



WESTMORELAND COUNTY, VIRGINIA

# Land Use Administration

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## PERMIT GUIDANCE

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This document is provided as a guideline to assist the public in understanding requirements, preparing plans, and submitting documents. This document does not replace or supersede the code requirements. It is the responsibility of the property owner and/or applicant to provide accurate and reliable information concerning the project in accordance with all applicable codes. We will do our best to assist you in the application process.

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### DEFINITIONS:

100' Buffer/RPA - The Chesapeake Bay Preservation Act requires a vegetated buffer of 100 feet around rivers, creeks, perennial streams, and certain wetlands. This buffer is also called the 100-foot Resource Protection Area (RPA). Both construction and clearing of vegetation are fairly limited within this buffer. See the specific project for information on what work may be allowed within this 100-foot buffer.

Impervious Cover – These are hardened surfaces that impede the direct infiltration of rainwater into the ground. Structures that qualify as impervious cover include decks, patios, and anything with a roof. Other sources of impervious cover include driveways, sidewalks, pavers, etc. For a structure with multiple floors, impervious cover is the area of the structure's footprint (the area of ground being covered).

Setbacks – The minimum distance that a structure or feature must be from property lines or water's edge. The open area between the property line and the setback point is known as the required yard.

## **REQUIREMENTS FOR SPECIFIC TYPES OF PROJECTS:**

The permits generally required for a variety of projects are listed below. The requirements for the specific permits (e.g. zoning, building, etc.) are listed on pages 10-15.

### **Change in Use**

An example of a 'change in use' for a structure is the change of occupant, such as a garage being converted to a house or a single-family house being converted into apartments. An example of a 'change in use' of a property is adding a new use on the property, such as a store becoming a restaurant.

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond (if applicable)
4. Electrical, plumbing, mechanical, and 911 Address permits (if applicable)
  - Even if no construction is intended, a building inspection is typically necessary to ensure that the structure meets building code for the proposed new use.
  - Health Department requirements – The property must meet current Health Department regulations for the proposed new use. Please see LUA staff for a worksheet to take to the Health Department.

### **Camper, Boat/Horse Trailer, RV:**

- These are allowed to be stored within residential districts. If the equipment is 6 feet or greater in height, it must be placed within the required setbacks and must be at least 3 feet from any building. No permit is required for storage of such equipment on the property.
- No habitation, temporary or permanent, of such equipment is permitted except in official campgrounds/RV parks.
- Camping in tents is only allowed as a temporary use accessory to a single-family home.

### **Remodeling/Alteration:**

1. Remodeling/Building permit – building plans must be provided to show structural (and possibly electrical or plumbing) changes.
  - A building permit is not required for minor residential repairs such as installing siding, re-shingling, or replacing windows in the same wall opening. A building permit will be required if you are making structural changes while making those repairs (e.g. enlarging windows, changing roof-lines, repairing trusses, etc.) and for commercial projects.

### **Fence:**

1. \*Permits are not required for fences of any height at this time, but the following regulations still apply.\*
  - Fences may not exceed four (4) feet tall in the front yard of a residential district. "Front yard" means either: 1) the area between the house and the street, or 2) the area within the setback from the road, whichever is the shorter distance.
  - Fences may not exceed eight (8) feet in height anywhere in residential districts.
  - Fences may not contain barbed wire nor be electrified in residential districts.
  - Fences shouldn't be located in utility easements. There are no setbacks from property lines required for fences; however, the fence must be entirely on your property. Please bear in mind that you may need to allow space for maintenance to the outside of the fence, unless you are certain that your neighbor and any future neighbor will allow you access.
  - Buffer requirements – Fences are allowed within the 100' buffer, unless there is a recorded viewshed easement or other such restriction. However, the only fence allowed on a beach is properly-installed sand fencing.

### **Handicap Ramp:**

1. Building permit
2. Zoning permit

### **New Stick-built or Modular Home:**

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, mechanical, and 911 Address permits
  - Health Department requirements – The property must have valid construction permits for both well and septic (unless public/community utilities are available or features were previously installed). Please contact the Environmental Health Division at the A.T. Johnson Building, 804-493-1335. If you are connecting to public sewer, the tap fee must be paid.
  - Buffer requirements - Principal structures may receive administrative approval to be located within the 100' buffer when: 1) the lot was platted (and not changed since) before October 1<sup>st</sup>, 1989, and, 2) there is not sufficient buildable area outside the 100' buffer and the structure is located as far from the water/wetlands as possible, and, 3) the proposed construction does not encroach into the 50' buffer, and, 4) the total area of the structure doesn't exceed 3,000 square feet or the average of adjacent homes, whichever is larger (staff will help to determine this). The total area shall include the house, attached garage, porches, decks, etc. For multi-story houses, the total area is the sum of the square footage of all stories, not the footprint.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.
  - "Tiny Houses" – Per building code, a dwelling consists of roughly at least 260 square feet of living area. The house must be built to SFD building code, manufactured building code, or modular building code and allowable in the specific zoning district. Temporary placement and/or RV-type tiny houses on wheels would only be allowed for habitation within a permitted RV campground. If your property is located within a subdivision, check the subdivision covenants to see whether a minimum house size is required within your community.

### **New Manufactured/Mobile Home:**

1. Building permit (includes electrical, plumbing, and mechanical permits)
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. 911 Address permit
  - Health Department requirements – The property must have valid construction permits for both well and septic (unless public/community utilities are available or features were previously installed). Please contact the Environmental Health Division at the A.T. Johnson Building, 804-493-1335. If you are connecting to public sewer, the tap fee must be paid.
  - Buffer requirements - Principal structures may receive administrative approval to be located within the 100' buffer when: 1) the lot was platted (and not changed since) before October 1<sup>st</sup>, 1989, and, 2) there is not sufficient buildable area outside the 100' buffer and the structure is located as far from the water/wetlands as possible, and, 3) the proposed construction does not encroach into the 50' buffer, and, 4) the total area of the structure doesn't exceed 3,000 square feet or the average of adjacent homes, whichever is larger (staff will help to determine this). The total area shall include the house, porches, decks, etc.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.
  - Additional requirements for manufactured/mobile homes – You must provide a copy of a floor plan of the home; a hand-drawn floor plan is acceptable. You also need to provide the serial number and year of manufacture of the trailer, preferably by submitting a copy of the DMV registration. If placing a new trailer, you should include a copy of the installation manual.



