

ARTICLE 21. PLAN OF DEVELOPMENT (POD)

Sec. 15-311 Statement of intent

A plan of development must be submitted prior to the issuance of any building permit, to accomplish the following:

- A. To assure compliance with the applicable requirements of the zoning ordinance and to promote proper site planning.
- B. To state the specific requirements applicable to the development of specific uses.
- C. To allow review of the design and construction of required improvements.
- D. To promote traffic safety.
- E. To protect water quality.

Sec. 15-312 Types of plans of development

There are four categories of plans of development, as follows:

- A. Plan of development – Sec. 15-314
- B. Minor plan of development – Sec. 15-323
- C. Rural plan of development – Sec. 15-324
- D. Administrative waiver – Sec. 15-325

Sec. 15-313 Plan of development administrator

The plan of development administrator (POD administrator) is responsible for administration of this article.

Sec. 15-314 Plan of development

- A. A plan of development or waiver is required for the following:
 - (1) All new commercial and industrial businesses and developments.
 - (2) Telecommunication towers.
 - (3) Places of worship or other public assembly uses.
 - (4) Multi-family dwellings, including two-, three-, or four-family dwellings, townhouses, apartments, and condominiums.
 - (5) Any addition to or expansion of an existing commercial or industrial use requiring the issuance of a building permit, or any expansion of parking facilities where land disturbance is 10,000 square feet or more.
 - (6) All residential developments with more than two single-family lots which require any improvements to be made for access or public safety.
- B. Plans of development must be prepared by a certified land surveyor or professional engineer. The plan of development may be prepared in one or more sheets to show clearly the information required. If prepared in more than one sheet, match lines should clearly indicate where the sheets join. The plan of development must be prepared to a scale of one inch equals 50 feet, or larger; the sheet size should be 24 inches by 36 inches or multiples thereof. The POD administrator will determine the number of clearly legible, blue or black line copies of a plan of development to be

submitted. The POD fee is stated in the county's fee schedule adopted as an appendix to this code, and must be paid at submittal. Every plan of development must contain information to address the subjects listed below and comply with the zoning ordinance.

- (1) Location of property by an insert map at a scale of not less than one inch equals 1,000 feet, indicating the scale, the north arrow, and such information as the names and state route numbers of adjoining roads, as well as names of streams and bodies of water, railroads, subdivisions, and other landmarks sufficient to clearly identify the location of the property.
- (2) A boundary survey of the property by courses and distances with state plane coordinates on at least two boundary corner points. All features shown on the plan must be drawn to scale based upon the two points.
- (3) Election district, zoning district, present and proposed use of property, geographic parcel identification number (GPIN), tax parcel identification number, name, address, and contact information for the developer of property (if different than the record property owner) and contact information for the present record owner of tract.
- (4) Zoning district, and present use of all contiguous property.
- (5) All existing and proposed streets and easements, their names, route numbers, and widths; sidewalks; existing and proposed utilities; and watercourses and their names.
- (6) Location, type, and size of vehicular entrance(s) to or on the property.
- (7) Location, type, size, and height of fencing, retaining walls, and walls.
- (8) Location, type, and size of all landscaping requirements, including those required by the zoning ordinance or proffers, or conditions of a conditional use permit or certificate of approval.
- (9) Lighting plan that includes location, type, and size, and foot candle at property line of any lighting, and any other lighting requirement in the zoning ordinance or proffers, or conditions of a conditional use permit or certificate of approval. Cut sheets and manufacturer specifications are required to ensure dark-sky compliance.
- (10) Location, size, and building materials for dumpster enclosures, refuse containers, collection boxes, or other accessory structures related to the collection of refuse on the property, and related screening.
- (11) All off-street parking, loading spaces and walkways, stating type of surfacing, size, stall angles, aisle widths, and a specific schedule showing the number of parking spaces required and provided.
- (12) Number of floors, floor area, floor area ratio, height and location of each building, and proposed general use for each building. For a multi-family residential building, show the number, size and type of dwelling units.
- (13) 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's or another utility system.
- (14) Provisions for the adequate disposition of stormwater management compliance. Location of floodways, 100-year floodplains, and wetlands.
- (15) Existing topography with a maximum of two-foot to five-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations should be used where necessary, but not more than 50 feet apart in both directions.
- (16) Proposed finished grading by contours supplemented, where necessary, by spot elevations.
- (17) All horizontal dimensions shown on the plan must be in feet and decimals of a foot to the nearest 0.01 foot; and all bearings should be in degrees, minutes and seconds to the nearest 10 seconds.

