
1 **ARTICLE 6. DEVELOPMENT STANDARDS AND APPROVALS**

2 **CHAPTER 60 SITE PLAN REVIEW**

3 Sections:

- 4 60.1 Purpose.
- 5 60.2 Approving Authority.
- 6 60.3 Development or Land Use Requiring a Site Plan.
- 7 60.4 Minor Site Plan Requirements
- 8 60.6 Concept Site Plan
- 9 60.5 Concept Site Plan Application Submission Requirements and Initial Review Procedures.
- 10 60.7 Major Site Plan Requirements
- 11 60.8 Site Development Standards.
- 12 60.9 Expiration, Extension and Appeal.
- 13 60.10 Amendments.
- 14 60.11 Public Works Agreements and Performance Bonds, Letters of Credit or Other Surety.
- 15 60.12 Inspection and Supervision During Installation.
- 16 60.13 Compliance with Site Plan.
- 17 60.14 Construction of Required Public Improvements.

18 **60.1. Purpose.**

19 The site plan review provisions of this chapter are intended to promote the safe, functional and aesthetic
20 development of property and to ensure that new structures, utilities, streets, parking, circulation systems,
21 yards and open spaces are developed in conformance with the standards of this Ordinance, the
22 Comprehensive Plan, and any adopted area plans or community plans. The site plan review procedure is
23 designed to provide information relating to the siting of structures, related site improvements, and
24 relationships with surrounding development.

25 **60.2. Approving Authority.**

26 The Planning Director shall be the approving authority for all site plans. Such approval shall be based on
27 recommendations from other appropriate agencies, and the standards of this Ordinance. The Planning
28 Director may not approve a major site plan until the Planning Commission has granted concept site plan
29 approval pursuant to Section 60.6.4 of this Ordinance.

30 **60.3. Development or Land Use Requiring a Site Plan. (See Flow Chart on Page 21-5)**

- 31 1. Site plan approval is required for any development or land use involving:
 - 32 a. A planned development.
 - 33 b. Any multi-family residential development.
 - 34 c. Any cluster development not subject to subdivision approval.
 - 35 d. Commercial and industrial uses or structures or changes of uses therein.
 - 36 e. Public and semi-public uses.
 - 37 f. Conditional uses.
 - 38 g. Agricultural uses as required by Section 51.2 of this Ordinance.
 - 39 h. Any development in the Critical Area Overlay Zone, except development on an existing
40 single family lot.
- 41 2. Site Plan approval is not required for the following:
 - 42 a. Antennas

-
- b. Equipment boxes
 - c. Sheds for co-locations on approved telecommunication towers or telecommunication sites.

60.4. Minor Site Plan Requirements.

1. *Minor Site Plan.* A minor site plan may be filed for an addition to or change of use for a commercial or industrial structure, or for an accessory commercial or industrial building or for a conditional use that does not require a building permit. If a field inspection indicates the scope of the proposed activity is such that the requirements of this Ordinance cannot be adequately addressed with a minor site plan, the Planning Director may require that a Major site plan be submitted. Minor site plans shall contain the following information as appropriate and as required by the Planning Director:

- a. Accurate sketch of the lot drawn to scale.
- b. Identification of the present record owner of the property.
- c. Vicinity map identifying the location of the site and the names and numbers of adjoining roads, streams, and other bodies of water, or other landmarks sufficient to clearly identify the location of the property and includes the following:
 - (1) Drawn to scale of at least 1"=2,000'.
 - (2) If applicable, shows the 1,000 foot critical area boundary.
 - (3) Contains a north arrow.
- d. Dimensioned vehicular entrance to the site.
- e. Location of water and sewer (septic) facilities, if required.
- f. Location of parking area and pavement marking for parking area stalls and lanes as required. All parking stalls shall be dimensioned on the plan.
- g. All existing and proposed structures shall:
 - (1) Be accurately located on the site.
 - (2) Show complete dimensions, including height.
 - (3) Show setbacks/build to lines.
- h. Proposed use of the structure or structural addition.
- i. Cubic yards of proposed cut and fill and total disturbed area, where appropriate.
- j. A graphic depiction of the limits of disturbance, where appropriate.
- k. Any additional information the Planning Director determines is necessary, considering the unique characteristics of the site and the proposed development, to evaluate compliance with the general site development standards, with limits of disturbance shown.
- l. For projects in the Critical Area, an environmental report.

60.5. Concept Site Plan Application Submission Requirements and Initial Review Procedures.

1. ~~As a pre-requisite~~Prior to the Concept Site Plan application, the applicant may request a pre-application meeting with the Director of Land Use and Growth Management and other relevant agencies to identify and discuss site access, resource protection, neighborhood impacts, adequate public facilities, compliance with the Comprehensive Plan and any relevant functional or small area plans.

1 2. Major site plan applications shall be initiated by filing a concept site plan application on a form
2 approved by the Planning Director. The application shall be submitted and initially reviewed as
3 follows:

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4 a. The applicant shall submit a concept site plan and application on a form approved by the
5 Planning Director. The plan, at a minimum, shall be prepared at a 1"=100' scale, identify
6 properties within 200 feet of the perimeter of the site and include the following:
7

8 (1) Identification of the record owner of property.

9 (a.) If the property is leased, then an executed lease agreement must be
10 provided.

11 (2) Identification of adjacent property owners.

