

**ARTICLE 1
GENERAL PROVISIONS**

- 1-1 Purpose and Intent.** The purpose of this chapter is to establish certain subdivision standards and procedures for the Town of Orange, as provided by the *Code of Virginia*, 1950, as amended. The enclosed standards and procedures are intended to guide and facilitate the orderly and beneficial growth of the Town and to promote public health, safety, convenience, prosperity, and general welfare consistent with the Town's *Comprehensive Plan*.
- 1-2 Definitions.** For the purpose of this chapter, words and terms shall be interpreted or defined as follows - words used in the present tense include the future; words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; the word "he" can apply to both men and women. Any reference to this chapter includes all ordinances amending or supplementing the reference. All distances and areas refer to measurement in a horizontal plane.
- 1-2.1 **Alley.** A permanent service way, providing a secondary means of vehicular access to an abutting property, and not intended for general traffic circulation.
- 1-2.2 **Applicant/Owner.** An individual, corporation, trust, trustee, joint venture, partnership, or other entity having legal interest in a tract or parcel of land as to which an application is being made to the Town, so long as any applicant who is not the owner of the legal title to the land that is the subject of the application provides and files with the Zoning Administrator a consent to the application signed by such owner.
- 1-2.3 **Commission.** The Planning Commission of the Town of Orange, Virginia.
- 1-2.4 **Cul-de-sac.** A street with only one (1) outlet and having an appropriate turn-around area for a safe and convenient reverse of traffic movement.
- 1-2.5 **Developer.** An owner of property being subdivided whether or not represented by an Owner.
- 1-2.6 **Easement.** A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
- 1-2.7 **Engineer.** A person who is recognized by the Commonwealth of Virginia and who is registered with the State Department of Professional and Occupational Registration, or registered with a like body in another state, as a licensed Engineer.

Town of Orange, Virginia Subdivision Ordinance

- 1-2.8 **Family.** One (1) or more persons occupying a dwelling unit and living and cooking together as a single, nonprofit, housekeeping unit, provided that not more than four (4) persons not related by blood, marriage, adoption, or guardianship shall constitute a family unless such group composed of handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated handicapped individuals shall have the right to occupy a dwelling unit in the same manner and extent as any family unit established through kinship as defined above.
- 1-2.9 **Governing body.** The Town Council of the Town of Orange, Virginia.
- 1-2.10 **Health Official.** The Director of the Orange County Health Department.
- 1-2.11 **Jurisdiction.** The limits of territory within which authority may be exercised by the governing body.
- 1-2.12 **Lot.** A measured parcel of land fronting on a street, having fixed boundaries and designated on a recorded plat or survey and intended as a unit for the purpose of transfer of ownership or for development.
- 1-2.13 **Lot, corner.** A lot abutting two (2) or more streets or roads at their intersection; the shortest side abutting upon a street shall be considered the front of the lot and the longest side abutting upon a street shall be considered the side of the lot.
- 1-2.14 **Lot, depth of.** The average distance between the front and rear lot lines.
- 1-2.15 **Lot, interior.** A lot abutting on only one (1) street or road.
- 1-2.16 **Lot of record.** A lot which has been recorded in the Office of the Clerk of the Circuit Court of Orange County, Virginia.
- 1-2.17 **Lot, width of.** The distance between side lot lines measured at the required front setback line.
- 1-2.18 **Plat.** Includes the terms map, plan, plat, re-plat or re-plot; schematic representation of a tract or parcel of land which is to be or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".
- 1-2.19 **Property.** Any tract, lot, parcel or several of the same, collected together for the purpose of subdividing, preparing a Site Development Plan, and/or developing.
- 1-2.20 **Setback.** The minimum distance by which any building or structure must be separated from the front, side, or rear lot line.