- Trailers manufactured prior to 1976 are not permitted, unless inspected by the Building Official and determined to satisfy the current building code. Prior to issuance of the building permit, the Building Official may wish to inspect and approve any used trailer that is older than 20 years old, so you should contact him prior to purchase.

**Replacement House (refers to the replacement of the entire house):**

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, and mechanical permits
6. Demolition permit (if applicable)
  - Health Department requirements - The Health Department must evaluate the septic system to ensure that it is functioning properly. Septic upgrades may not be required if you are not adding bedrooms, but you may need to have a reserve drainfield located. See LUA staff for a worksheet to take to the Health Department. If sewer is available, you must connect to the sewer system, unless the original home was recently destroyed by fire or natural disaster or if a suitable septic system was installed under the current (year 2000) Health Department regulations.
  - Buffer requirements – Replacement of existing legal structures located within the 100’ buffer may receive administrative approval if certain conditions are met. The amount of impervious cover within the buffer for the proposed project must be equal to or less than existing conditions and should be in approximately the same location as the existing footprint. The amount of total square footage of the proposed structure (the sum of all floors, deck, porches, garage, etc.) within the buffer must be equal to or less than the existing structure. The proposed structure cannot be any closer to the water/wetlands than the existing structure. Additional square footage may be permitted (either horizontally or vertically) outside the buffer in accordance with other regulations.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100’ buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.

**Accessory Dwelling Units (aka Guest Houses):**

Agriculturally-zoned lots and most residentially zoned lots only allow single-family residential uses, typically in one structure. However, on conforming lots, it is permitted to have a second subordinate dwelling unit, known as an accessory dwelling. Accessory dwelling units may be located within the main house (e.g. an “in-law suite”) or in a detached accessory structure (e.g. a guest room above a garage). The accessory dwelling unit must not exceed 1,200 square feet in area. This area total includes porches, but does not include unroofed decks nor nonliving space such as garages. The accessory dwelling may be a manufactured home (trailer), but only if the principal dwelling is not also a manufactured home.

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond (if applicable)
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, mechanical permits (not required for manufactured homes)
6. 911 Address permit
  - Health Department requirements – Up to three structures may share the same well, if desired. The property must have valid construction permits for a separate septic system (unless sufficient capacity exists on the existing system and the Health Department allows the additional connection). Please contact the Environmental Health Division at the A.T. Johnson Building, 804-493-1335. If you are connecting to public sewer, the tap fee must be paid. Accessory dwelling units that are part of the same structure as the principal dwelling may be able to share a sewer connection; see County Administration for their determination. Detached accessory structures must have a separate sewer connection if sewer is available.
  - Buffer requirements - Detached accessory dwellings may not be located within the 100’ buffer

without a Chesapeake Bay Act Exception granted by the Planning Commission. See the Buffer Requirements section for House Additions for information on attached accessory dwelling units within the 100-foot buffer.

**House Addition (of 833 square feet added impervious cover and greater):**

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, and mechanical permits (if applicable)
  - Health Department requirements – For an addition of greater than 500 square feet, the Health Department must evaluate the septic system to ensure that it is functioning properly. Septic upgrades may not be required if you are not adding bedrooms, but you will need to have a reserve drainfield located. See LUA staff for a worksheet to take to the Health Department. Please note that enclosed porches, sunrooms, attached garages, and lofts should be included in the total square footage. Deck areas are not included in the Health Department requirement (but are included in the total added impervious cover). If sewer is available, you must connect to the sewer system.
  - Buffer requirements - Additions to houses may receive administrative approval to be located within the 100' buffer, only if encroachment into the 100' buffer is minimized. Construction will typically not be considered to be minimized: 1) if there is functional buildable area remaining outside the 100' buffer or 2) if the area of all structures exceeds 3,000 square feet total or the average of adjacent homes (staff will help to determine this). The area total shall include the existing house, proposed addition, attached garage, porches, decks, etc. For multi-story houses, the area total is the sum of the square footage of all stories, not the footprint. In some cases, the addition may not extend into the 50' buffer. If the proposed addition extends further into the buffer than the existing house, a written explanation of the circumstances which necessitate the addition in that location rather than on a non-water side of the house will be required prior to consideration for administrative approval.
    - Additions that are replacements (e.g. repairing damaged portion of house or removing deck and building a porch/living space) may be allowed administratively if there is no increase in impervious cover or encroachment into the buffer.
    - Patios are considered accessory structures and may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.

**House Addition (of greater than 500 total added square feet and less than 833 square feet added impervious cover)**

1. Building permit
2. Zoning permit, with plot plan
3. Electrical, plumbing, and mechanical permits (if applicable)
  - Health Department requirements – For an addition of greater than 500 square feet, the Health Department must evaluate the septic system to ensure that it is functioning properly. Septic upgrades may not be required if you are not adding bedrooms, but you will need to have a reserve drainfield located. See LUA staff for a worksheet to take to the Health Department. Please note that enclosed porches, sunrooms, attached garages, and lofts should be included in the total square footage. Deck areas are not included in the Health Department requirement (but are included in the total added impervious cover). If sewer is available, you must connect to the sewer system.
  - Buffer requirements - Additions to houses may receive administrative approval to be located within the 100' buffer, only if encroachment into the 100' buffer is minimized. Construction will typically not be considered to be minimized: 1) if there is functional buildable area remaining

outside the 100' buffer or 2) if the area of all structures exceeds 3,000 square feet total or the average of adjacent homes (staff will help to determine this). The area total shall include the existing house, proposed addition, attached garage, porches, decks, etc. For multi-story houses, the area total is the sum of the square footage of all stories, not the footprint. In some cases, the addition may not extend into the 50' buffer. If the proposed addition extends further into the buffer than the existing house, a written explanation of the circumstances which necessitate the addition in that location rather than on a non-water side of the house will be required prior to consideration for administrative approval.

