

**CHARLES CITY COUNTY
SITE PLAN ORDINANCE**

Section 1. Title

This Ordinance shall be known as the Charles City County Site Plan Ordinance.

Section 2. Authority.

This Ordinance is enacted pursuant to the authority of the Chesapeake Bay Preservation Act, Section 10.1-2100 et seq., and Section 15.1-489 et seq., of the Code of Virginia.

Section 3. Purpose and Intent.

This Article is enacted to assure compliance with all applicable ordinances and statutes, to promote innovative and creative design, to protect and enhance the values of the natural environment in Charles City County, to ensure the efficient use of land, and to promote high standards in the layout, design, landscaping, and construction of development.

Section 4. Applicability.

Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, or the provisions of other Land Control Ordinances of Charles City County or exceptions or exemptions thereto, any development or redevelopment that results in land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall first comply with the requirements of Section 6.0 of this Article.

Section 5. Definitions.

5.1 Administrator: The representative of the Governing Body who has been appointed by resolution to serve as the agent of the Board of Supervisors in administering this Ordinance or specific portions of this ordinance.

5.2 Applicant: Any person submitting a site plan for approval and requesting the issuance of a permit, when required, authorizing land - disturbing activities to commence.

5.3 Buffer Areas: An area of natural or established vegetation managed to protect adjoining areas from significant degradation due to land disturbances.

5.4 Chesapeake Bay Preservation Area: All land designated by the Charles City County Board of Supervisors pursuant to the Charles City County Chesapeake Bay Preservation Ordinance as a Resource Protection Area and a Resource Management Area.

1) Resource Management Area: That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

2) Resource Protection Area: That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

The Resource Management Area shall include the following lands:

(1) Those areas contiguous to any Resource Protection Area where there is an overlap of soils delineated as highly erodible and soils delineated as highly permeable; and

(2) Those areas contiguous to any Resource Protection Area that are delineated as a 100 year floodplain; and

(3) An area twenty five (25) feet in width landward and contiguous to the entire inland boundary of the Resource Protection Area.

5-5. Clearing: Any activity which removes the vegetative ground cover including, but not limited to, the removal of vegetation, root mat and/or topsoil.

5.6 Construction Footprint: The area of all impervious

surfaces, including but not limited to buildings, roads and drives, parking areas, and the area necessary for construction of such improvements.

- 5.7 Development: The construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures.
- 5.8 Excavating: Any digging, scooping or other methods of removing earth materials.
- 5.9 Filling: Any depositing or stockpiling of earth materials.
- 5.10 Governing Body: The Board of Supervisors of Charles City County, Virginia.
- 5.11 Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 5.12 Impervious cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.
- 5.13 Land Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:
 - (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work. Normal roadway maintenance operations to include grading, road repair and ditch maintenance are minor landscaping activities;
 - (2) Individual service connections;

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

(4) Surface or deep mining regulated by state or Federal government unless required to submit under the Zoning Ordinance.

(5) Exploration or drilling for oil and/or gas including the well site, roads, feeder lines and off-site disposal areas;

(6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations and agricultural, or silvicultural engineering operations including (but not limited to) construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter 8.1 Section 62.1.115.1 et seq.) ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.

(7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(8) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(9) Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the U.S. Army Corps of Engineers;

(10) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required a permit, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the

requirements of the plan-approving authority.

5.14 Redevelopment: The process of developing land that is or has been previously developed in the same location without an overall increase in the amount of impervious cover.

5-15 Subdivision: Any subdivision of land as defined in the Charles City County Subdivision Ordinance as amended.

Section 6. Plan Requirements.

An applicant seeking approval of a plan under this Article shall submit a site plan containing the following information, where applicable. The Administrator may determine that due to the scope and nature of the proposed development or redevelopment some of the information is unnecessary. A plot plan shall constitute the site plan for individual single-family residential construction on a single lot or parcel.

A. Requirements for Plot Plans

(1) A site drawing to scale showing the north arrow and property line boundaries and distances.

(2) Area of the lot/parcel.

(3) Location of all building restriction lines, setbacks, easements, covenant restrictions and rights of way.

(4) Location, dimensions and use of existing and proposed structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be ready must be indicated.

