

## **ARTICLE 17**

### **SITE PLANS**

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## **ARTICLE 17**

### **SITE PLANS**

#### **PART 1     17-100   GENERAL REQUIREMENTS**

##### **17-101     Purpose and Intent**

This Article is to further the purposes of this Ordinance as set forth in Part 2 of Article 1, to assist County administrative officials in the review of certain uses, which uses may also require applications for Building Permits, and to assure compliance with all applicable requirements of this Ordinance, other Chapters of The Code and the Public Facilities Manual.

##### **17-102     Administration**

The Director shall be responsible for the administration of this Article and may be assisted by the Zoning Administrator and other County officials.

##### **17-103     Uses Requiring a Site Plan or a Minor Site Plan**

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

1.     All permitted uses in the R districts.
2.     All permitted uses in the C districts.
3.     All permitted uses in the I districts.
4.     All permitted uses in the P districts.
5.     Those special permit uses which are subject to a site plan as set forth in Article 8.
6.     Those special exception uses which are subject to a site plan as set forth in Article 9.

Notwithstanding the above, the Director may approve a partial Building Permit prior to site plan or minor site plan approval in accordance with the provisions of the Virginia Uniform Statewide Building Code, provided, however, that such approval shall not guarantee the approval of a site plan or subsequent Building Permits.

##### **17-104     Uses Exempt from a Site Plan or a Minor Site Plan**

Unless otherwise required by proffered conditions or development conditions of an approved rezoning, special permit, special exception or variance, the following uses shall not be subject to the requirement for a site plan or a minor site plan. Such uses, however, shall still be subject to all other applicable provisions of this Ordinance, the Public Facilities Manual and The Code.

1.     Single family detached dwellings and their related accessory uses and structures.

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2. Additions to single family attached dwellings and mobile homes, and related accessory uses and structures.
3. Installation of new mobile homes on existing pads within an existing mobile home park.
4. Agriculture.
5. Accessory uses and structures such as statues, flagpoles, fences and walls; additions of ornamental features such as bay windows, chimneys, awnings, canopies or other facade improvements; and accessory storage structures for recycling or waste disposal.
6. In existing open space areas or public parkland, recreational amenities which do not exceed a total of 2500 square feet of disturbed area, such as gazebos, benches and playground equipment; provided however, that this shall not include features such as swimming pools, paved tennis or play courts.
7. Accessory service uses and changes in use to a use which has the same or lesser parking requirement than the previous use.
8. Accessory service uses and changes in use to a use which has a greater parking requirement than the previous use shall require submission and approval of a parking tabulation to demonstrate that the number of existing parking spaces on site meets the minimum off-street parking requirements for all uses. Parking tabulations shall be submitted on forms provided by the Director, certified by an engineer or land surveyor authorized by the State to practice as such and shall include the written consent of the property owner. For condominiums, written consent shall be provided in accordance with the provisions of Sect. 2-518
9. Parking redesignation plans prepared in accordance with the provisions of Article 11.
10. Signs.
11. Home occupation uses in accordance with Part 3 of Article 10.
12. Bus shelters.
13. Public commuter park-and-ride lots which utilize existing off-street parking spaces accessory to another use.
14. Temporary public uses not to exceed 875 square feet of gross floor area for a maximum time period of two (2) continuous years, and quasi-public athletic fields in the C-1 thru C-9 and I-1 thru I-6 Districts as an interim use.
15. Temporary uses and structures such as stands for retail sales of seasonal items and tents for temporary events, for a maximum time period of twenty-one (21) days or less and further provided there is a minimum of thirty (30) days between such temporary uses on a site.
16. The following uses provided that the use or activity shall not (a) exceed 250 square feet of gross floor area or disturbed area; (b) exceed 500 square feet of gross floor area or

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disturbed area for additions and alterations to provide an accessibility improvement; (c) reduce required open space, parking, aisles or driveways and required transitional screening or barriers; and (d) necessitate the installation or relocation of storm sewer, public water or public sewer:

- A. Antennas and satellite earth stations.
- B. Additions and alterations to existing uses, which may include changes or additions to features such as decks, vestibules, loading docks, mechanical equipment and storage structures, changes to the site such as walkways, landscaping or paving, or the addition of light poles or lighting fixtures to an existing use that is permitted by right in the zoning district in which located.
- C. Accessory outdoor storage and display.

