

Article 11:  
**SITE PLAN REQUIREMENTS**

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**A. Purpose and Intent:**

**1. Title and Application:**

The Town shall require submission and approval of a plan of development, hereinafter referred to as the "site plan", prior to the issuance of zoning permits and building permits to ensure the compliance with regulations contained in the Zoning Ordinance and, specifically, this article, which shall be hereinafter referred to as the "Site Plan Requirements" pursuant to Section 15.2-2286 of the Code of Virginia (1997).

**2. Relationship to Comprehensive Plan:**

The site plan requirements shall be employed to implement the Town's Comprehensive Plan, zoning ordinance, and its expressed growth management objectives. The Comprehensive Plan provides for a balanced development policy which accommodates and directs future growth in a manner sensitive to existing amenities, sensitive environmental areas, historic areas and significant cultural features. There is mutual responsibility between the Town and the developer to develop land within Smithfield in an orderly manner in accordance with the Town's Comprehensive Plan. Therefore, the Comprehensive Plan shall serve as a general guide to the developer in the land development process.

**3. Site Plan Process: Major and Minor Site Plans:**

The purpose of this article is to facilitate the utilization of the most advantageous site improvement techniques in the development of land within the Town. The site plan requirements promote contemporary standards in the siting, design, landscaping and implementation of development to ensure that land is used in a manner which is efficient and harmonious with neighboring properties.

Site improvements for a lot may be deemed as either (a) major or (b) minor. In this regard, the Town has separate requirements for the submission of either a major site plan and or a minor site plan, each of which is organized to respond to the unique impacts and scope of any given land development activity. This article also provides for a preliminary site plan review process by the Town's Plan Review Committee as well as requirements for residential lot development plans.

Site plans and related public improvements plans, landscape plans, plats, design calculations, construction specifications and architectural drawings, which are to be prepared and approved in accordance with the provisions of this Article, shall be required to be reviewed by the Town in the review of site development applications. Site plans shall be prepared and submitted for development approvals to assure compliance with the adopted Comprehensive Plan, the Zoning Ordinance, related ordinances, and other adopted Town facilities plans including, but not limited to, transportation, sanitary sewer, drainage, stormwater management, water, recreation, lighting and open space.

Nothing herein shall require the approval of any development or land use, or any feature thereof, which shall be found by the Planning Commission to constitute a danger to the public health, safety or general welfare, or which shall be determined by the Planning Commission to be a departure from, or violation of, sound engineering design or standards.

No work or site preparation may begin before the applicant for a project has received an approved site plan and subdivision plat.

**4. Non-Conforming Uses, Structures and Sites (General):**

A change or addition to any non-conforming use, structure, or site subject to a major or minor site plan shall require that the entire use, structure, or site (including both the non-conforming and conforming improvements) be brought into full conformance with all of the requirements of this ordinance, provided that the Planning Commission, upon recommendation by the Planning and Zoning Administrator, may waive a portion or all of the individual requirements for conformance.

The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations or additions to such nonconforming structures provided that there will be no increase in nonpoint source pollution load and any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Ordinance.

**5. Costs of Development:**

The developer shall be responsible for all costs incurred in planning, engineering, bonding, constructing, installing and testing of all public facilities and improvements required to complete the proposed project.

**6. Fees:**

The developer shall pay all applicable plan review fees at the time of submission of a site plan or plat, including pro-rata share fees for off-site improvements and cash proffers. Fees for site inspections and other aspects of the development process shall be due and payable in accord with the site development fee schedule. The site development fee schedule is available from the office of the Planning and Zoning Administrator.

(Ord. of 8-1-2000)

**B. Administration of this Article:****1. General:**

The Town Council designates the Planning Commission to review and act to approve or disapprove site plans within its jurisdiction. In the performance of its duties, the Planning Commission shall request and consider the review and comments of the Planning and Zoning Administrator, the Plan Review Committee, selected Town staff and other public agencies.

**2. Authority to Review and Approve Site Plans: Major and Minor Site Plans:**

The Planning and Zoning Administrator, as an agent of the Planning Commission, shall administer, review and provide a recommendation concerning any site plan submission. Final approval of any site plan must come directly from the Planning Commission.

The Town has two (2) site plan submission and review processes: the minor site plan and the major site plan. The scope and nature of the planned project determines which site plan of the two review processes will be required of the applicant. Unlike the major site plan, the minor site plan incorporates abbreviated submission requirements. In addition, there is a requirement for the submission of a separate lot development plan for subdivided lots in existing and proposed residential subdivisions.

- a. The Planning and Zoning Administrator, as the designated agent of the Planning Commission, shall be responsible for the receipt and processing of all site plan applications subject to the procedures as hereinafter provided.
- b. The Planning and Zoning Administrator may establish, from time to time, such proper and reasonable administrative procedures, in addition to those provided herein, as shall be necessary for the proper administration of this Article.

- c. Town staff and other designated public officials responsible for the supervision, inspection, testing and enforcement of this Article shall have the right to enter upon any property subject to the provisions of this Article and the Zoning Ordinance at all reasonable times during the periods of plan review and construction for the purpose of ensuring compliance with this Article.
- d. It shall be the responsibility of the applicant, owner or developer to notify the Planning and Zoning Administrator when each stage of the development shall be ready for field inspection for compliance with the approved site development plan in accordance with testing and inspection schedules and regulations promulgated by this Article, the Zoning Ordinance and the Town Design and Construction Standards Manual.

**C. Uses Requiring a Minor Site Plan:**

Minor site plan approval is required for the construction or expansion of all the following, provided that, if the development involves any of the elements which require the need for a major site plan, a major site plan must be submitted.

- 1. Duplexes, single family residential dwellings.
- 2. All private single family residential uses related to the development of waterfront access, boat docks, piers, and boat storage for residential properties.
- 3. All residential accessory uses requiring a special permit.
- 4. Enlargement of a building which does not otherwise require a major site plan and which does not result in changes in on-site parking, provided that the enlargement does not exceed twenty-five percent (25%) of the gross floor area of the original building or 1000 square feet, whichever is less.
- 5. Parking areas in conjunction with renting a bedroom(s) in a single family residential dwelling.
- 6. Any special permit use in a residential district which does not otherwise require a major site plan.
- 7. Any commercial agricultural activity or building which require on-site parking.
- 8. All permitted uses and special permit uses in the office, commercial, and industrial districts which do not otherwise require a major site plan or as otherwise determined by the Planning and Zoning Administrator.
- 9. Enlargement of a parking lot that does not increase the number of parking spaces by more than ten (10) spaces.
- 10. Changing the parking layout of existing parking lots without increasing the area used for parking, provided that no changes to vehicular access from a public street are proposed.

