

**COUNTY ADMINISTRATOR'S OFFICE  
P. O. BOX 111  
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 24, 2018, the following action was taken:

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**180424 – PH1**

**RE: PUBLIC HEARING #1; PROPOSED AMENDMENT TO THE SUBDIVISION ORDINANCE (STA 17-01)**

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 54 (SUBDIVISIONS) OF THE ORANGE COUNTY  
CODE OF ORDINANCES CONCERNING A COMPLETE RE-WRITE OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Chapter 54 (Subdivisions) of the Orange County Code of Ordinances concerning a complete re-write of the Subdivision Ordinance; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on February 1, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on April 24, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 24<sup>th</sup> day of April, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Chapter 54 (Subdivisions) of the Orange County Code of Ordinances concerning a complete re-write of the Subdivision Ordinance, as modified and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

**MOTION APPROVED**

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R. Bryan David  
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Finance and Management Services  
Connie Clark, Accountant  
Thomas Lacheney, County Attorney  
Josh Frederick, Planning and Zoning Director  
File: Board Actions 2018

Attachment: Adopted Amendments to the Orange County Code of Ordinances

**Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 180424 – PH1  
by the Orange County Board of Supervisors  
on April 24, 2018**

**Chapter 54 – Subdivisions**

**Article I – General Provisions**

**Sec. 54-1. – Title.**

The provisions contained herein shall officially be known, cited, and referred to as the Orange County Subdivision Ordinance, or “this Ordinance.”

**Sec. 54-2. – Purpose.**

The purpose of this Ordinance is to:

- (a) Promote the public health, safety, convenience, and general welfare of the citizenry by providing comprehensive procedures for the orderly division and resulting development of land;
- (b) Facilitate a clear, consistent, and unambiguous public record and chain of title;
- (c) Ensure that all improvements and utilities associated with development are installed and maintained so as not to be an undue burden on the County and its citizens;
- (d) Protect the functionality and integrity of the state primary and secondary road networks;
- (e) Provide standards to ensure safe and reliable access to and from the state road network;
- (f) Comport with good planning and zoning practice, and complement the Orange County Zoning Ordinance; and to
- (g) Realize consistency with the vision, goals, objectives, and strategies set forth in the Comprehensive Plan.

**Sec. 54-3. – Authority.**

This Ordinance is adopted and administered pursuant to § 15.2-2240 et seq. of the Code of Virginia.

**Sec. 54-4. – Applicability.**

The provisions of this Ordinance shall apply to all property within the jurisdictional limits of Orange County, including any part of which that may be under water, unless specifically superseded by state or federal law. This Ordinance shall not apply to any property within the jurisdictional limits of the Town of Orange or the Town of Gordonsville.

**Sec. 54-5. – Rules of Ordinance Construction.**

The provisions contained within this Ordinance are intended to protect and promote public interests, and shall be liberally construed in furtherance of these interests and of the stated purpose. Additionally, the following rules shall apply to the construction of this Ordinance unless they would be contrary to the stated purpose or where context clearly indicates otherwise:

- (a) All references to other regulations, guidelines, manuals, standards, etc. are to the most current version adopted or approved by the agency or body responsible for such.
- (b) The word “current” means the point during which the matter is under consideration.
- (c) The word “days” means calendar days, unless otherwise specifically stated.
- (d) Distance and area measurements referenced herein shall be in the two-dimensional, horizontal plane.

- (e) Standards for improvements that may be specified herein or referenced elsewhere shall constitute the minimum standards. Nothing in this Ordinance shall be construed to prohibit exceeding of any minimum standard.

**Sec. 54-6. – Definitions.**

The following definitions shall apply in the administration of this Ordinance:

*Alley.* A travelway not intended for general traffic circulation which provides a secondary means of access to the rear and/or side of a property fronting on roads. An alley shall not be considered a road.

*Applicant.* Any person, including successors and assigns, submitting plats and other materials for review and approval pursuant to these regulations.

*Block.* A collection or grouping of lots within a common plan of development which are distinctly separated by roads or open space from other collections or groupings of lots within the development.

*Board (of Supervisors).* The Board of Supervisors of Orange County, Virginia.

*Bond.* A financial/performance guarantee in which the surety agent and/or obligor pledge a sum of money or other form of collateral as assurance that improvements will be completed as required by this Ordinance, or permit the County (the obligee) to collect the committed money/collateral from the surety agent and/or obligor should the obligor fail to construct the improvements or otherwise meet the terms of the contract.

*Boundary line adjustment.* Any realignment of property lines between contiguous lots that neither creates new lots or reduces the number of existing lots.

*Boundary survey.* A plat showing the metes and bounds of an existing lot of record.

*Building.* Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or property.

*Circuit Court.* The Circuit Court of Orange County, Virginia.

*Code of Virginia.* All provisions of Title 15.2, Chapter 22 of the Code of Virginia, as amended.

*Commission.* See “*Planning Commission.*”

*Common area.* Any property, which may include open space as defined herein, and accompanying physical improvements within a development which is owned by a property owners’ association for the use of residents/members as a shared amenity.

*Common plan of development.* Any site, including those consisting of several contiguous lots under common ownership, where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. For the purposes of this Ordinance, this definition shall include any subdivision with shared infrastructure, such as a road.

*Comprehensive Plan.* The long-term planning document(s) adopted by the Board pursuant to the Code of Virginia.

*Contiguous.* Sharing a common boundary.

*County.* Orange County, Virginia.

*County Code.* The Code of Ordinances of Orange County adopted by the Board of Supervisors.

*County Attorney.* The Orange County attorney or his/her designee so hired by the Board.

*Cul-de-sac.* Any dead-end road with an outlet at one end and a circular turnaround at the other.

*Dam break inundation zone.* The area downstream of a dam, having been mapped as provided in the Dam Safety Act within the Code of Virginia, that would be inundated by or otherwise directly affected by the failure of the dam.

*Dedicate; dedicated.* The fee simple transfer of land, such as a road right-of-way, to public use and ownership pursuant to § 15.2-2265 of the Code of Virginia.

*Development.* All improvements and manmade changes made to a given site, including any land disturbance, paving, buildings and other structures, signs, and the like.

*Division.* See “subdivision.”

*Double frontage.* The characteristic of a lot which has frontage upon two parallel roads or upon two roads which do not intersect at the boundaries of the lot.

*Driveway.* A privately-maintained vehicular travelway not otherwise considered a “road” as defined herein, which serves no more than two (2) total lots.

*Easement.* A reservation or grant by a property owner, which is defined via an executed deed and/or plat, to either retain or provide to others the right to use a defined portion of the owner’s property for a specific purpose. This does not include a “license” which is otherwise revocable by a unilateral act of the grantor.

*Engineer.* A person licensed by the Commonwealth of Virginia as a professional engineer.

*Family, immediate.* Any person who is a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of a property owner.

*Floodplain.* Any portion of a property designated by the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs) as being subject to inundation by the 1-percent-annual-chance flood event (or greater).

*Frontage.* The continuous uninterrupted distance along which a lot abuts an adjacent road, measured along the property line or at the required building setback distance.

*Homeowners' association.* See “owners’ association.”

*Land disturbance.* Any activity involving the clearing, cutting, filling, excavating, or alteration of topography which is regulated by Chapter 26 (Erosion & Sediment Control) of the County Code.

*Lot.* A separate piece of land shown on a plat of record or described by metes and bounds or other legal description of record in the Circuit Court.

*Lot, corner.* A lot having two (2) frontages on abutting roads at their intersection.

*Lot, pipestem.* A lot whereby the majority of the property is set back from the road providing access, typically behind other lots which front on said road, and which receives access to the road via a narrow strip of the lot typically only wide enough to accommodate a driveway.

*Lot, residual.* The remainder of a lot after a subdivision has detached one or more lots.

*Lot line, front.* The boundary or boundaries of a lot common to the road right-of-way or easement from which the property is accessed. For corner lots, the front lot line for the purpose of determining orientation and access shall be whichever has the shorter frontage.

*Lot line, rear.* The boundary of a lot which is opposite of, and does not intersect, the front lot line. Irregular lots may have multiple rear lot lines, as determined by the Subdivision Agent.

*Lot line, side.* Any lot line which is not considered to be a front line or a rear line.

*Monument.* Any physical marker placed in or on the ground which indicates property boundaries.

*Nonconformity, lawful.* Any condition or situation pertaining to a piece of property that lawfully existed at a previous point in time, but due to amendment of the County Subdivision Ordinance and/or Zoning Ordinance or other action by a public entity, resulted in said condition or situation no longer conforming to the County Subdivision Ordinance and/or Zoning Ordinance.

*Open space.* An area containing water or land or a combination thereof that is unoccupied by building lots or roads, and which may be vegetated, developed with passive amenities for the benefit of the development, or left in an undisturbed state.

*Owners' association.* An entity established pursuant to § 55-508 et seq. of the Code of Virginia, usually for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

*Planning Commission.* The Orange County, Virginia Planning Commission.

*Plat.* A schematic representation of a lot, subdivision, or other physical or legal condition of land drawn by a surveyor or engineer.

*Plat, record.* A plat prepared for recordation in the Circuit Court.

*Plat, preliminary.* A document, not prepared for recordation, containing a proposed subdivision plat and related improvements plans which depicts a planned subdivision and the accompanying development and improvement of the land.

*Recreational area.* Any common area of a development reserved for any active or passive outdoor activity or facility, including but not limited to sports fields; playgrounds; picnic areas; walking, horseback riding or bicycle trails; equestrian facilities; ball courts; fitness courses; fishing and boating facilities; swimming pools; and golf courses.

*Right-of-way.* A fee-simple piece of land dedicated to public use or owned by an owners' association for the purpose of constructing and maintaining a road and other accompanying improvements such as sidewalks. This term shall be synonymous with "easement" when describing a right of access rather than a physical piece of property.

*Road.* A thoroughfare for vehicular traffic which serves three (3) or more lots, including all the area within an easement or right-of-way as the context may provide, and which may be interchangeable with other similar terms, but not "driveway" as otherwise defined.

*Road, public.* A road which is built to state standards (including, but not limited to, the Commonwealth Transportation Board's Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual) approved to be maintained by VDOT as part of the state system of highways, and which is encompassed by a right-of-way dedicated to public use.

*Road, private.* A road built to standards contained herein which is not approved to be maintained by VDOT as part of the state system of highways, and which is maintained by individual owners/users of the road at no public expense, and which is contained within an access easement or private right-of-way owned by an owners' association.

*Serve or Served.* As used in relation to roads and vehicular access, a lot shall be considered "served" by a given vehicular travelway if the lot is capable of accessing said travelway directly or via an easement.

*Sidewalk.* A paved pedestrian way built to prescribed standards which is typically adjacent to a road.

*Subdivider.* Any individual, partnership, corporation, or group, owning or having an interest in land, or representing the owners of any land proposing to subdivide such land.

*Subdivision.* The partition of any lot into two or more lots.

*Subdivision Agent.* The Director of Planning & Zoning, or other person so appointed by the Board, who has been vested with the authority to administer these regulations on behalf of the Board.

*Subdivision, family.* A division of a lot for the purpose of sale or gift to a member of the immediate family of the property owner.

*Survey.* A plat drawn based on current field observations for the purpose of determining the terrestrial or three-dimensional position of lot corners and boundary lines and/or physical improvements.

*Surveyor.* A person licensed by the Commonwealth of Virginia to survey land and prepare plats.

*Turnaround.* An area reserved at the terminus of a dead-end road for vehicles to reverse movement and proceed in the opposite direction.

*VDH.* The Virginia Department of Health.

*VDOT.* The Virginia Department of Transportation.

*Zoning Ordinance.* Chapter 70 (Zoning) of the County Code.

**Sec. 54-7. – Amendments to this Ordinance.**

- (a) The procedure for amendments shall be pursuant to § 15.2-2251 and § 15.2-2253 of the Code of Virginia, provided that no amendment shall be adopted by the Board without a reference of the proposed amendment(s) to the Commission for recommendation, nor until sixty days after such reference, if no recommendation is made by the Commission.
- (b) Prior to adoption of any amendment by the Board of Supervisors, public notice shall be given in accordance with § 15.2-2204 of the Code of Virginia.

