
**TOWN OF HILLSBORO
SUBDIVISION ORDINANCE AMENDMENT
February 17, 2026**

Amend Hillsboro Subdivision Ordinance in its entirety, to read as follows:

ARTICLE 1. GENERAL PROVISIONS

1.1. Authority.

This ordinance is adopted pursuant to Code of Virginia, 1950, § 15.2-2240, as amended, 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 Code of Virginia, 1950, § 15.2-2254, as amended, compliance with this ordinance is required.

1.2. Jurisdiction.

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

1.3. Purpose.

The purpose of this ordinance is to establish certain subdivision standards and procedures for the Town of Hillsboro, Virginia in order to promote the public health, safety, convenience, comfort, prosperity, historic character, and general welfare and to implement the town's comprehensive plan by guiding the subdivision and development of land for various purposes and to facilitate the provision of public services in a safe and sustainable manner.

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.

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 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.

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 Code of Virginia, 1950, § 15.2-2253, as amended.

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All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.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

1.9. Variations and Exceptions.

A variation or exception to the general provisions of this ordinance may be granted upon application to the Town and reviewed in accordance with Section 5.3 below.

1.10. Title.

This ordinance is known and may be cited as the "Subdivision Ordinance of Hillsboro, Virginia."

1.11. Effective date.

The effective date of this ordinance is February 17, 2026.

ARTICLE 2. PREPARATION AND RECORDATION OF PLATS

2.1. Preparation of subdivision plat, filing and recordation.

The owner of any tract of land in the incorporated area of the Town of Hillsboro, 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, §§ 15.2-2240 through 15.2-2276 inclusive and § 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. The Town shall require strict adherence to the provisions of this ordinance and the zoning ordinance. An action rejecting the plat shall be accompanied by a written statement setting forth the reasons for the action. Upon approval of the record plat of subdivision by the Administrator, the plat shall be recorded by the applicant as soon as appropriate after the final action of the Administrator, in the office of the Clerk of the Circuit Court of Loudoun County, Virginia.

2.2. General requirements.

- (1) *Source of title.* Every plat shall be prepared by a surveyor or engineer, duly licensed by the Commonwealth of Virginia, who shall endorse upon each such plat a certificate signed by them, 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.
- (2) *Owner's 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 surveyor's 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."

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 Town 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 Hillsboro. At least three grid tics with coordinate values shall be on all sheets.

2.3. Subdivision plat.

- (1) *Submission requirements.* A complete application for approval of a subdivision plat for a proposed development shall be submitted by the applicant to the Administrator as set forth below. A complete application shall include the following:
- (a) A completed subdivision application form.
 - (b) Four paper copies of the proposed subdivision plat in accordance with the submission requirements set forth in Section 2.4.
 - (c) A completed subdivision plat checklist in a form provided by the Town, signed by the engineer/plan designer.
 - (d) A digital copy of the subdivision plat in PDF format along with digital copies of any associated information submitted by the subdivider in PDF, DOC, and/or XLS formats as appropriate. Unlisted file types may be accepted at the discretion of the Administrator.
 - (e) Subdivision plat review fee.
- (2) *Pre-submission conference.* A subdivider may consult with the Administrator in a pre-submission meeting prior to submitting the plat for review. A fee for such a meeting shall be paid in accordance with the adopted development fee schedule prior to the meeting. At this meeting the Administrator may offer initial comments and suggestions; however, it is the intent of this conference for the Administrator and the subdivider to meet before the design of the plat has been completed so that any issues may be adjusted prior to engineering and submission.
- (3) *Complete and Compliant Subdivision Application Required.* The subdivision plat shall be prepared by a surveyor or civil engineer, as required by Code of Virginia, 1950, § 15.2-2262, as amended. It shall be substantially in accordance with all applicable ordinances of the Town of Hillsboro. No application shall be accepted by the Administrator unless it is substantially complete, including the completed and signed subdivision plat submission checklist. If the checklist has not been completed and submitted with the application, the plat shall be immediately rejected.
- (4) *Compliance with submission requirements, distribution.* Upon receipt of the plat, construction plans and all documents and requirements 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 plat and associated documents are in order, the Administrator shall deem the application complete and officially submitted and shall note the date of such determination. The Administrator may request as many additional copies as necessary to allow the plat and associated documents to be forwarded to any appropriate review agencies and the Town consulting engineers for comment 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 Town 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 officially accepted, the Administrator shall forward the plat and related documents to the following review agencies if applicable and as necessary within five (5) business days of such acceptance:
- (a) The Town consulting engineers.
 - (c) The Virginia Department of Transportation.
 - (d) Loudoun County Department of Building and Development.
 - (e) Loudoun County Fire and Rescue.
 - (f) Loudoun County Health Department.
- (6) *Detailed review of application.* The Administrator shall coordinate the review by referral agencies. The Administrator shall report, in writing, those corrections or additions deemed necessary as soon as the comments are available.
- (7) *Town action.* Within 60 days after the official submission of the subdivision plat, the Town Council shall approve such plat, to be evidenced by the Administrator's signature, provided that the requirements and provisions of all applicable codes and ordinances are met. However, if State agency or other agency review is required, then upon receipt of the approvals from all state agencies and other agencies, the Town shall act upon a plat within 20 days.
- If such requirements are not met, the Town Council 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 Town Council may be waived for a period agreed to by the subdivider and the Town Council 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 by the applicant within six (6) 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 Town, or where the subdivider has furnished surety to the Town 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 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 Town, any construction approved with the plat shall begin within five (5) years or the plat shall be considered void. Construction shall be defined 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.

