

**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, October 9, 2018, the following action was taken:

181009 – PH1

RE: PUBLIC HEARING #1: ZTA 18-08; MINOR AND MAJOR GRADING PLANS

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

ORDINANCE APPROVING AMENDMENTS TO ARTICLE II (ADMINISTRATION), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING MINOR AND MAJOR GRADING PLANS

WHEREAS, staff previously initiated Planning Commission action on amendments to Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning minor and major grading plans; and

WHEREAS, the County Attorney and Planning and Zoning staff 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 September 6, 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 modified during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on October 9, 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 zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of October, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning minor and major grading plans, as modified and attached.

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

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Management Services
Connie Clark, Accountant
Thomas Lacheney, County Attorney
Thomas Wysong, Planner
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. 181009 – PH1
by the Orange County Board of Supervisors
on October 9, 2018

Chapter 70 - Zoning

Article II - Administration

Division 4 - Zoning Permits and Site Plans

Sec. 70-118. - Minor site plans and minor grading plans.

- (a) Applicability. Prior to an application for a zoning permit, a minor site plan shall be reviewed and approved by the zoning administrator for the following:
- 1) Any use which results in total land disturbance of less than one (1) acre, unless specifically subject to administrative site plan requirements.
- (b) Plan preparation. A minor site plan, or a minor grading plan if permitted pursuant to subsection (g) below, shall be prepared by a licensed surveyor, engineer, or architect.
- (c) Contents of plan. In addition to the administrative site plan elements specified in Sec. 70-117(c), a minor site plan shall also depict, as appropriate:
- 1) Project name, a written description of the proposed use(s), current property owner(s) and address(es), and the plan preparer's information;
 - 2) A vicinity map;
 - 3) The zoning classification of the property;
 - 4) Approval blocks for relevant review departments and/or agencies;
 - 5) All information necessary to show compliance with the parking, loading/unloading, and landscaping requirements pursuant to Article V, Division 5 of this chapter;
 - 6) Any required buffer yards and the associated fencing and landscaping;
 - 7) Any known places of burial;
 - 8) Location and description of any planned demolition of existing structures, roads, utilities, and other site fixtures proposed for removal;
 - 9) All easements;
 - 10) All existing and proposed utilities;
 - 11) North, south, east, and west elevation drawings for all principal structures;
 - 12) Proposed signage;
 - 13) Photometric drawings and fixture/installation details for all exterior lighting;
 - 14) Existing topography and proposed final grades;
 - 15) The extent of any land disturbance and all erosion control measures and plans pursuant to Chapter 26 of this Code and/or requirements of the Code of Virginia;
 - 16) The name, phone number, certification number, and certification expiration date for the designated responsible land disturber(s), pursuant to Chapter 26 of this Code;
 - 17) Details for any stormwater management and/or drainage infrastructure to be installed and/or modified;
 - 18) An itemized bond estimate for all erosion control measures, including any stormwater management and/or drainage facilities;
 - 19) The location of any perennial or intermittent streams, flood hazard areas, mapped dam break inundation zones, steep slopes (generally exceeding 25% grade), or previously-delineated/identified wetlands present on the site; and
 - 20) All proposed transportation improvements within the site and external to the site.

- (d) Timeframe for review. Permissible timeframes for review and approval of any minor site plan **or minor grading plan** shall be in accordance with § 15.2-2259 of the Code of Virginia.
- (e) Expiration. Minor site plan approval shall expire after five (5) years unless construction has begun and work has been diligently pursued.
- (f) **Zoning compliance certificates. See Sec. 70-119(f).**
- (g) **Minor grading plans. Prior to submittal of a minor site plan, and/or for situations where a minor site plan submittal is required per subsection (a) above but no structures and/or uses are immediately proposed, the Zoning Administrator may approve a minor grading plan for the proposed activities.**
 - 1) **Contents of plan. A minor grading plan shall depict:**
 - i. Project name, current property owner(s) and address(es), the plan preparer's information, and the proposed use of the property, if applicable;
 - ii. A vicinity map;
 - iii. Property lines and their courses and measurements;
 - iv. The tax parcel number, acreage of the lot, scale, and north arrow;
 - v. Approval blocks for relevant review departments and/or agencies;
 - vi. Compliance with any proffers or County-imposed conditions;
 - vii. All public and private rights-of-way (including easements), their name(s), and the width of said rights-of-way;
 - viii. All existing utilities and associated easements, if applicable;
 - ix. Any known places of burial;
 - x. Location and description of any planned demolition of existing structures, roads, utilities, and other site fixtures proposed for removal;
 - xi. Existing and proposed entrances to the property, and if the proposed activities affect any public road or right-of-way, details sufficient for VDOT review;
 - xii. Existing topography and proposed final grades;
 - xiii. Any tree-save areas and/or buffer retention areas;
 - xiv. The extent of land disturbance and all erosion control measures and plans pursuant to Chapter 26 of this Code and/or requirements of the Code of Virginia;
 - xv. The name, phone number, certification number, and certification expiration date for the designated responsible land disturber(s), pursuant to Chapter 26 of this Code;
 - xvi. Details for any stormwater management and/or drainage infrastructure to be installed and/or modified;
 - xvii. The location of any perennial or intermittent streams, waterbodies, flood hazard areas, mapped dam break inundation zones, steep slopes (generally exceeding 25% grade), or previously-delineated/identified wetlands present on the site; and
 - xviii. An itemized bond estimate for all erosion control measures, including any stormwater management and/or drainage facilities.
 - 2) **Expiration. Minor grading plan approval shall expire after two (2) years unless necessary permits have been obtained and site work has commenced.**

(Ord. of 5-2-1996, § 1101.02, Ord. of May 10, 2016; Ord. of 05/08/18)

Sec. 70-119. - Major site plans and major grading plans.

