision of this chapter may be liable to the Virginia State Water Control Board per § 62.1-44.15 of the Code of Virginia.~~

#### **4.13—Appellate Process**

##### **4.13.1—Appeals of items regulated by the Zoning Ordinance**

~~Appeal of a formal decision of the Zoning Administrator shall be subject to the requirement of Section 11-3.12 of the Zoning Ordinance of the Town of Warrenton. Appeals shall be in writing and shall be filed with the Board of Zoning Appeals in care of the Zoning Administrator. Such appeal shall be taken within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities. The application for appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal.~~

##### **4.13.2—Appeals to the Virginia Erosion and Sediment Laws**

~~Any appeals concerning the ESC portion of this document shall be taken to the Virginia State Water Control Board and shall be subject to review by the circuit court provided that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.~~

##### **4.13.3—Appeal of a Stop Work Order**

~~The owner may appeal the issuance of an order to the circuit court of Fauquier County. Any person violating or failing, neglecting, or refusing to obey the stop work order may be compelled in a proceeding instituted in the circuit court of Fauquier County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.~~

#### **4.14—Duration of Approval**

~~Approval of the SCP is conditioned to the Site Plan Approval process and all time limits associated with it. Although, the Town reserves the right to adjust requirements of this SCP if field conditions warrant such adjustments.~~

# **Article 5—Stormwater Management Repealed (October 8, 2024)**

**~~Amended April 9, 2019~~**

**~~December 10, 2019~~**

**REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance**

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## Article 5—Stormwater Management

~~Pursuant to Code § 62.1-44.15:27, this ordinance is adopted as part of an initiative to coordinate the Town of Warrenton stormwater management requirements with the Town's erosion and sediment control, flood insurance, and flood plain management requirements into a unified program within the Town's Zoning Ordinance, in accordance with the provisions of the Virginia Stormwater Management Act. It is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the Town and those responsible for compliance with these programs.~~

### 5-1 ~~PURPOSE AND AUTHORITY (Section 9VAC25-870-20, 9VAC25-870-40)~~

- ~~(a) The purpose of this Ordinance is to ensure the health, safety, and welfare of the citizens of the Town of Warrenton, to protect private and public properties, and to protect the quality and quantity of state waters from unmanaged stormwater runoff through land disturbing activities that may cause unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby legal requirements related to water quality and quantity shall be administered and enforced.~~
- ~~(b) This ordinance is adopted pursuant to Article 1.1 (§ 62.1-44.15:25 et seq.) of Chapter 6 of Title 62.1 of the Code of Virginia.~~

### 5-2 ~~DEFINITIONS (9VAC25-870-10)~~

~~See Article 12.~~

### 5-3 ~~STORMWATER PERMIT REQUIREMENT; EXEMPTIONS~~

- ~~(a) Except as provided herein, no person may engage in any land disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.~~
- ~~(b) Notwithstanding any other provisions of this Ordinance, the following activities are exempt from permitting under this Article, unless otherwise required by law:~~
  - ~~(1) Permitted surface or deep mining operations and projects, or oil and gas extraction operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;~~
  - ~~(2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the~~



provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

- (3) ~~Single family residences separately built and disturbing less than 10,000 square feet and not part of a larger common plan of development or sale, including additions or modifications to existing single family detached residential structures. However, these will require an Agreement in Lieu for Erosion and Sediment Control, and may require other permits such as Floodplain, Zoning, etc.~~
- (4) ~~Land disturbing activities that disturb less than 10,000 square feet of land area or activities that are part of a larger common plan of development or sale that is one (1) acre or greater of disturbance, for which an approved SWM Plan has already been implemented covering that proposed disturbance, and a VSMP Permit is currently in effect for that common plan of development. Discharges to a sanitary sewer or combined sewer system; although these discharges are prohibited in the Town Code.~~
- (5) ~~Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;~~
- (6) ~~Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and~~
- (7) ~~Conducting land disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land disturbing activity.~~
- (e) ~~In order to protect the quality of state waters and to control the discharge of stormwater pollutants from land disturbing activities, runoff from Chesapeake Bay Preservation Act land disturbing activities shall be controlled unless otherwise exempt. Chesapeake Bay Act land disturbing activities do not require completion of a registration statement or coverage under the General Permit but shall be subject to the following technical criteria and program administrative requirements in this ordinance and 9VAC25-870-51:~~
  - (1) ~~Erosion and Sediment Control Plan;~~
  - (2) ~~Stormwater Management Plan;~~

- ~~(3) Exemptions may be requested;~~
- ~~(4) Long term maintenance of stormwater management facilities;~~
- ~~(5) Water quality design criteria;~~
- ~~(6) Water quality compliance;~~
- ~~(7) Channel protection and flood protection;~~
- ~~(8) Offsite compliance options available;~~
- ~~(9) Subject to design storm and hydrologic methods, linear development controls, and criteria associated with stormwater impoundment structures or facilities.~~

#### 5-4 **~~STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS~~**

- ~~(a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, the Town hereby establishes a Virginia stormwater management program for land disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 5-1 of this Ordinance. The Town hereby designates the Community Development Director as the Administrator of the Town of Warrenton VSMP stormwater management program.~~
- ~~(b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:~~
  - ~~(1) A permit application that includes a general permit registration statement, if such statement is required;~~
  - ~~(2) An erosion and sediment control plan approved in accordance with Article 4, Erosion and Sediment Control, of the Town Zoning Ordinance; and~~
  - ~~(3) A stormwater management plan that meets the requirements of Section 5-6 of this Ordinance or an executed agreement in lieu of a stormwater management plan.~~
- ~~(c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.~~
- ~~(d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 5-15, are received and a reasonable performance bond required pursuant to Section 5-16 of this Ordinance has been submitted.~~
- ~~(e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing,~~

~~construction, disturbance, land development and drainage will be done according to the approved permit.~~

- ~~(f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.~~

## 5-5 **STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS**

- ~~(a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit. The SWPPP must include:~~

- ~~(1) Approved erosion and sediment control plan;~~
- ~~(2) Approved stormwater management plan;~~
- ~~(3) Pollution Prevention Plan for regulated land disturbing activities; and~~
- ~~(4) Description of any additional control measures necessary to address a TMDL.~~

- ~~(b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.~~

- ~~(c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.~~

- ~~(d) At the discretion of the Administrator, the SWPPP may be waived for projects less than 1 acre and where the proposed new impervious area is less than 10,000 square feet.~~

## 5-6 **STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN**

- ~~(a) The Stormwater Management Plan, required in Section 5-4 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 5-9 of this Ordinance to the entire land disturbing activity. Individual lots in new residential, commercial or industrial developments shall not be considered separate land disturbing activities but shall be considered under a Common Plan of Development. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information:~~

- ~~(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas;~~
- ~~(2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected, and a Responsible Land Disturber certification;~~
- ~~(3) A narrative that includes a description of current site conditions and final site conditions;~~
- ~~(4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;~~
- ~~(5) Information on the proposed stormwater management facilities, including:
  - ~~(i) The type of facilities;~~
  - ~~(ii) Location, including geographic coordinates;~~
  - ~~(iii) Acres treated; and~~
  - ~~(iv) The surface waters or karst features, if present, into which the facility will discharge.~~~~
- ~~(6) Hydrologic and hydraulic computations, including runoff characteristics;~~
- ~~(7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 5-9 of this Ordinance.~~
- ~~(8) A map or maps of the site that depicts the topography of the site and includes:
  - ~~(i) All contributing drainage areas;~~
  - ~~(ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;~~
  - ~~(iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;~~
  - ~~(iv) Current land use including existing structures, roads, and locations of known utilities and easements;~~
  - ~~(v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;~~
  - ~~(vi) The limits of clearing and grading, and the proposed drainage patterns on the site;~~~~

- ~~(vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and~~
  - ~~(viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.~~
- ~~(b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 5-9 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:345 of the Code of Virginia. A VSMP authority shall allow offsite options when:~~
- ~~(1) Less than five acres of land will be disturbed;~~
  - ~~(2) The post construction phosphorous control requirement is less than 10 pounds per year; or~~
  - ~~(3) The applicant demonstrates to the satisfaction of the VSMP authority that:~~
    - ~~(i) Alternative site designs have been considered that may accommodate onsite best management practices; and~~
    - ~~(ii) Onsite best management practices have been considered in alternative designs to the maximum extent practicable; and~~
    - ~~(iii) Appropriate onsite best management practices will be implemented; and~~
    - ~~(iv) Full compliance with post-development nonpoint nutrient runoff compliance requirements cannot practicably be met onsite. The applicant must demonstrate onsite control of at least 75 percent (75%) of the required phosphorous nutrient reductions. If the applicant is unable to provide 75% onsite control, a waiver may be granted by the VSMP authority subject to review of the applicant's justification to allow the use of offsite credit purchase to exceed 25%.~~
- ~~(c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.~~
- ~~(d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying~~

~~that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawings are not required for stormwater management facilities for which maintenance agreements are not required pursuant to Section 5-10(b).~~

- ~~(e) Approved stormwater management plans for residential, commercial and industrial subdivisions govern the development of individual parcels within that plan, throughout the development life of the property even if ownership changes.~~

## 5-7 **POLLUTION PREVENTION PLAN; CONTENTS OF PLANS**

- ~~(a) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:~~
- ~~(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;~~
  - ~~(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and~~
  - ~~(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.~~
- ~~(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:~~
- ~~(1) Wastewater from washout of concrete, unless managed by an appropriate control;~~
  - ~~(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;~~
  - ~~(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and~~
  - ~~(4) Soaps or solvents used in vehicle and equipment washing.~~
- ~~(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.~~

## 5-8 **REVIEW OF STORMWATER MANAGEMENT PLAN**

- (a) ~~The Administrator or the Public Works Director as the duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:~~
- ~~(1) The Administrator shall determine the completeness of a plan in accordance with Section 5-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.~~
  - ~~(2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.~~
  - ~~(3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.~~
  - ~~(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.~~
  - ~~(5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.~~
  - ~~(6) Any changes or modifications to the plans initiated by the applicant during the review process (not responses to staff comments) will reset the 60 day calendar review process as of the date of the applicant's request.~~
- (b) ~~Approved stormwater plans may be modified as follows:~~
- ~~(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.~~
  - ~~(2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.~~

- (e) ~~The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 5-10 (b).~~

5-9 **TECHNICAL CRITERIA FOR REGULATED LAND-DISTURBING ACTIVITIES**

- (a) ~~To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Town of Warrenton hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II-B of the Regulations 9VAC25-870(62-99), as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this Ordinance, except as expressly set forth in Subsection (b) of this Section.~~
- (b) ~~Any land-disturbing activity considered grandfathered by the VSMP authority shall be subject to the Part II-C (9VAC25-870 (93-99) technical criteria of the VSMP Regulation provided:~~
- (1) ~~A proffered or conditional zoning plan, zoning with the a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II-C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;~~
- (2) ~~A state permit has not been issued prior to July 1, 2014; and~~
- (3) ~~Land disturbance did not commence prior to July 1, 2014.~~
- (c) ~~Locality, state and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II-C technical criteria of the VSMP Regulation provided:~~
- (1) ~~There has been an obligation of locality, state or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 2, 2012; and~~
- (2) ~~A state permit has not been issued prior to July 1, 2014, and~~



- (3) ~~Land disturbance did not commence prior to July 1, 2014.~~
- (d) ~~Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the Part II C technical criteria of the VSMP Regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.~~
- (e) ~~In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.~~
- (f) ~~Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.~~
- (g) ~~The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.~~
- (1) ~~Exceptions to the requirement that the land disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.~~
- (2) ~~Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.~~
- (h) ~~Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.~~

## 5-10 **ADEQUATE DRAINAGE**

- (a) ~~In order to protect and conserve the land and water resources of this Town for the use and benefit of the public, measures for the adequate drainage of surface waters shall be taken and facilities provided in connection with all land development activities.~~
- (b) ~~Adequate drainage of surface water means the effective conveyance of storm and other surface waters through and from the onsite stormwater management facilities into a(n):~~
- (1) ~~natural watercourse, i.e., a stream with incised channel (bed and banks).~~

- ~~(2) — drainage facility of sufficient capacity without adverse impact upon the land over which the waters are conveyed or upon the watercourse or facility into which such waters are discharged, or~~
- ~~(3) — adequate channel as defined in Section 5-2 of these regulations.~~

### **5-10.1 Minimum Requirements**

- ~~(a) — The drainage system must have the hydraulic characteristics to accommodate the maximum expected flow of surface waters for a given watershed, or portion thereof, for the duration and intensity of rainfall, as specified in the Town's Public Facilities Manual (PFM).~~
- ~~(b) — Determination of the size and capacity of the drainage system shall be based on the planned development, existing zoning or existing development, whichever is greater, within the watershed.~~
- ~~(c) — The drainage system shall be designed:~~
  - ~~(1) — To honor natural drainage divides;~~
  - ~~(2) — To account for both off site and on site surface waters;~~
  - ~~(3) — To convey such waters to a natural watercourse, i.e., a natural watercourse at the natural elevation, or an existing or proposed stormwater management facility, and~~
  - ~~(4) — To discharge the surface waters into a natural watercourse at the natural elevation, or into an existing facility of adequate capacity.~~
- ~~(d) — The drainage system shall be designed such that properties over which the surface waters are conveyed, from the development site to discharge point(s), are not subject to increased erosion or increased flooding.~~
- ~~(e) — Concentrated surface waters shall not be discharged on adjoining property, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land or unless the discharge is into a natural watercourse, or other appropriate discharge point as set for the above.~~
- ~~(f) — The owner or applicant/development may continue to discharge storm water which has not been concentrated into a lower lying property if the following three conditions are met:~~
  - ~~(1) — The peak runoff rate after development does not exceed the predevelopment peak runoff rate for the 1-year storm and 10-year storm.~~
  - ~~(2) — The increase in runoff volume caused by the development will not have an adverse impact, such as erosion or flooding, on the lower lying property. Any increase in runoff volume will be analyzed and meet the requirement of the Energy Balance~~

~~Equation as defined by the Channel Protection criterion of Part IIB of the new SWM Regulations (9VAC25-870-66 Water Quantity). Sheet flow is to be analyzed in accordance with 9VAC25-870-66.D.~~