- Additions that are replacements (e.g. repairing damaged portion of house or removing deck and building a porch/living space) may be allowed administratively if there is no increase in impervious cover or encroachment into the buffer.
- Patios are considered accessory structures and may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
- Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
- See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.

#### **House Addition (of less than 500 total added square feet)**

1. Building permit
2. Zoning permit, with plot plan
3. Electrical, plumbing, and mechanical permits (if applicable)
  - Buffer requirements - Additions to houses may receive administrative approval to be located within the 100' buffer, only if encroachment into the 100' buffer is minimized. Construction will typically not be considered to be minimized: 1) if there is functional buildable area remaining outside the 100' buffer or 2) if the area of all structures exceeds 3,000 square feet total or the average of adjacent homes (staff will help to determine this). The area total shall include the existing house, proposed addition, attached garage, porches, decks, etc. For multi-story houses, the area total is the sum of the square footage of all stories, not the footprint. In some cases, the addition may not extend into the 50' buffer. If the proposed addition extends further into the buffer than the existing house, a written explanation of the circumstances which necessitate the addition in that location rather than on a non-water side of the house will be required prior to consideration for administrative approval.
    - Additions that are replacements (e.g. repairing damaged portion of house or removing deck and building a porch/living space) may be allowed administratively if there is no increase in impervious cover or encroachment into the buffer.
    - Patios are considered accessory structures and may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.

#### **Detached Residential Accessory Structure (of 833 square feet added impervious cover and greater)**

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, and mechanical permits (if applicable)
  - Health Department requirements - A reserve drainfield must be located for your lot. Please see LUA staff for a worksheet to take to the Health Department. If the accessory structure is to be connected to the existing drainfield system, a septic modification permit from the HD is required.
  - Buffer requirements - Detached accessory structures may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.



- Please note: accessory structures of greater than 150 square feet are not permitted prior to the construction of a house without issuance of a Board of Zoning Appeals variance.

**Detached Residential Accessory Structure (of greater than 256 total square feet and less than 833 square feet added impervious cover)**

1. Building permit
2. Zoning permit, with plot plan
3. Electrical, plumbing, and mechanical permits (if applicable)
  - Health Department requirements - A reserve drainfield must be located for your lot. Please see LUA staff for a worksheet to take to the Health Department. If the accessory structure is to be connected to the existing drainfield system, a septic modification permit from the HD is required.
  - Buffer requirements - Detached accessory structures may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
  - Additional requirements for detached accessory structures – any accessory structure over 256 square feet must be on a permanent foundation
  - Please note: accessory structures of greater than 150 square feet are not permitted prior to the construction of a house without issuance of a Board of Zoning Appeals variance.

**Detached Residential Accessory Structure (of 256 square feet or less)**

1. Zoning permit, with plot plan
2. Electrical, plumbing, and mechanical permits (if applicable)
  - Buffer requirements - Detached accessory structures may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
  - Please note: only one accessory structure of 150 square feet or less is permitted prior to the construction of a house.

**Pool (of 833 square feet added impervious cover and greater, including patio/deck):**

1. Pool building permit
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)
5. Electrical permit (if applicable)
  - Buffer requirements – Private pools are considered accessory structures and may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
  - Please note: accessory structures of greater than 150 square feet are not permitted prior to the construction of a principal structure without issuance of a Board of Zoning Appeals variance (principal residential structure = house).

**Pool (of less than 833 square feet added impervious cover, including patio/deck):**

1. Pool building permit
2. Zoning permit, with plot plan
3. Electrical permit (if applicable)
  - Buffer requirements – Private pools are considered accessory structures and may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.
  - Please note: accessory structures of greater than 150 square feet are not permitted prior to the construction of a principal structure without issuance of a Board of Zoning Appeals variance (principal residential structure = house).

**Farm Building (of 833 square feet added impervious cover and greater):**

1. Building permit (may not be required in all cases)
2. Zoning permit
3. Land disturbing permit and bond
4. County or Virginia stormwater permit (if applicable)

5. Electrical permit (if applicable)
  - Buffer requirements - Farm buildings are not considered accessory structures, unless there is a house located on the same lot, and may be located within the 100' buffer. Principal structures may receive administrative approval to be located within the 100' buffer on lots that were platted prior to October 1<sup>st</sup>, 1989, only if there is not sufficient buildable area outside the 100' buffer and if encroachment into the 100' buffer is minimized. Construction will typically not be considered to be minimized if there is functional buildable area remaining outside the 100' buffer or if the structure exceeds reasonable building size. Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.

**Farm Building (of less than 833 square feet added impervious cover):**

1. Building permit (may not be required in all cases)
2. Zoning permit, with plot plan
3. Electrical permit (if applicable)
  - Buffer requirements - Farm buildings are not considered accessory structures, unless there is a house located on the same lot, and may be located within the 100' buffer. Principal structures may receive administrative approval to be located within the 100' buffer on lots that were platted prior to October 1<sup>st</sup>, 1989, only if there is not sufficient buildable area outside the 100' buffer and if encroachment into the 100' buffer is minimized. Construction will typically not be considered to be minimized if there is functional buildable area remaining outside the 100' buffer or if the structure exceeds reasonable building size. Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.

**Covered Boathouse/Boat Slip:**

1. Building permit – building plans are required as submitted to Virginia Marine Resources Commission (VMRC). You may apply for your County building permit once you have received a letter of approval from VMRC and either County Wetlands Board approval or a letter from the Land Use office stating that a Wetlands permit is not required.
2. Zoning permit
3. Electrical permit (if applicable, typically needed when the project includes a boatlift)
  - Boathouses cannot be enclosed with sides. Please see the Zoning Ordinance section 4-9 for other criteria.

