

ARTICLE 9 SITE PLAN REGULATIONS

Note: The Site Plan Article was totally amended December 10, 2006 with the following provisions, due to the many interconnections between site plan regulations and the Subdivision ordinance also adopted December 10, 2006.

9-1 Statement of Intent.

The purpose of this Article is to encourage sound, creative and innovative design and to ensure that land is used in a manner that is efficient, in harmony with neighboring property and the environment, that promotes high standards in the design, layout, landscaping and construction of development, is in accordance with the Comprehensive Plan, provisions of this Chapter and other parts of the Westmoreland County Code, and the purposes of zoning as set forth in the Code of Virginia.

There is a mutual responsibility between the County and a developer to develop land in an orderly and environmentally compatible manner, to ensure the efficient use of land and resources and to promote high standards in the layout, design, landscaping and construction of development.

Nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the Zoning Administrator to constitute a danger to the public health, safety or general welfare, or which shall be determined to be a violation of Federal, State or County laws or regulations.

9-2 When Required.

Site plans shall be required for all proposed development except:

- 1) Single family residential structures.
- 2) Residential accessory structures less than 5,000 square feet.
- 3) Agricultural structures in agricultural zoning districts.

All site plans must conform to the provisions of the Chesapeake Bay Preservation Area Overlay District in Article 3 of the Zoning Ordinance.

A site plan shall also be submitted and required for any use requiring a special exception permit.

9-3 Site plan submittal requirements.

Before filing an application for approval of a site development plan, the applicant may confer with the Administrator, who may advise the applicant to also meet with such other agencies of the County, State, and/or Federal Governments as may be advisable concerning the general proposal. The applicant may submit a draft plan that reflects unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations concerning the development of the tract. Such action does not require formal application or filing of a site plan and is not to be construed as an application for approval in computing time limitations in relation thereto.

Upon receipt of the agent's written comments on the draft plan, an applicant may prepare a formal site plan in accordance with this Article and submit it to the Administrator for formal consideration. Any conditions requested in draft plan review must be addressed by the site plan and included, where appropriate.

The site plan shall be prepared by an architect, landscape architect, engineer or surveyor licensed in Virginia and certified with their signature and seal shown on the plan. The following minimal information is required for the site plan application:

9-3.1 Site plans shall at a minimum contain:

1. Title of project, name and contact information of owner/applicant, and of the engineer, architect, landscape architect, planner and/or licensed surveyor, or other person(s) qualified to perform such work in accordance with the Code of Virginia and other lawful regulatory agencies, who is responsible for preparing the site plan;
2. Location of site by an inset map at a scale no less than one inch equals 2,000 feet, indicating the names of adjoining roads, streams, bodies of water, railroads, subdivisions and landmarks and land marks sufficient to properly identify the location of the property.
3. Indication of the scale, north arrow, zoning and present use of the property and adjacent properties, parcel number, magisterial district, date and such information as the names and numbers of adjacent roads, streams, and bodies of water, railroads and subdivisions, or other landmarks sufficient to clearly identify the location of the property;
4. A boundary survey of the proposed site or a certified copy of a previously recorded survey, including the acreage and legal description thereof and the location of survey datum and a certificate or plat signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the place of record of the last instrument in the chain of title;
5. A blank space at least four (4) inches by four (4) inches in the plan face for use of the administrator;

6. All existing and proposed structures, streets and easements, their names, numbers, and width; streams, drainage ways, floodplain and wetland designations, existing and proposed utilities with easements and sizes, projected peak water and wastewater flows, watercourses and their names and owners;
7. Location, type and size of all ingress and egress of the site and indication of plans and procedures to comply with VDOT requirements and other applicable regulations;
8. Existing topography and proposed finished contours at two (2) foot contour intervals;
9. A plan of the proposed site development at a scale of one inch equals fifty (50) feet or larger that includes the following elements:
 1. North arrow, scale and date.
 2. Proposed streets and easements.
 3. Location, types and size of vehicle entrances including fire lanes.
 4. All off-street parking, loading and stacking indicating surfacing, size and angle of stalls, width of aisles and the schedule of spaces to serve the proposed development.
 5. Location and layout of proposed structures including number of floors, floor area, height, gross density (building square footage per total acres) and net density (building square footage per net acres – total acres minus setback and required conservation area), setback and proposed use of each structure.
 6. Proposed grading matched to existing contours and supplemented by finished floor, building and spot elevations, where appropriate.
 7. Location, type and height of lighting, fencing, retaining walls and screen planting, where required, and signage.
 8. Drainage channels and their direction of flow and storm water management facilities.
 9. Proposed utility connections and location, size and grade of sewer and water lines and plan and profile sheets.
 10. Refuse collection and removal areas and their screening from adjacent streets and properties.
10. A landscape plan showing woodline before site preparation with species and average diameter of trees indicated with location and diameter of single trees in open areas, areas to be screened, fenced, walled and/or landscaped, with approximate arrangements, plant types and sizes, and size and type of trees to be removed having a minimum diameter breast height of six (6) inches or greater;
11. Provisions for off-street parking, loading spaces and pedestrian walkways including existing and proposed sidewalks, type of parking surface, parking space sizes and drive aisles widths, and calculations indicating the number of parking spaces required the number provided, pavement profile and details including a typical cross-section of parking and drive areas, vertical