12 (3) Vicinity map identifying the location of the site and the names and numbers of
13 adjoining roads, streams, and other bodies of water, or other landmarks
14 sufficient to clearly identify the location of the property and include the
15 following:

16 (a) Drawn to scale at least 1"=2,000'

17 (b) If applicable, shows the 1,000 foot Critical Area boundary.

18 (c) Contains a north arrow.

19 (4) A predevelopment sketch site plan on a separate sheet, showing current natural
20 and built environment and providing the following information.

21 (a) Boundaries of property including all bearings and distances.

22 (b) Existing topography at minimum 5-foot contour (cite source and date
23 of topography).

24 (c) Existing environmental features including:

25 i. streams,

26 ii. wetlands,

27 iii. floodplain,

28 iv. forest,

29 v. specimen trees,

30 vi. field, farmland,

31 vii. primary drainage patterns indicated with arrows, and

32 viii. soil types.

33 (d) Existing built features, including:

34 i. roads,

35 ii. parking,

36 iii. pedestrian and bicycle circulation,

37 iv. structures,

38 v. historic sites,

39 vi. stormwater management areas,

40 vii. fences,

41 viii. recreation areas, and

-
- 1 ix. community open space.
- 2 (e) Existing easements, overlay zones, and required buffers.
- 3 (5) A proposed development sketch site plan, on a separate sheet, showing proposed
4 development and providing the following information:
- 5 (a) Property boundaries.
- 6 (b) Limits of proposed grading on the site.
- 7 (c) Proposed topography at minimum five foot contour.
- 8 (d) Environmental features, as shown on the pre-development plan, and
9 proposed drainage patterns indicated with arrows.
- 10 (e) Existing features that will remain and proposed built features,
11 including:
- 12 i. roads,
- 13 ii. parking,
- 14 iii. pedestrian and bicycle circulation,
- 15 iv. structures,
- 16 v. historic sites,
- 17 vi. stormwater management areas (including square footage of
18 structures),
- 19 vii. fences,
- 20 viii. recreation areas,
- 21 ix. community open space,
- 22 x. siting of water and sewage facilities, and
- 23 xi. conceptual landscaping.
- 24 (f) Proposed, dimensioned, access to public rights-of-way.
- 25 (g) Existing and proposed easements, overlay zones, and required buffers.
- 26 (6) Either a three-dimensional architectural sketch in color for the entire proposed-
27 development site, or four sections through the site (one each generally facing
28 north, south, east and west) showing existing and proposed grade and massing of
29 structures, landscaping, and existing vegetation to remain.
- 30 b. Once the Planning Director determines that the application and concept site plan are
31 complete as in paragraph a above, the application and concept site plan shall be referred
32 to the TEC for review and recommendations.
- 33 c. Once the TEC recommendations and report have been received, the Planning Director
34 shall determine whether the application and concept site plan require revision in
35 accordance with the TEC recommendations before submission to the Planning
36 Commission for concept site plan approval.

37 **60.6. Concept Site Plan**

38 1. A concept site plan shall be approved by the Planning Commission before the final site plan may
39 be processed for approval by the Planning Director for:~~For~~

- 40 a. all non-residential, and multi-family residential and mixed use projects that require major
41 site plan approval, a concept site plan shall first be approved by the Planning
42 Commission before the major site plan may be processed for approval by the Planning
43 Director, and

- 1 ~~1-b.~~ all projects that propose a single use project on a site for which mixed-use development
2 is required by Schedule 32.1.
- 3 2. The applicant shall create a phasing plan meeting minimal standards of §60.6.7 if
- 4 ~~2-a.~~ the project size exceeds ~~the~~the number of lots allowed by an adopted County Annual
5 Growth Policy; ~~or~~
- 6 b. the project proposed is as a single use project on a site for which mixed-use development
7 is required by Schedule 32.1. , or
- 8 c. the applicant proposes to develop a subdivision or site plan, other than a PUD, in phases;
9 or
- 10 d. the applicant requests approval to complete infrastructure and other improvements in
11 phases for development of large, complex projects with significant infrastructure
12 requirements.
- 13 3. At a regularly scheduled meeting, the Planning Commission shall receive information regarding
14 the concept site plan ~~for~~from the applicant and the TEC. In addition, the Planning Commission
15 shall consider any information presented by the public.
- 16 4. In order to approve the concept plan, the Planning commission shall make findings that the
17 proposed development:
- 18 a. Is consistent with the Comprehensive Plan and applicable functional plans;
- 19 b. May be served by adequate public facilities as required by Section 70.2.2;
- 20 c. Is consistent with the County Annual Growth Policy, including any required phasing
21 plans;
- 22 d. Will promote the health, safety, and welfare of the general public;
- 23 e. Adequately developed recreational and other community amenities are provided in
24 accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance;
- 25 f. Is consistent with Chapter 62 design objectives.
- 26 5. Based upon its findings, the Planning Commission may deny the concept site plan, approve the
27 concept site plan, or approve the concept site plan with conditions.
- 28 6. The applicant shall, upon Planning Commission approval, prepare a final site plan for approval by
29 the TEC agencies and Planning Director.
- 30 7. Phasing plans.
- 31 a. Concept or preliminary phasing plans shall provide sufficient information to demonstrate
32 that each phase of a subdivision or site plan is self-sufficient and is not dependent on
33 subsequent phases to fulfill infrastructure requirements and conditions of approval. At a
34 minimum the phasing plan shall include
- 35 (1) Illustrative maps drawn at the same scale as the preliminary plans depicting the
36 following information:
- 37 (a) boundary lines of all parcels;
- 38 (b) each proposed phase clearly marked in heavy lines and labeled
39 alphabetically (to avoid confusion with lot numbers);
- 40 (c) footprint of undeveloped open space to be retained for the entire site;
- 41 (d) the site access and primary road and sidewalk alignments showing
42 connections between phases and to adjacent sites;
- 43 (e) proposed alignment and location of primary utility and stormwater
44 infrastructure;