11. Any development in which off-street parking with ten (10) or less spaces which is to be used by more than one establishment.
12. Accessory event facility uses in zoning districts where such uses are permissible by-right. (Ord. of 2019-09-03)

**D. Uses Requiring a Major Site Plan:**

Due to the scope and nature of the uses, the major site plan requires a more extensive submission process than the minor site plan. A major site plan for land development activities is required for projects involving the following:

1. All uses in any of the commercial zoning districts.
2. All uses in the I-1 and I-2 zoning districts.
3. All uses in the A-R and MF-R zoning districts.
4. All uses in the MH-P district.
5. All uses requiring a special permit, including cluster residential developments.
6. Enlargement of a building which results in changes in on-site parking, provided that such enlargement exceeds twenty-five percent (25%) of the gross floor area of the original building or 1000 square feet, whichever is less.
7. All uses related to waterfront access, boat docks and boat storage for (a) public use, (b) which enable public access, or (c) related to uses other than private residential.
8. Installation, extension or change of a public water or sewer main.
9. Public parking lots and parking structures.
10. Installation or change of a public water or sewer pump facility.
11. Installation or change of a public water storage facility.
12. Installation or change of a public water or sewer treatment facility or installation or change of a private sewer pretreatment facility.
13. Construction of a new street or extension of an existing street and related infrastructure.
14. Development of a road or street lying within a previously platted public right of way.
15. Any disturbed areas greater than 10,000 square feet in total land area, except single family homes and other uses that are exempted by E&S Control regulations.
16. Enlargement of a parking lot, increasing the number of parking spaces by more than ten (10) spaces.
17. Any development in which any required off-street parking space requiring more than ten (10) parking spaces which is to be used by more than one establishment.
18. Principal event facility uses in any zoning district.
19. Principal and accessory event facility uses in any zoning district where such uses are permissible only by Special Use Permit (SUP). (Ord. of 2000-08-01; Ord. of 2019-09-03)

**E. Waiver of Requirement for a Site Plan:**

No site plan (major or minor) shall be required for the following uses, when established that (1) the use will not require the improvements subject to review in this article, and (2) that waiving the requirement to submit a site plan will be in keeping with the intent of this article.

1. Where it can be clearly shown that the application for a zoning permit and building permit involves building and safety regulations which are not critical to the purpose and intent of the Zoning Ordinance.
2. Any change in, or expansion of, a use, provided that:
  - a. Such change or expansion does not occasion additional parking as required by this ordinance, and
  - b. No additional ingress/egress to a public road or change in ingress/egress is recommended by the Planning and Zoning Administrator based on intensification or use, and
  - c. No additional ingress/egress or alteration of existing ingress/ egress is proposed.
  - d. Disturbed area is less than 2500 square feet in area, and
  - e. It has been verified in writing by the Planning and Zoning Administrator that availability and connection to water and sewer are attainable.
  - f. The expansion is not within a Resource Protection Area.
3. School uses located in existing church facilities, if no changes to the footprint of the existing building are involved.
4. Notwithstanding the above exceptions, the applicant is required to show evidence of having obtained a building permit and zoning permit, and, upon completion of improvements, a certificate of occupancy.  
(Ord. of 8-1-2000)

**F. Preliminary Site Plan and Preliminary Site Plan Conference:****1. Requirement for Preliminary Site Plan Conference and Preliminary Site Plan:**

- a. A Preliminary Site Plan Conference is required for a developer or owner prior to undertaking the review process for a major site plan. The Preliminary Site Plan Conference allows the applicant to review the preliminary site plan with the Plan Review Committee prior to the preparation of the final site plan, and to better understand and anticipate key planning issues, site plan submission

requirements, and site-related design issues which may be deemed essential by the Town during the subsequent final site plan review process.

- b. A Preliminary Site Plan Conference does not negate the requirement for the submission of (1) a preliminary site plan, (2) a final plat (as may be required by the Subdivision Ordinance), (3) a minor or major site plan, (4) erosion and sediment control plans, and/or (5) any other applicable provisions of this article.
- c. A Preliminary Site Plan and Preliminary Site Plan Conference is not required when the applicant qualifies for a minor site plan.

## **2. Preliminary Site Plan Conference Objectives:**

The applicant shall contact the Planning and Zoning Administrator to schedule a Preliminary Site Plan Conference. The purpose of this conference is to review the Town's evaluation of the preliminary site plan with respect to the following considerations:

- a. Location, use, design, scope, type, density, physical characteristics and phasing of proposed development.
- b. Coordination of the proposed development with the Smithfield Comprehensive Plan, all adopted master facilities plans, the capital improvements program, and plans for development of neighboring properties.
- c. Coordination of transportation improvements with other existing and planned streets within the general area of the proposed development and otherwise in keeping with the provisions of the transportation element of the adopted Comprehensive Plan and other adopted transportation plans.
- d. Reasonable regulations and provisions uniquely applicable to the proposed development as related to topography, soils, geology, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive and harmonious development.
- e. Coordination of proposed development with applicable ordinances, design guidelines and development criteria.
- f. Other matters related to review of preliminary site plan.

**3. Preliminary Site Plan Requirements for Major Site Plans:**

Five (5) copies of the preliminary site plan shall be submitted ten (10) calendar days prior to the scheduled date of the Preliminary Site Plan Conference.

The preliminary site plan shall show the following:

- a. Name, address and telephone number of owner or developer.
- b. Indicate scale (to be one inch equal fifty (50) feet or larger, maximum size sheets 24" x 36", and date of plan preparation). Site plans shall be legible regardless of scale. Overall master plans, utility plans, drainage plans, etc. may be at a smaller scale as long as it is legible.
- c. Name, address and telephone number of preparer of plan.
- d. Vicinity map.
- e. Current boundary survey of the lot by bearings and distances, and a north arrow.
- f. The area of the lot and gross acreage or square footage of area to be developed, including calculations of net developable area.
- g. The location of the proposed and existing edge of pavement or curb line and other public improvements along the frontage of the property.
- h. Size, location and use of existing and proposed buildings.
- i. Location of the proposed site improvements (including utilities, drainage conveyance, building and site signage, buildings, streets, site lighting, driveways and parking areas) and distances from all property lines.
- j. The dimension, height and use of the proposed building improvements.
- k. Limits of clearing and grading.
- l. Existing zoning (including conditional zoning and proffer agreements), zoning district boundaries and proposed changes in zoning, if any.

- m. Existing topography and a preliminary grading plan depicting finished contours, with contour intervals of two feet or less.
- n. Proposed location, alignment, easements, and sizing of proposed utility service for potable water, fire protection and sanitary sewer.
- o. Certification in writing from the Town that availability and connection to water and sewer are attainable.
- p. Location of tidal and non-tidal wetlands and impacts of the proposed development thereon.
- q. Location of 100-year floodplain boundaries and impacts of the proposed development thereon.
- r. Location of stormwater management facilities and BMP measures.
- s. Location and boundaries of designated Chesapeake Bay Preservation Areas (RPAs and RMAs) and impacts of proposed development thereon.
- t. Phasing plan, if the project is to be developed in more than one phase.
- u. References to and location of survey datum, employing the State Plane Coordinate System (specifically State Plane Zone 5576 in a NAD 83 coordinate system) and National Mapping Standards accuracy for urban surveys.  
(Ord. of 5-4-2004)

**G. Minor Site Plan Requirements:**

Minor site plans shall be drawn to scale, prepared and certified by a licensed engineer, architect, landscape architect or land surveyor, or other qualified individual experienced in site plan preparation, and shall include, as a minimum, the following information:

1. Name, address and phone number of owner or developer; name, address and phone number of preparer of plan.
2. Indicate scale (to be one inch equal fifty (50) feet or larger, maximum size sheets 24" x 36", and date of plan preparation). Site plans shall be legible regardless of scale. Overall master plans, utility plans, drainage plans, etc. may be at a smaller scale as long as it is legible.