- (a) Applicability. Prior to an application for a zoning permit, a major site plan shall be reviewed and approved by the zoning administrator for the following:
 - 1) Any use which results in total land disturbance of one (1) acre or more, except for single-family detached dwellings, two-family dwellings, and manufactured homes.

- (b) Plan preparation. A major site plan, **or a major grading plan if permitted pursuant to subsection (h) below**, shall be prepared by a licensed surveyor, engineer, or architect.
- (c) Contents of plan. In addition to the minor site plan elements specified in Sec. 70-118(c), a major site plan shall also depict, as appropriate:
- 1) The owners, tax parcel numbers, sources of title, zoning classifications, and current uses of all adjacent properties;
 - 2) A current boundary survey of the site;
 - 3) Existing and proposed lot coverage ratios;
 - 4) The estimated daily vehicular trip generation figures for the development;
 - 5) Provisions, **details**, and best management practices for addressing stormwater requirements;
 - 6) Details for any retaining walls;
 - 7) Tree-save areas and/or areas to remain undisturbed;
 - 8) Any proposed phasing of development;
 - 9) A soils evaluation;
 - 10) ~~The identification and delineation of any A current~~ wetlands **delineation**;
 - 11) The design and placement of any refuse facilities; and
 - 12) Any information related to existing archeological or historical resources.
- (d) Additional review. The zoning administrator may refer a major site plan to the planning commission or other appointed or elected review committee if it is determined the proposed project, based on the intensity, potential impacts, or complexity of approved proffers or conditions, would warrant an additional level of review.
- (e) Timeframe for review. Permissible timeframes for review and approval of any major site plan **or major grading plan** shall be in accordance with § 15.2-2259 of the Code of Virginia.
- (f) Zoning compliance certificates. A zoning compliance certificate shall be required for all site work and improvements approved via the minor or major site plan approval process, prior to issuance of any permanent certificate of occupancy by the Building Official. The purpose of the zoning compliance certificate is to confirm that all site improvements required pursuant to this chapter, to the approved site plan, to accepted proffers, and/or to other county-imposed conditions are installed in substantial conformance with said requirements. The zoning administrator may rely on any reasonable means necessary to determine "substantial conformance," particularly in circumstances where the professional licensure of others is required to properly confirm the validity of the installed improvement.
- 1) Temporary certificates. In situations where the building or structure must be occupied and the use must otherwise commence prior to completion of all required improvements, the zoning administrator may issue a temporary zoning compliance certificate subject to the following:
 - i. The period of validity for the temporary certificate may not exceed six (6) months, unless the zoning administrator approves a longer period of time for unusual circumstances.
 - ii. The site and building is in a safe and usable condition, free from conditions that might endanger the health, safety, or welfare of persons using the site.
 - iii. The property owner or authorized agent submits a written performance guarantee specifying the required improvements yet to be completed and the timeframe required for their completion. The guarantee shall be accompanied by a surety payable to the county in an amount determined by the county to be sufficient to ensure satisfactory completion of all required improvements yet to be completed within the timeframe of the temporary certificate. The guarantee may be in the form of cash/check, an irrevocable letter of credit, or other collaterally-assigned funds acceptable to the county attorney. The

developer shall submit a surety estimate, to be approved by the county, along with a reasonable amount for administrative costs not to exceed ten (10) percent of the estimated costs.

- iv. The surety requirement may be waived in instances where the unfinished improvements have an estimated cost of no greater than five-hundred dollars (\$500).
- v. The county may make use of the surety if the obligee fails to comply with the terms of the performance guarantee or the county determines the unfinished improvements have not been completed in a timely manner so as to negatively impact the public health, safety, or general welfare. Alternatively, the county may revoke the certificate of occupancy until said terms are fulfilled.

(g) Expiration. Major site plan approval shall expire after five (5) years unless construction has begun and work has been diligently pursued.

(h) Major grading plans. Prior to submittal of a major site plan, and/or for situations where a major site plan submittal is required per subsection (a) above but no structures and/or uses are immediately proposed, the Zoning Administrator may approve a major grading plan for the proposed activities provided they are in substantial conformity with the Comprehensive Plan.

- 1) Contents of plan. In addition to the minor grading plan elements specified in Sec. 70-118(g), a major grading plan shall also depict:
 - i. Provisions, details, and best management practices for addressing stormwater management requirements;
 - ii. Generalized areas planned or anticipated to accommodate future development, as well as generalized utility/roadway locations, and a tabulation of the percentage of surface area to be adapted to these uses;
 - iii. A current wetlands delineation;
- 2) Expiration. Major grading plan approval shall expire after two (2) years unless necessary permits have been obtained and site work has commenced.

(Ord. of 5-2-1996, " 1101.03, 1101.04; Ord. of 8-11-1998, " 1101.03, 1101.04; Ord. of 5-8-2001; Ord. of 6-14-2011, Ord. of May 10, 2016. Ord. of 05-08-18)