- ~~(g) If the discharge conditions are not met and the discharge may aggravate an existing drainage problem or cause a drainage problem, the applicant/developer must provide a drainage system satisfactory to the Director to preclude an adverse impact upon the adjacent or downstream property. These improvements will be contained within a suitable Drainage Easement.~~
- ~~(h) Drainage structures shall be constructed in such a manner that they may be maintained at a reasonable cost. Drainage structures and treatment facilities designed for treatment of stormwater runoff from multiple building lots shall not be located on or within and individual building lot or lots, but shall be within commonly owned area, and shall be located so as to be easily accessed for maintenance purposes.~~
- ~~(i) If the outfall is into a natural and well defined, stabilized watercourse, the two year peak flow from the development of the watershed must be at a flow rate and velocity which the watercourse can accept without causing erosion in the streambed or over bank flooding. Alternatively, if the applicant/developer chooses, the downstream watercourse may be modified so that it can handle the two year post development flow, provided, however, that if the applicant/developer choose to install a storm drainage system, the system shall be designed in accordance with these regulations for such systems.~~
- ~~(j) If off site downstream construction and easements are necessary to obtain an adequate drainage outfall, no plans shall receive final approval until such storm drainage easements, extending to the nearest natural and well defined, adequate, stabilized watercourse, or adequate man made drainage channel or pipe, have obtained and recorded among the land records of Fauquier County, Virginia.~~
- ~~(k) Storm sewers shall be discharged into the area least likely to erode. The following should be considered:
  - ~~(1) Generally, it is preferred to discharge at the flood plain limit into an adequate watercourse channel leading to the main stream bed, rather than disturb the flood plain by extending the storm sewer.~~
  - ~~(2) If an adequate watercourse channel does not exist, the only alternative is to discharge into the main stream bed.~~
  - ~~(3) In either case, energy dissipation devices are required.~~~~
- ~~(l) The requirements of Town of Warrenton relating to Erosion and Sedimentation Control, and the further requirements for protection of stream beds by detention of surface waters,~~

~~set forth in these regulations must be satisfied. Additionally, the Stormwater Management Regulations requirements to protect water quality must be met, if applicable.~~

- ~~(m) All drainage ways, including overland relief pathways, must be separated from buildings. No building or other permanent structure may be built on or in a storm drainage system, or easement.~~
- ~~(n) Consideration must be given in the preparation of the plans to preclude adverse impacts resulting from higher rates and volumes of flow that might occur during construction.~~
- ~~(o) In cases where the drainage plans of a proposed development do not satisfy these minimum requirements because necessary off site facilities or improvements are lacking, the applicant/developer shall delay development until the necessary off site facilities or improvements are constructed or other arrangements are made which are suitable to the Director of Public Works. In such event, the plat or plans, if otherwise satisfactory, will be approved when the requirements of this Article are satisfied. Alternatively, the applicant/developer may choose to supply the offsite facilities that are necessary for adequate drainage.~~
- ~~(p) The downstream extent of this review shall be to the point at which the total drainage area is at least 100 times greater than the area of the development site in question.~~

## 5-11 ~~LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES~~

- ~~(a) The Administrator shall require the provision of long term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:~~
  - ~~(1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;~~
  - ~~(2) Be stated to run with the land;~~
  - ~~(3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;~~
  - ~~(4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and~~
  - ~~(5) Be enforceable by all appropriate governmental parties.~~
- ~~(b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the~~

satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

- (c) ~~If a recorded instrument is not required pursuant to Subsection 5-10 (b), the Administrator, or any duly authorized agent of the Administrator, shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.~~

## 5-12 **MONITORING AND INSPECTIONS**

- (a) ~~The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:~~
  - (1) ~~Compliance with the approved erosion and sediment control plan;~~
  - (2) ~~Compliance with the approved stormwater management plan;~~
  - (3) ~~Development, updating, and implementation of a pollution prevention plan; and~~
  - (4) ~~Development and implementation of any additional control measures necessary to address a TMDL, if applicable.~~
- (b) ~~The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.~~
- (c) ~~In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.~~
- (d) ~~Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.~~
- (e) ~~Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly~~

authorized agent of the Administrator pursuant to the Town's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 5-10.

## 5-13 **HEARINGS**

- (a) ~~Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by any action of the Town taken without a formal hearing, or by inaction of the Town, may demand in writing a formal hearing by the Town Board of Zoning Appeals causing such grievance, provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.~~
- (b) ~~The hearings held under this Section shall be conducted by the Town at a regular or special meeting of the Board of Zoning Appeals.~~
- (c) ~~A verbatim record of the proceedings of such hearings shall be taken and filed with the Board of Zoning Appeals. Depositions may be taken and read as in actions at law.~~
- (d) ~~The Board of Zoning Appeals or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.~~

## 5-14 **APPEALS**

See Section 5-13 — HEARINGS above and Article 11-3.3.10 Appeals of the Town Zoning Ordinance.

## 5-15 **ENFORCEMENT**

- (a) ~~If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.~~
- (1) ~~The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.~~

- (2) ~~If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.~~

~~Such orders shall be issued in accordance with Article 11 of the Town Zoning Ordinance. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 5-13 (c).~~

- (b) ~~In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Town Zoning Ordinance and/or the Public Facilities Manual.~~
- (c) ~~Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Fauquier Circuit Court by the Town to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.~~
- (d) ~~Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement may constitute a separate offense.~~
- (1) ~~Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:~~
- (i) ~~No state permit registration;~~

- ~~(ii) No SWPPP;~~
  - ~~(iii) Incomplete SWPPP;~~
  - ~~(iv) SWPPP not available for review;~~
  - ~~(v) No approved erosion and sediment control plan;~~
  - ~~(vi) Failure to install stormwater BMPs or erosion and sediment controls;~~
  - ~~(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;~~
  - ~~(viii) Operational deficiencies;~~
  - ~~(ix) Failure to conduct required inspections;~~
  - ~~(x) Incomplete, improper, or missed inspections; and~~
  - ~~(xi) Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.~~
- ~~(2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.~~
- ~~(3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.~~
- ~~(4) Any civil penalties assessed by a court as a result of a summons issued by the Locality shall be paid into the treasury of the Town of Warrenton to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.~~
- ~~(e) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.~~

## 5-16 FEES

- ~~(a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of their site or sites according to Table 1.~~



**Table 1: Fees for permit issuancee**

<b>Fee type</b>	<b>Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)</b>	<b>Department portion of “total fee to be paid by Applicant” (based on 28% of total fee paid*)</b>
<del>General / Stormwater Management — Small Construction Activity/Land Clearing. (Areas with common plans of development or sale with land disturbance acreage less than one acre, except for single family detached residential structures).</del>	<del>\$290</del>	<del>\$81</del>
<del>General / Stormwater Management — Small Construction Activity/Land Clearing (Single family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres). No registration statement required: must adhere to general permit requirements.</del>	<del>\$209</del>	<del>\$0</del>
<del>General / Stormwater Management — Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)</del>	<del>\$2,700</del>	<del>\$756</del>
<del>General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</del>	<del>\$3,400</del>	<del>\$952</del>
<del>General / Stormwater Management — Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]</del>	<del>\$4,500</del>	<del>\$1,260</del>
<del>General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</del>	<del>\$6,100</del>	<del>\$1,708</del>
<del>General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</del>	<del>\$9,600</del>	<del>\$2,688</del>

\* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require

additional review by the Town, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.

**Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

Type of Permit	Fee Amount
General / Stormwater Management — Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management — Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- (c) — The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

**Table 3: Permit Maintenance Fees\*\***

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General / Stormwater Management — Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management — Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management — Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500

Type of Permit	Fee Amount
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

~~\*\*General permit coverage maintenance fees shall be paid annually to the Town, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.~~

~~(d) The fees set forth in Subsections (a) through (c) above, shall apply to:~~

- ~~(1) All persons seeking coverage under the general permit.~~
- ~~(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.~~
- ~~(3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.~~
- ~~(4) Permit and permit coverage maintenance fees outlined under Section 5-15 (e) may apply to each general permit holder.~~

~~(e) No general permit application fees will be assessed to:~~

- ~~(1) Permittees who request minor modifications to general permits as defined in Section 5-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.~~
- ~~(2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.~~

~~(f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The Town shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.~~

#### 5-17 ~~PERFORMANCE BOND (9VAC25-870-104.D AND CODE § 603.8(A))~~

~~Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town, to ensure that measures could be taken by the Town at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the Town takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.~~

#### 5-18 ~~ADOPTION, AMENDMENTS, AND REPEAL~~

~~This guidance document shall remain in effect until rescinded, amended or superseded.~~

## **Article 10    Site Development Plans**

**Amended by Town Council:    February 12, 2016  
April 9, 2019  
December 10, 2019  
October 8, 2024**

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## **Article 10 Site Development Plans**

### **10-1 Purposes and Intent**

The purpose of this Article is to set out procedures and requirements for site plans and improvements to assure compliance with the Zoning Ordinance and all other applicable ordinances and statutes, to encourage innovative and creative design and facilitate use of the most advantageous techniques in the development of land within the Town of Warrenton, and to ensure the efficient use of the land to promote high standards in the layout design, landscaping, and construction of development.

### **10-2 Development or Land Use Requiring a Site Development Plan**

10-2.1 A site development plan is required and shall be submitted for the following:

1. Any new or improved parking lot containing more than five (5) spaces, any commercial parking lot, or any development in which automobile parking space is to be used by more than one (1) establishment. However, where the existing and proposed uses are permitted by-right, and no other requirements under this Article would apply, different parking requirements for the uses that comprise an increase in the required parking of less than 25% shall not trigger the requirement for a site development plan.
2. Except as exempted in this section, any change from one category of use to a different category of use, any special use permit use, or any development in all Zoning Districts except single-family detached dwelling units. However, a site plan in sufficient detail to determine compliance with the applicable standards and specifications of the Town of Warrenton may be required for the construction of single-family detached dwellings if more than two (2) dwelling units are proposed to be constructed, or where any of the following conditions exist:
  - Where natural and storm water courses are located on the proposed site or where a proposed driveway or entrance intersects existing natural or storm water courses.
  - Where a cluster alternate design is proposed.
  - When a change is proposed in a previously approved site development plan.
  - When an existing residential use is proposed for change to a commercial, industrial, or multifamily residential use.
3. All public and/or semi-public buildings and other uses involving a structure required to be reviewed by the Planning Commission under §15.2-2232 of the Code of Virginia as amended.

4. For enlargements of existing structures equal to or greater than 25% of the structure's gross floor area, required parking must equal the sum of those spaces prior to the enlargement plus the number of spaces required by these regulations for any additional use area, unless waived by Town Council. Where the enlargement is less than 25% of the use or structure's gross floor area, and less than 25% additional parking is required, the additional parking may be waived by the Planning Director and a site development plan may not be required unless other requirements of this Ordinance apply. For a change of use within an existing structure where there is no enlargement of the existing structure, no additional parking is required unless the proposed change of use involves an increase of more than 25% over the required parking for the current use, according to Article 7.
5. Notwithstanding the requirement for a site development plan, nothing in this section shall prevent or preclude all other applicable ~~zoning ordinance and subdivision ordinance~~ requirements, including Article 8, Landscaping, Article 9, Supplemental Regulations, and Chapter 21 of the Town Code, Erosion and Stormwater Management, ~~Article 4, Site Conservation Manual, and Article 5, Stormwater Management~~, from being applied where a change of use, expansion, or enlargement of a structure or parking lot occurs on a property subject to these requirements that is nonconforming or in violation. In these cases, amendments an existing approved site development plan may be approved where appropriate.

10-2.2 Exceptions. No formal site plan shall be required for any special use conducted on a temporary basis, not to exceed two (2) years duration, as approved by the Board of Zoning Appeals or Town Council pursuant to Article 11 of the Zoning Ordinance.

10-2.3 Waivers. The Planning Director may waive the site plan approval requirement when all of the following determinations are made:

1. No improvement would be required for the proposed use which might involve surety bonding under this ordinance.
2. Applicant agrees in writing to make other improvements required under the Ordinance.
3. The proposal will not involve an increase in the intensity over the existing use with respect to entrances, travelways, parking or impact on neighboring lands.
4. The proposal will result in not more than a twenty-five percent (25%) increase in either the gross floor area of the structure housing the use or in the outdoor area used.
5. The requirement of a final site plan would not forward the purposes of this ordinance or otherwise serve the public interest.

### **10-3 Presubmission Meeting Required**

A presubmission conference with the Planning Director is required prior to sub-mission of a site development plan. The intent of the conference is to clarify the requirements of this Ordinance,

and other ordinances of the Town that may be applicable, in order that the site development plan can be prepared in an efficient manner, and to facilitate plan review by the Planning Director.

#### **10-4 Site Development Plan - Information Required**

10-4.1 Every site development plan, as hereafter provided shall contain the following information:

1. A boundary survey of the tract or site plan limit with an error of closure within the nearest second related to the true meridian, and showing the location and type of boundary evidence except where a tract or site is a part of a subdivision of record.
2. All horizontal dimensions shown on the site development plan shall be in feet and decimals of a foot to the closest one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest second.
3. A certificate signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the place of record of the last instrument in the chain of title.
4. The name, phone number, and mailing address of the owner, or their authorized agent, of the subject parcel to whom which all correspondence regarding review of the site plan will be addressed.

10-4.2 Site development plans shall also contain the following information as determined appropriate by the Planning Director:

1. Existing and proposed streets and easements, their names, numbers, and widths; existing and proposed property lines; existing and proposed utilities of all types; water courses and their names; flood plain limits; owners, zoning, and present use of adjoining tracts; and the present zoning of the subject parcel.
2. Location, type, and size of ingress and egress to the site, including the projected number of vehicle trips per day generated by the proposed development.
3. Location, type, size, and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinances.
4. All off-street parking and parking bays, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Zoning Ordinance of the Town of Warrenton.
5. Number of floors, floor area, height, and location of each building, including building setback lines, and proposed general use for each building B if a multifamily residential building, townhouse, or patio house, the number, size, and type of dwelling units shall be known.
6. Front elevations shall be shown on all commercial, industrial, and multifamily developments, regardless of height.
7. Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types, and grades and where connection is to be made to an existing or a proposed



central water and sewer system.