3. Existing zoning of property (including conditional zoning and proffer agreements), zoning district boundaries, and proposed changes in zoning, if any.
4. Water Quality Impact Assessment (WQIA) when necessary (Refer to Article 3.P, Section H).
5. Vicinity map.
6. Certified boundary survey of the lot, depicting bearings and distances, and a north arrow, including references to and location of survey datum, employing the State Plane Coordinate System and National Mapping Standards accuracy for urban surveys. All coordinates and measurements need to be derived using the State Plane Zone 5576 in a NAD 83 coordinate system. The site plan must also be tied to Isle of Wight County's network of survey monuments that are located in and around the Town of Smithfield.
7. The area of the lot and gross acreage or square footage of area to be developed, including calculations of net developable area. Location, size, and characteristics of geophysical and environmental features (such as wetlands, ponds, springs, streams, watercourses, shrink/swell soils, adverse soils conditions, etc.) and other conditions which impact the calculation of net developable area, as defined.

The site plan for a project shall graphically depict the location and calculations of net developable area shall be provided for the site's physical land units (to the nearest 0.1 acre) as outlined below.

<b>Physical Land Unit</b>	<b>Percent Credited Toward Net Acreage</b>
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined.</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private streets, travelways and combined travelways and parking bays</i>	0%

8. The location of the proposed and existing edge of pavement or curb line and other public improvements along the frontage of the property.

9. Size, location and use of existing buildings.
10. Location and design of proposed site improvements (including utilities, storm drainage conveyance, buildings, streets, driveways, parking areas, site lighting fixtures and site signage.)
11. The dimension, height and use of the proposed building improvements, including building signage.
12. Limits of clearing and grading.
13. Landscape plan, as required by Article 9.
14. Existing topography, spot elevations of key features, and proposed site grading depicting finished contours, with contour intervals of two feet or less.
15. Proposed service utility lines for potable water, fire protection and sanitary sewer. Sufficient information for sizing and constructing the service shall be provided pursuant to the Town Design and Construction Standards manual.
16. Certification in writing from the Town that availability and connection to water and sewer are attainable.
17. Erosion and sediment control plan and narrative statement.
18. Location of tidal and non-tidal wetlands and impacts of the proposed development thereon.
19. Location of 100-year floodplain boundaries and impacts of the proposed development thereon.
20. Location of stormwater management facilities and BMP measures.
21. Location and boundaries of designated Chesapeake Bay Preservation Areas (RPAs and RMAs) and impacts of proposed development thereon.
22. Phasing plan, if the project is to be developed in more than one phase.
23. Minor site plan check list, certified by preparer of plan.

(Ord. of 8-1-2000; Ord. of 8-1-2001; Ord. of 5-4-2004)

**H. Major Site Plan Requirements:**

**1. Copies Required:**

Ten (10) sets of all major site plans shall be submitted in clearly legible blue or black line copies and shall contain the information outlined in this section. A major site plan is hereinafter referred to as a "site plan" in this section. Site plans which lack information required by this section, the Major Site Plan Checklist, and/or the Town Design and Construction Standards Manual shall be deemed to be incomplete and shall be rejected.

**2. Fee Required:**

Payment of the site plan review fees per the fee schedule adopted by the Town Council for costs associated with the review of any site plan shall be required at the time of submission of the site plan.

**3. Site Plan Certification:**

Site plans or any portion thereof involving engineering, architecture, geology, environmental science, or land surveying shall be certified by an engineer, architect, land surveyor, or landscape architect who is duly qualified to practice and whose professional practice is duly registered by the State of Virginia.

No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. All sheets and calculations submitted with any site plan shall bear the seal and signature of the respective design professional(s).

**4. Information Required on Major Site Plan:**

This section outlines the required information on site plans (major site plans). The applicant shall employ as many sheets as necessary to incorporate the following minimum requirements.

The sheet size shall be a maximum size of 24" x 36". Site plans shall be legible regardless of scale. Overall master plans, utility plans, drainage plans, etc. may be at a smaller scale as long as it is legible.

All site plans shall be prepared on a current base map which shows existing topography with contour intervals of two feet (2') or less, extending a minimum of twenty-five (25) feet minimum beyond property lines. Topographic mapping shall depict all natural and cultural features for the property, as well as supplemental existing spot elevations. A north arrow shall be included on all plan sheets.

All sheets shall be bound into a single document and each sheet shall bear the seal and signature of the design professional.

- a. Project Cover Sheet - The application shall prepare a cover sheet which clearly depicts the following:
1. Title of project.
  2. Name, address, phone number and seal of preparer of plan, boundary survey, and topographic mapping.
  3. Name, address and phone number of owner of property.
  4. Tax map number, parcel number, deed book reference and zoning classification for parcel and adjacent properties.
  5. Proposed zoning classification.
  6. Description of planned land use, along with projected number of employees (for non-residential land uses) and other information related to the activities to be conducted on the property.
  7. Date of plan and mapping preparation.
  8. Vicinity map and location of zoning district boundaries.
  9. Gross acreage (or square footage) of property.
  10. Net developable area of property and supporting calculations.
  11. Copy of rezoning proffers, special use permit conditions, and waivers or variances granted.
  12. A blank space, sized 4" x 4", for Town review and approval notations.

- b. Boundary Survey Information: A current certified boundary survey of the property prepared to National Mapping Standards accuracy shall be submitted with the site plan in both paper and digital form and shall include the following:
1. Title, title source, and name of owner of lot and subdivision names and/or lot owners for surrounding lots.
  2. Metes and bounds of property.
  3. Location and metes and bounds of all existing property lines, rights of way and easements.
  4. Names of existing streets in and adjoining the development.
  5. Setback and yard lines in accord with zoning requirements.
  6. Location of Chesapeake Bay Preservation Area boundaries.
  7. Reference to survey datum. Horizontal control shall be based on Virginia State Plane Coordinate System, Zone 5576 in a North American Datum 1983 coordinate system.
  8. All digital survey data must be contained in a .dxf file on either a 1.44 mb floppy disk or recordable/rewriteable cd, and the submission file must contain a list providing the name and a brief description of each layer in the file.
  9. Statement of boundary survey closure accuracy and compliance with National Mapping Standards including a certification that the digital data is a true representation of the paper copy.
- c. Minimum Information to be included in Site Plans:
1. Location, dimensions, design sections and construction specifications of all site improvements, including, but not limited to, existing and proposed streets, travelways, alleys, curb and gutter, sidewalk and driveways, including proposed street names and locations for street lights, street signs, and traffic signals.

