

ARTICLE 12: Site Development

12-10 Intent

The purpose of these regulations is to ensure the appropriate development of land and control of land disturbing activities within the Town of Orange. In particular, it is the intent of these regulations to encourage the development of safe, healthy and attractive residential neighborhoods and non-residential developments; ensure adequate provision for drainage and appropriate street access between proposed developments and adjacent streets, highways, and properties; ensure the provision of appropriate arrangements of buildings and parking areas on the site and with nearby properties; obtain public right-of-way, easements and other public land dedications, consistent with the Comprehensive Plan; ensure public facilities and utilities are constructed in accordance with applicable Town standards; maintain appropriate buffers between potentially incompatible uses; discourage development on environmentally sensitive lands such as steep slopes and floodplains; and avoid disturbance of historical, archeological, and/or natural significant features and landmarks.

12-20 Site Development Plan

12-20.10 When Required

Except for activities specifically exempted under Section 12-20.20 or not otherwise listed below, a site development plan shall be required for the following types of development and/or redevelopment:

- a) New Development: On a vacant lot or parcel containing no buildings or structures, a site development plan shall be required for the following:
 - 1) Construction of a new building or structure;
 - 2) Subdivision or development of a lot, parcel or tract requiring or involving the dedication or construction of, or substantial upgrades to, public facilities, including but not limited to buildings and structures, public streets and bridges, fee simple rights-of-way or easements, sidewalks, major public utilities, lighting, parks or public areas;
 - 3) Construction of parking areas or other impervious areas greater than 10,000 square feet in total area or;
 - 4) Land disturbing activities 10,000 square feet or greater in area as defined in Erosion and Sediment Control Ordinance of Orange County or of the Town of Orange, as applicable.
- b) Redevelopment: On a lot or parcel upon which buildings, structures or impervious areas have been previously constructed, a site development plan shall be required for the following:
 - 1) Enlargement or expansion of the floor area of an existing permanent building by more than 10,000 square feet or when new construction disturbs 10,000 square feet or more;
 - 2) Subdivision or redevelopment of a lot, parcel or tract requiring or involving the dedication or construction of, or substantial upgrades to, public facilities, including but not limited to buildings and structures, public streets and bridges, public rights-of-way or easements, sidewalks, major public utilities, lighting, parks or public areas;

- 3) Enlargement of a parking area or other impervious area by more than 10,000 square feet;
- 4) Change in use of an existing parcel or building to a more intensive use category (e.g. commercial to industrial); or
- 5) Land disturbing activities 10,000 square feet or greater in area as defined in the Erosion and Sediment Control Ordinance of Orange County or of the Town of Orange, as applicable.

12-20.20 Exemptions

A site development plan shall not be required for the following types of development or redevelopment:

- a) Construction, expansion, or enlargement of a single-family detached dwelling or duplex dwelling or a building, structure or parking area accessory thereto;
- b) Land disturbing activities, as defined in the Erosion and Sediment Control Ordinance of the Orange County or the Town of Orange, as applicable, for the purposes of constructing a single-family dwelling or duplex dwelling on a recorded lot;
- c) Agricultural activities as defined by Article 14 of this Ordinance;
- d) Fences and walls less than eight (8) feet in height;
- e) In-ground or above-ground swimming pools on a lot or parcel used principally for single-family dwelling or duplex dwelling use;
- f) Routine maintenance of public facilities and areas by any department of the Town in accordance with Section 4-40 of this chapter; or
- g) Any change or expansion of a use provided that:
 - 1) The change or expansion does not require additional off-street parking under the requirements of this chapter;
 - 2) No additional ingress/egress or alteration of existing ingress/egress is required or recommended by the Town based upon the change or intensification of the use;
 - 3) No additional ingress/egress or alteration of existing ingress/egress is proposed by the developer; and
 - 4) No new connection to or upgrade of public water or sewer facilities is proposed or required.
- h) Construction or enlargement of parking areas of other impervious areas for the purposes of outdoor vehicle or equipment display and/or storage; or
- j) Construction or enlargement of parking areas or other impervious areas on a lot used principally for a single-family or duplex dwelling.

12-20.30 Pre-Application Meeting

A pre-application conference with the Zoning Administrator and other Town staff is recommended prior to submission of a site development plan. The intent of the conference is to clarify the requirements of this Ordinance, and other ordinances of the Town that may be applicable, in order that the site development plan can be prepared in an efficient manner, and to facilitate plan review by the Zoning Administrator. Any conceptual plans discussed and/or

requirements communicated during the conference shall not be considered binding on the Town or applicant.

