



**LAND DEVELOPMENT AND SUBDIVISION
CONTROL ORDINANCE**

Amended through December 2013

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ARTICLE I

GENERAL PROVISIONS

1.1 AUTHORITY

Section 15.2-2240 of the Code of Virginia 1950, as amended, authorizes the governing body of any county or municipality to adopt an ordinance to assure the orderly Subdivision of land and its development by regulating the Subdivision of property into Lots, Streets, Alleys and other public areas, and providing for the preparation, certification and recordation of Plats of such Subdivisions. In accordance with Section 15.2-2254 of the Code of Virginia, 1950, as amended, compliance with this ordinance is required.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

1.2 JURISDICTION

The jurisdiction of the regulations adopted herein shall apply to the incorporated area of the Town of Purcellville.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

1.3 PURPOSE

The purpose of this ordinance is to establish certain Subdivision and Site Plan standards and procedures for the Town of Purcellville, Virginia. These standards and procedures are part of a long range plan to guide and facilitate the orderly, beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to implement the comprehensive plan for the Town and to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of Lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and sufficient manner.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

1.4 HORIZONTAL PROPERTY ACT/CONDOMINIUM DEVELOPMENT

The provisions of this ordinance shall apply to any Condominium Development in the same manner as they would apply to a physically similar project under a different form of ownership.

(Amended by Ord. No. 13-12-02, December 10, 2013)

1.5 SEVERABILITY

Should any article, section, subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not

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affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

1.6 AMENDMENT

This ordinance may be amended in whole or in part by the Town Council in accordance with the provisions and requirements of Section 15.2-2253, Code of Virginia 1950 as amended. *(Amended by Ord. No. 10-08-02, August 10, 2010)*

1.7 REPEAL

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

1.8 DELINQUENT TAXES - PAYMENT REQUIRED PRIOR TO PLAN DECISION

Full settlement of any delinquent or outstanding real estate taxes payable to the Town of Purcellville on property subject to an application for Subdivision or Site Plan approval or charges for other services rendered by the Town are required prior to a decision on any application required by this ordinance.

(Amended by Ord. No. 13-12-02, December 10, 2013)

1.9 VARIATIONS AND EXCEPTIONS

A variation or exception to Article I, General Provisions may be granted upon application to the Town Council and a finding that the strict adherence to the General Provisions where applicable would result in substantial injustice or hardship (Section 15.2-2241 through 15.2-2246 Code of Virginia 1950 as amended). Such hardship or injustice may result if property under application is in an estate, under probate, in reorganization under Chapter 11 of the Bankruptcy Statutes or similar condition as may be determined by the Council.

(Amended by Ord. No. 10-08-02, August 10, 2010)

1.10 TITLE

This ordinance is known and may be cited as the "Land Development and Subdivision Control Ordinance of Purcellville, Virginia".

(Amended by Ord. No. 13-12-02, December 10, 2013)

1.11 EFFECTIVE DATE

The effective date of this ordinance is: July 12, 1995

ARTICLE II

PREPARATION AND RECORDATION OF PLATS

(Repealed and Reenacted by Ord. No. 08-07-01, July 8, 2008)

2.1 PREPARATION OF SUBDIVISION PLAT, FILING AND RECORDATION

The Owner of any tract of land in the incorporated area of the Town of Purcellville, who Subdivides the same as herein provided, shall cause a Plat of such Subdivision to be made in accordance with the regulations set forth in this Ordinance and as set forth in the Code of Virginia Sections 15.2-2240 through 15.2-2276 inclusive and Section 42.1-82 (Virginia Public Records Act). Such Subdivision Plat shall be submitted to the Administrator for review and appropriate action as set forth in this Ordinance. In the review, and approval where required, the Administrator shall require strict adherence to the provisions of this Ordinance and the Zoning Ordinance. An action rejecting the Plat shall be accompanied with a written statement setting forth the reasons for the action. Upon approval of the Final Plat of Subdivision by the Administrator, the Plat shall be recorded, as soon as appropriate after the final action of the Administrator, in the Office of the Clerk of Loudoun County, Virginia.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.2 GENERAL REQUIREMENTS

1. Source of Title

Every Plat shall be prepared by a surveyor or engineer, duly licensed by the State of Virginia, who shall endorse upon each such Plat a certificate signed by him, setting forth the source of title of the land Subdivided and the place of record of the last instrument in the chain of title. When the Plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated on the Plat. Nothing herein shall be deemed to prohibit the preparation of preliminary studies, plans or Plats of a proposed Subdivision by the Owner of the land, land planners, architects, landscape architects or others having training or experience in Subdivision planning or design.

2. Owners Statement

Every such Plat or deed of dedication to which the Plat is attached, shall contain in addition to the professional engineer's or land surveyors certificate, a statement as follows:

"The platting or dedication of the following described land *(here insert a correct description of the land subdivided)* is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any."

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The statement shall be signed by such Persons and duly acknowledged before an officer authorized to take acknowledgments of deeds, and when thus executed and the Final Plat approved by the Administrator as herein specified, shall be filed and recorded in the Office of the Clerk of the Circuit Court of Loudoun County, and indexed under the names of the landowners signing such statement and under the name of the Subdivision.

3. Reference to Established Controls

The bearing and coordinate values on all Plats shall be referenced to the Virginia State Grid Control Monument for Purcellville. At least three grid tics with coordinate values shall be on all sheets.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.3 SUBDIVISION PLAT

1. Submission Requirements

A complete application for approval of a Subdivision Plat for a proposed Development shall be submitted to the Zoning Administrator as set forth below. A complete application shall include the following:

- a. A completed Subdivision application form
- b. Four copies of the proposed Subdivision Plat in accordance with the submission requirements set forth in Section 2.4
- c. A completed Subdivision Plat checklist, signed by the engineer/plan designer
- d. A compact disc containing a digital copy of the Subdivision Plat in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) along with digital copies of any associated information submitted by the Subdivider in JPEG, PDF, DXF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Zoning Administrator.
- e. Subdivision Plat review fee

2. Pre-submission Conference

A Subdivider or engineer should consult with the Administrator in a pre-submission meeting prior to submitting the plans for review. A fee shall be paid in accordance with the adopted Development Fee Schedule prior to the meeting. The Administrator may, at the pre-submission meeting, review a plan for completeness

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and offer suggestions however, it is the intent of this conference for the Administrator and the Subdivider or engineer to meet before the design of the Plats has been completed so that any issues may be adjusted prior to final engineering and submission.

3. Submission of Plans Required

Four (4) black-line or blue-line copies of a Subdivision Plat, and all associated documents as set forth in this chapter, shall be submitted with a fee as determined by the Development Fee Schedule to the Administrator for review. This Plat shall be prepared by a surveyor or civil engineer, as required by Section 15.2-2262 of the Code of Virginia 1950 as amended. It shall be substantially in accordance with the applicable Ordinances and Codes of the Town of Purcellville. The application shall not be accepted by the Administrator unless it is substantially complete. This shall be primarily determined by the contents of the Subdivision Plat submission checklist which shall be completed, and signed, prior to submission of the Plat. If the checklist has not been completed, the plan shall be immediately rejected.

4. Compliance with Submission Requirements, Distribution

Upon receipt of the Plats, Construction Plans and all documents and requirements as specified in this Ordinance, the Administrator shall determine if the Plat and associated documents meet the minimum submission requirements. Applications which are deemed incomplete shall not be accepted until deficiencies have been properly addressed. Once certified that the Plats and associated documents are in order, the Administrator shall request as many additional copies as necessary to allow the Plats and associated documents to be forwarded to the appropriate review agencies and the Town consulting engineers for comments and recommendations. The Administrator's determination that a Subdivision Plat application qualifies to be officially submitted shall not be deemed a determination that the Plat meets requirements for approval. Such approval of the Subdivision Plat shall only be given by the Administrator subject to the standards set forth in this Section after the procedural requirements for review and responsive comment have been met.

5. Referral of an Application to Review Agencies

Once an application for Subdivision Plat approval has been submitted and accepted, the Administrator shall forward the Plat and related information to the following review agencies as necessary:

- a. Department of Public Works
- b. The consulting Town Engineer (contract engineer)
- c. The Virginia Department of Transportation

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- d. Loudoun County Department of Building and Development
- e. Loudoun County Fire and Rescue
- f. Loudoun County School Board

6. Detailed Staff Review of Application

The Administrator shall coordinate the review by referral agencies. The Administrator shall report, in writing, those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

7. Zoning Administrator Action

Within sixty (60) days after the official submission of the Subdivision Plat, the Administrator shall approve such Plat, to be evidenced by his signature, provided that the requirements and provisions of all applicable Codes and Ordinances and the provisions of the Facilities Standards Manual, are met. Such approval shall be certified by the Administrator on at least five copies of the drawing. Two duplicate drawings shall be retained by the Department of Community Development and two copies shall be retained by the Department of Public Works, the others shall then be returned to the Subdivider for distribution to interested parties.

If such requirements are not met, the Administrator shall not approve such Plat. Specific reasons for disapproval shall be set forth in writing and shall identify deficiencies in the Plat which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify modifications or corrections as will permit approval of the Plat.

8. Waiver of Required Action

The required time for action by the Administrator may be waived for a period agreed to by the Subdivider and the Town if such waiver is agreed to in writing by the Subdivider and the Town setting forth the reasons for the waiver and a time frame for action on the Subdivision Plat.

9. Recordation of Subdivision Plat

Unless a Plat is filed for recordation within six months after final approval thereof, such approval shall be withdrawn and the Plat marked void and returned to the Administrator; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the Administrator, or where the Subdivider has furnished surety to the Administrator by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for Plat recordation

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shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the Administrator, whichever is greater.

10. Validity of Subdivision Plat Approval

After approval of a Plat by the Administrator, construction shall begin within five (5) years, or the Plat shall be considered void. Construction shall be defined as to include the placing of construction materials in permanent position and fastened in a permanent manner and work carried on diligently. Where excavation or demolition or removal of an existing Building has been substantially begun or prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. If a Subdivider records a Final Plat which may be a section of a Subdivision as shown on an approved Preliminary Subdivision Plat and furnishes to the Administrator a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the Town, the Commonwealth, or other public agency, the Subdivider shall have the right to record the remaining sections shown on the Preliminary Subdivision Plat for a period of five years from the recordation date of the first section.

11. Request for the Assignment of Building Numbers

Prior to approval of the Plat and any related performance agreements and surety, the Subdivider shall submit a request for assignment of building numbers (addresses). Location and building permits shall be issued in accordance with the approved Plat following the assignment of building numbers (addresses).

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.4 SUBMISSION REQUIREMENTS

All Subdivision Plats shall provide all the information necessary to show conformance with this ordinance.

1. Waiver of Minimum Submission Requirements

The Administrator shall have the authority to waive certain submittal requirements for Plats, if it is determined such information is not necessary for the review and approval of the Plat and that not providing such information will in no way affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Town of Purcellville Zoning Ordinance or Land Development and Subdivision Control Ordinance. Such waivers must be approved in writing by the Administrator prior to the submission of a Plat for review by the Town.

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2. Minimum Submission Requirements

The following information must be provided prior to Plat approval.

- A. The Plat shall be drawn to a legible scale. The Plat shall be submitted on sheets eighteen (18) inches by twenty-four (24) inches in size, including a margin of one-half (1/2) inch outside ruled border lines. If the Subdivision is shown on more than one sheet, the sheet number, total number of sheets and Subdivision name shall be shown on each sheet and match lines shall clearly indicate where the several sheets join.
- B. Unless a waiver is approved, as authorized per section 2.4.1 of this Article, all applications for Subdivision Plat approval shall contain the following information:

(1) General Information:

- a. Name of the proposed Subdivision. Subdivision names shall not duplicate nor too closely approximate those of existing Subdivisions within the corporate limits.
- b. Location of proposed Subdivision.
- c. Name and addresses of all Owners of record and all applicants.
- d. Names of any holders of Easements or liens affecting the Plat.
- e. Names, addresses, signatures, and registrations of professionals preparing the Plat.
- f. Loudoun County tax map and parcel number, parcel identification number (PIN), deed book and page number or instrument number.
- g. Existing Zoning with a note which indicates that this information is provided for the zoning at the time the Plat is approved; any special use permit conditions, proffered conditions, waivers, or variances shall be submitted with the Plat.
- h. Date the Plat was drawn and date of any subsequent revision.
- i. Number of sheets.
- j. Graphic scale of the Plat.
- k. A North Arrow and a vicinity map (at a legible scale).