2. Location of existing and proposed buildings and accessory structures, including land area coverage and floor elevations of proposed use.
3. Location of existing utilities within and adjacent to the development including size and elevation. Provide elevation profile where grading is proposed above utility or within easement limits.
4. Site plan and design profiles of proposed streets and travelways (public or private) depicting:
  - (a) street stations at appropriate station intervals,
  - (b) percent of longitudinal grades,
  - (c) elevations at 50-foot stations in vertical tangent sections and on 25-foot stations in vertical curves,
  - (d) finished grades (on site plans),
  - (e) spot elevations for all non-typical sections,
  - (f) locations of entrances, taper design and any necessary structures and roadway appurtenances.
  - (g) horizontal and vertical curve data, including definition of curve control point (PI, PC, PT, PVI, etc.)
  - (h) sight distances for all crest and sag vertical curves.
  - (i) sight distances (horizontal and vertical) at all street intersections and road entrances other than single family driveways, unless warranted by unique topographical conditions.
  - (j) street intersections showing spot elevations along curb radii and in pavement area as necessary to define surface drainage patterns.
  - (k) super-elevation tables shall be provided where streets require super-elevation.
5. Site plan location and design specifications for off-street parking, travelways, parking lots, sidewalks, and loading areas, including:
  - (a) building square footage / use class unit.
  - (b) site access plan for internal traffic and pedestrian circulation, including handicap access.
  - (c) size of parking spaces, angle of stalls, width of aisles.
  - (d) travelway and parking lot pavement sections.
  - (e) pavement design calculations.
  - (f) parking calculations, including ADA requirements.

- (g) provisions for emergency access / fire protection.
  - (h) location and marking of permanent fire lanes, if required.
  - (i) pavement striping and marking.
  - (j) finished grades and spot elevations at critical design points.
6. Location, size, and characteristics of geophysical and environmental features (such as wetlands, ponds, springs, streams, watercourses, high shrink/swell soils, adverse soils conditions, etc.) and other conditions which impact the calculation of net developable area, as defined. The site plan shall graphically depict the location and calculations of net developable area shall be provided for the site's physical land units (to the nearest 0.1 acre) as outlined below.

<b>Physical Land Unit</b>	<b>Percent Credited Toward Net Acreage</b>
<i>Slopes less than 10%:</i>	100%
<i>Slopes from 10% but less than 20%:</i>	75%
<i>Slopes from 20% but less than 30%</i>	50%
<i>Slopes 30% or more:</i>	10%
<i>Soils with high shrink/swell characteristics, as defined.</i>	75%
<i>Wetlands, existing water features and streams:</i>	0%
<i>Stormwater management basins and structures:</i>	0%
<i>Above-ground 69 KV or greater transmission lines:</i>	0%
<i>Public right-of-way</i>	0%
<i>Private sts, travelways and combined travelways and parking bays</i>	0%

7. Location, size, design profiles and design calculations for proposed domestic water service and sanitary sewer mains and laterals. Invert elevations shall be shown to the nearest 0.01' accuracy. Location of gas, telephone, electric and other utility lines and other underground or overhead structures in or affecting the project. Plans shall include detail of utility appurtenances and construction procedures. If irrigation wells are proposed, well locations are to be designated.
8. Site plans for projects which require utility pumping storage or treatment facilities shall be supported by appropriate structural, hydraulic, electrical and mechanical plans and construction specifications.
9. Detailed site grading plan depicting finished contours, to be prepared at a minimum two (2) foot contour interval, with spot elevations, as

required, at key locations of paving, sidewalks, curb and gutter, and other proposed surface improvements.

10. Site plan and design profiles for storm water drainage improvements, including locations of existing and proposed stormwater drainage conveyance pipes, culverts, channels and drop inlets, indicating size, type and grade of all proposed improvements. Typical sections and linings for all channels shall be included. Invert elevations and other design details for all drainage improvements shall be shown to the nearest 0.01' accuracy. Energy grade lines shall be shown on profiles. A drainage delineation map, prepared at the same scale as the site plan, shall include drainage divides and areas of contributing runoff to proposed improvements.
11. Site plan and design profiles for stormwater management (SWM) and Best Management Practices (BMP) structures, including detailed plan and section views of retention/detention ponds, underground storage structures, and other SWM/BMP facilities. Elevations for the calculated 2-, 10-, and 100-year post-development water surface elevations shall be shown with water quality calculations demonstrating compliance with Article 3.P, Section G, subsection 2e.
12. Location, width and purpose of all existing and proposed utility right-of-ways and easements.
13. Location and boundaries of existing water courses, 100-year flood plain and floodways.
14. Location of tidal and non-tidal wetlands, including location and characterization of Chesapeake Bay Preservation Areas.
15. Erosion and sediment control plan and narrative report.
16. Site plan location and design criteria for the following:
  - (a) recreation areas (including playgrounds, courts, fields, pedestrian walkways, bike paths, etc.)
  - (b) open space, including required land area calculations.
  - (c) site amenities.
  - (d) retaining walls (include calculations).

- (e) site and building signage, including street and advertising signs
  - (f) site lighting (exterior and building mounted), including height, illumination intensity, foot-candle distributions, and fixture type and shielding, as required).
  - (g) provisions and location for public trash pick-up.
  - (h) refuse collection and dumpster locations, including access and screening.
  - (i) locations and design for traffic control devices and signalization.
  - (j) building and structural footings.
17. Landscape and screening plan, to be prepared in accord with Article 9 of this ordinance.
18. Water quality impact assessment, pursuant to Article 3.P, Section H.
- d. Additional Required Supporting Information:
- 1. Storm drainage and stormwater management engineering report, to include:
    - (a) hydrologic calculations and hydraulic modeling of the contributing drainage basin.
    - (b) energy grade line calculations for all enclosed pipe systems.
    - (c) storm runoff for pre-development and post-development characteristics, based on TR-55, the Modified Rational Formula or other appropriate modeling techniques as approved by the Planning and Zoning Administrator.
    - (d) analysis and verification of receiving channel capacity.
    - (e) stormwater management pond or retention/detention structure routing and performance analysis, and
    - (f) storm culvert, pipe, and inlet (street and yard) design loading and sizing calculations.
  - 2. Geotechnical report for proposed buildings, structures, streets, pavements, and other infrastructure, as required.
  - 3. Foundation design calculations and construction criteria, where required.
  - 4. Pavement design calculations for all streets and travelways.

5. A phasing plan, if the development is to be constructed in more than one phase. The phasing plan shall clearly indicate by phase lines, notes or other methods which facilities are to be constructed under each phase. Plans shall indicate locations of contour tie-ins for each phase and specific measures for phased termination of all water, sewer, storm drainage, streets and other public improvements. Plans for erosion control and drainage facilities shall be designed and displayed independently for each phase.
6. Articles of incorporation, covenants and property maintenance documents related to the ownership, management, and maintenance functions for any condominium development or other property wherein common ownership agreements exist or as otherwise required by this ordinance.
7. Statement of facility and land use operations and activities, including hours of operation, number of employees and number of work shifts,
8. Site plan check list, certified by preparer of plan.

e. Provisional Information on Major Site Plans:

The Planning and Zoning Administrator may require any or all of the following information and any other materials as may be deemed necessary for its review:

1. Statement of estimated construction time.
2. Photographs and maps relating proposed use to surrounding properties.
3. Site design drawings, showing building configuration, topography and relationship to site improvements, color and building materials.
4. Architectural drawings showing plan and elevations of new planned construction or renovations, including drawings of the original building.
5. Traffic impact assessment in accordance with criteria provided in the Town's Design and Construction Standards Manual.  
(Ord. of 8-1-2000; Ord. of 8-1-2001; Ord. of 5-4-2004)

**I. Minimum Design and Construction Standards:**

In furtherance of the purposes of this article and to assure the public safety and general welfare, no site plan shall be approved unless and until the Town is assured that the following improvements and minimum design criteria will be implemented as required. In addition to requirements outlined herein, all site improvements are to be provided in accord with the Town's Design and Construction Standards Manual, Article 3.P, and Article 11.A, Erosion and Sediment Control.