**Sec. 54-8. – Conflicting Regulations.**

Whenever any section or provision of any federal or state statute or other County ordinance or regulation imposes higher standards than are required by this Ordinance, the provision of such statute, ordinance, or regulation shall govern. This shall also apply to conflicting provisions within this Ordinance.

**Sec. 54-9. – Severability.**

Should any section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

**Sec. 54-10. – Pending Applications.**

Any application for plat review submitted prior to April 25<sup>th</sup>, 2018 shall be reviewed pursuant to the adopted Subdivision Ordinance in effect at the time of submittal. However, if the submittal is deemed incomplete and the applicant fails to make the submittal complete within twelve (12) months of the County notification thereof, Sec. 54-21 shall be invoked and a new application along with new fees shall be required.

**Sec. 54-11 – 54-15. – Reserved.**

**Article II – Administration**

**Sec. 54-16. – Subdivision Agent.**

The authority of the Subdivision Agent shall be vested in the position of Director of Planning & Zoning unless otherwise appointed by the Board of Supervisors. The Subdivision Agent shall have all necessary authority on behalf of the Board to administer and enforce the provisions of this Ordinance, including, but not limited to:

- (a) Receiving, processing, and acting upon all applications received pursuant to the provisions contained herein;
- (b) Interpreting sections of this Ordinance and rendering determinations as needed;
- (c) Establishing reasonable procedures, guidelines, and directives for the proper and diligent administration of this Ordinance; and
- (d) Considering and acting upon requests for waivers and modifications, as specified herein.

**Sec. 54-17. – Enforcement, Violations, and Penalties.**

- (a) Any person, or agent thereof, who violates any provision of this Ordinance shall be subject to a fine not to exceed five hundred dollars (\$500) for each lot or part thereof so divided, transferred, or sold. Said person or agent shall furthermore be required to comply with all provisions of this Ordinance. Court-ordered subdivisions which do not comply with this Ordinance or with the Zoning Ordinance shall be required to comply before any permits for construction may be issued, or further subdivision may occur.
- (b) Appropriate legal and/or equitable actions and proceedings may also be taken to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, or premises. This shall be in addition to the penalties described above.
- (c) No permit shall be issued by any officer of the County for the construction or modification of any building, structure, or improvement which is in violation of this Ordinance.
- (d) The Subdivision Agent may withhold approval of any application pursuant to this Ordinance which represents or contains any unlawful nonconformities, unless such action is necessary to correct said nonconformities.

**Sec. 54-18. – Fees.**

There shall be a charge for the examination and approval of every plat and plan reviewed by the Subdivision Agent. At the time of application, the subdivider shall pay a fee in accordance with the current fee schedule as set by ordinance of the Board of Supervisors. The Subdivision Agent shall not review any application for which the appropriate fees have not been paid.

**Sec. 54-19. – Relationship to Private Contracts.**

This Ordinance shall confer no responsibility upon any public official to enforce any private easement, covenant, agreement, or restriction. However, such contracts shall not be used to circumvent any part of this Ordinance. In the case of any plat and/or requisite plan which shows improvements to be installed and maintained for the benefit of more than a single lot, the Subdivision Agent shall require, as specified herein and as a prerequisite to approval of the plat and/or plan, that provisions be made for the owners to share responsibilities related to the construction, maintenance, upkeep, or replacement of said improvements.

**Sec. 54-20. – Modifications, Waiver Requests, and Appeals Thereto.**

- (a) Where specifically authorized herein, one or more of the provisions of this Ordinance may be modified or waived by the Subdivision Agent upon demonstration by the subdivider that there exists an unusual situation or where strict adherence to said provisions would result in substantial injustice or hardship. Waivers shall not be issued or used to circumvent any requirement of this Ordinance or other regulation.
- (b) A waiver or modification request shall be submitted in writing to the Subdivision Agent with or prior to an application for plat/plan review. Such a request shall include a specific statement of relief requested, the nature of the injustice or hardship incurred, and the reasoning why the request should be granted. The Subdivision Agent may reasonably require additional materials related to the request in order to render a decision. Such a decision shall be rendered within thirty (30) days of receipt of the request. Failure to render a decision shall automatically cause for referral to the Board of Supervisors for a decision.
- (c) Any person aggrieved by a waiver or modification decision made by the Subdivision Agent may appeal that decision to the Board of Supervisors. Such appeal shall be in writing and must be filed with the clerk of the Board within thirty (30) days of the date of the Subdivision Agent's decision. The Board shall consider the appeal during a regular meeting within forty-five (45) days of the date of the appeal. The decision of the Board shall be final and unappealable.

**Sec. 54-21. – Limitation on Validity of Incomplete Applications.**

Any application for plat or plan review submitted pursuant to this Ordinance which is deemed incomplete or not approvable as submitted shall be deemed void if the applicant fails to make the submittal complete within twelve (12) months of the County notification thereof. This shall apply to any initial submittal for review and any subsequent re-submittal necessary to address written comments from the County or necessary corrections to the initial submittal. In such cases, a new application for review and the associated review fee shall be required.

**Sec. 54-22 – 54-27. – Reserved.**

**Article III – Preliminary Plat and Improvements Plan Requirements**

**Sec. 54-28. – When Required.**

A preliminary plat and related improvements plan shall be required for any subdivision which simultaneously or via phasing creates 51 or more lots. A preliminary plat may be submitted for any subdivision of 50 or fewer lots at the option of the subdivider.

**Sec. 54-29. – Form and Preparation.**

The plat and plan shall be prepared by a professional surveyor or engineer licensed by the Commonwealth of Virginia, and shall be compiled as a single document, consisting of black or blue lines on white paper with a maximum overall size of twenty-four inches by thirty-six inches (24"x36"). The document shall be consistent with the quality and formatting requirements set forth in the Library of Virginia Records Management Standards for Plats.



**Sec. 54-30. – Preliminary Plat and Improvements Plan Information.**

A preliminary plat and improvement plan shall show:

- (a) General plat information, including, but not limited to:
  - (1) A title block denoting the name of the proposed subdivision, tax parcel number(s) and source(s) of title for the property to be divided, and original date of plat/plan preparation;
  - (2) The name and address of the owner/subdivider;
  - (3) The name, signature, license number, seal, business address, and contact information for the surveyor or engineer involved in plat/plan preparation;
  - (4) A graphic scale, date, and north arrow (on every page);
  - (5) An area to list revisions and dates;
  - (6) A vicinity map showing the subject property and its relationship to surrounding roads, area names and landmarks, jurisdictional boundaries, etc. at a scale sufficient to determine the location within the County;
  - (7) Tax parcel numbers, owners, and sources of title for all adjacent lots;
  - (8) Acknowledgement of any proffers affecting the property pursuant to any approved conditional zoning;
  - (9) Signature blocks for “Orange County Subdivision Agent,” “Orange County Erosion & Sediment Control Program Administrator,” “Virginia Department of Transportation,” “Rapidan Service Authority” (or other public utility provider; as applicable), and “Virginia Department of Health” (as applicable);
- (b) Existing conditions, including, but not limited to:
  - (1) Boundary lines of the lot(s) to be divided with all bearings and distances labeled according to a current field boundary survey;
  - (2) Total acreage of lot(s) to be subdivided;
  - (3) The zoning district of the subject lots and, in the case of multiple zoning districts, the location where the districts split;
  - (4) Jurisdictional boundaries (i.e. town limits and County lines);
  - (5) The location, roadway width, right-of-way and/or easement width, right-of-way and/or easement source of title, and name (and route number if applicable) of existing roads;
  - (6) The location of any existing structures, wells, or septic drainfields on or within fifty (50) feet of the property;
  - (7) Known easements, including any easement(s) shown on a plat recorded in the Orange County Circuit Court, along with their respective deed book and page numbers (or instrument numbers) and owners of record;
  - (8) The location of existing entrances in to the property from adjacent state roads;
  - (9) The approximate location and extent of any 100-year floodplain as identified on current FEMA FIRM maps;
  - (10) The location and extent of any mapped dam break inundation zones;
  - (11) The identification and field delineation of any existing wetlands in accordance with the current US Army Corps of Engineers Wetlands Delineation Manual;
  - (12) Existing topography with slopes of fifteen percent (15%) or greater clearly identified;
  - (13) The approximate locations of existing waterbodies, perennial streams, and intermittent streams;
  - (14) A soils analysis and identification of any areas with high potential for shrink-swell qualities;
  - (15) Any cemetery and other place of burial, which shall be delineated and reserved within an open space easement, the boundaries of which shall be no closer than ten (10) feet to the extent of the burial area;

- (16) The identification of sixth-order watershed boundaries in accordance with the current National Watershed Boundary Dataset;
- (17) Any historic resources identified on the National Register of Historic Places or the Virginia Landmarks Register;
- (c) Proposed improvements, including, but not limited to:
  - (1) The number, dimensions, and area of each proposed lot;
  - (2) The minimum setback lines and minimum yards for each proposed lot;
  - (3) The location, right-of-way widths, and names of proposed roads (proposed public roads shall be labeled as “dedicated to public use”), provided the proposed road names have been approved by the County’s addressing coordinator;
  - (4) The locations, dimensions, and purposes of all proposed easements (proposed public easements shall be labeled as “reserved for public use”);
  - (5) Any land to be dedicated to public use in fee simple, reserved for open space, or to otherwise be held in common ownership;
  - (6) A conceptual phasing plan, if applicable;
  - (7) Proposed water and wastewater utilities (including fire protection, if applicable), with details sufficient to receive approval from the entity or entities responsible for their maintenance (for public utilities) OR the locations of proposed wells and septic drainfields to meet VDH requirements;
  - (8) An erosion and sediment control plan pursuant to Chapter 26 (Erosion & Sediment Control) of the County Code and to applicable state laws;
  - (9) For proposed public roads, road plans which comply with the current Commonwealth Transportation Board Secondary Street Acceptance Requirements (SSAR) and other design requirements in sufficient detail to receive approval from VDOT;
  - (10) For proposed private roads, construction and surfacing details pursuant to the private road standards contained within this Ordinance;
  - (11) All provisions and facilities necessary for stormwater management, pursuant to Virginia Stormwater Management Program regulations.

**Sec. 54-31. – Preliminary Plat and Plan Approval Process.**

- (a) *Pre-application conference.* Prior to submittal of the application, the subdivider shall confer with the Subdivision Agent regarding the application process, applicable regulations, and the approval process. The Subdivision Agent may forego this step at his/her discretion.
- (b) *Application submittal.* The subdivider shall submit at least six (6) copies (2 per review agency) of the preliminary plat and associated improvements plan necessary for adequate review by the Subdivision Agent and other external agencies. The subdivider shall also make available a digital copy of the submittal and any revisions, upon request by the Subdivision Agent.
- (c) *Initial review.* Within ten (10) days of the plat/plan submittal, the Subdivision Agent shall determine whether or not the application is complete. If the application is incomplete, the Subdivision Agent shall specify in writing to the applicant the necessary steps for completion. If the application is complete, the Subdivision Agent shall proceed with application review.
- (d) *Agency review.* The Subdivision Agent shall arrange for copies of the complete application to be forwarded to VDOT, VDH, RSA (or other public utility provider), the Culpeper Soil & Water Conservation District, and/or any other agency whose review is deemed necessary by the Subdivision Agent. Such agencies shall have up to forty-five (45) days to review the application and provide comments or approvals. If revisions to the application are needed to address comments, the forty-five (45) day review period shall restart from the date of the revised submittal to the agency.