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- l. Names of adjoining landowners (including those located across adjoining rights-of-way), existing zoning and use of all adjoining properties (with a note which indicates that the information if provided at the time the Plat is recorded), names of adjoining Subdivisions, Streets, roads, municipalities, PIN, tax map and parcel number or other pertinent references.
- m. Plats for properties located within the corporate limits shall contain the following language regarding the availability of water and sewer: "Issuance of zoning permits shall be subject to payment of water and sanitary sewer connections."
- n. Gross acreage of the Subdivision, to the nearest one-thousandth of an acre, and the acreage remaining in the original tract, if any.
- o. Number of Lots proposed.

(2) Project Tabulations:

- a. Average Lot size of the proposed Development
- b. Proposed area in Lots
- c. Proposed area in common open space or public open space
- d. Proposed area in right-of-way dedications or Streets
- e. Open space as a percentage of the gross acreage.

(3) Existing Site Conditions:

- a. Exact location of all existing Streets, roads, Alleys, or other public spaces and Easements within or adjoining the Plat, with their names and widths and the lengths and bearings of all tangents, lengths of arcs, radii, internal angles, points of curvature, and any other necessary engineering data.
- b. Exact location of all existing utilities, water courses (such as streams, rivers, ponds, or lakes), and any other significant feature.
- c. Location of existing Buildings and parking areas on the parcel(s) proposed for Subdivision, as requested by the Administrator when such Buildings or parking areas are impacted by the proposed Subdivision or may be rendered non-conforming if the proposed Subdivision is approved. Buildings or parking areas to be removed should be labeled as such.

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- d. Topographic contours with a maximum contour interval of five (5) feet, intervals based on sea-level datum, submitted on a sheet marked "Not for Recordation," if the topographic contours have not already been shown on an approved Preliminary Plat or Construction Plans.
- e. Accurate location of Town Corporate Limit Line, if within or closely related to the Subdivision.
- f. Accurate locations and descriptions of all monuments.
- g. Locations of existing 100-year flood plains, and slopes in excess of 25% as measured over a ten-foot interval.

(4) Proposed Site Conditions:

- a. Boundary lines of the proposed Subdivision (shown by the heavy line), and the acreage therein, all existing property lines within the tract with the names of such Owners. Boundaries of the Subdivision shall be shown with accurate dimensions and bearings, and the acreage included, as well as the boundaries and acreage of any separately owned parcels comprising the land being Subdivided. The boundary survey shall have an error of closure within the limits established by the Commonwealth of Virginia. All dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot and all bearings in degrees, minutes and seconds. Monuments and iron pipes shall be noted and set when required by this ordinance.
- b. Locations, dimensions, and names of all proposed Streets, roads, Alleys, or other public ways or areas, with grades and profiles if required by the Administrator because of topography, with their names and widths and the lengths and bearings of all tangents, arcs, and any other necessary engineering data as determined by the Administrator.
- c. Locations and dimensions of proposed Lots, to include Lot area, with Lot and block numbers. Proposed deed restrictions and covenants shall be outlined.
- d. Locations and dimensions of all proposed Easements and any proposed vacations or alterations to existing Easements.
- e. Locations, dimensions and type (common or public) of proposed open spaces within the Subdivision. Where common open space is proposed, the application shall comply with the applicable submission requirements of the Purcellville Zoning Ordinance.

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- f. Locations and descriptions of proposed utilities, including drainage facilities, and locations of proposed connections to existing water lines, sanitary sewer lines and storm drainage structures when requested by the Town's Department of Public Works. This information may be provided on a sheet marked not for recordation.
- C. It shall provide space for the following, with signatures and dates:
 - i. Statements by the landowner, proprietor or trustee, if any, including dedication of land for public use, with signatures acknowledged, all as required under Section 15.2-2264 of the Code of Virginia 1950 as amended.
 - ii. Certificate by the surveyor or professional engineer.
 - iii. Approval by Administrator and the appropriate agent of another jurisdiction where applicable.
- D. It shall conform in all other respects to the requirements of Article 7, Section 15.2-2240 through 15.2-2276, inclusive, and Section 42.1-82 of the Code of Virginia, 1950 as amended.

3. Revisions or Resubmissions

The applicant may revise and resubmit an application and fee for Plat review after said Plat has been disapproved by the Administrator. The resubmitted Plat application shall be reviewed and processed in accordance with the procedures used for the initial Plat submission. An applicant may also submit an approved Plat for revision with appropriate fee and the revised Plat will be reviewed in accordance with the procedures used for the initial review.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

2.5 PRELIMINARY PLAT OPTION

1. Request for Preliminary Plat Option

The Administrator may, in his/her discretion, permit a Subdivider to submit a Preliminary Plat. The Subdivider shall request in writing permission from the Administrator to submit a Preliminary Plat. The request for permission will be accompanied by a statement of justification addressing, among other things, the following criteria: the availability of Town water and sanitary sewer services, the size of the proposed Subdivision and the desirability of phasing the development of the proposed Subdivision.

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2. Preliminary Plat

If the Administrator approves the request to submit a Preliminary Plat for a proposed Subdivision, the Subdivider shall make application to the Town. A complete application shall include the following:

1. A completed Subdivision application form
2. Four copies of the proposed Preliminary Plat which shall be a boundary survey of the entire property and shall show the following information:
 - A. Exact location of all existing and proposed Streets, roads, Alleys, or other public spaces and Easements within or adjoining the Plat, with their names and widths and the lengths and bearings of all tangents, lengths of arcs, radii, internal angles, points of curvature, and any other necessary engineering data.
 - B. Exact location of all existing or proposed utilities, water courses, Buildings, wooded areas, and any other significant feature.
 - C. Topographic contours on at least a contour interval of five (5) feet, intervals based on sea-level datum.
 - D. Locations, dimensions, and names of all proposed Streets, roads, Alleys, Easements, or other public ways or areas, with grades and profiles if required by the Administrator because of topography.
 - E. All proposed Lots within the proposed Development and their acreage/square feet
3. A completed Subdivision Plat checklist, signed by the engineer/plan designer
4. A compact disc containing a digital copy of the Preliminary Plat in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) along with digital copies of any associated information submitted by the Subdivider in JPEG, PDF, DXF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Zoning Administrator.

5. Preliminary Plat review fee

The Preliminary Plat shall be drawn with heavy solid lines to indicate the boundary of all sections proposed for the overall Subdivision. Each section is to be numerically labeled. The Zoning Administrator shall perform a review of the plans to ensure conformance with all applicable standards and criteria, conformance with any proffers and other applicable documents. If the Administrator determines that

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the Preliminary Plat is acceptable, the Administrator shall request as many additional copies as necessary to allow the Plat and associated documents to be forwarded to the appropriate review agencies set forth in Section 2.3.5.

3. Detailed Staff Review of Application

The Administrator shall coordinate the review by referral agencies. The Administrator shall report, in writing, those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

4. Zoning Administrator Action

The Administrator shall act on any proposed Preliminary Plat within sixty (60) days after the Plat has been officially submitted for approval. The Administrator shall either approve or disapprove such Plat giving its specific reasons in writing for disapproval. Specific reasons for disapproval may be contained in a separate document or may be written on the Plat itself. The reasons for disapproval shall identify the deficiencies in the Plat which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall generally identify such modifications or corrections as may permit approval of the Plat. If only minor changes are required, a conditional approval may be granted or an extended time may be given the Subdivider for submission of a revised Plat. Such approval shall be certified by the Administrator's signature on the Plat. One duplicate drawing shall then be returned to the Subdivider. Approval of the Preliminary Plat shall be valid for one (1) year, during which time the Final Plat may be submitted. Approval of the Preliminary Plat may, at the discretion of the Administrator, be extended for an additional period of one (1) year upon application for such an extension.

5. Waiver of Required Action

The required time for action by the Administrator may be waived for a period agreed to by the Subdivider and the Town if such waiver is agreed to in writing by the Subdivider and the Town setting forth the reasons for the waiver and a time frame for action on the Preliminary Plat.

6. Partial Plats or Sections

A Subdivider with a valid Preliminary Plat may submit final partial Plats or sections to the Town for review in accordance with the approved section plan on the Preliminary Plat. The final partial Plat or section shall be submitted in accordance with Section 2.3 and shall be reviewed in accordance with Section 2.4.

Detailed Construction Plans for Streets, water and sewer service, landscaping and other infrastructure requirements shall be reviewed and commented on by the Director of Public Works, the Department of Community Development, the Virginia

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Department of Transportation and Loudoun County Department of Building and Development, as applicable. Once approvals are issued by the appropriate officials of each reviewing agency the section shall be submitted to the Administrator for final review and appropriate action. The Administrator shall take action to approve, approve with modifications or disapprove. The Administrator shall provide a written explanation of a disapproval or approval with modifications.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.6 CONSTRUCTION PLANS REQUIRED

Construction Plans illustrating the required public service improvements shall be submitted to Zoning Administrator at the time of submission of a Subdivision Plat or anytime after the approval of a Preliminary Plat, if applicable. Such drawings shall be referred to the reviewing agencies as noted in Section 2.3.5 above. These construction drawings shall include but not be limited to the following:

- Street plan and profile
- Water line plan and profile
- Sewer line plan and profile including lateral lines
- Erosion control
- Stormwater management
- Landscaping plan
- Typical details

These plans shall be reviewed in conjunction with the Plat review and shall be submitted jointly for final approval to the Administrator together with the estimated cost of all public improvements including erosion control, storm water management and landscape design implementation.

These plans shall be prepared in accordance with the Facilities Standards Manual for the Town of Purcellville, applicable VDOT standards and the applicable standards contained in this Ordinance and the Zoning Ordinance for the Town of Purcellville.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.7 PERFORMANCE BOND

All physical improvements required by this ordinance must be constructed prior to the recordation of the Plat, unless the applicant submits a construction agreement, performance bond and surety or a letter of credit as described in Article 4.

The following procedures apply:

- a. Construction drawings for physical improvements must be submitted to the Administrator for approval in accordance with Article 4 of this ordinance.
- b. No improvements shall be constructed until the Construction Plans have been approved as set forth above.
- c. Prior to the release of the Final Plat for recordation, the applicant shall have completed all public improvements or have posted a performance bond as required by Article 4.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.8 CONSTRUCTION PLANS – APPROVAL/DISAPPROVAL

After receiving comments from the reviewing agencies and the appropriate response from the applicant, the reviewing agencies shall issue a written approval of the plans when all issues are addressed and all ordinance requirements satisfied. The Zoning Administrator shall then approve the plans. The Administrator shall have a period of sixty (60) days from the official submission to act on the Construction Plans.

The Administrator may act to approve or disapprove the plans, based upon the approvals or disapprovals of the reviewing agencies and any comments or ordinance requirements which remain unaddressed by the applicant. If the Administrator recommends disapproval, a written statement shall accompany the action setting forth the reasons for disapproval. The applicant may modify his plans to meet the objections of the Administrator and resubmit the plans for final action. The Administrator may then approve or disapprove the plans. If the Administrator disapproves the plans, a statement in writing must accompany the disapproval or the reasons may be written on the plan. If significant modifications are required to meet the objections of the Administrator, a resubmission shall commence with a referral to the reviewing agencies as appropriate.