**1. Street Construction and Design Standards:**

All street and highway construction and geometric design standards shall be in accord with the Town Design and Construction Standards Manual and all applicable VDOT design and construction standards.

- a. All development in all zoning districts must have direct access to public dedicated and Town maintained roads. Such developments are to be designed so that sites or lots will not have direct access to any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.
- b. Where traffic generated from any entire development exceeds 150 vehicle trips per day, or when a residential subdivision contains 150 or more dwelling units (whichever is less), such development or subdivision shall provide connectors to any existing public road at two locations. Where only one connection is physically achievable, the connecting portion of the entrance roadway must be of a four-lane divided standard extending into the development for a length of not less than 250 feet or as otherwise determined by the Planning Commission. No internal vehicular connections shall be permitted to this entrance section.
- c. Streets and rights-of-way shall be provided and designed to permit access to adjoining acreage in conformance with the Comprehensive Plan and other transportation plans and to the satisfaction of the Planning and Zoning Administrator and the Planning Commission.
- d. Curb and gutter shall be required on all new public and private streets. The minimum roadway width shall be thirty (30) feet from the face of curb to the face of curb.

- e. Where public or private streets are to be constructed in phases, such streets shall be terminated with a temporary cul-de-sac or other temporary turn-around acceptable to the Planning Commission. Where temporary turn-arounds are provided, adequate rights of way and/or temporary access and construction easements shall be designated on site plans and subdivision plats.

**2. Parking, Loading and Site Access:**

- a. For all residential, institutional and commercial uses, other than single family homes, all required off-street parking spaces, parking lots, loading spaces, and on-site vehicular access shall be constructed of a permanent all weather, stabilized, dust free surface (such as concrete or asphalt) with curb and gutter and in accordance with the Town's Design and Construction Standards Manual.
- b. For industrial uses, all employee and customer parking, as well as all entrances into parking areas, shall be constructed of an all weather, stabilized, dust free surface which is clearly defined from adjoining on-site improvements and in accordance with the Town Design and Construction Standards Manual.
- c. For industrial uses, surfacing may be waived only for areas used for heavy equipment parking and loading areas.
- d. Surfacing requirements may also be waived for uses in the HP-O District.
- e. Curb and gutter shall be required on all new private travelways, private streets, and travelways, loading areas and parking lots within a lot.
- f. Parking lots shall be adequately illuminated during non-daylight hours. Lighting shall be designed, shielded, and otherwise arranged to direct light and glare away from abutting properties and adjacent rights of way. Lighting fixtures in parking lots should be compatible with the architectural characteristics of the development. A lighting study may be required with the submission of a site plan.
- g. Dimensional requirements and design criteria for parking spaces, parking lots and loading areas shall be in accord with the Town Design and Construction Standards Manual.
- h. Refer to Landscaping and Screening, Article 9, for parking lot landscaping requirements.

**3. Sidewalks and Pedestrian Walkways:**

- a. Sidewalks within public rights of way shall be required on all new public streets or other areas of a site where in keeping with the Comprehensive Plan and other Town public improvements plans. Sidewalks shall be constructed of concrete and otherwise in accord with the Town Design and Construction Standards Manual, except in cases where other materials may be approved by the Planning Commission based on its suitability to its environs and its natural setting. In such cases, materials to be considered may include asphalt, concrete, brick, etc.
- b. Construction of bicycle facilities on new public streets or other areas of a site in accordance with the Comprehensive Plan and the Town's bicycle and pedestrian plans shall be provided as recommended by those plans. When an individual lot which does not involve a public street is developed, additional right-of-way to provide for future bicycle facilities shall be dedicated as recommended by the Planning and Zoning Administrator.

**4. Lots and Yards:**

Lot and yard sizes shall conform to applicable zoning district regulations of this ordinance. On any lot which is created after the adoption of this section, which has a Resource Protection Area (RPA) designation upon it, will require the rear yard setback to begin at a minimum of twenty-five (25) feet from the RPA line. That will assure that there is adequate area to locate all buildings and structures outside the RPA.

**5. Easement Widths:**

Minimum easement width shall be established as required in the Town Design and Construction Standards Manual.

**6. Hydrologic and Hydraulic Analysis:**

Engineering documentation shall be provided for all storm drainage improvements, stormwater management facilities, and BMP facilities. Floodplain studies may be required at the option of the Planning and Zoning Administrator. Analysis and design recommendations shall take into consideration the impact of 2-, 10-, and 100-year storm intensities, both pre- and post-development.

**7. Storm Drainage Systems and Stormwater Management:**

The policies for drainage systems and stormwater management are to be in accord with the Town Design and Construction Standards Manual and Article 3.P. In general, on-site storm drainage and stormwater management structures shall be constructed in concert with all site development activities and post-development runoff volumes and velocities shall not exceed pre-development levels. Analysis and design recommendations shall take into consideration the impact of 2-, 10-, and 100-year storm intensities, both pre- and post-development. The water quality requirements of Article 3.P, Section G, subsection 2.e shall be accommodated.

**8. Water Systems:**

Water distribution systems shall be designed and constructed to adequately supply both peak load demands for domestic and commercial service and fire flow requirements for the intended development, and meet all requirements of the Town's Design and Construction Standards Manual.

**9. Sewer Systems:**

- a. Sewer systems shall be designed and constructed on the basis of average daily per capita flows of not less than those set forth by sewerage regulations of the State Department of Health and the Town Design and Construction Standards Manual.
- b. All on-site sewage disposal systems not requiring Virginia Pollutant Discharge Elimination System permit shall be pumped out at least once every five years, in accordance with the provisions of the State Health Code, the Chesapeake Bay Act and the Chesapeake Bay Preservation Overlay District ordinance. (Refer to Article 3.P, Section K)
- c. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the State Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer. As an alternative,

alternating drainfields may be installed in lieu of the 100 percent reserve drainfield provided that the following conditions are met:

1. Each of the two alternating drainfields shall have at a minimum, an area of not less than 50 percent of the area that would otherwise be required if a single primary drainfield were constructed.
2. An area equaling 50 percent of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that use a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system and that expansion of the primary system will require an expansion of this reserve area.
3. The two alternating drainfields shall be connected by a diversion valve that has been approved by the Isle of Wight County Health Department, is located in the pipe between the septic tank and the distribution boxes and is used to alternate the direction of the effluent flow to one drainfield or the other at a time.
4. Such diversion valves shall not be used for sand mounds, low-pressure distribution systems, repair situations when the installation of a valve is not feasible or and other approved system for which the sue of a valve would adversely affect the design of the system as determined by the Isle of Wight County Health Department.
5. The diversion valve shall be a three-port, two-way valve of approved materials.
6. There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.
7. The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds and other structures.
8. The valve shall be used to alternate the drainfields every 12 months.
9. Local government shall notify the property owners that the drainfields must be alternated.

