

Article 23. Site Development Plans

Sec. 22-23-1. Statement of intent.

The intent of this article is to encourage harmonious development with the surrounding properties in accordance with the guidelines as provided in the comprehensive plan, the requirements of the Zoning Ordinance, and the requirements of other local and state ordinance and policies pertaining to the physical development of a site. This article will serve to protect valuable resources within Fluvanna County, including unique natural features, historic sites, and significant view; to protect the environment, and to maintain the carrying capacity of the land, including, among other things, the protection of wetland, steep slopes, and other environmentally sensitive areas; to provide safe and convenient vehicular and pedestrian circulation; to provide adequate police and fire protection, water, sewerage, flood protection; and otherwise to protect the health, safety and welfare of the citizens of Fluvanna County.

Sec. 22-23-2. When required.

A site plan shall be required for any development, on any site, in all zoning districts in any case in which construction or a change in use of the existing site which increases the number of on site parking spaces or anything that causes a visible change in the site. A "visible change" includes grading, removal of vegetation in preparation for future development of the site, mining, digging, and riverbank removal, addition to a building that changes the traffic circulation on the site, or any other change which the Director of Planning determines to be cause a significant impact to the public health, safety and welfare.

Sec. 22-23-2.1. Site plan exemptions.

The foregoing notwithstanding, no site plan shall be required for the following:

- (1) Construction of, or addition to, a single family dwelling on an individual lot.
- (2) Construction of, or addition to, a two-family dwelling on an individual lot.
- (3) Accessory structures to single-family dwellings, (not meant for commercial use).
- (4) Accessory buildings or structures on property used for the growing of agricultural crops, livestock, or forestry timber when such buildings or structures are necessary for such growing.
- (5) Harvesting of plants or trees growing on the site.

(6) Clearing of a site for use for agricultural or pasture purposes.

Sec. 22-23-3. Issuance of permits by county.

No building permit, or other County permit required prior to the initiation of construction of any building or structure or development, shall be issued by any officer or employee of the County for any development which is subject to the provisions of this article until a site plan has been approved. Compliance with the terms contained on any site plan shall be deemed a condition of each and every permit issued by the County. Any permit issued prior to the approval of a site plan is automatically null and void.

Sec. 22-23-4. Waiver of minor requirements.

Any minor requirement of this article may be waived by the Director of Planning where such waiver is consistent with the purpose of this article. For any waiver, the applicant must establish that in his specific case either an undue hardship would result from the failure to grant the requested waiver or that the requirement requested to be waived is unreasonable as applied to his specific case. The decision of the Director of Planning in this regard is appealable to the Planning Commission.

The Director of Planning shall not grant any requested waiver if the request is opposed in writing by any County or State official or employee who has regulatory authority relating to the approval of a site plan.

Sec. 22-23-5. Submittal of plans; director of planning as agent.

A. The Director of Planning acting as an agent for the governing body will receive site plans for review.

B. The plan shall be prepared at a scale of not less than 1"=20' except for the index sheet, unless approved by the Director of Planning.

C. All landscape plans shall be on sheets not exceeding twenty-four inches (24") by thirty-six inches (36").

D. If the plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

E. Dimensions shall be in feet and decimals of feet to the closest one hundredth of a foot.

Sec. 22-23-6. Site plan content.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying, shall be prepared by a qualified person. Final site plans submitted for approval shall be certified by an architect, landscape architect, engineer, or land surveyor licensed or certified to practice by the Commonwealth of Virginia within the limits of his respective license or certification. The minor or major site plan shall include:

