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SECTION VI. Internal Design Review Process

A. Introduction

The administration of the Code of Development and TND zoning compliance of the project shall be conducted in two sequential phases: The Internal Review Process focuses on establishing the compatibility of any proposed project with the Code of Development, while the External Review Process focuses on the established Town review of the project to ensure compliance with applicable zoning requirements, including proffers, site plan and subdivision regulations, conditions of zoning approval, and all zoning regulations established by the Code of Development for the subject TND District rezoning.

The Internal Design Review process shall be conducted by the Urban Design Review Committee (hereinafter "UDRC") in advance of initiation of the External Design Review, the latter of which shall be the sole responsibility of the Town.

The purpose and intent of this section is to establish the process, organization, and requirements governing how the Internal Design Review process is to be implemented within the community. The internal process shall apply to and be conducted for each proposed lot or building project within the community. The goal is to ensure that each building and each block "builds-out" as per the code's urban design standards and regulating plan.

The Internal Review Process does not negate the requirement for the Applicant to undertake the standard zoning, subdivision and other development review processes required by law. If the Applicant decides to proceed upon satisfaction of the Internal UDRC process, the External Review Process with the Town of Orange begins.

Depending on the scope of the proposed project, the Applicant may be required to apply for one or more of the following under the Town's development review provisions: (1) site plan, (2) subdivision plat, (3) special use permit, (4) public improvements plans, (5) building permit (a County administered process), and (6) environmental permits (which, subject to particular requirement, may be a Town, County, State or Federal process.)

B. Urban Design Review Committee

The UDRC shall be established as a working committee prior to the submission of the first preliminary plan, final site plan or subdivision plat for any section of the project. It shall have as its primary purpose the role of implementation of the internal plan review requirements of the Code of Development. The UDRC submittal requirements are outlined in this section, and the UDRC reviews serve as the first step in a compliance review process that ends with the final external review and approval (or rejection) by the Town pursuant to its adopted development review plans and ordinances.

Composition of the UDRC

The UDRC shall initially consist of five (5) members, and, more specifically, the initial membership shall include persons of the following description:

1. An architect (hereinafter "UDRC Architect") with demonstrated experience in the planning and design of TND projects.
2. A civil engineer, landscape architect, builder or developer with a working knowledge of TND building construction and land development practices.
3. Two (2) permanent residents of the Town of Orange.
4. One (1) citizen who may be a permanent resident of either Orange County or the Town of Orange.

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Appointment of the Initial UDRC Members

The membership of the UDRC should be comprised of persons with experience in real estate, construction, development, engineering and/or urban planning. The Owner and the Town Council of the Town of Orange shall agree upon the appointment of each of the initial five members of the UDRC.

The appointments shall be made by mutual agreement within sixty (60) days of notification by the Owner to the Town of its intent to constitute the UDRC.

In the event that the Owner and Town Council cannot agree on the selection of the full UDRC membership within a thirty (30) day period, or within a timeframe as otherwise extended by mutual agreement, then the Owner, at its discretion, shall constitute the membership of the UDRC in accord with the above requirements for composition of membership. The term of membership of the initial members shall be not less than two (2) years and not more than four (4) years, with the specific duration and terms of membership established in order that no more than two members of the UDRC will roll off of the UDRC in any given calendar year. If any initial member serves for less than two (2) years, the Owner and the Town Council shall meet and agree upon a successor employing the same process as indicated above.

Limitations to UDRC Membership

The Owner, direct relatives of the Owner, and employees and elected officials of the Town of Orange may not be appointed to or serve as members of the UDRC.

Given the role of the UDRC Architect, any subsequent change in the appointment of the UDRC Architect shall be mutually agreed upon by the Owner and the Town Council. However, at such point in time fifty percent (50%) or more of the planned units within the community have been occupied, the appointment of the UDRC Architect shall be made by and at the sole discretion of the governing property owners association(s), provided that such association(s) has been duly established, otherwise appointment of the UDRC Architect shall be as initially prescribed.