### **17-105 Minor Site Plans**

1. A minor site plan may be submitted by the property owner or by an agent of the property owner in lieu of a site plan for the uses set forth below, when the Director shall have established that the use will not require the improvements set forth in Part 2 below or that the improvements exist, or that such improvements may be made without a formal site plan or that the improvements are not required in accordance with the Commercial Revitalization District provisions:
  - A. Additions to existing buildings or uses when such addition does not exceed 2000 square feet or one-third (1/3) of the gross floor area of existing buildings, whichever is greater.
  - B. Any permitted use on a temporary basis for a period not to exceed two (2) years from the date of approval; provided the Director may extend the approval for one additional two (2) year period.
  - C. Additions and alterations to provide an accessibility improvement not otherwise exempt under Sect. 104 above.
  - D. Uses which do not involve construction of gross floor area, such as tennis courts or storage yards, or modifications to existing uses which do not involve construction of gross floor area such as changes to walkways, parking lots or landscape plans.
2. A minor site plan shall be submitted on six (6) copies of a form provided by the Director and shall be accompanied by six (6) copies of a plan depicting the existing and proposed uses and improvements. Minor site plans shall be subject to the fees set forth in Sect. 109 below and each plan shall be accompanied by a receipt evidencing the payment of all such required fees. Minor site plans shall include, when applicable, the following information:
  - A. Name of applicant/firm and address; relationship of applicant to property owner.
  - B. Tax map, parcel number, street address and Magisterial District of the site.

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- C. Name of current and previous property owner; existing and previous use of property.
  - D. All proffered conditions and all development conditions of an approved rezoning, special permit, special exception or variance.
  - E. Sufficient information to verify compliance with applicable provisions of the Zoning Ordinance and Public Facilities Manual, such as the zoning district of the property, the existing and proposed floor area ratio of the proposed development and any existing, proposed and required parking and transitional screening.
  - F. Type, number, date of approval, date of expiration and conditions of any requested/approved modifications or waivers of required improvements on the property.
  - G. Location of any street lights, trails, walkways, service drives or travel lanes on or adjacent to the property.
  - H. Delineation of any Resource Protection Area and Resource Management Area, description of existing/proposed outfall system and how stormwater quality, quantity and detention will be accommodated in accordance with the Public Facilities Manual and Chapter 124 of The Code.
  - I. The location of any water, storm and sanitary sewer easements and all conveyances and easements dedicated or to be dedicated to Fairfax County, the State of Virginia and the Virginia Department of Transportation.
  - J. Any other such information as may be required by the Director in order to evaluate the plan.
- 3. The submission of a minor site plan shall not relieve the applicant from any other applicable requirements of any other County agencies, such as the Fire Marshal and the Water Authority.
  - 4. The Director shall check the minor site plan for completeness and compliance with such administrative requirements as are established. The Director shall ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the minor site plan within sixty (60) days from receipt of a complete submission thereof, except under abnormal circumstances.
  - 5. The provisions of Par. 3 of Sect. 108 below shall apply to minor site plans. In addition to other conditions which the Director may impose as may be necessary to ensure the public interest and the purpose and intent of this Article, the Director may require, as a condition of any approval of a minor site plan, such dedication or construction of improvements, or agreement to dedicate or construct in accordance with Sect. 112 below, as may be necessary to adequately provide for such improvements.
  - 6. If a minor site plan is disapproved, the reasons for such disapproval shall be shown on the plan or in a separate document. The reasons for disapproval shall identify all deficiencies

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in the plan which cause the disapproval by reference to specific ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

7. Notwithstanding the above, the County Executive, after a recommendation from the Director, may authorize the submission to and approval by the Director of a minor site plan for uses or modifications which are not in accordance with Par. 1 above, upon a determination that the approval will not adversely affect compliance with all other applicable requirements or the provision of any required improvements.
8. Once a minor site plan is approved, any Building Permit, Residential or Non-Residential Use Permit or other permits shall only be issued in accordance with such approved plan. Once the uses or structures approved by such minor site plan are established, the uses and structures shall continue to be subject to the provisions of approval and any modifications or alterations to the site or any additional uses and structures shall only be permitted in accordance with the provisions of this Article.

### **17-106 Required Information on Site Plans**

All site plans shall contain a cover sheet as prescribed by the Director and the following information, where applicable, unless the Director determines, based upon written justification submitted with the plan, that the information is unnecessary for a complete review of the site plan. Site plans shall also be prepared in accordance with the provisions of the Public Facilities Manual and shall be submitted in English measurements, unless otherwise approved by the Director.

1. Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be respectively certified by an engineer, architect, landscape architect or land surveyor authorized by the State to practice as such. Site plans or any portion thereof submitted under the County's Plans Examiner Program pursuant to Chapter 117 of The Code, Expedited Land Development Review, shall include a statement which certifies that the plan or portion thereof has been reviewed and recommended for submission by a Designated Plans Examiner.
2. Site plans shall be prepared to a scale of one inch equals fifty feet (1"=50') or larger and all lettering shall be not less than 1/10" in height. The sheet(s) shall be 24" by 36" and, if prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets adjoin.
3. Location of the site shown on a vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000') and such information as the names and numbers of adjoining streets, streams and bodies of water, railroads, subdivisions and towns or other landmarks sufficient to clearly identify the location of the property.
4. Every site plan shall show the name and address of the owner and developer, the Magisterial District, County, State, north point, date and scale of drawing, number of sheets and tax map reference. In addition, a blank space, three (3) inches wide and five (5) inches high, shall be reserved for the use of the approving authority.