- (1) *Traffic Impact Analysis.* In addition to the plat/plan submittal, a supplemental traffic impact analysis shall be submitted pursuant to § 15.2-2222.1 of the Code of Virginia and pursuant to current VDOT Traffic Impact Analysis Regulations.
  - (2) *Town review.* Whenever a plat is submitted for a subdivision, any portion of which is within two (2) miles of the Town of Orange or Town of Gordonsville, the Subdivision Agent shall allow for review by the applicable town by requesting comments on the proposal within forty-five (45) days.
  - (3) *Dam Break Inundation Zones.* For any plat lying wholly or partly within any mapped dam break inundation zone, the Subdivision Agent shall allow for review and comment on the plat by DCR pursuant to § 15.2-2243.1 of the Code of Virginia.
- (e) *Subdivision Agent concurrent review.* The Subdivision Agent shall complete his/her review of the plat/plan submittal during the agency review period and upon receipt of all approval recommendations from review agencies, he/she shall forward the finalized preliminary plat and improvements plan to the Planning Commission within thirty-five (35) days of receipt of all review agency approvals.
  - (f) *Planning Commission review and approval.* Within forty-five (45) days after receiving the finalized plat/plan, the Commission shall review and consider the proposal at the next suitable regular meeting or special meeting, if necessary. If the Commission finds that the proposal meets the requirements of this Ordinance, they shall adopt a resolution of approval for the plat/plan. If the Commission finds the proposal does not meet the requirements of this Ordinance, they shall defer action on the proposal until the next regularly-scheduled meeting and shall specify in writing what corrections or modifications would permit approval. If the revised plat/plan adequately addresses the stated corrections or modifications, the Commission shall adopt a resolution of approval for the plat/plan. If the revised plat/plan still does not adequately address the stated corrections or modifications, the Commission shall defer action once again, provided however that they approve or deny the plan/plan within ninety (90) days of the public hearing. If the Commission denies the plat/plan or does not act within the ninety (90) day period, the subdivider may request review by the Circuit Court pursuant to § 15.2-2260(D) or (E) of the Code of Virginia.
  - (g) *Preliminary plat and plan approval.* Once the Commission has adopted a resolution of approval for a preliminary plat/plan, the Subdivision Agent shall notify the subdivider in writing of the approval, provide his/her approval signature on the plat/plan along with the date of the Commission approval, and obtain approval signatures from the County Erosion & Sediment Control Program Administrator, VDOT, RSA (if applicable), and any other applicable approval agency. As part of the approval notification, the Subdivision Agent shall also specify what steps may remain in order to obtain permits for construction.

**Sec. 54-32. – Effect of Preliminary Plat and Plan Approval.**

Approval of a preliminary plat and the associated improvements plan shall authorize:

- (a) Land disturbing activities, pursuant to permit and bond requirements, in phases if applicable;
- (b) The construction of the road(s), utilities, and other infrastructure, in phases if applicable, pursuant to permit and bond requirements; and
- (c) An application for record plat review, provided that:
  - (1) For non-phased subdivisions, the application is made within five (5) years of the date of the Subdivision Agent's approval signature on the preliminary plat/plan. However, once three (3) years have lapsed from the date of approval, and after ninety (90) days written notice by certified mail to the subdivider, the Subdivision

Agent may revoke approval of the preliminary plat/plan upon a specific finding of facts that the subdivider has not diligently pursued approval of the record plat.

- (2) For phased subdivisions, the application for the initial phase(s) is made within one (1) year of the date of the Subdivision Agent's approval signature on the preliminary plat/plan. The record plat for each subsequent phase shall be recorded within five (5) years of the date of recordation of the record plat for the previous phase. A given phase of development shall be subject to the engineering and construction standards, as well as zoning, in place at the time of recordation of the plat for said phase.
- (3) Failure to comply with these timeframes for record plat submittal shall cause the preliminary plat and plan to become void.

**Sec. 54-33. – Preliminary Plat and Plan Amendments.**

The Subdivision Agent may allow for minor deviations from the preliminary plat and plan approved by the Planning Commission. The addition of more building lots or significant changes in the internal road network and/or access to the state road network shall necessitate re-review and approval by the Planning Commission. Regardless of approval or denial, the timeframes for expiration shall remain unchanged.

**Sec. 54-34 – 54-39. – Reserved.**

**Article IV – Record Plat and Improvements Plan Requirements**

**Sec. 54-40. – When Required.**

A record plat shall be required for: all subdivisions; boundary line adjustments; property consolidations; access, water/wastewater/drainage, stormwater, and public easement dedications; and right-of-way dedications. An accompanying improvements plan shall be required for any road construction, road extension, construction of water, wastewater, and/or drainage lines and facilities, construction of stormwater facilities, and any improvements so required by this Ordinance or by the Subdivision Agent.

**Sec. 54-41. – Form and Preparation.**

The plat and any associated plans shall be prepared by a professional surveyor or engineer licensed by the Commonwealth of Virginia. Documents shall consist of black or blue lines on white paper with a maximum overall size of eighteen inches by twenty-four inches (18"x24") for plats and twenty-four inches by thirty-six inches (24"x36") for improvements plans. Plats and plans shall be consistent with the quality and formatting requirements set forth in the Library of Virginia Records Management Standards for Plats, and with the minimum standards and procedures for land boundary surveying practice set forth in the Code of Virginia.

**Sec. 54-42. – Record Plat Information.**

A record plat shall show:

- (a) A title block denoting the type of plat, affected property owners' names or subdivision name (if applicable), tax parcel number(s) and source(s) of title for the affected properties, phase name/number (if applicable), and original date of plat/plan preparation;
- (b) The name, signature, license number, seal, business address, and contact information for the surveyor or engineer involved in plat preparation;
- (c) A graphic scale, date, and north arrow (on every page containing graphic information);
- (d) An area to list revisions and dates;
- (e) A vicinity map showing the subject property and its relationship to surrounding roads, area names and landmarks, jurisdictional boundaries, etc. at a scale sufficient to determine the location within the County;
- (f) Tax parcel numbers, owners, and sources of title for all adjacent lots;

- (g) The zoning district of the subject lot(s) and, in the case of multiple zoning districts, the location where the districts split;
- (h) Phases of development, if applicable;
- (i) Acknowledgement of any proffers affecting the property pursuant to any approved conditional zoning, or any approved variances;
- (j) Boundaries of the entire affected property/properties (unless otherwise provided for in this Ordinance) with straight lines described by distances to the nearest hundredth of a foot and bearings to the nearest second, and curves described by the radius, arc, and chord to the nearest hundredth of a foot and the delta and chord bearings to the nearest second;
- (k) Lot numbers in consecutive numerical order (if applicable);
- (l) Changes in acreage of affected lots and/or acreages of new lots (if applicable);
- (m) Jurisdictional boundaries (i.e. town limits and County lines);
- (n) If any affected properties were acquired via more than a single source of title, the dividing line(s) between the multiple tracts shown as a dashed line;
- (o) The location, roadway width, right-of-way and/or easement width, right-of-way and/or easement source of title, and name (and route number if applicable) of existing roads;
- (p) Known easements, including any easement(s) shown on a plat recorded in the Orange County Circuit Court, along with their respective deed book and page numbers (or instrument numbers) and owners of record;
- (q) The locations of existing entrances and approximate locations of proposed entrances onto adjacent state roads along with distances to the nearest intersection(s);
- (r) The approximate location and extent of any 100-year floodplain as identified on current FEMA FIRM maps;
- (s) The location and extent of any mapped dam break inundation zones, or a statement that no the property is not located within any such zone;
- (t) The identification and delineation of any existing wetlands in accordance with the current US Army Corps of Engineers Wetlands Delineation Manual (if shown as part of a preliminary plat);
- (u) The extent of any existing waterbodies (with approximate acreages);
- (v) The approximate locations of perennial streams and intermittent streams, and their names if applicable;
- (w) Any cemetery and other place of burial, which shall be delineated and reserved within an open space easement, the boundaries of which shall be no closer than ten (10) feet to the extent of the burial area;
- (x) The location, right-of-way widths, and names of proposed roads (proposed public roads shall be labeled as “dedicated to public use”), provided the proposed road names have been approved by the County’s addressing coordinator;
- (y) The locations, dimensions, and purposes of all proposed easements (proposed public easements shall be labeled as “reserved for public use”);
- (z) Easements for temporary cul-de-sacs and turnarounds, if applicable;
- (aa) The known or readily-observed locations of existing wells, existing septic drainfields (and reserved areas), public water lines, public sewer lines, gas lines, power lines, manholes, and fire hydrants;
- (bb) Any land to be dedicated to public use in fee simple, or to be held in common ownership;
- (cc) The boundaries and acreages for any areas reserved for recreational or open space purposes;
- (dd) Signature blocks for “Orange County Subdivision Agent,” “Virginia Department of Transportation” (as applicable), “Rapidan Service Authority” (or other public utility provider; as applicable), and “Virginia Department of Health” (as applicable);

**Sec. 54-43. – Record Plat Notes and Certificates.**

The following notes and certificates shall appear on the record plat, and shall be executed as appropriate:

- (a) As a standalone note in bold face:  
“This plat must be recorded within six (6) months of the Subdivision Agent’s approval signature or it shall be considered void.”
- (b) “I certify that this plat has been prepared in accordance with all County requirements and state code requirements regarding the preparation of plats, including the minimum state standards and procedures for land boundary survey practice, and may be committed to record in the Circuit Court.” (to be signed and dated by the surveyor or engineer)
- (c) “The platting and/or dedication of the property shown hereon, being (*insert Circuit Court deed book/page number or instrument number and County tax parcel number for each affected property*), is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.” (to be signed and dated by all owners; each signature shall be notarized)
- (d) “The (*insert type of plat*) shown hereon has been reviewed and approved by the undersigned in accordance with existing regulations and may be committed to record.” (to be followed by the appropriate signature blocks for review agencies)
- (e) “This plat has been prepared (with / without) the benefit of a title report.”
- (f) A statement as to whether the plat represents a current field survey and/or represents a compilation of deeds and/or plats of record.
- (g) Addresses, if any, for structures on affected properties.
- (h) “(A portion / Portions) of the (property / properties) shown hereon (is / are) located within FEMA flood zone (A / AE) (areas subject to inundation by the 1%-annual-chance flood event), as shown on FIRM map (insert the number of the map panel(s)), dated (insert the date of the FIRM map).”  
OR  
“(Property / Properties) shown hereon (is / are) located within FEMA flood zone X (areas outside of the 0.2%-annual-chance floodplain).”
- (i) If any affected property is subject to a conservation easement, a note specifying that the easement exists and specifying the deed book/page number or instrument number for the deed of easement.
- (j) For family subdivisions:  
“This is a family subdivision as defined by the Orange County Subdivision Ordinance. Each lot created hereon as a family subdivision shall be titled in the name of the immediate family member for whom the subdivision is approved for a period of no less than five (5) years from the date of plat approval.”
- (k) For a plat requiring VDH review and approval:  
“A copy of the plat showing the approved building, well, and septic field locations, unless otherwise noted, is on file in the Orange County Virginia Department of Health office.”
- (l) For a plat showing the creation of a residual lot greater than six (6) acres in size:  
“Approval of the residue lot shown hereon does not certify or guarantee the presence of adequate soils to support an onsite wastewater treatment system, nor does it guarantee that the lot is deemed buildable by the County.”
- (m) For the creation or extension of a private road:  
“(Insert name of private road) shown hereon is private and its maintenance is not a public responsibility. It shall not be eligible for acceptance into the state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition into the state system shall be provided with funds other than those administered by the Virginia Department of Transportation.”
- (n) For the creation or extension of a public road:  
“(Insert name of public road(s)) shown hereon (is / are) hereby dedicated to public use, and shall be constructed to meet the Virginia Department of Transportation Secondary Street Acceptance Requirements. (This road / These roads), upon meeting the

necessary state requirements and with the appropriate petition to the Orange County Board of Supervisors, may be included in the system state highways for maintenance by VDOT, upon VDOT approval.”