Town of Orange, Virginia Subdivision Ordinance

- 1-2.21 **Street.** A public thoroughfare (street, drive, avenue, boulevard, etc.) that has been or is intended to be dedicated for public use, accepted by the Town Council, and has been accepted or is acceptable into the State system.
- 1-2.22 **Street, Collector.** A street that carries or is anticipated to carry more than four hundred (400) but less than three thousand (3,000) vehicles per day, the right-of-way of which shall not be less than sixty (60) feet.
- 1-2.23 **Street, Local.** A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day, the right-of-way of which shall not be less than fifty (50) feet.
- 1-2.24 **Street, Primary Thoroughfare.** A street that carries or is anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, the right-of-way of which shall not be less than seventy (70) feet and should, where feasible, have a minimum right-of-way of ninety (90) feet.
- 1-2.25 **Street, Private.** A road providing ingress and egress to a separate tract for the sole benefit of adjacent properties, not including driveways, and not maintained by the Town of Orange.
- 1-2.26 **Street, Public.** All public property reserved or dedicated for street traffic, maintained by the Town of Orange.
- 1-2.27 **Street, width.** The total width of the strip of land dedicated or reserved for public travel includes roadway, curb and gutter, sidewalks, planting strips, and where necessary, utility easements.
- 1-2.28 **Subdivide.** To divide a lot or parcel of land into two (2) or more parts, provided, however, that the term “to subdivide” shall not include a bona fide division or partition of land for joint owners in a chancery proceeding ordered by a court of competent jurisdiction; provided, however, that the provisions of this chapter shall not apply to any tract or parcel of land being conveyed to an adjacent landowner by deed wherein it is clearly stated that such tract or parcel is not to be used as a separate tract for building purposes but is to be used for building purposes only in connection with an adjacent tract.
- 1-2.29 **Surveyor.** A person who is recognized by the Commonwealth of Virginia who is registered with the State Department of Professional and Occupational Registration, or registered with a like body in another state, as a licensed surveyor.
- 1-2.30 **Town Engineer.** The person employed by the Town to ensure compliance of the requirements with the specific sections in the Subdivision ordinance or the

Town of Orange, Virginia Subdivision Ordinance

firm/agency hired by the Town, in specific situations, to ensure compliance of the requirements of the subdivision ordinance.

1-2.31 **Other definitions.** When the definition of other terms become material in the interpretation of this chapter, reference shall be the Town's Subdivision Ordinance, the definitions in the Town's zoning ordinance, Section 15.2-2201 of the *Code of Virginia*, and the latest edition of the *Merriam Webster dictionary*, in that order.

1-3 Jurisdiction. In accordance with Article 6, Chapter 22 of title 15.2 of the *Code of Virginia*, as amended, this Chapter shall apply within the corporate limits of the Town and within such territory outside of the corporate limits of the Town as may be authorized from time to time by statute. To the extent lawfully allowed, this Chapter shall also apply to such tracts or parcels of land as are served by Town water supply and/or septic waste disposal facilities, irrespective of location.

1-4 Administration.

1-4.1 **Appointment of Agent.** The Town Council will delegate an Agent to administer the provisions of this chapter. This Agent shall act on behalf of the Town Council and approval or disapproval by the Agent shall constitute approval or disapproval as though it were given by the Town Council. The Agent shall consult with the commission on matters contained in this chapter. The Agent shall also consult with the Health Official, Town Engineer, and Surveyor/Engineer for advice and appropriate levels of approval.

1-4.2 **Duties.** The Agent shall perform designated duties in accordance with this chapter and the *Code of Virginia*, 1950, as amended.

1-4.3 **Vacation.** The governing body shall have the authority to vacate any plat, or feature on the plat, at the request of the owner of a parcel and as otherwise provided in Article 6, Chapter 22 of Title 15.2 of the *Code of Virginia*, as amended.

1-4.4 **Additional Authority.** In addition to the regulations in this Chapter regarding the platting of the subdivisions, the Agent may, with approval of the governing body, establish reasonable additional administrative procedures as the Agent deems necessary for the proper administration of this chapter.