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5. A boundary survey of the site, with a maximum permissible error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83 (with appropriate reference frames and necessary velocities)) North Zones. Two (2) adjacent corners or two (2) points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft. = 1200/3937 E+00 meters. Plans may be related to true north or meridian of record for properties located more than 1.24 miles (2.0 kilometers) from one (1) or both of the two (2) nearest VCS 83 monuments, with distance measured along a straight line from each monument to the closest point on the property boundary. Plans referenced to VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary, and horizontal and vertical control survey that ties this boundary to the Fairfax County Survey Monument (insert number and name of monument and show the combined scale (grid factor multiplied by the elevation factor) or NOAA/NGS Survey Monument (insert Parcel Identification Number and designation) with the combined scale factor (grid factor multiplied by the elevation factor)." If using a GPS Static, Virtual or Continuously Operating Reference System for deriving horizontal and/or vertical control, coordinates must be stated in VCS 83 (with appropriate reference frames and necessary velocities), North Zone, U.S. Survey Foot units, with NGVD 1929 vertical datum and so stated in above format.
6. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the site and the place of record of the last instrument in the chain of title.
7. A map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon the County of Fairfax Soils Identification Maps or, if not mapped, based upon soils identified by a professional authorized by the State to provide such information.
8. Horizontal dimensions shown on the site plan shall be shown in feet and decimal fractions of a foot accurate to the closet one-hundredth of a foot (.00). All bearings in degrees, minutes and seconds shall be shown to a minimum accuracy of ten (10) seconds.
9. Existing topography with a maximum contour interval of two (2) foot, except that where existing ground is on a slope of less than two (2) percent, either one (1) foot contour or spot elevations shall be provided where necessary, but no more than fifty (50) feet apart in both directions.
10. Proposed finished grading by contours, supplemented where necessary by spot elevations and in particular at those locations along lot lines where the angle of bulk plane is established.
11. All existing and proposed streets and easements, their names, widths and street route numbers; existing and proposed utilities; watercourses and their names; owners, zoning and present use of all adjoining properties.
12. The proposed location, general use, number of floors, height and the net and gross floor area for each building, to include outside display and storage areas; the proposed floor



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area ratio; the number, size and type of dwelling units; and the amount of required and provided open space.

13. Location, type, size and height of any fencing and retaining walls.
14. All off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces required by the provisions of Article 11 for each use and the total number of spaces provided.
15. Horizontal location of all proposed trails and vertical location of any trail which is proposed to exceed an eight (8) percent grade.
16. Location of solid waste and recycling storage containers in accordance with Chapter 109.1 of The Code and the Public Facilities Manual. In addition, a solid waste and recycling system plan statement shall be included on the cover sheet of all site plans.
17. The angle of bulk plane for each building and the angle required by the provisions of the zoning district in which located.
18. Sufficient information to show how the physical improvements associated with the proposed development interrelate with existing or proposed development of record on adjacent properties.
19. Proposed street light pole locations, including distances from face of pole to face of curb, bracket length and luminaire size (in lumens), in accordance with the Public Facilities Manual.
20. Location and height of all light poles, including parking lot and walkway light poles, illustrations of each style of freestanding lighting fixture that demonstrate that such fixture is either a full cut-off or directionally shielded lighting fixture, as required by Part 9 of Article 14 and a statement by the owner/developer certifying that all outdoor lighting provisions of Part 9 of Article 14 shall be met.

For outdoor recreation/sports facility playing fields/courts, a sports illumination plan shall be submitted as required by Part 9 of Article 14, and for service stations, service station/mini-marts and vehicle sale, rental and ancillary service establishments, a photometric plan shall be submitted as required by Part 9 of Article 14. For those facilities that had a sports illumination plan or photometric plan approved by the BZA in conjunction with the approval of a special permit or by the Board in conjunction with the approval of a special exception, development plan or proffered rezoning, the approved plan shall be included in the site plan.

21. Any plan incorporating private streets shall contain the statement “privately owned, privately maintained” to advise that the streets will not be maintained by either the State or the County. If the private streets are to be constructed to Virginia Department of Transportation standards, the plan shall contain the following statement: “The private streets in this development are not intended for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Fairfax County and are not eligible for rural addition funds or any other funds appropriated by the

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General Assembly and allocated by the Commonwealth Transportation Board.” Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board.

If the private streets are not to be constructed to Virginia Department of Transportation standards, the plan shall contain the following statement: “The private streets in this development do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Fairfax County, and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board.”