- (o) For a plat showing the creation of a private access easement, private road right-of-way, or any new driveway onto an existing state road:  
“Prior to construction of any new entrance and/or road connecting to an existing state road, a VDOT Land Use (Entrance) Permit shall be required in addition to a Land Disturbance Permit issued by Orange County.”
- (p) For a plat showing the reservation of temporary turnaround easements:  
“The area(s) on this plat designated for temporary turnaround(s) shall be constructed and used until (road name(s)) (is / are) extended, at which time the land within the reserved area(s) shall revert to the underlying owners and the turnaround easement shall be deemed abandoned.”
- (q) For a plat showing the vacation of a previous agricultural subdivision and subsequent approval of the lot(s) as buildable:  
“Approval and recordation of this plat vacates the previous agricultural subdivision recorded in (*insert Circuit Court deed book/page number or instrument number for the plat*) and hereby creates a lot deemed buildable by the County.”

**Sec. 54-44. – Supplemental Requirements for Certain Types of Record Plats.**

In addition to the requirements of this Ordinance, and/or modified as stated in this section, the following shall apply depending on the type of record plat being submitted:

- (a) *Family Subdivisions.* A single division of a lot is permitted for the purpose of sale or gift to a member of the property owner’s immediate family, subject to the requirements established by § 15.2-2244 of the Code of Virginia and to the following provisions:
  - (1) The grantor has held the property being subdivided for five (5) or more years;
  - (2) The grantee is an immediate family member of the owner, defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner;
  - (3) No previous transfer under this provision has been granted to the grantee;
  - (4) The grantee is able to hold real estate under Virginia law;
  - (5) Lots created pursuant to this section shall be titled in the name of the grantee for a period of time no less than five (5) years unless such lots are subject to an involuntary transfer due to foreclosure, death, judicial sale, condemnation, or bankruptcy. Such provisions shall be noted as a restrictive covenant in each deed of transfer;
  - (6) The grantor and grantee shall sign an affidavit, in a format approvable by the Subdivision Agent, upon which both parties certify compliance with all requirements of this Ordinance and the Code of Virginia pertaining to family subdivisions; and
  - (7) Draft copies of all deeds associated with a family subdivision shall be submitted along with the requisite plats for review by the Subdivision Agent.
- (b) *Boundary Line Adjustments.* Plats showing the adjustment of property lines, or other boundary line(s), between contiguous lots shall be subject to the following provisions:
  - (1) If any lot or property to be adjusted is six (6) acres or less in area, the boundaries of the property shall be shown on the plat in their entirety based on either a current field survey or existing plats of record in the Circuit Court;
  - (2) For lots or properties to be adjusted which are greater than six (6) acres in area, only the area of adjustment and any associated tie/reference lines is required to be field surveyed and shown on the plat;
  - (3) A tabulation table shall be affixed to the face of the plat which denotes the change in acreage for each adjusted lot or property, and where acreages are derived from existing public records, a note shall be affixed specifying as such;

- (4) Existing encroachments shall be shown and the extent of such encroachments shall be noted, unless the location of the encroachment is not required to be shown pursuant to subsection (2) above;
  - (5) Adjusted lots shall each meet the minimum lot size and minimum frontage specified by the underlying zoning district. The Subdivision Agent may approve a boundary line adjustment where these minimums are not able to be met, but the adjustment otherwise reduces the extent of an existing lawful nonconformity;
  - (6) The adjustment shall have no effect of circumventing the County Code; and
  - (7) If the area of adjustment is between different property owners, a draft copy of the deed of conveyance shall be submitted along with the requisite plats.
- (c) *Property Consolidations.* Plats showing the consolidation of two (2) or more lots or properties into a single property shall be subject to the following provisions:
- (1) The boundaries of all properties included in the consolidation shall be shown on the plat in their entirety;
  - (2) Boundary information for lots included in the consolidation may be based on either a current field survey or existing plats of record in the Circuit Court, the latter of which is permissible provided a note is affixed to the plat denoting the location of said plat(s) in the Circuit Court;
  - (3) The plat shall clearly show which property lines are being vacated in order to complete the consolidation;
  - (4) A total consolidated acreage shall be clearly denoted on the plat, and where acreages are derived from existing public records, a note shall be affixed specifying as such; and
  - (5) Existing encroachments located along the perimeter of the property (post-consolidation), if observed as part of a field study, shall be shown and the extent of such encroachments shall be noted.
- (d) *Agricultural Subdivisions.* Plats showing the creation of a lot for bona fide agricultural purposes shall be subject to the following:
- (1) Approval of the plat by VDH and VDOT shall not be required, provided the lot on the plat is clearly marked with the following statement: "Not approved as a residential or commercial building lot";
  - (2) The deed for the lot shall clearly indicate that it is approved as an agricultural subdivision and not approved as a residential or commercial building lot;
  - (3) Prior to any non-agricultural development of the lot, the previous plat showing the agricultural subdivision shall be vacated and a new subdivision plat approved pursuant to this Ordinance. For the purposes of this section, non-agricultural development shall refer to any residential, commercial, or industrial uses and/or structures, but not intensive livestock facilities otherwise regulated by the Zoning Ordinance.

**Sec. 54-45. – Multiple Actions on a Single Record Plat.**

Record plats submitted for review and approval pursuant to this Article shall generally contain only one (1) type of action per plat, and shall each be subject to individual fees for plat review. The Subdivision Agent, at his/her sole discretion, may allow a single application for record plat review for multiple actions on a property (e.g. a consolidation and subsequent subdivision of two adjacent lots). This is provided he/she determines, via a pre-application request by the subdivider, that the clarity of the plat information and the actions being performed are not hindered by being shown on a single plat.

**Sec. 54-46. – Improvements Plan Information.**

- (a) An improvements plan for any road, sidewalk, water/sewer, stormwater, or other physical improvements required as part of the development which are related to any of



the following types of development shall be submitted with the record plat review application:

- (1) Any plat which requires the construction of a new road to serve three (3) or more lots, or the extension of an existing road which cumulatively serves three (3) or more lots;
  - (2) Any plat which requires the installation of sidewalks and/or street lights;
  - (3) Any plat which requires the installation of stormwater facilities and infrastructure;
  - (4) Any plat to be served by public water and/or sewer;
  - (5) Any plat to be served by a community water and/or sewer system; and
  - (6) Any unique situation not listed above for which physical improvements are required by County Code or by the Subdivision Agent.
- (b) Plans shall be drawn to meet applicable County requirements, and/or to the specifications and standards of the agency to be responsible for maintenance of the improvements.
- (c) Plans shall show, at a minimum:
- (1) If the proposed improvements connect to or are an extension/continuation of existing improvements within or adjacent to the development, the extent and location of the existing improvements;
  - (2) If existing improvements must be upgraded, information and details regarding how the upgrade will be completed;
  - (3) The alignment and/or location of the proposed improvements with easements/rights-of-way delineated;
  - (4) For utilities: installation and construction details for the improvements;
  - (5) For sidewalks, roads, and other travelways: typical cross section diagrams;
  - (6) For private roads: the location of existing utilities, the existence of shrink/swell soils, existing topography and proposed grading, the location of streams/ponds, wetlands, and stream crossing details;
  - (7) An erosion and sediment control plan pursuant to Chapter 26 (Erosion & Sediment Control) of the County Code and to applicable state laws;
  - (8) Signature blocks for "Orange County Subdivision Agent," "Orange County Erosion & Sediment Control Program Administrator" (as applicable), "Virginia Department of Transportation" (as applicable), "Rapidan Service Authority" (or other public utility provider; as applicable), and "Virginia Department of Health" (as applicable); and
  - (9) The overall layout of the property and other plat information as shown on the record plat in a level of detail necessary to understand the extent of the proposed improvements on the property.
- (d) Nonresidential subdivisions, which are otherwise subject to the minor site plan or major site plan requirements of the Zoning Ordinance, are exempt from this section.
- (e) A preliminary plat and its associated improvements plan approved pursuant to this Ordinance shall be deemed as meeting the requirements of this section.

**Sec. 54-47. – Record Plat and Improvements Plan Approval Process.**

- (a) *Application submittal.* The subdivider shall submit at least seven (7) copies of the record plat, at least three (3) copies showing proposed building, well, and septic field locations for VDH review (as applicable), and at least two (2) copies per review agency for an associated improvements plan. The Subdivision Agent may require a submittal of draft deeds at his/her discretion.
- (b) *Initial review.* Within ten (10) days of the plat/plan submittal, the Subdivision Agent shall determine whether or not the application is complete. If the application is incomplete, the Subdivision Agent shall specify in writing to the applicant the necessary steps for

completion. If the application is complete, the Subdivision Agent shall proceed with application review.

- (c) *Agency review.* If necessary, the Subdivision Agent shall arrange for copies of the complete application to be forwarded to VDOT, VDH, RSA (or other public utility provider), the Culpeper Soil & Water Conservation District, and/or any other agency whose review is deemed necessary by the Subdivision Agent. Such agencies shall have up to forty-five (45) days to review the application and provide comments or approvals. If revisions to the application are needed to address comments, the forty-five (45) day review period shall restart from the date of the revised submittal to the agency.
- (1) *Traffic Impact Analysis.* For subdivisions required to install a second entrance pursuant to this Ordinance, and in addition to the plat/plan submittal, a supplemental traffic impact analysis shall be submitted pursuant to § 15.2-2222.1 of the Code of Virginia and pursuant to current VDOT Traffic Impact Analysis Regulations.
- (2) *Dam Break Inundation Zones.* For any plat lying wholly or partly within any mapped dam break inundation zone, the Subdivision Agent shall allow for review and comment on the plat by DCR pursuant to § 15.2-2243.1 of the Code of Virginia.
- (d) *Subdivision Agent review.* If agency review is required, upon receipt of all approval recommendations from review agencies, the Subdivision Agent shall act on the record plat and any associated improvements plan within thirty-five (35) days of receipt of all review agency approvals. If agency review is not required, the Subdivision Agent shall act on the submittal within sixty (60) days of receipt of the application, or if revisions are required by the Subdivision Agent, within forty-five (45) days of receipt of the last resubmittal deemed approvable.
- (e) *Record plat and plan approval.* Once the submittal is deemed approvable, the Subdivision Agent shall notify the subdivider of the approval, and provide his/her approval signature on the plat/plan along with the date of approval. Approval may be given only after any sureties and/or agreements have been posted as may be required by this Ordinance. As part of the approval notification, the Subdivision Agent shall also specify what steps may remain in order to obtain permits for construction. The subdivider shall also make available, upon request by the County, a digital copy of the final submittal. If the Subdivision Agent denies the plat/plan or does not act within the required review periods, the subdivider may request review by the Circuit Court pursuant to § 15.2-2260(D) or (E) of the Code of Virginia.
- (f) *Recordation in the Circuit Court.* Any plat approved pursuant to this Ordinance shall be recorded in the Circuit Court by the owner within six (6) months of approval by the County, or shall be considered void. This period may be extended to one (1) year pursuant to § 15.2-2241(8) of the Code of Virginia. The owner shall provide the County with a copy of the receipt of recordation once completed.

**Sec. 54-48. – Effect of Record Plat and Plan Approval.**

Approval of a record plat and any associated improvements plan, and recordation of the record plat, shall authorize:

- (a) The sale or transfer of property, if applicable;
- (b) Land disturbing activities, pursuant to permit and bond requirements, in phases if applicable (if not already started pursuant to a preliminary plat/plan);
- (c) The construction of the road(s), utilities, and other infrastructure, in phases, if applicable, pursuant to permit and bond requirements (if not already started pursuant to a preliminary plat/plan); and

- (d) Applications for building construction, provided that any required improvements have been constructed according to the approved plans or the appropriate surety and agreements for said improvements have been submitted to the County.

**Sec. 54-49 – 54-54. – Reserved.**

**Article V – Bonding, Improvement Guarantees, and Certifications of Improvements**

**Sec. 54-55. – Bonds and Guarantees; Generally.**

Any subdivider who does not complete all improvements required pursuant to an approved plan, prior to approval of the corresponding record plat, shall enter into an agreement with the County regarding completion of said improvements. The agreement shall specify the improvements needed and a timeframe for completion agreed to by the parties. The agreement shall be accompanied by a bond to guarantee completion of the improvements.