1-5 General Regulations.

1-5.1 **Private contracts.** This chapter does not pertain to any private easement, covenant, agreement or restriction and neither the Town nor its agents are responsible for enforcing such private easement covenant, agreement or restriction implied herein. When this chapter calls for more restrictive standards than may be required by private contract the provisions of this chapter shall prevail.

Town of Orange, Virginia Subdivision Ordinance

- 1-5.2 **Mutual responsibility.** There shall be mutual responsibility between the applicant and the governing body to subdivide the land so as to improve the general use pattern of the land being subdivided.
- 1-5.3 **Land must be suitable.** The Agent shall not approve any plat that does not meet the standards set forth in this chapter and the existing Zoning Ordinances.
- 1-5.4 **Flooding.** Land designated as "flood zone" on topographical maps published by the United States Geologic Survey shall not be subdivided for purposes of human occupation; further, subdivision designs shall at all times minimize the risk of erosion or flood hazard.

1-6 Effectual Clauses.

- 1-6.1 **Exceptions.** The Agent may authorize an exception when the applicant can show that a provision of these standards would cause unnecessary hardship if strictly followed. The Agent may make such an exception when the Agent finds a departure will not destroy the intent of such provisions. Any such exception will be stated in the Agent's written report and include the Agent's reasons for allowing the exception(s). 15.2-2242 (1) of the *Code of Virginia*
- 1-6.2 **Penalties.** Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250). Each day of the violation shall constitute a separate violation. 15.2-2254 (4) of the *Code of Virginia*

- 1-7 **Amendments.** This chapter may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the commission for recommendation. Further, no such amendment shall be adopted without a public hearing in accordance with section 15.2-2204 of the *Code of Virginia*, as amended.

**ARTICLE 2
PLATS AND PLATTING PROCEDURE**

Division 1. Procedure for making and recording plats.

- 2-1 Platting Required.** Any owner or developer of any tract of land situated within the town who subdivides that land shall cause a plat of such subdivision with reference to known or permanent monuments to be made and filed with the Agent and recorded in the office of the Clerk of the Circuit Court of Orange County. No such plat of subdivision shall be recorded unless and until it has been submitted, approved and certified by the Agent in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat is recorded.
- 2-2 Draw and Certify.** Every plat shall be prepared by a Surveyor duly licensed by the Commonwealth of Virginia.
- 1-2.1 Each plat will have a certificate signed by the Surveyor specifying:
- (a) The source of the title of the land subdivided, and
 - (b) The place of record of the last instrument in the chain of title.
- 2-2.2 When the plat of land is acquired from more than one source of title, the outline of the various tracts shall be annotated on the plat within an inset or by dotted lines on the plat indicating the various tracts, which are included.
- 2-2.3 Unless otherwise provided, every plat shall be drawn to a scale of not less than twenty (20) feet to an inch and not more than two hundred (200) feet to an inch and must otherwise conform to the requirements of the Clerk's Office of the Circuit Court of Orange County, Virginia.
- 2-2.4 Two (2) blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an Engineer or Surveyor and shall be submitted to the Agent for approval. If approved, one (1) copy bearing certification of such approval shall be returned to the applicant. If disapproved, all papers shall be returned to the applicant within sixty (60) days with the reason(s) for disapproval in writing.
- 2-3 Owners' Statement.** Every plat or deed of dedication to which the plat is attached shall contain, in addition to the professional engineer's or land surveyor's certificate, a statement as follows: "The platting or dedication of the following described land (insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement shall be signed and duly acknowledged before an officer authorized to take acknowledgment of the deeds. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be

Town of Orange, Virginia Subdivision Ordinance

filed and recorded in the office of the Clerk of the Circuit Court for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing the statement, and under the name of the subdivision. Owners shall notify the appropriate commissioner of the revenue of improvements to real property situated in platted subdivisions. As called for in 15.2-2264 of the *Code of Virginia*