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 Town Council may 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 not affect any public improvements, adversely affect adjoining properties, or conflict with any other requirements of the Town of Hillsboro zoning ordinance or other Town ordinances. Such waivers approved by the Town Council must be evidenced in writing by the Mayor prior to the submission of a plat for review by the Town.
- (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 18 inches by 24 inches in size, including a margin of one-half 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:
 - i. Name of the proposed subdivision. Subdivision names shall not duplicate nor approximate those of existing subdivisions within the corporate limits.
 - ii. Location of proposed subdivision.
 - iii. Name and addresses of all owners of record and all applicants.
 - iv. Names of any holders of easements or liens affecting the plat.
 - v. Name, address, signature, and registration of professionals preparing the plat.
 - vi. Loudoun County tax map and parcel number, parcel identification number (PIN), deed book and page number or instrument number.
 - vii. Any existing special use permit conditions, proffered conditions, waivers, or variances shall be submitted with and noted on the plat.

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- viii. Date the plat was drawn, and date of any subsequent revision.
 - ix. Number of sheets.
 - x. Graphic scale of the plat.
 - xi. A north arrow and a vicinity map (at a legible scale).
 - xii. Names of adjoining landowners (including those located across adjoining rights-of-way).
 - xiii. Existing zoning and use of subject property and all adjoining properties (with a note indicating that the information is 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.
 - xiv. 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."
 - xv. On the title page: "Hold harmless statement: Approval of this subdivision does not guarantee provision of water or sewer by the Town of Hillsboro. "
 - xvi. Gross acreage of the subdivision, to the nearest one-thousandth of an acre, and the acreage remaining in the original tract, if any.
 - xvii. Number of lots proposed.

(2) Project tabulations:

- i. Average lot size of the proposed development.
- ii. Proposed area in lots.
- iii. Proposed area in common open space or public open space & open space as a percentage of the gross acreage.
- iv. Proposed area in right-of-way dedications or streets.

(3) Existing site conditions:

- i. 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.
 - ii. Exact location of all existing utilities, water courses (such as streams, rivers, ponds, or lakes), and any other significant feature.
 - iii. 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 nonconforming if the proposed subdivision is approved. Buildings or parking areas to be removed should be labeled as such.
 - iv. Topographic contours with a maximum contour interval of two feet, intervals based on sea-level datum, submitted on a sheet marked "Not for
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Recordation," if the topographic contours have not already been shown on approved construction plans.

- v. Accurate location of town corporate limit line, if within or closely related to the subdivision.
- vi. Accurate locations and descriptions of all monuments.
- vii. Locations of existing 100-year flood plains and slopes in excess of 25 percent as measured over a ten-foot interval.

(4) Proposed site conditions:

- i. Boundary lines of the proposed subdivision (shown by heavy line), and the acreage therein, and all existing property lines within the tract with the names of such owners. Subdivision boundaries 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.
- ii. 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.
- iii. Locations and dimensions of proposed lots, to include lot area, with lot and block numbers. Proposed deed restrictions and covenants shall be outlined.
- iv. Locations and dimensions of all proposed easements and any proposed vacations or alterations to existing easements.
- v. 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 Hillsboro zoning ordinance.
- vi. 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 Administrator. This information may be provided on a sheet marked not for recordation.