**Pier:**

1. Building permit – building plans are required as submitted to Virginia Marine Resources Commission (VMRC). You may apply for your County building permit once you have received a letter of approval from VMRC and either County Wetlands Board approval or a letter from the Land Use office stating that a Wetlands permit is not required.
2. Zoning permit
3. Electrical permit (if applicable, typically needed when the project includes a boatlift)
4. Landscape plan (if applicable) – A landscape plan is required, in accordance with the Riparian Buffers Guidance Manual, if there are significant wetlands impacts or grading included in the project. It may be hand-drawn.

**Boat Ramp:**

1. Land disturbing permit and bond - plans are required as submitted to Virginia Marine Resources Commission (VMRC). You may apply for your County land disturbing permit once you have received VMRC approval and County Wetlands Board approval.
2. Landscape plan required – A landscape plan is required, in accordance with the Riparian Buffers Guidance Manual. It may be hand-drawn. The landscape plan requirement may be waived or reduced if the Land Use office determines that your lot has sufficient vegetation already existing within the buffer.



### **Shoreline Stabilization (Riprap, Bulkhead, Living Shoreline, etc.):**

1. Building permit – building plans are required as submitted to Virginia Marine Resources Commission (VMRC). You may apply for your County building permit once you have received VMRC approval and either County Wetlands Board approval or a letter from the Land Use office stating that a Wetlands permit is not required.
2. Zoning permit
3. Land disturbing permit and bond (if applicable)
  - The plans as submitted to VMRC and the Wetlands Board may be sufficient; however, the Wetlands Board and LUA staff have the authority to require a more detailed plan.
4. Landscape plan required – A landscape plan is required, in accordance with the Riparian Buffers Guidance Manual. It may be hand-drawn. The landscape plan requirement may be waived or reduced if the Land Use office determines that your lot has sufficient vegetation already existing within the buffer.
  - Living Shorelines are the preferred method of shoreline stabilization when possible. Please consult with LUA staff about the optimal method for your property.

### **Retaining wall:**

1. Building permit (if retaining more than 4 feet of earth), with engineered building plans (either site-specific or specific to a commercial product)
2. Zoning permit (always required, regardless of height or material of wall)
3. Land disturbing permit and bond, with engineered site plan (if applicable)
4. County or Virginia stormwater permit (if applicable)
5. Landscape plan required – A landscape plan is required, if the project is within the 100' buffer. It may be hand-drawn. The landscape plan requirement may be waived or reduced if the Land Use office determines that your lot has sufficient vegetation already existing within the buffer.
  - In some cases, an engineered site plan will be required. A plot plan may be acceptable, provided the project is outside the 100' buffer, land disturbing/grading is limited, and no steep slopes are involved.
  - Buffer requirements – In some cases, retaining walls may not be located within the 100' buffer without a Chesapeake Bay Act Exception granted by the Planning Commission.

### **Landscaping:**

- Maintaining and adding small landscaped areas do not require a permit unless located in the 100' buffer or the land disturbed area is 2,500 square feet or greater.

### **New Commercial Building:**

1. Building permit
2. Zoning permit
3. Land disturbing permit and bond, with engineered site plan
4. County or Virginia stormwater permit (if applicable)
5. Electrical, plumbing, mechanical, and 911 Address permits
  - Health Department requirements – The property must have valid construction permits for both well and septic (unless public/community utilities are available or features were previously installed). Please contact the Environmental Health Division at the A.T. Johnson Building, 804-493-1335. If you are connecting to public sewer, the tap fee must be paid.
  - Buffer requirements - Principal structures may receive administrative approval to be located within the 100' buffer when: 1) the lot was platted (and not changed since) before October 1<sup>st</sup>, 1989, and, 2) the proposed construction does not encroach into the 50' buffer, and, 3) there is not sufficient buildable area outside the 100' buffer, and, 4) the encroachment into the 100' buffer is minimized. Typically, construction won't be considered to be minimized if the structure exceeds reasonable building size for that type of business.
    - Construction that does not meet these conditions will require a Chesapeake Bay Act Exception granted by the Planning Commission.
    - See staff as soon as possible when planning construction within the 100' buffer in order to determine if the project can be approved administratively or if it will require a Planning Commission hearing, as well as learn about the required mitigation plan.
  - VDOT requirements – In most cases, a commercial project will require a VDOT-approved

driveway entrance and other improvements. This process can be lengthy, so the site plan should be submitted to the Land Use office well in advance of the projected start of construction.

## **REQUIRED FOR ALL PERMITS:**

The following items are required for all applications. Please note: the lists on this and the following pages are the minimum requirements. The Administrator has the authority to request additional information, given the details of the specific project or the particular lot.

1. Permit application
  - For multiple types of permits within the same project, you only have to fill out the one application.
2. Fees
  - Fees are required at the time of submittal and are non-refundable.
  - The County accepts cash or check; we cannot process credit cards at this time. Checks are to be made payable to 'Treasurer of Westmoreland County.'
  - Ask LUA staff or see the Fee Schedule for amount due.
3. Owner affidavit or contractor information
  - You must provide the name, address, and license number of the VA-licensed contractor that will be completing the work, as well as a copy of their license. This includes all subcontractors. If you do not have a VA-licensed contractor, then the landowner must sign an Owner Affidavit. The Owner Affidavit states that you are exercising your right to make improvements to your own property, taking responsibility for the work to be done, and are familiar with all relevant codes, etc. FYI—if you sign the owner affidavit and then hire a contractor, you should make certain that you have a written contract detailing the work to be done.
4. VDOT entrance permit
  - You must get a permit from VDOT prior to installing a driveway culvert pipe on a state-maintained road. If there is an existing culvert but it is not in the correct location and needs to be moved, you will need to get a VDOT permit. A VDOT permit is also required to replace a culvert. If there is an existing culvert in the proper location, you will not need to get a VDOT permit. You do not need a VDOT permit to add onto an existing culvert. If the road is not state-maintained, a VDOT permit is not required. The VDOT office is off Route 360 in Haynesville, call 804-333-7940.
5. Property taxes paid
  - Prior to the issuance of any permit, all bills with the county must be paid in full. This also includes sewer tap fees.
6. All structures must meet the setbacks for the lot upon which it is to be constructed.
  - Effective October 9<sup>th</sup>, 2015, construction is not permitted to cross property lines or be located too close to property lines, even if all lots are under the same ownership. Owners will need to combine lots, adjust boundary lines, or seek a variance (if construction is not over the line).
  - Accessory structures may be allowed on separate, adjacent lots, provided that the structure meets the required setbacks. However, accessory structures over 150 square feet are not allowed on lots across the street from the principal structure (for residential development, the principal structure is the house).
  - Please note that any alteration of lot lines will create a new "lot of record" and therefore a waterfront lot will be treated as a Post-Chesapeake Bay Act lot with a 100-foot buffer required.

