



Town of Orange, Virginia

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Planning Commission  
Work Session

**Planning Commission Agenda  
Monday, November 10, 2025  
Town of Orange Community Meeting Room**

**6:00 p.m.**

**1. Call to order.**

**Roll Call:**

Chairman Benjamin Sherman  
Vice-Chairman Jeffrey Crane  
Commissioner Rita Carroll

Commissioner Martha Roby  
Commissioner Page Sullenberger  
Mayor J. Harrison Cluff, *Ex-Officio*

**2. Discussion of Revisions to the Subdivision Ordinance.**

**3. Next Meeting – January 12, 2026, at 6p.m. – Work Session Meeting.**

**4. Adjournment.**

*The Town of Orange Planning Commission Agenda Package is available on the Town's website for review at [www.townoforangeva.org](http://www.townoforangeva.org)*



**AGENDA SUMMARY**  
**November 10, 2025**  
***Agenda Item #2***

***Discussion of Revisions to the Subdivision Ordinance***

**SUMMARY**

The Director and the Town Attorney have prepared a draft revised subdivision ordinance that brings the document in line with statutory requirements pertaining to subdivision ordinances. Effectively, the draft as prepared is nearly a complete re-write of the ordinance.

The document represents a rough working draft of the ordinance re-write to begin the Commission's review. Staff looks forward to the Commission's comments regarding the draft.

**STAFF RECOMMENDATION:**

None.

**PLANNING COMMISSION VOTE/MOTION FOR CONSIDERATION:**

None needed.

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **Sec. 1-1. Purpose of chapter.**

- (a) 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, as amended, § 15.2-2241, for the town and such surrounding area that comes under the jurisdiction of the town council and the Charter of the town. 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*.
- (b) These regulations are adopted for the following purposes:
  - (1) To protect and provide for the public health, safety and general welfare of the town.
  - (2) To provide for adequate light and air, to promote safety from fire and flood and to prevent overcrowding of the land and undue congestion of population.
  - (3) To provide development guides and standards in accordance with the goals and objectives of the comprehensive plan.
  - (4) To provide development requirements so that new subdivisions will not be a financial burden to the town taxpayers, placing development responsibilities with those who initiate growth.
  - (5) To promote standards of design that will require limited public maintenance.
  - (6) To avoid premature subdivision, this chapter shall demand that adequate public facilities are available to serve new subdivisions.
  - (7) To avoid excessive subdivision that overburdens existing street systems.
  - (8) To provide the potential land or homeowner with assurance that the subdivision will develop according to a plan approved prior to land transfer.
  - (9) To ensure the provisions of this ordinance and the Facilities Standards Manual set forth requirements for the submission preparation and recordation of all plats or plans.
  - (10) To ensure all subdivisions created comply with the provisions of the zoning ordinance and other applicable laws with respect to the use thereof.

#### **Sec. 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.

*Agent* means the representative or representatives of the town council who have been appointed by the governing body to review and act on subdivision plats, site plans, and plans of development. The Agent may also be referred to as the *subdivision agent* or the *designated agent* to distinguish from agent(s) of the applicant.

*Alley* means a permanent service way providing a secondary means of access to abutting properties and not intended for general traffic circulation.

*Applicant/Owner* means 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.

*Building line* means the distance which a building is from the front lot line or front boundary line.

*Commission* means the Planning Commission of the Town of Orange, Virginia

*Cul-de-sac* means a street with only one (1) outlet and having an appropriate turnaround for safe and convenient reverse traffic movement.

*Developer* means an owner of property being subdivided or his designee.

*Development* means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

*Distances and areas* means measurement in a horizontal plane.

*Easement* means 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.

*Engineer* means 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.

*Facilities Standards Manual* means the *Town of Orange Virginia Public Works Facilities Manual*, the design manual for the construction of public and private facilities constructed as a portion of subdivisions or development plans within the corporate limits. These standards shall have the full force and effect of the Code of the Town of Orange.

*Family* means 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 is 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.

*Family, Immediate* means (i) a spouse and (ii) any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner and (iii) aunts, uncles, nieces and nephews.

*Governing body* means The Town Council of the Town of Orange, Virginia.

*Health department residential lot approval for individual sewage disposal systems* means to accept as satisfactory a conventional, gravity flow septic tank and subsurface drainfield without special design. The proposed system shall satisfy the sewage disposal demand for the estimated life of the dwelling.

*Health department residential lot approval for water supplies* means to accept as satisfactory a water source, the location of which will provide potable water of satisfactory bacteriological quality, which will not threaten with pollution of surface water, the underground water and not infringe on the use of neighboring lots for sewage disposal.

*Health official* means the Director of the Orange County Health Department.

*Highway engineer* means the resident engineer employed by the state department of transportation.

*Jurisdiction* means the limits of territory within which authority may be exercised by the governing body.

*Lot* means 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. The word "lot" includes the word "parcel."

*Lot, corner* means a lot abutting two (2) or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

*Lot, depth of* means the average horizontal distance between the front and rear lot lines.

