

- (d) A Mini Site Plan application will be accepted in lieu of a Final Site Plan if the criteria set forth in Section 3.08 are met.
- (e) A Site Plan Waiver application will be accepted in lieu of a Final Site Plan if the criteria set forth in Section 3.09 are met.

Approval of any Final Site Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Final Site Plan approvals.

### **Sec. 3.06 Town Capital Improvement Plan**

- (a) This Section shall apply only to Public Improvement Projects and related land disturbing activities managed by the Town's Department of Capital Plans Management as specifically listed in the Town's 6 Year Capital Improvements Program or as specifically funded and directed by Council. All associated rights-of-way, easement dedications and or land rights required for a specific project shall be secured by the Department of Capital Projects Management prior to the commencement of the associated construction. No permits shall be issued unless the requirements of this Division are met.
- (b) Any Town project applicable to this section that proposes buildings, parking lots or other non-linear type public improvements that are located outside of the Town's managed Rights-of-Ways shall be reviewed and approved by the Department of Capital Plans Management in general conformance to the applicable standards set forth in the sections governing the review and approval of Site Plans, Minor Site Plans, Mini Site Plans and or Site Plan Waivers.

Approval of any Construction Plan within the Historic District (H-1 and/or H-2) does not relieve the Department of Capital Plans Management from obtaining all required approvals from the Board of Architectural Review (BAR).

### **Sec. 3.07 Minor Site Plan**

- (a) This Section shall apply to certain types of development and land disturbing activities not requiring a Final Site Plan as defined in (b) below. Public improvements and such rights-of-way and easement dedications required by this Division shall be completed by the applicant. No zoning permit shall be issued by the Zoning Administrator and no water or sewer extension permit shall be issued by the Town Manager for any development unless the requirements of this Division are met.
- (b) "By-Right" Development and Land Disturbing Activities with the following features are governed by this Division:

- (1) New Construction or Re-construction of Public Facilities and / or Residential, Commercial, Retail, Office, Industrial or Institutional uses with less than 7,500 square feet of gross floor area that do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$100,000; or
- (3) Development or land disturbing activities where a county building permit is not required, public facilities are not required or proposed but where the land disturbing (grading) activities involve more than 5,000 square feet of disturbance (including but not limited to parking lots, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, etc.); or
- (4) Expansion of existing structures within Residential, Commercial, Retail, Office, Industrial or Institutional uses with less than 7,500 square feet of gross floor area proposed and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$100,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.

Approval of any Minor Site Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Minor Site Plan approvals.

### **Sec. 3.08 Mini Site Plan**

- (a) This Section shall apply to certain types of development and land disturbing activities not requiring a Final Site Plan or Minor Site Plan as defined in (b) below. Public improvements and such rights-of-way and easement dedications required by this Division shall be completed by the applicant. No zoning permit shall be issued by the Zoning Administrator and no water or sewer extension permit shall be issued by the Town Manager for any development unless the requirements of this Division are met.
- (b) “By-Right” Development and Land Disturbing Activities with the following features are governed by this Division:
  - (1) Overlot Grading plans for up to two Residential lots of record associated with a previously approved set of Construction Drawings that currently has an active public improvements bond associated with it and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
  - (2) Overlot Grading plans for up to two Residential lots of record not associated with a previously approved set of Construction Drawings where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or