**10. Street Lights, Site Lighting and Electrical Facilities:**

Provisions for street lights, parking lot lighting and other site lighting shall be shown on site plans, as required by the Town Design and Construction Manual. Locations of street and parking lot light poles, fixtures, conduits, transformers, wires and easements shall be coordinated with the Town and local electric company and shall be shown on the site plans. Conduits of a size and location satisfactory to the Town and local electric company shall be located under street pavements at all proposed major intersections for the future installation of traffic control signals as required by the Town.

**11. Best Management Practices and Erosion and Sedimentation Control Measures:**

Installation of adequate temporary and permanent erosion and sedimentation control measures, as required by the Town's Design and Construction Standards Manual and Article 11.A, Erosion and Sediment Control. Installation of Best Management Practices and other measures related to water quality and runoff protection shall be in accord with Article 3.P.

**12. Other Design Criteria:**

All other design criteria and construction standards shall be in accordance with the Town's Design and Construction Standards Manual and other applicable regional, state and federal requirements, including those of the Virginia Department of Transportation. Where standards and criteria are not provided therein for a particular site development component, the Planning and Zoning Administrator either shall provide the governing standards or shall approve a proposed standard as prepared by the applicant's engineer.

**13. Construction Standards, Inspection, and Supervision:**

- a. Unless otherwise specifically provided in this ordinance, the construction standards for all required on-site and off-site improvements shall conform to the provisions of this article and the Town's Design and Construction Standards Manual and all applicable VDOT design manuals. The Planning Commission shall provide written approval of the plans, details, and specifications for all required improvements prior to commencement of construction..
- b. Inspections during the installation of the required on-site improvements shall be made by the Planning and Zoning Administrator or other Town personnel, as applicable, as required to monitor compliance with the approved site plan and applicable Town design and construction standards.

- c. The owner or developer shall notify the Planning and Zoning Administrator in writing forty eight (48) hours prior to the beginning of any work shown to be constructed on an approved major or minor site plan.
- d. The owner or developer 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.
- e. The installation of improvements, as required by this article, shall in no case serve to bind the Town 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.
- f. The applicant's contractor shall be responsible for the location of all utilities and underground infrastructure in accord with MISS UTILITY practices prior to land disturbance.
- i. Prior to issuance of an occupancy permit, a certified as-built survey shall be provided the Town upon completion of site improvements. Variations in the as-built conditions shall be noted. The as-built survey shall be provided in digital and standard formats.  
(Ord. of 8-1-2000; Ord. of 4-6-2004; Ord. of 5-4-2004; Ord. of 7-1-2008))

**J. Site Plan Review and Approval Procedures:**

**1. Site Plan Submittal and Compliance Procedures (Major and Minor):**

- a. Major site plan submission requirements: Ten (10) copies of the major site plan shall be submitted to the Planning and Zoning Administrator. The site plan shall be accompanied by payment of fees for review and processing. The fee shall be based on a fee schedule as may be adopted and modified by the Town Council.
- b. Minor site plan submission requirements: Ten (10) copies of the minor site plan shall be submitted to the Planning and Zoning Administrator. The minor site plan shall be accompanied by payment of fees for review and processing. The fee shall be based on a fee schedule as may be adopted and modified by the Town Council.

**2. Initial Site Plan Compliance Requirements (Major and Minor):**

- a. An initial review of the applicant's site plan (major and minor) and site plan check list will be made by the Planning and Zoning Administrator to determine the completeness and general compliance with the information requirements of this ordinance.
- b. Site plans (major and minor) which contain information required by this article, the site plan check list and are consistent with the proceedings of the Preliminary Site Plan Conference, shall be deemed to be complete and shall be forwarded to all necessary reviewing agencies and staff within five (5) working days of submittal, at which time the applicant's submittal shall be deemed "substantially complete and accepted for review."
- c. Site plans (major and minor) which lack any information required by this article, the Town Design and Construction Standards Manual, and the Site Plan Checklist, and which are consistent with the proceedings of the Preliminary Site Plan Conference shall be deemed to be incomplete and shall be rejected by the Planning and Zoning Administrator within five (5) working days of submittal, at which time the applicant's submittal shall be deemed "incomplete and rejected" and the reasons for rejection clearly provided. Further review of the submission shall be suspended. The applicant shall be notified of this finding in writing.

**3. Review Procedures for Site Plans (Major and Minor):**

- a. Review process, general:

The site plan review process shall include participation by the Town's Plan Review Committee, Town staff and other reviewing agencies as determined by the Planning and Zoning Administrator. Final approval of any site plan shall be granted by majority vote of the Planning Commission.

- b. The Plan Review Committee, Town staff and other reviewing agencies:

All site plans (major and minor) shall be reviewed by certain Town, State or local agencies or their delegated agents who are qualified to determine compliance with applicable laws and regulations in relation to proposed development. The Plan Review Committee may include any or all of the following:

- (1) Planning Commission

- (2) Town Manager or Assistant Town Manager
- (3) Planning and Zoning Administrator or Staff
- (4) Virginia Department of Health
- (5) Fire Chief
- (6) Virginia Power
- (7) Town Engineer
- (8) Regional Sewer Authority
- (9) Virginia Department of Environmental Quality
- (10) Town Council

c. Site plan review and notification process:

- (1) Distribution of the Site Plan to the Plan Review Committee, staff and agency review: Within ten (10) calendar days after acceptance of a site plan which has been determined to be “substantially complete and accepted for review”, the reviewing staff and agencies will be issued a copy of the site plan for review and comment on the technical compliance with this ordinance and all applicable standards, provided that the site plan has been found to be in initial compliance as hereinabove stated.
- (2) Administrative site plan review: All Plan Review Committee, staff and agency review and comments shall be completed within thirty (30) calendar days from the date of issuance of the site plan for review. Plan Review Committee, staff and agency comments shall be provided in writing to the Planning and Zoning Administrator, who shall be responsible for preparing a final site plan review report with recommendations for approval, approval with conditions, or disapproval within ten (10) calendar days after receipt of all staff and agency comments.
- (3) Notice to applicant: Upon receipt by the Planning and Zoning Administrator, the applicant shall be provided with all Plan Review Committee, staff and agency review comments and recommendations.
- (4) Revisions by applicant: Upon receipt of staff and agency comments, the site plan shall be revised by the applicant to comply with all requirements of the Plan Review Committee and other staff and reviewing agencies and shall submit such revisions together with any required re-submittal

fee. Where the revised site plan does not include all requested or required revisions, the applicant will be notified that the site plan review process shall not proceed until the requested or required revisions are complete. Site plans requiring only minor revisions will be reviewed within ten (10) calendar days upon resubmission. Plans requiring substantial revisions will be reviewed on the time frame of a new submission.

- (5) Action by Planning Commission: Within seventy (70) days of receipt of staff comments, the Planning Commission shall act on the application and shall render a decision to approve, approve with conditions, defer or disapprove the site plan upon action at a regularly scheduled meeting.
- (6) Site Plan Revisions: In consideration of site plan revisions to any site plan, such revisions may be approved administratively by the Planning and Zoning Administrator upon input from the Planning Commission, provided that where the Planning Commission is of the opinion that the site plan revision is of such a magnitude and impact that a decision on the revision should be reached only after a public hearing thereon. In such instances, a public hearing before the Planning Commission shall be scheduled prior to action on the site plan. The applicant shall be notified in writing of action by the Planning Commission within five (5) calendar days of the action taken.