(2) A narrative or table included on the illustrative map(s) which describes each phase and its associated improvements. The narrative shall include the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt improvements.

b. A final phasing plan that incorporates additional information required by the TEC or the Planning Commission, all required conditions of approval, and that details infrastructure improvements and sequencing of the phases shall be submitted prior to any ground disturbing activities.

c. The final phasing plan and any subsequent amendment to the phasing plan shall be approved by the Planning Commission.

60.7. Major Site Plan Requirements

I. Major Site Plan. All site plans not determined by the Planning Director to be minor site plans shall be considered major site plans. Major site plans shall contain at a minimum the following information:

a. Vicinity map identifying the location of the site and the names and numbers of adjoining roads, streams, and other bodies of water, or other landmarks sufficient to clearly identify the location of the property and includes the following:

- (1) Drawn to scale of at least 1"=2,000'
- (2) If applicable, shows the 1,000 foot Critical Area boundary.
- (3) Contains a north arrow.

b. A boundary survey of the tract.

c. Certificate setting forth the source of title of the owner of the tract and the place of record or the last instrument in the chain of title, if such certificate has not been provided with a development plan or concept development plan.

d. General Notes addressing the following:

- (1) Identifying the property (Tax Map, Grid, and Parcel).
- (2) Acreage of the site.
- (3) Zoning and Overlay Zoning.
- (4) All proposed uses.
- (5) Floor area ratio calculations.
- (6) Parking calculations, both required and provided.
- (7) Landscaping requirements calculation table.
- (8) Complete Ownership and Developer information.
- (9) If the site is in the Airport Environs (AE) overlay zone, appropriate notes are required.
- (10) If TDRs are to be used, a note describing final transfer serial numbers and recording references are required.
- (11) If the project is in the Critical Area, all Critical Area notes are required.

e. Location, type, and complete dimensions of vehicular entrances to the site.

f. Location, complete dimensions, including height, of all existing and proposed buildings.

g. All existing and proposed streets, private roads, and drive isles, their names, complete dimensions, and inter-parcel connections.

h. Location and complete dimensions of sidewalks and bike paths, including provisions for handicapped movement.

- 1 i. Location of all trash disposal or recycling containers.
- 2 j. All off-street parking, loading spaces, and walkways, indicating the type of surfacing;
3 size; pavement marking showing angle of stalls, width of aisles, including connection
4 with adjacent developments and dimensions of landscaped areas; and type of curbing.
- 5 k. All easements with dimensions.
- 6 l. Existing and proposed utilities.
- 7 m. All locations and sizes of proposed water and sewer installations or proposed additions to
8 existing water and sewer installations, as well as any design features that are unusual or
9 deviate from normal design practices. The proximity to the nearest hydrant and its area of
10 coverage shall also be shown.
- 11 n. Owners, zoning, and present use of adjoining tracts if not previously submitted with a
12 development plan.
- 13 o. Location, type, size, and height of fencing, retaining walls, and screen planting where
14 required under the provisions of this Ordinance.
- 15 p. Landscaping plans on a separate sheet.
- 16 q. Lighting Plan on a separate sheet, showing footprint of the illuminated area.
- 17 r. Signage Plan, on a separate sheet, including pavement markings.
- 18 s. Provisions for the adequate disposition of natural and storm drainage indicating location,
19 sizes, types, and grades of ditches, catch basins, and pipes and connections to existing
20 drainage system. Copies of all pertinent calculations and assumptions relative to the
21 storm drainage design (to include the delineation and consideration of the off-site
22 contributing watershed and affected areas) and provisions for sediment control and/or
23 stormwater management to be incorporated in all phases of construction, shall
24 accompany the site plan submissions for review by the Department of Public Works &
25 Transportation and the Soil Conservation District.
- 26 t. Description of all watercourses, impoundments, and wetlands on or adjacent to the site or
27 into which storm water flows.
- 28 u. Delineation of 100-year floodplains, if applicable.
- 29 v. Computations of hydrology, including hydraulic and structural computations and
30 structural classifications.
- 31 w. Existing topography with a maximum of two-foot contour intervals. Where existing
32 ground is on a slope of less than 2 percent, either one foot contours or spot elevations
33 where necessary, but not more than 50 feet apart in all directions. A drainage area map
34 shall be to a usable scale. Cite source and date of topographic information.
- 35 x. Proposed finished grading by contours supplemented where necessary by spot elevations.
36 Provide floor elevations for basement, first floor, and elevation of highest point above
37 grade for each structure. Provide spot elevations for high and low points on the site and
38 other elevations deemed appropriate.
- 39 y. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to
40 be closest to 1/100 of a foot; and all bearings in degrees, minutes, and seconds to the
41 nearest 10 seconds. (Closure to be within acceptable survey tolerances.)
- 42 z. Elevation drawings in color that show any substantive changes from the original concept
43 elevations.
- 44 aa. Any additional information the Planning Director determines is necessary, considering
45 the unique characteristics of the site and the proposed development, to evaluate
46 compliance with the general site development standards.