8. Provisions for the adequate disposition of natural and storm water in accordance with the Town of Warrenton Public Facilities Manual and the standards of the Virginia Stormwater Management Program, indicating location, sizes, types, and grades of ditches, catch basins, and pipes, and connection to the existing drainage system, and showing that all requirements of ~~Article 5, Stormwater Management~~ Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance, and, where applicable, Article 3-5.1, Floodplain District Overlay, shall be met.
9. Provisions and schedules for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction, in accordance with the Virginia Erosion and Sediment Control Handbook and the State law, and showing that all requirements of ~~Article 4, Erosion and Sediment Control Site Conservation~~ Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance, have been met.
10. Existing topography accurately shown with a maximum of two (2) foot contour intervals at a scale of not less than fifty (50) feet to the inch. The requirement for a contour map may be waived where existing grades are less than three (3) percent and spot elevations are provided.
11. Proposed finished grading by contour supplemented where necessary by spot elevations.
12. A landscape design plan based upon accepted professional design layouts and principles as required by Article 8 of the Zoning Ordinance shall be submitted.
13. The proposed location of all outside trash receptacles and dumpsters and proposed methods of screening. Refuse containers or refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences, walls, or landscape planting.
14. The location and method of lighting for parking lots, pedestrian walkways, public spaces, and common areas designed or intended for use during evening hours.
15. The location of all trees on the site with a caliper of six (6) inches or greater shall be indicated, and shall meet the requirements of ~~Article 4-8.1.2, Tree Survey~~, Article 8-7.4, Noxious and Invasive Species, and Article 8-10, Retention and Replacement of Trees. Existing trees shall be identified in a table listing their species, caliper, and canopy size. Wooded areas shall be designated by symbols that indicate the perimeter of the area covered by the canopy of the trees. Invasive species and other trees proposed to be removed shall be indicated clearly. Trees and/or wooded areas to be retained, and methods to be used to assure adequate protection for trees adjacent to disturbed areas, shall be indicated. Such methods shall conform to Section 3.38, Tree Preservation and Protection of the Virginia Erosion and Sediment Control Handbook and Article 8-10.4, Tree Protection Zones.

## **10-5 Site Development Plan - Preparation Procedure and Specific Items to be Shown**

10-5.1 Site development plans, or any portion thereof, involving engineering, architecture, city

planning, urban design, landscape architecture, or land surveying, will be prepared by persons qualified to do such work. Final site plans shall be certified by an architect or by an engineer or by a land surveyor within the limits of their respective licenses authorized to practice by the State of Virginia.

- 10-5.2 The Planning Director may waive the requirement for the certification of the site development plan or portions thereof by these professionals in those cases where no action proposed by the developer falls within their professional purview; however, the person(s) principally responsible for the preparation of the site development plan shall sign said drawings, regardless of professional registration status.
- 10-5.3 The site plan shall show the name and address of the owner or applicant, city or town, county, state, north point, date, and scale of drawing and number of sheets. In addition it shall reserve a blank space four (4) inches by four (4) inches in size on the plan face for the use of the approving authority.
- 10-5.4 Site development plans shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger; sheets shall measure eighteen by twenty-four inches (18" X 24") at a minimum and no larger than thirty-six by twenty-four inches (36" X 24").
- 10-5.5 The site development plan may be prepared on one (1) or more sheets. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. All information required under Section 27-3 need not be included on the basic plan but may be submitted on additional sheets which may be of varying sizes.
- 10-5.6 A minimum of twelve (12) clearly legible blue or black line copies of a site development plan shall be submitted to the Planning Director for the Town of Warrenton, as well as a digital copy in a form suitable to the Planning Director.
- 10-5.7 Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities, and shall be submitted on standard federal aid plan and profile sheets. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet width shall exceed thirty-six by twenty-four inches (36" X 24"). Flood plain limit studies required shall be shown on profile sheets with reference to properties affected and center line of stream.
- 10-5.8 A minimum of two (2) datum references for elevations used on plans and profiles and correlated, where practical, to U. S. Geological Survey datum. At least one (1) datum reference shall be on-site.
- 10-5.9 Submitted plans shall include a completed application checklist and payment of review fees, as established by the Town.

## **10-6 Minimum Standards and Improvements Required**

- 10-6.1 All improvements required by this Article shall be installed at the cost of the owner or applicant. Where cost sharing or reimbursement agreements between the Town of Warrenton and the owner or applicant are requested and deemed appropriate by the Town, the same shall be entered into by formal agreement prior to final site development plan approval, and shall be subject to the Virginia Department of Transportation review and acceptance where appropriate. Where specifications have been established by the Town of Warrenton or by the Virginia Department of Transportation for streets and related facilities, or by this Ordinance for other facilities and utilities, such specifications shall be followed. The owner or applicant's performance bond shall not be released until construction has been inspected and accepted by the authorized engineer or Planning Director for the Town and by the Virginia Department of Transportation where appropriate.
- 10-6.2 All streets and highway construction standards and geometric design standards shall be in accordance with the Town's Public Facilities Manual and Subdivision Ordinance unless such geometric design standards are specifically modified by the Town Council upon recommendation of the Planning Director. The Town Council may modify street geometric design standards for local, collector, and minor loop streets. Half-streets along the boundary of land proposed for development or subdivision shall not be permitted. 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 applicant or subdivider. Construction of private streets is not permitted unless permission is granted by Town Council.
- 10-6.3 Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be fifteen (15) feet. If two (2) utilities are located within one (1) easement area, the minimum easement width shall be twenty (20) feet. If more than two (2) utilities are located within an easement area, the easement width shall be established by the Warrenton Utilities Director.
- 10-6.4 Adequate drainage for the disposition of storm and nature waters both on-site and off-site shall be provided. Drainage structures and treatment facilities designed for treatment of stormwater runoff from multiple building lots shall not be located on or within an individual building lot or lots, but shall be within commonly-owned area, and shall be located so as to be easily accessed for maintenance purposes. The extent and nature of both on-site and off-site treatment is to be in accordance with the Town of Warrenton Public Facilities Manual, the Town's Virginia Stormwater Management Permit (VSMP), and the standards and requirements of the Virginia Department of Environmental Quality.
- 10-6.5 Provisions shall be made for all necessary temporary and permanent erosion and sedimentation control measures, both on-site and off-site. The extent of the control

measures, both on-site and off-site, are to be in accordance with ~~the Virginia Erosion and Sediment Control Handbook adopted by the Town (see the Town's Erosion and Sediment Control Ordinance)~~ **Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance**. Slopes of twenty-five (25) percent or greater may be unsuitable for development and shall be reviewed in accordance with Section 9-17 of the Zoning Ordinance, for grading or development. Urban Best Management Practices shall be used to reduce storm water volumes and transport of sediment off-site.

- 10-6.6 Adequate provision shall be made by the owner or applicant to construct all utilities, required to service the development, both on-site and off-site. Design requirements shall follow the provisions of the Town of Warrenton Public Facilities Manual.
- 10-6.7 Percolation tests and/or other methods of soil evaluation deemed necessary by the Administrator for the Town shall be the responsibility of the owner or applicant.
- 10-6.8 When central water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site development plan, provisions shall be made to connect to the system as provided in the Code of the Town of Warrenton.
- 10-6.9 Landscape planting, screening, fences, walks, curbs, gutters, and other physical improvements as required by this Ordinance or other ordinances of the Town of Warrenton, Virginia, and the regulations of the Virginia Department of Transportation shall be provided by the owner or applicant.
- 10-6.10 Where required on site development plans, sidewalks and curb and gutter shall be provided along both sides of all public streets, private streets, and public access areas; however, these requirements may be waived for sites with a density of less than four (4) dwelling units per acre. A written request for such waiver is required for Town Council consideration and action after a recommendation by the Planning Commission and public hearings, in accordance with the procedures established in Article 11-3.10.
- 10-6.11 Lighting will be provided by the developer along all newly constructed public roads, private roads, within parking lots, along pedestrian walkways, and within public common areas, designed to ensure the safe and convenient movement of vehicles and pedestrians during evening and nighttime hours.
- 10-6.12 A Tree Protection Plan 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 shall 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.

- 10-6.13 One (1) set of approved plans, profiles, and specifications shall be at the job site at all times when work is being performed.

**10-7 Administration and Procedures for Processing Site Development Plans**

- 10-7.1 The Planning Director shall be responsible for the receipt, review, processing, and approval of site development plans.
- 10-7.2 The Planning Director may request opinions and/or decisions, from other departments, divisions, agencies, or authorities of the Town and County government; from officials, departments, or agencies of the Commonwealth of Virginia; or from other qualified persons as may from time to time be retained.
- 10-7.3 The Planning Director, subject to the approval of the Town Council, may from time to time establish reasonable procedures for the administration of this Article.
- 10-7.4 Site development plans, including any modifications which conform to the standards and requirements in this Article shall be approved by the Planning Director.
- 10-7.5 Approval, approval with modifications, or disapproval of a site development plan by the Planning Director shall occur within sixty (60) days of official acceptance. If disapproved, written notification shall be provided to the applicant stating the deficiencies in the plan that cause the disapproval by reference to specific adopted ordinances, regulations, or policies and identifying the modifications or corrections that would permit approval of the plan. Approval, approval subject to modifications, or disapproval of a revised and resubmitted site development plan shall occur within forty-five (45) days of official acceptance.
- 10-7.6 Any person aggrieved of any decision of the Planning Director pursuant to this Article may, within thirty (30) days of such decision, file an appeal to the Board of Zoning Appeals specifying the grounds upon which aggrieved. Appeals shall be in writing and shall be filed in the Office of the Zoning Administrator, and shall be in accord with §15.2-2211 of the Code of Virginia as amended and Article 11 of the Zoning Ordinance.
- 10-7.7 No public easement, right-of-way, or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the Town Council and evidence of such approval is shown on the instrument to be recorded.
- 10-7.8 Approval of a site development plan pursuant to this Article shall expire five (5) years after the date of approval or the established period of validity per § 15.2-2261 and 15.2-2209.1 of the Code of Virginia as amended. Extensions may be granted upon written

request by the applicant to the Planning Director, forty-five (45) days prior to lapse of approval, and extension of all bond and surety agreement. A six (6) month extension may be granted at the discretion of the Planning Director. Further extensions may be authorized only by Town Council approval upon showing a good cause. Modifications to an approved site plan during the period of validity shall be in accordance with § 15.2-2261 C and D of the Code of Virginia, as amended.

- 10-7.9 No permit shall be issued by any administrative officer or agent of Warrenton for the construction of any building or improvement requiring a permit in any area covered by the site development plan except to the provisions of this Article and the duly approved site development plan.
- 10-7.10 The Town and State agencies responsible for the supervision and enforcement of this Article shall periodically inspect the site during the period of construction.
- 10-7.11 Upon compliance with the terms of this Article and the satisfactory completion of construction, as determined by an on-site inspection by Town staff, the Planning Director for the Town of Warrenton shall furnish a certificate of approval. Certificates of approval, upon ratification by the Governing Body, shall release all of the bonds which may have been furnished.
- 10-7.12 Any requirement of this Article may be waived by the Town Council where the applicant establishes that an undue hardship would be created by the strict enforcement of this Article, providing such a waiver, as requested, shall not be adverse to the purpose of this Article.
- 10-7.13 No change, revision, or erasure shall be made on any pending or final site development plan or on any accompanying data sheet where approval has been endorsed on the plat or sheets unless authorization for such changes is granted in writing by the approving body or the Planning Director.
- 10-7.14 Any approved site development plan may be revised, provided request for revision shall be filed and processed in the same manner as the original site development plan. Approval, approval subject to modifications, or disapproval of revisions to a site development plan shall occur within sixty (60) days of their official acceptance. If disapproved, written notification shall be provided to the applicant or the applicant's designated agent stating the deficiencies in the plan that cause the disapproval by reference to specific adopted ordinances, regulations, or policies and identifying the modifications or corrections that would permit approval of the plan.
- 10-7.15 The fee for processing a site development plan, and revisions to an approved site plan, shall be as prescribed by Town Council by resolution.

## **10-8 Required Bonds and Surety**

- 10-8.1 All site plans and subdivision plats must be accompanied, at the time of submission, by a detailed estimate of the costs for installation of on-site and off-site improvements intended or designed to be dedicated for public use, and maintained by the Town of Warrenton, the Commonwealth, or other public agency, when such improvements are to be financed in whole or in part by private funds, including:
1. the acceptance of dedication for public use 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 improvement dedicated for public use; and
  2. site-related improvements required by this Ordinance for vehicular ingress and egress, for public access streets, including traffic signalization and control, for structures necessary to ensure stability of critical slopes, and for storm water management facilities.
- 10-8.2 The estimated cost of construction shall be based on unit prices for new public or private sector construction in the Warrenton region, and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five percent of the estimated construction costs. An estimated time frame for phasing and completion of all improvements will be submitted for review and approval by the Planning Director.
- 10-8.3 Cost estimates will be reviewed and approved, approved with revisions, or disapproved by the Director of Planning and Community Development with notice provided in writing and addressed to the owner, or their designated agent, as identified on the site plan documents.
- 10-8.4 Upon approval of the aforesaid cost estimates, the owner or developer shall (i) certify to the Council that the construction costs have been paid to the person constructing such facilities; (ii) furnish to the Council 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 Planning Director in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnish to the Council a bank or savings institution's letter of credit on certain designated funds satisfactory to Planning Director as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated costs and an administrative fee as provided herein. All instruments affecting the bonding of a project shall be in a form satisfactory to the Town of Warrenton, and approved by the Town Attorney.