*Lot, double frontage* means an interior lot having frontage on two (2) streets.

*Lot, interior* means a lot other than a corner lot.

*Lot of record* means a lot which has been recorded in the Office of the Clerk of the Circuit Court of Orange County, Virginia.

*Lot, width of* means the mean distance between the side lot lines measured at the setback line.

*Plan, preliminary* means a tentative plan showing proposed streets, lot layouts, existing and proposed buildings, water and sewer connections and other proposed improvements.

*Plan, final* means a complete and exact plan with a licensed land surveyor's seal or engineer's seal as required by this chapter to define property lines, streets and other proposed improvements.

*Plat* means the schematic representation of land divided or to be divided and information in accordance with applicable statutes in the Code of Virginia, 1950, as amended; a map or plan 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."

*Plat, record* means the copy of the final plat which is intended to be recorded in the office of the Clerk of the Circuit Court of Orange County.

*Plan, sketch* means an informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for preliminary consideration by the town.

*Preliminary subdivision plat* means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

*Property* means any tract, lot, parcel or several of the same collected together for the purpose of subdividing, preparing a Site Development Plan, and/or developing.

*Right-of-way* means the total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

*Setback* means the minimum distance by which any building or structure must be separated from the front, side, or rear lot line.

*Site plan* means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

*Street* means the principal means of access to abutting properties.

*Street, local* means streets that provide access to adjacent land and provide access to roadways higher up within the hierarchy of streets. Service to traffic is discouraged.

*Street, minor arterial* means streets which interconnect and supplement the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. They provide intra-community service as well as connecting urban collectors to the urban highway system.

*Street, principal arterial* means the most significant streets in the urban area that serve the major centers of activity, constitute the highest traffic volume corridors, serve the longest trip desires, carry the major portion of through traffic in the urban area, and provide continuity between minor arterial roadways.

*Street, urban collector* means the streets that provide land access service and traffic circulation within residential, commercial, and industrial areas. They collect local traffic and distribute it to the arterial system.

*Street or alley, public use of* means the unrestricted use of a specified area or right-of-way for ingress and egress to two (2) or more abutting properties.

*Street, service drive* means a public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

*Street, width* means the travelway between the edges of street pavement or edges of street curb.

*Subdivide* means the process of dividing 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.

*Subdivider* means an individual, corporation or registered partnership, owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one (1) of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

*Subdivision* means to divide any tract, parcel or lot of land into two (2) or more parts, except that where a lot or lots is divided from a larger tract the remainder of the tract need not be platted if it is in excess of ten (10) acres.

*Subdivision, family* means a single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner.

*Subdivision, major* means all subdivisions not classified as minor subdivisions, including but not limited to subdivision of four (4) or more lots, or any size subdivision requiring any new street or extension of public water and/or sanitary sewer, or any other public improvements.

*Subdivision, minor* means any subdivision containing not more than three (3) lots including the remnant; which fronts on an existing street; does not involve any new road, the extension or installation of public facilities, or the creation of any public improvements; does not adversely affect the remainder of the parcel or adjoining property; and, is not in conflict with any provisions or portion of the comprehensive plan, official zoning map, zoning ordinance, or these regulations. No more than one (1) application for a minor subdivision of the same parcel(s) may be considered by the town within five (5) years from the date of approval.

*Surveyor* means 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.

*Town Engineer* means the person employed or contracted 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.

*Zoning or to zone* means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

*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 Virginia Code, as amended and the latest edition of the Merriam Webster dictionary, in that order.

#### **Sec. 1-2.1. Application of chapter.**

This chapter and all regulations adopted hereunder shall apply to all subdivisions of land located within the town limits.

#### **Sec. 1-3. Roles and responsibilities of town and subdivider.**

There is a mutual responsibility between the subdivider and the town to divide the land so as to improve the general use pattern of the land being subdivided.

#### **Sec. 1-4. Conflicting provisions; severability.**

- (a) Whenever there is a conflict between minimum standards or requirements set forth in this chapter and those contained in other town ordinances or other applicable ordinances, the most stringent standard or requirement shall apply.
- (b) Should any section or provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of the chapter as a whole, nor the validity of any other section or provision of this chapter than the one so declared.

#### **Sec. 1-5. Effect of chapter on private contracts, covenants, etc.**

This chapter bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall control.

#### **Sec. 1-6. Amendment of chapter.**

This chapter may be amended in whole or in part by the town council; provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; provided further, that no such amendment shall be adopted without public hearing having been held by the planning commission and the town council. Notice of the time and place of the hearing shall be advertised according to Code of Virginia § 15.2-2204.

#### **Sec. 1-7. Adoption, effect and compliance with Facilities Standards Manual and Zoning Ordinance.**

In order to effectuate the provisions of this chapter, the town council shall, by resolution, adopt a manual of regulations and policies entitled "Facilities Standards Manual" which shall have the force of law. This manual shall include standards for the implementation of this chapter and may include other policies, criteria, standards and regulations to implement the provisions of the zoning ordinance. Any lot created must conform with the provisions of this chapter, the Facilities Standards Manual, the zoning ordinance and all other applicable ordinances and laws.