and horizontal curves (where appropriate), entry and curb radii, handicapped parking designation and handicapped ramps and curbs;

12. Location, type, size, floor area, number of floors and height of all structures; fencing, screening, and retaining walls where required under the provision of applicable ordinances; and proposed general use for each building - if a multi-family residential building, townhouse or patio house, the number, size and type of dwelling units within each structure shall be indicated. For a multifamily residential development, the number, size and type of dwelling units and the location, type, and percentage of total acreage of recreation facilities;
13. Utility layout including water, sanitary sewer or septic system plan with profiles identifying the vertical and horizontal alignments, connection details to existing facilities, invert and rim elevations, pump stations and force mains, hydrants, valves, blow offs, etc; location of electrical transmission lines, gas pipelines, streetlights, fire hydrants and other fire fighting facilities and the locations of garbage and trash disposal facilities; 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.
14. Grading and drainage plan which incorporates storm water management in accord with state statute for the proposed development including location, type and size of facilities and the identification of easements to accommodate existing and proposed drainage and management facilities; calculations of storm water management and drainage prepared by a professional engineer are required in accordance with the County's storm water management requirements.
15. Flood plain limits established by current FEMA maps, soil survey and/or engineering methods.
16. Computation notations to include the total site area, and the amount and percentage of the site covered by open space and buildings or dwelling units, and impervious surface coverage;
17. All shoreline alteration, including dredging, filling, and bulkheading as approved by the appropriate local, state and federal regulatory agencies and commissions. Provision for disposition of spoils. Provision for the prevention of saltwater intrusion. Provision for preservation of the ecology of the area and prevention of damage to the groundwater supply.
18. A minimum of one (1) datum reference for elevations used on plans and profiles and correlated to U.S. Geological Survey datum, where possible.
19. Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.

20. Summary of the proposed development including uses, acreage, descriptions of the utility plans, projected traffic impact and circulation, site soils and zoning conditions that apply to the development. Any separate permits (state or Federal) required for the development must be obtained prior to commencement of construction. Proposed easement or right-of-way dedications must be provided on a separate plat map for recording.
- 9-3.2 The Zoning Administrator may waive one or more of the above submittal requirements if not applicable to the proposed project. If such waiver is given, it must be in writing.
- 9-3.3 The submittal of a site plan with insufficient information shall result in the return of the plans to the applicant with deficiencies noted in written form, within 10 business days of submission of the application by the applicant.
- 9-3.4 No public easement, right-of-way or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the governing body and evidence of such approval is shown on the instrument to be recorded.
- 9-3.5 Upon compliance with the terms of this Ordinance and the satisfactory completion of construction, the Zoning Administrator shall furnish a certificate or letter of approval. Certificates or letters of approval shall release all of the bonds, surety or letters of credit which may have been furnished.
- 9-3.6 The complete application, including drawings, shall be submitted to the County in both paper copy form, as well as digital form, such as PDF format files, or other such reasonable file format as may be deemed acceptable to the Zoning Administrator.

9-4 Procedures for administrative review of site plans.

9-4.1 The applicant shall submit ten (10) copies of the site plan and the appropriate application fee to the Zoning Administrator. The Zoning Administrator shall make a determination as to whether the application is complete and issue a judgment in writing to the applicant within 10 business days of receiving the site plan application.

Upon meeting all submittal requirements for a complete application, the site plan shall be reviewed by all agencies of the County, State, and/or Federal Governments as deemed necessary by the Zoning Administrator. The Zoning Administrator shall transmit county staff comments to the applicant within seventeen (17) business days of determining that the application submittal is complete.

No plan shall be approved until all staff and other agency comments are satisfied or otherwise resolved as determined by the Zoning Administrator.

9-4.2 The site plan may be granted preliminary approval, final approval, disapproved or ruled incomplete by the Zoning Administrator. If granted preliminary approval, the site plan shall be revised to address such conditions or requirements as necessary to obtain final approval. The Zoning Administrator shall notify the applicant of any action taken on the site plan within 10 business days of such action. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for denial.