22. Identification of any grave, object, or structure marking a place of burial on the site and if none, a statement to that effect shall be included on the site plan.
23. Provisions for elements required to provide an accessibility improvement.
24. Land within an adopted Pro Rata Road Reimbursement District shall be so designated, with the pro rata road reimbursement payment calculations for each proposed use and the sum total of payments to be reimbursed.
25. For all sites, a statement by the owner/developer certifying that all wetlands permits required by law shall be obtained prior to commencing land disturbing activities in any areas requiring such permits.
26. The plan shall include all proffered conditions and all development conditions of an approved rezoning, special permit, special exception, or variance and a narrative indicating how these conditions are addressed by the plan.
27. A tree conservation plan that addresses the tree conservation and vegetation preservation requirements of Chapters 104 and 122 of The Code and the policies and requirements of the Public Facilities Manual.
28. A landscape plan as specified in the Public Facilities Manual, drawn to scale, showing existing vegetation to be preserved and any of the following proposed landscape materials required to be installed:
  - A. Parking lot landscaping, transitional screening and tree conservation as required by the provisions of Article 13, to include the location, type and height of barriers.
  - B. Replacement vegetation in accordance with the policies and requirements of the Public Facilities Manual.
  - C. Plantings required by a proffered condition or development condition of an approved rezoning, special permit, special exception or variance.

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29. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the County or to another utility system.
30. Provisions for the adequate disposition of natural and stormwater in accordance with Chapter 124 of The Code and the Public Facilities Manual, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage systems, existing and proposed storm drainage easements, and on-site stormwater detention and water quality control facilities where deemed appropriate and necessary by the Director.
31. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction as required by the Public Facilities Manual.
32. A soils report in accordance with Chapter 107 of The Code and the Public Facilities Manual.
33. Delineation of Resource Protection Areas and Resource Management Areas, site specific determination of water bodies with perennial flow, and a Water Quality Impact Assessment and required measures in accordance with Chapter 118 of The Code.
34. The location of any stream valleys and floodplains.
35. Such additional information as may be required by other County agencies, such as the Fire Marshal and the Water Authority.
36. Any other information as may be required by the provisions of this Ordinance, The Code or the Public Facilities Manual.
37. The location of all existing transmission pipelines and their respective easements in accordance with the Public Facilities Manual.
38. Identification that the development is subject to the Affordable Dwelling Unit Program provisions of Part 8 of Article 2, with the specific lots or dwelling units which are affordable dwelling units designated on the site plan, provided, however, in the case of a multiple family development which is under single ownership and is a rental project, the affordable dwelling units need not be specifically identified, but the number of affordable dwelling units by bedroom count and the number of market rate dwelling units by bedroom count shall be noted on the site plan. For multiple section developments where not all the required affordable dwellings units are to be provided in the first section of the development, the site plan for the first section and all subsequent sections shall contain a notation identifying in which section(s) the affordable dwelling units will be or have been provided and a total of all affordable dwelling units for which such site plan(s) have been approved.

Additionally, at the time of site plan submission, the owner and/or applicant shall submit an affidavit which shall include:

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- A. The names of the owners of each parcel of the sites or portions thereof, as such term is defined in Par. 1 of Sect. 2-802; and
  - B. The Fairfax County Property Identification Map Number, parcel size and zoning district classification for each parcel which is part of the site or portion thereof.
39. Provisions for common or shared utility easements in accordance with Sect. 15.2-2241(6) of the Code of Virginia and the Public Facilities Manual. In addition, a note shall be included on all plans stating that any future easement or authorization for electric, cable, telephone or gas services to be furnished to the property must comply with the provisions of Sect. 15.2-2241(6) of the Code of Virginia.

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#### Notice Required

1. Except as qualified below, any person who submits a site plan or site plan revision shall submit written proof of notification to all owners of property wholly or partially within 500 feet of the subject property and at least one homeowners' or civic association within the immediate vicinity, as approved by the Director. Such notice shall include notice to owners of properties wholly or partially within 500 feet of the subject property which lie in an adjoining county or municipality. If there are fewer than twenty-five (25) different owners of property wholly or partially within 500 feet of the subject property, then additional notices shall be sent to other property owners in the immediate vicinity so that notices are sent to not less than twenty-five (25) different property owners.

Notice shall be sent to the last known address of the owner(s) as shown in the current real estate assessment files and shall be sent by certified mail, return receipt requested. Notice to homeowners' or civic associations shall be sent to the address kept on file by the County Office of Public Affairs, or if none is on file, to the registered address kept on file with the State Corporation Commission. All written notice required by this Paragraph shall include the following information:

- A. Tax map reference number and street address.
- B. Plan name.
- C. Site plan number.
- D. Address and telephone number of the County office where the site plan may be reviewed or to which questions may be directed.
- E. Description of the proposed development including the type of use, number of dwelling units, gross floor area and floor area ratio for non-residential uses, area in acres, density for residential uses and the amount of open space provided.
- F. Description of the location of the proposed development including the name of the nearest road, the side of the road on which the project is located, identification of the nearest existing road intersection, and the estimated distance from that intersection.
- G. A statement that the proposed construction may alter storm drainage from the site.