(5) Dimensions and location of all existing and proposed driveways, parking areas or other impervious surfaces.

(6) Limits of clearing or grading.

(7) Specifications for the protection of existing trees to be preserved during clearing, grading and all phases of construction.

(8) Amount of impervious surface proposed for the site.

(9) Existing and proposed zoning

(10) Location of existing and proposed water wells

(11) Location of existing and proposed septic systems on the property

(12) Location of above and underground utilities, both existing and proposed

B. Requirements for all other Site Plans

(1) Location of tract or parcel by a vicinity map. State grid north and landmarks sufficient to properly identify the location of the property.

(2) A boundary survey or scaled drawing of the tract or site plan limit.

(3) Name and address of the development, name and address of the owner or owners of record and the applicant.

(4) Zoning of the tract and total land area, as well as the approximate land area of separate parcels of land.

(5) If prepared on more than one sheet, match lines shall clearly indicate where the sheets join.

(6) Existing topography with a maximum of ten foot contour intervals.

(7) The location of all trees on the site. Groups of trees in proximity may be designated as stands of trees. Trees to be preserved, removed, relocated or replaced shall be so indicated on the plan.

(8) The limits of clearing, including that to be done subsequently for the installation of public utilities,

shall be clearly designated on the site plan or on a separate clearing and grading plan.

- (9) All building restriction lines, highway setback lines, easements, covenants, reservations and right-of-ways.
- (10) A description of the type and location of all signage.
- (11) Public storm drainage systems and natural and artificial watercourses.
- (12) All existing improvements excluding privately owned underground utilities and the like.
- (13) Limits of any required buffer areas.
- (14) Limits of any established one-hundred year floodplains.
- (15) Limits of highly erodible soils, including steep slopes greater than 15%.
- (16) Limits of any wetlands.
- (17) The location, dimension, size and height of the following when existing or proposed:
 - a. Streets, driveways, easements and utilities;
 - b. Building and structures, distance between buildings, floor area, height and location of each building. If dwelling units are single family attached or multi-family, the number size and type of dwelling units shall be shown;
 - c. All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, and a specific schedule showing the number required in accordance with the Zoning Ordinance.
 - d. Public sanitary sewer systems.
 - e. Public water mains and fire hydrants.

- f. Retaining walls and required fencing and screening within the required yards.
- g. Plans for adequately conveying stormwater in accordance with applicable provisions.
- h. Finish grading with a maximum of ten foot contour intervals.

(18) Land disturbance greater than 10,000 square feet shall comply with the requirements of Article V of the Code of Charles City County, otherwise known as the Erosion and Sediment Control Ordinance.

C. Supplemental Requirements within Chesapeake Bay Preservation Areas:

Compliance with the requirements of ' 111.B of the Code of Charles City County, otherwise known as the Chesapeake Bay Preservation Ordinance, Plan of Development Elements.

D. Supplemental Requirements for Areas with Highly Erodible Soils Adjacent to Chesapeake Bay Preservation Areas:

Compliance with requirements of Article V of the Code of Charles City County, otherwise known as the Erosion and Sediment Control Ordinance.

Section 7. Minimum Standards.

A. All work and development covered by a site plan approved pursuant to this Article shall comply with the following:

- (1) Land disturbance shall be limited to the area necessary to provide for the desired use or development. In accordance with an approved plan, the limits of clearing or grading shall be strictly defined by the construction footprint.
- (2) The construction footprint for any single-family residence shall not exceed 60 percent of the site.
- (3) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director of Planning.
- (4) Indigenous vegetation shall be preserved to the

maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook. Existing diseased or weakened trees may be removed as well trees for sightlines or aesthetic openings.

- (5) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
- (6) Grid or modular pavements which promote infiltration shall be encouraged for low traffic drives and parking areas, as approved by the Administrator.
- (7) Disposition of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right of way. The obstruction of any natural water course shall be avoided.
- (8) Any building or structure erected or enlarged shall comply with the provisions of this Code and other ordinances of the County and any applicable laws of the state.

Section 8. Plan Preparation.

