

ORDINANCE NO. 23-136

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, ZONING, OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 23, Zoning, is hereby amended and reordained by amending Sections 23-4.11.2, 23-5.5.11, and 23-5.5.16 as follows:

DIVISION 11.

SITE PLAN REVIEW

Sec. 23-4.11.2. General application requirements.

(a) An application for site plan approval may be filed only by the owner or attorney-in-fact of the lot which is the subject of the site plan, or by any person specifically authorized in writing by the owner to file such application.

(b) An application for a site plan approval shall be filed with the county on a form provided by the county, together with a fee established by the county from time to time, copies of the site plan and any other plans, permits, documents and information as specified on the application form. Applicants are advised to familiarize themselves with the application before preparing plans or documents.

(c) The required site plan shall be drawn to the size and scale specified on the application and shall be prepared by an architect, engineer, landscape architect or surveyor licensed in the State of Virginia. The application for site plan approval shall contain the information listed in this subsection, and, in addition, if the development is proposed within a Chesapeake Bay Preservation Area, the information described in the County's Chesapeake Bay Ordinance, unless county staff shall determine that some of the information is unnecessary due to the scope and nature of the proposed development or the information has been previously submitted and approved:

- (1) A title block denoting the type of application, name of project, tax map reference and street address;
- (2) The name, address and phone number of the applicant;
- (3) The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;
- (4) Vicinity map, 1" = 2000', a north arrow, scale, and scale graphic;
- (5) The distance to and identification of the nearest intersection;

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- (6) The boundary of the entire parcel with courses and distances;
- (7) Any existing or proposed parcel lines, easements or rights-of-way within the subject parcel;
- (8) The present zoning and principal use of the subject parcel and all contiguous properties;
- (9) The boundaries of any overlay zoning districts described in article 6 of this chapter;
- (10) A table (with computations) stating the types of proposed uses, the number of residential dwelling units and densities, and the gross and net floor areas of nonresidential structures;
- (11) The locations, dimensions, height, and setbacks of all existing and proposed buildings, structures and other improvements;
- (12) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;
- (13) The boundaries of any lakes, rivers, streams, ponds, or wetlands;
- (14) A landscape plan showing existing trees having a diameter of at least twelve (12) inches at breast height, and identifying any that are to be removed, and indicating the location, dimensions and types of vegetation to be installed under the landscaping and bufferyard requirements of article 5, division 5, of this chapter;
- (15) The location, dimensions and material descriptions of all other existing and proposed screens, bufferyards or landscaping;
- (16) The location and dimensions of existing and proposed parking and loading areas and any other impervious surfaces, such as driveways, streets (and names), cement sidewalks and playing surfaces;
- (17) The location and description of all points of access;
- (18) The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;
- (19) The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;
- (20) Typical roadway pavement and design section for all proposed streets,

roads and driveways;

- (21) Points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;
- (22) Topographic contour lines at two foot intervals based on field or aerial survey, for the existing site and after the completion of the proposed development;
- (23) The location and dimensions of on-site and off-site facilities for the retention or detention of stormwater;
- (24) The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a statement of whether such open areas are to be dedicated to the public;
- (25) For large-scale, phased developments, identification of the location and timing of each phase of the development;
- (26) Any known historic building or features;
- (27) Any known places of burial;
- (28) A table estimating the daily public water usage and sewage flow attributable to the proposed development in gallons per day, including the timing of any necessary connections;
- (29) Location of water mains, sewer lines, fire hydrants, gas lines, electrical lines, outdoor lighting and outdoor trash receptacles.
- (30) An erosion and sediment control plan including the information required under Chapter 8 of the County Code;
- (31) Any wetland permits required under applicable state or federal law;
- (32) Preliminary engineering for all required improvements, drawn to the specifications provided by the county;
- (33) Signature and seal of professional person certifying the plan;
- (34) Revision block for date, reasons for revision and signature of person making revision; and
- (35) Signature block for approving agent.
- (36) GPS coordinates for all new storm sewer outfalls, including outfalls from

permanent stormwater management facilities. Every site plan shall reference at least two (2) concrete monuments at the subdivision corners to the VCS 1983. All information required under Chapter 20, Article 8 of the County Code applies.

- (d) For purposes of clarity, any of the items listed in subsection (c), above, or in section 23-4.11.3, below, may be shown on additional sheets drawn to the same size and scale as all other site plan sheets, or may be included in a separate plan such as an erosion and sediment control plan or stormwater management plan.
- (e) An executed infrastructure agreement and any improvement guarantees as required under article 6 of the subdivision ordinance shall be submitted, approved, and posted prior to approval.
- (f) A sealed Engineer's Estimate for all infrastructure (including necessary off-site improvements) required to service the lot.
- (g) An executed Best Management Practices Agreement for any storm water management facilities proposed on the plan shall be submitted, approved, and recorded prior to approval.
- (h) An application, plat, and fees for any required public or private easements shall be submitted, approved, and recorded prior to approval.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-112, 2-8-05)

Sec. 23-5.5.11. Transitional screening waivers and modifications.