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- H. Name, address and telephone number of a representative of the applicant.
- I. A reduction of the plan or plat showing the proposed development at a scale of one inch equals five hundred feet (1" = 500'), or larger on 8 ½" x 11" sheet(s).

Such notices shall state that: (a) changes and corrections to the site plan may occur prior to approval; (b) any person wishing to comment on the plan should submit comments to the County office identified in the notice; (c) any person wishing to be notified of the approval of the plan should submit a written request to that effect to the County office identified in the notice; and (d) the site plan is subject to approval thirty (30) days after the postmark date of the notice, unless releases are executed by all property owners required to be notified, in which case the plan may be approved sooner than thirty (30) days after the postmark date. A copy of such notice shall also be sent by the Director to the Board Member in whose district the subject property is located at the time of the plan submission.

No site plan shall be approved within thirty (30) days following the postmark date on the white receipts for the certified mailings, unless releases are executed by all property owners required to be notified, in which case the plan may be approved sooner than thirty (30) days after the postmark date on the white receipts for the certified mailings. The original executed releases shall be submitted to the Director on standard forms available from the Director.

- 2. In addition, any person who submits a minor site plan, site plan or site plan revision which proposes land disturbing activities within an off-site utility easement shall send a written notice to the owner of the property containing the easement. Such notice shall contain the information required by Paragraphs 1 and 5, and shall also state the nature of the land disturbing activity proposed within the easement. No minor site plan, site plan or site plan revision shall be approved within thirty (30) days of the postmark date on the white receipt for the certified mailing unless a release is executed by the property owners required to receive notice by this paragraph, in which case the plan may be approved sooner than thirty (30) days after the postmark date. The original executed releases shall be submitted to the Director on standard forms available from the Director.
- 3. In addition to the above, any person who submits a minor site plan, site plan or site plan revision which proposes land disturbing activities within fifty (50) feet of or within a major underground utility easement located on the property shall send a written notice and a copy of the plan to the owner of the major underground utility easement. Such plan and notice shall be sent by certified mail, return receipt requested, postmarked no later than five (5) days after the initial submission of the plan to the Director, to the owner's current registered agent on file with the State Corporation Commission. The notice shall contain the information required by Paragraphs 1 and 5, except that the notice shall state that the plan is subject to approval forty-five (45) days (in lieu of thirty (30) days) after the postmark date of the notice, unless releases are executed by all major underground utility easement owners required to be notified, in which case the plan may be approved sooner than forty-five (45) days after the postmark date. A copy of the notice and plan with the corresponding postmarked white receipt shall be submitted to the Director. No plan subject to this paragraph shall be approved within forty-five (45) days following the postmark date on the white receipt for the certified mailing, unless releases are executed

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by all major underground utility easement owners required to be notified, in which case the plan may be approved sooner than forty-five (45) days after the postmark date. The original executed releases shall be submitted to the Director on standard forms available from the Director.

4. For site plan revisions, the written notice requirements of this Section need not be met upon a determination by the Director that: the revision is a minor correction or adjustment to a feature shown on the previously approved plan; the revision does not reduce the effectiveness of approved transitional screening, landscaping or open space; and the revision does not permit changes to the bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent properties.
5. Notice as hereinafter provided shall be posted on such site by the Director within forty-four (44) days from receipt of a site plan, and no site plan shall be approved within fourteen (14) days of such posting. The notification shall present the following information:
  - A. Notice that a site plan has been submitted for approval.
  - B. Address and telephone number of the County office where a copy of the site plan may be reviewed.
  - C. Site plan number.
  - D. Type of use.
  - E. Tax map reference number; street address and/or location of property.
  - F. Date submitted.
  - G. Date posted.
  - H. Date site plan is subject to approval.

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#### Site Plan Procedure

1. All site plans shall be submitted by the property owner, or by an agent of the property owner or by a condominium in accordance with the provisions of Sect. 2-518 to the Director on fifteen (15) clearly legible blue or black line copies, and each site plan shall be accompanied by a receipt evidencing the payment of all required fees for processing and approval as set forth in Sect. 109 below.
2. The Director shall check the site plan for completeness and compliance with such administrative requirements as are established. The Director shall ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the site plan within sixty (60) days from receipt of a complete submission thereof, except under abnormal circumstances. Provided, however, that site plans proposing the development or construction of affordable dwelling units in accordance with Part 8 of Article 2 shall be processed within 280 days from the receipt thereof,

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provided such plan shall substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the site plan is in for County review, and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

