

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
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**NEW HOME CONSTRUCTION
ZONING & EROSION CONTROL PERMITTING**

Application Submittal Requirements

Zoning is the first step in new home construction permitting. To apply for a Zoning Permit and Erosion & Sediment Control (E&S) Permit (if applicable) for a home construction project in Orange County, an application containing the following items must be submitted to the Planning and Zoning Department:

1. A completed [Zoning Permit Application](#) and the \$25 application fee (cash or check). Each structure requires a separate permit application (e.g. a home and a detached garage would require separate applications).
2. An Administrative Site Plan showing the proposed structure placement, setbacks/yards, and other necessary information OR an engineered site plan when applicable. Refer to the [Administrative Site Plan Checklist](#) for complete site plan requirements.
3. If the applicant is not the landowner, a completed [Authorized Agent Affidavit](#) or other signed, written approval to act on behalf of the landowner.
4. If the property is to be directly accessed from a state road, a letter from VDOT verifying the acceptability of the existing entrance or a VDOT Land Use (Entrance) Permit for the new entrance being constructed for the property.
5. (If applicable) A completed [Application for an Agreement in Lieu of an Erosion & Sediment Control Plan](#) and the \$100 application fee (cash or check).
6. (If applicable) The appropriate, completed bond form (complete only 1) from the [Erosion Control Bond Packet](#) in accordance with the following:
 - Cash / check bonds: complete the *Surety Agreement for Cash Escrow for E&S Control* form and submit the bond funds via cash or check.
 - Performance bonds: complete the *Performance Bond for E&S Control* form and submit the power of attorney from the bond issuer (typically an insurance company).
 - Letters of credit: complete the *Irrevocable Letter of Credit for E&S Control* form and submit the approval document from the lender.

Issuance of a Zoning Permit means the project is eligible for a Building Permit from the Orange County Building Department, and well / septic permits from the local Virginia Department of Health (VDH) office. Connections to public water/sewer utilities should be arranged with the utility provider directly (either Rapidan Service Authority, the Town of Orange, or the Town of Gordonsville). These agencies each have their own applications and permitting processes separate from zoning.

Land Disturbance & Erosion Control Permitting

For home construction projects, land disturbance is considered any activity that exposes bare soil and/or any manmade change to land which alters the ground from its natural state. Clearing for a yard, removing trees, building a structure, installing a driveway, installing a well and septic field, utility line installation, etc. is all considered land disturbance.

If the total land disturbance for the project is above the exemption threshold for the zoning district, an Erosion and Sediment Control (E&S) Permit (i.e. the Agreement in Lieu of an Erosion & Sediment Control Plan) and an E&S bond is required. For land zoned Agricultural (A), the exemption threshold is 10,000 square feet, meaning any project with a total land disturbance of 10,000 square feet or greater requires an E&S permit and the posting of the accompanying E&S bond. For land zoned Residential (R-1, R-2, R-3, and R-4) or land within

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the Town of Gordonsville or the Town of Orange, the exemption threshold is 2,500 square feet, meaning any project with a total land disturbance of 2,500 or greater requires an E&S permit and the posting of the accompanying E&S bond. If the total land disturbance is greater than 1 acre (43,560 square feet), you are required to obtain approval from the Virginia Department of Environmental Quality (DEQ) prior to County approval. Home construction projects that disturb 1 acre or greater do not qualify for the Agreement in Lieu of an Erosion & Sediment Control Plan. These projects require erosion control plans prepared by a Professional Engineer (PE) to be submitted to and approved by the county, along with issuance of a Land Disturbance Permit.

In order to obtain an E&S Permit (either the Agreement in Lieu of an Erosion & Sediment Control Plan or a Land Disturbance Permit), designation of a Responsible Land Disturber (RLD) is required by county and state law. An RLD is a person certified by DEQ to be knowledgeable of the laws and practices related to erosion and sediment control. The RLD for the project is required to sign the E&S permit application and to be present during construction.

All simultaneous land disturbance is considered part of one “project” for land disturbance calculation purposes. For example, if you are in the process of building a house and later decide you would also like to construct a detached garage at the same time, the property must be re-permitted since this is considered part of the same project.

Frequently Asked Questions (FAQs)

Q: How do I check the zoning of my property?

A: Utilize the county’s Geographic Information System (GIS) which can be accessed at orange.gis.timmons.com. Click on the *Layers* tab in the upper right-hand corner of the screen, scroll to near the bottom of the list, and check the zoning layer to activate the zoning map. You may also call the department for zoning information.

Q: How close to my property lines can I build?

A: This is determined by the minimum setback distances and minimum yard requirements of the zoning district in which the property is located. It is best to contact the department for this information, but you may also refer to the County’s Zoning Ordinance (accessible [here](#)). It is important to note that primary highways have unique setback requirements which supersede the setback requirement of the zoning district. Streams and waterbodies also have their own setback requirement.

Q: How can I avoid posting the E&S bond and getting an E&S permit?

A: Generally, you can’t. The land disturbance permit thresholds are low enough that it is not typically possible to build a house and complete the necessary site work and stay under the thresholds. Exceptions include teardowns and rebuilds in the same location where the utilities are already in place, and new mobile home placements in vacant/open fields, but these are relatively rare.

Q: I’m building in the Town of Orange / Town of Gordonsville. Do I need to come to the county?

A: Yes. The County administers E&S regulations for both towns in addition to the rest of the county. Each town has its own Zoning Ordinance, so a zoning permit should be obtained from the town first.

Q: How long does it take to get a Zoning Permit and/or E&S Permit?

A: Assuming your application is complete, the permitting process typically takes no longer than 30 minutes, but this depends on how busy we are at the time. If we are fairly busy we may ask that you drop off your application(s) and we will typically contact you later that day or by the next business day to pick up and sign the approved permits. We strive for same-day permitting, but ultimately our workload dictates the turnaround time for permits.

Q: Where is the VDOT office for Orange?

A: We are within the VDOT Culpeper District; their office is located at [1601 Orange Rd, Culpeper, VA 22701](http://1601%20Orange%20Rd,%20Culpeper,%20VA%2022701). Most VDOT permits can also be applied for online at <https://lupsonline.vdot.virginia.gov/>.

For the full list of Planning & Zoning FAQs, see <http://orangecountyva.gov/FAQ.aspx?FID=49&NID=324>.