## **REQUIREMENTS FOR SPECIFIC PERMITS:**

**ZONING PERMIT** – a zoning permit is required for wells, some special events, a change in the use of a structure or lot, new businesses in existing structures, and almost all construction (including sheds, carports, gazebos, etc.). The zoning permit is issued to show that the proposed project complies with the Zoning Ordinance, particularly in regards to setbacks from property lines and streets, water and septic requirements, Chesapeake Bay Act requirements, Stormwater Management requirements, and allowed uses within the zoning district.

The following is a list of the minimum requirements for issuance of a zoning permit:



1. Plot plan (3 copies minimum, only if an engineered site plan is not required, see attached sample drawing)
  - A plot plan is a to-scale drawing of the lot, showing the dimensions of the lot, and also showing the location of the proposed structure, any existing structures, the driveway, the well/water meter, and the septic tank/drainfield/sewer connection. The distance of the proposed construction from the property lines and location relative to other nearby structures and features such as wells or drainfields must be shown. The location of erosion and sediment controls (e.g. silt fence) and the limits of land disturbing should be shown.
  - Provide a copy of the plat of record so that we may confirm the dimensions of the lot.
  - Please note that a site plan for a previous project cannot be amended for another project. Likewise, you cannot draw the new structures on an old plat (house location survey or boundary survey). If you only have a plat or a site plan for a previous project, you will need to trace or recreate it because site plans are considered a sort of intellectual property of the designer. However, a recent Health Department drawing typically can be used.
  - All proposed construction shall be located no less than the required setbacks for the zoning district of the property. For questions regarding setbacks, see the Minimum Setbacks handout, available at the Land Use office.
  - If your project exceeds 833 square feet of additional impervious cover and/or 2,500 square feet of land disturbing or encroaches into the 100' buffer, then a plot plan may not be sufficient. See staff for details and the section for Land Disturbing permits for a list of the requirements for an engineered site plan.
2. Site Plan with Water Quality Impact Assessment/BMP design (for construction within 100' buffer)
  - Construction within 100 feet of Mean High Water, perennial stream, or wetlands (the 100' buffer) typically requires an engineered site plan prepared by a professional engineer, land surveyor, or architect licensed in Virginia, with a Water Quality Impact Assessment/BMP design to mitigate for the buffer encroachment. If a BMP mitigation feature is necessary, a BMP Agreement (prepared by LUA staff) shall need to be signed and recorded at the Records Room.
3. Septic pump-out within the last five years
  - Prior to the issuance of a zoning permit, you must provide a receipt showing the septic tank has been pumped out within the last five years. We will also accept a certificate stating that a licensed drainfield professional has inspected the tank and determined that a pump-out is not required at that time. This is a requirement of the Chesapeake Bay Act Overlay District and applies to the whole County, unless the property is connected to sewer or there is no septic drainfield on the property. This is required regardless of whether the proposed construction impacts the septic system or not.
4. Topography
  - If an engineered site plan is not otherwise required and if the lot is relatively flat, the Land Use office can retrieve the topography from our computer-mapping program. If there are steep slopes within or 50' beyond the limits of the project, a plot plan will not be sufficient. See the section for Land Disturbing permits for a list of the requirements for an engineered site plan.
5. Buffer/Wetlands delineation (if applicable)
  - Whenever construction is proposed near or within the 100' buffer, a current buffer/wetlands delineation plat, sealed by a licensed professional, is required. At a minimum, the plat should show the proposed structure, existing features, current Mean High Water (MHW) and/or wetlands delineation, and the 100' buffer line (and 50' buffer line, if applicable).
  - If you have a waterfront lot but are not proposing work near the buffer, you may not need a buffer/wetlands delineation, if we can use a site visit or recent aerial photos to confirm that the project is at a sufficient distance. The aerial photos can only provide a limited degree of accuracy, and issues such as steep slopes or heavy vegetation may prevent staff from being able to confirm the measurements in the field, so the delineation may still be required.
  - If no work is within the buffer, it may be possible to waive this requirement if the 100' buffer delineation is currently staked by a licensed professional.
  - For smaller projects, LUA staff may be able to confirm by site visit that the project area is not within the 100' buffer. Please stake the structure's footprint and request a site visit at the time of application. If staff is unable to definitely determine that the structure will be outside the 100' buffer, delineation or staking by a professional will still be required.



6. Landscape/re-vegetation plan (for any land disturbing and/or construction within the 100' buffer)
  - A landscape plan is required, in accordance with the Riparian Buffers Guidance Manual. In some cases it may be hand-drawn. Please see the Wetlands Coordinator for specific requirements.
  - The landscape plan requirement may be waived or reduced if the Land Use office determines that your lot has sufficient vegetation already existing within the buffer.
7. If you are setting up a pre-built shed or carport, please provide a brochure-type picture of the proposed structure.

**BUILDING PERMIT** – a building permit is required for any structural changes or additions to a house. A building permit is also required for any detached accessory structure over 256 square feet.

