

## **ARTICLE 25. - SITE PLAN CONTROL PROVISIONS**

### **Sec. 18-250. - Statement of purpose.**

It is the purpose of this article to regulate orderly and attractive development of commercial townhouse, multifamily and limited industrial land uses with the Town, to conserve property values, to preserve adequate space for the accommodation of transportation facilities usually associated with such uses, and to avoid traffic congestion. It is the further purpose of this article to recognize, in the planning of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the community. In order to achieve the aforementioned objectives, and to encourage imaginative use of land areas, certain modifications of the strict requirements of this chapter are provided for where deemed by the Town Council, after seeking the recommendation of the planning commission, to be in the public interest.

### **Sec. 18-251. - Where applicable.**

Site plan control provisions shall be applicable to the alteration or construction of any building located in a C-1, C-1A, C-1B, C-2, CM, T, RTH, RM-2, or PR zone and the alteration or construction of any building primarily used for other than a residential use in any residential zone. Additionally, the provisions for replacement of trees as set forth in section 18-252.E shall apply to any of the following located in the RS-16, RS-12.5, and RS-10 zones: the development of an undeveloped tract; the redevelopment of any existing tract by removal of a dwelling and replacement with a new dwelling; or the addition to an existing dwelling that results in an area of disturbed soil exceeding 2,500 square feet.

### **Sec. 18-251.1. - Application fee.**

An application for site plan approval or modification shall be accompanied by the fee specified in the schedule of fees adopted by the Town.

### **Sec. 18-252. - Site plan specifications.**

Any person, corporation, firm or other organization or association, shall, prior to or at the time of filing application for a building permit to erect or alter any structure in a C-1, C-1A, C-1B, C-2, CM, T, RTH, RM-2, or PR zone, submit to the director of public works a site plan prepared by a registered architect, registered engineer or certified land surveyor authorized by the commonwealth to practice as such. Additionally, the provisions for replacement of trees as set forth in section 18-252 E shall apply to any of

the following located in the RS-16, RS-12.5, and RS-10 zones: the development of an undeveloped tract; the redevelopment of any existing tract by removal of a dwelling and replacement with a new dwelling; or the addition to an existing dwelling that results in an area of disturbed soil exceeding 2,500 square feet.

Such plan shall include the following data:

- A. ~~A.~~ 1. Location of all existing and proposed buildings and structures.
1. 2. Boundary of the entire tract by courses and distances.
2. 3. Area of the tract.
3. 4. Zone of the tract.
4. 5. Present record owner of the tract.
5. 6. Owner, zone and present use of all contiguous property.
6. 7. Width of all streets adjoining the tract (both right-of-way and pavement widths).
7. 8. Location of existing edge of pavement or curbs.
8. 9. Location of existing easements and underground facilities, proposed easements and buildings and their dimensions.
9. 10. Number of floors, floor area and use of each building and height of each building.
10. 11. A schedule showing compliance with the parking requirements of this chapter.
11. 12. All off-street automobile parking space and type of surfacing (indicating size of stalls and width of aisles).
12. 13. All off-street loading and pickup spaces.
13. 14. Location of any poles, fire hydrants, retaining walls, pump islands, signs, doorways, window wells, guy wires, or other structures which might interfere with automobile parking or maneuvering.
14. 15. The location and type of entrances and driveways which shall conform to the state department of highways and Town standards and specifications.
15. 16. Location of all curbs to be constructed and specify type.
16. 17. Location and width of all sidewalks.
17. 18. Fencing and walls to be erected; type, height and location.
18. 19. The location, type and size of all existing trees as defined in this Code. If the property is densely wooded in whole or in part, the limits of such densely wooded areas may be shown on the plan in lieu of locating individual trees within these areas.