UDRC Membership Considerations

Membership in the UDRC shall be self-perpetuating. At such point in time when fifty percent (50%) of the planned dwelling units within the project have been occupied, the appointment of new members shall be made from the pool of permanent residents and merchants within the community, provided that not more than a combined total of four community residents and merchants or less than two may serve on the UDRC at any point in time and, further, that one member must be appointed from amongst the commercial merchants or commercial property owners within the community.

C. UDRC Rules of Operation

Authority of UDRC

The UDRC shall establish articles of incorporation as well as its internal administrative procedures and operating guidelines prior to conducting its first formal meeting at which action is to be taken on any specific project application. UDRC meetings shall be conducted using Roberts Rules of Order. The ruling on all actions of the UDRC shall be controlled by majority vote of its membership.

While it is understood that the UDRC implements the administration of the Code of Development, the UDRC shall not have the right to amend any regulatory element or other portion of the Code of Development that is subject to zoning proffers or the provisions of TND zoning district without first meeting all Town of Orange requirements for amendments and modifications which may be established with the rezoning of the property. It is further understood that Town action on requested Code of Development changes may require an amendment to the prior approved rezoning of the property unless otherwise specifically authorized by the Town Council of Orange.

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C. UDRC Rules of Operation (continued)

Authority of UDRC

For the purpose of furthering the design review process, the UDRC and the Owner, at their sole discretion, may prepare and adopt an "Architectural Pattern Book" that establishes the specifications and standards for architectural facades for principal and ancillary buildings proposed to be constructed within the community. The "Architectural Pattern Book" would provide guidelines for a common vocabulary of architectural styles, scale, massing, design details, finishes, materials, and colors that complement the Uptown North Orange community as well as the architectural heritage of the Town of Orange. Upon adoption by the UDRC and the Owner, the "Architectural Pattern Book" shall be employed by the UDRC in its review of all building plans. The UDRC and Owner may also establish, adopt and implement a set of common design specifications and quality standards for all streetscape surface treatments and furnishings, plantings and tree grates, street lighting, accent lighting and signage within the public rights of way and public places in general that complement the surrounding architectural context and ensure a cohesive landscape design. The design purview of the UDRC shall include but not be limited to identifying acceptable products, materials, stylistic details, colors, patterns and textures and installation methods for streetscape. The design purview of the UDRC may include landscape elements associated with private frontages that are visible from the public street such as; fencing, screening, walls and exterior lighting. These standards for landscape and hardscape treatments, upon adoption by the UDRC and Owner, may be documented in the form of a "Landscape Architectural Pattern Book".

Appeals of UDRC Actions

Appeals to internal design review decisions of the UDRC shall be made to the Appeals Agent. The Appeals Agent shall establish rules for administration and order on appeals of internal actions by the UDRC. The initial Appeals Agent shall be the Owner.

At such point in time that fifty percent (50%) of the planned residential units within the project have been occupied, the role of the Appeals Agent shall be transferred to the property owners association (or a sub-committee thereof) acting in the role of the Appeals Entity, provided that the property owners association shall be fully constituted, incorporated, recognized as such by majority vote of the community residents and merchants, and has developed like procedures for its rules of administration and legislative action.

In the event that more than one property owners association exists within the community, then the membership of the appeals entity shall be comprised of equal membership, but not to exceed two members, of each fully constituted property owners association within the community.

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Role of the UDRC Architect

The UDRC Architect shall serve as the coordinator and administration of all design review tasks on behalf of the UDRC and shall be expected to perform, at a minimum, the following functions:

1. receive all applications for building, lot or site development (hereinafter the "Application Plan"), and conduct initial coordination meeting with the Applicant and the Applicant's design team;
2. determine and process the initial application (the Application Plan) for substantial completion;
3. distribute completed applications and the Application Plan to the UDRC members;
4. review the Application Plan and provide technical comments to the UDRC on internal compliance matters prior to action by the UDRC on any given application;
5. schedule and chair initial and any required follow-up meetings with the Applicant in accord with the critical path for UDRC review activities (see below);
6. prepare and issue written responses to Applicant based on the facts and findings of the UDRC review of a given application;
7. prepare documentation for Applicant based on UDRC decisions to amend, revise, modify, approve, conditionally approve, deny or defer any given application or Application Plan; and
8. prepare and issue the "certificate of internal compliance", "warrant approval" and other conditioning documentation upon approval of any given application and Application Plan by the UDRC.