Plan approval shall be contingent upon compliance with all applicable ordinances. Once Construction Plans are approved, such approval shall be reflected on the cover sheet of the Construction Plans in the designated approval box with the signature of the mayor and the date of approval.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.9 APPROVAL – PERIOD FOR WHICH VALID

Construction Plans approvals are valid for a period of five years from the date of the approval action of the Administrator. One extension of one (1) year may be granted if conditions have not changed since the original approval. The plans will reflect the extension with the date of action granting the extension.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.10 BOUNDARY LINE ADJUSTMENTS

1. Boundary Line Adjustment - Criteria

The relocation, alteration or adjustment of the boundary line of any Lot or parcel of land that is part of an otherwise valid and properly recorded Plat of Subdivision or re-Subdivision shall not be considered a Subdivision thereof, if such adjustment meets the following criteria:

- a. Such adjustment does not involve the relocation or alteration of Streets, Alleys, Easements for public passage or utilities or other public areas without the express consent of all Persons holding any interest therein; and
- b. The Plat or deed evidencing such relocation, alteration or adjustment is signed, acknowledged and recorded by the property Owners affected thereby as provided in Section 15.2-2264 of the Code of Virginia 1950 as amended.

2. Submission Requirements; Approval

Four (4) blueline or blackline copies of the Plat, a completed boundary line adjustment application form, and a compact disc containing a digital copy of the Plat in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) shall be submitted to the Zoning Administrator. The Plat shall show the relocation, alteration and adjustment with a clear delineation of the adjusted lines in bold outline with the former lines in light outline or dotted lines. Upon acceptance of the Plat as being in order, the Zoning Administrator shall evaluate the submission on the criteria set forth in section 2.4 above. If the submission complies with the criteria as set forth, the Zoning Administrator shall approve the Plat of Boundary Line Adjustment and sign and date the Plat in the approval box. If the Zoning Administrator disapproves the boundary line adjustment, a statement shall accompany the action of disapproval or the reasons for disapproval can be placed on the Plat.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.11 TRANSFERS, SALES AND ZONING PERMITS

No Lot or other portion of a proposed Subdivision shall be transferred or offered for sale until a Final Plat of such Subdivision shall have been recorded in accordance with this ordinance, pursuant to Section 15.2-2254 of the Code of Virginia 1950, as amended.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.12 PLAT VACATION

Any Plat of Record may be vacated in accordance with the provisions of Section 15.2-2272 of the Code of Virginia 1950, as amended.

(Amended by Ord. No. 13-12-02, December 10, 2013)

2.13 HOLD HARMLESS

On every Record Plat, the following statement should be included on the Title Page:

Hold Harmless Statement: Approval of this subdivision does not guarantee provision of water or sewer by the Town of Purcellville.

(Amended by Ord. No. 13-12-02, December 10, 2013)

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ARTICLE III

DESIGN STANDARDS AND REQUIREMENTS

In the design of Subdivisions and Site Plans, the following standards and requirements shall be observed, except as otherwise provided herein.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.1 SITE ANALYSIS

An analysis shall be made of the characteristics of the Development site, such as geology and soils; topography; climate; existing vegetation, structures and road networks and visual features.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.2 SUBDIVISION DESIGN

1. Comprehensive Plan

Design of the Subdivision shall take into consideration all Town and County plans for the site and surrounding area.

2. Compatibility with Site Analysis

The design of the Subdivision shall be in harmony with the natural features and constraints of the site as identified in the site analysis. Design of the site shall preserve the natural features of the site to the maximum extent possible, to minimize if not avoid impact on identified environmental features as identified in the Comprehensive Plan for the Town of Purcellville.

3. Open Space

The following areas shall be preserved as undeveloped open space to the extent consistent with the reasonable use of the land and in accordance with applicable State and Town regulations:

- a. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972 and field verification by on-site inspection;
- b. Floodplain as defined by the Federal Emergency Management Agency of the Floodplain Map of Loudoun County for the Town of Purcellville;

- c. Slopes in excess of twenty-five (25) percent as measured over a ten (10) foot interval unless appropriate measures are taken concerning slope stability and erosion.

4. General Standards

The Development shall be designed to reduce cut and fill; avoid unnecessary impervious surfaces; prevent flooding; provide adequate access to Lots; and mitigate adverse impacts on adjacent land.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.3 ROADWAYS, STREETS AND ALLEYS

1. Public Street Standards

- a. Streets shall conform to any official plan of the Town and as required by the Planning Commission.
- b. Streets shall connect with existing Streets and shall provide access to adjoining Subdivisions.
- c. Streets shall intersect as nearly as possible at right angles, and jogs or offsets shall be avoided.
- d. So far as possible, Streets shall conform to natural contours and shall provide for good drainage. Grades shall not be less than one-half (1/2) of one (1) percent nor more than five (5) percent unless a modification is approved by the Town.
- e. Streets shall have the following minimum right-of-way width unless otherwise modified by the Planning Commission.
 - 1. Local residential Streets: 50 feet
 - 2. Other residential Streets, all business Streets and highways: 60 feet or more, according to potential traffic requirements, or as may be designated on any official master plan for the area concerned, or any officially adopted highway widening plan.
- f. Dead-end Streets are to be no more than 1200 feet long. All dead-end Streets shall be provided with a turn-around at the end, having a radius at the property line of at least fifty (50) feet for a maximum length of 1250 feet from the flow-line of gutter at the entrance to the property line at the radius of the cul-de-sac.

- g. Street names shall not duplicate nor be similar to the names of existing Streets or Private Roadways in or near Purcellville, unless they are extensions thereof. All Street names shall be subject to approval by Loudoun County.

2. Private Roadway Standards

- a. Private Roadways may be created in any Subdivision or Development. Private Roadways shall include: private roads, townhouse accessways, private access easements, common parking courts, and Alleys.
- b. An Owners' Association shall be created and funded to guarantee the maintenance of any newly created Private Roadway, except private access easements.
- c. Private roads, townhouse accessways, and Alleys may be constructed only in accordance with the standards and requirements set forth in the Town Facilities Standards Manual. Private access easements and common parking courts may be constructed only in accordance with the standards and requirements set forth in this Ordinance.
- d. Private Roadway names shall not duplicate nor be similar to the names of existing Streets or Private Roadways in or near Purcellville, unless they are extensions thereof. All Private Roadway names shall be subject to approval by Loudoun County.
- e. If Private Roadways are proposed in a Subdivision or Development that do not meet VDOT standards, the following note shall be included on all plans and Plats associated with the Private Roadways:

“The private roadways in this development do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by VDOT or the Town of Purcellville, and are not eligible for rural addition funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board.”

- f. If Private Roadways are proposed in a Subdivision or Development that are constructed to VDOT standards, but are not intended for inclusion in the system of state highways, the following note shall be included on all plans and Plats associated with the Private Roadways:

“The private roadways in this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or the Town of Purcellville, and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board.”

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.4 PRIVATE ACCESS EASEMENTS

1. Limitation

Private access easements designed and constructed in accordance with the standards in Section 3.4.2 may serve as frontage in lieu of a public Street for a maximum of three (3) Lots in any Subdivision or re-Subdivision.

2. Minimum Standards

Private access easements shall conform to or exceed the following minimum standards:

- a. The width of any such Easement shall be at least fifteen (15) feet.
- b. No structure of any kind shall be erected closer than ten (10) feet from the nearest point of the Easement to the structure.
- c. Roadway construction on Easements shall meet the following minimum standards:
 - Graded Width: 12'
 - Travelway Width: 10'
 - Travelway Construction: 6" crushed stone

3. Hold Harmless Statement

For any Subdivision or Development of a tract or land involving a private access easement, or other designated right-of-way which is to be privately maintained, the Plats, plans and deed record for the Subdivision or Development and for the Lot served by such Easements shall contain the following statement:

“The access serving this Lot is private and its maintenance, including snow removal, is not a public responsibility. It shall not be eligible for acceptance into the State Secondary System for maintenance unless it complies in all respects to the standards and criteria of the Virginia Department of Transportation for the acceptance of such Streets at the current time of such request. Any costs associated with making this Street eligible for addition to the State Secondary System shall come from funds other than from the Virginia Department of Transportation and the Town of Purcellville.”

4. Recordation of Agreement

An agreement, in proper form, shall be recorded in the land records of Loudoun County and reflected in the chain of title of such Lot in order to set forth that the construction, repair and maintenance of the roadway connecting such Lot to the public road is not the responsibility of the Town or the State and to set forth legally binding responsibilities for the parties who are responsible for construction, repair and maintenance, including snow removal, and all pertinent details. The agreement shall be between the Owner of the Lot, the contract purchaser and other parties, if pertinent to the purpose of the agreement.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.5 BLOCKS AND LOTS

1. Length of Blocks

Length of blocks shall not exceed 1,200 feet in length.

2. Configuration Compatible with Location and Ordinance

The Lot area, width, depth, shape and orientation shall be appropriate for the location of the Subdivision and for the type of development and use contemplated and in accordance with the zoning ordinance requirements. Lots shall not contain peculiarly shaped elongations or other distortions of Lot configuration solely to provide the necessary square footage of the area which would be unusable for normal purposes. Lots shall have at least the minimum areas specified in the Zoning Ordinance of the Town of Purcellville.

3. Lot Width and Depth for Townhouse Development

In any townhouse Development, the minimum Lot Width shall be no less than twenty (20) feet and the minimum Lot Depth shall be not less than one hundred (100) feet. Each group of townhouses shall have at least fifteen (15) feet of side yard.

4. Corner Lots

Corner Lots shall have extra width to allow for extra side yards on the Street or Private Roadway sides as well as the dual front yard requirement.

5. Measurement of Lot Width

Lot Width shall be measured at the Building Restriction Line. The Building Restriction Line is determined as that dimension prescribed by the zoning ordinance as the minimum front yard requirement.

6. Lot Line Orientation

Lot lines should to the extent possible be perpendicular to the Street or Private Roadway line.

7. Double Frontage Lots

Lots may have double frontage on Streets or Private Roadways provided that where the rear property line abuts a main Street or highway, an additional ten (10) foot buffer strip will be provided along the main Street or highway without the right of access across such buffer strip.

8. Lot Length/Width Ratio

Except for townhouse Developments, Lot Depths shall not exceed two and one-half (2 1/2) times the Width of the Lot.

9. Frontage Required

Every Lot shall front on an approved Street or Private Roadway.

10. Building Restriction Lines

Building Restriction Lines or Building Setback Lines shall be established along all Streets or Private Roadways and shall be shown on all Plats. In no case shall such Building lines be less than as required by the zoning ordinance.

11. Easements for Storm Water Drainage

Where a Subdivision is traversed by a stream or other natural drainage way, the Town Council may require an Easement for storm water drainage or for the construction of storm water drainage structures.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.6 DWELLINGS ABUTTING COMMON PARKING COURTS

1. Criteria for the Establishment of Common Parking Courts

The Town Council may approve Subdivision and Site Plan applications with common parking courts provided that all the design standards as prescribed by this ordinance, the Facilities Standards Manual and the zoning ordinance are satisfied and the Council determines that:

- a. The Development design will provide a greater amount of usable open space than if a public road section were required.
- b. Perpetual maintenance of the common parking court by an Owners' Association or other approved entity is guaranteed through appropriate legal instruments.
- c. The common parking courts will provide adequate and convenient parking for all residents and their guests (adequate shall be deemed to mean a minimum number of spaces as required by the zoning ordinance).
- d. The Development design will not conflict with any future road extensions identified on the comprehensive plan for land use, transportation and community facilities.
- e. Use of the common parking courts will not conflict with the requirement for an adequate network of through Streets in the surrounding area.