The following is a list of the minimum requirements for a building permit:

1. Two sets of building plans
  - Two sets of building plans must be provided. Once approved, one set shall be returned to the applicant, to be kept on the site throughout the project. One set shall be retained by the Building Official.
  - For residential projects, building plans may be hand-drawn. However, they must be drawn to-scale and must include a floor plan, a foundation plan, an electrical plan, a building section, and any other information that the Building Official deems necessary to ensure compliance with the International Residential Code (2012).
  - For commercial projects (including churches), building plans may require an architect or engineer's seal.
  - For remodeling projects, water-related projects, and fences, please see the beginning of this hand-out for information regarding requirements.
2. If you are setting up a pre-built shed or carport and do not have building plans, please provide a brochure-type picture of the proposed structure.
3. If you are constructing a deck, please provide a plan view and cross-section.
4. Demonstrate compliance with floodplain management practices and requirements
  - Construction of new or replacement houses must meet or exceed the required elevation plus eighteen inches (18") of freeboard for the flood zone in which the structure shall be located. Construction of a house addition or a remodel that qualifies as "substantial improvement" (i.e. has a total project cost of 50% or greater than the pre-construction value of the structure) must also be elevated to 18" above Base Flood Elevation (BFE). For most flood zones, the required elevation is to the bottom of the lowest horizontal structural member. Engineered flood vents or breakaway walls are required for any enclosed space below BFE, including crawl spaces. The BFE must be marked on-site by a licensed professional prior to any work. An Elevation Certificate from a licensed professional shall be required at the end of the construction to ensure that the required elevation was achieved. All mechanical appurtenances must also be elevated within the flood zone.

**LAND DISTURBING PERMIT** – a land disturbing permit is required whenever you are adding 833 or more square feet of additional impervious cover and/or you are disturbing 2,500 square feet (including construction area, driveway, drainfield area, etc.). Please note that the 833 square feet is total added impervious cover. Therefore any additional patio, driveway or other such hard surface area would be included within that total. Conversely, a two-story addition would probably have less total added impervious cover than total added living space area.

Please note: farm buildings, carports, and other such buildings are not exempt from this requirement.

The following is a list of the minimum requirements for a land disturbing permit:

1. Engineered site plan (three copies required, five copies preferred)
  - The plan does not need to be prepared by a design professional; however, the regulations are lengthy and engineering calculations are required, so we strongly recommend that it be prepared by a professional engineer, land surveyor, or architect licensed in Virginia.
  - The following information must be shown on the site plan, at a minimum:
    - a. Vicinity map, north arrow, property lines, legend, etc.
    - b. Location of all existing structures and/or features



- c. Location of the proposed structure(s) should be shown with the distance from the rear lot line, side lot lines, and front lot line (or centerline of the right-of-way) shown.
  - d. Location of proposed/existing driveway
  - e. Location of drainfield, well, sewer line, or water line
  - f. Erosion and sediment controls (e.g. silt fence, construction entrance, permanent seeding, sediment traps, etc.)
  - g. Limits of land disturbing
  - h. Delineation of any jurisdictional water or wetlands
  - i. Trees 6" in diameter and larger within the land disturbed area shall be shown
  - j. Existing and proposed topography of land disturbed area plus at least 50' beyond the limits of clearing
  - k. Soils map and/or information
  - l. Drainage must be shown to be controlled on-site, through the use of grassy swales, rain gardens, French drain systems, yard inlets to an underground trench, or another method that will be adequate to handle up to a 10-year storm. Calculations must be shown that demonstrate that the proposed drainage controls shall be adequate for a 1-year, 1½-year, 2-year, and 10-year storm. Please note: draining directly to the street drainage ditch or into a body of water will not be considered to be controlled on-site.
- Please see the attached Checklist for Erosion and Sediment Control Plans and Minimum Standards Checklist. All those topics should be addressed by the plan.
  - Please note: there are additional setbacks and/or requirements for lots on slopes.
    - For steep slopes (slopes of greater than 25%): all proposed structures have a setback of 25' from the top of slope and 15' from the toe (bottom) of the slope.
    - For extremely hazardous slopes (slopes of greater than 50%): all proposed structures have a setback of 50' from the top of the slope and 25' from the toe (bottom) of the slope.
    - Administrative approval may be granted for construction on or within the setbacks from steep slopes and/or extremely hazardous slopes, provided a site-specific engineered footing is designed by a licensed professional. Land disturbing in such cases shall be limited to 20' and less beyond the foundation for principal structures and 10' and less beyond the foundation of accessory structures. In addition, an engineered landscape plan must be submitted showing both the vegetation to be removed and the vegetation to be planted at the end of the project.
  - In certain cases, the Administrator may be able to accept an agreement-in-lieu-of an engineered plan. The project must be related to a single-family house or its accessory structures/uses. To see if you will qualify for an agreement, please submit a partial site plan or a plot plan as described under Zoning Permit (page 10) to the Land Use office, along with a written request. The project will then be evaluated to determine if it is a low risk for creating future stormwater runoff and erosion problems. Please note: one crucial factor in this decision will be whether the project will create concentrated runoff that will impact steep slopes, wetlands/water bodies, or adjacent landowners. Projects that propose work on or within the setbacks from steep slopes as defined above must submit an engineered erosion plan.
2. Land disturbing application and bond fee
- Bonds may be submitted as cash/check, letters of credit, or performance bonds. Please note that cash bond amounts shall be deposited and any checks cashed. Once the construction and land disturbing is complete, all grading done, and the disturbed area has been seeded and strawed, you should call for a final land disturbing inspection. Once that inspection is approved, we will then process your refund. Please note that the bond is refunded to the person/company that paid it initially.