In its role of coordinator and administrator of the UDRC design review process, the UDRC Architect shall be authorized to determine during the initial "coordination meeting" whether or not the Application Plan content requirements may be modified in order to provide the information necessary to adequately review the proposed project. The required submission materials outlined in the Code of Development may be waived or modified subject to its determination of the necessity of any particular materials in making a competent and complete assessment of the Applicant's project.

In the event the Applicant does not agree with the initial decision by the UDRC Architect on the required content of the application materials, the Applicant may appeal to the entire UDRC membership at a regularly scheduled meeting. In the event that the Applicant does not agree with the ruling of the UDRC compliance ruling on Applicant Plan content, the Applicant may further appeal to the Appeals Agent.

It is understood that the time, energy, and expertise required for the effective functioning of the role of the UDRC Architect requires that it be a paid position. The terms of responsibility for payment shall be recognized and established with the zoning proffers or by other agreement by and between the Owner and the Town of Orange.

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D. The Application Plan

The design review process shall focus on three principal required elements of the plan submission, referred to in their entirety as the "Application Plan":

1. Architectural Plan;
2. Landscape Plan; and
3. Lot Development Site Plan.

General Procedures

Prior to submittal of the design review application package (the "Application Plan") for review, a coordination meeting shall be requested by the Applicant and conducted for the following purposes:

- (1) to introduce project and familiarize the Applicant and its design team members with the Internal Design Review Process,
- (2) to determine the specificity and level of Application Plan requirements essential to the project's UDRC review,
- (3) to determine requirements for application for a "warrant", and
- (4) to review any particular expectations and relevant conditions related to the subject property and surroundings.

At this meeting, the Applicant shall present its concept for the project and seek responses from the UDRC Architect and/or other invited UDRC members to questions related to any applicable sections of this document.

Once the Applicant, its project architect and consultant team, and/or builder have conducted the initial coordination meeting and have fully reviewed the applicable sections of the Code of Development and Town zoning ordinance, the Applicant shall prepare and submit three (3) copies of the Application Plan

In cases where a portion of an architectural plan, landscape plan, or lot development site plan is not approved, re-submission of that element may be required. Approved elements of the Application Plan will not be required to be resubmitted. The UDRC requires resubmission to correct any deficiencies, errors, or omissions that may relate to the following:

- a. Failure to comply with the Uptown North Orange Street and Thoroughfare Plan and Transect Plan;
- b. Failure to comply with the Uptown North Orange TND Code of Development;
- c. Failure to provide complete information regarding architectural design and site development materials and details;
- d. Insufficient design intent and quality of proposed landscaped and hardscaped areas;
- e. Insufficient justification for issuance of a UDRC "warrant"; and
- f. Inconsistency with any local, state, or federal regulation or prior approvals of Uptown North Orange plats and plans.
- g. Inconsistency with the Stormwater Management and Best Management Practices Master Plan.
- h. Inconsistency with the Parks and Open Space Master Plan.

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D. The Application Plan (continued)

Application Plan Requirements

The purpose of the Application Plan is to demonstrate to the UDRC compliance with the purpose, intent and regulations of the Code of Development. Once the lot owner, architect, and/or builder have conducted the initial coordination meeting and have fully reviewed the applicable sections of the Code of Development and Town zoning ordinance, the Applicant shall be required to prepare and submit three (3) copies of the design review application package.

The three components of the design review application package shall be submitted to the UDRC Architect with supplemental documentation as may be required to adequate project review. It is understood that the Application Plan requirements shall either meet or exceed those of the Town as a part of its External Review process.