- (a) The agreement and amendments thereto shall be subject to approval by the County Attorney;
- (b) The bond may be in the form of cash, a certified check, a performance bond, letter of credit, or other collaterally-assigned funds acceptable to the County attorney in an amount sufficient to cover construction of all improvements. Any such bond must be issued by a company licensed to transact business in the Commonwealth of Virginia;
- (c) An itemized bond estimate shall be provided by the subdivider, subject to approval by the County, based on current unit prices, and which shall include a reasonable contingency allowance for inflation, administrative costs, and other unforeseen items which shall not exceed twenty-five percent (25%) of the estimated construction costs. Said estimate shall be prepared by a licensed professional or contractor who is knowledgeable of the project.
- (d) The County may call the funds guaranteed by the bond if the subdivider fails to renew the bond in a timely manner (if applicable), if the Subdivision Agent determines that the improvements plan has not been diligently pursued, or if completion of the improvements is necessary to protect the public health, safety, or general welfare.

**Sec. 54-56. – Public Road Bonds.**

For plats whereby one or more roads have been dedicated to public use, in addition to any other required bonds, the County shall accept a bond dedicated solely to the construction and maintenance of said road(s) and related right-of-way improvements, along with a contingency amount of ten percent (10%). Any such bond must be issued by a company licensed to transact business in the Commonwealth of Virginia. The County shall retain this bond until VDOT has inspected and/or has been furnished a report confirming that the road construction meets VDOT requirements. Only after this may a bond reduction be granted, provided that a portion of the bond is retained in amount sufficient to cover projected maintenance of the road(s) for a period of time satisfactory to the County and to VDOT. At no point shall this bond be released until the necessary maintenance bonds have been posted with VDOT as required as part of the road acceptance process.

**Sec. 54-57. – Certification of Improvements.**

The Subdivision Agent may confirm installation of a private road for the purposes of verifying adequate completion prior to bond release, or at his/her discretion may require a certificate of completion to be provided by a licensed engineer or land surveyor. For all other improvements, the Subdivision Agent shall rely on written confirmation of acceptance of the improvements by the agency or entity responsible for maintenance (if applicable), or on a certificate of completion by a licensed engineer or land surveyor.

**Sec. 54-58. – Inspections of Improvements.**

The application for preliminary and/or record plat review shall constitute consent by the subdivider to all County officers, public utility providers, and state agencies responsible for permitting and approving improvements required pursuant to this Ordinance to enter upon the property at all reasonable times for the purpose of conducting periodic inspections. This consent shall expire upon completion and acceptance of all required improvements and upon release of any bond(s).

**Sec. 54-59. – Bond Reductions and Releases.**

Procedures and requirements for the periodic partial reductions and complete release of any bond accepted pursuant to this Ordinance shall be in accordance with § 15.2-2245 of the Code of Virginia.

**Sec. 54-60 – 54-65. – Reserved.**

**Article VI – Vacations of Recorded Plats and Parts Thereof**

**Sec. 54-66. – Vacation of Interests Granted to the County.**

Any County interest in roads, alleys, easements for public rights of passage, drainage easements, and public utility easements may be vacated in accordance with the procedures established in § 15.2-2270 of the Code of Virginia.

**Sec. 54-67. – Vacation of Plats Prior to Sale of Lot(s).**

For any subdivision plat whereby no lot, or portion thereof, has been sold or otherwise transferred to a grantee, the record plat or part thereof may be vacated according to either method established by § 15.2-2271 of the Code of Virginia, with agreement by the Subdivision Agent as to the method.

**Sec. 54-68. – Vacation of Plats After Sale of Lot(s).**

- (a) For any subdivision plat whereby a lot or lots, or a portion/portions thereof, have been sold or otherwise transferred, the record plat or part thereof may be vacated according to either method established by § 15.2-2272 of the Code of Virginia, with agreement by the Subdivision Agent as to the method.
- (b) Any vacation completed pursuant to subsection (a) shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any roads, alleys, or easements for public passage so vacated in the owners of abutting lots. This vesting shall be free and clear of any rights of the public or other owners of lots shown on the plat, but shall be subject to the rights of the owners of any public utility installations which have been previously erected therein. If any road, alley, or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the plat free and clear of any rights of public use in the same.

**Sec. 54-69 – 54-74. – Reserved.**

**Article VII – Layout and Design Standards**

**Division I – Generally.**

**Sec. 54-75. – Subdivision Name.**

If a subdivision is proposed to be named, the name shall be clearly stated in the title of the plat. Subdivisions simultaneously creating eleven (11) or more lots shall be required to be named. A subdivision name shall not duplicate, closely resemble, or approximate phonetically the name of any existing subdivision in the County. Changes to any subdivision name shall be subject to review and approval by the Subdivision Agent. Any such change must be recorded in the Circuit Court in a format approvable by the Subdivision Agent.

**Sec. 54-76. – Phasing of Development; Development Agreements.**

Any subdivision containing twenty (20) or more lots may be platted, approved, and completed in phases. No phase of development permitted by this section may contain fewer than ten (10) lots. Individual phases shall be subject to the utilities, zoning, plat standards, and other requirements in place at the time of platting, permitting, and/or construction. In situations where said requirements have changed significantly, the Subdivision Agent may enter into a development agreement in lieu of an improvements plan amendment. Such an agreement shall specify what improvements must be completed, the construction details for the improvements, and a reasonable timeframe by which the improvements must be completed. The agreement shall be approved by the Subdivision Agent, the County Attorney, and recorded in the Circuit Court.

**Sec. 54-77. – Plats Straddling Jurisdictional Boundaries.**

- (a) Plats for properties which lie within multiple jurisdictions shall be approved by representatives of all affected jurisdictions. Whenever access to a property is required across land in an adjacent jurisdiction, the owner/subdivider shall demonstrate on the plat that access is legally established and adequately improved to any extent necessary.
- (b) In general, lot lines shall be drawn so as not to cross jurisdictional boundaries.
- (c) For properties which straddle a boundary between an adjacent county, the Subdivision Agent may approve a plat creating a new lot or modifying an existing lot which results in the lot not meeting the minimum lot standards for the respective zoning district. This is provided that the new or revised lot lines follow the shared county line such that the lot is no longer situated within more than one county.
- (d) Where the exact location of the County boundary is ambiguous, the location of the boundary line shall be taken from existing plats of record for adjacent and/or nearby properties in order to establish a linear and consistent record of the line. The Subdivision Agent may allow other means of determining the boundary line location provided such means promote consistency of the boundary line location in the public record.

**Sec. 54-78. – Monumentation.**

As a requisite for completion of a plat, reference monuments shall be set in the field by the surveyor as follows:

- (a) *For public road rights-of-way.* Monuments consistent with the standards of the VDOT Road and Bridge Standards shall be set at every property corner and every change of property line direction.
- (b) *For other lot corners and reference points.* Monuments, being iron rods, pipes, or other similar permanent material, shall be set at every property corner, every change of property line direction, and at every reference point as set forth in subsection (c) below.
- (c) *Reference monuments.* Where it is not physically feasible to set monuments at property corners, such as with the case of stream meanders, bodies of water, wetlands, prescriptive easements, etc., reference monuments shall be set along the subject property line(s) and marked appropriately on the plat.

**Sec. 54-79. – Waterbodies and Waterways.**

- (a) No more than twenty percent (20%) of the area of a lot, so required by this Ordinance and/or the Zoning Ordinance, shall be under water. Lots held in common ownership by a homeowners' association or other owners' association, held by a public entity, or created for stormwater management purposes shall be exempt from this provision.
- (b) Lots which contain established FEMA floodplain and/or a mapped dam break inundation zone shall contain enough area outside of the floodplain and/or dam break inundation zone to accommodate a buildable area and associated improvements, or to otherwise be developable. Lots held in common ownership by a homeowners' association or other owners' association, held by a public entity, or created for stormwater management purposes shall be exempt from this provision.
- (c) Where a property line is drawn along the course of a waterway, the line shall generally be drawn so as to follow the meandering center of the waterway.

**Sec. 54-80 – 54-85. – Reserved.**

**Division II. – Design and Arrangement of Lots.**

**Sec. 54-86. – Arrangement.**

The arrangement of lots and property lines shall be such that there will be no foreseeable difficulties, related to topography, access, utilities, or other conditions, in securing permits for construction and in providing driveway access. The Subdivision Agent shall have the sole discretion to determine what constitutes a foreseeable difficulty.

**Sec. 54-87. – Lot Size.**

- (a) Lot sizes shall conform to the minimum standards contained in the Zoning Ordinance, except as provided herein or elsewhere in this Ordinance.
- (b) Lots created for stormwater management or other utility purposes may be less than the minimum lot size specified in the respective zoning district.
- (c) For any lot located within two (2) or more zoning districts (i.e. a "split-zoning"), any adjustment of property lines or subdivision shall ensure the area contained within each zoning district on each lot meets the minimum lot size for said district. This is to avoid the creation of an otherwise unusable piece of land.

**Sec. 54-88. – Lot Shape.**

- (a) The shape of lots within the Agricultural (A) zoning district shall conform to the following provisions:
  - (1) The shape of lots six (6) acres in size or less shall generally be rectangular or some reasonable variation thereof as may be permitted by the Subdivision Agent to overcome a unique topographical situation or other situation not generally affecting adjacent lots. Except for pipestems as provided herein, lots shall not contain unusual elongations to meet minimum area, frontage, or other requirements.
  - (2) Except where may be stated in this Ordinance or elsewhere in this Code, lots larger than six (6) acres shall have no minimum standards for shape.
  - (3) Pipestem lots may be permitted as follows:
    - i. The maximum length of the pipestem portion of the lot shall be seven-hundred and fifty (750) feet and the width of the pipestem shall generally be fifty (50) feet.
    - ii. No two (2) pipestems may be adjacent.
    - iii. The pipestem portion of the lot, if subject to an access easement, shall not provide access for more than two (2) lots.

- iv. In a subdivision under a common plan of development which simultaneously creates eleven (11) or more lots, no more than ten percent (10%) of lots may have pipestems. This figure may be thirty percent (30%) for cluster developments.
- (b) The shape of lots within any residential zoning district shall conform to the following provisions:
- (1) Lots shall generally be rectangular in shape with side lot lines at approximate right angles to the front lot line. The Subdivision Agent may allow for minor deviations from this provision to overcome a unique topographical situation or other situation not generally affecting adjacent lots. Except for pipestems as provided herein, lots shall not contain unusual elongations to meet minimum area, frontage, or other requirements.
  - (2) Pipestem lots may be permitted as follows:
    - i. The maximum length of the pipestem portion of the lot shall be five-hundred (500) feet and the minimum width of the pipestem shall generally be fifty (50) feet.
    - ii. No two (2) pipestems may be adjacent.
    - iii. The pipestem portion of the lot, if subject to an access easement, shall not provide access for more than two (2) lots.
    - iv. In a subdivision under a common plan of development which simultaneously creates eleven (11) or more lots, no more than twenty percent (20%) of lots may have pipestems. This figure may be thirty percent (30%) for cluster developments.
- (c) Lots for nonresidential uses shall be predominantly rectangular in shape. Pipestem lots are not permitted. These standards shall not apply to lots created for stormwater management or other utility purposes.

**Sec. 54-89. – Lot Orientation.**

Except as may be allowed by the Zoning Ordinance or elsewhere in this Ordinance, all lots shall be oriented to face the front lot line such that the lots abut and are served by a road right-of-way or access easement. Unless allowed by the Subdivision Agent for unusual situations or for subdivisions under common plans of development, lots shall be oriented such that rear property lines do not abut the side property line(s) of any adjacent property.

**Sec. 54-90. – Lot Frontage.**

- (a) Every lot shall have the minimum frontage required by its respective zoning district, except as provided in **Sec. 54-77**, and except in the case of cul-de-sacs or other approved turnarounds in which the minimum frontage shall be seventy (70) feet.
- (b) Corner lots and other lots with two (2) or more frontages shall be considered as having multiple distinct frontages, each meeting the minimum length required by their respective zoning district(s).
- (c) Double and triple frontage lots shall be prohibited except where deemed necessary by the Subdivision Agent to provide separation of residential development from arterial highways via service roads, or to overcome specific disadvantages of topography and orientation. Where allowed, the frontage along the arterial highway and/or other secondary frontage shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).