12-20.40 Required Information

Every site development plan required by Section 12-20 shall contain the following minimum information:

a) General Information:

- 1) Name of the proposed development.
- 2) Existing and proposed uses of the property.
- 3) Name and addresses of the owner of record and of the applicant.
- 4) Names of any holders of easements affecting the property.
- 5) Deed reference, instrument number, and tax map and parcel number and/or parcel identification number (PIN).
- 6) Names, addresses, signatures, and registrations of professionals preparing the site plan.
- 7) Date plan was drawn and date of any revision(s).
- 8) Vicinity map at a scale not less than one inch equals 2,000 feet, indicating thereon roads and their names and numbers, Town Corporate Limits, subdivisions and other landmarks.
- 9) Boundary survey, with an error of closure within the limit of one in ten thousand, certified by a licensed land surveyor and indicating the date completed. The survey must show the location and type of boundary evidence, except where a tract or site is a part of a subdivision of record. If only a portion of a parcel is proposed for development, the limits of development shall be shown.
- 10) Existing zoning and all required building setback lines and/or build-to lines.
- 11) Owner(s), zoning, tax map and parcel number and/or parcel identification number (PIN), and present use of each adjoining parcel.
- 12) North arrow, date, and scale of drawing and number of sheets.
- 13) A blank space four (4) inches by (4) inches in size on the plan face for the use of the approving authority.

b) Project Tabulations:

- 1) Gross acreage of the total lot area to the nearest one-hundredth of an acre.
- 2) Number of lots.
- 3) Number of parking spaces required and provided based on the proposed use.
- 4) Proposed permitted uses by square footage.
- 5) Total square footage of all proposed buildings by floor area.
- 6) Proposed floor area ratio (FAR) for non-residential buildings and uses.
- 7) Gross residential density for each type of residential use.
- 8) Total area of all open spaces areas, common areas and recreation areas by square footage and as a percentage of the lot.
- 9) Total impervious area by square footage.
- 10) Average lot or parcel size for residential subdivisions.

c) Existing & Proposed Site Conditions:

- 1) Number of floors, floor area, height, general use, and location of each building.

- 2) Location, type, size, and height of all fencing, walls and screening proposed and/or required under the provisions of this Ordinance.
 - 3) Location, name, route number and full width, if applicable, of existing and proposed streets and travelways, access easements, alleys and right-of-ways.
 - 4) Existing and proposed property lines.
 - 5) Existing and proposed topography with maximum two-foot contours for the entire site.
 - 6) All existing and proposed utilities of all types, including locations, sizes, dimensions, materials, profiles and grades of all public water, sanitary sewer, and storm drainage facilities and proposed connections to existing water lines, sanitary sewer lines, drainage channels and storm drainage structures. Meter sizes for all buildings and estimated water consumption must be indicated.
 - 7) Location of proposed fire hydrants and/or distance to nearest existing fire hydrant.
 - 8) Water courses, wetlands, and their names.
 - 9) One-hundred (100) year flood plain limits.
 - 10) Location, width, and pavement type of existing driveways, sidewalks, and access points on the property.
 - 11) Location, width and typical pavement section of all proposed entrances, parking lots, sidewalks, and trails.
 - 12) Projected average number of vehicle trips generated by the proposed use per day and per AM and PM peak hour based upon the latest edition of the ITE Trip Generation Manual.
 - 13) Boundaries, purposes, and widths of all easements.
 - 14) Archeological, natural and historic features and landmarks. The plan shall be revised to delineate such as discovered during the review process.
 - 15) Identification and location of areas of contamination, remediation, and other adverse environmental conditions of the property.
 - 16) Identification and location of any grave, object, or structure marking a place of burial.
 - 17) Location and type of all outdoor trash receptacles and dumpsters and proposed screening methods.
 - 18) Location and size of areas intended to be dedicated or reserved for public use, open space, or common areas, including location and design of facilities proposed within such areas.
 - 19) Locations, heights, and specifications of all outdoor lighting for parking lots, sidewalks and pedestrian walkways, public spaces and common areas, and all other areas designed or intended for use during evening hours, including a diagram of each type of outdoor luminaire and photometric plan indicating lighting patterns and footcandles.
 - 20) An indication of phases or sections within the proposed development and the order of development.
 - 21) The location, character, size, height and orientation of proposed signs.
- d) Supplemental Information:
- 1) Landscape Plan in conformance with Section 9-30.
 - 2) Erosion and Sediment Control Plan in conformance with the requirements of the Erosion and Sediment Control Ordinance of Orange County and/or the Town of Orange, as applicable.