2. Standards for Common Parking Courts

- a. Minimum acreage: A minimum of two (2) acres shall be required for all Developments proposing the use of common parking courts.
- b. The following design standards shall be applied:
 1. Travelway widths shall not be less than twenty-five (25) feet, exclusive of any parking spaces, except when parallel parking is provided widths may be reduced to twenty-two (22) feet, exclusive of any parking spaces.
 2. No common parking court shall be located closer than twenty-five (25) feet to any abutting residential zoning district or the Lot line of any residential property which is not directly served by the common parking court.
 3. The minimum centerline radius of the travelway shall be fifty (50) feet. The travelway must be able to accommodate a WB-40 design vehicle within the full travelway.
 4. Distance from public right-of-way: No common parking court may extend more than six hundred (600) feet from a public right-of-way, as measured along the travelway centerline.
 5. A minimum separation of one hundred (100) feet shall be provided between internal intersections with the travelway as measured centerline to centerline.
 6. The maximum grade for travelways shall not exceed nine (9) percent with provisions for a landing not exceeding five (5) percent.

7. Provisions shall be made for adequate drainage of travelways and parking areas in accordance with Virginia Department of Transportation standards and specification for drainage facilities.
- c. Traffic volume: No entrance to a common parking court shall serve more than thirty (30) dwelling units.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.7 TREE PRESERVATION AND LANDSCAPING

1. Existing Tree Cover

Existing tree cover within any proposed Subdivision or Development shall be preserved to the fullest extent possible and taken into account in the design of the grading and improvements of the property.

2. Retention of Healthy Trees

Every Development shall retain to the maximum extent possible all existing healthy trees at least six (6) inches in diameter measured at a point three (3) feet above the ground. Removal of healthy trees of at least a 6 inch diameter three feet above the ground shall occur only with the approval of the Town Arborist.

3. Limits of Clearing and Grading

Limits of clearing and grading shall be clearly shown on every plan of development.

4. Disturbance within Dripline Area

No excavation, embankment or other subsurface disturbance shall be undertaken within an area equal to one (1) foot of horizontal distance for every inch in diameter of any tree to be retained, and no impervious surface may be located within twelve and one-half (12 1/2) feet of any such tree.

5. Reduction of Parking for Tree Preservation

If the preservation of trees required in subsections 3.7.2 and 3.7.3 above involves an area that would otherwise be devoted to required parking and as a result the provision of required parking cannot be complied with, the number of parking spaces required may be reduced by the number of spaces lost up to a maximum of fifteen (15) percent of the required parking spaces.

(Amended by Ord. No. 13-12-02, December 10, 2013)

3.8 DRAINAGE

1. Adequacy of Drainage

Each Subdivision and Development shall provide for adequate drainage of stormwater. The drainage design shall comply with the standards contained in the Facilities Standards Manual and must account for onsite and offsite stormwater and convey the stormwater to an Adequate Outfall.

2. Discharge/Outfall

Concentrated stormwater runoff leaving a Subdivision or Development shall be discharged directly into a well-defined, natural or man-made off-site receiving channel or pipe.

3. Existing Drainageways

Existing natural drainageways shall be utilized for stormwater management facilities, where required. Best Management Practices (BMP's) are to be utilized as required where stormwater management facilities are located within existing watercourses and/or where stormwater detention facilities are deemed necessary. Controlling Urban Runoff - A Practical Manual for Planning and Designing Urban BMP's, by the Metropolitan Washington Council of Governments and the Northern Virginia BMP Handbook, A Guide to Planning and Designing Best Management Practices in Northern Virginia, prepared by the Northern Virginia Planning District Commission and the Engineers and Surveyors Institute (11-6-92) should be consulted to determine the most appropriate and effective design for a specific site. Standards and criteria applicable to the design of stormwater management facilities for a Subdivision or Development are those contained in the Facilities Standards Manual for the Town of Purcellville.

(Amended by Ord. No. 13-12-02, December 10, 2013)

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ARTICLE IV

PHYSICAL IMPROVEMENTS

4.1 CONSTRUCTION OF IMPROVEMENTS

1. Options for Required Improvements

The Subdivider/Developer shall have the following options for the construction of the required public improvements in accordance with Code of Virginia Section 15.2-2241, as amended.

- a. For applications with Preliminary Plat approval, the Subdivider/Developer may install any or all improvements as required by this ordinance and specified in the approved Construction Plans; or
- b. For applications with Final Plat or final Site Plan approval, the Subdivider/Developer prior to installation of any public improvements may post an agreement and a performance bond with the Town to guarantee the installation of all improvements as specified in the approved Construction Plans or Site Plan. The performance bond may be one of the following:
 - A letter of credit from a recognized financial institution.
 - A surety bond underwritten by a company approved in the State of Virginia.
 - A cash deposit.
 - Any other device approved by the Town Attorney.

2. Agreement and Performance Bond Approval Required

The agreement and performance bond shall be approved by the Town Attorney as to form and content.

3. Authorization of Subdivision Plat or Site Plan

Upon approval of the agreement and performance bond by the Town Attorney, the Zoning Administrator shall authorize by his signature the final Record Plat for recordation by the applicant/Developer or shall authorize by his signature the approval of the Site Plan.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 10-04-01, April 13, 2010; Ord. No. 13-12-02, December 10, 2013)

4.2 BONDING POLICY

1. Purpose

The purpose of the Bonding Policy is to obtain an acceptable guarantee of performance to assure the timely construction and completion of public and other required physical improvements in accordance with the approved Construction Plans or Site Plans, Town Facilities Standards Manual and applicable state code requirements. This policy may be amended from time to time by resolution of the Town Council. The Town is authorized to require bonds in conjunction with Subdivision/Site Plan approval, special use permits, proffer conditions or any other review procedure requiring the approval of the Town Council pursuant to Sections 15.2-2241-15.2246, 15.2-2286-15.2-2288, 15.2-2203, 15.2-2299 and 15.2-2309 of the Code of Virginia 1950, as amended.

Performance bonds shall be required for public and other physical improvements as shown upon approved Construction Plans and profiles for Record Plats and as shown upon approved Site Plans, including any improvements required by a special use permit or proffered conditions. Such improvements shall include, without limitation, road, curb, gutter, sidewalk, trails, storm drainage, traffic signalization and control, and any other site-related improvements required by Town of Purcellville Ordinances for vehicular ingress and egress, for public access roadways, for structures necessary to insure stability of critical slopes and for stormwater management facilities.

2. Agreement

An agreement, supported by surety, whose terms include any of the forms of performance guarantee identified in this section, will be required on all projects within the Town of Purcellville which obligate the Developer to construct required improvements in approved Subdivisions, Site Plans or other review plans in a timely manner.

- a. The maximum period of the initial agreement shall be 24 months. If construction of the subject project is not commenced within the initial Performance Agreement timeframe, the bond amount may require adjustment and subsequent reconsideration and review by the Town.
- b. The agreement shall be between the Developer and the Town of Purcellville. A required agreement format will be provided to all Developers for their use.
- c. Any and all forms of surety shall be equivalent to 100 percent of the estimated unit cost of construction of required improvements as specified by the Town, plus a Contingency Factor to cover administrative and engineering costs in the event of default and potential damage to existing roads or utilities, plus a percentage of such cost based on the rate of inflation at the time of filing of such

bond. The Inflation Factor should be equal to the annual percentage change in the Construction Index Code, as published weekly in the Engineering News Record. This Inflation Factor is to be applied over the life of the bond, using the equation $C(p)(I)(E) + E$; where P = the period of the bond (years); I = annual inflation factor; and E = the estimated cost of improvements, including engineering cost C = total bond value. The total amount of the Contingency Factor plus the Inflation Factor shall comply with State Code Section 15.2-2241.5.

- d. The performance of temporary siltation and erosion control obligations will be guaranteed separately from other public improvements and will be made between the Developer and Loudoun County.
- e. Where two or more sureties are provided in conjunction with one performance agreement, the agreement shall identify and incorporate each surety separately.

3. Bond Estimate

The Bond Estimate shall be prepared and sealed by a professional engineer or surveyor and submitted to the Town for approval.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 10-04-01, April 13, 2010; Ord. No. 13-12-02, December 10, 2013)

4.3 FORMS OF GUARANTEE

1. Corporate Surety Bond

This surety will be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia and will guarantee the full amount of the bond.

2. Cash Escrow

The face amount of the bond will be submitted to the Treasurer of the Town of Purcellville and deposited by the Treasurer to a separate account for Performance Bond Escrow.

3. Letter of Credit

A letter of credit meeting the following minimum conditions will be accepted.

- a. The lending institution must be insured by the Federal Deposit Insurance Corporation (FDIC) and shall have offices and license to practice banking in Virginia, Maryland or the District of Columbia unless otherwise agreed to by the Town Attorney.

- b. The performance agreement must expire a minimum of 6 months prior to the termination of the Letter of Credit. For example, a 12-month Performance Agreement requires an 18-month Letter of Credit. This 6-month requirement is in addition to the 6-month automatic extension that is required below.
 - c. The letter of credit shall contain the conditions of automatic renewal providing that the letter of credit will automatically be extended for additional periods of six months unless the Town Manager, or his designee, is notified in writing, by certified mail, with return receipt requested, at least ninety (90) days in advance of the present or future expiration date, that the issuing bank does not intend to extend such letter of credit.
 - d. All extensions of time of the performance agreement completion date will be granted only upon corresponding extension of the letter of credit expiration date to comply with Subparagraph b above.
 - e. The new letter of credit and/or time extensions are subject to all the minimum requirements outlined in items a. through d.
4. Extensions and Rebonding of Agreements; Defaults

Terms of the agreement, when default occurs and the procedure for extensions of the agreement are defined pursuant to 15.2-2309 of the Code of Virginia 1950 and prescribed as follows:

- a. Default. When a Developer enters into an agreement with the Town, all the necessary physical improvements must be completed within the period of time specified in the agreement. If the Developer acts, or fails to act, in a manner which could constitute a breach of the agreement or all the noted improvements are not completed within this time period and no extension has been obtained, or a replacement agreement and bond have not been submitted and approved with a new expiration date, the agreement will be deemed in default.
- b. Extensions. It shall be the sole responsibility of the Developer to keep the Performance Agreement current. Approximately sixty (60) days prior to the expiration of an Agreement, the Town Manager or his designee may review the project records to determine if the Developer has initiated the process for final bond release and to determine if the bond may reasonably be eligible for release within sixty (60) days. If it is determined that the project bond is not reasonably expected to be released within such sixty (60) days, the Developer and surety may be notified in writing, and may be required to provide for the extension of the Agreement and surety or security within such sixty (60) days. If the bond cannot be released or if no extension agreement and bond extension have been submitted in approved form by the agreement expiration date, the Agreement shall be in default.

- c. The Developer may make a formal request to the Town for an extension of the expiration date for a maximum of one (1) year. The Developer must indicate the reasons and conditions which have prevented him from completing the required physical improvements. The Developer must also have all sureties' written consent to the request, including corporate surety companies. All signatures must be notarized. The Developer shall be responsible for all consultant fees and bond extension fees as per Section 6.2.
- d. Where a Developer has requested an extension or a new agreement and surety, the Town Manager or his designee will review the reasons supplied by the Developer and prepare a written response to the request applying the following criteria:
 - 1. Percentage of project completion
 - 2. Number of homes completed, occupied and connected to public utilities
 - 3. Rate of construction activity
 - 4. Historical experience of Developer's ability to complete project public improvements in the Town and in other jurisdictions
 - 5. Current projected completion cost
- e. In the event that a response to the Town's warning concerning possible default is not received or in the event the project is deemed in default, the matter will be referred to the Town Attorney for guidance and appropriate legal action as may be deemed necessary.

5. Bond Reduction

The following standards shall apply for any request for a bond reduction:

- a. No more than three periodic partial releases will be granted within any twelve (12) month period.
- b. The cumulative amount of all bond reductions shall equal no less than ninety percent (90%) of the original bond value. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the facilities covered by the bond.
- c. The Developer must make a written request for each bond reduction to the Town and will pay the Town a fee for processing such reductions according to a fee schedule established by the Town Council. The Developer shall also be responsible for all consultant fees established by Section 6.2.