- 2-4 No one Exempt.** No person shall subdivide any tract of land that is located within the jurisdiction of this Chapter except in conformity with the provisions of this chapter and the *Code of Virginia*, 1950, as amended. 15.2-2254 of the *Code of Virginia*
- 2-5 Necessary Changes.** No change, erasure, or revision shall be made on any preliminary or final plat nor on the accompanying data sheets after the Agent has endorsed, in writing, the plat or sheets, unless authorization for such changes is granted in writing by shall the Agent and, such changes shall comply with these subdivision regulations in every respect.
- 2-6 Fees.** It is the intent of the Town that at least part of the cost of administering this Ordinance be borne by those responsible for development; therefore, a fee schedule, as prescribed by the Town Council and modified from time to time, shall apply to all permits, reviews, notices, advertisements, public hearings and processing as required by this Ordinance.
- 2-6.1 Compliance with Virginia Code §15.2-2222.1.** Prior to the submission of any required subdivision plat to the Town under this Chapter, the subdivider shall obtain from the Subdivision Agent of the Town a written determination as to whether a Traffic Impact Analysis is required pursuant to Va. Code §15.2-2222.1 and the Virginia Department of Transportation (hereinafter VDOT) regulations adopted thereunder. If the determination by the Town's Subdivision Agent is that such an analysis is required by state law, the subdivider shall, along with any and all other requirements under this Chapter, prepare the necessary package to be submitted to VDOT, along with payment to VDOT and the Town, of any required review fees, and submit these to the Town's Subdivision Agent along with all other requirements under the Town's subdivision ordinance. No request for subdivision approval shall be deemed filed and completed until subdivider has either (1) obtained a determination in writing from the Town's subdivision agent that no Traffic Impact Analysis review by VDOT is required for that particular subdivision or (2) has filed with the Town the information required by Va. Code §15.2-2222.1 and the regulations thereunder and presented to the Town payment to VDOT and the Town in a form acceptable under the regulations. All VDOT payments will be promptly forwarded to VDOT upon receipt. It will also be the further responsibility of the developer/requestor to comply with any follow-up requirements under Va. Code §15.2-2222.1 and VDOT regulations including attendance at any requested meetings, submission of further information or fees as may be required. This ordinance shall become effective February 20, 2008. *(Updated February 2008)*

Division 2. Approval of Plats.

Town of Orange, Virginia Subdivision Ordinance

2-7 Approval Required Before Sale. Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the applicant shall apply in writing to the Agent for the approval of the subdivision plat and submit fifteen (15) copies of the preliminary plat, including the lot, street and utilities layout. No lot shall be sold until the final plat for the subdivision is approved and recorded.

2-8 Preliminary Sketch. The applicant may submit to the Agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of this preliminary sketch is to permit the Agent to advise the applicant whether his plans in general are in accordance with the requirements of this chapter. There is no fee for the review of this sketch. The Agent, upon submission of any such preliminary sketch, shall study it and advise the applicant of appropriate changes. The Agent may mark the preliminary sketch indicating necessary changes and any such sketch shall be returned to the developer prior to the submission of the preliminary plat. The requirements of the preliminary sketch shall be as follows:

- (a) It shall be drawn on white paper or on a print of a topographic map of the property.
- (b) It shall show the name, location and dimensions of all streets entering the property or terminating at the boundary of the property to be subdivided.
- (c) It shall show the location of all proposed streets, lots, parks, playgrounds or other proposed uses of the land to be subdivided and shall include the approximate dimensions.