1 bb. For projects in the Critical Area, an environmental report.

2 **60.8. Site Development Standards.**

3 The following standards shall be considered in determining whether to approve, approve with conditions or
4 deny a site plan application:

5 1. Connection with similar facilities in public lands and rights-of-way and in adjacent developments
6 is provided for all walkways, travel lanes, driveways, curb and gutter and utilities.

7 2. Circulation design incorporates pedestrian walkways to enhance pedestrian circulation and
8 handicapped accessibility in accordance with applicable federal and state requirements. Pedestrian
9 circulation systems are provided ~~as appropriate~~ to

10 a. connect building entries with ~~parking areas~~ pedestrian walkways to and within parking
11 areas

12 b. add or infill sidewalks and crosswalks as recommended in the Comprehensive Plan for
13 driveways and roads on or adjacent to the property, and

14 ~~1-c.~~ connect onsite sidewalk systems to sites with approved or existing development within a
15 quarter mile of the property boundary. ~~adjacent sidewalks and public uses, including~~
16 ~~schools and parks.~~

17 ~~2-3.~~ Location and design of planned vehicular access is adequate, the Director of the Department of
18 Public Works and Transportation concurs with the location and design of access and the State
19 Highway Administration concurs with the location and design of access to state maintained
20 highways.

21 a. Existing and proposed travel lanes and driveways adequately serve planned vehicular
22 travel on the site to and from adjacent parking areas, and through the site from adjacent
23 properties. ~~New Vehicular-vehicular~~ travel lanes are provided for and comply with the
24 standards for private roads and driveways established in the Subdivision Ordinance.

25 b. Adequate traffic circulation and control and pavement markings are provided within the
26 site and to access adjacent property.

27 ~~3.~~ Travel lanes and driveways adequately serve vehicular travel on the site and to and from
28 adjacent parking areas and adjacent property. For any site bordering a state primary
29 highway or adjacent to an existing service road in the arterial highway system, a
30 developer may, in lieu of providing travel lanes ~~or driveways~~ connected to adjacent
31 parking areas and adjacent property, ~~dedicate~~ where necessary and construct a service
32 road under County and state specifications.

33 ~~4.~~ Connection with similar facilities in adjacent developments is provided wherever possible
34 for all walkways, travel lanes, driveways, curb and gutter and all other utilities, with
35 similar facilities in adjacent developments.

36 ~~5.~~ Adequate traffic circulation and control and pavement markings are provided within the
37 site and to access adjacent property.

38 ~~6-4.~~ Adequate setbacks, buffers, screening, fences, landscaping, walls, curbs, and gutters are provided
39 as required by this Ordinance.

40 ~~7-5.~~ Easements or rights-of-way are provided for all publicly maintained facilities ~~to be publicly~~
41 maintained. Each easement shall be clearly defined for the purpose intended.

42 ~~8-6.~~ Traffic control devices adequate to prohibit parking are provided along vehicular travel lanes or
43 driveways.

44 ~~9-7.~~ Adequate parking areas are provided in terms of location, layout, design and numbers of parking
45 spaces. On-street parking spaces are provided to the extent possible and are considered in the
46 determination of adequacy (for both minimum and maximum) of facilities.

1 ~~10.8.~~ Adequate drainage system and stormwater outfall, water supply, fire protection, sewerage
2 facilities, and other public facilities are provided, in accordance with the provisions of this article
3 and Chapter 70, Adequate Public Facilities.

4 ~~11.9.~~ Adequate temporary and permanent erosion and sediment control measures according to the
5 requirements of this Ordinance.

6 ~~12.10.~~ According to the requirements of this Ordinance, open space and recreation area designations and
7 reservations may be required to preserve natural areas, stream ~~belts~~corridors, historic sites,
8 wetlands and other areas of critical concern to the County. Designation and reservation of open
9 space and recreation area may be prescribed by easements, acquisitions, dedications or other
10 appropriate means. Floodplains, flood hazard areas, and areas within the regulatory flood zones
11 may be included in such reservations and designations. The applicant shall submit specific
12 arrangements for the perpetual management and responsibility of the designated open space and
13 recreation area.

14 ~~13.11.~~ Refuse storage and recycling collection areas are provided in such numbers and at such locations
15 as to provide for the convenient collection and storage ~~and collection~~ of garbage, and trash and
16 recycling as required per the County's Solid Waste Management Plan.

17 ~~14.12.~~ In areas that are susceptible to high water table (perched or seasonal), the engineer shall provide
18 pavement design and measures to assure dry basements and to preclude the ponding of water
19 around the foundation of the structure or in the parking lot. Measures should include subsoiling
20 prior to final grading when necessary to assure adequate infiltration in areas compacted by heavy
21 equipment and material storage during construction.

22 **60.9. Expiration, Extension and Appeal.**

23 1. Expiration.

24 a. Concept site plan approval shall expire two years after the date of such approval unless
25 final site plan approval has been obtained.

26 b. Final approval of a major or minor site plan submitted under the provisions of this
27 chapter shall expire one year after the date of such approval unless building permits have
28 been obtained for construction in accordance therewith.