3. All site plans which are appropriately submitted and conform to standards and requirements set forth in this Article shall be approved by the Director after having been reviewed and recommended for approval by the appropriate departments of the County relative to items such as, but not limited to, the following:
  - A. Location and design of vehicular and pedestrian access points and proposed road improvements, to include concurrence from the Virginia Department of Transportation.
  - B. Location and adequacy of parking areas.
  - C. Design of traffic circulation and control within the site and with adjoining properties.
  - D. Compliance with all of the applicable requirements of this Ordinance, proffered conditions or development conditions of an approved rezoning, special permit, special exception, or variance.
  - E. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
  - F. Compliance with applicable established design criteria, construction standards and specifications for all improvements as set forth in the Public Facilities Manual.
  - G. Provision of adequate erosion and sedimentation control measures of both a temporary and permanent nature.
  - H. Compliance with Chapter 118 of The Code. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.
  - I. Adequate analysis and measures to address problem soils where required by Chapter 107 of The Code or the Public Facilities Manual. Review and approval of plans, specifications, and reports by the County, with or without recommendations of the Geotechnical Review Board, shall in no way relieve the developer of the responsibility for the design, construction, and performance of the structures, pavement, and slopes on the project and damage to surrounding properties.
4. If a site plan is disapproved, the reasons for such disapproval shall be shown on the plan or in a separate document. The reasons for disapproval shall identify all deficiencies in the plan which cause the disapproval by reference to specific ordinances, regulations, or policies, and shall generally identify such modifications or corrections as will permit approval of the plan.

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5. Any approved site plan may be revised, prior to bond or security release, in the same manner as originally approved and in accordance with the Public Facilities Manual. Approval of such revision shall not be deemed to alter the expiration date of the site plan, as established in Sections 110 and 111 below. Following release of the owner's or developer's agreement package provided in accordance with Sect. 112 below, any proposed change shall be subject to the provisions of this Article.
6. Once a site plan is approved, any Building Permit, Residential or Non-Residential Use Permit or other permits shall only be issued in accordance with such approved plan. Once the uses or structures approved by such site plan are established, the uses and structures shall continue to be subject to the provisions of approval and any modifications or alterations to the site or any additional uses and structures shall only be permitted in accordance with the provisions of this Article.

### **17-109 Fees**

Applicable fees, at such times and amounts as stated in Appendix Q of the Code, shall be paid to the County for the examination and approval of site plans, minor site plans, and other required studies and reports, the inspection of all required improvements shown on such plans, and the processing of site plan or minor site plan agreements.

### **17-110 Site Plan and Minor Site Plan Approval**

1. In accordance with Sect. 15.2-2261 of the Code of Virginia, approved site plans valid as of January 1, 1992 or site plans and minor site plans approved thereafter shall be valid for a period of five (5) years from the date of approval or for such longer period as the Director may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed approved when the only requirement remaining to be satisfied in order to obtain a Building Permit is the execution of any agreements and posting of any securities and escrows. A minor site plan shall be deemed to be approved on the date of such approval by the Director. Thereafter, when a Building Permit has been obtained for construction in accordance with an approved site plan or minor site plan, such plan approval, or part thereof for which a Building Permit has been obtained, shall be extended beyond the period of five (5) years or such longer period as the Director may have approved for the life of the Building Permit.

While the site plan or minor site plan remains valid in accordance with this paragraph, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of such plan shall adversely affect the right of the developer or successor in interest to commence and complete the approved development in accordance with the lawful terms of the 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. Nothing contained in this paragraph shall be construed to affect the application to individual parcels of land subject to final site plans or minor site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act, the federal Clean Water Act, Sect. 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.



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2. Residential site plans approved prior to 12:01 AM, June 18, 1991, for which a Building Permit for a residential structure shown on the approved site plan has been issued and such structure is built pursuant to such Building Permit, shall remain valid until completion of all structures shown on such site plan, provided that:
  - A. Such site plan is also an approved construction plan under the Subdivision Ordinance and such construction plan included the required information for a site plan, as set forth in Sect. 106 above, to include location of all structures and minimum yards;
  - B. Bonded improvements shown on the approved construction plan either have been built or are subject to a valid improvement bond;
  - C. The approval of the construction plan is followed by the recordation of a final subdivision plat within the specified time frames set forth in the Subdivision Ordinance; and
  - D. Completion of construction of the recorded subdivision is diligently pursued.
3. The provisions of Par. 1 above shall not apply to approved minor site plans for those temporary uses as permitted by Par. 1B of Sect. 105 above.

### **17-111 Site Plan and Minor Site Plan Extensions**

The approval of a site plan or a minor site plan, except for temporary uses as set forth in Par. 1B of Sect. 105 above, approved pursuant to Par. 1 of Sect. 110 above may be extended by the Director for one or more periods, as the Director may at the time the extension is granted determine to be reasonable, taking into consideration the size and phasing of the proposed development and the provisions of this Section.