- (3) New Construction or Re-construction of Public Facilities and, Commercial, Retail, Office, Industrial or Institutional uses or accessory uses permitted by the Zoning Ordinance **over 500 square feet but less than up to** 3,500 square feet of gross floor area that do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000; or
  - (4) Development or land disturbing activities where a county building permit is not required, public facilities are not required or proposed but where the land disturbing (grading) activities involves more than 1000 square feet up to 5,000 square feet of disturbance (including but not limited to new parking lots, redesigning existing parking lots or placing a hard surface on existing grassed or graveled parking areas, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, etc.); or
  - (5) Expansion of existing structures within Commercial, Retail, Office, Industrial or Institutional uses or accessory uses permitted by the Zoning Ordinance up to 3,500 square feet of gross floor area proposed and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.
  - (6) Any maintenance to Hot Spots such as re-paving, tank replacements, addition of or replacement of oil water separators, etc. Other categories noted above shall apply to any other new infrastructure, buildings, building additions, public improvements, etc. related to Hot Spot properties.
  - (7) Residential Accessory Structures (with a building footprint greater than 950 square feet) such as but not limited to Garages, Pool Houses or Guest Houses.
- (c) A Final Site Plan or Minor Site Plan application, as the case may be, will be required in accordance with the criteria set forth in sections 3.06 and 3.07 if all conditions and restrictions set forth in this section cannot be met.

Approval of any Mini Site Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Mini Site Plan approvals.

### **Sec. 3.09 Site Plan Waiver**

1. **(a) When the proposed use is permitted by the Zoning Ordinance, the** ~~The~~ following land development applications shall not be subject to the Final Site Plan or Minor Site Plan or Mini Site Plan process and can be processed as a Site Plan Waiver **provided that the project does not require a formal floodplain study to be submitted and approved by FEMA, and where the Applicant can verify to the Director that the bonded value of any proposed public facilities is less than \$50,000.**

**(a) Residential**

- (1.) In-ground swimming pools;
- (2.) 250 square feet to 5,000 square feet of land disturbance on existing “Residential” lots of record for uses such as but not limited to patios, hot tub, realignment of or improvements to existing driveways, terracing or re-grading of yards, and other types of improvements where a Site Plan Waiver plan is deemed necessary by the Director.
- (3.) Expansion of existing structures (excluding elevated structures such as but not limited to decks & porches) on existing “Residential” lots of record, as permitted by the Zoning Ordinance, for additions with a building footprint over 200 square feet.
- (4.) Residential Accessory Structures (with a building footprint between 200 and 950 square feet) such as but not limited to Garages, Pool Houses, Guest Houses or Sheds (that propose full perimeter foundations and/or a slab on grade).

**(b) Nonresidential**

- (1.) **Parking lot re-striping plan;**
- (2.) **Additions with a building footprint not more than 500 gross square feet or one-third (1/3) of the gross area of the building, whichever is smaller;**
- (3.) **An accessory structure of not more than a total of 500 gross square feet;**
- (4.) **Minor site alterations to provide ADA accessibility improvements for an existing building;**
- (5.) **Development or land disturbing activities where only minimal (if any) public facilities are required or proposed, but where the land disturbing (grading) activities involve up to 1,000 square feet of disturbance (including but not limited to new parking lots, redesign of an existing parking lot, the placing of a hard surface on existing grassed or graveled parking areas, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, or other similar type projects);**
- (6.) **Minor changes to existing on-site walkways or landscape plans;**

**2. The following information shall apply to all Site Plan Waivers:**

- (a) **Unless the Director determines otherwise, the plan shall be sealed by a licensed professional. If public improvements are proposed and a public improvements bond is required, without exception, a licensed professional shall be required to prepare and seal both the Site Plan Waiver and associated public improvement bond estimate.**
- (b) Prior to submission of a Site Plan Waiver Application the applicant shall meet with the Director to discuss the proposed improvements to determine if the plan will need to be

prepared by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect (licensed professional) and to determine the minimum submission requirements.