- d. Bond reductions for bonds held by Loudoun County must be processed and reduced in accordance with County bonding policy.

6. Bond and Agreement Release and Reduction Procedures

Procedures for improvements to be accepted by the Town, or other agency or for the release or reduction of a bond for any other reason are as follows:

- a. After all physical improvements, or those improvements for which a bond reduction is requested, are completed and a set of as-built plans, certified as to construction by a licensed engineer or surveyor, are submitted to the Town, the Developer must submit a written request to the Town for an inspection.
- b. A date will be set for a field inspection, and a punch list of those items requiring correction will be made. The Town shall notify the Developer of the items requiring correction or revision within thirty (30) days of receipt of the Developer's request for an inspection.
- c. If these punch list corrections are not completed by the Developer within thirty (30) days, the entire project may be subject to re-inspection.
- d. The Developer will notify the Town that he has completed the punch list items and desires final inspection. A date will be set for the final inspection by the Town with the Developer and representative of the receiving authority, if applicable.
- e. Final inspection will be made once the Developer has supplied all necessary Plats, quitclaims, as-built plans and other required items to the Town. Failure to supply these required items will necessitate rescheduling the joint inspection. The Developer shall be responsible for all consultant fees as per Section 6.2.
- f. If the final inspection indicates that any improvements, or parts thereof for which bond reduction is requested, are satisfactorily completed, the improvements bond may be replaced or supplemented with a maintenance bond. The value of such bond will be five percent (5%) of the original bond amount and shall be for a period of one (1) year from the date of completion of the project. Maintenance responsibility for the improvements will remain with the Developer until such time as the ultimate receiving authority accepts such improvements for maintenance.
- g. The Town will process all necessary items in order to schedule bond release or reduction.
- h. The Town Manager or his designee will be responsible for the release of or reduction of a bond and the approval of a maintenance bond. At this time, any

bonds or parts thereof applicable to the completed improvements will be released, or reduced as appropriate.

- i. Street construction and acceptance into the Virginia Department of Transportation (VDOT) Secondary System shall be subject to compliance with the following standards and procedures:
 - (i.) After all Streets, or that portion of the Streets for which a bond reduction is requested, are completed and, for fully completed projects, a set of as-built plans, certified as to construction by a licensed engineer, are submitted to the Town, the Developer must request in writing, to the Town that an inspection of such Streets in accordance with the Town of Purcellville's Street Acceptance Procedures be made. The Developer shall pay all consultant fees and any other fees as per Section 6.2 prior to the conveyance of the Streets to the Town and/or VDOT.
 - (ii.) Once it is determined that the Street qualifies for acceptance into the secondary system, the Town will formally by resolution request acceptance of the Street(s) into the secondary system for maintenance.
 - (iii.) Upon receipt of notice of formal acceptance of the Street(s) into the secondary system, any bonds or parts thereof, applicable to the completed Street(s), will be released.

(Amended by Ord. No. 10-04-01, April 13, 2010; Ord. No. 13-12-02, December 10, 2013)

4.4 IMPROVEMENTS REQUIRED

Such required improvements shall include the following:

1. Monuments

Monuments shall be located at all corners, angles and points of curvature in the Subdivision boundaries, in the right-of-way lines of all Streets and other public areas within the Subdivision, and in at least two points on each block. Such monuments shall be 4 inches in diameter and 2 feet in length, set in concrete with the top not less than 1 inch nor more than 4 inches above the finished grade. An iron pipe shall be set at the corners of each Lot.

2. Street Improvements

Street improvements shall be required on any Street not already in the State System of highways (primary and secondary). Improvements to any existing or proposed public Street shall be sufficient to qualify such Street for acceptance into the State System. Improvements to any existing or proposed Private Roadway shall meet the

specifications listed in the Town of Purcellville Facilities Standards Manual or this Ordinance.

3. Sidewalks

Sidewalks shall be required on both sides of each Street, whether in the State System or not, composed of concrete or brick not less 4 feet wide and shall be installed according to the specifications set forth the Facilities Standards Manual for the Town, except where trails are provided along Streets already within the State System, the composition may be asphalt as specified in the Facilities Standards Manual. Sidewalks shall only be required on one side of the Street if the Developer does not own or is not developing the opposite side of the Street. This does not relieve the Developer of the requirement of placing a sidewalk on property that he controls.

4. Drainage Features

Drains, culverts, curbs, gutters, ditches, catch basins or any other facility designed for proper drainage and disposal of surface waters shall be approved by the Director of Public Works in consultation with the Resident Engineer of the Virginia Department of Transportation.

5. Street Signs

Street signs, of an appropriate design approved by the Director of Public Works shall be located at all Street intersections.

6. House Numbers (Buildings)

Numbers of a minimum height of 4 inches shall be assigned and placed on all structures and houses in accordance with the provisions of the Facilities Standards Manual.

7. Street Lights

Street lights shall be installed in accordance with the specifications of the Facilities Standards Manual, the Virginia Department of Transportation and the Virginia Power Company once approved by the Administrator.

8. Water Supply

Water supply and distribution facilities, including fire hydrants, as approved by the Administrator shall be installed in accordance with the specification of the Facilities Standards Manual. Fire hydrants shall be installed in accordance with the Loudoun County Fire and Rescue standards (approximately one hydrant every 300 feet).

9. Sewage Disposal

Sewers and sewage disposal facilities shall be provided as required by Facilities Standards Manual after approval by the Administrator. No on-site disposal shall be permitted within the corporate limits of the Town.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

4.5 ROAD AND OTHER IMPROVEMENTS

1. Road Improvements

Whenever the need for reasonable and necessary road improvements on roads located outside the property limits of the land owned or controlled by a Developer is substantially generated or reasonably required by construction or improvement of the Developer's Subdivision or other Development project(s), the Developer may provide the funds for such off-site road improvements. In the event a Developer provides funding for off-site road improvements, the Town may agree to reimburse the Developer in accordance with and pursuant to the provisions of Section 15.2-2241 through 15.2-2246 of the Code of Virginia, 1950, as amended.

2. Water, Sewer and Other Improvements

Whenever reasonable and necessary sanitary sewer, storm sewer, water and other drainage facilities located outside the property limits of the land owned or controlled by a Developer are necessitated or required, at least in part, by the construction or improvement of such Developer's Subdivision or other Development project(s), the Town may require the Developer to pay a pro rata share of the cost of constructing such facilities, pursuant to and in accordance with the provisions of Section 15.2-2241 through 15.2-2246 of the Code of Virginia 1950, as amended.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

4.6 PLANS AND APPROVALS

1. Submission of Plans for Approval

Plans and specifications for all improvements, whether to be constructed before or after approval of a Plat or Site Plan, shall be submitted to the Department of Community Development for review and approval.

2. Required Review

Prior to review and approval by the Zoning Administrator, all such plans and specifications shall first be reviewed and a recommendation for approval or denial

issued by those agencies and parties designated by the Town to perform such review. These agencies include but are not limited to: the Virginia Department of Transportation, Loudoun County, the Town's consulting engineers and the Town staff.

3. Final Inspection

All improvements shall be subject to final inspection and approval by a duly designated representative of the Town. Upon such approval, the Developer shall convey all improvements to the Town of Purcellville, in fee simple, before release of any performance bond, surety, cash or letter of credit. Absent a Town of Purcellville inspection, the Developer must submit evidence of construction meeting Town approved standards.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

ARTICLE V

SITE PLAN REQUIREMENTS AND PROCEDURES

(Repealed and Reenacted by Ord. No. 08-07-01, July 8, 2008)

5.1 SITE PLAN REGULATIONS

1. Site Plan Required

- A. Any Developer of any tract of land in the Town shall submit a Site Plan for the following uses, unless granted a waiver in accordance with section 5.1.B below:
 - a. All uses in the commercial districts.
 - b. All uses in the industrial districts.
 - c. All uses in the institutional and public use district.
 - d. All single-family attached (townhouse) residential uses.
 - e. All Planned Housing Developments.
 - f. All uses permitted under a Special Use Permit.
 - g. Any Development in which any required off-street parking space is to be used by more than one establishment.
 - h. When an alteration or modification is proposed to the site improvements or design of a previously approved Site Plan.
 - i. When an existing residential structure is converted to a commercial use or a commercial freestanding structure previously vacated is to be occupied by another commercial use.
 - j. All public buildings and institutions.
 - k. All Buildings and uses subject to a Commission Permit under Section 15.2-2232 of the Code of Virginia 1950 as amended.
 - l. Any use noted as subject to Site Plan review in the Zoning Ordinance.
- B. Site Plan Waiver: Unless otherwise required by proffered conditions or development conditions of an approved rezoning, special use permit, special exception or variance, the following uses shall be eligible for a waiver from the requirement to provide a Site Plan or a minor Site Plan. Such uses, however, shall

still be subject to all other applicable provisions of this Ordinance, the Facilities Standards Manual and the Town Code.

- a. Agriculture and agricultural structures including farm stands.
- b. Accessory uses and structures such as statues, flagpoles, fences and walls; additions of ornamental features such as bay windows, chimneys, awnings, canopies or other facade improvements; and accessory storage structures for recycling or waste disposal.
- c. In existing open space areas or public parkland, recreational amenities which do not exceed a total of 2500 square feet of disturbed area, such as gazebos, benches and playground equipment; provided however, that this shall not include features such as swimming pools, paved tennis or play courts.
- d. Accessory service uses and changes in use to a use which has the same or lesser parking requirement than the previous use; this shall also be applied to uses approved under a special use permit.
- e. Signs.
- f. Home occupation uses
- g. Bus shelters.
- h. Additions and alterations to commercial or industrial uses provided that the addition/alteration does not exceed 500 square feet.
- i. Any use which does not require a Loudoun County Building Permit.

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.2 CONSTRUCTION, EROSION AND DRAINAGE CONTROL PLANS

1. Submission of Plans Required

Following action on or concurrent with the submission of the Site Plan, the Developer shall submit four (4) copies of the Construction, Erosion and Drainage Control Plans, and a compact disc containing a digital copy of the plans in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf).

2. Distribution for Review

Copies shall be submitted to the Administrator, who in turn shall distribute to all appropriate agencies for review.

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.3 SITE PLAN

A complete application for approval of a Site Plan for a proposed Development shall be submitted to the Zoning Administrator as set forth below. A complete application shall include the following:

1. A completed Site Plan application form
2. Four copies of the proposed Site Plan in accordance with the submission requirements set forth in Section 5.4
3. A completed Site Plan checklist, signed by the engineer/plan designer
4. A compact disc containing a digital copy of the Site Plan in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) along with digital copies of any associated information submitted by the Developer in JPEG, PDF, DXF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Zoning Administrator.
5. Site Plan review fee

1. Pre-submission Conference

A Developer or engineer should consult with the Administrator in a pre-submission meeting prior to submitting the plans for review. A fee shall be paid in accordance with the adopted Development Fee Schedule prior to the meeting. The Administrator may, at the pre-submission meeting, review a plan for completeness and offer suggestions however, it is the intent of this conference for the Administrator and the Developer or engineer to meet before the design of the plan has been completed so that any issues may be adjusted prior to final engineering and submission.

2. Submission of Plans Required

The Developer shall submit four (4) copies of the Site Plan to the Administrator for review along with all other documents specified in this Ordinance. The application shall not be accepted by the Administrator unless it is substantially complete. This shall be primarily determined by the contents of the Site Plan submission checklist which shall be completed, and signed, prior to submission of the Plan. If the checklist has not been completed, the plan shall be immediately rejected.

3. Compliance with Submission Requirements; Distribution

Upon receipt of the Site Plans, Construction Plans and all documents and requirements as specified in this Ordinance, the Administrator or agents thereof shall determine if the Site Plan and associated documents meets the minimum submission requirements. Applications which are deemed incomplete shall not be accepted until deficiencies have been properly addressed. Once certified that the plan and associated documents are in order, the Administrator shall request as many additional copies as necessary to allow the plan and associated documents to be forwarded to the appropriate review agencies and the Town consulting engineers for comments and recommendations. The Administrator's determination that a Site Plan application qualifies to be officially submitted shall not be deemed a determination that the plan meets requirements for approval. Such approval of the Site Plan shall only be given by the Administrator subject to the standards set forth in this Section after the procedural requirements for review and responsive comment have been met.