- 19.20. Topography, existing and proposed (indicating areas of major grading and slopes to be maintained).
- 20.21. Disposition of storm water drainage (indicating all pipe sizes, types and grade elevations).
- 21.22. All sanitary sewerage facilities, indicating pipe size, type and grades and where connection is to be made to the Town system.
- 22.23. Name of architect, engineer or surveyor preparing site plan.
- 23.24. Specifications for the removal of trees and protection of trees during clearing and grading to include tree species, size and condition per the Town of Vienna Tree Preservation and Planting Specifications Manual.
- 24.25. Grade changes or other work adjacent to a tree that is to be preserved which might affect it adversely, with specifications on how the ground drainage and aeration will be maintained around said tree per the Town of Vienna Tree Preservation and Planting Specifications Manual.
- 25.26. Landscape planting, clearly identified by appropriate symbols, showing the location, type and size of trees, shrubbery and screening to be planted.

- B. ~~B.~~ All information required by sections 17-14 and 17-15(a) through (o) where applicable.
- C. ~~C.~~ A tabulation listing the site plan specifications as they compare to minimum zoning requirements shall be furnished with each copy of the site plan.
- D. ~~D.~~ All information required by chapter 18.1, where applicable.
- E. ~~E.~~ Provisions for replacement of trees during development as follows:
  - 1. ~~1.~~ A plan for the planting and replacement of trees on site during development to the extent that, at maturity of 20 years, minimum tree canopies or covers will be provided in the respective zoning districts of the Town as follows:
    - a. ~~a.~~ Twenty percent tree canopy in the RS-16, RS-12.5, and RS-10.
    - b. ~~b.~~ Fifteen percent in the RM-2 and RTH zones.
    - c. ~~c.~~ Ten percent tree canopy in the T, C-1, C-1A, C-2, CMP, and CM zones.
    - d. ~~d.~~ Replacement trees shall be in-kind in accordance with the Tree Preservation and Planting Specifications Manual.
  - 2. ~~2.~~ All trees planted shall meet the specifications of the Town of Vienna Tree Preservation and Planting Specifications Manual. The Manual will be available in hardcopy at the Department of Public Works and online available for download at [www.viennava.gov](http://www.viennava.gov).

3. ~~3-~~ Existing trees which are to be preserved, and with no citations having been issued by the Town of Vienna throughout the duration of the project, may be included in the plan to meet all or part of the canopy requirements if the site plan identifies such trees and the trees meet standards of desirability and life expectancy established by the Town. Town of Vienna staff will perform a minimum of two unannounced site inspections to determine compliance with tree protection and preservation regulations during construction.
4. ~~4-~~ The Town Council may grant reasonable exceptions or deviations from the requirements of this section when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer, or to allow for reasonable development of the following:
  - a. ~~a-~~ Areas devoid of woody materials.
  - b. ~~b-~~ Dedicated school sites.
  - c. ~~c-~~ Playing fields and other non-wooded areas and uses of a similar nature.
5. ~~5-~~ Violation of this section shall constitute a Class 3 misdemeanor punishable by fine of not more than \$250.00, and each day after the first during which such violation shall continue shall constitute a separate violation.

F. Development in the C-1, C-1A, C-1B, and C-2 zones shall comply with the following on-site exterior lighting requirements:

- a. Lighting plan: A lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of any application for development or redevelopment in the C-1, C-1A, C-1B, or C-2 zones.
- b. Prohibited lighting: The following lighting is prohibited:
  1. Light fixtures that imitate an official highway or traffic control light or sign;
  2. Light fixtures in the direct line of vision with any traffic control light or sign;
  3. Privately-owned light fixtures located in the public right-of-way; or
  4. Searchlights, except when used by federal, state, or local authorities.
- c. General standards for on-site exterior lighting:

Commented [DM1]: Standards from MAC zoning ordinance.

1. Hours of illumination: Institutional uses, commercial uses, and mixed uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes within one hour of closing. For the purposes of this subsection, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged. All lighting should consider basic crime prevention and deterrence strategies.
2. Shielding: All exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
3. Maximum height: Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 25 feet above grade.
4. Maximum illumination value: All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Table 18-252.A, Maximum Illumination. In no instance shall illumination levels within a site exceed 30 footcandles.