10-8.5 The Town shall grant periodic partial releases of any bond, escrow, letter of credit, or other performance guarantee required for the completion of improvements which are to be bonded, under the following provisions:

1. Upon written request by the subdivider or developer, the Council 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 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases of such lower amounts as may be authorized by the Council based upon the percentage of facilities completed and approved by the Council, or the state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee.
2. The Director of Planning and 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, the Planning Director shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer, provided that the Director may require a maintenance bond in an amount determined reasonable by the Director not to exceed fifteen per cent (15%) of the originally posted bond amount, as a maintenance bond to ensure all facilities were constructed properly. 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.
3. Releases shall be made within thirty days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder, unless the Planning Director notifies said subdivider or developer in writing of non-receipt of approval by applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.
4. If no such action is taken by the Planning Director 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 Town Manager. The Town Manager or the Planning Director 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.
5. After receipt of the written notices required above, if the Planning Director takes no action within the times specified above and the subdivider or developer files suit in the local circuit court to obtain partial or final release of a bond, escrow, letter of



credit, or other performance guarantee, as the case may be, the circuit court, upon finding the governing body or its administrative agency was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

6. Neither the Council nor any administrative officer of the Town shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by said bond, escrow, letter of credit or other performance guarantee.
7. For the purposes of this ordinance, 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 Va. Code Ann. 54.1-400 or from a department or agency designated by the Council, may be accepted without requiring further inspection of such facilities.

#### **10-9 As-Built Site Plans Required**

Upon completion of all required improvements shown on the approved site development plan, the owner or applicant shall submit to the Planning Director for the Town of Warrenton a vellum or sepia transparency plus three (3) copies of the completed as-built site plan, or building location plat certified by an engineer, architect, or surveyor. The "as-built site plan" shall be submitted within a year of issuance of occupancy permits for the review and approval by the Public Utilities Director and Planning Director for conformity with the approved site plan and the ordinances and regulations of the Town of Warrenton and state agencies. Final approval of as-built plans shall be required before the final release of applicable bonds.

## Article 12 Definitions

Amended by Town Council: February 12, 2013  
June 14, 2016  
August 9, 2016  
December 11, 2018  
April 9, 2019  
September 10, 2019  
December 10, 2019  
March 10, 2020  
December 13, 2020  
August 10, 2021  
April 12, 2022  
October 8, 2024

For the purpose of this Ordinance, certain words and terms are used in a limited or special sense as defined herein. Words used in the present tense include the future; the singular number includes plural and the plural singular; the word "structure" includes "building"; the word "used" includes arranges, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and directory.

Any word, term or phrase used in this ordinance not defined below shall have the meaning ascribed to the word in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices of the Town of Warrenton justify a different or additional meaning.

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [Y](#) | [Z](#)

**Abutting:** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**Abandoned Motor Vehicle:** A motor vehicle, trailer, or semi-trailer or part of a motor vehicle, trailer, or semi-trailer that is inoperable and is left unattended on public property, other than an interstate highway or primary highway, for more than forty-eight hours.

**Accent:** Giving prominence to one or more elements of site design.

**Accessory building:** (see Accessory Structure)

**Accessory Dwelling Unit:** A subordinate dwelling unit in a main building or accessory building for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Accessory Structure:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main use or building, including, but not limited to, private garage, carport, parking space other than for residential, swimming pool, tennis court, storage or utility building, decks, balconies, porticos, porches, temporary healthcare structures, and living quarters for household employees or caretakers. Accessory structures can be attached or detached, depending upon their use and construction.

**Accessory Use:** A use clearly incidental and subordinate to, and on the same lot as, a principal use. (also see Accessory Dwelling Units; Home Occupation).

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

**Acreage:** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

**Active Recreation:** (see Recreation, Active)

**Active Recreation Area or Facilities:** (see Recreation Area or Facilities, Active)

**Administrator:** The Zoning Administrator for the Town of Warrenton. However, see also *Administrator, VSMP* under Stormwater Management, and *Certified Program Administrator* under Erosion and Sediment Control. The Zoning Administrator is an Agent of the governing body and its associated boards and commissions and is appointed by the Town Manager or Community Development Director.

**Agriculture:** The tilling of the soil, the raising of crops, non-intensive livestock, horticulture, and forestry, but not including any agricultural industry or business, such as packing plants, dairies, mills, kennels, commercial stables, intensive agriculture as defined herein, or similar uses.

**Agriculture, intensive:** The raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

**Agricultural pen:** (see Animal Kennel)

**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.

**Alteration:** Any change, addition, or modification in the total floor area, use, adaptability, or external appearance of an existing structure.

**Amusement Arcade:** A building or part of a building in which five or more pinball machines, videogames, or other similar player-operated amusement devices are maintained.

**Animal Hospital or Clinic:** Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not by definition included.

**Animal Kennel:** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**Animal Kennel, Private:** Any building, buildings, or land designed or arranged for the care of more than three dogs or more than three cats belonging to the owner of the principal use, kept for the purposes of show, hunting, or as pets.

**Apartment House:** A residential building located on a single lot used or intended to be used as the residence of three (3) or more families living independently of each other, typically sharing a common entrance and hallway for access to individual units, not including row or townhouses (also see Dwelling: Multifamily).

**Apartment:** A single dwelling unit typically sharing a common entrance and hallway for access within an Apartment House or within a larger, mostly non-residential structure.

**Applicant:** Any person submitting an application for a permit or requesting issuance of a permit, of any type, under this Ordinance.

**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.

**Appraiser:** A person who earns his livelihood from the appraisal of real property, as contrasted with the selling of property, and who meets the standards for membership in the American Institute of Real Estate Appraisers.

**ARB:** Architectural Review Board.

**Arborist or "urban forester":** a person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

**Arborist, Certified:** An arborist who is certified by the International Society of Arboriculture.

**Architect:** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Regulation, or registered with a like body in another state, as a licensed architect.

**Architectural Unit:** A visually distinct mass that is part of a larger structure or a collection of structures and is either near the other structures or may be attached by a smaller enclosed structural element such as a gallery, an arcade or other such element.

**Area, Gross Leasable:** Inside square footage of a building including retail, wholesale, and storage space, exclusive of halls, closets, elevator shafts, toilets, etc., and any outside display.

**Assembly Hall:** A building or part of a building intended and designed for the conduct of meetings, presentations, and the like.

**Assisted Living Facility:** A place, establishment, or institution, operated for the maintenance or care of four or more adults who are aged, infirm, or disabled and who are cared for in a primarily residential setting, in accord with § 63.2-100 of the Code of Virginia. The level of service provided for these adults shall include at least moderate assistance with the activities of daily living.

**Atrium House:** A one-story, single-family, attached dwelling shaped to surround or partly surround a private open space called an atrium, it being a type of townhouse unit (also see Townhouse).

**Attached Accessory Structure:** An attached subordinate structure customarily incidental to and located upon the same lot occupied by the main use or building, including but not limited to a private garage, carport, balcony and deck.

**Automobile body shop:** A business limited to the repair and reconstruction of the exterior shells of automobiles and light trucks, including sanding, painting, and refinishing; but may also include frame, engine and other mechanical work in the repair of a vehicle.

**Automobile Graveyard:** Any lot or place which is exposed to the weather upon which more than five inoperable motor vehicles of any kind, are placed.

**Automobile Sales:** On-site sales, conducted on a regular or ongoing basis as a commercial enterprise, either retail or wholesale, of automobiles and/or light trucks and vans, but not heavy trucks or equipment.

**Awning:** A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy or marquee.

**Banks and Savings and Loan Offices:** The retail offices of financial services institutions providing walk-in service to customers. Drive-through facilities are a separately designated and regulated component.

**Basement:** A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

**Bed and Breakfast Facility:** A private residence, or portion thereof, where short-term lodging is provided for compensation (no longer than 14 consecutive days) and meals may be provided, to guests only. The operator of the facility shall live on the premises or in an adjacent premises on the same lot. Up to four (4) guest rooms without cooking facilities may be provided. [also see Tourist Home; also see Inn]

**Bedroom:** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**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 from 2:1 to 5:1. Berms are often used in combination with shrubbery and trees.

**Best Management Practices (BMP):** A schedule of activities, prohibitions, or practices, including both structural and nonstructural practices, maintenance procedures, and other management practices; devices, methods, or structures, including erosion and sediment control and stormwater designs, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities that are put into place during site development to protect Town infrastructure, adjacent properties, water bodies, streams, and the natural landscape during construction. After construction, SWM/BMP(s) are the practices that are integrated into a development that control and mitigate the quality and quantity of stormwater runoff from the site after development is completed. These practices need to be maintained over the life of the development or until it is returned to its natural, undeveloped state.

**Block:** That land abutting on one 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 streets) and lying between the nearest intersecting and intercepting streets 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.

**Boardinghouse:** A building that is the primary residence of the owner where meals and lodging are provided, for compensation, on a permanent basis for up to ten (10) individuals not related by blood, marriage, or adoption to the owner.

**Broadcasting Station:** The studios and/or facilities for radio or television broadcasting.

**Buffer, Buffer Yard:** 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 parts by fire walls, each 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, Governmental:** Any building owned by, operated by and/or leased to a government agency, except utilities, which are defined separately.

**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 Line:** The line which establishes the distance of a structure from any lot boundary line.

**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 Official:** The official appointed by the Town Manager to administer and enforce the Building Code.

**Building, Public:** (see Building, Governmental)

**Business and Professional Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Business and office supply establishments:** Retail or wholesale distribution of office materials, goods and small equipment.

**C – District (Commercial District):** Any zoning district beginning with "C", and predominantly providing for commercial uses.

**Cabinet, upholstery, and furniture shops:** A business limited to the production, repair or refinishing of cabinets, furniture and related household items.

**Cable television facilities:** Offices, studios and other facilities of a cable television business.

**Cafeteria:** A commercial eating facility in which patrons choose food items along a self-service line rather than through table service.

**Cafeteria Truck:** a vehicle or cart primarily offering delivery and/or self-service of pre-packaged or prepared foods, not cooked to order or prepared on-site. This type of vendor must obtain an itinerant merchant license from the Town Manager.

**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).

**Canopy:** A structure, other than an awning, made of cloth, metal, or other material which may be a standalone structure or totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.

**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.

**Car Port:** 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.

**Car Wash:** A building or area of land that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

**Car wash, Self-service:** A building or area of land that provides facilities for patrons to wash and cleaning their motor vehicles by hand and/or with light equipment such as hoses and vacuums.

**Caregiver:** An adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

**Carnival:** An amusement show, usually traveling from place to place, containing rides, side shows, and other forms of entertainment.

**Cellar:** A story having more than one-half of the height below grade.

**Cemetery:** A place where lots are sold for the burial of the dead.

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

**Channel Letters:** A sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with Section Error! Reference source not found..

**Chesapeake Bay Preservation Act land-disturbing activity:** A land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, *Code of Virginia*, § 62.1-44.15:67, et seq. Required for localities within Tidewater Virginia.



**Child:** Any person under eighteen (18) years of age.

**Child Care Center:** A facility operated for the purpose of providing care, protection, and guidance to a group of four (4) or more children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950, as amended.

**Church (or place of religious worship):** A building or structure, or group of buildings or structures, which by design and construction are primarily intended for activities that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which religious services of any denomination are held.

**Civic Group:** A non-profit group or organization which meets regularly in the Town or which has "Warrenton" or a Town location in its name, and which has demonstrated service to the Town, in the determination of the Zoning Administrator. (also see "non-profit organization")

**Cleaning and Pressing Shop:** (see Laundry)

**Clean Water Act (CWA):** The federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

**Clear-cutting or Clearing:** The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes, or any activity that removes the vegetative ground cover, including but not limited to the removal of vegetation, root mat removal, and/or topsoil removal. 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.

**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities. This definition includes a group practice in which several licensed medical, dental or health care professionals work cooperatively.

**Club:** Buildings and/or facilities owned and operated by a corporation, association, or persons, which serves as a gathering place for a group of individuals organized for a common purpose to pursue common goals, interests, or activities and characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

**Club, Swim or Tennis:** A private club with swimming and/or tennis facilities, indoor or outdoor.

**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.

**COA:** Certificate of Appropriateness.

**Coherence:** Logically consistent arrangement of interdependent elements of a site plan or architectural design.



**Commercial Nurseries and Greenhouses:** An area or establishment for the propagation, growing, or selling of nursery stock for gardens, grounds, and yards. Such stock may include trees, plants, shrubs, and vines. Landscape contracting of nursery stock shall be permitted as a use.

**Commercial Recreation, Indoor:** Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, bowling, billiards or pool, darts, bingo, slot cars, hard and soft courts, miniature golf, golf driving nets, cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities incidental to the foregoing.

**Commercial Recreation, Outdoor:** Any outdoor establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including amusement rides, amusement parks, theme parks or motor vehicle race tracks.

**Commercial Use:** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

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

**Common plan of development or sale:** A contiguous area where separate and distinct construction activities may be taking place at the same or different times or on different schedules, or are connected through common ownership or interests, rights-of-way, or development pattern.

**Communications Towers:** (see Transmission and Receiving Towers)

**Community Building:** A building and associated facilities and area, usually owned by a public nonprofit group or agency, used for and providing fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Comprehensive Plan:** Maps, charts, and descriptive matter officially adopted by the Warrenton Town Council 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.

**Complex:** A grouping of buildings or architectural elements on a single site or tract.

**Condominium:** A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**Conference Center:** A facility designed for conducting large or small group meetings. Such facilities may include overnight accommodations or short term lodging (not longer than fourteen (14) consecutive days), food preparation and service, entertainment, social or charitable events, and recreational 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; for stormwater management or protection of wetlands, floodplain, soils, slopes, or critical areas; protection and enhancement of scenic views or visual corridors,

for preservation of historic, architectural, or cultural resources, or for other local, environmental, cultural, or historic reasons that further the objectives of the Comprehensive Plan, the Zoning Ordinance, or the Town Code.

**Construction Standards:** Specifications and standards as adopted by or applicable in the Town of Warrenton relating to the construction of all physical improvements, including but not limited to development, structures, or the installation of utilities.

**Convalescent Home:** (see Nursing Home).

**Convenience Retail:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

**Convenience store:** (see Convenience Retail)

**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.

**Crematory:** A building containing a furnace for reducing dead bodies, either animal or human, to ashes by burning.

**Critical Root Zone (CRZ):** An area which must be preserved in order to ensure protection and survival of a tree; a minimum of one foot per inch of caliper (defined herein as the diameter at breast height).

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

**Dairy:** A commercial establishment for the manufacture and sale of dairy products.

**Data Center:** A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, electric substations, cooling units, fire suppression systems, and enhanced security features.