4. Referral of an Application to Review Agencies

Once an application for Site Plan approval has been submitted and accepted, the Administrator shall forward the plan and related information to the following review agencies as necessary:

- a. Department of Public Works,
- b. The consulting Town Engineer (contract engineer)
- c. The Virginia Department of Transportation
- d. Loudoun County Department of Building and Development
- e. Loudoun County Fire and Rescue
- f. Loudoun County School Board (residential only)

5. Detailed Staff Review of Application

The Administrator shall coordinate the review by referral agencies. The Administrator shall report, in writing, those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

6. Review Period without State Agency Referral

If the Administrator determines that there is not a need to distribute the Site Plan to a state agency for its review, the review by the agencies to whom the plan was referred shall be completed and returned to the Administrator within thirty (30)

days after the date on which the Site Plan was officially submitted. If an agency cannot respond within this thirty (30) day period, the agency shall so inform the Administrator, in writing, stating the reason for the delay and the expected date of the reply.

7. Review Period with State Agency Referral

If the Administrator determines that the Site Plan requires the review of a state agency, the review by such state agency shall be completed and returned to the Administrator within forty-five (45) days after the date on which the Site Plan was officially submitted. If the agency cannot respond within this forty-five (45) day period, the agency shall so inform the Administrator, in writing, stating the reason for the delay and the expected date of the reply.

8. Zoning Administrator Action

Within sixty (60) days after the official submission of the Site Plan, the Administrator shall approve such Site Plan, to be evidenced by his signature on the Site Plan, provided that the requirements and provisions of all applicable Codes and Ordinances and the provisions of the Facilities Standards Manual, are met. Such approval shall be certified by the Administrator on at least five copies of the drawing. Two duplicate drawings shall be retained by the Department of Community Development and two copies shall be retained by the Department of Public Works, the others shall then be returned to the Developer for distribution to interested parties.

If such requirements are not met, the Administrator shall not approve such Site Plan. Specific reasons for disapproval shall be set forth in writing and shall identify deficiencies in the Plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify modifications or corrections as will permit approval of the plan.

9. Waiver of Required Action

The required time for action by the Administrator may be waived for a period agreed to by the Developer and the Town if such waiver is agreed to in writing by the Developer and the Town setting forth the reasons for the waiver and a time frame for action on the Site Plan.

10. Validity of Site Plan Approval

After approval of a Site Plan, construction shall begin within five (5) years, or the Site Plan shall be considered void. Construction shall be defined as to include the placing of construction materials in permanent position and fastened in a permanent manner and work carried on diligently. Where excavation or demolition or removal of an existing Building has been substantially begun or prior to

rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

11. Request for the Assignment of Building Numbers

Prior to approval of the Site Plan and any related performance agreements and surety, the Developer shall submit a request for assignment of building numbers (addresses). Location and building permits shall be issued in accordance with the approved Site Plan following the assignment of building numbers (addresses).

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.4 SITE PLAN SUBMISSION REQUIREMENTS

All Site Plans shall provide all the information necessary to show conformance with this ordinance. The following standards must be met prior to Plat approval.

1. Minimum Approval Standards

The Site Plan shall be clearly and legibly drawn on numbered sheets 24" x 36" in size and shall include the following:

- a. Cover sheet showing vicinity map, Development name, cost estimates, proposed use of the property, names and addresses of the Owner of record and the Developer, names and addresses, signature and registration of the engineer or surveyor preparing the plan and the required signature approval blocks.
- b. General information including deed reference, tax map and parcel number, date plan was drawn and dates of any revision, vicinity map at a scale of 1" = 1,000' and existing zoning, boundary survey with an error of closure of not less than one in ten thousand, location and widths of existing rights-of-way, roadways, Buildings, watercourses, existing utilities, culverts and drainage outlets, and Easements.
- c. Names of all Owners of record of abutting properties, zone and use of all abutting properties.
- d. A statement of any proffers, variances, waivers, conditions or prior Subdivision granted, including any conditions resulting from any of such actions.
- e. Zoning requirements including the district, as well as the required and proposed minimum Lot size, floor area in square feet, maximum and proposed Building coverage expressed as floor area ratio (FAR), maximum and proposed Building height, open space in square feet, open space ratio, required and proposed Building Setback (Restriction) Lines for front, rear and sides, parking and setback lines and number of proposed and required parking spaces.

- f. Location of the 100 year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps or the Floodplain Map of Loudoun County and all overland watercourses and drainage structures within the proposed Development or within 200 feet of the Development.
- g. Location and dimension of existing driveways and access points to the site and within 200 feet of the site.
- h. Layout and details of all proposed Buildings, parking spaces, areas of ingress/egress, right of ways/Streets, Easements, sidewalks, sanitary sewer, storm sewers, water mains, curbs and gutter, including connections to existing water mains, sanitary sewer mains and storm drainage structures.
- i. Street and utility improvement plans shall consist of plan and profile drawn to a scale of not less than 1" = 50' horizontally and 1" = 5' vertically. The plan view of Streets shall include the location of all Streets, Lots, storm drainage, sanitary sewerage and water distribution systems.
- j. Details of standard Street sections and miscellaneous construction items, including street name signs and street lighting, shall appear on the sheets as well as any construction notes pertaining to the proposed improvements.
- k. Grading and drainage plans drawn at a scale of not less 1" = 50' showing the proposed Street and Lot layout including dimensions. The existing topography shall be shown at not less than a two foot contour interval. Proposed grading shall be shown by proposed contour lines. In addition, proposed elevations of the finished grade shall be shown at all Building corners, high points and low points, and all other appropriate locations necessary to accurately define the finished grade. Storm drainage pipes and structures with sizes and elevations shall be shown on the plans. Two benchmarks shall be indicated on the plans.
- l. Water, sanitary sewer and storm drainage calculations, with a statement of the basis of design of design and drainage area map showing individual and cumulative drainage areas tributary to each point of concentration shall be included.
- m. Location, type and dimensions of vehicular ingress and egress to the site, including sight distance at all entrances shall be included.
- n. Location, type, size and height of all fencing, screening and retaining wall shall be included with all necessary details for construction.
- o. All off-street parking and parking bays, indicating the type of surfacing, size and angle of stalls, widths of aisles and a specific schedule showing the number of

parking spaces provided and the number required according to the applicable Zoning Ordinance provisions.

- p. The number of floors, floor area ratio (FAR), height, exterior dimensions, location and proposed use of each Building and location of Building ingress and egress shall be indicated.
- q. Erosion and sediment control plans including all necessary measures and specifications so as to comply with the requirements of the Virginia Erosion and Sediment Control Handbook.
- r. A soils overlay map at a scale of not less than 1" = 200' with accompanying narrative.
- s. A landscape plan showing the location and type of all existing trees, identifying trees to be retained and those to be removed, and showing the location, type, number and size of all proposed plant material.
- t. A plan for the symmetrical transition at intersections with existing Streets and road edges.
- u. A Type II geotechnical report shall be submitted with all Site Plans. The report shall be prepared under the direction of and certified by a professional engineer licensed in the Commonwealth of Virginia with experience in geotechnical engineering. The report shall meet all the requirements for a Type II report as specified in the Town of Purcellville Facilities Standards Manual.
- v. When the Site Plan is in response to a special use permit, a traffic impact analysis shall be required prior to final Site Plan approval, unless waived by the Director of Public Works during the approval of the special use permit.
- w. Average Daily Trip (ADT) calculations for the current use and the proposed use.

2. Roadways, Sidewalks, Storm Drainage Designed to Standards

Roadways, sidewalks, storm drainage, curb and gutter shall be designed and constructed in accordance with the standards as prescribed by the Town of Purcellville's Facilities Standards Manual and the specifications of the Virginia Department of Transportation.

3. Water Systems Designed to Standards

Water systems shall be designed and constructed in accordance with the Town of Purcellville's Facilities Standards Manual and all applicable Virginia Department of Health regulations.

4. Sanitary Sewer Systems Designed to Standards

Sanitary sewers shall be designed and installed in accordance with the Town of Purcellville's Facilities Standards Manual and all applicable Virginia Department of Health regulations.

5. Accompanying Documents

If applicable, an unexecuted copy of the following documents, with a notarized statement of authenticity for each, shall be submitted:

- a. Proposed deed of dedication.
- b. Proposed road maintenance agreement if applicable.
- c. Proposed protective or restrictive covenants.
- d. Where land is to be dedicated to and held by an Owner's Association or similar organization, bylaws and other organizational documents shall be submitted for review.

6. Items to Accompany Initial Submission

The following items shall accompany the initial submission of the Site Plan:

- a. For applicable residential and commercial construction, a certificate from the Town Clerk or Town Treasurer confirming that any outstanding taxes have been paid and that the Town has approved the water and sanitary sewer connections. The applicant must purchase the necessary water and sanitary sewer availability and connection fees prior to the issuance of a zoning permit.
- b. A check payable to the Town of Purcellville for the required fees and other charges as may be applicable.

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.5 MINOR REVISIONS TO APPROVED SITE PLANS

- a. The Developer shall submit paper and digital copies of the amended Site Plan to the Administrator for staff review along with all other documents specified in this Ordinance and the Facilities Standards Manual. The Administrator may waive minimum submission requirements specified in this Ordinance provided that waiving said requirements is not detrimental to the applicant or the Town. The Administrator may require a greater or fewer numbers of copies of the amended Site Plan as it determines to be appropriate.

- b. Upon receipt of the amended Site Plans, and all documents and requirements specified in this Ordinance and the Facilities Standards Manual, the Administrator shall determine whether the amended Site Plan and documents comply with all applicable rules and regulations as specified above. If all plans and documents are in order, the amended Site Plan shall be deemed to be officially submitted, and the date of such official submittal shall establish the filing date. The Administrator's determination that an amended Site Plan application qualifies to be officially submitted shall not be deemed approval, which approval may only be given subject to the standards set forth in this Section after the procedural requirements for review and responsive comments have been met.
- c. Once an application for an amended Site Plan approval has been submitted, any Site Plan application submitted thereafter for the same property while the initial application is still pending shall be deemed withdrawal of the initial application.
- d. Within thirty (30) days after official submittal of the amended Site Plan, the Administrator shall approve such plan to be evidenced by his signature on the amended Site Plan, provided that the requirements and provisions of this Ordinance, the Facilities Standards Manual, and all other applicable ordinances have been met. If such requirements are not met, the Administrator shall not approve such amended Site Plan. Specific reasons for disapproval shall be set forth in writing and shall identify deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations or policies, and shall generally identify such modifications or corrections as will permit approval of the plan. Nothing herein shall be interpreted so as to preclude the filing of a new amended Site Plan for the same Development or property if no such appeal is pending.
- e. If the amended Site Plan proposes alteration of an existing structure, construction shall begin within one (1) year or the amendment to the Site Plan is void. If the amended Site Plan proposes to amend a currently valid approved Site Plan which construction has not yet been completed, the validity of the amended Site Plan shall be for the same period of time as the originally approved plan. The approved Site Plan amendment shall be deemed to merge with the original approved Site Plan, and that plan as amended shall be deemed the Site Plan, and shall be subject to the provisions of this Ordinance. "Construction" shall be defined as to include the placing of construction and materials in permanent position and fastened in a permanent manner and work carried on diligently. Where excavation or demolition or removal of an existing Building has begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.
- f. Prior to the approval of the Site Plan amendment and any related performance agreements and surety, the Developer shall submit a request for assignment of addresses as specified above, if applicable.