- (c) On a case by case basis, the Director may determine that no formal Site Plan Waiver Application is required if staff can verify (either from the application documents or a site visit) that there are no adverse grading or drainage impacts to existing structures or adjacent properties and it can be shown there are no conflicts with public utilities or public facilities.
- (d) A land development application for the Site Plan Waiver shall be submitted to the Department of Plan Review and be accompanied by the required fee, a statement describing the proposed use, ~~and~~ four (4) copies of the plan and a sealed bond estimate (if public improvements are proposed). If applicable, the application shall also be referred to the Zoning Administrator for review and approval.
- (e) ~~Unless the Director determines otherwise, the plan shall be sealed by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect and include the~~ The Site Plan Waiver shall contain the following information, unless the Director determines such information is not necessary for the review and approval of the plan and that not providing the information will in no way adversely affect any public improvements or adjoining properties:
  - (1.) Existing topography with 2-foot contour intervals;
  - (2.) Property boundaries with dimensions;
  - (3.) Proposed topography with 2-foot contour intervals and applicable spot shots;
  - (4.) All existing on-site easements;
  - (5.) Setbacks of existing and proposed buildings to each property line;
  - (6.) Existing drainage structures and drainage divides;
  - (7.) Existing facilities, such as buildings, driveways, and fences;
  - (8.) Storm, water and sanitary sewer profiles as applicable;
  - (9.) Stormwater management and BMP controls, if applicable; and
  - (10.) Proposed improvements
  - (11.) The Applicant shall verify to the Director that the bonded value of any associated proposed public facilities is less than \$50,000 and the proposed improvements do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.
  - (12.) Any existing floodplain limits shown on or adjacent to the project site.
  - (13.) Other information required by the Director as necessary to review and approve the construction drawings, not in conflict with the Town's required ordinances and specifications.
  - (14.) Easement or Dedication Plats (if applicable)
- (f) A Final Site Plan or Minor Site Plan or Mini Site Plan application, as the case may be, will be required in accordance with the criteria set forth in sections 3.06 and 3.07 and 3.08 respectively if all conditions and restrictions set forth in this section cannot be met.

**Sec. 3.10 Pre-application Procedure**

Prior to submission of a Final Site Plan, a Minor Site Plan, a Mini Site Plan or Site Plan Waiver, the applicant should meet with the Director of Plan Review to present a concept plan of the proposed development and to participate in an informal conference regarding plans for development; however, representations concerning plans do not bind the Town or applicant.

If (1.) floodplain exists on, or is adjacent to, the site, or (2.) the site contains a watercourse, or is contiguous to a watercourse, with a drainage area greater than 50 acres upstream of the subject site, a pre-application meeting shall be required to discuss the impact the Town and/or FEMA floodplain has on the property, as well as the need for submission requirements of the floodplain and floodplain alteration studies as it relates to the submission of the Final Site Plan or Minor Site Plan.

### **Sec. 3.11 Filing of Final Site Plan**

A complete application for approval of a Final Site Plan of a proposed development shall be submitted to the Director of Plan Review as set forth below. A complete application shall include the following:

- (a) Three (3) copies of a completed application form for Final Site Plan approval in a form approved by the Director of Plan Review.
- (b) Ten (10) copies each of the proposed Final Site Plan shall be submitted with the application.
- (c) The applicant shall pay the fee required for filing a Final Site Plan when the application is submitted.
- (d) Before consideration of Final Site Plan approval by the Director of Plan Review, the applicant shall execute an agreement in a form approved by the Town Attorney for compliance with this Division and installation of required improvements within two (2) years after Final Site Plan approval unless such period is extended by the Town Council and shall:
  - (1) Have installed all improvements required by this Division in accordance with construction plans approved by the Director of Plan Review in accordance with Section 3.12 and certify to the Town Council that construction costs have been paid to the person constructing such improvements; or
  - (2) Furnish a certified check payable to the Town of Leesburg in the amount of the estimated cost of construction, as determined by the Director of Plan Review, which sum shall be returned by the Town only upon completion, approval and acceptance of the improvements in strict conformity with the approved Final Site Plans; or
  - (3) Furnish a bond by a surety company or other guarantee satisfactory to the Town Council in an amount sufficient to cover the estimated costs of construction as determined by the Director of Plan Review and conditioned upon the construction of the required improvements in strict conformity with the approved Final Site Plans.

### **Sec. 3.12 Approval of Final Site Plan**