#### **4. Approval / Denial Process:**

- a. Site plans (major and minor) will be approved by the Planning Commission if they demonstrate substantial compliance with this ordinance, as well as the site design criteria set forth in this article and the Town Design and Construction Standards Manual and if the public facilities, utilities and site designs as designed will be able to function in a manner beneficial to the health, safety and general welfare of the public.
- b. Under certain conditions approval by other agencies not specifically referred to hereinabove shall be a prerequisite to approval by the Town.
- c. In denying a site plan, specific reasons shall be provided by the Planning Commission. Reasons for denial shall relate in general terms to such modifications or corrections as will permit approval of the site plan.

- d. Appeals of a decision of the Planning and Zoning Administrator in the administration of this article shall be to the Planning Commission as provided in Section 15.2-2311 (1997) of the Code of Virginia.
- e. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.

**5. Expiration of Approval:**

Final approval of any site plan (with the exception of erosion and sediment control plans) submitted under the provisions of this ordinance shall expire five (5) years after the date of such approval in accordance with the Code of Virginia, 1950, as amended, thereafter requiring re-submittal for approval. Erosion and sediment control plans expire in accordance with applicable sections of the Town Code.

**6. Fees:**

a. Payment of Fee:

The developer shall pay fees to the Town for the examination and review of a site plan submitted pursuant to this ordinance.

b. Site Development Fee Schedule:

A schedule of fees for the examination of plans and the inspection of all required improvements in such plans shall be determined by a Town Council resolution, which schedule may be changed from time to time. Before approval of any site plan, such fee shall be made payable to the Town of Smithfield and deposited into the credit of the general fund.

(Ord. of 8-1-2000; Ord. of 5-4-2004; Ord. of 2-1-2005)

**K. Site Construction Permits and Bonding of Improvements:**

**1. Prerequisites for Site Improvement Activities:**

No site improvement activities may occur unless all of the following requirements are met:

- a. Approval of site plan.
- b. Approval of final subdivision plat, if required.
- c. Approval of erosion and sediment control plan, if required.
- d. Approval of an erosion and sediment control bond, if applicable.
- e. Installation of adequate erosion and sediment control measures in accord with the plan.
- f. Approval of a performance bond or other surety to ensure the completion of public infrastructure facilities within a specified time frame.
- g. Issuance of a land disturbing permit.
- h. Approval of availability and capacity of all necessary utilities.

**2. Improvements Costs:**

All improvements required by this ordinance shall be installed at the cost of the owner or developer, except where cost sharing or reimbursement agreements between the Town of Smithfield and the applicant are appropriate, the same to be recognized by formal written agreement prior to site development plan approval.

**3. Acceptance of Site Improvements:**

The approval of a site development plan or the installation of the improvements as required by this ordinance, shall not obligate the Town to accept the improvements for maintenance, repair or operation. Acceptance shall be subject to Town and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

**4. Bonding of Improvements:**

- a. Performance (surety) bond required for improvements:

1. A bond shall be required prior to commencement of construction to guarantee the successful completion, function, and operation of certain improvements which are to be accepted for dedication, maintenance and/or operation by the Town and as otherwise required by this ordinance and the subdivision ordinance (where applicable.)
  2. Before the final site plan will be approved by the Planning and Zoning Administrator for the owner to commence work and before issuance of an land disturbance permit for any project, the owner or his designated agent shall submit a bond or other surety acceptable to the Town Attorney to ensure that measures could be taken by the Town at the owner's expense should owner fail to complete the public utilities, infrastructure, facilities and erosion control measures required for the project within the specified time frame.
  3. The period of the initial bond (surety) agreement shall be not less than twelve (12) months from its effective date. The bond shall be of a form which automatically renews itself unless and until the issuing guarantor shall give ninety (90) days prior written notice to the Town of its intent to terminate the bond.
  4. Appropriate personnel and agencies of the Town may make inspections of the improvements subject to bonding at any time during the progress of the work. The owner or developer shall be required to notify the Town of progress on a periodic basis in accord with the Town's published inspection timeframes and procedures.
  5. A decision by the Town to draw upon the bond to ensure compliance with bonding requirements may be made at any point during the life of the bond at the sole discretion of the Town.
- b. Bond cost estimate required by applicant:
1. The developer or his agent shall submit a detailed, itemized cost estimate of (a) public utilities, infrastructure and/or facilities, (b) erosion control and public facilities, and (c) other bondable improvements related to the public health, safety and general welfare as determined and required for the proposed project to the Planning and Zoning Administrator.

2. A cost estimate for improvements to be covered by bonding shall be submitted for approval prior to site plan approval, with said estimate based upon standard unit prices within the region and shall be prepared by a registered professional engineer or licensed general contractor qualified to perform the work subject to the bond.
  3. The Town Attorney with recommendation from the Planning and Zoning Administrator shall employ the original bond cost estimate in setting the bondable amount for any project.
- c. Notification of expiration and extension of bond:
1. If prior to sixty (60) days from the expiration date of the bond the applicant has not taken steps to gain approval of improvements, release of the bond, and/or extension of the bond, the applicant and surety will be notified by the Town by certified mail within forty-five (45) calendar days prior to that expiration date that a bond extension or new bond will be required.
  2. If an extension or new bond is not received by the Planning and Zoning Administrator within twenty-five (25) calendar days of the original bond's expiration date, action will be taken to draw upon the original to allow the Town to complete the installation of public improvements, other site improvements and erosion control and public works facilities. At that time, all construction permits will be revoked and continued work at the project will place the developer, the contractor, and/or other associated parties in violation of this ordinance.
- d. Forms of bond and surety guarantees:
- Forms of surety guarantees, all of which shall be subject to the approval of the Town Attorney, shall be limited to the following:
1. Corporate surety bond from an insurance corporation licensed in Virginia.
  2. Cash escrows and set-asides from an insured lending institution.
  3. Irrevocable letters of credit from an insured lending institution.
  4. Cashier's check.
  5. Other surety as approved by the Town Attorney.

6. The bond may be released by the Town in full or in part only upon the satisfactory completion of applicable improvements and the permanent stabilization of the site against erosion and sedimentation.

e. Maintenance (defect) bonds:

1. Prior to the release of the performance bond and the acceptance of public facilities by the Town, the owner shall submit a maintenance (defect) bond for any improvement to be accepted for dedication, maintenance, and/or operation by the Town.

2. The maintenance (defect) shall be in an amount and form satisfactory to the Town Attorney but in no instance shall be less than ten (10) percent of the total construction cost of the improvements subject to the bond.

3. The maintenance bond may be released at the end of two (2) years from the date of Town acceptance of responsibility. Such bond shall be released in full if no defects have been found to exist, or if defects are found to exist, they have been corrected by the owner or development to the satisfaction of the Town. If defects found to exist have been corrected by action of the Town, the costs of such action shall be deducted from the amount of the maintenance bond.

f. As-built construction drawings:

As-built construction drawings for all improvements subject to bonding shall be provided to the Town on mylar prior to the release of any bond amounts. The as-built drawings shall fully document the accuracy of improvements and update all information shown on the original site plan.