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**Sec. 1-8. Jurisdiction.**

In accordance with Article 6, Chapter 22 of title 15.2 of the Virginia Code, 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.

**Secs. 1-9 — 1-25. Reserved.**

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

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**ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

**Sec. 2-1. 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 perform designated duties in accordance with this chapter and the Virginia Code, 1950, as amended. 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.

**Sec. 2-2. Same—Consultation with other officers and departments.**

In the performance of their duties, the agent may call for advice from other departments in considering details of any submitted plat. This authority shall have particular reference to all town department heads, the town manager, the Virginia Department of Transportation, county health department and soil and water conservation service.

**Sec. 2-3. Same—Authority to promulgate additional regulations.**

In addition to the regulations contained in this chapter for the platting of subdivisions, the agent of the town council may, from time to time, establish any reasonable, additional administrative procedures deemed necessary for the proper administration of this chapter.

**Sec. 2-4. Compliance with chapter.**

- (a) *Platting required.* No person shall subdivide land without making and recording a plat of such subdivision with the clerk of the circuit court of Orange County or without fully complying with the provisions of this chapter.
- (b) *Town approval required.* No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved in accordance with the procedures outlined in article IV of this chapter.
- (c) *No sale or transfer until plat approved.* No person shall sell or transfer any land of a subdivision before such plat shall have been duly approved and recorded as provided herein, unless such subdivision was lawfully created prior to the adoption by the town council of this chapter or any previous subdivision ordinance. Nothing herein shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

**Sec. 2-5. Penalty for violation of chapter.**

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine as specified in a schedule of fines as set by the town council. Each day after the first during which such violation shall continue shall constitute a separate violation.

**Sec. 2-6. Appeals.**

- (a) If the designated agent fails to approve or disapprove any plat within forty (40) days after it has been officially submitted for approval, the subdivider after ten (10) days' written notice to the commission, or

agent, may petition the Orange County Circuit Court to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter such order with respect thereto as it deems proper, which may include directing approval of the plat.

- (b) If the designated agent disapproves a plat and the applicant contends that such disapproval was not properly based on this chapter or was arbitrary or capricious, the applicant may appeal to the Orange County Circuit Court, which shall hear and determine the case as soon as may be practicable, provided that the appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent.

State law reference(s)—Designated Agent to act on proposed final plat, Code of Virginia § 15.2-2259.

### **Sec. 2-7. Exceptions and variances.**

Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of town council, a departure may be made without destroying the intent of such provisions, the town council may authorize an exception. Any exception thus authorized shall be stated in writing in the report of the town council with the reasoning on which the departure was justified set forth.

### **Sec. 2-8. Family subdivisions.**

A single division of land into parcels where such division is for the sale or gift to a member of the immediate family of the property owner is permitted, provided the following conditions are met:

- (a) The property owner has owned the property for a minimum of two years prior to the sale or gift of the land to the family member;
- (b) Only one such division shall be allowed per family member;
- (c) Conveyance of the property shall not be for the purpose of circumventing this ordinance;
- (d) A plat and an affidavit describing the division and identifying the members of the immediate family receiving the lots created shall be submitted to the designated agent for approval. A deed and plat to the property conveying the property to the family member must be recorded in the office of the clerk of the Orange County Circuit Court within six months of the approval date noted on the plat by the designated agent for the Town of Orange;
- (e) The family member receiving the property must retain ownership of the property for a minimum of five years unless (1) transferring or selling the subject property to a person in the immediate family or (2) such property is subject to involuntary transfer such as by foreclosure, death, judicial sale, condemnation, bankruptcy, divorce or any circumstance deemed appropriate upon formal application being submitted to the subdivision agent;
- (f) The member of the immediate family must be defined as a person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent, aunt, uncle niece or nephew of the property owner;
- (g) All lots resulting from such division shall have exclusive access of 50 feet or more to a public street or thoroughfare. As used herein, exclusive may be interpreted to include use by other immediate family members, only. In the event a family member served by the 50-foot family easement shall convey ownership of their property to someone other than an immediate family member, then no further family divisions shall be permitted utilizing the above referenced 50-foot easement; and
- (h) The lot area of each lot existing after the division shall comply with the minimum lot area criteria but exempted from maximum density requirements set forth in the zoning district within which the property is located.

**Secs. 2-9—2-25. Reserved.**

### **ARTICLE III. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

#### **Sec. 3-1. To be installed at cost of subdivider; specifications generally; inspection and approval.**

The provisions of this chapter prescribe the requirements for subdivision of land within the town limits.