2-9 Preliminary Plat. If a subdivision of 50 or more lots is requested, the applicant shall submit fifteen (15) copies of the preliminary plat to the Agent at the appropriate scale as defined in Section 2-2.3. Applicants for a subdivision of fewer than 50 lots are strongly urged to discuss the subdivision of their property with Town staff before any work is undertaken. 15.2-2260 of the *Code of Virginia*

The preliminary plat shall include the following information:

- (a) Name of subdivision, owner, applicant, Surveyor or Engineer, date of drawing, number of sheets, north arrow and scale. The method in determining north shall be indicated.
- (b) Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal to one (1) mile, showing relative location to adjoining properties.
- (c) Subdivision boundary lines, acreage of subdivided area, area and frontage of all proposed lots, existing buildings, name of owners of adjoining tracts.
- (d) Existing and proposed streets, easements, public areas, culverts, drains and etc.

Town of Orange, Virginia Subdivision Ordinance

- (e) Land proposed to be dedicated for public use, if any, and the conditions of such dedication.
- (f) Topography at intervals satisfactory to the Agent.
- (g) Proposed method of water supply and sewage disposal, location and capacity of existing sewers and water supply where subdivision proposes to connect to same.
- (h) Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required.

2-10 Approval of Preliminary Plat.

- (a) The Agent shall promptly review any preliminary plat and notify the applicant, within thirty (30) days from submission, if the package is not complete in accordance with this Chapter.
- (b) The Agent and the Planning Commission shall discuss the preliminary plat with the applicant to determine whether the plat conforms with the requirements of this chapter. The applicant shall then be advised in writing (or by notice on a copy of the plat) within sixty (60) days from submission regarding approval of plat (including comments.)
- (c) Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one (1) year of such approval and (ii) thereafter diligently pursues approval for the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following the preliminary subdivision plat approval, and upon ninety (90) days written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision.

2-11 No Guarantee. Approval by the Agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

2-12 Reserve.

2-13 Final Plat. The subdivision plat submitted for final approval must contain the following information:

- (a) Name of subdivision, magisterial district, county, state, owner, true north direction, scale of drawing and number of sheets, if shown on more than one (1) sheet,

Town of Orange, Virginia Subdivision Ordinance

matched lines shall clearly indicate where the several sheets join. A blank space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.

- (b) Location of proposed subdivision by an insert map at a scale or not less than two (2) inches equals one (1) mile indicating adjoining roads, their names and numbers, towns, subdivisions and other landmarks.
- (c) A boundary survey with an error of closure within the limits of one in ten thousand related to true meridian and showing the location of all monuments and roads. The survey shall be related to the U.S.G.S. grid north where feasible.
- (d) Appropriate signatures, as determined by the Agent, shall appear on the face of the plat. (Refer to Appendix B.)
- (e) A statement written in accordance to §2-3, owner's consent, shall be recorded with the final plat.
- (f) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines and identification of the respective tracts shall be placed on the plat.
- (g) The accurate location and dimensions by bearings and distances with all curve data on all lots; street lines and centerlines of streets; boundaries of all proposed or existing easements, parks; school sites or other public areas; graves, object or structure marking a place of burial; the number and area of all building sites; all existing public and private streets, their names, numbers and widths; existing utilities and those to be provided such as sanitary sewers, storm drains, water drains, manholes and underground conduits including their size and type; watercourses and their names; names of owners and their property lines both within the boundary of the subdivision and adjoining said boundaries.
- (h) All dimensions to be shown in feet and decimals of a foot to the nearest hundredth. All bearings in degrees and minutes to the nearest minute.
- (i) The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following - delta, radius, arc, tangent, chord and cord bearings.
- (j) The location of graves, cemeteries or other objects or structures marking a place of human burial.
- (k) Primary building setback lines

2-14 Conditions. The Agent shall notify the applicant of approval or disapproval within sixty

Town of Orange, Virginia Subdivision Ordinance

(60) days from the date of submission. The plat shall not be approved until the applicant has complied with the general requirements and standards of design in accordance with this chapter and has made satisfactory arrangements for performance bond, if required by Section 4-6. Approval of the final plat shall be written on the face of the plat by the Agent. Plats not recorded within six (6) months of approval or such longer period as may be approved by the Agent, shall become void.