A request for an extension shall be filed in writing with the Director within forty-five (45) days prior to the expiration date of the approved site plan or minor site plan. Failure to apply for an extension prior to the expiration date shall cause the site plan or minor site plan approval to expire without notice on the expiration date. If the request is timely filed, the plan shall remain valid until the request for an extension is acted upon by the Director; provided, however, that after the initial plan or extension expiration date, no Building Permit shall be approved until the request for an extension of plan approval is acted upon by the Director.

The Director may approve an extension request upon a determination that:

1. The bonded improvements shown on the approved plan either have been built or are subject to a current agreement or extension thereto; and
2. The approved plan complies with all current provisions of the Zoning Ordinance, Public Facilities Manual, Subdivision Ordinance or other applicable ordinances; unless the Board specifically provided that an amendment adopted subsequent to the approval of the site plan or minor site plan is not applicable to site plan or minor site plan extensions.

### **17-112 Agreements and Security**

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1. Except as provided below, prior to the issuance of a construction permit for clearing and grading or for the installation of the physical improvements and facilities shown on an approved site plan or minor site plan, there shall be executed by the owner or developer and submitted with the application for a construction permit an agreement to construct such physical improvements as are shown on such approved plan. Such agreement shall be accompanied by a fee in accordance with Sect. 109 above and a security package acceptable to the County in the amount of the estimated cost of those physical improvements which (a) are located within public rights-of-way or easements and the construction of which is not otherwise secured in its entirety with the Virginia Department of Transportation or (b) are for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes and for storm water management facilities or (c) are required by a proffered condition in accordance with the provisions of Par. 8 of Sect. 18-204 or required to be bonded by a development condition of an approved special permit, special exception or variance in accordance with the provisions of Sections 8-007, 9-007 and 18-405, respectively. The submission of agreements and security packages for such plans for which approvals are conditions of record plat approvals shall be required pursuant to Chapter 101 of The Code, The Subdivision Ordinance.
2. The aforesaid agreement and security package shall be provided for guaranteeing completion of all work covered thereby within the time to be approved by the Director, which time may be extended by the Board upon payment of the extension fee and written application by the owner or developer, signed by all parties, including the sureties, to the original agreement.
3. The adequacy, conditions and acceptability of any security package hereunder shall be determined by the Board or any official of the County as may be designated by resolution of the Board.
4. In any case where any such official has rejected an agreement or security package, the owner or developer shall have the right to appeal such determination to the Board, provided the owner or developer has paid to the County the required fee for the examination and approval of the site plan or minor site plan and inspection of all required improvements shown on such plans.
5. Periodic partial and final release of any security shall be in accordance with the provisions of Part 8 of Article 2 and the Public Facilities Manual.
6. For the purposes of this Section, an owner of a condominium shall include, a declarant, unit owners ' association or unit owner, as provided for in Sect. 2-518.

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### **PART 2     17-200   REQUIRED IMPROVEMENTS**

#### **17-201     Improvements To Be Provided**

In furtherance of the purposes of this Ordinance and to assure the public safety and general welfare and except as provided for in the Commercial Revitalization District provisions, no site plan or minor site plan shall be approved unless the Director is assured that the following improvements either exist or will be made or the Director has established that the requirement for the improvements may be modified or waived, based on information provided by the applicant, and a determination by the Director that such improvements are unnecessary, and such modification or waiver will not adversely affect other required improvements and compliance with all other applicable requirements. The Director may attach conditions to any such modification or waiver to assure that the results of the modification or waiver will be in accordance with the purpose and intent of this Part:

1. Construction of pedestrian walkways so that occupants/patrons may walk on the same from building to building or store to store within the site and to adjacent sites. Wherever possible, connection shall be made to walkways in adjacent developments.
2. Construction of trails or walkways in accordance with the general location shown on the adopted comprehensive plan together with such other connecting trails or walkways within the limits of the site plan. When such trails or walkways are to be constructed, fee title or easements shall be conveyed to the Board, Fairfax County Park Authority or Northern Virginia Regional Park Authority. The final location and design of trails or walkways are to be determined by the Director after review by the Fairfax County Department of Planning and Zoning and/or the Fairfax County Park Authority and/or the Northern Virginia Regional Park Authority.
3. Construction of vehicular travel lanes, service drives, driveways or other access connections, which will permit vehicular travel on the site and to and from adjacent properties in accordance with the following:
  - A. Adjacent to any primary highway, and generally parallel thereto, a service drive shall be constructed, and wherever possible, it shall connect with a service drive on adjacent properties. Such service drive shall be designed to be dedicated to the Virginia Department of Transportation, shall be dedicated for public use as a public road and the underlying land shall be conveyed to the Board of Supervisors.
  - B. Adjacent to any minor arterial or collector street, a travel lane not less than twenty-two (22) feet in width shall be constructed to afford access to adjoining properties.
  - C. Notwithstanding Paragraphs A and B above, service drives shall not be required adjacent to any street designated as a Virginia by-way by the Commonwealth of Virginia Transportation Board or adjacent to the Dulles Toll Road (Route 267). In addition, the service drive requirement may be waived by the Board in conjunction with proffered condition, development plan or special exception approval when it can be demonstrated that the provisions of Paragraphs D(1) and

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D(2) or Paragraphs D(1) and D(3) below can be satisfied.