- (a) All required improvements shall be installed and paid for by the subdivider. Construction specifications shall follow standards as the town council shall, by written policy, adopt in the Facilities Standards Manual and the latest published specifications of the Virginia Department of Transportation (VDOT). The applicant's performance bond shall not be released until construction has been inspected and approved by the appropriate Engineer and Agent.
- (b) All improvements shall be in accordance with the requirements of this chapter; except that construction of public streets shall not be required of lots of three (3) acres or more.

#### **Sec. 3-2. - 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. The bond shall be payable to, and held by, the Treasurer of the Town. In accordance with Section 15.2-2245 of Virginia Code, 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.

#### **Sec. 3-3. 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 a 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.

#### **Sec. 3-4. Streets.**

- (a) 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

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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.

- (b) All streets within and contiguous to any development shall be designed and constructed so as to ensure coordination with other existing and planned roads within the general area as to arrangement, character, extent, width, grade, location, and drainage. Existing and planned streets shall be deemed to include, without limitation, streets depicted on the comprehensive plan and existing and planned roads in existing and/or future adjacent subdivisions to adjacent subdivisions (see the Facilities Standards Manual for more specific requirements).
- (c) 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.
- (d) Connectivity. All streets within a new development shall provide connections to the existing street system. New developments shall connect streets to the adjoining property line if the connection would provide for continuance of the street network and encourage interconnectivity between developments. An exemption may be provided where the connection would not be feasible.
- (e) Reverse frontage. The town may require reverse frontage to disperse traffic over several streets.
- (f) Minimum widths. The width of right-of-way for proposed streets shall be shown on the plat and shall be as follows:
  - (g) Primary Thoroughfare - Not less than seventy (70) feet.
  - (h) Local Street - Not less than fifty (50) feet.
  - (i) Private Road – Not less than twenty-four (24) feet.
  - (j) Alley, if permitted - Not less than twenty-four (24) feet nor more than thirty (30) feet.
- (k) 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 twelve percent (12%) without written approval of the Town Engineer. All streets and construction shall conform to the Town of Orange Public Facilities Manual. Town of Orange, Virginia Subdivision Ordinance S:3-3 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.
- (l) Streets and subdivision 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.in accordance with the Zoning Ordinance.
- (m) Identification signs. Street identification signs of a design approved by the Agent shall be required at all intersections

### **Sec. 3-5 Cul-de-Sacs.**

Cul-de-sacs shall not be generally more than one-quarter (0.25) 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. (45 foot minimum on radius comes from the Appendix B Subdivision Street Design Guide – VDOT design manual, page B-17 Circular Type Turnarounds).

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### **Sec. 3-6. Alleys.**

Alleys may be provided for developments in accordance with this chapter and the Facilities Standards Manual.

### **Sec. 3-7. Monuments.**

Monuments shall be installed by the developer in accordance with the Facilities Standards Manual.

- (a) **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 (3/4) 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.
- (b) **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.

### **Sec. 3-8 . Public utilities.**

- (a) *Public water.* The developer shall install water facilities in accordance with the Facilities Standards Manual.
- (b) *Public sewer.* The developer shall install sewer facilities in accordance with the Facilities Standards Manual.
- (c) *Private water and sewer.* Nothing in this chapter shall prevent the installation of privately-owned water or sewerage facilities in areas where public water and sewage facilities or both are not available; provided such installations shall meet all the requirements of the State Water Control Board, State Health Department and any other state or town regulation applicable to such installation. Specifications of all private water or sewer systems serving more than one dwelling unit shall be the same as those standards established for public water and sewer systems.
- (d) *Storm sewer.* The developer shall install storm sewer facilities in accordance with the Facilities Standards Manual.
- (e) *Fire hydrants.* Fire hydrants shall be installed in compliance with the Facilities Standards Manual.
- (f) *Land for public uses.* The Agent may request that the applicant set aside land for public use as parks or recreational areas.
- (g) *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, Town of Orange, Virginia Subdivision Ordinance S:3-4 gutters, sewage or water systems, any other construction or facility; nor for the repair or maintenance of any of the above.

### **Sec. 3-9. Street lights.**

Street lighting is required for all proposed developments in accordance with the Facilities Standards Manual and the Town zoning ordinance.

### **Sec. 3-10. - 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.

### **Sec. 3-11. - 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.

### **Sec. 3-12. Easements.**

- (a) *Utility maintenance easements.* Easements for all utilities required for the development and provided by the town shall be dedicated to the town and shown on preliminary and final plans as well as record plats. Easements dedicated to the town must be accepted by the town in accordance with Code of Virginia § 15.2-1803, as amended. The acceptance must appear on the face of the instrument or in a separately recorded agreement. Easements shall be dedicated to the town for purposes of functional maintenance. The landowner shall be responsible for routine maintenance responsibilities such as mowing and trimming.
- (b) *Access easements.* Easements must be dedicated to the appropriate party. The acceptance must appear on the face of the instrument or in a separately recorded agreement.
- (c) *Drainage easements.* Where required, 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. Such easements shall be dedicated to the town and designed in accordance with the Facilities Standards Manual.
- (d) *Common and shared easements.* Common or shared easements may be dedicated for cable television, gas, telephone and electric service or other utilities as appropriate and provided by law. The location of such easements shall be adequate for use by public service corporations and franchised cable operators which may be expected to occupy them. Such easements may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the county.