(5) 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 Code of Virginia, 1950, § 15.2-2264, as amended.
- ii. Certificate by the surveyor or professional engineer.

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- iii. Approval by Administrator.
 - iv. It shall conform in all other respects to the requirements of Article 7, Code of Virginia, 1950, §§ 15.2-2240 through 15.2-2276, inclusive, and Code of Virginia, 1950, § 42.1-82, 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 Town. 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.

2.5. Construction plans required.

Construction plans illustrating required public service improvements shall be submitted to the Administrator at the time of submission of a subdivision plat that contains public improvements, storm drainage facilities and/or grading requiring a grading permit. Such plans shall be referred to the referral agencies as noted in Section 2.3.5 above. These construction plans shall include, but not be limited to, the following:

- (1) Street plan and profile.
- (2) Water line plan and profile.
- (3) Sewer line plan and profile including lateral lines.
- (4) Erosion control.
- (5) Stormwater management.
- (6) Landscaping plan.
- (7) 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 Hillsboro facilities standards and/or applicable County and VDOT standards and the applicable standards contained in this ordinance and the Town of Hillsboro zoning ordinance.

2.6. 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 performance agreement, performance bond and approved form of surety as described in herein.

The following bond approval procedures apply:

- (a) Construction plans 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.

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- (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.

2.7. 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 Administrator shall then approve the plans. The Administrator shall have a period of 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 deficiencies in the plans that resulted in disapproval. The applicant may correct these deficiencies and resubmit the plans for review. The Administrator may then approve or disapprove the plans. If the Administrator disapproves the plans, a statement in writing must accompany the disapproval providing the reasons for disapproval and identifying modifications that will correct the deficiencies in the plan or the reasons may be written on the plan. If modifications involve the jurisdiction of outside reviewing agencies, then 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 Administrator and the date of approval.

2.8. Construction Plan Approval—Validity Period.

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

2.9. Minor Subdivisions.

The Administrator shall approve or disapprove minor subdivision plats in accordance with the provisions of this section.

- (1) *Criteria.* A Subdivider may utilize the Minor Subdivision procedure described in this section if the subdivision can meet all of the following criteria:
 - (a) No more than a total of three (3) lots will be created, including the original lot;
 - (b) All lots shall comply with the minimum area and other requirements of the Hillsboro Zoning Ordinance;
 - (c) The subdivision does not require construction of a new street or private access easement;
 - (d) The subdivision is served by public water and sewer or does not require the extension of public utilities; and
 - (e) No parent tract or subsequent division may be divided by Minor Subdivision more than once in any five-year period and no more than five (5) lots may be created out of one tract or parcel using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.

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- (2) *Sketch Plan.* The applicant for minor subdivision plat approval shall submit a sketch plan to the Administrator for a determination of whether the approval process authorized by this section can be utilized. The Administrator may require the applicant to submit additional information necessary to make this determination, including, but not limited to, maps or other documentation from Loudoun County showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five (5) years.
 - (3) *Submission.* Applicants for minor subdivision approval shall submit to the Administrator a copy of an application, applicable application fee, and minor subdivision plat conforming to the requirements set forth in Section 2.4, Submission Requirements, of this ordinance.
 - (4) *Completeness Review.* The Administrator shall review all minor subdivision plats and applications for completeness and is authorized to reject the application if, in the opinion of the Administrator, it has significant deficiencies relative to the requirements of this ordinance. Plat applications which are found to be deficient are not considered officially submitted until deficiencies are properly addressed and remedied. The Administrator shall note the date the application is deemed complete and officially submitted.
 - (5) *Plat Review and Revisions.* The Administrator shall review the plat for conformance with the standards of this ordinance and other applicable regulations within 60 days of official submission. When deemed necessary, the Administrator may request review and comment from other town agents or outside agencies, in which case, the Administrator shall take action within 20 days of receipt of such comments. If the Administrator finds that the plat does not conform to the standards of this ordinance, then specific reasons for disapproval shall be set forth in writing to the applicant 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.
 - (6) *Final Approval.* Once all the deficiencies have been revised to the satisfaction of the Administrator, a final approval will be issued and the completed plat shall be signed and dated by the Administrator.
 - (7) *Recordation.* The Subdivider, or their agent, shall record the plat in accordance with the general procedures of this ordinance.
 - (8) If the subdivision is disapproved, the Administrator shall furnish the applicant with a written statement of the reasons for disapproval and general directions on how to remedy the deficiencies.