- 3) For sites with the presence of potential wetlands and jurisdictional streams, a Joint Permit and Virginia Water Protection Permit, approved by the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality, as applicable.
- 4) A traffic impact statement or supplemental traffic analysis in conformance with Section 2-30.30, if applicable.
- 5) A Virginia Stormwater Management Permit, approved by the Department of Conservation and Recreation, if the site disturbs more than one (1) acre.
- 6) A deed of dedication with plat and/or deed of easement with plat for all rights-of-way, easements, or other properties which will be conveyed to the Town of Orange as a result of the development, in a form approved by the Town Attorney.
- 7) Front elevations shall be shown on all commercial, industrial, townhouse, and multi-family developments, regardless of height.
- 8) If the development is not to be served by public water and/or sanitary sewer facilities, written approval of the proposed location of wells and sewage disposal systems shall be obtained from the Orange County Health Director or his designee.
- 9) A bond estimate of public improvements as set forth in Section 12-50 of this Article.

12-20.50 Additional Requirements

All site development plans required by the provisions of this Article shall meet the following additional requirements:

- a) Site development plans, or any portion thereof, involving engineering, architecture, city planning, urban design, landscape architecture, or land surveying, will be prepared by persons qualified to do such work. Final site plans shall be certified by an architect, professional engineer, land surveyor, or certified landscape architect within the limits of their respective licenses authorized to practice by the Commonwealth of Virginia.
- b) Site development plans shall be prepared to the scale of one (1) inch equals fifty (50) feet or larger; sheets shall measure eighteen by twenty-four (18" X 24") at a minimum and no larger than thirty-six by twenty-four inches (36" X 24").
- c) The site development plan may be prepared on one (1) or more sheets. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- d) A minimum of two (2) datum references for elevations used on plans and profiles and correlated, where practical, to a U.S. Geological Survey datum. At least one (1) datum reference shall be on-site.

12-30 Administration and Review Procedures

- a) A minimum of twelve (12) clearly legible blue or black line copies of a site development plan shall be submitted to the Zoning Administrator. Submitted plans shall include a completed application, checklist and payment of review fees, as established by the Town.
- b) The Zoning Administrator shall be responsible for the receipt, review, processing, and approval of site development plans, including any modifications which conform to the standards and requirements in this Article or Ordinance. The Zoning Administrator may from time to time establish reasonable procedures and forms for the administration of this section. The Zoning Administrator may request opinions and/or decisions from other departments, divisions, agencies, or

authorities of the Town and County government; from officials, departments, or agencies of the Commonwealth of Virginia; or from other qualified persons as may from time to time be retained. The reviewing departments, agencies and officials may include, but need not be limited to the Town Attorney, the Director of Public Works, the Town Engineer or consulting engineer, the Chief of Police, and the Fire Chief.

- c) The Zoning Administrator shall check the plan for completeness within twenty-one (21) days of receipt. If the plan does not contain all information required by this Article or by other provisions of this Ordinance, the Zoning Administrator may return the plans as incomplete, provided that he shall identify the deficiencies or omissions in the submitted plan in writing to the applicant and stamp the plan "Incomplete". If the Zoning Administrator determines that the omissions or deficiencies are minor in nature and will not affect the ability of the Town to adequately review the plan, he may accept the plans as substantially complete, provided that he shall identify the deficiencies or omissions in writing to the applicant and require that the applicant address the omissions or deficiencies prior to final approval.
- d) The applicant shall mail a written notice, on a form provided by the Zoning Administrator, to all abutting property owners, and owners of property directly across the street from the site, indicating the general nature and intent of the proposed activities indicated on the site development plan as submitted. Notices sent by registered or certified mail to the last known address of such owner shown on the real estate tax assessment records of the Town shall be deemed adequate compliance with this requirement. The applicant shall provide copies of all such notices and receipts to the Zoning Administrator. No site development plan shall be preliminarily approved within five (5) calendar days of any such notice.
- e) Once the plan is deemed complete or substantially complete, the site plan together with the comments received from Town staff shall be forwarded to the Planning Commission prior to the next regular meeting. The Zoning Administrator shall make a report on the site development plan to the Planning Commission and identify any required modifications. The Planning Commission shall consider the site development plan, staff comments, and the Zoning Administrator's report and make a non-binding recommendation to the Zoning Administrator as to whether the plan should be approved, approved with modifications, or disapproved.
- f) Approval, approval with modifications, or disapproval of a site development plan by the Zoning Administrator shall occur within sixty (60) days of official acceptance of the plan as complete or substantially complete. Approval with modifications shall be deemed preliminary approval of the site development plan, provided that the Zoning Administrator shall indicate final approval or disapproval of the plan with thirty (30) days of official acceptance of the revised plan containing the required modifications. If the plan is disapproved, written notification shall be provided to the applicant or the applicant's designated agent stating the deficiencies in the plan that caused the disapproval by reference to specific adopted ordinances, regulations, or policies and identifying the modifications or corrections that would permit approval of the plan.
- g) No public easement, right-of-way, or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the Town Council and evidence of such approval is shown on the instrument to be recorded.
- h) No permit shall be issued for the construction of any building or improvement requiring a permit in any area covered by the site development plan unless it is in compliance with the provisions of this Article and the duly approved site development plan.
- i) Any approved site development plan may be revised, provided request for revision shall be filed with the Zoning Administrator and processed in the same manner as the original site development