9-4.3 Approval, preliminary approval or disapproval of a complete site plan submission shall occur not longer than sixty (60) days following formal acceptance of the application by the Zoning Administrator.

9-5 Review criteria--generally.

The Zoning Administrator shall examine and consider site plans with respect to:

9-5.1 Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan;

9-5.2 Design and layout of the site including buildings, signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site.

Particular emphasis shall be placed upon the review of on-site function and form, public safety features, environmental, historic and vegetative preservation,

efficient layout of buildings, parking areas, off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress;

- 9-5.3 Design standards contained in this Ordinance and the Zoning Ordinance as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The applicable standards of VDOT shall apply where appropriate, to site plan approval.

9-6 Preliminary approval--term of validity.

Preliminary approval of a site plan shall be valid for a period of one (1) year and shall permit an applicant to perform clearing and grading operations and the installation of utilities. A revised site plan must be presented and properly filed with the Administrator and receive final approval from the Administrator prior to the termination date of the preliminary approval. Preliminary approval shall not be renewed in lieu of an applicant seeking final approval and preliminary shall not vest the applicant against any change or amendment to any County ordinance, map, resolution, policy or plan adopted subsequent to the date of preliminary approval of the site plan.

9-7 Revised site plan--submittal generally.

- 9-7.1 Upon application, an approved site plan may be amended with the approval of the Administrator, provided, that such proposed amendment does not:

1. Alter a recorded plat;
2. Conflict with the specific requirements of this Article;
3. Change the general character or content of an approved development plan or use;
4. Have an appreciable affect on adjoining or surrounding property;
5. Result in any substantial change of major external access points;
6. Increase the approved number of dwelling units or height of buildings; or
7. Decrease the specified yards and open spaces or specified parking and loading spaces.

- 9-7.2 Amendments not in accordance with 9-7.1.1 through 9-7.1.7 of this Section shall be considered as new site plans and resubmitted for approval. Approval of an amendment under this Section shall not extend the term of validity of the original approved site plan.

9-8 Action upon completion of review.

Upon final approval of the site plan by the Administrator, the Administrator shall transmit at least two (2) approved sets of plans to the applicant, owner or authorized project agent, retain one (1) set of approved plans and copies of any correspondence and transmit copies of approved plans to review agents as requested by such agents. The applicant shall maintain one set of the approved site plan on the site throughout the course of development and construction.

9-9 Final approval--term of validity

Final approval of a site plan submitted under the terms of this Article shall expire five (5) years after the date of such approval. During that period all permits shall be obtained or the development shall be put into use. When permits have been issued, the site plan approval shall run concurrently with the permit term of validity for only those improvements covered by a permit. A site plan approval shall remain valid longer than five years if it was valid on January 1, 2009 and as provided in Section 15.2-2209.1, Code of Virginia.

For so long as the final site plan remains valid in accordance with the provisions of this Section, no change or amendment to any County ordinance, map, resolution, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer or successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

Application for minor modifications to approved site plans made during the five year term of validity shall not constitute a waiver of provisions of this Section nor shall the approval of such minor modifications extend the period of validity. Any minor modification shall be made in accordance with Section 9-7.

9-10 Compliance with site plan required.

9-10.1 Inspection and supervision during development

1. Unless otherwise specifically provided in this Chapter, the construction standards for all off-site and on-site improvements required by this Chapter, the site plan or other documents approved by the County shall conform to County approved design and construction standards. The Administrator shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.
2. The owner or his agent shall notify the Administrator prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.
3. The owner or his agent shall provide adequate supervision on the site during installation of all required improvements and have a responsible superintendent or foreman, together with one set of the approved plans, profiles and specifications available at the site at all times when the work is being performed.

9-10.2 Violations and penalties.

Any person, firm or corporation, whether as principal, agent, owner, lessee, employee or similar position, who violates or fails to comply with any provision of this Article, permits such violation or erects any structure or uses any land or structure prior to preliminary approval or contrary to a site plan shall be subject to criminal sanctions, civil penalties and/or injunctive relief as provided in Article 11 of this Ordinance .

9-11 Public Improvements Bond

Prior to the issuance by the Administrator of any temporary certificate of occupancy or zoning permit, for development of any portion of the site, there shall be executed by the owner of developer an agreement to construct the required physical improvements located within public rights-of-way and easements together with a bond securing the estimated cost of said improvements as determined by the Agent. The agreement and bond shall be adequate to provide for the completion of all work covered therein plus an additional 20% for administration and services should execution of the bond be necessary. The reservation of surety offered by the bond may be released in phases by the Administrator as entire components of the work is concluded, inspected and approved as complete.

9-12 Appeals.

If an applicant contends that the disapproval of a site plan was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court, provided that his appeal is filed with the circuit court within sixty days of the written disapproval by the administrator.