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 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 Code of Virginia, 1950, § 15.2-2264, as amended.

(2) *Submission requirements, approval.* Two copies of the plat, a completed boundary line adjustment application form, and a digital copy of the plat in PDF format shall be submitted to the 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 Administrator shall evaluate the submission using the criteria set forth in Section 2.9 (1) above and compliance with the zoning ordinance and any other applicable ordinances. If the submission complies, the Administrator shall approve the plat of boundary line adjustment and sign and date the plat in the approval box. If the Administrator disapproves the boundary line adjustment, a statement shall accompany the action of disapproval explaining the reasons for disapproval or such reasons can be placed on the plat.

2.11. Plat vacation.

Any plat of record may be vacated in accordance with the provisions of Code of Virginia, 1950, § 15.2-2272, as amended.

2.12. 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 Code of Virginia, 1950, § 15.2-2254, as amended.

2.12. Hold harmless.

On every record plat, the following statement shall 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 Hillsboro.

ARTICLE 3. DESIGN STANDARDS AND REQUIREMENTS

The design of subdivisions shall observe the following standards and requirements, except as otherwise provided herein.

3.1. Site analysis.

For any property of twenty (20) acres or more, an analysis shall be made of the characteristics of the development site, such as geology and soils; topography; existing vegetation, structures and road networks.

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 Hillsboro.

- (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 federal, Virginia 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 and the Town of Hillsboro;
 - (c) Slopes in excess of 25 percent as measured over a ten-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.

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 as required by the Planning Commission.
 - (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 and one-half percent nor more than ten percent unless a variation is approved by the Town.
 - (e) Streets shall have the following minimum right-of-way width unless otherwise modified by the planning commission.
 - i. Local residential streets: 40 feet.
 - ii. Other residential streets, all business streets and highways: 50 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 1,200 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 50 feet for a maximum length of 1,250 feet from the flow-line of gutter at the entrance to the property line at the radius of the cul-de-sac. Alternative configurations may be used with approval from the Fire Marshal.
 - (g) Street names shall not duplicate nor be similar to the names of existing streets or private roadways in or near Hillsboro, 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, private access easements, 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, 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 Hillsboro, 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 Hillsboro, 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 Hillsboro, 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."

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 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 15 feet.
 - (b) No structure of any kind shall be erected closer than ten feet from the nearest point of the easement to the structure.
 - (c) Roadway construction on easements shall meet the following minimum standards:
 - i. Graded width: 12 feet.
 - ii. Travelway width: Ten feet.
 - iii. Travelway construction: Six-inch 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 Hillsboro.

- (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.

3.5. Lots.

- (1) *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 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.
- (2) *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.
- (3) *Measurement of lot width.* Lot width shall be measured at the front setback line.
- (4) *Lot line orientation.* Lot lines should to the extent possible be perpendicular to the street or private roadway line.
- (5) *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-foot buffer strip will be provided along the main street or highway without the right of access across such buffer strip.
- (6) *Frontage required.* Every lot shall front on an approved street or private roadway.
- (7) *Building setback lines.* Building setback lines shall be established along all streets or private roadways and shall be shown on all plats. In no case shall such setback lines be less than required by the zoning ordinance.
- (8) *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.

3.6. Tree preservation and landscaping.

- (1) *Existing tree cover.* Existing tree cover within a proposed subdivision shall be preserved to the fullest extent possible and taken into account in the design of grading and improvements on the property.
- (2) *Retention of healthy trees.* Every subdivision shall retain to the maximum extent possible all existing healthy trees at least six inches in diameter measured at a point three feet above the ground. Removal of healthy trees of at least six-inch diameter three feet above the ground shall occur only with the approval of the Town.

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- (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 foot of horizontal distance for every inch in diameter of any tree to be retained, and no impervious surface may be located within 12.5 feet of any such tree.

3.7. Drainage.

- (1) *Adequacy of drainage.* Every subdivision development shall provide for adequate drainage of stormwater. The drainage design shall comply with applicable Loudoun County standards 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 shall be discharged directly into a well-defined natural or manmade off-site receiving channel or pipe.
- (3) *Existing drainageways.* Existing natural drainageways shall be utilized for stormwater management facilities, where required. Best management practices (BMPs) are to be utilized as required where stormwater management facilities are located within existing watercourses and/or where stormwater detention facilities are deemed necessary.