### **Sec. 3-13. Lots.**

- (a) *Generally.* The minimum lot size in any area shall be in accordance with the zoning ordinance.
- (b) *Shape.* The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements of this chapter. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.
- (c) *Location.* Each lot shall abut on a street dedicated for public use by the subdivision plat in accordance with the zoning ordinance. 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.
- (d) *Corner lots.* Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets, as determined by the agent, in compliance with the town's Zoning Ordinance.

- (e) *Side lines.* Side lines of lots shall be approximately at right angles or radial to the street line.
- (f) *Size.* Lot size shall be controlled by the applicable provisions of the Town of Orange Zoning Ordinance
- (g) *Remnants.* All remnants of lots below minimum size left over after subdividing of a tract shall be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- (h) *Separate ownership.* Where the land covered by a 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 lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed shall be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall be recorded together.
- (i) *Business or industrial lots.* Lots intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.
- (j) *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.
- (k) *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.

### **Sec. 3-14. Blocks.**

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

- (a) *Length.* Generally, the maximum length of blocks shall be consistent with requirements set forth in the Town's zoning ordinance.
- (b) *Width.* Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth except where fronting on arterial streets; unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots under adverse topographical conditions providing that the aesthetics of the block or subdivision are not seriously affected.
- (c) *Orientation.* Where a proposed subdivision will adjoin an arterial street, the agent may require that the greater dimension of the block shall back upon such major thoroughfare to avoid unnecessary ingress and egress.
- (d) *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.

### **Sec. 3-15. Land subject to flooding.**

Land delineated as floodplain on the applicable flood hazard map shall be subject to the provision of the Floodplain Management Ordinance (Zoning Ordinance (Chapter 19, Article 15).

All subdivisions must comply with the stormwater management requirements of the Facilities Standards Manual and the erosion and sediment control provisions of the town code and other flood control provisions and regulations as established by the town or other regulatory agencies. 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 an Engineer or qualified Surveyor.

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**Sec. 3-16. - Reservation of land for public purposes.**

The town may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public uses, subject to the following regulations:

- (a) Subdividers shall not be required to reserve land for public purposes other than streets and drainage, except on a reimbursement basis. The subdivider shall be reimbursed by the jurisdiction or agency requiring the land. The town shall be required to obtain an option upon the property involved for a negotiated period following the recording of the plat for such purchase. If the land is not purchased within the said negotiated period by the town and the subdivider, it may be sold as lots for the same purpose for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on the final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat. (b) The town shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of the subdivision.
- (c) Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the zoning ordinance.

**Sec. 3-17. - Vacation or alteration of boundary lines.**

- (a) The subdivision agent may approve the vacation, relocation, or alteration of boundary lines of any lot or parcel of land shown on a valid and properly recorded plat of a subdivision or re-subdivision approved as provided for in this subdivision ordinance and executed by the owner or owners of such land. Such approval may be given provided that the vacation, relocation, or alteration of a lot line does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and, provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding an interest therein.
- (b) The town planner may approve a plat altering or relocating the boundary line between no more than two lots or parcels provided that all monuments necessary to alter or relocate the boundary line and at least one lot corner are indicated on the plat. All other information may be indicated by providing reference to and as shown on a valid and properly recorded subdivision plat.
- (c) The town planner may allow the vacating of lot lines by recordation of a deed providing that no easements or utility rights-of-way located along any lot lines to be vacated shall be extinguished or altered without the express consent of all persons holding any interest therein. The deed shall be approved in writing, on its face, by the town planner. The deed shall reference the recorded plat by which the lot line was originally created.

**Secs. 3-18-3-25. Reserved.**

## **ARTICLE IV. PLATS AND PLANS PREPARATION, APPROVAL, RECORDATION**

### **Sec. 4-1. Platting procedures required.**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in the following order:

- (a) Minor subdivision, including boundary line adjustments and family subdivisions.
  - (1) Record plat.
- (b) Major subdivision, including planned unit developments.
  - (1) Preliminary plan.
  - (2) Final plan.
  - (3) Record plat.

### **Sec. 4-2. Fees for examination.**

There shall be a charge for the examination and approval or disapproval of every plat or plan reviewed by the agent. At the time of filing the preliminary and final plans or plats, the subdivider shall deposit with the agent fees as established by the town council.

### **Sec. 4-3. Pre-application conference.**

Before the preparation of a preliminary plan or plat, a subdivider is encouraged to confer with the subdivision agent (and the town engineer, at the discretion of the subdivision agent) relative to the regulations contained in this chapter, the comprehensive plan, the zoning ordinance, and other applicable ordinances. The purpose of this conference is to assure that the applicant is made fully aware of the requirements and interpretations of the existing ordinance plus any amendments which are pending at the time of the plan preparation.