- 2-15 Appeal.** If the Agent shall disapprove the final plat, the applicant, if he contends that the disapproval was not properly based on the ordinance applicable thereto or was arbitrary or capricious, may within sixty (60) days of the written disapproval appeal such disapproval to the Circuit Court having jurisdiction over such land.

If the Agent fails to act to either approve or disapprove the final plat in the sixty (60) days provided by Section 2-14, the applicant, after giving ten (10) days' written notice to the Agent, may petition the Circuit Court in which the land involved, or the majority of it, is located to decide whether the plat should or should not be approved.

- 2-16 Part of Tract.** Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, a sketch planned for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the applicant or the governing body.

**ARTICLE 3
DESIGN STANDARDS**

3-1 Lots.

- 3-1.1 **Shape.** The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements of the chapter. Lots shall not contain peculiar shapes solely to provide necessary square footage of area.
- 3-1.2 **Location.** Each lot shall abut on a street. If the existing streets are not fifty (50) feet wide, the applicant shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening of such right of way to a width of fifty (50) feet.
- 3-1.3 **Building setback lines.** Town Zoning Ordinance regulations shall govern.
- 3-1.4 **Corner lots.** Town Zoning Ordinance regulations shall govern.
- 3-1.5 **Size.** Lot size shall be controlled by the applicable provisions of the Town of Orange Zoning Ordinance.
- 3-1.6 **Exceptions.** The Agent may require that soil evaluation data be submitted as a basis for approval of subdivision dependent upon septic tanks or lagoons as a means of sewage disposal. The procedure for conducting soil evaluation shall be subject to approval by the Health Official. However, no subdivision shall be approved allowing the use of individual wells or septic systems when public water and sewage facilities are available to the subdivision.

3-2 Unsuitable Lots or Parcels. Any (or all) unsuitable lots or areas shall be added to adjacent lots or shall be dedicated for public use if the alternative is approved by the Agent.

3-3 Separate Ownership. Where the land covered by the subdivision includes two (2) or more parcels in separate ownership and lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each such lot shall be transferred by deed to single ownership simultaneously with the recording of the final plat. This deed shall be deposited with the Clerk of the Circuit Court of Orange County and held with the final plat until the applicant is ready to record the same and they both shall then be recorded together.

3-4 Blocks.

- 3-4.1 **Width.** Blocks shall be wide enough to allow two (2) tiers of lots of proper depth. However, the Agent may approve a single tier of lots under adverse topographical

Town of Orange, Virginia Subdivision Ordinance

conditions providing that the aesthetics of the block or subdivision are not seriously affected.

3-4.2 **Orientation.** Where a proposed subdivision will adjoin a major road, the Agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid inappropriate ingress or egress.

3-4.3 **Commercial or industrial.** Lots intended for commercial or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

3-5 Streets.

3-5.1 **Alignment and layout.** The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own lands and seek to provide for convenient access to it. Where, in the opinion of the Agent, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees unless otherwise approved by the Town Engineer.

3-5.2 **(Reserved)**

3-5.3 **Approach angle.** Major streets shall generally approach all other streets and highways at an angle of not less than eighty (80) degrees. However the Agent, with approval of the Town Engineer, may approve a lesser approach angle for reasons of contour, terrain or matching of existing patterns.

3-5.4 **Minimum widths.** The width of right-of-way for proposed streets shall be shown on the plat and shall be as follows:

(i) Primary Thoroughfare - Not less than seventy (70) feet.

(ii) Local Street - Not less than fifty (50) feet.

(iii) Private Road – Not less than twenty-four (24) feet.

(iv) Alley, if permitted - Not less than twenty-four (24) feet nor more than thirty (30) feet.