ARTICLE 4. 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, § 15.2-2241, as amended.
 - (a) For applications with construction plan approval prior to final 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 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. 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 guarantee approved by the Town Attorney.
- (2) *Agreement and performance bond approval required.* The performance agreement and performance bond shall be approved by the Town Attorney as to form and content.
- (3) *Authorization of subdivision plat.* Upon approval of the agreement and performance bond by the Town Attorney and the Town Council, the Administrator shall authorize by signature the final record plat for recordation by the applicant/developer.

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, town regulations and applicable State Code requirements. This policy may be amended from time to time by resolution of the Town Council.

Performance bonds shall be required for public and other physical improvements as shown on approved construction plans and profiles for record plats, 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 Hillsboro, Loudoun County or Virginia Department of Transportation regulations for vehicular ingress and egress, for public access roadways, for structures necessary to insure stability of critical slopes and for stormwater management facilities.

- (2) *Performance 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 Hillsboro which obligate the developer to construct required improvements in approved subdivisions 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 Hillsboro. A required agreement format will be provided to all developers for their use.
 - (c) 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 shall 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. The total amount of the contingency factor plus the inflation factor shall comply with Code of Virginia, § 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 and submitted to the Town for approval.

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.

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- (2) *Cash escrow.* The face amount of the bond will be submitted to the Town of Hillsboro Treasurer 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 six 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 six-month requirement is in addition to the six-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 Mayor, or designee, is notified in writing, by certified mail, with return receipt requested, at least 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 time extensions 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 Subparagraphs (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 Code of Virginia, 1950, § 15.2-2309 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 time period 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 required 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 60 days prior to the expiration of an agreement, the Administrator or 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 60 days. If it is determined that the project bond is not reasonably expected to be released within such 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 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 year. The developer must indicate the reasons and conditions which have prevented them from completing the required physical improvements. The developer must also have all sureties' written consent to the request, including corporate
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- 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 Administrator or designee will review the reasons supplied by the developer and prepare a written response to the request applying the following criteria, as applicable:
- i. Percentage of project completion.
 - ii. Percentage of homes completed, occupied and connected to public utilities.
 - iii. Rate of construction activity.
 - iv. Historical experience of developer's ability to complete project public improvements in the town and in other jurisdictions.
 - v. 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 12-month period.
 - (b) The cumulative amount of all bond reductions shall equal no less than 90 percent of the original bond value. Periodic partial releases may not occur before the completion of at least 30 percent 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 this ordinance.
 - (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 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 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.
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- (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.
 - (f) *Maintenance Bond*. 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 of the original bond amount and shall be for a period of one 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 items necessary items to schedule bond release or reduction.
 - (h) The Town Council 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 independent inspection of such streets be made. The developer shall pay all consultant fees and any other fees prior to the conveyance of the streets to VDOT.
 - ii. Once it is determined that the street qualifies for acceptance into the secondary system, the Town will formally by resolution request acceptance from VDOT of the street(s) into the secondary system for maintenance.

4.4. Improvements required.

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 four inches in diameter and two feet in length, set in concrete with the top not less than one inch nor more than four inches above the finished grade. A
- (2) *Iron pipes*. An iron pipe shall be set at the corners of each lot.
- (3) *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 any Town of Hillsboro street standards or this ordinance.

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- (4) *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 four feet wide and shall be installed according to the VDOT specifications. 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 they control. The material for the sidewalks should match the existing sidewalks in the Town.
 - (5) *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 Town in consultation with Loudoun County and the VDOT.
 - (6) *Street signs.* Street signs, of an appropriate design approved by the Town shall be located at all street intersections.
 - (7) *House numbers (buildings).* Numbers with a minimum height of four inches shall be assigned and placed on all structures and houses in accordance with Town requirements.
 - (8) *Street lights.* Street lights if approved shall be installed in accordance with Town specifications or those of the Virginia Department of Transportation once approved by the Administrator.
 - (9) *Water supply.* Water supply and distribution facilities, including fire hydrants, as approved by the Administrator shall be installed in accordance with Town specifications. Fire hydrants shall be installed in accordance with Loudoun County Fire and Rescue standards.
 - (10) *Sewage disposal.* Sewers and sewage disposal facilities shall be provided in accordance with Town specifications after approval by the Administrator. No on-site disposal shall be permitted within the corporate limits of the town except as permitted by the Town Sewer Ordinance.