### **Sec. 4-4. Preliminary sketch.**

*Optional sketch.* The subdivider may, if they so choose, submit to the subdivision agent a preliminary sketch of the proposed subdivision prior to his preparation of engineered and final plans. The purpose of the preliminary sketch is to permit the subdivision agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The subdivision agent, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The subdivision agent shall mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned to the zoning administrator with the preliminary plan. The optional sketch shall be drawn on white paper on a print of a topographic map of the property. It shall be drawn to a scale of one hundred (100) feet to the inch or larger. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

**Sec. 4-5. Preliminary plan for major subdivisions.**

- (a) *Purpose.* The preliminary plan review process is an opportunity for the subdivider to present a conceptual master plan of a subdivision for review and approval. This review permits the town staff to comment on the subdivision design in its preliminary stages. Review of the preliminary plan shall be based upon the standards contained in this chapter, as well as the town's zoning ordinance and comprehensive plan.
- (b) *Intent.* The preliminary plan submitted for review must contain the following information:
  - (1) The location, design, scope, type, density, physical characteristics and phasing of the proposed subdivision.
  - (2) A preliminary plan for the entire tract showing how all phases are proposed for development.
  - (3) The impact of the proposed subdivision on adjacent property.
  - (4) Compatibility of the proposed subdivision with the comprehensive plan, adopted master facilities plans, the capital improvements program, and plans for the development of neighboring properties.
  - (5) Compatibility of proposed streets and transportation improvements with other existing and planned streets within the general area of the proposed development, and with the transportation section of the comprehensive plan.
  - (6) Compatibility of the proposed subdivision with applicable ordinances, design guidelines and development criteria; and particularly those contained in the zoning district in which the subdivision is located.
  - (7) A traffic impact analysis in accordance with Code of Virginia, § 15.2-2222.1, as amended.
- (c) *Preliminary plan submission.* The subdivider shall present to the department of community development six (6) prints of a preliminary plan and one digital version in acceptable format, together with the required fees, not less than forty-five (45) calendar days prior to the next regularly scheduled meeting of the planning commission. The subdivision agent shall check the preliminary plan submission for completeness and within five (5) days of receipt, if the plan contains the informational requirements necessary for compliance with subsection (d) of this section, shall stamp the plans "OFFICIAL PRELIMINARY SUBMISSION" and forward a copy of the plan to any necessary internal department for review and comment. If the plan or any part of the submission thereof is found by the subdivision agent to be incomplete, the submission shall be determined null and void. The subdivision agent shall stamp the plan "NOT ACCEPTED," and return the plan for further work with specifications in writing or legible markings on the plan the lacking information.
- (d) *Preparation requirements.* The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale not less than one hundred (100) feet to the inch (1" = 100') and shall include the following information:
  - (1) The name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale.
  - (2) Vicinity map at a scale not less than one (1) inch to two thousand (2,000) feet showing the relationship of the proposed subdivision to the adjoining property and the area within one (1) mile.
  - (3) The tax map, block and lot numbers within the proposed subdivision tract where recorded, and the zoning district or districts within which the proposed subdivision is located.
  - (4) The location of the closest state route and the distance thereto in tenths of a mile.
  - (5) The boundary survey or existing survey of record, provided such survey shows a closure with an accuracy of not less than one (1) in two thousand five hundred (2,500); total acreage, acreage of subdivided area; number and approximate area and frontage of all building sites; existing buildings

- within the boundaries for the tract; names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- (6) A phasing plan if the subdivision is proposed to be developed in phases.
  - (7) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and watercourses and their names and other pertinent data.
  - (8) A profile or contour map showing the grades for the proposed streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connected therewith.
  - (9) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
  - (10) All parcels of land to be dedicated for public use and the conditions of such dedication.
  - (11) The gross acreage and percentage of total land area, of the following physical land units, tabulated and computed by accurate planimetric methods at the preliminary plan scale and graphically shown on the plan:
    - (i) Slopes from fifteen (15) percent but less than thirty (30) percent.
    - (ii) Slopes thirty (30) percent or more.
    - (iii) 100-year floodplains.
    - (iv) Aboveground electric transmission line easements.
    - (v) Watershed buffers.
  - (12) Total site area and percentage of total site area used for lots, streets and other areas to be dedicated or reserved.
  - (13) When deemed necessary by the subdivision agent, the following information shall be provided:
    - (i) A traffic impact analysis, showing the effect of traffic generated by the proposed subdivision on surrounding streets and neighborhoods.
    - (ii) A public utility analysis, showing the effect of the proposed subdivision on public water, sewer and/or storm drainage facilities.
- (e) *Preliminary Plan review.* Review of the preliminary plan by the subdivision agent shall proceed as follows:
- (1) The agent shall review the preliminary plan to determine its conformance with the standards contained in this chapter and other applicable regulations, and, following such review, approve, approve with conditions, or disapprove the preliminary plan.
  - (2) Land deemed to be topographically unsuitable by the agent shall not be planned for residential occupancy, nor for other uses that may increase danger to health, life, property or aggravate erosion.
  - (3) The agent shall not approve the subdivisions of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that the subdivision would overburden existing water and sewer facilities and adjoining streets, deposit harmful levels of storm runoff on adjoining properties or pose a pollution threat.
  - (4) In all cases, the agent must act within forty-five (45) days after acceptance of an official preliminary plan submission from the subdivider unless the applicant requests further delay. Within this time, the subdivider shall be advised in writing, by formal letter or by legible markings on the preliminary plan, of any additional improvements that will have to be made.