- A. The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and developer, as applicable.
- B. A signature panel for the Director of Planning to indicate approval.
- C. North arrow, scale graphic, and date.
- D. A vicinity map.
- E. Existing zoning and zoning district boundaries on the property in the development and on immediately surrounding properties. All special zoning requirements attached directly to the site as a result of the issuance of any Special Use Permit, variance, or rezoning. Proposed changes in zoning, if any.
- F. The boundaries of the property in the development, including bearings and distances.
- G. All existing property lines, existing streets or rights-of-way opened or unopened; buildings, watercourses, and lakes; and other existing physical features in or adjoining the project. The physical features, such as watercourses, waterways and lakes on the adjoining properties need only be shown in approximate scale and proportion.
- H. Features of particular historic, cultural, scientific, or scenic significance as identified in the Comprehensive Plan, by the Director of Planning, or by any County department or state agency having site plan review responsibilities, or by the Virginia Department of Historic Resources the Virginia Department of Conservation and Recreation, or the Virginia Outdoors Foundation including, but not limited to, historic features, archaeological features, and graveyards.
- I. Building setback lines; the location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general uses for each building; and the number, size, and type of dwelling units where applicable. Preliminary plans and elevations for main and accessory buildings.
- J. Type, location, height, and materials of all existing and proposed fences and walls.
- K. Site coverage, showing percentage of site in buildings, parking, and open space.
- L. Existing and proposed topography and contour lines of the development site with a contour interval of two (2) feet or less for major site plans, five (5) feet or less for minor site plans, supplemented where necessary by spot elevations.
- M. The location and size of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures; all overhead utilities and supporting poles in or affecting the

development area, including existing and proposed facilities; and easements for these facilities.

- N. The location, dimension, and character of construction of proposed streets, alleys, and driveways; and the location, type and dimensions of means of ingress and egress to the site. When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred fifty (150) feet or the length of connection, whichever is the greater distance.
- O. The location of all existing and proposed off-street parking and parking bays, loading spaces, and pedestrian walkways, indicating types of surfacing, dimensions of stalls, width of aisles and a specific schedule showing the number of parking spaces. See Article 22-26 Off-street Parking and Loading Requirements of this Ordinance.
- P. The location on the site of all living trees with a diameter of twelve (12) inches or greater at DBH (diameter at breast height) proposed to be removed. The site plan shall show heavily wooded areas to be preserved, trees to be retained, removed, and planted, and designated by symbols coincident with the areas of the trees. See Article 22-24 Landscaping and Tree Protection of this Ordinance.
- Q. The location, height, and character of all outdoor lighting systems. See Article 22-25 Outdoor Light Control of this Ordinance.
- R. The location, character, height, means of lighting, and orientation of proposed signs. See Article 22-15 Signs of this Ordinance.
- S. All paving, including, without limitation, gravel or other pervious surfaces, shall be of a design and quality to support the traffic which can reasonably be expected to be generated by the proposed use, as required by Article 22-26 Off-Street Parking and Loading.
- T. Limit of one-hundred-year floodplain, as defined in Section 22-23-14(a)(5).
- U. Location of any wetlands in compliance with applicable federal, state, and local definition of wetlands.
- V. The location and dimensions of proposed recreation or open space, and required amenities and improvements, including details of disposition, in accordance with any open space or recreation plan adopted by the County.
- W. Any necessary notes required by the Director of Planning to explain the purpose of specific items on the plan.
- X. Cul-de-sacs may not be construed or employed as a parking area. Suitable easements for future public water and sewer facilities necessary to serve the property shall be indicated on the plan.
- Y. All new electrical, telephone, cable television, fiber optic, and other utility lines on the site shall be installed underground.
- Z. To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure on the site unless topographic features or vegetation provide effective screening.

1. In the B-1 and B-C zoning districts, a variation to the setback regulations may be granted by the Planning Commission for projects in a community planning area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan.

Primary considerations for such requests include:

- location of proposed development
 - size, scale, character, orientation of proposed development
 - adequacy of ROW for future transportation system (evaluate with input from VDOT)
 - appropriateness of the proposed setback with surrounding development (proposed and/or existing)
 - compatibility with the goals and objectives of the comprehensive plan (applicant should enumerate as many as possible)
 - compatibility with new urban/neo-traditional principles (applicant should enumerate as many as possible)
- AA. Site planning shall consider the future development of adjacent parcels as recommended by the Fluvanna County Comprehensive Plan or other approved local plan and as may be indicated by any filed site plan, whether approved or under review. The site plan shall provide for safe and convenient vehicular and pedestrian circulation between sites to be occupied by complementary uses.
 - BB. In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- a) The Virginia Department of Transportation prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

The Planning Commission shall act on the variation request in conjunction with the county's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if he determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the Board of Supervisors. In considering a variation on appeal, the Board of Supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

(Ord. 5-4-11)

Sec. 22-23-7. Additional improvements and standards for major site plans.