**Day Care Center:** (see Child Care Center and Family Day Care Home).

**Deciduous:** Any tree or shrub that loses its leaves during the winter season.

**Deck:** An exterior, roofless, floor system supported on at least two opposing sides by an adjoining dwelling/structure and/or posts, piers or other independent supports.

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

**Density Bonus:** An additional increment of density allowable on a site in return for a specified public good, as provided in this ordinance.

**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 (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 storm water 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 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.

**Development (noun):** 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.

**Development (verb):** Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures. Development potentially changes the runoff characteristics of the land.

**District:** A section of the Town of Warrenton within which the zoning regulations are uniform; Zoning District.

**District, Base:** A type of Zoning District established in this ordinance that specifies allowable land uses and development intensities and requires a generally uniform group of land uses and lot requirements and does not require a concept development plan in advance of zoning approval.

**District, Regular:** (see Base District)

**District, Overlay:** A type of Zoning District established in this ordinance that may be mapped for a particular land area and functions as an additional set of zoning requirements in addition to the zoning requirements of the underlying base district that applies to the tract.

**District, Special:** (see District, Overlay)

**Drive-In Facility (same as “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 location to another on site or from the site to a public street.

**Drug Store:** A retail establishment offering a variety of consumer goods with a licensed pharmacist on staff for the purpose of dispensing prescription drugs.

**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 (also see “dwelling unit”).

**Dwelling, Accessory:** (see Accessory Dwelling Unit).

**Dwelling, Duplex (two-family):** Two (2) single-family attached dwellings.

**Dwelling, Elderly and Handicapped:** A building or portion thereof containing at least ten (10) dwelling units and within which at least ninety (90) percent of all dwelling units are occupied by or designed for occupancy by:

- (a) Families of two or more persons the head of which (or his or her spouse) is 55 years of age or over or is handicapped; or
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death; or
- (c) A single person who is 55 years of age or over, or a non-elderly handicapped person between the ages of 18 and 55; or
- (d) Two (2) or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certification to be essential to their care or well-being.

For the purpose of this definition Handicapped Person means any adult having an impairment which is expected to be of an indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person also shall be considered handicapped if he or she is developmentally disabled, i.e., if he or she has a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which constitutes a substantial handicap to such individual.

**Dwelling, Four-Family:** A residential structure, occupying one lot, arranged or designed to be occupied by four (4) families living independently of each other, generally with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Live-Work Unit:** A residential structure, occupying one lot, with home business quarters on the ground floor and occupant residential quarters on the upper floor or floors.

**Dwelling, Mixed Commercial Use:** A dwelling unit in a structure that is also designed and used for commercial purposes. Access to the dwelling unit is separate from access to areas used for commercial purposes and the unit is typically located in basements or upper stories with commercial uses occurring at the street level of the structure.

**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.

**Dwelling, Modular:** A dwelling unit constructed through use of large, prefabricated, mass-produced, partially pre-assembled sections or modules which are subsequently put together on-site on a permanent foundation, and which meets the BOCA and Virginia Uniform Statewide Building Code standards.

**Dwelling, Multifamily:** A residential structure arranged or designed to be occupied by more than one (1) family living independently of each other, the structure having more than two (2) dwelling units and generally 5+having a common entrance or hallway providing access to dwelling units.

**Dwelling, Single-Family, Attached:** One (1) of two (2) or more residential buildings having a common party wall separating dwelling units, each dwelling unit occupying a separate lot.

**Dwelling, Single-Family, Detached:** A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

**Dwelling, Three-Family:** A residential structure, occupying one (1) lot, arranged or designed to be occupied by three (3) families living independently of each other, generally with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Triplex:** A group of three (3) townhouse units.

**Dwelling, Townhouse:** A dwelling unit, occupying one(1) lot, attached by means of a common vertical wall or walls, extending from the floor of the basement to the roof, to a series of similar dwelling units, each of which has individual access from the outdoors and each of which normally consists of two (2) or three (3) stories, situated on one (1) lot. The term "townhouse" is inclusive of the terms "atrium house" and "patio house."

**Dwelling, Two-Family:** A single structure arranged or designed to be occupied by two (2) families living independently of each other, with separate entrances for each dwelling unit and common open space surrounding the structure.

**Dwelling, Quadriplex:** A group of four (4) townhouse units.

**Dwelling Unit:** One (1) or more rooms connected together in a structure designed for occupancy as a separate living quarters, for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping, and sanitary facilities within the unit.

**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.

**Emergency Housing:** The housing is designated to provide emergency housing for a maximum of six (6) months. Emergency housing and related counseling services shall be provided by a Fauquier County/Town of Warrenton recognized human service organization. A house coordinator must reside on the premises,

and a substitute house coordinator shall be on the premises if the house coordinator is away from the residence for more than one day.

**Employment service or agency:** A public, non-profit or for-profit agency or business that provides assistance in matching prospective employees with employers.

**Engineer:** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Regulation, or registered with a like body in another state, as a "professional engineer."

**Erosion:** The disintegration, detachment, carrying away, or wearing away of land surface by running water, wind, and/or other natural agents. REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance

**Erosion and Sediment Control:** REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance. Under the Articles, Manuals, Forms, and Regulations set forth for the purposes of Erosion and Sediment Control, in addition to the definitions set forth in in 9VAC25-720-10 of the Virginia Water Quality Management Planning Regulations and 9VAC25-80 of the Virginia Erosion and Sediment Control Regulations, as amended, which are expressly adopted and incorporated herein by reference, the words and terms used in this Ordinance have the following meanings unless otherwise specified in this Ordinance.

*Agreement in Lieu:* ~~An application for a Land Disturbance Permit (LDP) wherein the applicant agrees to certain specific and general best management practices and methods as appropriate for the location, scope and type of development proposed, which may be substituted for an erosion and sediment control plan. This may be acceptable where the land disturbing activity results from the construction of a single family residence, or wholly comprises an area of less than 2,000 square feet, if executed by the Erosion and Sediment Control Administrator in accordance with the requirements of this Ordinance. An Agreement in Lieu may constitute the Site Conservation Plan (SCP) for the project. This differs from an Agreement in lieu of a stormwater management plan (see Stormwater Management).~~

*Approved Plan:* ~~That plan approved by the Erosion and Sediment Control Administrator, by the issuance of a Land Disturbance Permit (LDP), which carries the permittee's proposed methodology for controlling erosion, sedimentation, and storm water runoff resulting from proposed land disturbing activity. Changes approved in the field by an Inspector must be shown on the Approved Plan and signed off by the ESC Administrator.~~

*Certified Program Administrator:* ~~The Town of Warrenton's designated Erosion and Sediment Control Administrator.~~

*Certified Inspector:* ~~Employee of the Town of Warrenton charged with on-site inspection of erosion and sediment control devices employed via this Article and who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.~~

*Erosion and Sediment Control Administrator:* ~~Town of Warrenton designated personnel certified by the Virginia Department of Environmental Quality that are responsible for administering the adopted Erosion and Sediment Control requirements.~~



~~*Erosion and Sediment Control Plan:* The document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of all decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all units of land will be so treated to achieve the conservation objective.~~

~~*Erosion Impact Area:* An area of land not associated with current land disturbing activity, but subject to persistent soil erosion resulting in the delivery of detriment onto neighboring properties or into natural waterways.~~

~~*Land Disturbance Activity Level:* Development projects disturbing more than 2,000 square feet of land area in the Town of Warrenton must comply with the regulations of the Site Conservation Manual (Article 4 of the Zoning Ordinance).~~

~~*Local Erosion and Sediment Control Program (Local Control Program):* An outline of the various methods employed by a district or locality to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.~~

~~*Natural Channel Design Concepts:* The utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.~~

~~*Natural Landscape:* The Town's natural landscape shall include, but is not limited to, natural resources such as trees and woodlands, fresh water bodies, wetlands, riparian areas, steep slopes, other natural areas and natural soils.~~

~~*Plan Approving Authority:* The State Water Control Board, the Department of Environmental Quality, the Town of Warrenton, or the Zoning Administrator of the Town of Warrenton responsible for determining the adequacy of a conservation plan or erosion and sediment control plan submitted for land disturbing activities on a unit(s) of land and for approving plans.~~

~~*Responsible Land Disturber:* The property owner or his designated representative.~~

~~*Riparian Area:* A transitional zone, adjacent to a water body, between water and terrestrial ecosystems. Such area is at least periodically influenced by flooding and includes perennial and intermittent streams and lakes.~~

~~*Riparian Buffer:* A riparian area composed of natural vegetation whose purpose is to provide stabilization of stream banks, limit erosion, reduce flood size flows, and filter and settle out runoff pollutants.~~

~~*Riparian Setback:* The area set back along the stream to protect the riparian area and water body from impacts of development and abutting properties from the impact of flooding and land loss through erosion.~~

~~*Runoff Volume:* The volume of water that runs off the land development project from a prescribed storm event.~~

~~*Site Conservation Plan (SCP):* That Plan, which may be a portion of the required Site Development Plan (SDP), Erosion and Sediment Control Plan, and/or Stormwater Plan that includes the design to preserve the natural landscape of the Town of Warrenton per the preservation of trees and woodlands, natural waterways and sediment through the best management of each construction operation. The plans must make use of the practices that preserve the existing natural condition to the maximum extent practicable.~~

~~*Virginia Soil and Water Conservation Board:* Board established by the General Assembly to help guide the delivery of soil and water conservation services to citizens of the Commonwealth.~~

~~*Transporting:* Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or by the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.~~

~~*Water Quality Volume:* The volume equal to the first one half inch of runoff multiplied by the impervious surface of the land development project.~~

**Excavating:** Any digging, scooping, or other method of removing earth materials.

**External Relationships:** Those associations pertaining to off-site considerations. (also see Internal Relationships)

**Evergreen:** A coniferous or other plant that retains its leaves or needles in all seasons.

**Facilities:** Something designed, built, installed, etc., to serve a specific function affording a convenience, use or service to the users.

**Fair:** a temporary, mainly outdoor, public celebratory event, including festivals, which may include musical or theatrical entertainment, display and/or sale of crafts, food and the like.

**Fairgrounds, showgrounds, or exhibition center:** A site which is used for temporary, regular exhibitions, displays, contests and the like.

**Family:** One (1) or more persons occupying a dwelling unit and living and cooking together as a single, nonprofit, housekeeping unit, provided that not more than four (4) persons not related by blood, marriage, adoption, or guardianship shall constitute a family unless such group is composed of handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and all subsequent amendments. Such unrelated handicapped individuals shall have the right to occupy a dwelling unit in the same manner and extent as any family unit established through kinship as defined above.

**Family Care Home:** A private single-family home in which more than three (3) children, but no more than six (6) children, are received for care, protection, and guidance during only part of the day, except children who are related by blood or marriage to the person who maintains the home, and meeting applicable licensing requirements for family care homes of § 63.1-196 of the Code of Virginia, 1950, as amended.

**Farmer's Market:** A place where locally grown produce and goods are sold on a temporary or seasonal basis to the general public, not including wholesale or bulk sales to commercial enterprises or the sale of crafts, household items, or other nonagricultural items.



**Farm equipment, motorcycle, boat, and sport trailer sales and service:** On-site sales and service, either retail or wholesale, of farm equipment, motorcycle, boat, and sport trailers.

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

**Filling:** Any depositing or stockpiling of earth materials.

**Flag:** Any fabric or bunting containing distinctive colors, patterns, or design that displays words, letters, figures, designs, symbols, fixtures, logos, colors, that may be mounted to a flag pole or other structure.

**Flex Industrial uses:** Light industrial activities that occur in buildings of no more than two stories in height, with one or more loading docks, and not more than half of the gross floor area used for offices.

**Flood:** A general and temporary inundation of normally dry land areas.

**Flooding:** A flood event. In stormwater management, a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

**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. In stormwater management, the floodplain means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency and shown on the adopted Federal Insurance Rate Map (FIRM).

#### **Floodplain Management Definitions (reference Floodplain District):**

*Base Flood/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).

*Existing Manufactured Home Park/Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the initial effective date of these regulations.

*Expansion to an Existing Manufactured Home Park or Subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*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.

*Flood Hazard District:* The area subject to inundation by waters on the 100-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-Prone Area:* Any land area susceptible to being inundated by water from any source.

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

*Historic Structure:* Any structure that is a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on the Virginia Landmarks Register; or d) individually listed on the local inventory of historic places, provided that the Warrenton preservation program has been certified by the Department of Historic Resources and/or the Secretary of the Interior.

*Manufactured Home Park/Subdivision:* A parcel, or contiguous parcels, of land divided into two (2) or more lots, for rent or sale, intended for the placement of a manufactured home.

*New Construction:* For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of this Article and includes any subsequent improvements to such structures.

*New Manufactured Home Park/Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the initial effective date of these regulations.

*Recreational Vehicle:* A vehicle which is a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Start of Construction:* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.

*Substantial Improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure.”

**Floodway:** The channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved and kept free of encroachment, in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot at any point along the watercourse. This includes, but is not limited to, the floodway designated by the Federal Emergency Management Agency and shown on the adopted Federal Insurance Rate Map (FIRM).

**Floor Area, gross:** The sum of the total horizontal areas of all floors of a structure on a lot, measured from the interior faces of exterior walls, including basements, elevator shafts, stairwells at each story, enclosed porches or atriums, interior balconies or mezzanines, and attics with headroom of six (6) feet, six (6) inches or greater. This definition does not include floor space not used for human habitation or suitable for temporary storage of merchandise or equipment such as areas designed for heating and ventilating equipment, cellars or outside balconies which do not project more than six (6) feet from the exterior wall, off-street parking structure, rooftop mechanical structures or penthouses, 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.

**Floor Area, gross leasable:** The total area designated for tenant occupancy and exclusive use in a shopping center or commercial building, including storage, retail area, offices, shipping, basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**Floor Area, net:** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two or more buildings. The term “net floor area” shall include outdoor display areas for sale, rental and display of vehicles, equipment and other products, but shall exclude areas designed for permanent uses such as toilets, utility closets, enclosed parking areas, mechanical equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where headroom in at least half of such area is less than seven feet.

**Footprint, building:** (see Floorplate)

**Floorplate:** The horizontal land area occupied by a building at finished grade including projections and overhangs (“footprint”).