29 c. If a final phasing plan and schedule for a subdivision or site plan is approved by the
30 Planning Commisison in conjunction with the final concept, final subdivisions or final site,
31 construction may be completed in accordance with the terms of the approved phasing
32 plan and schedule. The plan shall remain in full force and effect from the time of original
33 approval until project completion or the development falls one (1) year behind the
34 schedule filed with the plan. Any phasing anticipated with the concept or final site plan
35 shall remain in full force and effect for as long as the site plan remains compliant with the
36 phasing plan.

37 a.d. Expired approvals shall not be renewed. To continue an expired project, a new
38 application must be submitted. The new application and project must conform with the
39 Ordinance criteria in effect at the time of the application.

40 2. Extension.

41 a. A single one-year extension may be given by the Planning Director upon written request
42 by the applicant to be made within 30 days before the expiration of the approved concept
43 site plan or final site plan. The Planning Director shall act on the request within 15 days
44 of receipt of the request.

45 2.b. A phasing plan may not be extended past 10 years from the original date of phasing plan
46 approval unless the development is brought into compliance with ordinance criteria in
47 effect at the time of the request for extension. The Planning Director may grant an
48 amendment to the proposed phasing plan schedule upon written request by the applicant

made at least 90 days before a phasing plan expires. The Planning Director shall act on the request within 75 days of receipt of the request.

3. **Appeal.** Any person aggrieved by a decision of the Planning Commission or Planning Director regarding site plan applications may appeal to the Board of Appeals within 30 days of the decision.

60.10. Amendments.

- a. Site plans may be revised in the same manner as originally approved.
- b. Requested changes to the proposed uses, intensity of development, or the primary roads, utilities or stormwater management infrastructure described by the phasing plan, and extensions beyond 10 years made per § 60.9.2.b, shall be processed as a major amendment to the final subdivision or final site plan requiring approval by the Planning Commission. Each approved amendment must find that compatibility has been maintained and connections will be provided with:
- (1) adjacent developments that are existing or under construction and
- (2) developments with Concept or Preliminary approvals that were designed to be compatible with the phased plan prior to amendment.

60.11. Public Works Agreements and Performance Bonds, Letters of Credit or Other Surety.

Prior to approval of any site plan, the owner or developer shall submit an executed agreement to construct required physical improvements that are located within public rights-of-way or easements or are connected to any public facility, together with a bond with surety acceptable to the County in the amount of the estimated costs of the required physical improvements. The time for completion of all work covered by any agreement and bond may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions, and acceptability of any bond hereunder shall be determined by the Director of Public Works and Transportation, or the Director of the Metropolitan Commission as applicable with the concurrence of all the TEC agencies. The legal sufficiency of the bond form shall be determined by the County Attorney.

60.12. Inspection and Supervision During Installation.

1. Generally

- a. Unless specifically provided in this chapter, the construction standards for all off-site improvements and on-site improvements required by this Ordinance shall conform to the design and construction standards of this Ordinance.
- b. Appropriate County authorities shall approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to assure conformity thereto.
- c. Inspection during the installation of the off-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved site plan and applicable standards.
- d. The installation of improvements as required in this Ordinance shall in no case serve to bind the County to accept such improvements for maintenance, repair, or operation by the County.

2. **Process.**

- a. The owner shall notify the appropriate County agencies in writing before beginning any street or storm sewer construction shown on the site plan. Notice must be received by the appropriate County agency at least three days prior to the beginning of any work.
- b. Upon satisfactory completion of the required improvements and after receiving verification by the appropriate County approving authorities, the Director of Public Works and Transportation shall have the authority on behalf of the Board of County

1 Commissioners to release any bond or other form of surety that may have been furnished
2 for the guarantee of satisfactory installation of such improvements or parts thereof. This
3 release may provide for 10 percent of the total bond to be retained for a period up to 24
4 months after completion of all work. This retainage shall be for the protection of the
5 County to cover failures or discrepancies in the previously approved improvements, and
6 may be used for additional improvements not previously approved but deemed necessary
7 for health, safety, and welfare reasons.

8 **60.13. Compliance with Site Plan.**

- 9 1. **Final Inspection.** The Planning Director shall determine whether the site complies with the
10 approved site plan before an occupancy permit is issued for the project. Upon request of the
11 Planning Director the developer shall submit two copies of the "as-built" site plan for review and
12 approval to determine conformity with the approved site plan. The Planning Director may
13 withhold the occupancy permit until the appropriate "as built" site plan has been reviewed and
14 approved. Any deficiencies shall be recorded in a letter to the applicant. The owner and the agent
15 shall have 10 days in which to eliminate the deficiencies. The Planning Director may issue a
16 temporary occupancy permit indicating the date by which the deficiencies shall be eliminated.
- 17 2. **Eligibility for Occupancy Permit.** Upon satisfactory inspection for compliance with requirements
18 of the site plan, a certificate of occupancy shall be issued.

19 **60.14. Construction of Required Public Improvements.**

- 20 1. Prior to the acceptance of any public improvement, the applicant shall provide sufficient testing
21 data and certifications to demonstrate that the improvements have been properly constructed as
22 depicted on the approved plan and to the standards prescribed by the County or other agency
23 accepting the improvement. The cost of all testing and certification shall be borne by the
24 applicant.
- 25 2. The applicant shall furnish permanent, black line, reproducible as-built record drawings of public
26 improvements constructed. Digital drawings shall be prepared and submitted in accordance with
27 standard specifications approved by the Director.
- 28

CHAPTER 61 GENERAL DEVELOPMENT STANDARDS

Sections:

- 61.1. Specific Purposes and Applicability.
- 61.2. Exceptions to Height Limits.
- 61.3. Lighting Standards.
- 61.4. Noise Standards.
- 61.5. ~~Refuse Storage and Recycling Collection Areas.~~ ~~Refuse Storage Areas.~~
- 61.6. Screening of Mechanical Equipment.
- 61.7. Yards Requirement.
- 61.8. Site Access Criteria.