The following improvements and minimum standards, as applicable, shall be required and provided for in a major site plan:

- A. All streets and highway construction standards and geometric design standards shall be in accordance with those specified by Fluvanna County and the Virginia Department of Transportation.
- B. The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas.
- C. All parking and other vehicular areas shall be so designed as to provide safe and convenient access by all vehicles which can reasonably be anticipated to use the site, including delivery and service vehicles as well as customer and employee vehicles.
- D. Safe and convenient pedestrian and bicycle access to, from, and within the site shall be provided.
 - 1. In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private. A variation to the sidewalk regulation may be granted per Section 22-23-6(BB).

- E. Widening or extension of the nearest abutting developed street shall be provided as required by Fluvanna County and the Virginia Department of Transportation. Where the proposed development does not abut a developed public street, a plan of access shall be submitted for approval in conjunction with the site plan.
- F. Traffic control devices, signs, and pavement markings shall be required. Electric traffic control devices shall be provided by the developer where the anticipated traffic volumes from the proposed development exceeds the thresholds established by the Virginia Department of Transportation.
- G. All drainage structures and facilities shall be adequate to provide efficient and complete drainage of surface waters from the site into adequate channels. They shall comply with the standards and applicable provisions of the Virginia Erosion and Sedimentation Control Handbook, Drainage Manual of the Virginia Department of Transportation, and the regulations of the Virginia Department of Environmental Quality.
- H. All public water supply and sewerage systems shall comply with the provisions hereof, with all applicable approvals of Fluvanna County and the Virginia Department of Health.
- I. Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the Fluvanna County, indicating location, sizes, types and grades of ditches, catch basins, and pipes; and connection to existing drainage systems.
- J. Provisions and schedule for approval of adequate control of erosion and sedimentation, in accordance with the Fluvanna County Erosion and Sedimentation Control program.

(Ord. 5-4-11)

Sec. 22-23-8. Procedure.

General

1. Sufficient copies of the proposed site plan, as required by the Director of Planning, of the proposed site plan shall be submitted to the Director of Planning.
2. An applicant may appeal any decision by the Planning Director within thirty (30) days in writing to the Planning Commission.
3. All fees for site plans shall be as established by the Board of Supervisors and shall be paid in full before any site plan is accepted for review.
4. An applicant must submit a sketch plan for review and comment prior to filing a preliminary site plan.
5. No site plan shall be fully and finally approved unless it has sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

A. Sketch Plan Required

1. Prior to incurring significant cost to prepare a Minor or Major Site Plan, the applicant shall prepare a sketch plan as set forth below.
2. The applicant shall meet with the Director of Planning to review the sketch plan and receive comments from the County. If the sketch plan is a prelude to a Major Site Plan, the Planning Commission shall also review the proposed sketch plan. The applicant shall submit twenty (20) additional copies of the proposed sketch plan to the Director of Planning and it shall be placed on the Planning Commission agenda within sixty (60) days. The Planning Commission shall have 45 days to review the sketch plan and provide comments to the applicant.
3. Site Plans for developments involving expansion of an existing building or use, in which 1) building expansion is less than 500 square feet; 2) the area of disturbance is less than 2,500 square feet; 3) the development has no additional external lighting; and 4) no more than 4 additional parking spaces are constructed then "Sketch Plans" can be reviewed for final approval.
4. Associated with the review of this sketch plan, the Director of Planning may also require an on-site field inspection with the applicant or a representative at the applicant's choosing.
5. The sketch plan will convey the general concept of the proposed site development and shall only include the following:
 - a. A general analysis of the site, showing existing slopes, drainageways, tree stands, site features and amenities to be preserved, conservation areas, historic features, and the like.
 - b. Approximate location and size of the buildings.
 - c. General points of access.
 - d. General street, roadway, and parking layouts.
 - e. Any exterior lighting
6. Thereafter, no preliminary or final site development plan shall be approved by the Director of Planning unless the same shall substantially conform to the approved sketch plan, including all required modifications thereto which may be required as a result of comments by the planning commission.

B. Minor Site Plans

1. Site Plans for developments involving expansion of an existing building or use, in which the building expansion is less than 2,500 square feet and greater than 500 square feet and the area of disturbance is less than 10,000 but greater than 2,500 square feet are considered "Minor Site Plans".
2. The plan approval authority for Minor Site Plans is the Director of Planning.