**Foster Home:** A residence of any person in which one (1) or more children, other than a child by birth or adoption of such person, resides as a member of the household.

**Front:** The edge of a lot or structure that abuts a street or way and ordinarily is regarded as the front of the lot.

**Front, to:** When a building or structure faces or orients toward the front of a lot.

**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 as measured along a line, at the required setback distance from the front lot line, 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.

**Frozen food lockers:** Commercial facilities in which frozen foods are stored for wholesale distribution or purposes.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for the following: embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and, the storage of funeral vehicles, but not including facilities for cremation.

**Garage, Private:** Accessory building designed or used for the private storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of twice as many automobiles as there are dwelling units. A garage which is attached to the main dwelling structure shall be considered part of that structure for purposes of setback, yard and height regulations.

**Garage, Public:** A building or portion thereof, other than a private garage, designed or used as a business enterprise with a fee or service charge being paid to the owner for renting, selling, or storing motor-driven vehicles.

**Garage, Repair:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered, such services taking place within an enclosed building or screened from public view.

**Garden Apartment:** A dwelling unit situated within a structure consisting of no more than three (3) stories with access to the dwelling units provided by means of an interior hallway or foyer, each dwelling unit normally consisting of a portion of one (1) floor of the structure.

**Gasoline Service Station:** (see Service Station)

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

**Gift Shop:** A building, or area within a building, comprising no more than 3,000 square feet that display and sells merchandise at retail that is related to a historic person, place or event.

**Golf Course:** Any area of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding lighted golf driving ranges as defined herein.

**Golf Driving Range:** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**Gooseneck Lighting:** A type of light fixture in which a lamp or lightbulb is attached to a flexible, adjustable shaft to allow the user to position the light source without moving the fixture or item to be illuminated. When applied for the purposes of illumination of signage, the lighting is directed on a sign element.

**Governing Body:** The Town Council of Warrenton, Virginia.

**Governmental Buildings:** (see Building, Governmental)

**Green:** Land open to the general public for passive recreational use that contains lawns, shade trees and/or landscaped areas. Paved pedestrian walkways and sitting areas may cover up to twenty-five percent (25%) of the green. Greens may be publicly owned or owned in common by a property owners association. Greens may but are not required to be square or rectangular in shape.

**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.

**Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Grain and feed supply stores:** A business which sells grain, seed, feed and related agricultural products on a wholesale basis, and may sell at retail as well.

**Gross Floor Area:** (see Floor Area, Gross)

**Gross Leasable Space:** (see Floor Area, Gross Leasable).

**Group Home:** A building which provides living accommodations for the physically or mentally handicapped, children sixteen (16) years of age or younger, abused adults, or persons sixty-five (65) years of age or older. The residents of such group homes shall be supervised by a resident or nonresident staff persons in charge of their area.

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

**Health or Fitness Facilities:** An indoor establishment, which may include saunas and steambaths, offering or providing facilities for and instruction in general health, physical fitness, and controlled exercises such as weight lifting, calisthenics, and aerobic dancing.

**Heliport:** Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo, including fueling and emergency service facilities.

**Heritage tree:** any tree that has been individually designated by the local governing body to have notable historic or cultural interest.

**Highway Engineer:** The engineer appointed by the Town Manager or designated state official serving the local VDOT residency.

**Historic District:** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation, and designated and/or mapped and adopted by the Town Council as an overlay district of the Zoning Ordinance.

**Historic District Definitions (reference HD District):**

1. *Alteration:* Any change, modification, or addition to a part of or all of the exterior of any building or structure.
2. *Building:* Any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.
3. *Building Official:* The person appointed by the Town Manager as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.
4. *Building Permit:* An approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.
5. *Contributing Properties:* Properties so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this Ordinance, being generally those properties which by reason of form, materials, architectural details, and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance, or other factors are not designated as historic landmarks under the criteria of this Ordinance.
6. *Certificate of Appropriateness:* The approval statement signed by the Chairman of the Architectural Review Board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building within a historic district, subject to the issuance of all other regional permits needed for the matter sought to be accomplished.
7. *Demolition:* The dismantling or tearing down of all or part of any building and all operations incidental thereto.
8. *Historic District:* An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
9. *Historic Landmark:* Defined as any building or place listed in the National Register of Historic Places, or in the Virginia Landmarks Register, or any building or place officially designated as a



landmark structure or place by the Town of Warrenton on the inventory map which is adopted as a part of this Ordinance.

10. **Reconstruction:** Any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.
11. **Repairs:** Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
12. **Restoration:** Any or all work connected with the returning to or restoring of a building, or a part of any building, to its original condition through the use of original or nearly original materials.

**Historic Shrine:** (see Museum)

**Home Garden:** A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.

**Home Business:** Same as Home Occupation, except that a home business is permitted to have up to three full-time equivalent employees who do not reside in the dwelling in addition to any family employees who reside on the premises.

**Home Occupation:** Any occupation or activity conducted solely by a member of the family residing on the premises which is incidental and secondary to the use of the premises for dwelling, and in general an occupation where services are performed in such a way that visits to the premises by members of the public are infrequent and that the character and intensity of the use is compatible with the quiet nature of residential neighborhoods, provided that (a) not more than the equivalent area of one quarter (1/4) of the total interior finished floor space of the dwelling shall be used for such purpose; (b) that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes; (c) that no commodity is stored or sold, except as are made on the premises; (d) there shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

When within the above requirement, a home occupation includes, but is not limited to the following: art studio; dressmaking; home offices, teaching, with musical instruction limited two (2) pupils at a time. However, a home occupation shall not be interpreted to include the conduct of barber shops and beauty parlors, retail stores, nursing homes, medical offices, clinics, convalescent homes, rest homes, child care centers, day care centers or nursery schools, restaurants, tea rooms, tourist homes, massage parlors or similar establishments offering services to the general public.

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

**Hospital:** An institution primarily for human in-patient care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities, rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums.

**Hospital, Special Care:** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, alcoholics, or drug addicts.

**Hotel:** A facility offering transient lodging accommodations for ten or more individuals on a daily rate and providing additional services, such as restaurants, meeting rooms, and recreational facilities (also see Motel).

**Housing, Emergency:** (see Emergency Housing)

**Household Pet Grooming:** A commercial business limited to the routine grooming of household pets, as defined herein, including bathing, hair cutting and similar functions. (also see Pet Grooming)

**Housekeeping Unit:** (see Dwelling Unit)

**Human Scale:** The design and appearance of a building façade or group of facades such that a human being perceives that the facades relate to the size of a human being and are not perceived to be overwhelming, disorienting or intimidating due to the apparent size.

**I - District:** A zoning district for industrial uses.

**Ice cream truck:** A vehicle primarily offering delivery and/or self-service of pre-packaged frozen novelties or treats including ice cream, frozen yogurt, popsicles and similar fare. This type of vendor must obtain an itinerant merchant license from the Town Manager.

**Illustrative Material:** Accompanying pictorial and written data.

**Impervious:** Condition of a material that prevents significant percolation of water or discharge.

**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.

**Industry, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing or storage or manufacturing processes that involve hazardous or offensive conditions.

**Inn:** A single-family dwelling, portion thereof, or accessory building to, where short-term lodging is provided for compensation to transient guests only. Additional services, such as restaurants, meeting and event space, and recreational facilities may also be provided. The operator may or may not live on the premises. Up to twelve (12) guest rooms may be provided.

**Inoperable Vehicle:** A vehicle parked outside of a structure in any zoning district within the Town that cannot be operated mechanically and/or does not display a current, valid Town and State registration decal.

**Institutional uses or buildings:** Educational and philanthropic operations, including museums, art galleries, and libraries

**Internal Relationships:** Those associations pertaining to on-site considerations.



**Janitorial service establishment:** A commercial facility used to store equipment and materials used in providing janitorial services, which may include limited administrative office space for the enterprise.

**Junk Vehicle:** An inoperable or abandoned motor vehicle without current Town and State registration.

**Junk Yard:** The use of any area of land lying within one hundred (100) feet of a state highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined herein.

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

**Kennel:** (see Animal Kennel).

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

**Laboratories, research:** A workplace devoted to scientific research and experimentation.

**Laboratories, medical:** A workplace devoted to routine testing of medical samples and related items associated with the diagnosis and treatment of diseases.

**Land-Disturbing Activity or Land Disturbance:** ~~Any land change which may result in the alteration or removal of the Town's Natural Landscape including trees and woodlands, that potentially changes its runoff characteristics and that might impact the natural waterways within the Town through the erosion or movement of sediment into town and state waterways or onto neighboring lands. This includes, but is not limited to, clearing and grading, excavating, transporting and filling of land, except that the term shall not include the exceptions under Article 4-5 or Article 5-3 (e) of the Zoning Ordinance.~~ A manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land, or the conversion of land from permeable to impermeable surfaces. REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance.

**Land Disturbance Permit (LDP):** A permit issued by the Town for clearing, filling, excavating, or transporting of soil, or any combination thereof. REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance.

**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.

**Laundromat:** A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Laundry:** A commercial facility where washing, drying, ironing, and/or dry cleaning are performed, but do not include self service machines.

**Laundry, Pick Up-Drop Off:** A business that provides laundry services to customers but washing, drying, or dry cleaning facilities are not located on the immediate premises.

**Lawn and Garden Equipment:** Motorized and non-motorized equipment used to cultivate or maintain lawns and garden plots of yards associated with non-agricultural land uses.

**Library:** A place devoted to the collection and display of books, manuscripts and related intellectual property for use and circulation by the public but not for sale.

**Lighting (reference Lighting Regulations):**

*Footcandle:* Unit of luminance. One lumen per square foot. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 0.1 (0.093) lux.

*Flood Lam:* A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

*Full Cutoff Light Fixture or Luminaire; Fully Shielded Light Fixture:* A lighting fixture from which no light output, either directly from the lamp or a diffusing element, is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture. Implicit in the definition is a fixture that is aimed straight down and has a flat lens. Any structural part of the light fixture providing this shielding must be permanently affixed.

*Glare:* The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

*High Intensity Discharge Lamp:* A mercury vapor, metal halide, or high or low pressure sodium lamp.

*IESNA:* Illuminating Engineering Society of North America

*Illuminance, Luminance:* The intensity of incident light at a point, measured with a light meter in footcandles or lux.

*Initial lumens:* The lumens emitted from a lamp, as specified by the manufacturer of the lamp.

*Lamp:* The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

*Light pollution:* Any adverse effect of manmade light.

*Light Trespass:* Light falling where it is not wanted or needed, typically across property boundaries.

*Lumen:* Unit of luminous flux; used to measure the amount of light emitted by lamps.

*Luminaire:* The term "luminaire" means a complete lighting unit, less the support assembly, consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

*Lux. Unit of Luminance:* One lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately 10 (10.8) footcandles.

*Installed:* The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

*Opaque:* Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

*Outdoor Light Fixture or Luminaire:* An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement.

*Temporary Lighting:* Lighting which does not conform to the provisions of this Code and which will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension. Temporary lighting is intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

**Live-Work Unit:** (see Dwelling, Live-Work Unit)

**Loading Space:** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks and other carriers.

**Lodge:** (see Club).

**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, Corner:** A lot abutting upon two (2) or more streets at their intersection. All sides along the streets shall be considered front yards.

**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 corner lot with only one street frontage.

**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, through:** A lot in which both the front and rear lot lines abut a street.

**Lot of Record:** A lot which has been recorded among the land records in the Office of the Circuit Court of Fauquier County, Virginia.

**Lot, Substandard:** (see Nonconforming Lot).

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

**Lumber and building supply:** A commercial use devoted to the storage and sale of wood, lumber and related building materials.

**Manufacture and/or Manufacturing:** The processing, fabrication, assembly, and distribution of products such as, but not limited to: scientific or precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchased glass, electric lighting and wiring equipment, industrial controls, lithographic and printing processes, radio and TV receiving sets, watches and clocks, optical goods, and electrical machinery.

**Marquee:** A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Massage Therapist:** A practitioner who is licensed or certified by the state and/or a recognized professional organization, to practice massage therapy for purposes of medical care or physical therapy rather than for entertainment or recreation.

**Materials:** The physical elements of which something is made or fabricated.

**Medical or Dental Clinic:** Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

**Medical Center:** Any building or group of buildings that provides a range of professional medical services that would normally be found in hospitals, medical clinics and medical offices.

**Medical Laboratory:** (see Laboratory, Medical)

**Meeting Hall:** (see Assembly Hall)

**Mentally or physically impaired person:** A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

**Message, Commercial:** Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**Message, Noncommercial:** Any sign, wording or logo that does not represent a commercial message or commercial speech. See also "Message, Commercial."

**Mini-Warehouse:** A structure containing separate storage spaces of varying sizes leased or owned on an individual basis for self-storage of business, household, or contractors supplies.

**Mixed-Use:** The development of a neighborhood, parcel(s), building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, public and institutional uses, personal services, and recreation arranged in a compact urban form.

**Mobile Food Cart:** Any non-motorized mobile food unit with limited infrastructure that serves food and/or beverages intended for immediate consumption. Mobile food carts may not exceed six (6) feet in length, three (3) in width (excluding wheels), or four (4) feet in height (excluding wheels and umbrellas). Mobile Food Carts include pushcarts and similar devices.

**Mobile Food Vehicle:** A motorized mobile food unit which is self-sufficient in terms of potable water, sanitary sewer and electric utilities, and generally consists of an enclosed truck, trailer or similar vehicle, where food may be stored, prepared, cooked, and/or served. An open bed truck, van or converted automobile is not considered a mobile food vehicle and is NOT eligible for a mobile food vending permit.

**Mobile Food Vendor:** Any person or business selling foods from a mobile food cart or mobile food vehicle, which is stationary for a period of time longer than that necessary to complete a sale or greater than a fifteen (15) minute period. This definition does not apply to traveling ice cream trucks, cafeteria trucks serving active construction sites, or non-commercial vehicles.

**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.

**Modular home; Modular dwelling:** (see Dwelling, Modular)

**Monument sales:** Sales of headstones, plaques and similar elements for memorials.

**Motel:** A building or a group of two (2) or more detached or semi-detached buildings containing rooms or apartments having separate entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

**Motion picture studio:** A building or group of buildings in which videos, motion pictures or other visual recordings are filmed.