61.1. Specific Purposes and Applicability.

This chapter contains supplemental land use and use-specific site development requirements that are applicable to development in all zoning districts and for all use categories except for single-family detached dwellings, unless otherwise stated. References to buffer yards are to the types and specifications established in Schedule 63.4.3, Landscaping and Buffer Yards.

61.2. Exceptions to Height Limits.

Except for height limitations imposed in the AICUZ/AE overlay districts in Article 4, height limitations of this Ordinance shall not apply to:

Public monuments	Chimneys	Standpipes	Cooling towers
Commercial television antenna	Belfries	Conveyors	Smoke stacks
Stage towers or scenery lots	Church spires	Water towers	Elevator bulkheads
Ornamental towers and spires	Silos	Water tanks	Flag poles
Commercial public radio antenna	Fire towers	Public communication towers, Public communication Antenna	Athletic/Sports field lighting

61.3. Lighting Standards.

1. **General Requirements.** Exterior lighting will be evaluated in the site plan review process to ensure that functional and security needs of the project are met in a way that does not adversely affect adjacent properties or neighborhoods. The degree to which exterior night lighting affects the project, and adjacent properties or the neighborhood will be evaluated considering the light source, level of illumination, hours of illumination, and need for illumination.
 - a. Maximum on-site lighting levels must not exceed 10 foot-candles, except for loading and unloading platforms where the maximum lighting level must not exceed 20 foot-candles and with the exception of athletic field lighting which shall be governed by the Illumination Engineering Society of North America (IESNA) RP-6-1 Recommended Practice for Sports and Recreational Area Lighting.
 - b. Light levels measured at any property line shall be measured at a height of six feet and not cause illumination in excess of 0.5 foot-candle above the background level present when all on-site lights are turned off. An Administrative Variance may be obtained for athletic field lighting exceeding 0.5 foot candle at the property line and applicants shall consider all possible design features, to the maximum extent feasible, that will reduce spill and glare.
 - c. Light levels measured one foot above any exterior light fixture shall not cause illumination in excess of 0.5-foot candle above the background level present when all onsite lights are turned off.
 - d. Light levels measured three feet to the side (toward the nearest property line) and even with the bottom of any exterior light fixture shall not cause illumination in excess of 0.5 foot-candles above the background level present when all on-site lights are turned off.

- 1 e. Outdoor parking facility lighting shall not employ a light source higher than 30 feet and shall be
2 shielded to avoid illuminating the night sky.
- 3 2. **Design Standards.** The proposed lighting must also comply with the following design standards:
- 4 a. Fixtures shall be of a type and design appropriate to the lighting application.
- 5 b. Outdoor lighting should be designed to enhance safety. For lighting roadways, alleys, sidewalks,
6 paths, entrances, ~~and~~ parking areas and signs apply the following Crime Prevention through
7 Environmental Design (CPTED) principles to improve safety and deter crime.
- 8 (1) High mounted lighting fixtures should be vandal-resistant and shielded to deflect light
9 downwards.
- 10 ~~(1)~~(2) Mount illumination sources at a sufficient height for an oncoming person to be seen.
- 11 (3) Rather than single bright fixtures, use multiple light fixtures with lower light levels
12 to provide consistent lighting levels and to reduce contrast between shadows and
13 illuminated areas.
- 14 (4) Avoid overlapping light patterns (to assure absence of glare or pools of light/dark) and
15 provide transition lighting to achieve recognition of people, objects and colors.
- 16 (5) Ensure that lighting design does not create obstructions that block sightlines, create glare
17 or cast dark shadows that may be used by intruders to hide.
- 18 (6) Place lighting in a position that will not be blocked by vegetation.
- 19 (7) Avoid lighting of areas that are not intended for night-time use or are considered to be of
20 high risk such as dead end alleys or deep alcoves.
- 21 c. Light sources must be concealed or shielded to the maximum extent feasible to minimize the
22 potential for glare, limit unnecessary diffusion on adjacent properties, and to eliminate to the
23 maximum extent possible illumination of the night sky.
- 24 ~~e.d.~~ Fixtures shall be equipped with ~~light directing and or shielding~~ devices such as shields, visors,
25 skirts, or hoods to redirect offending light distribution and ~~or~~ to reduce direct or reflected glare.
- 26 (1) Fixtures installed beneath canopy roofs or soffits should be fully recessed or have their
27 sides shielded to avoid glare.
- 28 (2) Avoid placement of 'unshielded' lighting near eye level (4 feet to 9 feet above ground
29 level)
- 30 ~~d.e.~~ Site lighting that may be confused with warning, emergency or traffic signals is prohibited.
- 31 ~~e.f.~~ Areas, such as parking lots, must be illuminated as unobtrusively as possible to meet the
32 functional needs of safe circulation and protecting people and property. Areas, such as building
33 entrances and plaza seating areas must use local lighting that defines the space without glare.
- 34 ~~f.~~ Light sources must be concealed or shielded to the maximum extent feasible to minimize the
35 potential for glare and unnecessary diffusion on adjacent properties and to eliminate to the
36 maximum extent possible illumination of the night sky.
- 37 g. Flickering or intense sources of light shall be controlled so as not to cause a nuisance across any
38 lot lines.
- 39 h. Lighting systems should include timing devices to turn off unneeded lighting during daytime and
40 at times the project facility is not in use.
- 41 i. Outdoor lighting should be efficient but not excessive.
- 42 ~~j.~~ Outdoor lighting should be designed to enhance safety.
- 43 ~~k.j.~~ The use of accent lighting on buildings and in landscaped areas is encouraged, provided such
44 lighting does not create off-site glare, ~~or~~ increase light pollution, or illuminate the night sky.