plan, except that Planning Commission review and recommendation shall not be required if the proposed revisions do not substantially affect the overall plan. Approval, approval subject to modifications, or disapproval of revisions to a site development plan shall occur within sixty (60) days of official acceptance of the request by the Zoning Administrator.

- j) The Town, County, and State agencies responsible for the supervision and enforcement of this Article or Ordinance shall retain the right to periodically inspect the site during the period of construction.
- k) Approval of a site development plan pursuant to this Article shall expire five (5) years after the date of approval unless a building permit has been obtained for construction in accordance with Section 15.2-2261 of the Code of Virginia. The site plan shall be deemed final once it has been reviewed and approved by the Town if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows. Extensions may be granted upon request by the applicant to the Zoning Administrator, sixty (60) days prior to lapse of approval, and may include a request to extend all bond and surety agreements. A six (6) month extension may be granted one time at the discretion of the Zoning Administrator taking into consideration the size and phasing of the proposed development. Further extension may be authorized only by Planning Commission approval upon demonstration of a good cause by the applicant and taking into consideration the time and phasing of the proposed development.
- l) One (1) set of approved plans shall be at the job site at all times when work is being performed.
- m) Upon compliance with the terms of this Ordinance and satisfactory completion of construction, as determined by an on-site inspection by Town staff, the Zoning Administrator shall furnish a Certificate of Zoning Compliance in accordance with Section 3-10 which will allow issuance of a Certificate of Occupancy by the Orange County Building Official for any building(s) on site.

12-40 Minimum Design Standards and Improvements

12-40.10 Applicability

The standards prescribed in this section shall apply to all developments or subdivisions requiring submittal of a site development plan in accordance with Section 12-20.

12-40.20 Compliance with Public Facilities Standards

All public facilities included but not limited to streets, bridges, culverts, sidewalks, drainage channels, pipes, and structures, and water and sewer facilities required or proposed to service the development, shall be constructed in conformance with the Town of Orange Public Facilities Manual, latest edition, and with any other standards of any state, local or federal government agency having regulatory authority or jurisdiction over the subject improvements, including Orange County, if applicable.

12-40.30 Cost Sharing

Unless otherwise agreed to by the owner or applicant and the Town, all improvements required by this Article shall be installed at the cost of the owner or applicant. Where cost sharing or reimbursement agreements between the Town and the owner or applicant are requested and

deemed appropriate by the Town, the same shall be entered into by formal agreement prior to final site development plan approval. Where specifications and standards have been established by the zoning or subdivision ordinances or by the Town generally, or by any other state, local, or federal government agency for any such improvement, such specifications shall be followed. The owner or applicant's performance bond shall not be released until construction has been inspected and accepted by the Town after consulting with all applicable regulatory authorities.

12-40.40 Streets

- a) Proposed streets shall be coordinated so as to provide adequate circulation. Where a street connection is necessary for the appropriate development of adjoining land, the arrangement or extension of streets shall include the extension of the street to the edge of the subject property. The street layout shall provide access to all lots within the development. Streets shall be laid out to intersect as nearly at right angles as possible.
- b) Proposed streets shall be graded and improved with pavement, street signs, sidewalks, driveway approaches, curbs, gutters, stormwater structures and conveyances, landscaping, water mains, sanitary sewers, fire hydrants and appurtenances, street lights, and other public improvements required by the Town of Orange Public Facilities Manual, latest edition, and the zoning and subdivision ordinances of the Town, or by any other duly adopted plans, maps and ordinances; and all new streets must be platted and constructed to meet the full width required therein.
- c) Wherever there exists a public street within or adjacent to the proposed subdivision or development, the street shall be dedicated within the proposed subdivision or development to the width prescribed in the Public Facilities Manual and the zoning and subdivision ordinances of the Town, or in any other duly adopted plans, maps and ordinances; and all subdivisions and developments that adjoin or include existing streets shall provide such improvements as are necessary to bring said streets up to the standards specified therein.
- d) At a minimum, streets shall have the widths of right-of-way specified for the appropriate functional street classification in conformance with the geometric design standards of the Virginia Department of Transportation, unless the Town has adopted an alternative standard for a proposed or existing street, or segment thereof, as part of a duly adopted plan, map or ordinance.
- e) All streets shall be named and names shall be approved by the Planning Commission. Names shall be sufficiently different in sound and in spelling from other street names in the Town so as not cause confusion.