Va. State Code Ref. Sec 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

#### **Sec. 4-6. Final plans for major subdivisions.**

- (a) *Approval not guarantee.* The approval of the preliminary plan by the subdivision agent does not guarantee approval of the final plan and does not constitute approval or acceptance of the subdivision by the town or authorization to proceed with construction or improvements within the subdivision.
- (b) *Time limit on final plan submissions.* Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of 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 years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the designated agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.
- (c) *Preparation requirements.* The subdivision plans submitted for final approval and subsequent recording shall be accompanied by six (6) copies and shall be clearly and legibly drawn in ink upon tracing cloth or other material acceptable to the subdivision agent at a scale of one hundred (100) feet to the inch or larger on sheets having a size of twenty-four (24) inches by thirty-six (36) inches or multiples thereof with matching lines and a north arrow in each section. The applicant shall also submit one digital version, in acceptable format, of the same. In addition to the requirements of the preliminary plan, the final plan shall include the following:
  - (1) A blank, oblong space three (3) inches by five (5) inches shall be reserved for the use of the approving authority.
  - (2) Boundaries of all proposed or existing easements, parks, school, sites, all existing public and private streets and their names, numbers and widths, existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, 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 such boundaries.
  - (3) Said survey shall be referenced horizontally to at least two (2) control monuments established by the town. At least two (2) permanent benchmarks, which shall be referenced vertically to the town system, shall be established on or near the site. Each sheet shall identify coordinate value pursuant to the Town of Orange Coordinate System for at least two (2) property corners. Distance and bearings must balance and close with accuracy as required by the Code of Virginia.
- (d) *Approval of Final Plan.*
  - (1) The designated agent shall make a determination as to whether the final plan is in substantial accord with the approved preliminary plan and whether the final plan contains the information outlined in subsection (c) of this section. If the plan is determined both in accord with the approved preliminary plan and complete, the designated agent shall stamp the plan "OFFICIAL FINAL SUBMISSION" If the plan is determined not in accord or incomplete, the plan shall be stamped "NOT ACCEPTED" and returned for more work with specifications in writing or legible markings on the plan the informational requirements lacking.
  - (2) Within forty (40) days after an official final plan is accepted by the designated agent, the designated agent shall either approve or disapprove the final plan. If approved, one copy bearing certification of

such approval shall be returned to the subdivider. If disapproved, one (1) copy shall be returned to the subdivider with all of the reasons of disapproval in writing in compliance with Va. Code § 15.2-2259.

- (3) Approval of the final plan shall be indicated by the dated signature of the subdivision agent.

#### **Sec. 4-7. Recordation of final plat—Minor and major subdivisions.**

- (a) *Record plat.* No subdivision plat, hereinafter called the "record plat," shall be recorded until it is approved and signed by the designated agent.
- (b) *Bond in lieu of construction.* Before any subdivision plat is finally approved, satisfactory arrangements shall be made for performance bond, cash, cash bond, or other form of surety to cover the cost of necessary public improvements, in lieu of construction, to the satisfaction of the designated agent .
- (c) Preparation requirements for minor and major subdivisions.
- (1) Said survey shall be referenced horizontally to at least two (2) control monuments established by the town. Each sheet shall identify coordinate value pursuant to the Town of Orange Coordinate System for at least two (2) property corners. Distance and bearings must balance and close with accuracy as required by the Code of Virginia.
  - (2) The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.
  - (3) The accurate location and dimension by bearings and distances with all curve data on all lots and street lines and centerlines of streets.
  - (4) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.
  - (5) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds; however, this owner's statement may be in the deed only.
  - (6) When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dash lines, and identification of the respective tracts shall be placed on the plat.
  - (7) All plats shall comply with the regulations promulgated by the Virginia Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects as well as the standards established under Code of Virginia § 42.1-82, as amended.
  - (8) Approval block. On the face of the plat, a place reserved to receive the signature, with the date, of the director of public works and the director of community development, their designees, whose signatures, when affixed, shall indicate approval of the final plat. A place shall also be prepared to receive the signature and seal of the clerk of the circuit court of the town. All required signatures shall be in a durable black ink
  - (9) When thus executed and acknowledged, the plat, upon final approval and in accord with other provisions specified herein, shall be filed and recorded in the Orange County office of the clerk of the circuit court.
- (e) *Deadline for recordation.* The subdivider shall record the plat within six (6) months after final approval; otherwise, the designated agent shall mark the plat "void" and return the same to the subdivider. The town council may approve a longer period as appropriate. In any case where construction of facilities to be

dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the governing body or its designed administrative agency or where the developer has furnished surety to the governing body or its designed administrative agency by certified check, cash escrow bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater.