**Mural:** A painting or other artistic depiction on the wall of a building which does not serve the purpose of commercial or business advertisement or promotion.

**Museum:** A building which provides educational or aesthetic opportunities for the visiting public on a regular schedule. Artifacts, artwork, historical documents, photographs, costumes, and other objects are exhibited and cared for by a professional staff.

**Neighborhood Professional Business:** Any establishment containing between 1,500 and 5,000 square feet of gross floor area, on the ground floor of a building/structure wherein the primary occupation is the provision of services on a fee or contract basis. Retail sales to the general public are not permitted, except as a secondary and subordinate activity, and not exceeding ten (10) percent of the gross floor area. The retail sales area component should be clearly delineated within the building/structure. Business service establishments shall not have more than two (2) employees, including the owner.

**New Urbanism:** A pattern of urban design which incorporates various traditional town planning principles, including narrow streets, on-street parking, interconnected streets, alleys, small front setbacks, mixed-uses and similar features.

**Noise:** Sound of a harsh, loud, or confused kind causing disturbance to occupants of an abutting, adjacent, or adjoining property, as provided for in the performance standards of these regulations 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 Sign:** An otherwise legal sign 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.

**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:** The otherwise legal use of a building or structure or a tract of land, other than a sign, 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.

**Non-profit organization:** A non-profit organization incorporated under the provisions of section 501 [c] 3 of the federal code.

**Non-Residential Floor Space:** The area of a building that is not used for residential purposes. Areas used primarily for storage shall not be counted towards non-residential floor space.

**Nursery School:** (see Day Care Center).

**Nursing or Convalescent Home:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity are unable to care for themselves.

**Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Office, business and professional:** (see Business and Professional Office)

**Office, medical:** (see Medical or Dental Clinic)

**Off-Street Parking Space or Parking Bays:** A reasonably level space, available for the parking of one (1) motor vehicle, not less than nine (9) feet wide and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways or other means of circulation or access.

**One Hundred-Year Flood:** A flood that, on the average, is likely to occur once every 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 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.

**Operator:** The owner or operator of any facility or activity subject to regulation under this Ordinance.

**Outdoor Lighting:** (see Lighting)

**Outdoor Storage:** The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than one (1) week.

**Owner:** The owner or owners of the freehold of the premises or lesser estate therein; a mortgagee, or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

**Owner-Applicant:** (see Applicant-Owner).

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

**Park:** An area open to the general public and reserved for recreational, educational, or scenic purposes.

**Parking, off-street:** Parking in spaces designated outside of the street right-of-way.

**Parking, on-street:** Parking in spaces designated within the street right-of-way.

**Parking Lot:** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. For the purposes of this Article, parking lots are defined as any area used for the display or parking of any and all types of vehicles, boats, farm machinery, lawn and garden equipment, or heavy construction equipment, whether or not these items are for sale or lease. This definition includes, but is not limited to, parking lots and display areas for automobile dealerships and service stations. The area of the parking lot shall be calculated to include all paved areas used for ingress, egress, internal circulation, loading, and parking stalls.



**Parking Space, All Weather:** A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

**Passive Recreation:** (see Recreation, Passive)

**Passive Recreation Area:** (see Recreation Area or Facilities, Passive)

**Patio Home or Patio House:** For purposes herein, same as atrium house (also see Atrium House, Townhouse).

**Peak Flow Rate:** The maximum instantaneous flow from a given storm condition at a particular location.

**Performance Bond:** Surety, cash escrow, letter of credit, any combination thereof, or other such legal arrangement acceptable to the Town to ensure that measures could be taken by the Town, at the applicant's expense, should they fail to initiate or maintain appropriate action per the approved site plan or permit.

**Permittee:** The person to whom the permit authorizing construction, building, or land-disturbing activities is issued, and who is ultimately responsible for those activities.

**Person:** Any individual, partnership, firm, association, joint venture, public private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or other legal entity.

**Personal Service Establishment or Store:** Establishments primarily engaged in the repair, care, maintenance or customizing of personal property that is worn or carried about the person, or is a physical component of the person, such as the following which will serve as illustration: beauty parlors, barber shops, shoe repair, tailor shops, opticians, and similar places of business. Personal Service Establishments do not include dry cleaning plants, or linen or diaper service establishments.

**Pet, Household:** Small, domestic animals that are customarily kept in the house or residential yard for the company or enjoyment of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties.

**Pet Grooming:** A commercial business limited to the routine grooming of household pets, as defined herein, including bathing, hair cutting and similar functions.

**Pipeline, Major:** A main trunk pipeline that carries water, gas or other material, or that collects stormwater or wastewater, and connects to one or more smaller lines that provide the service to specific customers.

**Pipestem Lot:** (see Lot, Pipestem).

**Planned Unit Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages, including principal and accessory structures and uses substantially related to the character and purposes of the development, and including streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. It also includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development but will not be provided, operated, or maintained at public expense. PUD includes mixed-use developments, single use residential developments and/or commercial developments, in accord with the provisions of this Ordinance.



**Planner:** 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. All references to the Planning Director in this Ordinance shall also include the Community Development Director.

**Plat:** A map or plan of a tract or parcel of land which is to be or has been subdivided (when used as a verb, plat is synonymous with subdivide).

**Playground:** A recreational area which is graded and either planted in grass or paved, or a combination of both, which may have play equipment, and which may be lighted or unlighted for nighttime sports activities in accord with the provisions of this ordinance.

**Plumbing and electrical supply:** A business which sells plumbing and/or electric products on a wholesale basis, and may sell at retail as well.

**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.

**Premise:** A contiguous parcel of land with its appurtenances and buildings that functions as a unit. For the purpose of this ordinance, an outparcel along the perimeter of a shopping center or similar multi-tenant use that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.

**Printing establishments:** Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses

**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 Buildings:** (see Building, Public)

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

**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.

**Pumping station:** A component of a public water or wastewater system that pumps material from one line to another for either distribution or collection.

**R – District (Residential District):** Any zoning district beginning with "R" and/or any zoning district designed primarily for residential uses.

**Raceway or Wireway:** A raceway or wireway is a form of mounting structure for signs that are a narrow structure attached to a wall where electrical conduit can run within and where the sign structure itself is mounted to the raceway or wireway.

**Recreation, Active:** Intensive play or athletic activity involving individual or group participation in games, sports or other activity. Includes such activities as baseball, basketball, tennis, soccer, golf, swimming, riding and other activities involving physical exertion. May be private, public or commercial in nature.

**Recreation Area or Facilities, Active:** Area or facilities designed for intensive play or athletic activity by either juveniles or adults.

**Recreation, Commercial:** (see Commercial Recreation)

**Recreation, Passive:** Activity involving minimal physical exertion such as sitting, walking, picnicking, bird watching and reading.

**Recreation Area or Facilities, Passive:** Natural areas with or without facilities, primarily scenic, for passive activities, e.g., sitting, walking, riding, or picnicking.

**Recycling Center:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, either by machine or by hand, within a completely enclosed building, in preparation for further processing or manufacturing at another facility.

**Recycling Collection Point:** An incidental use that serves as a neighborhood drop-off point for recoverable resources, for temporary storage in containers, or small structures, not including processing of such items. Generally, these facilities are located in shopping center parking lots, or other public or semi-public areas such as churches or schools.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated, within a completely enclosed building, to return such products to a condition in which they may again be used for production.

**Rental service establishment:** A business that rents household equipment and/or vehicles.

**Rescue Squad:** An emergency medical and rescue company, typically operated as a non-profit organization, using emergency medical vehicles to serve customers.

**Rest Home:** (see Nursing Home).

**Restaurant:** An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This definition also includes cafes, cafeterias, sit-down restaurants, tea rooms, confectionery shops, refreshment stands, and outdoor cafes.

**Restaurant, Carry-Out:** An establishment that provides prepared food for pick-up by the customer or delivery by the restaurant employees, but not eat-in facilities.

**Restaurant, Drive-Through:** An establishment that delivers prepared food, beverages, and/or desserts to customers in motor vehicles, regardless of whether or not it also serves customers who are not in motor vehicles, for consumption on or off the premises.

**Restaurant, Fast Food:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, beverages, and/or desserts directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

**Retail Stores and Shops:** Buildings for the display and sale of merchandise at retail (but specifically exclusive of coal, wood, and lumber yards), such as the following which serve as illustrations: drugstore, newsstand, food or grocery store, candy shop, dry goods and notions store, antique store, gift shop, hardware store, household appliance store, furniture store, florist, music and radio store. This group also includes the consolidation of retail stores into one or more buildings as a shopping center.

**Retail uses, General:** (see Retail Stores and Shops)

**Retail uses, Personal services:** Retail uses that provide services to individuals, such as barber, beauty salon, nail care, and the like.

**Retail uses, Business services:** Retail uses that provide services to businesses, such as office supplies, office equipment, data processing, and the like.

**Retail Use, Automated:** A retail establishment that is fully automated, without a full time attendant or proprietor.

**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 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. May include a fee simple or easement ownership.

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

**Road, Private:** A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties, not including driveways, and not maintained by the Town of Warrenton or the Virginia Department of Highways.

**Rooming House:** (see Boarding House).

**Rug and carpet cleaning and storage with incidental sales of rugs and carpets:** A business which cleans and/or stores rugs and carpets and which may sell or trade such items as an incidental use.

**Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured, usually in a round, parabolic shape, intended to receive and/or transmit radio, electromagnetic, or microwaves from terrestrially based and/or orbitally based sources.

**School:** Any public, parochial, or private place of instruction that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, vocational schools, and high schools, meeting all the licensing requirements of the Commonwealth of Virginia.

**Screening:** (see Buffer).

**Seating Capacity:** The actual seating capacity of an area based upon the number of fixed seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be one (1) seat for every seven (7) square feet of net floor area, excluding floor area devoted to permanent displays and/or storage.

**Security service office or station:** A kiosk, office or other structure out of which the security personnel of a building or complex operate.

**Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice and has come to rest on the earth's surface, either above or below sea level.

**Self-Service Storage Units:** (see Mini-Warehouse).

**Senior Citizens Center:** A licensed facility which provides care, supervision, and recreation activities for persons 55 years of age and older, during a portion of the day and which is not used for lodging or overnight care.

**Service Station:** Buildings and premises where the primary use is the supply and dispensing of retail motor fuels, lubricants, batteries, tires, motor vehicle accessories, and/or light maintenance activities, performed within an enclosed building, such as engine tune-ups, lubrication, and minor or emergency repairs. This definition does not include heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work.

**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 line.

**Shopping Center:** A grouping of retail business and service uses on a single site with common, shared parking facilities and combined access points to the public road system.

**Shrub:** A low-growing, usually multi-stemmed, woody plant.

**Sign:** Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term “sign” also does not include the display of merchandise for sale on the site of the display.

**Sign Area:** The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 6-5.

**Sign Copy:** Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face:** The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign Height:** The vertical distance to top of sign structure as measured pursuant to Section 6-5.

**Sign, Awning:** A sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Banner:** A temporary sign constructed of a flexible substrate such as, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a “Sign, Yard.”

**Sign, Building:** Signs that are attached to the building including wall signs, projecting signs, awning signs, marquee signs, suspended signs, and canopy signs.

**Sign, Canopy:** A sign attached to the soffit or fascia of a canopy.

**Sign, Changeable Copy:** A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of “Sign, Electronic Message Center.”

**Sign, Drive-Through:** Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Electronic Message Center:** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Such signs may be included in the definition of other types of signs if they otherwise meet those definitions and do not have features of prohibited signs, such as flashing signs.

**Sign, Feather:** A temporary sign that is constructed of lightweight cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure that may resemble a sail, bow, or teardrop.

**Sign, Free Standing:** Any sign supported upon the ground by a monument, pedestal, bracing, or other permanent measure and not attached to any building. See also the definition of “Sign, Monument.”

**Sign, Marquee:** A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**Sign, Monument:** A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Neon:** Any illuminated sign that is comprised of glass tubing that contains neon or other gases that light up in various colors when an electric discharge is applied to the gas.

**Sign, Nonconforming:** Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, On-Premise:** A sign with a message that relates to an activity located on the same premise.

**Sign, Permanent:** A sign permitted by this code to be located on the premises for an unlimited period of time, constructed of rigid material, and designed to be permanently attached to a structure or the ground.

**Sign, Portable:** Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels. Such signs shall not include sidewalk signs as allowed in Section 6-15.

**Sign, Projecting:** A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Sidewalk (A-Frame):** A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in Section 6-15.6.1.

**Sign, Sidewalk (T-Frame):** A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in Section 6-15.6.1.

**Sign, Temporary:** A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, constructed of materials not intended for extended/permanent use, and/or is intended for a limited period of display.

**Sign, Vehicle:** A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer.

**Sign, Wall:** A sign attached directly to an exterior wall of a building with the exposed face of the sign in a plane parallel to the building wall. A wall signs shall include cornice and transom signs as allowed in the Historic District.

**Sign, Window:** A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window. A structure that would be considered a sign if mounted on the exterior of the building, but which is mounted inside the building and oriented to be visible through the window by a person outside of the window, shall be considered a window sign for the purposes of this Article.

**Sign, Yard:** Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Sign fabricating and painting:** The fabrication, painting or assembly of any type of sign as defined herein.

**Simplicity:** Directness of expression in design.

**Site Development Plan:** Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information as required by this Ordinance. Also defined as the Site Development Plan Ordinance, Town of Warrenton, Virginia, December, 1970.

**Small equipment sales and/or service operations:** A commercial enterprise devoted to the repair and sales of small scale motorized equipment for residential or commercial activities, such as lawn mowers and power tools.

**Special Exception:** (see Special Use Permit)

**Special Use Permit:** A permit for a use that, owing to some special characteristics attendant to its operation, installation, or relation to the neighborhood, is permitted in a district, subject to Town Council or BZA approval, in accordance with the provisions of Article 11 of this Ordinance. Special Use Permits are subject to special requirements and/or conditions that may be imposed by the Council or BZA, respectively, different from those usual requirements for the district in which the special use is located.