- (18) Erosion and sedimentation control plans as required by chapter 5 of this code, relating to stormwater management and erosion and sediment control .
 - (19) A copy of any conditional use permit conditions, rezoning proffers, certificate of approval conditions, and other special approval which has been granted.
 - (20) Compliance with minimum yard setback requirements.
 - (21) If the U.S. Postal Service requires cluster mailbox units for new residential communities, then provide pull-off locations, type, and collection box dimensions.
- C. Plans of development may be revised through this same process.

Sec. 15-315 POD administrator's review

The POD administrator is responsible for checking the plan of development for general completeness and compliance, for causing all reviews to be completed on time, and for ensuring that the approving authority acts on the plan of development within 30 days of receipt, except under extraordinary circumstances.

- A. The POD administrator will review all entrances and exits to the property and, where entrances or exits are to state roads, will send the plan of development to the Virginia Department of Transportation for review. If either the POD administrator or the Virginia Department of Transportation disapproves an entrance or exit, the plan of development must be amended to provide an alternate entrance or exit.
- B. The POD administrator will review plans of development to determine if they conform to the standards and requirements set forth in this article and other applicable life, health, or safety regulations, such as the building and fire prevention codes, with respect to the following:
 - (1) The appropriate location and design of vehicular entrances and exits in relation to streets providing access to the property, and in relation to pedestrian traffic.
 - (2) The Virginia Department of Transportation's approval for the location and design of vehicular entrances and exits to and from state-maintained roads and highways.
 - (3) Location and adequacy of vehicular parking areas and loading/unloading areas.
 - (4) Adequate provision for traffic circulation and control within the property, and providing access to adjoining property.
 - (5) Adequacy of drainage.
 - (6) Sufficient erosion and sediment control measures.
 - (7) Compliance with the requirements of zoning proffers, conditional use permit conditions, and certificates of approval conditions.
 - (8) Adequate provision to ensure public safety, including fire protection facilities.
- C. In addition, the POD administrator will seek review of the plan of development, as appropriate, from the environmental health division of the health department, the utility department, building official, or fire marshal, with respect to the following:
 - (1) Adequacy of water supply, fire protection, and sanitary sewer facilities.
 - (2) If sewage disposal facilities other than public sanitary sewers are involved, the health department's environmental health division will review the adequacy of septic tanks and other sewage disposal facilities.

Sec. 15-316 Required improvements

Plans of development are required to provide for the following improvements:

- A. Unless the POD administrator grants an exemption, businesses required to have more than 10 parking spaces must construct driveways and off-street parking areas with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete or equivalent paving material. Businesses required to have 10 or fewer parking spaces may provide a gravel surface, except that all required handicapped parking spaces must be paved in accordance with the standards set out above. Driveways connecting to public rights-of-way are required to meet all Virginia Department of Transportation requirements.
- B. Design of vehicular travel lanes or driveways:
 - (1) Vehicle travel lanes and driveways must be designed in accordance with the parking and loading requirements of this chapter.
 - (2) Multi-family developments with more than 82 dwelling units must have a minimum of two separate, permanent points of access onto public roads. Until the second point of access is fully installed, certificates of occupancy will not be issued for any structures that would cause the total number of dwelling units in the development to exceed 82.
 - (3) When single-family dwellings and townhouses are located within the same development, each dwelling unit is counted towards the number of lots for access purposes, unless a conceptual plan was approved prior to January 1, 2020.
- C. All easements must be clearly defined for the purpose intended. Access easements are required to ensure adequate and safe access to public rights-of-way.
- D. Where needed, adequate numbers and spacing of "No Parking" signs.
- E. Installation of road extension signs for stub roads.
- F. Designation of pedestrian walkways so patrons may walk amongst businesses and to the parking areas.
- G. Connection, wherever possible, of all walkways, travel lanes, and driveways with similar facilities in adjacent developments.
- H. Screening, fences, walls, as required under this article, other ordinances, proffers, conditions, or Virginia Department of Transportation regulations.
- I. Adequate drainage system for the disposition of storm and natural waters. In those cases where existing parking facilities do not have curb and gutter, curb and gutter will not be required for any parking lot expansion. Properties and waterways downstream from developments must be protected from damage due to increased volumes, velocity, and peak flow rates of stormwater runoff. Concentrated stormwater runoff leaving a developed property must be discharged directly into an adequate natural or manmade receiving channel, pipe, or storm sewer system, or the development must include stormwater detention/retention on site. All detention/retention facilities must be maintained.
- J. If more than one acre of land disturbance is proposed, an approved Virginia stormwater management permit is required.
- K. Temporary and permanent erosion and sediment control measures.