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.6. MINOR SITE PLAN

Where Site Plans are required under by this article, the Administrator may determine that the purposes of this ordinance and the public interest can be served by submission and approval of a minor Site Plan. Any project with less than 5,000 sq. ft. of land disturbance will be authorized for minor Site Plan approval unless it involves extensive or unusual engineering, as determined by the Administrator.

1. Application for a Minor Site Plan

In cases where the Administrator approves submission of a minor Site Plan, the following application process shall be required.

- a. A pre-application meeting between the applicant and the staff of the Department of Community Development shall be held.
- b. The applicant shall present at the pre-application meeting a sketch Site Plan showing:
 - i. Boundary lines of subject property;
 - ii. General layout design of proposed Development on a scale not smaller than one (1) inch equals fifty (50);
 - iii. General parking, open space, and landscape layout;
 - iv. Building setback lines; and
 - v. Zoning on subject and adjacent parcels.
- c. Following the pre-application meeting, a minor Site Plan may be submitted to The Department of Community Development at any time. An application for minor Site Plan shall be accompanied by:
 - i. A completed minor Site Plan application form
 - ii. Four copies of the proposed minor Site Plan in accordance with the requirements set forth below
 - iii. A completed minor Site Plan checklist, signed by the engineer/plan designer
 - iv. A compact disc containing a digital copy of the minor Site Plan in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) along with digital copies of any associated

information submitted by the Developer in JPEG, PDF, DXF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Zoning Administrator.

- v. Minor Site Plan review fee
- d. The minor Site Plan shall meet the following requirements and contain the following information unless waived or modified by the Administrator:
 - A. The boundary survey of the tract or Site Plan limit, north arrow, date, number of sheets.
 - B. The Owner's name and address and the place of record of the last instrument in the chain of title (including deed book and page number).
 - C. Existing and proposed Easements, their names, numbers and width, existing and proposed utilities of all types, water courses and their names, Owner, zoning and present use of adjoining tracts.
 - D. Location, type and size of ingress and egress of the site.
 - E. Location, type, size and height of all fencing, screening and retaining walls where required under the provisions of applicable ordinances.
 - F. 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 this Ordinance. All spaces shall have adequate space for moving and turning.
 - G. Number of floors, floor area, height and location of each Building, and proposed general use for each Building – if single family detached or multi-family, the number, size and type of dwelling units shall be shown.
 - H. Front elevations shall be shown to scale or other information sufficient to document proposed height of Buildings.
 - I. 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.
 - J. Adequate provision for the disposition of natural and storm water with respect to quality and quantity, where disturbance exceeds 3,000 square feet.
 - K. Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control

practices and measures which shall be implemented during all phases of clearing, grading and construction, where disturbance exceeds 5,000 square feet.

- L. 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.
- M. Proposed finished grading by contour supplemented where necessary by spot elevations.
- N. All horizontal dimensions shown on the Site Plan shall be in feet and decimals of a foot to the closest to one hundredth of a foot, and all bearings in degrees, minutes and seconds to the nearest ten seconds.
- O. A landscape design plan, if required by the Administrator.
- P. Site Plans for the expansion of an existing use on the same Lot or onto an adjacent Lot will show all existing facilities as well as those proposed.
- Q. The minor Site Plan shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger; no sheet shall exceed forty-two (42) inches in size.
- R. 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 size shall exceed forty-two (42) inches. Required floodplain limit studies be shown on profile sheets with reference to properties affected and centerline of stream.
- S. The Site Plan or any portion thereof, involving engineering, architecture, city planning, urban design, landscape architecture or land surveying, shall be prepared by persons qualified to do such work.
- T. Approval block on cover sheet for approving authority

2. Review of Minor Site Plan

Upon receipt of a minor Site Plan application the Administrator or his designated agents shall determine if the application materials meet the submission requirements. Applications which are deemed incomplete shall not be accepted until deficiencies have been properly addressed. Once certified that the plan and associated documents are in order, the Administrator shall request as many additional copies as necessary to allow the plan and associated documents to be forwarded to the appropriate review agencies and the Town consulting engineers

for comments and recommendations. The Administrator's determination that a Site Plan application qualifies to be officially submitted shall not be deemed a determination that the plan meets requirements for approval. Such approval of the Site Plan shall only be given by the Administrator subject to the standards set forth in this Section after the procedural requirements for review and responsive comment have been met. In reviewing the minor Site Plan, the Administrator may seek the advice, recommendation, or approval, as he deems necessary, of any Town, Loudoun County, or Commonwealth of Virginia agency or official.

3. Approval of Minor Site Plan

The Administrator shall have twenty-one working days from the date of official filing to approve, or deny the minor Site Plan. If the minor Site Plan is denied, reasons for denial shall be set forth in writing.

(Amended by Ord. No. 13-12-02, December 10, 2013)

5.7. PRELIMINARY SITE PLAN OPTION

1. Request for Preliminary Plan Option

The Administrator may, in his/her discretion, permit a Developer to submit a preliminary Site Plan. The Developer shall request in writing permission from the Administrator to submit a preliminary Site Plan for review. The request for permission will be accompanied by a statement of justification addressing, among other things, the availability of Town water and sanitary sewer services, the size of the proposed Development, and the desirability of phasing the proposed Development.

2. Preliminary Plan

If the Administrator approves the request to submit a preliminary Site Plan, the Developer shall make application to the Town. A complete application shall include the following:

1. A completed preliminary Site Plan application form
2. Four copies of the proposed preliminary Site Plan which shall be a boundary survey of the entire property and shall show the following information:
 - A. Exact location of all existing and proposed Streets, roads, Alleys, or other public spaces and Easements within or adjoining the property, with their names and widths and the lengths and bearings of all tangents, lengths of arcs, radii, internal angles, points of curvature, and any other necessary engineering data.

- B. Exact location of all existing or proposed utilities, water courses, Buildings, wooded areas, and any other significant feature.
 - C. Topographic contours on at least a contour interval of five (5) feet, intervals based on sea-level datum.
 - D. Locations, dimensions, and names of all proposed Streets, roads, Alleys, Easements, or other public ways or areas, with grades and profiles if required by the Administrator because of topography.
 - E. The general locations of all Buildings, parking lots, open spaces, landscaped area, buffers, and driving aisles.
 - F. The general proposed uses for the intended Buildings within the Development.
3. A completed Site Plan checklist, signed by the engineer/plan designer
 4. A compact disc containing a digital copy of the preliminary Site Plan in JPEG, PDF, and DXF formats (Filename format: "<Sheet #> <Sheet name>.xxx" for example, C3.3 Grading Plan.pdf) along with digital copies of any associated information submitted by the Developer in JPEG, PDF, DXF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Zoning Administrator.
 5. Preliminary Site Plan review fee

The preliminary plan shall show with heavy solid lines drawn to indicate the boundary of all sections proposed for the overall Development. Each section is to be numerically labeled. The Administrator shall perform a review of the plans to ensure conformance with all applicable standards and criteria, conformance with any proffers and other applicable documents. If the Administrator determines that the preliminary Site Plan is acceptable it shall be referred to the reviewing agencies as set forth in Section 5.3.4.

3. Detailed Staff Review of Application

The Administrator shall coordinate the review by referral agencies. The Administrator shall report, in writing, those corrections or additions deemed necessary by him and other officials or agencies interested in the application as soon as the comments are available.

4. Review Period without State Agency Referral

If the Administrator determines that there is not a need to distribute the Site Plan to a state agency for its review, the review by the agencies to whom the plan was

referred shall be completed and returned to the Administrator within thirty (30) days after the date on which the Site Plan was officially submitted. If an agency cannot respond within this thirty (30) day period, the agency shall so inform the Administrator, in writing, stating the reason for the delay and the expected date of the reply.

5. Review Period with State Agency Referral

If the Administrator determines that the Site Plan requires the review of a state agency, the review by such state agency shall be completed and returned to the Administrator within forty-five (45) days after the date on which the Site Plan was officially submitted. If the agency cannot respond within this forty-five (45) day period, the agency shall so inform the Administrator, in writing, stating the reason for the delay and the expected date of the reply.

6. Zoning Administrator Required to Act

The Administrator shall act on any proposed preliminary Site Plan within ninety (90) days after the date on which the preliminary Site Plan was officially submitted, except that the Administrator shall act within sixty (60) days after the official submittal of any proposed preliminary Site Plan that did not, in the discretion of the Administrator, need to be distributed to a state agency for its approval, by either approving or disapproving such plan in writing, and giving with the letter specific reasons therefore. Specific reasons for disapproval may be contained in a separate document or may be written on the plan itself. The reasons for disapproval by reference to specific duly adopted ordinances, regulations or policies and shall generally identify such modifications or corrections as will permit approval of the plan. Such approval shall be certified in writing by the Administrator on two blue-line or black-line sets of the plan. One set shall be returned to the Developer.

7. Waiver of Required Action

The required time for action by the Administrator may be waived for a period agreed to by the Developer and the Town if such waiver is agreed to in writing by the Developer and the Town setting forth the reasons for the waiver and a time frame for action on the preliminary Site Plan.

8. Period for Which Preliminary Site Plan is Valid

After approval of a preliminary Site Plan, a final Site Plan application may be accepted within one (1) year after the date of such action. If a final Site Plan application is not submitted within such time, approval or conditional approval of the preliminary Site Plan shall become void. If only minor changes are required, a conditional approval may be granted or an extended time may be given the Developer for submission of a revised plan. Such approval shall be certified by the Administrator's signature on the plan.

9. Location Permit Not to be Issued

No location permit shall be issued on the basis of an approved preliminary Site Plan.

10. Partial Plans or Sections

A Developer with a valid preliminary plan may submit final partial plans or sections to the Town for review in accordance with Section 5.4. The final plan sections shall be reviewed in accordance with Section 5.3.

11. Final Site Plan Approval Not Obligated by Preliminary Approval

Approval or conditional approval of the preliminary Site Plan shall not obligate the Administrator to approve the final Site Plan.

(Amended by Ord. No. 13-12-02, December 10, 2013)

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ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

6.1 ADMINISTRATION

1. Authority to Administer

The Administrator is hereby authorized and directed to administer this Ordinance. In so acting, the Administrator shall be considered the agent of the governing body and shall be responsible for approval or disapproval of plan applications as though it were given by the governing body. The Zoning Administrator shall have authority in the name of the Town of Purcellville to invoke any legal measures necessary to prevent, restrain, correct, to abate any violation or attempted violation of any of the provisions of the regulations contained herein.

(Amended by Ord. No. 08-07-01, July 8, 2008)

6.2 FEES

1. Authority to Charge Fees for the Review of Applications

The Town may charge fees for processing and reviewing any Plats or Site Plans and for the inspection of facilities required to be installed in accordance with Section 15.2-2241 of the Code of Virginia, as amended. The fees charged shall be consistent with the costs of the Town to process, administer and to inspect the work on site so as to ensure compliance with all applicable codes and regulations. The fees established for these services are set separately by Council action with service fees for other applications and by reference are made a part of this ordinance.

2. Fees to be Determined

For engineering, legal and planning consultant fees incurred by the Town in connection with the processing, review and inspection of Plats, plans, construction drawings, site development plans, specifications, establishment of grades, construction improvements, agreements for construction improvements, bond documents, revisions and the addressing of specific questions, a fee equal to the actual cost incurred by the Town shall be charged. The cost of such engineering, legal, inspection and planning services shall be estimated in advance and a deposit equal thereto paid prior to the Town processing the plans for review. Prior to approval of any plans by the Town or permits being approved, the actual cost of review including legal and inspections shall be determined and, if in excess of the amount deposited, such excess shall be paid. Any deposit in excess of the actual cost shall be refunded to the applicant.

3. Fees Due From Prior Review

All expenses incurred from the review of a prior application for the same project or an adjoining project including Plats, plans, construction drawings, development plans, location permits, rezoning applications, zoning permits, inspections, drafting and review of documents including bonding agreements, response to specific questions and revisions, shall be paid before any new Plats, plans, permits, inspections, agreements or bonds are reviewed by the Town.