**Sec. 54-91. – Residual Lots.**

- (a) Residual lots shall be considered lots for the purpose of this Ordinance and the Zoning Ordinance, and shall meet all applicable requirements related thereto unless otherwise exempted by this Ordinance.

- (b) Residual lots shall be a single lot and may not contain multiple parts, and must be labeled appropriately on the plat. For properties already in multiple parts, the residue shall not be further partitioned beyond what already exists.
- (c) Residual lots that do not meet the minimum lot requirements must be added to adjacent lots or otherwise disposed of rather than remain unusable lots.
- (d) Any residual lot six (6) acres or less in size must be surveyed and shown in its entirety on the plat.
- (e) Any residual lot greater than (6) acres in size may forego plat approval by VDH, provided the appropriate note regarding residual lots is affixed to the face of the plat.

**Sec. 54-92. – Lots Bisected by Right-of-Way Dedications/Reservations.**

- (a) Any lot which was bisected or otherwise split by a previous dedication/reservation of public right-of-way, where such dedication/reservation was requested, acquired, or required by the County or the Commonwealth of Virginia, shall remain considered as a single lot. However, the Subdivision Agent may approve a subdivision plat showing the resulting pieces as separate lots, despite the presence of nonconformities introduced by the right-of-way dedication. Such an approval shall be pursuant to all requirements of this Ordinance regarding approval of plats except with regards to said nonconformities. In such situations, existing plats recorded in the Circuit Court may be used in lieu of a current field survey in order to produce the record subdivision plat.
- (b) Any new dedication/reservation of public right-of-way which bisects or otherwise splits an existing lot shall not create any nonconforming lots. If this situation is unavoidable, said lots shall be considered not buildable until the nonconforming situations are corrected.

**Sec. 54-93 – 54-98. – Reserved.**

**Division III. – Design and Arrangement of Blocks.**

**Sec. 54-99. – Standards; Relationship to Zoning Ordinance.**

For subdivisions which utilize a grid and/or parallel arrangement of roads which form blocks of lots, this division shall prescribe standards for the design and arrangement of blocks. The utilization of such a street pattern shall be preferred for subdivisions in residential zoning districts. Where a particular zoning district prescribes standards for blocks, those particular standards of the district shall control. The Subdivision Agent or the Commission, as the case may be, may modify standards in this section whereby the modification better serves a transportation or utility need or better addresses issues related to topography.

**Sec. 54-100. – Block Length.**

In the Agricultural (A) zoning district, blocks shall have a maximum overall length of sixteen hundred (1,600) feet. In a residential zoning district, blocks shall have a maximum overall length of eight hundred (800) feet or no more than ten (10) contiguous lots, whichever is the shorter distance.

**Sec. 54-101. – Block Width.**

The width of a given block shall be wide enough to accommodate two (2) tiers of lots in addition to any space in the between the tiers for alleys, pedestrian features, and other shared infrastructure. The Subdivision Agent may approve a single tier of lots for situations where the subdivision abuts an arterial or collector road, railroad, or where topography or other conditions makes more than one tier impractical.



**Sec. 54-102. – Block Orientation.**

Where a proposed subdivision adjoins a collector or arterial road, blocks shall be oriented so that direct access is prohibited to such roads and so that ingress and egress in general is minimized.

**Sec. 54-103. – Blocks for Nonresidential Uses.**

The design of blocks for nonresidential uses shall be determined by the Subdivision Agent based on principles of good traffic circulation, efficient utility layout, limitation of grading, and buffering of adjacent properties and uses.

**Sec. 54-104 – 54-109. – Reserved.**

**Article VIII – Road and Access Standards.**

**Division I. – Generally.**

**Sec. 54-110. – Dedication of Rights-of-Way.**

All rights-of-way created as part of a subdivision or by other means shall be dedicated to the County on the record plat unless otherwise specifically provided for in this Ordinance.

**Sec. 54-111. – Road Names.**

- (a) A road name shall be required for any road serving three (3) or more lots or any existing road upon which property is subdivided such that the road cumulatively serves three (3) or more lots. New road names shall not duplicate, closely resemble, or approximate phonetically existing road names. The approval of new road names shall be at the sole discretion of the County official who is responsible for addressing.
- (b) Renaming of any private road which is shown as being named on a plat recorded in the Circuit Court shall be at the discretion of both the Subdivision Agent and the County official who is responsible for addressing. Any such change must be recorded in the Circuit Court in a format approvable by the Subdivision Agent.
- (c) Renaming of any public road is at the sole discretion of the Board of Supervisors.

**Sec. 54-112. – Verification of Access to State Road Network.**

No plat required pursuant to this Ordinance shall be approved unless there is written and/or graphic verification that the property shown on the plat has legal, legitimate access to the state road network. The Subdivision Agent may rely on whatever means necessary to verify this requirement, or may waive this requirement if he/she determines such a verification to be unnecessary for plat approval.

**Sec. 54-113. – Road Name Signs; Addressing.**

A road name sign shall be required for every road named pursuant to the above section. Sign design and installation shall be in accordance with County standards and VDOT standards, if applicable. Installation of signs shall be the responsibility of the County, the entire costs for which shall be paid by the subdivider. Subdivisions which cause an existing road to be named shall also necessitate readdressing of any existing properties along said road.

**Sec. 54-114. – Condition of Roads Prior to Construction.**

Before lots along a given road created or extended as part of subdivision may be eligible for permits for construction, the following shall apply:

- (a) Private roads must be completely installed to meet the standards of this Ordinance.
- (b) Publicly-dedicated roads in non-phased developments must have at least the subbase, base course, and curb and gutter (if applicable) installed according to the approved road plans.
- (c) Publicly-dedicated roads in phased developments must have at least the subbase, base course, and curb and gutter (if applicable) installed in the first phase according to the

approved road plans. Before permits for construction may be issued for the following phase(s), at least the intermediate/binder pavement course must be installed for the roads in the preceding phase.

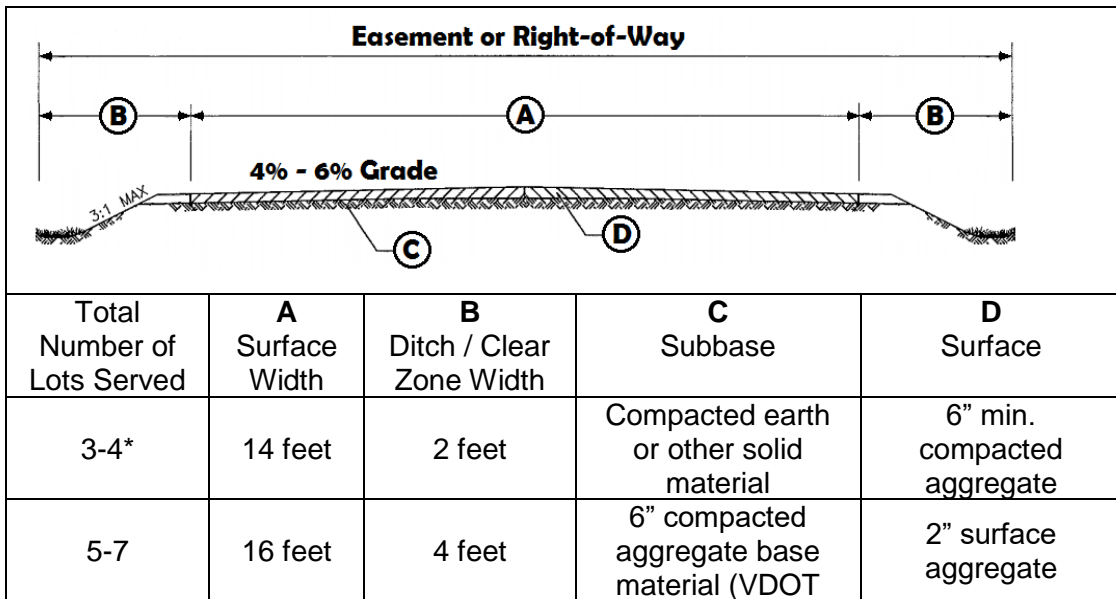
**Sec. 54-115 – 54-120. – Reserved.**

**Division II. – Standards for Roads and Access.**

**Sec. 54-121. – Approval, Construction, and Maintenance Standards.**

Roads and driveways shall be constructed and maintained as follows:

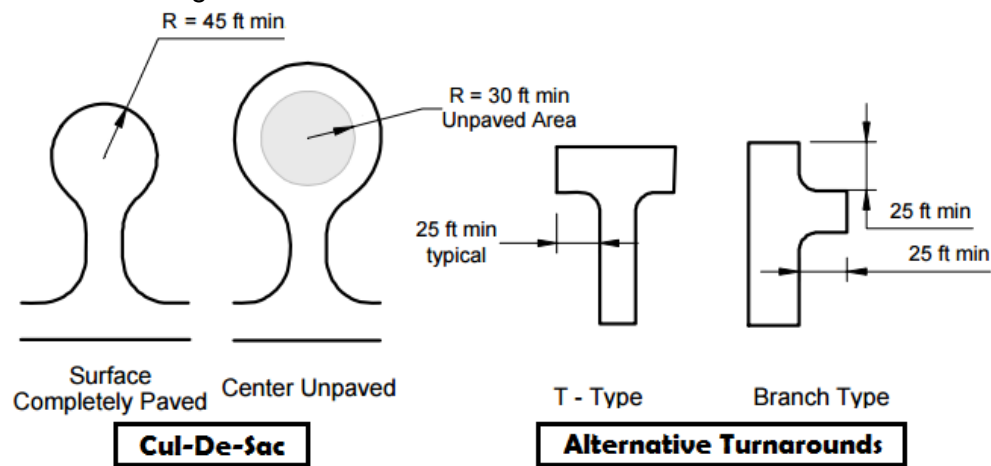
- (a) *Driveways.* Any vehicular travelway created to serve one (1) or two (2) lots shall be considered a driveway for the purposes of this Ordinance, and may be constructed and maintained at the discretion of the owners. However, any lot which is served by a driveway onto a private road shall be considered served by said private road for the purposes of subsections (b) and (c) below.
  - i. The Subdivision Agent may grant a modification to the requirements of this subsection for a situation in which an owner of a property with an existing driveway onto a state road wishes to grant an easement elsewhere on the property for a driveway to serve up to two (2) new lots. This modification may be used to exclude the consideration of the lot granting the easement as being served by said easement. There may be only one (1) such modification granted per lot and the subdivision plat shall properly denote this arrangement.
- (b) *Private roads.* Except as provided in **Sec. 54-123** below, any road serving up to ten (10) lots may be privately constructed and maintained, subject to being approved as a private road via resolution by the Planning Commission. Such approvals, and denials as the case may be, shall be at the sole discretion of the Commission. In making its decision on a private road request, the Commission shall consider impacts of the proposed road and its resulting development related to: the future land use objectives of the Comprehensive Plan; the adequacy and safety of the state road network in the area; the availability of other means of accessing the property; sensitive environmental areas; the suitability of the land for utilities; and the proximity and arrangement of neighboring properties. The Planning Commission may impose reasonable conditions on any approval of a private road to address identified impacts. A denied request shall be final and unappealable.
- (c) *Private road standards.* The standards governing the construction, maintenance, and usage of all private roads shall be as follows:
  - i. *Construction standards:*



			21A or 21B stone)	
8-10	18 feet	6 feet	6" compacted aggregate base material (VDOT 21A or 21B stone) with a CBR of $\geq 10$	Prime and double seal or min. 2" asphalt concrete

\*The center of the roadway may be grassed and/or non-surfaced

- ii. *Grades.* No portion of a private road shall exceed a grade of ten percent (10%).
- iii. *Vertical clearance.* The area between the roadway surface upward a minimum of fourteen (14) feet shall remain clear of tree branches and other obstructions.
- iv. *Drainage; culverts.* All culverts and other means of drainage for private roads shall be designed and constructed in accordance with the VDOT Road and Bridge Standards.
- v. *Turnarounds.* A private road serving five (5) or more lots shall have a turnaround provided and constructed within the easement or right-of-way pursuant to either of the following:



- vi. *Easement/Right-of-Way Termini.* Where a private road does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property at the time of approval, the end of the road easement/right-of-way shall be no closer than fifty (50) feet to an adjoining property. However, the Subdivision Agent or Planning Commission may require the reservation of an appropriate easement that extends beyond the end of the road easement/right-of-way to accommodate drainage facilities, pedestrian traffic, utilities, or an anticipated potential future vehicular connection.
- vii. *Floodplain.* Private roads shall not be constructed within any area designated on FEMA Flood Insurance Rate Maps (FIRMs) as flood zone A or AE (areas subject to inundation by the 1%-annual-chance flood event).
- viii. *Zoning.* A private road shall not traverse a given zoning district in order to provide access to property in another zoning district.
- ix. *Parking.* Parking within a private road easement or right-of-way is prohibited except in any areas, outside of the travelway(s), which may be approved to be dedicated for parking.
- x. *Intersections.* Where two (2) private roads intersect, or where a private road intersects with a state road, the angle of that intersection shall be no less than seventy (70) degrees. A minimum return radius of twenty-five (25) feet shall be utilized between intersecting private roads. The minimum sight distance at any such intersection shall be two-hundred (200) feet. Sight distance easements may be utilized to achieve this requirement.