12-40.50 Access and Circulation for Vehicles and Pedestrians

- a) Each development shall be provided with safe and convenient ingress from and egress to one (1) or more public streets designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes such as police, fire and rescue vehicles. To these ends, the Planning Commission may recommend and the Zoning Administrator may specify the number, type, location and design of access points to a public street together with such

measures as may be deemed appropriate to insure adequate functioning of such access points, including but not limited to sight line easements.

- b) Each entrance onto any public street for vehicular traffic to and from each development shall be subject to the approval of the Zoning Administrator upon the advice of the Director of Public Works, Town Engineer or consulting engineer, and/or the Virginia Department of Transportation, and shall be constructed in accordance with the design standards of the Town or, in the absence of such standards, the Virginia Department of Transportation.
- c) The Planning Commission may recommend and the Zoning Administrator may require provision for and/or construction of travel lanes or driveways to serve adjoining properties. The pavement of vehicular travel lanes or driveways designed to permit vehicular travel from adjacent property and parking areas shall be not less than twenty (20) feet in width, except for alleyways.
- d) On any site bordering a four-lane divided highway, the developer, in lieu of providing travel lanes or driveways that provide vehicular access to and from adjacent parking areas and adjacent property, may dedicate and construct a service road in accordance with existing standards of the Town or Virginia Department of Transportation for such roads, subject to approval by the Zoning Administrator upon the advice of the Planning Commission, Director of Public Works, the Town Engineer or consulting engineer, and/or the Virginia Department of Transportation. Upon satisfactory completion and dedication of the road by the developer, and inspection by the Town for conformance with applicable standards, the Town shall accept the service road into the Town's system of public streets.
- e) On-site parking and circulation shall be designed and constructed in accordance with Article 8 and sound engineering practices, including but not limited to grade, drainage and paving specifications, and shall be subject to Zoning Administrator approval of safe and convenient vehicular circulation patterns.
- f) Provision shall be made for sidewalks and pedestrian walkways which will enable pedestrians to walk safely and conveniently between buildings on the site and from the site to adjacent property. Sidewalks built adjacent to existing and proposed streets shall conform to the minimum width prescribed in the underlying zoning district in accordance with the applicable civic space standards in Article 5 of the Ordinance. Wherever a public street is located adjacent to or within a proposed subdivision or development, the owner, applicant or developer shall be responsible for constructing the sidewalk along the entire length and on each side of the public street where the owner's property adjoins said street.
- g) Provision shall be made where appropriate for pedestrian walkways in relation to private and public areas of recreation and open space such as schools, parks, gardens and similar areas. Connection shall be made wherever feasible of walkways and bicycle ways with similar features in adjacent developments. All sidewalks and related facilities proposed to be accepted for maintenance by the Town shall be designed and built in accordance with the standards of the Town and Virginia Department of Transportation, and shall conform to Section 15.2-2021 of the Code of Virginia. All other sidewalks and walkways shall conform to Section 15.2-2021 of the Code of Virginia and shall be of materials, specifications and design approved by the Zoning Administrator upon consulting with the Director of Public Works.