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 Code of Virginia, 1950, §§ 15.2-2241 through 15.2-2246, 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 Code of Virginia, 1950, §§ 15.2-2241 through 15.2-2246, as amended.

4.6. Plans and Inspections.

- (1) *Submission of plans for approval.* Plans and specifications for all improvements, whether to be constructed before or after approval of a plat, shall be submitted to the Administrator for review and approval in accordance with the provisions of Article 2 above.

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- (2) *Final inspection.* All improvements shall be subject to final independent inspection and approval by a duly designated representative of the Town. Upon such approval, the developer shall convey all improvements to the Town of Hillsboro, or other responsible agency, in fee simple, before release of any performance bond, surety, cash or letter of credit. Absent a Town of Hillsboro inspection, the developer must submit evidence of construction meeting all applicable Town, County and State standards.

ARTICLE 5. ADMINISTRATION AND ENFORCEMENT

5.1. Administration.

The Administrator is hereby authorized and directed to administer this ordinance as specified herein. In so acting, the Administrator shall be considered the agent of the governing body. The Administrator shall have authority in the name of the Town of Hillsboro 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.

5.2. Fees.

- (1) *Authority to charge fees for the review of applications.* The Town may charge fees for processing and reviewing any plats or construction plans and for the inspection of facilities required to be installed in accordance with Code of Virginia, § 15.2-2241, as amended. The fees established for these services are set separately by Town Council action from time to time.
- (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, construction 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, construction 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 Town 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.

5.3. Variations and exceptions.

- (1) *Variations and exceptions to the minimum requirements.* Upon application by a developer, the Planning Commission upon recommendation of the Administrator 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 Administrator and Town Engineers.
 - (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 or exception granted pursuant to this section shall relieve the developer's obligation 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 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 or 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 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 30 days of the initial public meeting if no public hearing is held or within 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 or exception request shall not be deemed an interpretation that the plan or plat is approved.

5.4. Penalties.

Offense and fine. Any violation of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 plus \$100.00 for every day after the first day that such violation shall continue after notification that it shall cease.

ARTICLE 6. DEFINITIONS

6.1. 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 Administrator has the authority to interpret the meaning of all words and terms in this ordinance.

Administrator means the zoning administrator of the Town of Hillsboro.

Alley means 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.

Building means a structure designed to be used as a place of occupancy, storage or shelter.

Building setback line means the line beyond which the foundation wall and/or any enclosed porch or vestibule shall not project.

Commission means the planning commission of the Town of Hillsboro, Virginia.

Condominium means 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 Code of Virginia, 1950, § 55-79.49, 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.

Construction plans refer to plans and specifications for improvements as required by this ordinance, the zoning ordinance, Loudoun County, and the Virginia Department of Transportation. Construction plans shall include the term construction drawings.

Council means the Town Council of Hillsboro, Virginia.

County means the County of Loudoun, Virginia.

Developer means the legal or beneficial owners of all the land proposed to be included in a subdivision submitted to the town for review and approval or their assigned agent(s).

Easement means 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.

Engineer means the Town Engineer or consulting engineers retained by the Town of Hillsboro, Virginia.

Independent Inspector means professional engineer, landscape architect, soil scientist, or other qualified professional who is currently licensed or certified in the Commonwealth of Virginia retained to perform inspections required by this ordinance who is not an employee of or otherwise affiliated with the developer, landowner, or contractor, and who has no financial interest in the project other than compensation for inspection services rendered.

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

Lot means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot, corner means a lot abutting on and the intersection of two or more streets.

Lot, depth of means the mean horizontal distance between the front and rear lot lines measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, double frontage means an interior lot having frontage on two streets.

Lot, interior means a any lot other than a corner lot, including a through lot.

Lot of record means 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.

Lot, width of means the horizontal distance between side lot lines measured at the required front setback.

Owner, as applied to a building or land, 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.

Owners' association means 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.

Person means 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.

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 Code of Virginia, §§ 15.2-2241, 2242, 2258, 2262, and 2264. When used as a verb "plat" is synonymous with "subdivide."

Plat, record means 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."

Roadway, private means 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) Private access easement.
- (3) Private road.

Street means a public (or private) thoroughfare used or intended to be used for passage or travel by motor vehicles.

Street, local means a street giving access primarily to abutting property rather than to other streets or through traffic.

Subdivide means to divide any tract, parcel or lot of land into two or more parts.

Subdivider means 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.

Subdivision means the division of any parcel of land into two or more 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.