1. ~~k.~~ Commercial lighting should be directed away from residential areas. As a general rule, the cumulative total height of light poles and mounting base (if any) should not exceed the height of the building.

1. Internally illuminated signs are subject to the standards of §61.3.1 for site lighting levels and shall not create glare or light pollution. Reduce glare and light pollution, and enhance readability at lower light levels by utilizing dark background colors with light colored lettering for new and replacement internally illuminated signs.

61.4. Noise Standards.

1. Except for emergency service land uses, agricultural activities, agricultural operations, and bona-fide agricultural uses or activities, or in the event of loss of utility service, no use shall create ambient noise levels that exceed the following standards:

SCHEDULE 61.4.1: MAXIMUM NOISE STANDARDS BY ZONING DISTRICT

Zone of Property Receiving Noise*	Maximum Noise Level Ldn or CNEL, dB
Residential Districts: RL, RH, RMX, RLT, RPD and RNC	60
Commercial and Mixed Use Districts: CC, DMXMXL, MXM, MXH, CMX, LCI , TMX, VMX, RCL, and RSC	65
Office, Business Park: OBP	65
Industrial and Marine Districts: I, CM	70
Planned Development	In accordance with base district
* Refer to Chapter 53 for exemptions for agricultural activities.	

2. **Duration and Timing.** The noise standards above shall be modified as follows to account for the effects of time and duration on the impact of noise levels:

- a. In residential districts, the noise standard shall be 5 dB lower between 10:00 p.m. and 7:00 a.m.
- b. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the standards above by 5 dB.
- c. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the standards above by 10 dB.

3. **Acoustic Study.** The Planning Director may require an acoustic study. The Planning Director may require an acoustic study for any proposed project that could have or create a noise exposure exceeding the standards above. For any study required, noise shall be measured with a sound level meter, that meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured in decibels from the property line. The unit of measure shall be designated as dB. A calibration check shall be made of the instrument at the time any noise measurement is made.

4. **Noise Attenuation Measures.** The Planning Director may require the incorporation into a project of any noise attenuation measures deemed necessary to either reduce the dB produced or manage the level of noise emitted from a site to ensure that noise standards are not exceeded.

5. Sound Proofing Measures. It is the responsibility of the developer or current owner to assure that noise standards are not exceeded in occupied enclosed spaces where preexisting or unregulated outdoor noise levels routinely exceed recommended standards (See §43.2. , §53.2. , and §61.4.1.). The incorporation of soundproofing measures may be necessary in new projects and renovations of existing structures proposed in locations where noise levels exceed recommended standards.

61.5. Refuse Storage and Recycling Collection Areas.

1. Prior to occupancy, refuse storage and recycling collecton areas shall be screened from view on all sides by a six foot solid wood fence or masonry wall or located within a building. Refuse storage areas and recycling collecton must be setback from street entrances and not obstruct the site view and may not be located in a front yard.

1 **61.6. Screening of Mechanical Equipment.**

- 2 1. **Screening Specifications.** All exterior mechanical equipment, except solar collectors and operating
3 mechanical equipment in an I District located more than 100 feet from another district boundary, shall be
4 screened so that it is not visible from a street or adjoining lot. Equipment to be screened includes, but is not
5 limited to, heating, air conditioning, and refrigeration equipment; plumbing lines; ductwork; and
6 transformers. Screening of the top of equipment may be required by the Planning Director, if necessary, to
7 protect views from a residential district. Screening materials may have evenly distributed openings or
8 perforations averaging 50 percent of the surface area.