3. After the Director of Planning has deemed the application to be complete, he shall have thirty (30) days to circulate the plan to the relevant County departments and State agencies for written comments. At the end of the thirty- (30) day period, the site plan may be approved or returned to the applicant with a written report on why the site plan cannot be approved. If the Director of Planning takes no action by the end of the thirty- (30) day period, the site plan shall be deemed approved.
4. Minor site plans shall contain all the elements in Section 22-23-6.

C. Major Site Plans

1. All site plans except those considered “Minor Site Plans” are considered “Major Site Plans.”
2. The Planning Director is the plan approving authority for Major Site Plans.
3. After the Director of Planning has deemed the application to be complete, he shall have forty-five (45) days to circulate the plan to the relevant County departments and State agencies for written comments. At the end of the forty five (45) day period, the site plan may be approved or returned to the applicant with a written report on why the site plan cannot be approved. If the Director of Planning takes no action by the end of the forty-five (45) day period, the site plan shall be deemed approved.
4. Major site plans shall contain all the elements in Section 22-23-6 and Section 22-23-7.

Sec. 22-23-9. Site Plan Termination or Extension.

- A. An approved final site plan, hereinafter referred to as “final site plan,” shall be valid for five years from the date of approval. A site plan shall be deemed final once it has been reviewed and approved if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows.
- B.
 1. Upon application prior to expiration of a final site plan, the Planning Director may grant a one year extension for any approved site plan. Additional extensions may be approved for extended periods as the Planning Director may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.
 2. If the Planning Director denies an extension requested as provided herein and the applicant contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or

capricious, he may appeal to the Board of Supervisors provided that such appeal is filed with the clerk of the Board within sixty days of the written denial by the Planning Director.

- C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five years after approval, no change or amendment to any ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the applicant or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.
- D. Application for minor modifications to final site plans made during the periods of validity of such plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

Sec. 22-23-10. Amendments to the Site Plan.

In some cases, it may become necessary for an approved site plan to be amended. For minor changes, that is, changes of a technical nature or having a limited effect on the site and adjoining sites, the Director of Planning may approve the amendments in accordance with the process established by this article. For major changes, that is, changes having a significant effect on the site and adjoining sites, or increasing or decreasing the amount of land covered by the site plan, the Director of Planning shall require a new site plan be drawn and submitted for review and approval in accordance with this article.

Sec. 22-23-11. Compliance with Approved Site Plan.

- A. Inspections shall be made during the installation of off-site and on-site improvements by the Director of Planning, or other County or State staff, to insure compliance with the approved site plan.
- B. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan, and shall make one (1) set of approved plans available at the site as all times that work is being done.
- C. No final Certificate of Occupancy shall be issued until all site work is completed in compliance with the approved site plan.
- D. Prior to any final approval, or issuance of any temporary certificate of occupancy, a bond with surety, or other guaranty, approved by the Planning Director and County Attorney in accordance with Section 15.2 15.2-2241 through 15.2-2246 of the Code of Virginia, in an

amount sufficient to cover the estimated costs of such improvements to be bonded, the owner or developer shall submit an estimate of such costs which shall be reviewed by the agent. The agreement and bond shall provide for and be conditioned upon completion of all work within a time specified by the Planning Director. The completion of all other improvements required by or pursuant to this section shall be certified and/or bonded as provided hereinabove.

- E. Prior to occupying the site, the applicant shall provide to the agent plans of the site, in the same detail as the plans approved subject to this chapter showing the site as fully developed. The agent may require such supplementation, revision or amendment to such plans as may be necessary to reflect the true conditions of the site. In the event that the site as fully developed shall not be substantially as shown on the approved site plan, the applicant shall submit a revised plan for review by the Planning Director. No certificate of occupancy shall be issued for any use, building or structure subject to the provisions of this article unless and until all improvements required by the approved plan shall have been satisfactorily completed; provided, however, that the Planning Director may issue a temporary certificate of occupancy for any such use as to which there remain incomplete one or more items from the said plan, conditioned upon the timely and satisfactory completion of such items, so long as such incomplete items do not adversely affect the public health or safety and have been bonded for completion in accordance with Section 22-23-11(D).

Sec. 22-23-12. Certain approvals not required.

Nothing herein contained shall be deemed to require the approval of any plan, or any feature thereof, which shall be determined, for specific, identifiable reasons, to be a departure from sound engineering practice or to constitute a danger to the public health, safety or general welfare.