- (f) *Acceptance of dedication.* All subdivisions which provide for dedication for public use of any right of way or property shall comply with Code of Virginia § 15.2-2241(5) as amended.
- (g) *Release by Subdivision Agent.* The subdivision agent shall release the approved plat for recording when the subdivider files the deed of dedication and the fees.

#### **Sec. 4-8. Changes on plans.**

No change, erasure or revision shall be made on any preliminary or final plan, nor on accompanying data sheets after approval of the subdivision agent has been endorsed in writing on the plan or sheets, unless authorization for such changes has been granted in writing by the subdivision agent.

#### **Sec. 4-9. Expiration of approved final plans.**

An approved final subdivision plat which has been recorded or an approved final site plan shall be valid for a period of five (5) years from the date of approval. Extensions to approved plans may be granted by designated agent upon application of the subdivider or developer filed prior to expiration of the same. The provisions of this section shall be applicable to all site plans valid on or after January 1, 1992, pursuant to Code of Virginia § 15.2-2261. Nothing in this section shall be construed to affect the validity of the State Code, as amended, §§ 15.2-2261 and 15.2-2307.

State law reference(s)—Code of Virginia, § 15.2-2261.

#### **Sec. 4-10. Post-construction plans to be submitted.**

One (1) copy of the post-construction or "as built" subdivision plans shall be submitted to the Town of Orange public works department prior to release of performance bonds for public improvements.

#### **Sec. 4-11. Vacation of plats.**

- (a) Where no lot has been sold, a plat, or part thereof, may be vacated by either (i) with the consent of the town council, a duly executed and recorded writing declaring the plat to be vacated pursuant to Code of Virginia § 15.2-2271(1), as amended, or (ii) by ordinance of the town council pursuant to Code of Virginia § 15.2-2271(2), as amended.
- (b) Where any lot has been sold, a plat, or part thereof, may be vacated by either (i) a writing declaring the plat to be vacated, recorded and duly executed by the owners of lots shown on the plat and the town council, pursuant to Code of Virginia § 15.2-2272(1), as amended or (ii) by ordinance of the town council pursuant to Code of Virginia § 15.2-2272(2), as amended.
- (c) Any interest in streets, alleys, or public easements granted to the town may be vacated pursuant to Code of Virginia § 15.2-2270, as amended.
- (d) Any party seeking to vacate a plat under this section shall pay the fee in accord with a fee schedule set by the town council by ordinance, which may be adjusted from time to time by formal action of council.

State law reference(s)—Code of Virginia, §§ 15.2-2270—15.2-2273.

#### **Sec. 4-12. Release of bond.**

The subdivider or developer of land shall be released from performance agreements, bonds or sureties pursuant to Code of Virginia § 15.2-2245, as amended, as follows:

- (a) Upon completion of at least thirty percent (30%) of the facilities, a partial release shall be granted within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all required facilities, unless the town engineer notifies the subdivider or developer in writing of specified defects or deficiencies and suggested corrective measures or of non-receipt of approval by a local, state or federal agency;
- (b) No more than three (3) partial releases shall be granted in any twelve (12) month period;
- (c) The town may retain ten (10) percent of the performance agreement, bond, or surety for final acceptance and completion;
- (d) A final release shall be granted within thirty (30) days after receipt of written notice by the subdivider or developer of acceptance and completion of all construction, development and required facilities, unless the town engineer notifies the subdivider or developer in writing of specified defects or deficiencies and suggested corrective measures or of non-receipt of approval by a local, state or federal agency. Acceptance requires that the public facility is accepted by and taken over for operation and maintenance by the state agency, town or other public authority responsible for maintaining and operating such facility.
- (e) If the subdivision is vacated pursuant to section 1-118 herein, the performance agreement, bond or surety may be released as provided for herein.

State law reference(s)—Code of Virginia, § 15.2-2245.

#### **Sec. 4-13. Extension of subdivision plat approvals to address housing crisis.**

Any valid final subdivision plat outstanding as of January 1, 2017, shall remain valid until July 1, 2020, or such later date provided for by the terms of the town's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the town council by express action and recorded roll call vote. Any other plan or permit associated with such plat extended by this section shall likewise be extended for the same time period.

The extension of validity provided above shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

State law reference(s)—Code of Virginia, § 15.2-2209.1

#### **Secs. 4-14 – 4-25. Reserved.**

## ***ARTICLE V. – Exemptions***

### **Sec. 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.

***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 \_\_\_\_\_, \_\_\_\_."

(signed) \_\_\_\_\_  
State Certified Engineer (or Land Surveyor)

**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 \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, 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: \_\_\_\_\_