9 **61.7. Yards Requirement.**

- 10 1. **General Requirements.** Minimum setback requirements for each zoning district are set forth in Schedule
11 32.1 of this Ordinance. Additional landscaping and buffer yard requirements are included in Chapter 63,
12 Landscaping and Buffer Yards.
- 13 2. **Accessory Buildings.** All accessory buildings that are attached to principal buildings (e.g., an attached
14 garage) shall comply with the yard requirements of the principal building, unless otherwise specified in this
15 Ordinance.
- 16 3. **Official Right-of-way Line.** Where a right of way has been established for the future widening or opening
17 of a public or private street, lane, or major thoroughfare upon which a lot abuts, the depth of a front or side
18 yard shall be measured from such right-of-way line to the nearest line of the building. The right-of-way
19 line shall be determined by a licensed land surveyor and comply with a recorded plat or approval by the
20 Director of Public Works and Transportation.
- 21 4. **Permitted Improvements in Yards.** Improvements may be located in required yards as follows:
- 22 a. Open or unenclosed decks or platforms, not including a permanently roofed-over porch; awnings
23 and canopies, provided they do not extend or project into the yard more than six feet; steps that are
24 necessary for access to a permitted building or for access to a lot from a street or alley; chimneys
25 projecting into the yard; recreational equipment; laundry-drying equipment; approved free-
26 standing signs; arbors and trellises; flag poles; window unit air conditioners projecting into the
27 required yard; and fences or walls subject to applicable height restrictions are permitted in yards.
- 28 b. **Front Yards.** Bay windows projecting into front yards and overhanging eaves and gutters
29 projecting three feet or less into the yard are permitted.
- 30 c. **Rear and Side Yards.** Open off-street parking spaces unless otherwise prohibited in this
31 Ordinance, balconies or outside elements of central air conditioning systems extending into the
32 yard, breezeway and open porches, one-story bay windows projecting into the yard, and
33 overhanging eaves and gutters projecting into the yard are permitted.
- 34 d. **Limitations on Obstructions.** Permitted obstructions and detached accessory structures shall not,
35 in the aggregate, occupy more than 25 percent of any required yard.
- 36 e. **Reduction of Side and Rear Yard Requirements.** The width of the side or rear yard for any
37 structure in any zoning district may be reduced to zero, provided:
- 38 (1) Principal structures shall not be located on side property lines that are zoning boundaries
39 between residential and commercial zones or residential and industrial zones.
- 40 (2) Any principal structure located on a side property line shall have an unpenetrated fire
41 wall with a one and one-half hour fire rating or greater, as required by the building code
42 adopted by the Board of County Commissioners.
- 43 (3) The requirement for any public easements on or adjacent to the side yard property line
44 upon which the principal structure is located shall be waived by the appropriate public
45 agency.
- 46 (4) On any residential lot where a single-family detached, single-family attached, or duplex
47 dwelling unit is located within a side yard, an unimpeded access way with a minimum

width of 15 feet shall be provided to allow access from the front to the rear of the lot
unless a publicly accessible rear alley is provided.

- (5) An agreement in recordable form that provides for the construction and maintenance of a principal structure within the standard side or rear yard shall be executed with the owners of all properties that abut a side or rear property line upon which a principal structure is located. Said agreement shall name the County as a third party beneficiary, to be filed with the building permit and be recorded among the Land Records of St. Mary's County to run with and bind upon the land.

61.8. Site Access Criteria.

All developments subject to the provisions of Site Plan Review shall be designed to conform to the following standards:

1. Left turn movements and conflicts with through traffic shall be minimized by access designs that reflect and respond to local traffic conditions. Driveways shall be designed to achieve clear sight lines in accordance with the provisions of the Road Ordinance.
2. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, frontage roads, driveways, and traffic controls within the road in concert with approved traffic study.
3. Where reasonable access is available, ~~vehicular service~~ access to the site should be arranged to avoid use of local residential streets ~~situated in or bordered by residential zoning districts.~~
4. Where a site or lot has frontage on two or more roads, the access to the site should be provided from both roads. Primary site access shall be from the road which has less potential for traffic congestion and for hazards to traffic and pedestrian movement.
5. The roads giving access to the site should have traffic carrying capacity and be suitably improved to accommodate the amount and type of traffic generated by the proposed development, in accordance with the provisions of Chapter 70, Adequate Public Facilities. Private roads, drives, or accesses serving one (1) to seven (7) lots shall meet the requirements of the St. Mary's County Subdivision Ordinance for private roads, as amended from time to time.
6. Where necessary to provide for suitable access or for extension or construction of planned highway system improvements, provisions shall be made for appropriate continuation of streets and roads terminating on a site.
7. Road and pedestrian designs shall assure connections are provided between adjacent sites and properties. Pad sites shall be designed ~~to allow for~~ continuation of access routes onto adjacent parcels. Unless prohibited by environmental constraints, access roads, drive aisles and/or parking lots shall ~~provide for opportunity to~~ connect to adjacent parcels. Easements or rights-of-way shall be established, aligned with and extended to property lines for the purposes of connecting to similar facilities on adjacent parcels. Placement of barriers that prevent intended use of public and private roads and pedestrian connections between adjacent developments in designated growth areas is prohibited.
- a. Projects shall be designed for through road or driveway connections between adjacent residential, multi-family, commercial, office, and mixed uses sites. Unless the applicant can demonstrate a road or driveway connection is infeasible:
 - (1) Road connections or driveway connections shall be constructed and maintained without barriers between phases of development onsite and existing offsite development, and
 - (2) Rights-of-way for road connections or driveway connections to likely developable areas on adjacent vacant parcels shall be platted and dedicated for future road or driveway construction.
- b. The developer and TEC may conclude a connection is infeasible only upon a finding that:

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- (1) Separation between potential development envelopes onsite or on adjacent properties is encumbered by resource protection areas having a width of greater than 250 feet at their narrowest crosssection; or
 - (2) The layout of existing structures and infrastructure on adjacent parcels completely prohibits road or driveway connection between parcels; or
 - (3) An existing utility easement or resource protection easement in perpetuity is held by an entity wholly without affiliation (financial, family relationship, ownership or other legal agreement) with the applicant, developers or the landowners of the requested project, and the establishment of a right-of way and development of a road or driveway through the easement is prohibited per the terms of the easement.
- c. In designated growth areas, pedestrian sidewalks, trails or greenway connections shall be provided between adjacent sites even if road connections and driveway connections are not feasible based on §61.8.7.(b) above.