**5. Foundation Survey:**

No work on a new building or addition that is required to have either a minor or major site plan and is located within five (5) feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity.

(Ord. of 5-4-2004)

**L. Requests for Waivers, Variations or Substitutions:**

1. An applicant or owner may request a waiver, variation or substitution pursuant to the requirements and application of this article. A written request for a waiver, variation or substitution shall state the rationale and justification for such request together with such alternatives as may be proposed by the applicant or owner.
2. Such request shall be submitted to the Planning and Zoning Administrator with the filing of a preliminary or final site plan.
3. The Planning Commission, at its sole discretion, may accept the request for waiver, variation or substitution for any requirement in a particular case upon a finding that the waiver, variation or subdivision of such requirement would advance the purposes of this ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the ordinance. Alternately, the Planning Commission may recommend a conditional modification to the request or the Planning Commission may deny the request.
4. Approval or conditional approval of a waiver, variation, or substitution shall be accompanied by a statement from the Planning Commission as to the public purpose served by such waiver, variation, or substitution, particularly in regard to the purpose and intent of this article, this ordinance, the subdivision ordinance, and the Comprehensive Plan.
5. No such waiver, variation, or substitution shall be detrimental to the public health, safety or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.
6. The Planning Commission, in its deliberation on the request, may require the submission of a formal engineering report or other related technical documentation or graphic exhibits to support the applicant's request for waiver, variation, or substitution.
7. The Planning and Zoning Administrator may waive individual requirements for information to be contained on the Single Family Residential Lot Plan.

(Ord. of 8-1-2000; Ord. of 5-4-2004)

**M. Revisions to Approved Site Plans:**

1. Any revision or deviation from approved plans and specifications must be submitted in writing with related site plan documentation to the Planning and Zoning Administrator.
2. The Planning and Zoning Administrator shall determine which staff and agencies are required to review the requested modifications and will oversee the implementation of this process.
3. The Planning and Zoning Administrator may grant approval of revisions to previously approved site plans, provided that the Planning and Zoning Administrator determines that the proposed revisions do not substantially alter the site plan and thus does not warrant another public hearing at Planning Commission. If it is determined that the revisions to the site plan is of such a magnitude and impact that a decision on the revision should be reached only after a public hearing thereon, then a meeting before the Planning Commission to act on such revision shall be scheduled in a fashion similar to an original site plan submission.  
(Ord. of 5-4-2004)

**N. Single Family Residential Lot Plans:**

To ensure that proposed single family uses and related lot development activities are compatible with approved subdivision plats and public improvements plans and to ensure consistency with the underlying residential zoning district regulations, a single family lot plan shall be required to accompany zoning permit, building permit, and/or use applications for single family residences, accessory buildings, accessory uses, private garages, rental uses of a portions of a single family dwelling, on-site parking areas or other lot improvements which are to be constructed, reconstructed, rehabilitated, or otherwise expanded. The single family lot plan, or survey, shall be prepared by a certified land surveyor.

The single family residential lot plan shall be reviewed and acted upon by the Planning and Zoning Administrator within ten (10) working days upon receipt and application for a zoning permit or building permit. In the event of denial of approval by the Planning and Zoning Administrator, the applicant may petition the matter to be heard by the Planning Commission at their next regularly scheduled meeting.

The single family residential lot plan shall include the following:

1. Address and tax map reference number of lot; name of subdivision and deed reference.

2. North arrow; dimensions of the lot drawn to scale, with metes and bounds of lot.
3. Location and dimensions of both the existing structure(s) and the structure(s) to be erected on the lot.
4. Geotechnical evaluation and certified engineering design for building foundation for lots which contain shrink/swell soils.
5. Dimensional setbacks from property lines to any structure or improvement, including covered porches, decks, stairwells, garages, swimming pools, accessory uses, etc.
6. Square footage of lot per recorded subdivision plat.
7. Easements contained within the lot or across the lot line.
8. Proposed finished lot grading shown with two foot (2') contour intervals.
9. Certificate of water and sewer availability.
10. Location of all required off-street parking.
11. Location of all existing natural or man-made drainage channels and storm sewer facilities, as well as location of proposed drainage improvements, to ensure the adequate conveyance of stormwater on and through the property.
12. Location and boundaries of 100 year floodplain. The developer(s) are required to establish base flood elevation (BFE) for new development greater than 50 lots or 5 acres. For approximated area, the developer(s) shall use the BFE and floodway data from other sources.
13. Location and boundaries of Chesapeake Bay Preservation Areas.
14. Location of service connections to public water and sewer.
15. Location and design of waterfront improvements, including boat ramps and docks.
16. Location of construction entrance.
17. Limits of clearing, including trees in excess of 6" in diameter which are proposed to be removed outside the construction footprint.

18. Erosion and sediment control measures.  
(Ord. of 9-3-2002; Ord. of 5-4-2004)

**O. Acceptance of Public Facilities:**

Within thirty (30) days following satisfactory completion, inspection and approval of the installation of all required improvements, and upon the satisfactory compliance with the provisions of this ordinance and the Town's Design and Construction Standards Manual, a "Certificate of Substantial Completion" shall be issued as cited in the Town Design and Construction Standards Manual. The Town will accept ownership of maintenance responsibilities for such facilities on the effective date of said letter.

**P. Appeals:**

1. Appeals of a decision of the Planning and Zoning Administrator in the administration of this article shall be to the Planning Commission as provided in Section 15.2-2311 (1997) of the Code of Virginia.
2. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.  
(Ord. of 8-1-2000)

**Q. Violations and Penalties:**

1. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed or proffered statement or plan submitted by him and approved under the provisions of this ordinance shall be guilty of a Class I misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.
2. Any building erected or improvements constructed contrary to any of the provisions of this Ordinance or to the approved plans, and any use of any building or land which is

conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be, and the same is hereby declared to be, unlawful.

3. The Town may initiate injunction, mandamus, or any other action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance.
4. Upon becoming aware of any violation of a provisions of this ordinance, the Planning and Zoning Administrator, Town Manager, or Town Attorney shall serve notice of such violation on the person committing or permitting the same. If such violation has not ceased within a reasonable time as specified in the notice, action as may be necessary to terminate the violation shall be initiated.
5. The remedies provided for in this article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.
6. In addition to any other remedies which may be obtained under this ordinance, any person who: (i) violates any provision of any this ordinance or (ii) violates or fails, neglects, or refuses to obey any final notice, order, rule, regulation, or variance or permit condition authorized or issued by the Planning and Zoning Administrator or the Town Council under this ordinance shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the Town of Smithfield for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order.
7. With the consent of any person who: (i) violates any provision of this ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any order, rule, regulation, or variance or permit condition authorized or issued by the Planning and Zoning Administrator or the Town Council under this ordinance, the Town Council may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the Town of Smithfield for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under Paragraph 6 immediately hereinabove. Civil charges may be in addition to the cost of any restoration required or ordered by the Planning and Zoning Administratore or the Town Council.  
(Ord. of 8-1-2000)