3-5.5 **Construction requirements.** The grades of streets submitted on subdivision plats shall be approved by the Town Engineer prior to final action by the Agent. Street grades shall be designed to suit the terrain and lots, but in no case shall they exceed

Town of Orange, Virginia Subdivision Ordinance

twelve percent (12%) without written approval of the Town Engineer. All streets and construction shall conform to the Town of Orange *Public Facilities Manual*.

- 3-5.6 **Alleys.** Alleys shall not be permitted without written approval of the Agent and the Town Engineer.
- 3-5.7 **Access to subdivisions.** Every subdivision shall be served from a publicly dedicated street.
- 3-5.8 **Names.** Proposed streets which are continuations of existing named streets shall bear the existing streets name. Names of proposed streets shall not duplicate existing street names in the area within the jurisdiction of this chapter irrespective of the use of suffixes. Street names shall be indicated on the preliminary and final plats and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the governing body.
- 3-5.9 **Identification signs.** Street identification signs of a design approved by the Agent shall be required at all intersections.

3-6 Monuments.

- 3-6.1 **Locations.** Iron rods or pipes, or concrete monuments if the Agent requires such, shall be installed at all lot corners and at all points of curvature (PC) and points of tangent (PT) on the street line (including PCs and PTs at street intersections). Iron rods shall be not less than three-fourth (¾) inch in diameter and eighteen (18) inches long driven at least fifteen (15) inches in ground. Concrete monuments (if required) shall be four (4) inches in diameter (round or square) with flat top and at least thirty (30) inches long. The top of the monument shall be set flush with the finished grade and shall have an indented cross marking the correct point of location.
- 3-6.2 **Visible for inspection.** Upon completion of subdivision streets and other improvements, the applicant shall make certain that all iron rods (or monuments) required by the Agent are clearly visible. These shall be inspected and approved by the Agent before any improvements are accepted by the governing body.
- 3-7 **Cul-de-Sacs.** Cul-de-sacs shall not be generally more than one-quarter (.25) mile long, nor fewer than fifty (50) feet wide. They shall terminate in a circular turnaround with a minimum radius of 45' and a right-of-way of not less than 100 feet.
- 3-8 **Land for Public Uses.** The Agent may request that the applicant set aside land for public use as parks or recreational areas.
- 3-9 **Town Disclaimer.** Nothing in this chapter shall be construed as creating an obligation upon the Town to pay for the following - grading or paving of streets, sidewalks, curbs, gutters,

Town of Orange, Virginia Subdivision Ordinance

sewage or water systems, any other construction or facility; nor for the repair or maintenance of any of the above.

**ARTICLE 4
IMPROVEMENTS**

- 4-1 Improvements.** All required improvements shall be installed and paid for by the applicant. In cases where specifications have been established either by the Virginia Department of Transportation for streets, curbs, etc., or by local ordinances or codes, such specifications shall be followed where applicable. The applicant's performance bond shall not be released until construction has been inspected and approved by the appropriate Engineer and Agent.
- 4-2 Flood Control and Drainage.** The applicant shall provide all information needed to determine the improvements necessary to properly develop the subject property. In some instances, this might include special drainage plans to be prepared by the Engineer or qualified Surveyor.
- 4-3 Easements.** A drainage easements of appropriate width (but not less than six feet) shall be provided as required by the terrain and these shall be shown on the plat prepared by the applicant. The Agent may require that easements be provided by the applicant for drainage through adjoining property where necessary. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines and other public utilities in the subdivision when required.
- 4-4 Septic Tanks.** Septic tanks shall not be allowed in any subdivision where public sanitary sewer is available to the subdivision. The Agent shall not approve any subdivision where sanitary sewers are not provided for unless the Agent shall receive from the Health Official that the area contained in the subdivision is generally satisfactory for the installation of septic tanks and that this will not, so far as can be determined, create hazards to public health. Such approval by the Agent is only with the understanding that any septic tank must be approved on an individual lot basis by the Health Official.
- 4-5 Private Water and/or Sewer Facilities.** Nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities where public water and sewer facilities are not available to the subdivision; provided however, that any such installation must meet all the requirements of the Department of Environmental Quality, the State Health Department and any other state or local regulatory agency having authority over such installations. Any privately owned water and sewer facility serving more than three (3) residences shall be dedicated to the Town upon construction completion.
- 4-6 Bond.** When a developer submits the final plat, he shall either demonstrate that the improvements shown on that plat have been completed to the satisfaction of the agency to be responsible for their ownership, operation and maintenance, or he shall provide a bond with surety in an amount and form acceptable to the Town to insure that the improvements are completed at the developer's cost. The developer shall also submit a construction schedule outlining when the improvements shall be completed.