12-40.60 Drainage and Stormwater Management

- a) Provisions shall be made for the disposition of surface water runoff from the site including such on-site and off-site drainage facilities and drainage easements as the Zoning Administrator may deem adequate, provided that the minimum width of a drainage easement shall be fifteen (15) feet. The extent and character of both on-site and off-site stormwater management and treatment shall be in accordance with all local, state and federal requirements and standards, and shall meet the following additional requirements of the Town:
 - 1) On-site and off-site improvements shall be made if deemed necessary by the Zoning Administrator so that downstream properties are not harmed by pollution, flooding, erosion or sedimentation resulting from the subdivision or development.
 - 2) Culverts and/or bridges shall be required where overland streams intersect any street right-of-way.
 - 3) Existing watercourses entering the subdivision or development shall be received and discharged as nearly as feasible in the manner as existed prior to the subdivision or development. Means for the retention of storm waters within subdivisions and developments and the controlled release of storm waters there from shall be completed in instances where downstream floodwaters increased by the subdivision or development cannot be accommodated without damage to downstream properties.
 - 4) The design and construction of drainage facilities shall be such that all water courses traversing the subdivision or development and water emanating from outside or within the subdivision or development will be carried through and off the subdivision or development without creating an adverse drainage condition to roadway or residential sites within the tract and without injury to roadways, residential sites, or other lands abutting or in the vicinity of the tract.
- b) A Stormwater Management Facility Maintenance Agreement, in a form acceptable to the Zoning Administrator, shall be executed by and between the owner and the Town for any such stormwater management facility constructed on the owner's property. Such agreement shall ensure that stormwater management facilities are maintained in a satisfactory manner by the owner without expense to the Town.
- c) Provision for temporary and permanent control of erosion and sedimentation during all phases of clearing, grading and construction shall be made in accordance with the Erosion and Sediment Control Ordinance of the Town or County, as applicable.
- d) In addition to the provisions of this section and other applicable law, provisions shall be made for the minimization of pollution of downstream watercourses and groundwater where such measures are deemed warranted by the Zoning Administrator due to the unusual character of particular use. In determining what measures, if any, are warranted, the commission or the agent shall consider the recommendation of the Town Engineer or consulting engineer in light of the character of the proposed use including but not limited to: storage of petroleum products, pesticides, poisons, synthetic organic compounds or other substances which, if improperly stored or inadvertently discharged, may reasonably be anticipated to pollute such surface or ground waters.

12-40.70 Water, Sewer and Other Utilities

- a) Subdivisions and developments subject to the requirements of this article shall connect to central water and/or sewer systems whenever required by the provisions of this chapter and the Code of the Town of Orange, provided such systems have sufficient capacity to accommodate the proposed development. In all such instances, public water and sanitary sewer systems shall be installed to serve all lots, including lateral connections between the trunk sewer and property lines.
- b) For buildings and parcels not required to connect to a central public sewer system, on-site septic systems shall be subject to review and approval by the Health Department. Percolation tests and/or other methods of soil evaluation deemed necessary by the Health Department shall be the responsibility of the applicant.
- c) Adequate provision shall be made by the owner or applicant to construct all utilities required to service the development, both on-site and off-site. Design requirements shall follow the provisions of the Town of Orange Public Facilities Manual, as applicable.
- d) Adequate easements shall be provided for all utilities. Minimum easement width shall be fifteen (15) feet. If two (2) utilities are located within one (1) easement area, the minimum easement width shall be twenty (20) feet. If more than two (2) utilities are located within an easement area, the easement width shall be established by Zoning Administrator upon the advice of the Director of Public Works.
- e) New electric, telephone, communication, and cable television service utility facilities shall be installed underground in accordance with the provisions of this chapter and the Code of the Town of Orange.

12-40.80 Signs and Lighting

- a) Signage shall be approved by the Zoning Administrator in accordance with Article 11 of this chapter. Approval of a site plan shall not be deemed approval of any signage except such signs as may be specifically required by the Town to regulate traffic, prohibit parking or to serve some other purpose of this chapter.
- b) Lighting facilities of a type approved by the Zoning Administrator shall be installed by and maintained at the developer's expense where required by the provisions of the zoning and subdivision ordinances, or by the Zoning Administrator, including along private and public streets and within public access parking areas, including parking areas for multifamily and townhouse developments. Such lighting shall be appropriate in scale and intensity for its designed purpose of illuminating roadways or pedestrian areas during evening and nighttime hours. Lights installed along streets to be accepted by the Town into its maintenance system shall be built and installed according to Town standards. These standards may be modified for areas where streetscape design plans have been approved by the Town Council.

12-40.90 Trees and Landscaping

- a) Street trees and other plant materials shall be installed at the developer's expense along any public thoroughfare located within or adjacent to the subject property. All such trees and plantings shall meet the minimum requirements and standards of this Chapter, and shall be

represented on the Landscape Plan submitted to the Zoning Administrator in accordance with Article 9 of this Chapter. Where such landscaping is located entirely on the subject property outside of the public right-of-way, the developer shall be responsible for maintenance of the same.