Transitional screening may be waived or modified by the director in any of the following circumstances. The director may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this division.

- (1) Transitional screening and barriers may not be required between uses that are to be developed under a common development plan or series of development plans within a zoning district or a common-site plan.
- (2) Where the strict provisions of this division would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening may be waived or modified by the director where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

- (3) Transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
- (4) The transitional screening yard width and planting requirements may be reduced as much as two-thirds (2/3) where the developer chooses to construct a seven (7) foot brick or architectural block wall instead of the lesser barrier indicated by the matrix. This wall may be reduced to a height of six (6) feet where the director deems such a height will satisfy the purposes and intent of this division.
- (5) Transitional screening may be waived or modified where the adjoining land is designated in the adopted comprehensive plan for a use which would not require the provision of transitional screening between the land under site plan and the adjoining property.
- (6) Transitional screening may be waived or modified where the adjacent property is zoned to allow a use similar to that of the parcel under site plan.
- (7) Transitional screening may be waived or modified where the adjoining property is used for any public purpose other than a school or hospital.
- (8) Transitional screening may be waived or modified where adjacent residential property is used for any use permitted by the Board as a special permit use except nursery schools, day care centers, and private schools.
- (9) Transitional screening may be waived or modified where the subject property abuts a railroad or interstate highway right-of-way.
- (10) Transitional screening may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
- (11) The director, may waive or modify the requirements of this Section in conjunction with the approval of a site plan for expansions or alterations not exceeding twenty-five (25) percent of the gross floor area of the building being expanded or altered.
- (12) Transitional screening may be temporarily waived for a phased development where only one or more internal phases are being developed. The phase, or phases, proposed for development shall be identified on the site development plan by either a phase line or a proposed lot line. A screening, equivalent to a street buffer "B", shall be provided along said line. This waiver shall not permanently exempt the overall development

from the required transitional screening requirements.

(Ord. No. 23-66, 10-24-95)

Sec. 23-5.5.16. Street buffers.

1. Development of any parcel of land which is adjacent to a public freeway, arterial or collector shall provide a street buffer in accordance with the table below. Street buffer descriptions can be found in Article 5 of the Design Standards Manual. Plantings for street buffers shall be installed so as not to impede clear sight distance at intersections and points of access onto public roads. Within subdivisions and planned developments, the street buffer shall be provided in common area or easement.

Street Buffer Table

Zoning Category	Freeways/Interstates	Arterial	Collector
R-1	D	C	B
R-2	D	C	B
R-3	D	C	B
R-8	D	C	B
R-12	D	D	C
PDH	D	C	B
R-MHP	D	D	C
V		C	A
O-1		B	A
O-2		B	A
C-1		B	A
C-2		B	A
C-3		C	B
I-1		D	C
I-2		E	D
PDC		B	A

Street buffer waivers and modifications.

- A. The street buffer may be waived or modified by the director in any of the following circumstances. The director may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this division.
- (1) Where the strict provisions or [of] this division would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, the street buffer may be waived or modified by the director where the side of a building, a barrier and/or the land between that building and the property line

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has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

- (2) The street buffer may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.
- (3) The street buffer width and planting requirements may be reduced by as much as one-half (1/2) where the developer chooses to construct a berm or wall. This berm or wall must be no more than three feet in height.
- (4) The street buffer may be waived or modified where the property is developed with a similar streetscape as adjoining properties where that streetscape is consistent with the intent of this division.
- (5) The street buffer may be modified where the proposed use is permitted in a less intense zoning district.
- (6) The street buffer may be waived or modified in conjunction with the approval of a site plan for expansions or alterations not exceeding twenty-five (25) percent of the gross floor area of the building being expanded or altered.
- (7) The street buffer may be temporarily waived for a phased development where only one or more internal phases are being developed. The phase, or phases, proposed for development shall be identified on the site development plan by either a phase line or a proposed lot line. The required street buffer shall be provided along the line closest to, and parallel with, the street. This waiver shall not permanently exempt the overall development from the required street buffer requirement.

- B. The street buffer requirements may be waived or modified by the board of supervisors as a special use or in connection with the approval of a special use or rezoning. Waivers or modifications of the street buffer requirements may also be made pursuant to Article 9 of the Design Standards.

(Ord. No. 23-79, 4-13-99)