**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.

**Specimen tree:** any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

**Square:** Land open to the general public for passive recreational use that contains paved pedestrian plazas, lawns, shade trees and/or landscaped areas. Paved pedestrian plazas may cover up to 90% of the square. Squares may be publicly owned or owned in common by a property owners association. Squares are not required to be square or rectangular in shape.

**State:** The Commonwealth of Virginia.

**State Water Control Law:** Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

**State waters:** All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

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

**Storage yards:** A yard area in which materials, equipment and/or vehicles used for construction, excavating or similar activities are stored, kept and/or maintained. Storage yards may be partially covered, enclosed or screened.

**Stormwater:** Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Management:** ~~Under the Articles, Manuals, Forms, and Regulations set forth for the purposes of Stormwater Management, in addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein~~



by reference, the words and terms used in this Ordinance have the following meanings unless otherwise specified herein. REFER TO: Chapter 21 of the Town Code, Erosion and Stormwater Management Ordinance.

~~*Adequate channel:* A natural or manmade channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks. For manmade channels, the ten-year frequency storm is used to verify that stormwater will not overtop the channel banks, and the two-year storm is used to demonstrate that stormwater will not cause erosion to the channel bed or banks. For natural channels, that channel capable of conveying the runoff from a two-year storm without overtopping its banks or eroding the channel lining, or without causing flooding of structures from the 100-year storm event.~~

~~*Administrator, VSMP:* The Administrator of the Town of Warrenton Virginia Stormwater Management Program.~~

~~*Agreement in lieu of a stormwater management plan:* A contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan. This differs from an Agreement in lieu of an erosion and sediment control plan.~~

~~*Applicant/Developer:* Any person, his Agent, or his assigns submitting a stormwater management plan for approval.~~

~~*Channel:* An elongated depression having a definite bed and bank which serves to confine the flow of water.~~

~~*Concentrated Flow:* Converging area between sheet flow and channel flow. The area where a stream could be said to begin.~~

~~*Conduit or conveyance:* A general term for any open or enclosed facility, natural or man-made, which is intended for the conveyance of water.~~

~~*Control measure:* Any best management practice or stormwater facility (BMP) or other method used to minimize the discharge of pollutants to state waters.~~

~~*Control Section:* A section or a reach of a conduit where conditions exist that make the water level stable. A control section may be partial or complete. A complete control section is independent of downstream conditions and is effective at all stages. An overflow dam or rock ledge crossing a channel are examples. Control sections may be either natural or artificial.~~

~~*Culvert:* A closed conduit carrying water under a highway, railroad, or other embankment. A culvert is distinguished from a bridge by generally having the same material all around its perimeter, and having a regular, symmetrical shape.~~

~~*Debris:* Any material, including floating trash or suspended sediment moved by a flowing stream.~~

~~*Deter:* The practice of containing standing water for a brief time after a surface water runoff event for the purpose of reducing peak runoff rates and/or for removing pollutants. Detention may be achieved in facilities that are normally dry (detention ponds).~~



*Discharge:*

- (a) ~~The quantity of water, silt, or other mobile substances passing along a conduit per unit of time; rate of flow expressed as cubic feet per second, liters per second, million of gallons per day, etc.~~
- (b) ~~The act involved in water or other liquid passing through an opening or along a conduit or channel.~~
- (c) ~~The water or other liquid which emerges from an opening or passes along a conduit or channel.~~

*Ditch:* ~~An artificial channel.~~

*Flood Routing:* ~~Determining the changes in the rise and fall of floodwater as it proceeds downstream along a drainageway, including the effects of structures.~~

*Frequency of Storm:* ~~The anticipated period in years that will elapse, based on average probability of storms in the design region, before a storm of a given intensity and/or total volume will recur. A 10-year storm can be expected to occur on the average of once every 10 years, but has a 10% chance of occurring in any given year.~~

*General permit:* ~~The state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.~~

*Infiltration Facility:* ~~A stormwater management facility which temporarily impounds runoff and discharges it via infiltration through the surrounding soil. While an infiltration facility may also be equipped with an outlet structure to discharge impounded runoff, such discharge is normally reserved for overflow and other emergency conditions. Since an infiltration facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.~~

*Layout:* ~~A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.~~

*Minor modification:* ~~An amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.~~

*On-site Stormwater Management Facilities:* ~~Facilities which are designed to control stormwater runoff emanating from a specific site.~~

*Peak Discharge:* ~~The maximum instantaneous flow from a given storm condition at a specific location.~~

*Post-development Runoff:* ~~Conditions that may reasonably be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.~~

~~*Predevelopment Runoff:* Conditions that exist at the time that plans for a land development activity are approved by the plan approval authority. For staged development, the first item approved or permitted shall establish the time at which predevelopment conditions are fixed. In the case of land development by governmental agencies, the initiation of land acquisition shall establish the time at which predevelopment conditions are fixed.~~

~~*Regional Watershed Wide Stormwater Management Facility or Regional Facility:* A facility or series of facilities designed to control stormwater runoff from a large contributing area, although only portions of the watershed may experience land development.~~

~~*Regulations:* Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.~~

~~*State Board:* The Virginia State Water Control Board.~~

~~*State permit:* An approval to conduct a land disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.~~

~~*Storm Sewer:* A sewer that carries only stormwater, drainage and other surface water, but not domestic sewage or industrial wastes. A storm sewer system consists of underground conduits, inlets, manholes, open channels, swales and special appurtenances.~~

~~*Stormwater Detention Basin or Detention Basin:* A stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.~~

~~*Stormwater Drainage System:* A system of conduits and associated structures used to collect and convey runoff.~~

~~*Stormwater Management Facility:* A device that controls stormwater and changes the characteristics of runoff including, but not limited to the quantity and quality, the period of release, or the velocity of flow.~~

~~*Stormwater management plan:* Document(s) containing material describing methods for complying with the requirements of Article 5 of this Ordinance.~~

~~*Stormwater Pollution Prevention Plan (SWPPP):* A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. The document shall identify and require the implementation of control measures, and shall include an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan, and other information that fully demonstrate how the project will comply with the applicable regulations and requirements.~~

~~*Virginia Stormwater BMP Clearinghouse:* A reference website maintained by the Department of Environmental Quality that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.~~

~~*VSMAP Authority Permit:* An approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.~~

~~*Waste load allocation or waste load (WLA):* The portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. WLAs are a type of water quality based effluent limitation.~~

**Streams:** Water bodies identified as streams on the US Geological Survey topographical maps, the National Wetlands Inventory, or county soil maps.

**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, 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 subject to vehicular and/or pedestrian traffic providing means of access to property; also designated as road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc. (see Street, Public)

**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:** A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet.

**Street, Primary Thoroughfare:** A street that carries or is anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, the right-of-way of which shall not be less than seventy (70) feet, and should, where feasible, have a minimum 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. Such streets shall have guaranteed public vehicular access.

**Street, Public:** All public property reserved or dedicated for street traffic, improved to the standards set by the Town of Warrenton or the Virginia Department of Transportation. The lot frontage and setback requirements of this ordinance refer to the public street.

**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 includes roadway, curb and gutter, sidewalks, planting strips, and where necessary, utility easements.

**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, drainage structures, dwellings, buildings, signs, fences, walls, etc., but not private driveways.

**Studios for artists, photographers, and sculptors:** A work space for the creation of artworks, photography and related or similar activities.

**Studios and trade schools:** A work space for the conduct, teaching and/or practice of artist or business trades.

**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 of any sort. The term "subdivide" includes the term "resubdivide" and when appropriate to the context shall relate to the process of subdividing.

**Subdivision:** means the same as "subdivision" as defined in Article 5 of the Town Subdivision Ordinance.

**Subdivision Agent:** An employee of the Community Development Department designated by the Planning Director to administer the Subdivision Ordinance and any other similar duties as may be assigned by the Planning Director.

**Substations:** An appurtenant structure for collecting, processing or distributing a public utility commodity, including electric substations but not including any part of a water or sewer system.

**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 Regulation as a "registered land surveyor."

**Taxicabs stands:** An office, kiosk or other station at which taxis are dispatched.

**Taxidermist:** A person who prepares animal carcasses for ornamental display.

**Tea Room:** A room or rooms within a private residence, where teas, other beverages, and food products are provided for compensation. The operator of the facility shall live on the premises.

**Temporary family health care structure:** A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

**Theaters:** A building, structure or place designed or used primarily for the commercial exhibition of motion pictures to the general public or used for the performance of plays, acts, dramas or musical productions by actors, actresses and/or musicians.

**Time of Concentration:** The time it takes for runoff to travel from the most hydraulically distant part of the watershed to a point of reference, (i.e. basin outlet, drop inlet, etc.).

**Tire recapping and retreading:** A business which re-caps and/or re-treads motor vehicle tires.

**Total maximum daily load (TMDL):** The sum of the individual waste-load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs. TMDLs for the Chesapeake Bay include phosphorus, nitrogen and total suspended solids (TSS).

**Tourist Home:** A dwelling where only lodging is provided for compensation for up to five (5) persons (in contradistinction to hotels and boardinghouses) and open to transients.

**Town:** The Town of Warrenton, Virginia, a municipal corporation.

**Town Arborist:** International Society of Arboriculture (ISA) Certified Arborist contracted by the Town to oversee the preservation of Town's tree inventory.

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

**Town Manager:** The duly appointed Town Manager of Warrenton, Virginia.

**Townhouse:** (see Dwelling, Townhouse).

**Transitional Housing:** The housing is designed to provide temporary housing for not more than four (4) unrelated persons for a maximum of six months. Transitional housing and counseling services shall be provided by a coalition of churches and/or human service organizations. A house coordinator must reside on the premises, and a substitute house coordinator shall be on the premises if the house coordinator is away from the residence for more than one day.

**Transmission Line, Major:** A main trunk line that carries electricity, telecommunications signals or other similar items, and connects to one or more smaller lines that provide the service to specific customers.

**Transmission and receiving towers:** Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or pole towers. The term includes radio, television and telephone transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures, including monopoles. Additional definitions include:

- (1) *Alternative Tower Structure:* Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2) *Antenna:* Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves, provided that this definition shall not be interpreted to include an antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or an antenna that is designed to receive video programming services via multipoint distribution services; including multi-channel, multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or an antenna that is designed to receive television broadcast signals.
- (3) *FAA:* The Federal Aviation Administration.
- (4) *FCC:* The Federal Communications Commission.
- (5) *Height:* When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (6) *Telecommunication Facility:* Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or pole towers. The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.
  - (a) *Telecommunication Facility, Freestanding:* A structure that stands alone for the sole purpose of supporting antennas, dishes and other such telecommunications equipment.
  - (b) *Telecommunication Facility, Attached:* A structure or building whose main purpose is to support or house other uses, and to which antennas, dishes and other such telecommunications equipment is attached so as to avoid constructing a freestanding tower.

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

**Travel Trailer:** A mobile unit less than twenty-nine (29) feet in length and less than four thousand five hundred (4,500) pounds in weight which is designated for temporary human habitation.

**Treatment Plant:** The central facility for treatment and purification of water or wastewater, as part of a public water or sewer system owned and operated by the Town or other government entity, or by an approved private operator to serve a community area.

**Tree canopy; tree cover:** Includes all areas of coverage by plant material exceeding five feet in height and the extent of planted tree canopy at 10 or 20 years maturity, based upon the following published reference: Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses by Michael A. Dirr (or equivalent professional publication).

**Tree, Canopy:** A deciduous tree that normally exceeds thirty (30) feet in height at maturity, and is shown on the list of species in Article 8 of this Ordinance.

**Tree, Ornamental:** A tree that normally does not exceed thirty (30) feet in height at maturity, and is shown on the list of species in Article 8 of this Ordinance.

**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.

**Truck sales and service repair garages:** A business which sells trucks and/or which provides repair and maintenance services for trucks.

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

**Use, Accessory:** (see Accessory Use).

**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 defined as separate items.

**Variance:** In the application of the Zoning Ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

**Vehicular Use Area:** The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

**Vending Machine:** An automated device for the sale of goods, typically snacks, beverages and the like.

**Vending Gallery:** A building or structure containing multiple vending machines.

**Veterinary Hospital:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Video Game Gallery:** (see Amusement Arcade)

**Virginia Stormwater Management Act:** Article 1.1 (§62.1-44.15:24 et seq.) of Chapter 6 of Title 62.1 of the Code of Virginia.



**Virginia Stormwater Management Program (VSMP):** A program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

**Virginia Stormwater Management Program authority (VSMP authority):** Authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

**Visitor Center:** A facility established for the purpose of disseminating information about the Town, County of Fauquier or the region. The facility may provide an interpretative area, and small auditorium for visitors or tourists.

**Warehouse:** A building used primarily for the storage of goods and materials.

**Wall:** A structure which serves to enclose or subdivide a building, usually presenting a continuous surface except where penetrated by doors, windows, and the like.

**Wall, Retaining:** A wall constructed to support soil or sub-surface structures.

**Water Storage Tank:** An enclosed structure used for the storage of water for distribution.

**Water and Sewer Systems:** (see Public water and sewer systems)

**Watercourse:** Any naturally occurring, constant or intermittent, surface water and its associated banks, bed, and floodplains.

**Watershed:** The total drainage area contributing runoff to a single point.

**Waterway:** A water body, or body of water, including periodic and permanent, partially or wholly inundated areas. Waterways can include ephemeral, intermittent, and perennial streams, lakes, estuaries and shorelines, ponds including vernal ponds, lakes, impoundments, and wetlands.

**Wayside Stand, Roadside Stand, Wayside Market:** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**Wholesale Establishments:** A business and its premises where goods are sold on a bulk basis to distributors and direct sales to the general public are limited. Wholesale establishments are also characterized by the use of trucks for delivery or pick-up of goods sold.

**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 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, Sale:** Use of the premises of a residential dwelling for general sales of a temporary nature, open to the public with the purpose of disposing of personal, family, or household goods or articles. The term yard sale includes but is not limited to activities known as garage sales, porch sales, backyard sales, and moving sales.

**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 Community Development Department designated by the Planning Director to administer the Zoning Ordinance and any other similar duties as may be assigned by the Planning Director.

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

# **Town of Warrenton Zoning Ordinance**

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