Table 18-252.A: Maximum Illumination

<u>Type of Use Abutting or Across the Street from Proposed Development</u>	<u>Maximum Illumination Level at Lot Line (footcandles)</u>
<u>Residential use or vacant land zoned for residential development</u>	<u>0.5</u>
<u>Institutional use</u>	<u>1.0</u>
<u>Mixed-use, commercial use, or vacant land</u>	<u>2.0</u>
<u>Parking lot</u>	<u>2.5</u>

d. Measurement:

1. Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

2. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

3. Measurements shall be taken with a light meter that has been calibrated within two years.

e. Exemptions for a security plan: Government facilities, parks and open areas, public safety, and other development where sensitive or dangerous materials are stored may submit a security plan to the zoning administrator proposing exterior lighting that deviates from the standards in this subsection. A security plan will be approved, provided:

1. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without more intensive lighting; and

4-2. The proposed lighting will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

**Sec. 18-253. - Site plan to conform with Code.**

All features and elements of the site plan required by this article shall in all respects conform to all applicable provisions of the Code of Virginia and this Code.

**Sec. 18-254. - Building permit and occupancy permit; issuance requirements.**

A. No building permit for any development or building subject to the provisions of this article shall be issued until all approvals required by this Code shall have been

made. No occupancy permit for any development or building subject to the provisions of this article shall be issued until the director of public works and the zoning administrator of the Town shall have found, after an on-site inspection, that such development or building is complete and conforms in all material respects to the approved site plan.

- B. Where a particular development consists of two or more separate buildings or is a commercial group building development, the Town Manager may, upon recommendation of the director of public works and the zoning administrator, authorize the progressive issuance of occupancy permits for individual buildings within the said development as each is satisfactorily completed and prior to total completion of the development as hereinabove required, provided he first makes written findings that the following exist:
1. Except for the completion of one or more other buildings shown on the approved site plan, all other elements of the approved site plan and common to the buildings shown thereon, including structures, improvements and features designed to protect abutting or nearby residential properties have been completed; or
  2. That to require immediate completion of all such common elements and structures, improvements and features designed to protect abutting or nearby residential properties would constitute a hardship and that a bond has been posted either in cash or with surety acceptable to the Town, guaranteeing completion of all such common elements and protective works as shown on the said approved site plan within a reasonable time next following issuance of the occupancy permit or permits.

**Sec. 18-254.1. - Site location on corner lots.**

Where any person, corporation, firm or other organization or association which proposes the location of a residential building on a corner lot wherein the actual front of said building shall not also be the legal front of said lot, then such building location shall not be approved by the director of public works; provided, however, that an application for a variance to the provisions of this section may be immediately made to the board of zoning appeals in accordance with section 18-233, which board shall, if a variance is granted, designate the legal front of said lot.

**Sec. 18-255. - Approval; factors to be considered by the director of public works.**

Except as provided elsewhere in this Code, the director of public works shall approve all elements of any required site plan. In passing on any site plan, the director of public works shall consider:

- A. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic.
- B. The traffic circulation features within the site and the location of automobile parking areas. The director of public works may make such requirements with respect to any of such matters as will ensure:
  - 1. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
  - 2. Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- C. All in furtherance of the purposes of this chapter, the director of public works may require landscaping, ornamental masonry walls, fences, sidewalks, curb and gutter, storm drainage facilities and walls in pursuance of these objectives, and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

**Sec. 18-256. - Modification of requirements.**

Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, screening, frontage, and similar requirements, but this section shall not be construed to permit any modifications of the uses permitted in any zone or of the maximum building height permitted for any building.

**Sec. 18-257. - Procedure for requesting modification.**

- A. Requests for modifications authorized under section 18-256 shall be submitted to the director of public works in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a site plan, including thereon all of the information required by this article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the council and this article shall not be deemed to create any right to any such modification.



- B. Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification.
- C. Approval by the Town Council of any such modified site plan, shall constitute authority for the director of public works to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.

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