

**ARTICLE 5
Site Plans**

5.1 Site Plan - When Required

Approval of a site plan is required for all projects within the Middleburg corporate limits that require a zoning permit, except for individual lot applications for single family detached or duplex buildings or associated accessory structures, which shall be exempt from such site plan review and approval requirements. (Amended 1/21/99)

5.1.2 Site Plan – Waiver (Added 10/13/11)

A. Upon application and fee payment by a developer or property owner, the Administrator may waive the requirement for site plan approval if it is determined that the purposes of this ordinance and the public interest can be served by such a waiver and if the following criteria are met:

1. No improvements that are required to be bonded by Article 7 are proposed or required to serve the proposed project.
2. The project will not involve an increase in the intensity of the existing use with respect to entrances, travel ways, increased required parking or adverse impact on neighboring lands. This condition shall be deemed satisfied if the only required improvement under this section is an increase in the amount of required parking and the applicant has secured a parking waiver under Article 16, Section 233 of the Middleburg Zoning Ordinance.
3. The project will not result in more than a 15% increase in either the gross floor area of the structure housing the use or in the outdoor area used. Additions that have a footprint increase of more than 500 square feet shall be required to submit a site plan, regardless of whether or not the addition is less than 15% of the total square footage of the building.
4. The project will not require a legislative act by the Middleburg Town Council.
5. The project would not require new connection to the town’s utilities, nor require an upgrade to the existing utility infrastructure other than a water meter upgrade.
8. The project will not propose land disturbance to an area greater than 750 square feet.

B. Town Council Waiver

Projects not meeting the criteria for an administrative waiver under subsection 5.1.2 (A) may apply for a site plan waiver from the Middleburg Town Council upon proper application and fee payment. The waiver may be granted only when the council finds that the change of use or addition will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other site plan approval criteria, and that the existing facilities do not require upgraded or additional site improvements.

5.2 Site Plan Preapplication Procedure

The applicant may request a meeting with the planning commission to present a concept plan of the proposed development prior to submission of a site plan in accordance with the following provisions.

- A. A concept plan of the proposed development at a scale not less than 1"=100' shall be provided with the required fee to the administrator at least five (5) working days prior to the pre-application meeting. The concept plan shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property. It shall show the location of all proposed physical improvements and shall include approximate dimensions.
- B. A brief written summary of the issues raised at the meeting shall be prepared by the administrator and a copy provided to the applicant within ten (10) working days of the conference.
- C. The purpose of the preapplication meeting is for an owner or developer to present a proposed development concept for a project and to receive preliminary reaction thereto from town officers. Accordingly, neither the applicant nor the town shall be bound by any of the discussions or recommendations made during such meeting. The meeting shall be for information and planning purposes only.

5.3 Site Plan Application and Review Procedure

5.3.1 Site Plan Application Requirements

The developer shall submit an application for approval of a site plan of a proposed development to the administrator as set out below:

- A. Six (6) copies of an application for site plan approval shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which first consideration is desired.

- B. Six (6) copies of the proposed site plan shall be submitted with the application.
- C. The applicant shall pay the fee required for filing site plans when the application is submitted.
- D. The applicant shall execute a performance agreement providing for compliance with this ordinance and requiring installation of required improvements within the specified period, as approved by the town council, and shall furnish a bond in accordance with the provision of Section 7.10 of this Ordinance, before consideration of site plan approval by the planning commission.

5.3.2 Site Plan Review Process

- A. The administrator shall review the application and the application shall be declared complete or incomplete within ten (10) working days from the date of submission. The applicant shall be notified in writing as to the status of the application and, if declared incomplete, shall be provided with the reasons for not accepting the application. Additional copies of the application and/or site plan may be requested by the administrator for review purposes.
- B. The administrator shall review the application and site plan of the development and shall forward the site plan for review to other officials or agencies, as deemed necessary by the administrator. The administrator shall report in writing corrections or additions deemed necessary by him and other officials or agencies interested in the application to the planning commission and the applicant prior to the planning commission's first consideration of the application.

5.3.3 Site Plan Action

- A. The planning commission shall approve, conditionally approve or disapprove the application and site plan within sixty (60) days from the date the application was deemed complete.
- B. The administrator shall return to the applicant one copy each of the approved application and site plan within ten (10) working days of approval.
- C. The planning commission may grant conditional approval of an application and site plan if the applicant agrees to make the corrections or additions required by the commission within 90 days of conditional approval. Conditionally approved applications and site plans are approved when the administrator certifies that the applicant has submitted the required number of documents to the administrator with all corrections or additions made. The administrator shall return to the applicant one copy each of the planning commission approved application and site plan within fourteen (14) days of approval.

- D. The administrator shall return to the applicant one copy each of an application and site plan which has been disapproved by the planning commission noted with the reasons for the disapproval and non-conformance with this ordinance. The applicant may satisfy the reasons for disapproval and non-conformance by making a new submission to the town in conformance with the provisions of this ordinance.

5.3.4 Site Plan Validity; Extensions; Modifications

- A. A final site plan shall be valid for a period of five years from the date of approval or for such longer period as the planning commission shall, 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 final once it has been reviewed and approved by the planning commission if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds or escrows.
- B. Upon application and payment of the required fee by the developer filed prior to expiration of a final site plan, the planning commission may grant one or more extensions of such approval for additional periods as the commission may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.
- C. Minor modifications to approved site plans may be approved during the period of validity of such plans by the planning commission upon application and payment of the required fee by the developer, provided that such approval shall not extend the period of validity of such plans.