Sec. 15-317 Accessibility guidelines

All facilities are required to comply with the Uniform Federal Accessibility Standards, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, and other, similar federal, state, or local laws, rules or regulations.

Sec. 15-318 Proffers and conditions

Proffers or conditions specific to the property take precedence over the requirements of the zoning ordinance.

Sec. 15-319 Sureties and fees

Unless all required improvements are fully constructed prior to the approval of the plan of development, no plan of development will be approved unless the owner or developer executes an agreement to construct any required roads, parking, utilities, landscaping, lighting, or similar improvements within a time frame determined by the POD administrator. The POD administrator may require surety in an amount sufficient to cover the estimated cost of the required physical improvements as determined by the appropriate county departments. The form, adequacy, terms, and conditions of the surety must be acceptable to the POD administrator and county attorney.

Sec. 15-320 Approvals and extensions

An approved plan of development expires five years after approval, unless building permits have been obtained for construction. The POD administrator may grant a single, one-year extension, upon applicant's written request, if the request is filed more than 60 days before the expiration of the approved plan of development. The POD administrator will promptly acknowledge receipt of the request and make a decision on the extension request within 30 days of receipt.

Sec. 15-321 Right to appeal

The POD administrator's decision regarding a plan of development may be appealed to the board of zoning appeals pursuant to Sec. 15-492.

Sec. 15-322 Subdivision improvements

- A. No building permit will be issued for any structure in any areas covered by a plan of development except in conformity with the approved plan of development. Residential development with an approved plan of development must construct or complete required subdivision improvements as follows:
 - (1) *Issuance of first building permit.* Prior to the issuance of the first building permit for each structure, the following access improvements must be installed, per approved plans, from the nearest subdivision entrance to the farthest property line of each building site:
 - a. The subdivision entrance road, for a distance of 50 feet from the existing edge of pavement, and its associated turn lanes nearest the building lot must be constructed using a minimum of base course pavement, except if the specified pavement section has only one layer of pavement and no base coat of pavement on the approved plans, then only the base gravel layer must be installed; and

- b. Roads to the building lots must be constructed in compliance with the approved road section and at a minimum, the base gravel layer must be installed; and
 - c. Approved street signs and other required road signage be installed; however, temporary signage is allowed.
 - (2) *Completion of required improvements.* Once 50% of the lots on the plan of development have been issued building permits, the developer must complete all required improvements, including, but not limited to, subdivision entrances, turn lanes, roads, curbs, gutters, fire protection improvements, and permanent street signs, prior to the issuance of any subsequent building permits.
 - (3) *Multiple entrances.* If the subdivision or phase plans include more than one entrance, the second entrance, turn lanes and associated road improvements must be fully installed before the earlier of (a) issuance of the 50th building permit or (b) if phased plans, before the total number of issued building permits in the subdivision exceeds 49.
 - (4) *Phased developments.* Each phase must meet these criteria.
- B. Inspection and supervision during installation.
- (1) No street or storm sewer work on the plan of development may begin unless the POD administrator has been provided at least 24 hours' notice.
 - (2) One set of approved plans, profiles and specifications must be available on the property at all times when work is being performed. A designated, responsible person must be available to be contacted by county inspectors.
 - (3) Upon satisfactory completion of all installation of the required improvements, the POD administrator will approve the improvements. The approval may authorize the release of all, or a portion of any surety furnished to guarantee of satisfactory installation of improvements. Inspection will be made within a reasonable time of the request, and the surety released as quickly as circumstances permit.
 - (4) The installation of improvements as required in this section does not require the county to maintain, repair, or operate the improvements.
- C. Occupancy certificate.
- (1) A final certificate of occupancy may be issued for any appropriately completed building or part of building, (known as a section), provided:
 - a. Other on-site construction and improvements included in the approved plan of development for the section have been completed and have been inspected and accepted by the POD administrator; and
 - b. Off-site improvements, if any, related to and necessary to service the section or property have been completed and inspected by the POD administrator or other appropriate county staff.
 - (2) Prior to the issuance of a certificate of occupancy for any structure on an approved plan of development, the following improvements must be completed from the nearest subdivision entrance to the farthest property line of the building lot:
 - a. *Roads.* Pave the base coat or apply the final coat, as specified in the plan of development, for the entrance, turn lanes, and roads begun per Sec. 15-322.A; and
 - b. *Fire protection.* Along the access improvements required in this section, the required fire protection improvements, including, but not limited to, emergency vehicle turnarounds, access roads, water tanks, or hydrants.
- D. Temporary administrative relief from certain provisions of Sec. 15-322.