Town of Orange, Virginia Subdivision Ordinance

The bond shall be payable to, and held by, the Treasurer of the Town. In accordance with Section 15.2-2245 of the *Code of Virginia*, as amended, the bond shall be reduced periodically as the developer completes the project. The bond shall not be released until the Town indicates in writing that it is satisfied with the construction of the improvements.

4-7 Fire Protection. Where adequate public water is available (or will be available) fire hydrants shall be required at locations approved by the Agent. The Agent shall consult with the Fire Chief of the Orange Volunteer Fire Department or its successor.

4-8 Pro Rata Share of Improvements. Where it is the desire of the Town, based on the *Comprehensive Plan*, that any public facility including streets, water facilities, and sewerage facilities within a subdivision should be designed and constructed in excess of what is required to serve a particular subdivision, the applicant shall be required, as a minimum, to provide for such facilities as are needed for his subdivision.

Where a general sewer and drainage improvement program has been adopted by the Town for a defined area, an applicant of that area shall pay a pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities. These facilities, which may be located outside the property limits of the land owned by the applicant, must be made necessary at least in part by the construction or improvement of his subdivision or development. The method of computing a applicant's pro rata share of cost shall be on a directly proportional basis, based on the estimated contribution of runoff or sewerage of that given subdivision or development to the estimated cost of the total improvement for the defined area. The basis for computing the contribution of runoff or sewerage and cost shall be consistent with the *Town of Orange Public Facilities Manual*.

Payment of cost under this Section must be made prior to the approval of the final plat and these funds shall be expended only for the construction of those facilities for which the payment was required. Until expended, these funds shall be held in an interest-bearing account for the benefit of the applicant. In lieu of such payment, bond may be posted in accordance with this Chapter.

**ARTICLE 5
EXEMPTIONS**

5-1 Exemptions. Divisions of lots or parcels of land shall not be subject to the permitting and approval requirements of this Chapter if exempted as follows:

- (a) A boundary survey plat, a physical survey plat, or any other plat which does not change or alter property lines or create new lots of record.
- (b) The provisions of this Ordinance do not apply to the partition of any tract of land ordered by a Court of competent jurisdiction.

Town of Orange, Virginia Subdivision Ordinance

**APPENDIX A
CERTIFICATES OF APPROVAL (FACE OF PLAT)**

Surveyor's Certificate.

"I hereby certify that to the best of my knowledge and belief, all of the requirements of the Town Council of the Town of Orange and ordinances of the Town of Orange, Virginia, regarding the platting of subdivisions within the Town have been complied with.

Given under my hand this _____ day of _____, 19__."

(signed) _____
State Certified Engineer (or Land Surveyor).

Town of Orange, Virginia Subdivision Ordinance

**APPENDIX B
OWNER'S CONSENT AND DEDICATION**

“The platting or dedication of the following described land (insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.”

_____ (SEAL)

_____ (SEAL)

COMMONWEALTH OF VIRGINIA/COUNTY OF ORANGE

There appeared before me this ____ day of February, 20__

_____, who after being duly sworn did state his/her authority to sign the above plat on behalf of _____ and _____, and did sign their name or acknowledge their signature to this document before me and in my presence.

Notary Public

My Commission expires: _____