- b) Trees and plant materials shall be installed by and maintained at the developer's expense on the subject parcel wherever required by the provisions of Article 9 or any other provision of this chapter in accordance with all applicable minimum requirements and standards.
- c) Required specifications for landscaping, street trees and street tree plantings shall designate the number, location, size, variety and condition of trees and other plant materials to be planted and planting methods. Such specifications shall take into account the relative hardiness, shape, root growth pattern, beauty and undesirable features of plant materials and shall provide restrictions on plantings in locations likely to damage underground or aerial utility facilities; restrict motorists or pedestrian sight distances, conflict with driveways, sidewalks, bikeways or streets; or damage street, sidewalk, storm sewer, sanitary sewers, curb and gutter or other public facility structures.

12-50 Required Bonds and Surety

12-50.10 Bonding Policy

A performance agreement between the applicant and the Town Council, supported by an acceptable form of guarantee, shall be required ensuring the timely and proper installation of required improvements. Such agreements with the Town Council shall be posted to guarantee the installation of all improvements described below:

- a) All improvements described in §15.2-2241(5.), Code of Virginia, 1950, as amended, that will be accepted for public use and public maintenance by the Town of Orange;
- b) All other improvements required by the Town of Orange and/or the provisions of this chapter for special use permits, zoning ordinance amendments and site development plans as determined by applicable approving authority;
- c) Improvements proffered as part of any zoning map amendment, as required by the Zoning Administrator in accordance with §15.2.2299, Code of Virginia, 1950, as amended.

12-50.20 Performance Bond Agreements

Prior to site plan approval, a Performance Bond Agreement, provided in a format acceptable to the Town, for installation of on-site and off-site improvements to be dedicated for public use, shall be submitted to the Town. The Agreement shall contain the following:

- a) Identification of improvements to be dedicated for public use or access;
- b) Unit cost estimate with escalation clause;
- c) The date by which the improvements shall be completed;
- d) Construction supervision standards;

- e) Insurance standards;
- f) Materials and workmanship guarantee; and
- g) Improvement dedication requirements.

The Agreement may also include other items not listed above as may be mutually agreed to by the landowner/developer and the Town. Upon Town approval of the Performance Bond Agreement, the owner or developer shall submit to the Town surety prior to final site plan approval or issuance of the Zoning Permit.

12-50.30 Acceptable Bond Guarantees

The following bond guarantees are acceptable, provided they are consistent with the regulations below:

- a) Cash escrow: The face amount of the bond shall be submitted to the Town and shall be deposited in an interest-bearing escrow account in an institution selected by the town and approved by the state for investment by state or local government entities. Such face amount and interest shall be available to the Town in the case of default or breach of the performance agreement.
- b) Letter of credit: Irrevocable letters of credit from financial institutions are acceptable, provided they are in a form acceptable to the Town and they extend at least six months beyond the expiration date of the performance agreement. The letter of credit must contain conditions for automatic renewal for additional six month periods, unless the financial institution notifies the administrator in writing by certified mail at least 60 days in advance of any cancellation, including normal expiration of term. The financial institution issuing the letter of credit shall be chartered in the Commonwealth of Virginia or be authorized to conduct business in Virginia and insured by the Federal Depository Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) Corporate bond. Corporate surety bonds are acceptable, provided the bonds are in a form acceptable to the Town, are furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia, and the surety holds a certificate of authority from the Federal Government to act as surety on Federal projects or has a rating of B+ or better by Best's Key Rating.

12-50.40 Bond Defaults/Extensions

- a) For projects bonded with the Town, if the applicant fails to complete all of the bonded improvements within the time period specified by the performance agreement and no extension has been obtained, or a replacement agreement and bond have not been approved with a new expiration date, the agreement is deemed in default.
- b) Performance agreements with the Town may be extended for periods of one year or less. Any request for extension shall be in writing and shall be accompanied by an estimate of the remaining work and a timetable for completion of the improvements, as well as the

conditions which have prevented the applicant from completing the required improvements.

12-50.50 Bond Reductions

Periodic partial releases of bonds held by the Town may be approved in accordance with §15.2-2241(11.), Code of Virginia, 1950 (as amended). The Town shall act within sixty (60) days of the receipt of any written request for a bond reduction, unless the Town notifies the applicant in writing of non-receipt of approval by applicable state agencies or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the 60-day period.

The following standards shall apply to any request for a bond reduction:

- a) No more than three reductions shall be permitted within any 12-month period.
- b) No bond shall be reduced beyond 75 percent of the original bond amount. Periodic partial releases shall not occur before completion of at least 30 percent of the improvements covered by the bond.
- c) The applicant is responsible for all engineering costs incurred by the Town in the process of inspecting the required improvements.