**COUNTY STORMWATER PERMIT (Chesapeake Bay Preservation Act-Land Disturbing Activity Permit)** – this permit is issued for certain projects with land disturbing of less than an acre. It is required for commercial and industrial projects with land disturbing areas between 2,500 square feet and 1 acre; it may also be required for smaller projects if they are considered part of a larger Common Plan of Development. Some agricultural projects are exempt; see staff for details. Residential projects are exempt if the area to be land disturbed is less than one acre and if the lot was created before July 1, 2004. (Some residential lots that were created after July 1, 2004 may

also be exempt; see staff for details.) The following is a list of the minimum requirements for a County stormwater permit:

1. Engineered site plan (three copies required, five copies preferred)
  - The site plan must be prepared by a professional engineer, land surveyor, or architect licensed in Virginia.
  - The following information must be shown on the site plan, at a minimum:
    - a) Vicinity map, north arrow, property lines, legend, etc.
    - b) Location of all existing structures and/or features, including driveways/parking
    - c) Location of drainfield, well, sewer line, or water line
    - d) Existing and proposed topography
    - e) Delineation of any jurisdictional waters or wetlands
    - f) Soils map and/or information
    - g) Erosion and sediment controls (E.g. silt fence, construction entrance, permanent seeding, sediment traps, etc.)
    - h) Limits of land disturbing
    - i) Tree Lines and other markings to indicate type of vegetation and area, existing and proposed
    - j) Location and acreage of each drainage area
    - k) Directional drainage patterns
    - l) Hydrologic analysis, pre- and post-construction
    - m) Detailed design and calculations related to the selected bio-retention practice(s)
  - Please see the attached Sample Checklist for a Final Stormwater management Site Plan Preparation and Review. All those topics should be addressed by the site plan.
  - In certain cases, an agreement-in-lieu of an engineered stormwater management site plan may be accepted. The project must be related to a single-family house or its accessory structures/uses. To see if you will qualify for an agreement, please submit a partial site plan or a plot plan as described under Zoning Permit (page 10) to the Land Use office, along with a signed Agreement-In-Lieu- Of an Engineered Stormwater Management Plan document and a completed Areas for Stormwater Calculations worksheet (both available on the website and in the office). The project will then be evaluated to determine if it is sufficient to address water quality standards.
2. A Maintenance Agreement will be provided by the County for your signature at some point in the process. It should be returned to the County, along with the fee to record the document at the Records Room. If the form of bio-retention practice(s) is changed during the course of the project, a revised design should be submitted with the Agreement.

**VIRGINIA STORMWATER PERMIT (Construction General Permit)** – this permit is issued for projects that propose land disturbing of more than 1 acre. Some agricultural projects are exempt. Applications and fees are submitted to the state Department of Environmental Quality (DEQ). All permits and inspections will be completed by DEQ.

- Stormwater plans (or the state’s agreement-in-lieu-of forms) must be submitted to and approved by DEQ, along with an application and fee, prior to any land disturbance. Applications and fee schedules are available online and at the land Use office. Please see the DEQ website or staff for questions about this process.
- This site plan and design is in addition to any plan required for approval of any County permits.
- A Maintenance Agreement will be provided by DEQ for your signature at some point in the process. It should be returned to DEQ.
- A Pollution Prevention Plan (P2 Plan) must be kept on the job site but does not need to be pre-approved.
- A Notice of Termination must be submitted to DEQ at the completion of the project. An “as-built” plan is required in most cases.
- Please note that the VSMP permit is required by the Commonwealth of Virginia, but proof of its submittal is not required by Westmoreland County prior to the issuance of any LUA permits.

**911 ADDRESS PERMIT** – this permit is issued when a new 911 street address needs to be assigned. The address is typically assigned at building permit issuance, although in certain cases this may not be possible



until after the foundation is installed.

- In the case of replacement homes, if the new house is to be located in the same place as the old house and you're using the same driveway, you typically can use the previous street address number. However, if the new house is to be in a substantially different location, a new address will need to be issued.

## **PROJECTS THAT REQUIRE PUBLIC HEARINGS:**

**WETLANDS PERMITS** – these are required for any project located between Mean Low Water (MLW) and Mean High Water (MHW) for non-vegetated shorelines. If the shoreline is vegetated with wetlands grasses, the Wetlands Board jurisdiction actually extends to 1½ times Mean Tide Range (the difference in height between MLW and MHW, measured in feet). We typically estimate the Wetlands Board jurisdiction for vegetated wetlands to be from MLW to 3' above MLW. Wetlands Board jurisdiction also extends over any beaches and dunes that are contiguous with MHW. Examples of projects that require Wetlands Board approval include riprap, bulkheads, or piers that extend over wetlands.

**Applications are available in the Land Use office and online. Please note that there are deadlines for each meeting date, and those deadlines are typically six weeks prior to the meeting. The delay is to allow for advertising as required by state code and for the LUA staff to review the application.**

**\*\*Application for a Wetlands permit is not a guarantee of approval. Fees are not refunded if the application is denied. Also, staff will be presenting the case as a representative of the County; you should be prepared to speak in support of your application, if needed.\*\***

**VARIANCES, SPECIAL EXCEPTIONS, AND CHESAPEAKE BAY ACT EXCEPTIONS** – these are special permissions that allow a project to deviate from or violate any of the minimum requirements of the Zoning and/or Subdivision Ordinances and/or the Code of Westmoreland County. These special permissions are granted by a board at a public hearing and require a separate application, fee, and potentially additional documentation.

**Variance** – a relaxation of the terms of the ordinances where such variance will not be contrary to the public interest and where, due to conditions specific to that property and not the result of actions of the applicant, a strict enforcement of the ordinance would result in unnecessary and undue hardship. Applications for variances to the Zoning Ordinance are heard by the Board of Zoning Appeals (BZA). Applications for variances to the Subdivision Ordinance are heard by the Planning Commission.

**Special Exception** – permission granted by the Board of Supervisors for a particular use on a particular lot. For each zoning district, there are two lists of uses (uses = structures, businesses, activities, etc.). The first list is uses that are permitted by-right (through permits issued administratively by the Land Use office). The second list is uses that are allowed by special exception approval by the Board of Supervisors, upon recommendations made by the Planning Commission (and then permits may be issued by the Land Use office).