- (d) *Public Roads.* Any road serving eleven (11) or more lots, and/or any road serving ten (10) or fewer lots not otherwise approved by the Planning Commission as a private road, shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet these standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).
- (e) *Nonresidential Roads.* Any road constructed to serve two (2) or more lots used for non-agricultural commercial or industrial uses shall be constructed to meet current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way to public use.
- (f) *Relationship to Zoning Ordinance.* Where the Zoning Ordinance prescribes standards and other criteria related to road construction and maintenance, those provisions shall control.

**Sec. 54-122. – Road Maintenance Agreements for New Private Roads.**

- (a) A road maintenance agreement, which specifies the perpetual responsibilities, procedures, and standards related to any private road easement/right-of-way shall be submitted along with an application for plat review. This agreement shall be reviewed and approved by the County Attorney and the Subdivision Agent, and subsequently recorded in the Circuit Court along with the approved plat. The Subdivision Agent shall make available a draft agreement template for use by subdividers, which may be modified at will by the Subdivision Agent or County Attorney. Any such agreement shall include, at a minimum, provisions related to the following:
  - (1) The roads in the subdivision are private in nature and shall not be maintained by VDOT or any other public agency, and that the maintenance and improvements thereof shall be the mutual obligation of the landowners abutting said roads;
  - (2) Such private roads shall not be taken into the state highway system unless and until the abutting landowners shall have constructed the private roads in accordance with VDOT specifications, made the necessary right-of-way dedication(s), and thereafter the Board of Supervisors shall have recommended that said road be taken into the state system of highways;
  - (3) Failure of the owners to adequately maintain the roadway may inhibit the ability of the County to provide emergency services to the lots, any liability for which shall be borne among the owners;
  - (4) The provision of Orange County public school bus services on the private road(s) is not guaranteed or implied. The suitability for any private road for school bus services and routes shall remain at the discretion of the Orange County School Board;
  - (5) Regulation of parking within the private road and easement;
  - (6) Perpetuity of the agreement;
  - (7) Designation of a neighborhood road agent to handle road matters;
  - (8) Provisions for majority of owners to initiate road projects;
  - (9) Provisions to enforce the agreement;
  - (10) Provisions for a lien to be placed on any owner who fails to pay his/her proportionate share of the costs of maintenance or repair;
  - (11) Establishment and maintenance of a road maintenance fund;
  - (12) Provisions to address the joinder of future lots to the agreement;
  - (13) A signature block for the County Attorney to approve the document as to form;and

- (14) A signature block for the Subdivision Agent to approve to the document as to compliance with this section.
- (b) The deed for each lot served by a private road shall reference the recorded road maintenance agreement.

**Sec. 54-123. – Road Maintenance Agreements for Existing Private Roads.**

- (a) Any subdivision on an existing private road which does not require extension of said road, but where said road lacks a recorded road maintenance agreement, Planning Commission approval of the subdivision shall be required pursuant to **Sec. 54-121** above. If said road is subject to a recorded road maintenance agreement, approval of the subdivision may be provided by the Subdivision Agent pursuant to this Ordinance.
- (b) For any extension of an existing private road, so approved by the Planning Commission, which lacks a recorded road maintenance agreement, as a requisite for plat approval a road maintenance agreement shall be required for at least eighty percent (80%) of existing lots which utilize the private road, in addition to the newly-created lots. The agreement shall comply with the requirements of **Sec. 54-122**.

**Sec. 54-124. – Individual Road, Access, and Road Network Design Standards.**

- (a) *Right-of-way widths.* The minimum width of any access easement or right-of-way shall be as follows:
- (1) Fifty (50) feet for conventional subdivisions and other developments. If any portion of a road serving a proposed subdivision is within an easement or right-of-way less than fifty (50) feet in width, the width of the entire easement or right-of-way shall be increased to fifty (50) feet up to and including the frontage of the subdivided lot(s).
  - (2) Twenty (20) feet for family subdivisions or for any easement or right-of-way serving only two (2) lots. In either case, if a future conventional subdivision occurs along said easement or right-of-way, the width of the entire easement or right-of-way shall be increased to fifty (50) feet up to and including the frontage of the subdivided lot(s).
  - (3) Fifteen (15) feet for pedestrian access easements.
- (b) *Utilization of Subdivision Road for Access.* Lots within any subdivision which is served by an internal subdivision road serving five (5) or more lots shall utilize the subdivision road for access and shall not have entrances onto a state primary or secondary highway.
- (c) *Multiple Points of Access.* Any subdivision which creates forty (40) or more lots as part of a common plan of development shall comply with the following:
- (1) For the primary purpose of traffic dispersion, there shall be at least two (2) improved points of access to the development.
  - (2) The second access point shall be either constructed or properly permitted and under construction before permits may be issued for construction on the fortieth (40<sup>th</sup>) lot.
  - (3) If the subdivision only has frontage on one (1) existing state road, the entrances shall be separated by at least five-hundred (500) feet centerline-to-centerline unless a greater distance is required by any County or VDOT access management regulations. If the subdivision has frontage on two (2) or more existing state roads, the entrances shall be provided on differing roads.
  - (4) Lots within the subdivision shall utilize the internal subdivision roads for access. For any lots with frontage along an arterial highway and/or other secondary road, such frontage(s) shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).

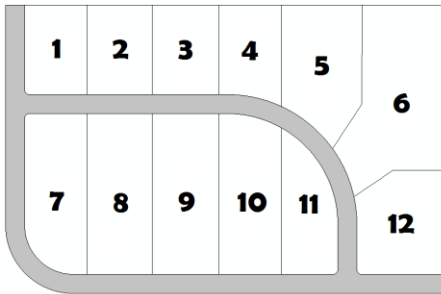
- (5) Multiple adjacent properties under common ownership shall be considered a single project and/or plan of development for the purposes of this Ordinance. Such an arrangement shall not be utilized to circumvent the provisions of this section, the road construction and maintenance standards, or any other provision of this section.
- (d) *Subdivisions Fronting on Arterial and/or Primary Roads.* Any subdivision which borders or contains an arterial and/or primary highway, per current functional classification assignments, shall comply with the following:
- (1) *Individual subdivisions of land.* For individual subdivisions of land where the arterial/primary road provides the sole property access, shared driveway access shall be required so that no property has an exclusive access point to the road. Irrespective of property lines, entrances shall be separated by at least six-hundred (600) feet centerline-to-centerline where the legal speed limit is greater than or equal to fifty miles per hour (50 mph), and at least five-hundred (500) feet where the legal speed limit is up to forty-five miles per hour (45 mph). If a greater distance is required by any County or VDOT access management regulations, that regulation shall control. Where achieving consistency with these provisions is not possible due to proliferation of existing entrances, the subdivider shall seek another access option to meet the standards of this Ordinance.
  - (2) *Subdivisions with common plans of development.* For subdivisions which involve the creation of a subdivision road to serve the development, the location of the subdivision road intersection with the arterial/primary highway shall comply with the spacing standards contained in subsection (1) above. Additionally, lots along the subdivision road or other non-primary road and those otherwise served by such a road shall be prohibited from having direct access to the arterial/primary highway. For such lots, frontage(s) along the arterial/primary highway shall be clearly identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).
- (e) *Subdivisions Fronting on Major Collector Roads.* Any subdivision which borders or contains a major collector road, per current functional classification assignments, shall comply with the following:
- (1) *Individual subdivisions of land.* For individual subdivisions of land where the major collector road provides the sole property access, shared driveway access shall be required so that no property has an exclusive access point to the road. Irrespective of property lines, entrances shall be separated by at least four-hundred and fifty (450) feet centerline-to-centerline where the legal speed limit is greater than or equal to fifty miles per hour (50 mph), and at least three-hundred and fifty (350) feet where the legal speed limit is up to forty-five miles per hour (45 mph). If a greater distance is required by any County or VDOT access management regulations, that regulation shall control. Where achieving consistency with these provisions is not possible due to proliferation of existing entrances, the subdivider shall seek another access option to meet the standards of this Ordinance.
  - (2) *Subdivisions with common plans of development.* For subdivisions which involve the creation of a subdivision road to serve the development, the location of the subdivision road intersection with the major collector road shall comply with the spacing standards contained in subsection (1) above. Additionally, lots along the subdivision road or other non-major collector road and those otherwise served by such a road shall be prohibited from having direct access to the major collector road. For such lots, frontage(s) along the arterial/primary highway shall be clearly

identified with a hashed area on the plat and a statement that no access may be provided across said frontage(s).

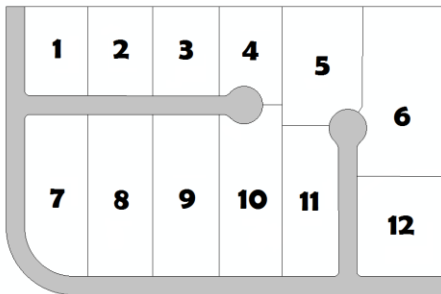
(f) *Access to Adjoining Property.* For subdivisions involving publicly-dedicated rights-of-way, the road network shall provide for the continuation of roads into adjacent properties for the purpose of enhancing local connectivity. Determining points of connectivity to adjacent properties shall be determined by the Subdivision Agent or the Planning Commission, as the case may be. In determining the connection points and frequency thereof, consideration shall include the Comprehensive Plan, either town's adopted future plans, existing development patterns, topographical limitations, utility provisions, and commonly-accepted transportation planning principles. If a determination is made that such considerations do not warrant connections to adjoining properties, the requirements of this section may be waived. Where connections are required, the roadway stub(s) shall be improved up to the adjoining property line(s).

(g) *Internal Connectivity.* For subdivisions under a common plan of development within (1) mile of the jurisdictional limits of either town, within the Germanna Wilderness Area as established by the Board of Supervisors, and/or for any subdivisions which create forty (40) or more lots, the following shall apply:

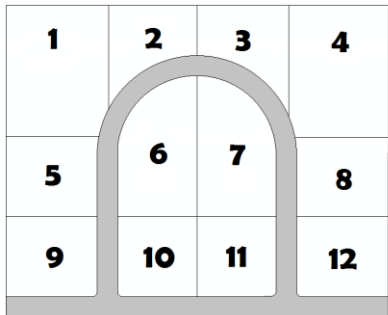
(1) Where practicable, internal connectivity shall be achieved via a continuous road network in lieu of a series of disconnected dead-end roads, as illustrated by the figures below. The Subdivision Agent or the Planning Commission, as the case may be, shall determine what is practicable.