5.3.5 Site Plan Submission Requirements

- A. Site plans shall consist of construction drawings, notes and specifications for physical improvements required by this ordinance, signed and sealed by an engineer or surveyor, duly licensed by the Commonwealth of Virginia. Site plans shall be submitted with a detailed cost estimate of all required improvements and erosion control measures.

- B. The site plan shall be clearly and legibly drawn on numbered sheets 24 by 36 inches in size and shall include:
- (1) Cover sheet showing vicinity map, development name, cost estimates and required signature approval blocks.
 - (2) General information to include name of the proposed development; proposed use of the property; names and addresses of the owner of record and the developer; and name and address, signature and registration of the engineer or surveyor, duly licensed by the Commonwealth of Virginia, preparing the plan. Development names shall not duplicate or closely approximate the names of existing developments in the town or surrounding area.
 - (3) Deed reference, tax map and parcel number, date plan was drawn and dates of any revisions, and vicinity map at scale of 1"=1000'.
 - (4) Zoning requirements, including the district, the required and proposed minimum lot size, total floor area in square feet, FAR, total open space in square feet, open space ratio, required front, rear and side yards, and parking setback lines.
 - (5) Boundary survey with an error of closure of not less than one in ten thousand (1/10,000); existing rights-of-way, roadways and easements.
 - (6) Street and utility improvement plans, to consist of plan and profile drawn to the scale of not less than 1" = 50' horizontally and 1" = 5' vertically. The plan shall include the location of all existing and proposed streets, easements, lots, storm drainage, sanitary sewerage, and water distribution systems. The profiles shall show the existing and proposed street profiles and profiles of all sanitary sewer, water main and storm drainage improvements. Information shall be provided regarding the ownership and maintenance of any private accessways and storm drainage facilities.
 - (7) Details of standard street sections and miscellaneous construction items, including street name signs, as well as any construction notes pertaining to the proposed improvements and any other information necessary to show compliance with town requirements.
 - (8) Location, type and dimensions of vehicular ingress and egress to the site, including required sight distance at all entrances.

- (9) A plan for the symmetrical transition at intersections with existing street and road edges.
- (10) Details on site identification and directional signs, traffic control signs and any proposed signalization.
- (11) All off-street parking and parking bays, loading spaces, walkways, and bike paths, indicating type of surfacing, size and angle of stalls, width of aisles; a specific schedule showing the number of parking spaces provided and the number required by the Zoning Ordinance; and any other information necessary to show compliance with town requirements.
- (12) All other information necessary to show compliance with the Middleburg Street and Parking Ordinance, including, but not limited to traffic projections at build-out on all adjacent streets and at all entrances to the site.
- (13) Location of the 100-year flood plain as shown on the most recent Federal Emergency Management Agency (FEMA) maps, the Floodplain Map of Loudoun County, or as determined by a floodplain study submitted with the application in accordance with Article 6 of this ordinance. The location of all overland watercourses and drainage structures within the site or within 200' of the site shall also be shown.
- (14) A soils overlay map at a scale of not less than 1"=200' with accompanying narrative.
- (15) Grading and drainage plans drawn at a scale of not less than 1" = 50 feet showing the proposed street and lot layout, including dimensions. Existing topography shall be shown at not less than two(2)-foot contour intervals. Proposed grading shall be shown by proposed contour lines. Proposed elevations of the finished grade at the building and all lot corner elevations shall be shown. Storm drainage pipes and structures and their sizes and elevations shall be shown. Proposed best management practices shall be detailed in accordance with the standards of the latest edition of the Loudoun County Facilities Standards Manual.
- (16) Erosion and sediment control plans, including the measures and specifications necessary to comply with the latest versions of the Virginia Erosion and Sediment Control Handbook and the Loudoun County Facilities Standards Manual.

- (17) Water, sanitary sewer, and storm drainage calculations, with a statement of the basis of design and drainage area map showing individual and cumulative drainage areas tributary to each point of concentration.
- (18) Location, type, size and height of all fencing, screening, and retaining walls, including any screening required by the Zoning Ordinance.
- (19) The number of floors, floor area, height, exterior dimensions, location and proposed use of each building, and location of building ingress and egress.
- (20) Location of existing tree cover and plans for tree protection. All trees with a diameter breast height (dbh) of 18 inches or greater shall be specifically identified on the plan.
- (21) A landscape plan showing location, number, type and size of plant materials in accordance with the requirements of the Zoning Ordinance.
- (22) Lighting plan and details.
- (23) Location of existing and proposed fire hydrants and a coverage plan for fire hydrants indicating coverage of all areas with 300-foot hose reach to the most remote edge of any proposed structure or parking facility, whichever is farthest from the hydrant.
- (24) Location of proposed refuse storage containers.
- (25) Copy of any proffers or special use permit conditions applicable to the subject property.
- (26) Copy of the proposed instrument creating any easements for required physical improvements, including both facilities to be dedicated to the town or other public entity and facilities to be privately owned and maintained.