4. Review After Approval

Any Plat or plan that is revised after it has been issued approval by the Administrator shall be subject to the applicable fee for a Plat or plan revision and actual staff and administrative costs plus applicable reviewing fees if in excess of the revision fee. Costs associated with any revisions, review, inspections or other administrative service associated with other than plans shall be charged on the basis of actual staff cost.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

6.3 VARIATIONS AND EXCEPTIONS

1. Variations and Exceptions to the Minimum Requirements

Upon application by a Developer, the Commission may authorize an exception to the minimum Subdivision requirements when unusual conditions exist or when adherence to the requirements would result in practical difficulty that would deprive the Developer of the reasonable use of the land.

2. Standards for a Variation or an Exception

In making an application for a variation or an exception, the applicant must demonstrate in writing that:

- a. The requested variations or exceptions are in keeping with the purpose and intent of this Ordinance.
- b. The granting of said variation or exception would not be of substantial detriment to adjacent properties.
- c. The granting of said variation or exception would not be contrary to the public health, safety and general welfare.

3. Additional Standards to be Considered by Commission

In deciding an application for variations/exceptions, the Planning Commission shall be guided by its findings with regard to the preceding test, together with the following items and any other such pertinent information as is necessary for the Commission to make its findings:

- a. The plans reflecting the requested variation/exception are reviewed by the Director of Public Works and/or Town Department of Community Development.
- b. Any variation/exception in Street requirements is reasonable in relation to ultimate projected traffic generation and will not result in public Street sections that do not satisfy minimum VDOT standards.

4. Compliance with Applicable Regulations

No variation/exception granted pursuant to this section shall relieve the obligation of the Developer to comply with any other applicable local or state regulations. In authorizing a variation/exception, the Commission may impose such conditions regarding location, character and other features of the proposed Subdivision or Development as it may deem necessary in the public interest, and may require a guarantee or bond to insure compliance with the conditions imposed. The Developer shall pay the fee established plus any review fees prior to a motion being made on the exception.

5. Applications Made by Any Developer

Applications for variations/exceptions may be made by any Developer. Once the application has been officially submitted, the application and accompanying information shall be transmitted promptly to the Commission for consideration and action.

6. Determination if Public Hearing is Necessary

Upon the initial public meeting to consider a variation/exception application, the Administrator shall determine whether the potential public impacts of the request warrant a public hearing. If it is determined that a public hearing is warranted, such hearing shall be scheduled within thirty (30) days of said determination. Notice of a public hearing shall satisfy all the requirements of the Code of Virginia, 1950 as amended for such hearings. The Planning Commission shall make a motion on the application for variation/exception within thirty (30) days of the initial public meeting if no public hearing is held or within sixty (60) days of the initial public meeting if a public hearing is held. The cost of a public hearing is in addition to service fees and the cost of Plat or plan review. The approval, by the Commission, of any variation/exception request shall not be deemed an interpretation that the Site Plan or Plat is approved.

(Amended by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

6.4 PENALTIES

1. Offense and Fine

Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine of not more than \$1,000 plus \$100 for every day after the first day that such violation shall continue after notification that it shall cease.

6.5 APPEALS

1. General

- a. Any person aggrieved by the interpretation, administration, or enforcement of these regulations as they apply to a Subdivision Plat or Site Plan application may petition the Circuit Court of Loudoun County, as provided by law.
- b. Any Subdivider or Developer who contends that action has not been taken on a Preliminary Plat or Record Plat of Subdivision or a Site Plan by the respective approving authority within the time period established by law shall give ten (10) days written notice to the approving authority of his intent to petition the Circuit Court for an appropriate remedy pursuant to Va. Code Section 15.2-2259 prior to filing such a petition with the Court.

(Added by Ord. No. 08-07-01, July 8, 2008; Ord. No. 13-12-02, December 10, 2013)

ARTICLE VII

DEFINITIONS

7.1 TERMS DEFINED

The following words and terms set forth below shall have definition or meaning ascribed to them. Words and terms not defined herein shall be interpreted in accord with the normal dictionary meaning based on the Webster's dictionary and their customary meaning. The zoning administrator has the authority to interpret the meaning of all words and terms in this ordinance.

Adequate Outfall: A natural or man-made channel or pipe capable of conveying the runoff from a 2-year design storm without overtopping its banks or eroding after development of the site in question. A receiving channel may also be considered adequate at any point where the total contributing acreage is at least 100 times greater than the drainage area of the Development site in question or it can be shown that the peak rate of runoff from the site for a 2-year design storm will not be increased after development.

(Amended by Ord. No. 13-12-02, December 10, 2013)

Administrator: The Zoning Administrator or his/her duly appointed agent of the Town of Purcellville.

(Amended by Ord. No. 10-08-02, August 10, 2010)

Alley: A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another Street or Private Roadway.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Building: A structure having one or more stories and a roof supported by columns or walls, for the housing or enclosure of persons, animals, or property of any kind.

(Added by Ord. No. 10-08-02, August 10, 2010)

Building Restriction Line or Building Setback Line: A line showing the minimum distance by which any structure must be separated from the property lines of a Lot.

(Amended by Ord. No. 13-12-02, December 10, 2013)

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

Condominium: Any real property, and any incidents thereto or interests therein, in which individual dwelling units or apartments of a multi-unit structure or area are owned individually in conjunction with an undivided unit and which undivided interest is vested in each Owner by any individual unit or apartment. Any real property for which Condominium instruments have been recorded pursuant to Section 55-79.49 of the Code of Virginia, 1950 as amended (The Virginia Condominium Act), and which is subject to the

terms and conditions of that Act shall be deemed to be a "Condominium" for the purposes of this Ordinance.

(Amended by Ord. No. 13-12-02, December 10, 2013)

Construction Plans: A plan including specifications for improvements as required by this Ordinance, the Facilities Standards Manual, the Zoning Ordinance and the Virginia Department of Transportation. Construction Plans shall include the term construction drawings.

(Added by Ord. No. 10-08-02, August 10, 2010; Amended by Ord. No. 13-12-02, December 10, 2013)

Council: The Town Council of Purcellville, Virginia.

Department: The Town of Purcellville Department of Community Development.

(Added by Ord. No. 10-08-02, August 10, 2010; Amended by Ord. No. 13-12-02, December 10, 2013)

Developer: The legal or beneficial Owners of all the land proposed to be included in a Development submitted to the Town for review and approval or their assigned agent(s).

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Development: a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

(Added by Ord. No. 10-08-02, August 10, 2010)

Easement: A grant of interest in real property by the Owner to, or for use by, an abutting landowner, the public, or another person or entity for a specific limited purpose which does not constitute a sale or lease of property.

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Engineer: The Town Engineer or consulting engineers retained by the Town of Purcellville, Virginia.

(Amended by Ord. No. 08-07-01, July 8, 2008)

Jurisdiction: The area or territory subject to the legislative control of the governing body.

Lot: A numbered and recorded portion of a Subdivision intended for transfer of ownership or for Building development for a single Building and its accessory Building or Buildings.

(Amended by Ord. No. 13-12-02, December 10, 2013)

Lot, Corner: A Lot abutting upon two or more Streets at their intersection. The interior angle of intersection shall not be greater than 135 degrees. A Lot abutting upon a curved Street shall be considered a Corner Lot if the tangents to the curve at the points of intersection of the side Lot lines intersect at an interior angle of less than 135 degrees. A

reversed Corner Lot is a Corner Lot that is turned with reference to an adjoining lot, to front on another Street. A Corner Lot shall be considered to have two front yards.
(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Lot, Depth of: The mean horizontal distance between the front and rear Lot lines.
(Amended by Ord. No. 13-12-02, December 10, 2013)

Lot, Double Frontage: An Interior Lot having frontage on two (2) Streets.
(Amended by Ord. No. 13-12-02, December 10, 2013)

Lot, Interior: A Lot other than a Corner Lot.
(Amended by Ord. No. 13-12-02, December 10, 2013)

Lot of Record: A Lot shown upon a Plat of Subdivision or attached or referred to in a deed described by metes and bounds and recorded in the Office of the Clerk of the Circuit Court of Loudoun County.
(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Lot, Width of: The horizontal distance between the side Lot lines measured at the front Building Setback Line.
(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Owner: As applied to a Building or land, the term "Owner" shall include the Person (as that term is defined below) who is part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of any such Building or land.
(Amended by Ord. No. 13-12-02, December 10, 2013)

Owners' Association: A non-profit organization operating under recorded land agreements through which: (a) each Lot and/or homeowner in a Development is automatically a member, and (b) each Lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.
(Added by Ord. No. 13-12-02, December 10, 2013)

Person: Any individual, firm, partnership, corporation, association or any other group acting as a unit having an interest, whether legal or equitable, sole or partial, in any land which may be Subdivided under the provisions of this Ordinance.
(Amended by Ord. No. 13-12-02, December 10, 2013)

Plat: Includes the terms: Map, plan, plot, replat or replot, a map or plan of a tract or parcel of land which is to be, or which has been Subdivided. The schematic representation of land divided or to be divided and information in accordance with the provisions this Ordinance and Section 15.2-2241, 2242, 2258, 2262, and 2264 of the Code of Virginia. When used as a verb "Plat" is synonymous with "Subdivide".
(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Plat, Preliminary: the proposed schematic representation of Development or Subdivision that establishes how the provisions of this ordinance and Section 15.2-2241-2242 of the Code of Virginia will be achieved.

(Added by Ord. No. 10-08-02, August 10, 2010; Amended by Ord. No. 13-12-02, December 10, 2013)

Plat, Record: A Plat which is reviewed in accordance with the terms of this ordinance for the purpose of recording and creating Lot(s) of Record with the Clerk of the Circuit Court of Loudoun County. The term Record Plat shall be synonymous with "Final Plat."

(Added by Ord. No. 10-08-02, August 10, 2010; Amended by Ord. No. 13-12-02, December 10, 2013)

Roadway, Private: A non-State maintained right-of-way, or other strip of land, providing vehicular access primarily to abutting property rather than to other Streets, other Private Roadways, or through traffic. Private Roadways include:

1. Alley
2. Common Parking Court
3. Private Access Easement
4. Private Road
5. Townhouse Accessway

(Added by Ord. No. 13-12-02, December 10, 2013)

Site Plan: A "plan of development" within the meaning of Virginia Code Section 15.2-2286, as further defined in Section 15.2-2201 of the Code of Virginia, this Ordinance and the Zoning Ordinance.

(Added by Ord. No. 10-08-02, August 10, 2010)

Street: A public right-of-way intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to, avenue, boulevard, drive, highway, lane, road, or any other thoroughfare maintained, or designed and built to be maintained, by the Town of Purcellville or Virginia Department of Transportation.

(Amended by Ord. No. 10-08-02, August 10, 2010)

Street, Local: A Street giving access primarily to abutting property rather than to other Streets or through traffic.

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

(Amended by Ord. No. 13-12-02, December 10, 2013)

Subdivide: To divide any tract, parcel or Lot of land into two (2) or more parts.

(Amended by Ord. No. 13-12-02, December 10, 2013)

Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity owning any tract, Lot, or parcel of land to be Subdivided; or a group of two or more Persons or entities owning any tract, Lot, or parcel of land to be Subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating, representing, or executing the legal requirements of the Subdivision.

(Added by Ord. No. 10-08-02, August 10, 2010; Amended by Ord. No. 13-12-02, December 10, 2013)

Subdivision: The division of any parcel of land into two (2) or more new parcels, each separately transferable from the other, and shall include Condominium Development. Separation of interests in land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of Easements, subordinating or otherwise affecting the priority of liens, Plats of confirmation, and any other such transfers of interests in land not directed at the creation of new, separately transferable parcels shall not be considered as an act of Subdivision

(Amended by Ord. No. 10-08-02, August 10, 2010; Ord. No. 13-12-02, December 10, 2013)

Town: The Town of Purcellville, Virginia.