Plot plans may be prepared by the applicant or, at the request of the applicant, County staff will provide assistance in preparing a plot plan. All other site plans shall be prepared by an engineer, architect, landscape architect, or land surveyor duly authorized by the state to practice as such, unless otherwise allowed by the Administrator.

Section 9. Submission of Plans

A. Application Package

The Applicant must submit:

- (1) Five (5) copies of the site plan, or;
One (1) copy of the plot plan.
- (2) An application fee. The appropriate fee shall be paid at the time of submission of any application in accordance with the schedule of fees established by the Charles City County Board of Supervisors.

B. Approval of Application Package

The Administrator shall check the application for general completeness with the administrative submittal requirements as established by Charles City County. The Administrator will notify the applicant of application deficiencies.

Section 10. Plan Review Procedures

A. When the Administrator finds the application generally complete, copies of the plan shall be distributed to the appropriate reviewing departments of Charles City County.

B. The individual reviewing departments will review the plan for compliance with all requirements within their review and approval authority. Based on the content of the plan, the reviewing departments will normally provide a recommendation to the Administrator within (5) five days.

(1) If the plan complies with all requirements of the reviewing department, the reviewing department shall make a recommendation of approval.

(2) Site Plans: If the site plan does not comply with all the requirements of the reviewing department, the reviewing department shall make a recommendation of denial. A description of the plan deficiencies will also be provided to the Administrator.

(3) Plot Plans: If the plot plan does not comply with the requirements of the reviewing department, the reviewing department will inform the applicant of the plan deficiencies and hold the application until such time as the deficiencies are corrected or the application is withdrawn by the applicant. Once the deficiencies are corrected, the reviewing department will make a recommendation of approval.

C. The Administrator shall make a decision concerning the plan in accordance with the recommendations of the reviewing departments within 45 days of receiving recommendations from the reviewing departments.

(1) If the plan complies with the requirements of all reviewing departments, the Administrator shall approve the plan and certify it as the final approved plan. Construction or development may begin after

certification of a final approved plan by the Administrator and acquisition of all applicable permits.

(2) If the plan does not comply with the requirements of the reviewing departments, the Administrator shall deny approval of the plan and notify the applicant. A description of the plan deficiencies shall accompany the decision. The applicant must either:

(a) revise the plan to address the noted deficiencies and resubmit sufficient copies of the revised plan for review.

(b) withdraw the plan from the review process.

(3) If the applicant chooses to resubmit a revised plan and the revisions do not address the deficiencies noted by the Administrator, the plan shall be denied and removed from the review process. Future submittals will constitute new applications and shall comply with all requirements of this Article.

(4) Once a proposed plan has been disapproved, the applicant may not proceed until the proposed activity has been approved as set forth herein. If no action is taken by the Administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity. Where a plan has been disapproved, a new 45 day period will begin from the date that the Administrator has received notice from the applicant that the revised plan is ready for review by the Administrator.

Section 11. Approved Plans.

A. The Administrator shall be responsible for distributing copies of the approved for final plan to all reviewing departments. Two copies of the approved for final plan will also be provided to the applicant and (1) copy attached to the Building permit application.

B. Certificates of Occupancy for any proposed structures will not be approved or issued until the constructed site improvements correspond to those shown on the approved plan.

Section 12. Amendments to the Approved Plan.

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Amendments to an approved final plan may be prepared and shall be approved in accordance with the provisions of Sections 6 through 11 of this Article.

Section 13. Appeals.

- A. If the Administrator denies approval of any plan prepared in accordance with the requirements and properly submitted under the provisions of this Article, the applicant may appeal the decision to the Board of Supervisors.
- B. The appeal must be made in writing and filed within thirty (30) days of notice of the decision of the Administrator as provided in Section 11 of this Article.
- C. Within ninety (90) days of the date on which the appeal is filed, the Board of Supervisors shall schedule a public hearing on the matter and render a decision. The Board of Supervisors shall affirm, reverse or modify the decision of the Administrator or return the matter to the Administrator for further consideration.
- D. Final decisions of the Board of Supervisors shall be subject to review by the Circuit Court of Charles City County provided an appeal is filed within 30 days from the date of the final written decision.

Section 14. Severability.

If any provision of this ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining provisions.

Section 15. Effective date

This Ordinance shall become effective on July 1, 1994.

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