- (1) The community development director is authorized to grant temporary relief to the requirements of Secs. 15-322.A.1.a, 15-322.A.2, and 15-322.C.2.a and to allow 1) issuance of a building permit or 2) temporary certificate of occupancy to be valid for a designated time but in no case longer than 90 day, provided that:
 - a. Relief from the base course paving requirement of Sec. 15-322.A.1.b may be approved for a total of no more than three lots in any development; however gravel base layer must be installed.
 - b. Relief from the final coat paving, sidewalk and landscaping requirement of Sec. 15-322.A.2 may be approved to allow issuance of building permits for an additional 10% of the lots within the subdivision, if all other required improvements within the subdivision are complete.
 - c. Relief from the final coat road paving requirement of Sec. 15-322.C.2.a may be approved for 10% of the lots, but in no case more than a total of three lots in any development, provided that 1) all street signs and other required road signage and 2) all fire protection improvements, are complete.
- (2) Any request for temporary administrative relief must be in writing and contain detailed information showing that weather or other construction-related conditions, beyond the control of the subdivider/builder/developer, have occurred that prevented the installation of the required paving, together with a schedule for completion of the required improvements. In no case will relief be granted for required improvements of the subdivision entrance, turn lanes, or the base gravel layer for longer than a 30 day period.
- (3) The community development director must furnish a written decision to the requestor within 10 days of receipt of the request for relief. In granting the requested relief, the community development director may impose conditions. The director should consider the following in considering the waiver request:
 - a. The needs of the subdivision residents for safe and convenient access to their residences,
 - b. Deterioration of the roads, drainage, and other improvements completed or partially completed,
 - c. The season of the year, and
 - d. The number of occupied residences and the eligibility of the facilities for acceptance by the Virginia Department of Transportation.
- (4) After consideration of the above factors, the following findings should also be considered:
 - a. If the strict application of the ordinance would produce undue hardship; and
 - b. If the granting of administrative relief will not be of substantial detriment to adjacent properties within the proposed development.
- (5) A copy of the decision will be provided to the requestor. In phased developments, each phase will be considered a separate project.

Sec. 15-323 Minor plan of development

The purpose of the minor plan of development process is to support and encourage small businesses and promote reinvestment in commercial properties. The county hopes that by easing the time and cost associated with the POD process and by providing a quick review of minor site changes, property owners will be encouraged to make improvements to their properties which facilitate their business goals and improve the vitality of our community. This process is intended only for businesses that are proposing minimal land disturbance or changes in use to an existing developed property that can meet the requirements associated with the new use with minimal changes.

- A. *Applicability.* The minor plan of development is applicable to uses that are required to submit a plan of development, but meet all the following requirements:
- (1) Property is properly zoned for the proposed use.
 - (2) Property is located outside of a major village or overlay district.
 - (3) Proposed development does not disturb an area greater than 10,000 square feet.
 - (4) No changes to the existing access to the property or to the internal traffic flow on the property are required.
 - (5) Property meets applicable federal, state, and local requirements.
- B. *Submittal requirements.* Minor plans of development submitted in accordance with this section must comply with the provisions of the zoning ordinance.
- (1) Detailed description of all existing and proposed improvements.
 - (2) Scaled sketch that illustrates the following:
 - a. Boundary lines of the property.
 - b. Zoning district, geographic parcel identification number (GPIN), tax parcel identification number, and the name and contact information of applicant and/or property owner.
 - c. Location of all existing and proposed structures showing compliance with yard setback requirements.
 - d. Entrance locations and width.
 - e. Off-street parking areas including number of spaces and type of surface.
 - f. Location, type, and lumens for any outdoor lighting.
 - g. Location and number of sanitary facilities, where applicable.
 - h. Location of major environmental features.
 - i. Location of well and drain field.
 - j. Location and size of proposed signage.
 - k. Location, type, size, and height of fencing, retaining walls, and walls.
 - l. Adequate drainage system for the disposition of storm and natural waters. Properties and waterways downstream from developed properties must be protected from damage due to increased volumes.
 - m. Location of all outdoor lighting and a certification that it is dark-sky compliant.
 - n. A copy of any conditional use permit conditions, certificate of approval conditions, proffers, or other special approvals which apply.
- C. *Processing procedure.* The POD administrator is responsible for checking the plan of development for general completeness and compliance. The POD administrator will distribute plans for review to applicable county, state, and federal agencies. The POD administrator will ensure that all reviews are completed on time and that action is taken by the approving authority on the minor plan of development within 30 days of receipt of the complete application, except under abnormal circumstances. The POD administrator will make all decisions to approve or deny a minor plan of development.
- D. *Required improvements.* The following improvements for parking areas are permitted:
- (1) For uses that are deemed to require one to 25 parking spaces, parking areas may be gravel.