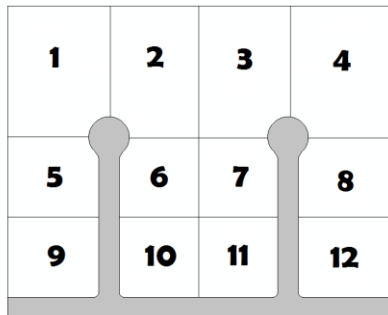
*Acceptable internal connectivity*



*Unacceptable internal connectivity*



*Acceptable internal connectivity*



*Unacceptable internal connectivity*

(2) Multiple adjacent properties under common ownership shall be considered a single project and/or plan of development for the purposes of this section. Such an arrangement shall not be utilized to circumvent the provisions of this section, the road construction and maintenance standards, or any other provision of this Ordinance.

(h) *Dead-End Roads.* Where they are permitted pursuant to this Ordinance, VDOT regulations shall determine the maximum length and turnaround type of any dead-end road approved by VDOT to be accepted into the state secondary system of roads. Dead-end private roads shall be subject to the standards for private roads contained within this Ordinance.

- (i) *Alleys*. Alleys may be provided pursuant to the following:
  - (1) Residential subdivisions may utilize alleys if specifically permitted in the underlying zoning district. Any easement or right-of-way for an alley shall be no less than twenty (20) feet or greater than twenty-eight (28) feet in width. Utilities shall be co-located in residential alleys wherever practicable.
  - (2) Nonresidential subdivisions may utilize alleys provided they are not dead-end. Easement/right-of-way widths shall be as established in subsection (1) above.
  - (3) Any subdivider utilizing alleys in a development shall demonstrate that maintenance of the alley and its associated easement/right-of-way is guaranteed in a format approvable by the Subdivision Agent.
  - (4) Where a particular zoning district prescribes standards for alleys, those particular standards of the district shall control.

**Sec. 54-125. – Public Right-of-Way Additions and Reservations.**

- (a) As part of any plat submittal involving an existing public road, the owner, at his/her discretion, may choose to dedicate public right-of-way or reserve a public road easement for said road in order to facilitate future road improvements.
- (b) Where the Comprehensive Plan prescribes a future road right-of-way, that area shall be shown as reserved for future public road purposes on the plat. The owner may choose to formally dedicate the right-of-way at his/her discretion, and provided the Subdivision Agent finds such a dedication to be consistent with the Plan.

**Sec. 54-126 – 54-131. – Reserved.**

**Division III. – Standards for Sidewalks, Curb and Gutter, Streetlights, and other Improvements.**

**Sec. 54-132. – Sidewalks.**

- (a) In all attached single-family and all multifamily developments, and in any development with a net density of three (3) or more units per acre, a continuous network of sidewalks shall be provided on both sides of all roads in the development. For publicly-dedicated rights-of-way, sidewalks shall be constructed to meet the standards contained in the VDOT Secondary Street Acceptance Requirements and wholly contained within the right-of-way unless otherwise required by VDOT. For private fee-simple rights-of-way held in common ownership, sidewalks shall also be constructed to meet these requirements but may be located at the discretion of the developer. For sidewalks outside of publicly-dedicated rights-of-way, provisions for the long-term maintenance of the sidewalks shall be provided in a format approvable by the Subdivision Agent. The Subdivision Agent may allow for minor variations to these standards based on topography, utilities, and development layout.
- (b) The above standards notwithstanding, for any subdivision, boundary line adjustment, or property consolidation which abuts a neighboring property that has an existing public sidewalk, the owner shall be required to construct a sidewalk and dedicate any associated right-of-way, if necessary, along the frontage of the property to connect to the existing sidewalk. The sidewalk shall be constructed to meet the standards necessary for acceptance by VDOT.
- (c) For either of the above standards, at the sole discretion of the Subdivision Agent or the Planning Commission, as the case may be, the developer may pay a fee-in-lieu for the total cost of sidewalk installation, including associated curb and gutter, the proceeds from which shall be collected by the County and reserved for other transportation-related projects in the County.



**Sec. 54-133. – Curb and Gutter.**

In all attached single-family and all multifamily developments, and in any development with a net density of three (3) or more units per acre, curb and gutter shall be utilized to provide drainage from all paved surfaces. Curb and gutter shall be constructed to meet the standards contained in the VDOT Secondary Street Acceptance Requirements and wholly contained within the right-of-way unless otherwise required by VDOT, or by the Subdivision Agent for private rights-of-way. For curb and gutter associated with private roads, provisions for its long-term maintenance shall be provided in a format approvable by the Subdivision Agent. The Subdivision Agent may allow modifications to the requirements of this section based on site layout, sidewalk design and layout, and arrangement and provision of utilities, whereby the need for adequate stormwater drainage would be equally or better served.

**Sec. 54-134. – Streetlights.**

Streetlights shall be provided in all attached single-family and all multifamily developments, and in any development with a net density of three (3) or more units per acre. Fixtures shall be of the full-cutoff variety and arranged so that adequate lighting is provided for all vehicular and pedestrian travelways, but do not impact properties or roadways outside of the development. Streetlight poles shall be no greater than twenty-five (25) feet in height and spaced no closer than one-hundred fifty (150) feet to each other.

**Sec. 54-135. – Relationship to Zoning Ordinance.**

Where the Zoning Ordinance prescribes standards related to any of the provisions of this Division, or if the Zoning Ordinance prescribes standards which impose a higher standard than what is contained herein, those provisions shall control.

**Sec. 54-136 – 54-141. – Reserved.**

**Article IX – Utilities Standards**

**Sec. 54-142. – Potable Water Supply.**

- (a) *Identified Water Supply Required.* Except as may be provided elsewhere herein, each lot created pursuant to this Ordinance shall have a potable water supply of adequate quantity and quality approved by the Virginia Department of Health. For private wells and community wells this approval shall be indicated by a signature of the appropriate VDH official on the plat. For connections to existing public water systems, this approval shall be indicated by a signature of the appropriate system owner representative on the plat. If a subdivision is to be served by a new community or public water system, the subdivider shall obtain the necessary VDH permits, approval of the system design, and written commitment by an entity approved by the Commonwealth of Virginia to operate and maintain the system.
- (b) *Community Water Systems.* For any newly-created subdivision under a common plan of development which has a net density of greater than one (1) unit per two (2) acres, use of a community water system or connection to a public water system shall be required.
- (c) *Certification of Adequate Water Supply.* For any subdivision under a common plan of development which contains more than twenty (20) lots and/or which has a net density of greater than one (1) unit per two (2) acres, either of which is to be served by groundwater, the subdivider shall obtain certification from a professional geologist licensed in the Commonwealth of Virginia as a requisite for plat approval. This certification shall be signed and sealed by the professional and shall include the following:
  - (1) A statement that to the best of his/her professional knowledge and judgement, the property to be subdivided will reliably produce at least two (2) gallons per minute per lot at estimated peak demand times.

- (2) A statement that to the best of his/her professional knowledge and judgement, the full buildout of the subdivision will not result in considerable change in the piezometric surface of the underlying aquifer or in the yield(s) of existing nearby wells.
- (3) A statement regarding the acceptability of the quality of the water per VDH Waterworks Regulations.
- (4) If the development is located within an area of the County with underlying geographic formations known for containing naturally-elevated radionuclide levels (being those areas generally west of Route 15 (James Madison Hwy) and east of Route 644 (Ridge Rd/Burnley Rd), and those areas near Lake Anna shown on the state geology maps as being Ordovician pyroxenite, monzonite, and granodiorite formations), a statement regarding the acceptability of radioactivity levels in the water per VDH Waterworks Regulations.
- (5) A geologic map of the area to be subdivided, consistent with the maps routinely prepared by the Virginia Department of Mines, Minerals, and Energy in form, content, quality. This map shall also show existing wells and habitable structures on and within one-thousand (1,000) feet of the property to be subdivided, watercourses and waterbodies on the property, identification of sixth-order watersheds from the National Watershed Boundary Dataset (WBD), illustration of groundwater contours and the direction of groundwater flow as available from field observations and/or published sources, anticipated depth(s) to groundwater, and any known or suspected source of groundwater pollution. These elements may be shown on separate maps as clarity requires.

**Sec. 54-143. – Wastewater Treatment.**

- (a) *Identified Method of Treatment Required.* Except as may be provided elsewhere herein, each lot created pursuant to this Ordinance shall have an adequate method of wastewater treatment approved by the Virginia Department of Health. This approval shall be indicated by a signature of the appropriate VDH official or the appropriate public/community system owner representative on the plat. If a subdivision is to be served by a new community or public wastewater system, the subdivider shall obtain the necessary VDH permits, approval of the system design, and written commitment by an entity approved by the Commonwealth of Virginia to operate and maintain the system.
- (b) *Community Wastewater Systems.* For any newly-created subdivision under a common plan of development which has a net density of greater than one (1) unit per two (2) acres, use of a community wastewater system or connection to public utilities shall be required.

**Sec. 54-144. – Required Connections to Existing Public Systems.**

Pursuant to § 15.2-2242 of the Code of Virginia, for any subdivision of land that abuts or adjoins a public water and/or sewer system or main, development of the resulting lots shall be required to connect to and utilize the public utilities, if deemed available by the utility provider. The subdivider shall obtain a written confirmation of availability/unavailability of the utilities from the provider, and submit that as part of the application for plat review. The Board of Supervisors may grant special exceptions for deviations from this provision, provided the rationale for the request is not financially-based.

**Sec. 54-145. – Storm Drainage and Stormwater Management.**

- (a) Any subdivision and/or related development approved pursuant to this Ordinance shall take necessary steps to ensure that adequate drainage of stormwater occurs in a manner that does not cause any undue impacts on adjacent or downstream properties, meets applicable standards contained in the VDOT Road and Bridge Standards, and meets applicable stormwater management regulations.

- (b) Where Best Management Practice (BMP) facilities are required for a subdivision pursuant to stormwater management regulations, the entire development and each lot therein shall be subject to a perpetual maintenance agreement for the facilities. This agreement shall be reviewed by the Subdivision Agent along with the plats and plans for the development, and recorded in the Orange County Circuit Court by the subdivider. The Subdivision Agent may modify this requirement where alternative arrangements will equally or better serve the intent of this section.

**Sec. 54-146. – Utilities and Drainage Easements.**

- (a) Easements for electrical lines, water/wastewater, drainage facilities, telecommunications lines, and other utilities shall be provided within easements at least fifteen (15) feet in width. For publicly-dedicated rights-of-way and private fee-simple rights-of-way held in common ownership, these easements shall be reserved along both sides of the right(s)-of-way and along shared property lines, where necessary, to ensure continuity of utilities between adjacent properties. For access easements, the utilities easement(s) may be included as part of the access easement or provided adjacent to said easement. The Subdivision Agent may allow for minor variations to the locations of easements to accommodate topography and efficient provision of utilities.
- (b) In subdivisions with publicly-dedicated rights-of-way or private fee-simple rights-of-way held in common ownership, all utilities shall be placed underground.
- (c) Where existing topography or other conditions make it impractical for the inclusion of drainage facilities within road rights-of-way, perpetual, continuous, and unobstructed easements for drainage facilities shall be provided outside the road right(s)-of-way.
- (d) Where a proposed drainage system will convey water across property outside of a subdivision, proof of adequate easements for all portions of the system shall be provided in a format approvable by the Subdivision Agent.

**Sec. 54-147. – Fire Protection.**

For subdivisions under common plans of development, or as determined by the Subdivision Agent upon consultation with the appropriate fire protection authority, fire hydrants shall be required where a public water supply is available. Hydrants shall be spaced no farther than one-thousand (1,000) feet apart and/or no farther than five-hundred (500) feet from any habitable structure, whichever results in adequate coverage for all habitable structures. All underground utilities for fire hydrants, together with the hydrants themselves, and all other supply improvements shall be installed before installation of final road improvements.

**Sec. 54-148 – 54-153. – Reserved.**