12-50.60 Bond Release Procedures

Upon completion of all required improvements, the developer shall notify the Zoning Administrator in writing of such completion and shall submit as-built plans in accordance with Sec. 12.50.90. The Zoning Administrator shall have all such improvements inspected and shall file a written report to the owner-applicant indicating approval, partial approval or rejection of such improvements, setting forth the cost of improvements as approved or rejected and reasons for any rejections. Upon acceptance of said improvements, the Zoning Administrator shall release any remaining bond, such release to occur within 30 days after receipt of written notice by the owner-applicant of completion of said improvements, unless the Zoning Administrator finds and notifies the owner-applicant in writing (1) of non-receipt of applicable departmental or state agency approval; or (2) of any specified defects or deficiencies in construction; or (3) the development's as-built plans have not been submitted in accordance with Article 12.50-90 and suggested corrective measures prior to expiration of the 30-day period, in which case the 30-day period shall reset until such department or state agency approval has been obtained or specified defects or deficiencies have been corrected to the satisfaction of the Zoning Administrator. For the purpose of final release, the term "acceptance" is deemed to mean when said improvements are accepted by and taken over for operation and maintenance by the Town.

If no notice is given to the owner or developer within the time specified above for final release, and an additional request in writing is sent by the owner or developer by certified mail, return receipt requested, to the Zoning Administrator, and the Town has not acted within ten (10) calendar days of receipt of the additional request, it shall be deemed approved and final release granted.

12-50.70 Conditions for Acceptance of Public Improvements

The Town shall accept public improvements installed by a subdivider or developer which meet the following conditions:

- a) The completed improvements comply with zoning and subdivision and most recent Public Facilities Manual standards and have been installed in accordance with the approved site plan;
- b) All final inspections required by this article have been completed and the bonded improvements were found to be acceptable;
- c) The developer has prepared and submitted four (4) sets of prints of plans that accurately depict the bonded improvements as actually built (as-built plans) or building location plat certified by an engineer, architect, landscape architect, or surveyor, as agreed to by the Town. The as-built plans shall be submitted prior to approval of the as-built approval letter provided to the Orange County Building Department, required prior to release of the Certificate of Occupancy (CO).
- d) The developer, through use of Deed of Dedication and Easement, as determined by the Town, has conveyed to the appropriate governmental entity good title, free of all liens, to all public improvements for which such governmental entity is to be responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the Town and bearing acceptance on behalf of the appropriate entity. The developer shall have furnished a copy of the recording receipt to the Town prior to bond release.

The Town Council shall approve Deeds of Dedication and Easements unless otherwise delegated by Town Council. Final completion and acceptance of improvements will result in the release of any remaining bond, escrow, letter of credit, or other performance guarantee by the Town, except that the Town may retain fifteen percent (15%) for one (1) year after final acceptance as a maintenance bond to ensure all facilities were constructed and are operating properly and all landscaping required in accordance with Article 9 is alive in good growing condition. "Final acceptance" is deemed to mean when said public facility is accepted and taken over for operation and maintenance by the Town.

12-50.80 Street Maintenance Bond

In the event the Town has accepted the dedication of a street for public use and such street, due to factors other than its quality of construction, is not accepted into the secondary system of state highways, the developer may be required to post a maintenance and indemnifying bond, with acceptable surety, in an amount sufficient for and conditioned upon the maintenance of such street until such time as it is accepted into the secondary system. In lieu of a bond, the Town may accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such street until such time as it is accepted into the secondary system and, in this event, assume the developer's liability for maintenance of such street. "Maintenance of

such street" shall mean maintenance of the pavement, curb, gutter, drainage facilities, utilities or other improvements, including the correction of defects or damages and the removal of snow or debris, to keep such street reasonably open for public usage.

12-50.90 As-Built Site Plans

Upon completion of all required improvements shown on the approved site development plan, the applicant shall submit to the Zoning Administrator four (4) copies of the completed as-built site plan, or building location plat certified by an engineer, architect, or surveyor. Submission of a marked-up or "red-line" version of the approved site plan by the contractor shall be deemed adequate compliance with this requirement, provided that all deviations from the approved plan have been approved by the engineer or other professional responsible for preparing the original plan by indicating his signature on the as-built plan . The as-built site plan shall be submitted within a year of issuance of occupancy permits for the review and approval by the Zoning Administrator and Director of Public Works for conformity with the approved site plan and the ordinances and regulations of the Town and state agencies. Final approval of as-built plans shall be required before final release of applicable bonds.