**Chesapeake Bay Act Exception (CBAE)** – permission granted by the Planning Commission for a non-water-related structure to be located within the buffer area, in cases when the Land Use office is not allowed to or will not approve the project administratively.

**Applications are available in the Land Use office and online. Please note that there are deadlines for each meeting date, and those deadlines are typically six weeks prior to the meeting. The delay is to allow for advertising as required by state code and for the LUA staff to review the application.**

**\*\*Application for a variance, special exception, or CBAE is not a guarantee of approval. Fees are not refunded if the application is denied. Also, staff will be presenting the case as a representative of the County; you should be prepared to speak in support of your application, if needed.\*\***

## **INSPECTIONS:**

Every permit requires inspections to be performed before or just after the work is performed. Inspections may be performed by a Third Party Inspector, provided approval of that inspector has been given in advance by the Westmoreland County Building Official. All inspections shall be scheduled by 3:00 PM of the day prior. No exceptions shall be made unless it is an emergency and it is approved by the Planning Director or the County Administrator. Please keep in mind that we cannot physically perform several inspections at the same time in different locations. Should an inspection fail, you are required to call and reschedule. Required inspections that fail and are not rescheduled will automatically deny the subsequent requested inspection unless previously

approved by the Building Official. It is the owner/applicant's responsibility to keep their inspection records. In addition, approved plans shall be on the site for all inspections.

The following are the typical inspections to be performed. Other inspections may be required for your specific construction. The final Certificate of Occupancy permit will not be issued unless all required inspections are performed.

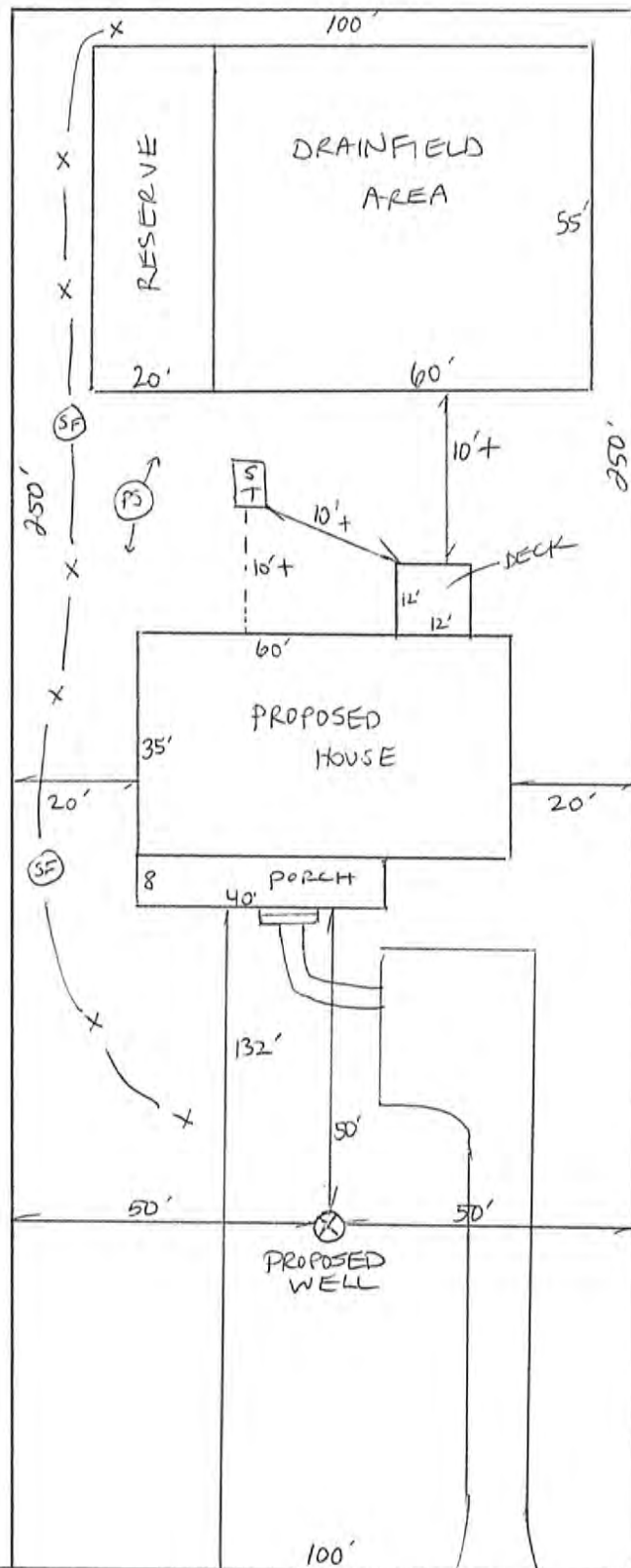
1. We require a separate First Erosion inspection. In addition, erosion inspections will occur periodically throughout the construction process. All Erosion & Sediment controls shall be in place and properly functioning at all times.
2. Footing. Inspection required prior to pouring. A minimum of two property corners shall be located and visible for footer location and approval.
3. Foundation.
4. Drain-tile, waterproofing.
5. 911 Address for new construction, if applicable.
6. Garage and/or basement slab.
7. Sewer and/or water line, if applicable.
8. Rough-in framing, plumbing, mechanical, electrical, HVAC. Windows shall be installed and roof shingled.
9. Permanent electric.
10. Insulation.
11. Drywall.
12. Best Management Practices (BMP) when the site design calls for their installation.
13. Final Erosion/Land Disturbing inspection for release of a land disturbing bond. This may be done in conjunction with the final occupancy inspection.
14. Final Occupancy shall be granted upon completion of all grading, drainage, ground cover and permanent erosion & sediment controls being completed.

Tax Map "X-X"

Area = 25,000 SF

Scale: 1" = 30'

Sample Plot Plan



- (SF) - x = silt fence
- (PS) = permanent seeding

SAMPLE ROAD

(50' R/w)