- D. The Director may waive the requirement for constructing a travel lane as is set forth in Par. B above when:
- (1) There is no existing or proposed vehicular travel lane abutting the subject property on either side, and
  - (2) The adjoining property(s) is used or zoned for single family detached dwellings, or
  - (3) The adjoining property(s) is occupied by a given use, which by its nature would suggest that there will be a limited desire for travel between such use and the one proposed.
4. Dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads, all as indicated on the adopted comprehensive plan or as may be required by the Director for a specified purpose; however, proposed roads shown on the adopted comprehensive plan as freeways or expressways need not be constructed. In addition, dedication and construction of sufficient vehicular and pedestrian access shall be required to provide for safe and convenient ingress and egress.
  5. Construction of curb and gutter around all medians that separate travel lanes and service drives from existing streets and which separate off-street parking areas from streets, service drives, and travel lanes; however, the Director may waive the construction of an inside curb and gutter on a travel lane where it would be in keeping with the existing/proposed design of the travel lane or parking aisle on adjacent properties so that adequate and safe traffic circulation between sites can be obtained without such curb and gutter.
  6. Dedication of easements or rights-of-way for all facilities to be publicly maintained. Such easement or right-of-way shall be clearly defined for the purposes intended.
  7. Installation of adequate 'No Parking' signs along travel lanes or service drives to prohibit parking on same. Such signs shall be located on each curbed side, no more than fifty (50) feet apart.
  8. Installation of an adequate drainage system for the disposition of storm and natural water in accordance with the provisions of Chapter 124 of The Code and the Public Facilities Manual. Appeals of decisions made pursuant to Chapter 124 of The Code which are appealable shall be processed in accordance with Article 7 of Chapter 124.
  9. Installation of adequate temporary and permanent erosion and sedimentation control measures in accordance with the provisions of Chapter 104 of The Code and the Public Facilities Manual.
  10. All utilities provided by the developer shall be installed underground in accordance with adopted County standards and Chapter 63 of The Code. All other utilities shall be installed underground in accordance with standards of utility practice for underground

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construction, which such standards and any amendments thereto shall be furnished to the County by the utility company, and in accordance with standards furnished to and regulations issued by the applicable regulatory authority; provided, however, that:

- A. Equipment such as the electric distribution transformers, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground, may continue to be so installed, in accordance with accepted utility practices for underground distribution;
  - B. Meters, service connections and similar equipment normally attached to the outside wall of the premises they serve may be so installed;
  - C. Temporary overhead facilities required for construction purposes shall be permitted;
  - D. It shall not be required that utilities to be installed by someone other than the developer or his contractor be shown on plats, plans or profiles, as a prerequisite to the approval of such plats, plans or profiles.
- 11. Vegetation removal and replacement in conformance with the requirements of Par. 9 above and the policies and requirements of the Public Facilities Manual.
  - 12. All other improvements required by the provisions of this Ordinance and proffered conditions to include but not to be limited to off-street parking and loading facilities, driveways and private streets as required by Article 11, and landscaping and screening as required by Article 13.
  - 13. All other improvements as are required by the provisions of other ordinances of the County or as may be required by the Virginia Department of Transportation.
  - 14. Installation of street lights in accordance with the provisions of the Public Facilities Manual.

### **17-202 Construction Standards, Inspection, and Supervision**

- 1. Unless otherwise specifically provided in this Ordinance, the construction standards for all on-site and off-site improvements required by this Part shall conform to the provisions of the Public Facilities Manual. The Director shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.
- 2. Inspections during the installation of the required on-site and off-site improvements shall be made by the Director as required to certify compliance with the approved site plan and applicable County standards.
- 3. The owner shall notify the Director in writing three (3) days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan. The submission of cut-sheets shall serve to accomplish the purpose of this requirement.

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4. The owner shall provide adequate supervision on the site during the installation of all required improvements and have a responsible superintendent or foreman together with one set of approved plans, profiles and specifications available at the site at all times when work is being performed.
5. The installation of improvements as required in this Part shall in no case serve to bind the County to accept such improvements for the maintenance, repair or operation thereof but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

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### **PART 3     17-300 AS-BUILT SITE PLANS**

#### **17-301     General Provisions**

1.     Upon satisfactory completion, four (4) copies of an as-built site plan and the corresponding filing fee as provided for in Sect. 109 above, shall be submitted to the Director for review and approval for conformance with the approved site plan. Such plan shall be prepared in accordance with the provisions set forth in the Public Facilities Manual.
2.     As-built site plans may be submitted and approved for any appropriately completed part of the total area of an approved site plan, with such part to be known as a section.