- (2) For uses that are deemed to require 26 or greater parking spaces, driving and required parking areas must be covered with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
- (3) No landscape plan is required.

E. *Other applicable sections.* Sec. 15-319 through 15-321 apply to all minor plans of development.

Sec. 15-324 Rural plan of development

The purpose of the rural plan of development process is to support and encourage agribusiness uses. The rural plan of development reduces the time and expense of the plan of development approval process. This process is intended only for agribusiness uses that are located on properties with a farm operation and no other rural businesses.

- A. *Applicability.* The rural plan of development is applicable to uses that are required to submit a plan of development, but can meet all the following requirements:
 - (1) Property is zoned agricultural, general (A-1) or agricultural, limited (A-2).
 - (2) Use is an agribusiness use or a farmers' market as defined in article 31 of this ordinance.
 - (3) Use requires a county business license.
 - (4) Property abuts and has direct access to a state-maintained road.
 - (5) Property meets applicable federal, state, and local requirements.
 - (6) Property disturbance or changes to land use/cover are no greater than one acre. Properties where land disturbance associated with the development is greater than 10,000 square feet will require a land disturbance permit in addition to the rural plan of development.
- B. *Submittal requirements.* Every rural plan of development must contain information required in subsections (1) and (2) listed below, and comply with all provisions of the zoning ordinance.
 - (1) Detailed description of all existing and proposed improvements on the property.
 - (2) Scaled sketch that illustrates the following:
 - a. Boundary lines.
 - b. Zoning district, geographic parcel identification number (GPIN), tax parcel identification number, and the name and contact information of applicant and/or property owner.
 - c. Location of all existing and proposed structures showing compliance with yard setback requirements.
 - d. Entrance locations and width.
 - e. Off-street parking areas including number of spaces and type of surface.
 - f. Location, type, and lumens for any outdoor lighting.
 - g. Location and number of sanitary facilities, where applicable.
 - h. Location of major environmental features.
 - i. Location of well and drain field.
 - j. Location and size of proposed signage.
 - k. Location, type, size, and height of fencing, retaining walls, and walls.
 - l. Adequate drainage system for the disposition of storm and natural waters.

- m. A copy of any conditional use permit conditions, certificate of approval conditions, proffers, or other special approvals.
- C. *Processing procedure.* The POD administrator is responsible for checking the plan of development for general completeness and compliance. The POD administrator will distribute plans for review to applicable county, state, and federal agencies. The POD administrator will ensure that all reviews are completed on time and that action is taken by the approving authority on the rural plan of development within 30 days of the completed application, except under abnormal circumstances. The POD administrator will make all decisions to approve or deny a rural plan of development.
- D. *Required improvements.* The following improvements for parking areas are permitted:
 - (1) For uses that are deemed to require one to 25 parking spaces, no improvements to drive or parking areas are required.
 - (2) For uses that are deemed to require greater than 25 spaces, driving and required parking areas must be covered with one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
 - (3) No landscape plan is required.
- E. *Other applicable sections.* Sec. 15-319 through 15-321 apply to all rural plans of development.

Sec. 15-325 Administrative waiver

The community development director may waive plan of development application and fee requirements if, upon review of land disturbance and/or building permit application, it is determined that the proposed work would not be cause for any site improvements or actions that might otherwise be required by the plan of development process and regulations. A POD waiver request must be filed in writing with the POD administrator.

Secs. 15-326 through 15-330. Reserved.