Unless otherwise waived or modified by the UDRC at the coordination meeting, the Application Plan package shall contain and address all of the following information:

Lot Development Plan

1. The Lot Development Site Plan shall include a project location plan at a minimum scale of 1"=100' identifying the location of the proposed project within Uptown North Orange TND. This drawing is to be based on the Final Site Plan and/or Subdivision Plat for the development, as approved by the Town. The boundaries and designation of the Transect Zone in which the lot is located shall be depicted.
2. The Lot Development Plan shall be prepared at a minimum scale of 1"=20'. It shall depict the proposed and existing buildings, surface improvements, alleys and driveways, on- and off-street parking areas, and other site improvements to be located on or adjacent to the lot. These shall include, but not be limited to. The following:
 - a. existing and proposed grading (minimum 2' contour intervals with spot elevations)
 - b. location, size and number of parking spaces
 - c. loading and lot access improvements and locations
 - d. trash collection improvements and locations
 - e. exterior lighting,
 - f. fences,
 - g. site walls,
 - h. underground infrastructure and surface utilities (water, sewer, telephone, gas, electric, cable, etc.)
 - i. storm drainage improvements,
 - j. stormwater management and best management practices,
 - k. building placement (including accessory buildings)
 - l. sidewalks and pedestrian walkways
 - m. lot requirements and restrictions (yards, setbacks, building heights, etc.) in accord with the approved TND zoning and the Code of Development
 - n. erosion and sediment control plan (E&S plans required for UDRC review, but applicant may request an agreement in lieu of plan as a part of applicant's External Review process)
 - o. construction phasing plan
 - p. lot record plat and easement plat for proposed improvements, to include deed book and tax map references, and names of adjoining property owners.
3. The Lot Development Plan shall demonstrate compatibility of the proposed project with the approved public improvements plans, relevant engineering studies, subdivision plats, easements, utility and drainage improvements, erosion control measures, and other Town-approved documentation for the Uptown North Orange TND project.

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D. The Application Plan (continued)

Landscape Plan

The Landscape Plan shall contain the following:

1. A tree survey depicting the general location of tree masses or the location, size, description and number of existing specimen trees or trees that have been prior designated for preservation with 12" or greater caliper.
2. A landscape plan showing:
 - a. the tree and plant canopy dimensions (to be graphically depicted at a drip line circumference equal to the 20 year maturity),
 - b. the placement and location details, size or caliper (at time of planting),
 - c. the estimated area of canopy coverage,
 - d. description and the botanical name of proposed trees,
 - e. planned landscape materials, ground covers and planting beds, and
 - f. the location and number of plants and trees.
3. Planting specifications and installation details for proposed landscaping materials and ground covers, including a schedule of recommended planting timeframes for specific plant materials and ground covers.
4. Location, size, and botanical name of all existing landscape materials to be retained during development, as well as appropriate landscape protection measures to be implemented during the site construction process.
5. Location, size and other related design details for all hardscape improvements, signage, buffer areas, fences, walls, barriers and other exterior structural elements.
6. Demonstration that the Landscape Plan has been coordinated with the Lot Development Plan respect to location of required utilities, drainage improvements, stormwater management and best management practices, final grading, setbacks, and screening areas to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.
7. Limits of lot grading and lot disturbing activities.
8. Methods and specifications for tree protection during construction phases.
9. Methods for control of erosion and sediment during the construction phase of lot development.
10. Methods and improvements consistent with the Stormwater Management and Best Management Practices Master Plan and the Parks and Open Space Master Plan.
11. Plan graphics and details of all proposed hardscape and other exterior physical improvements (signage, special landscape features, benches, planters, pavers, mailboxes, etc.). These shall be consistent with the Outdoor Standards of the Code of Development.

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D. The Application Plan (continued)

Architectural Plan

The Architectural Plan shall include the following:

1. The Architectural Plan shall consist of architectural floor plans, sections, and elevations at a minimum 1/8"=1'-0" scale of proposed building massing and elevation treatments.
2. The Architectural Plan shall be prepared at a "schematic design" level of detail, provided that "design development" information may be requested at the discretion of the UDRC.
3. Proposed floor elevations and their relationship to adjoining properties shall be provided. A calculation of the gross square footage of all building improvements shall be included.
4. The Architectural Plan shall incorporate product sheets, pictures and/or samples of materials proposed for components of architectural style, exterior facades and roofs, with renderings as appropriate to communicate the compatibility of the building with the Code of Development.
5. The Architectural Plan shall demonstrate compliance with the Code of Development's Building Envelope Standards with respect to building placement, streetscape improvements, infrastructure coordination, parking placement, building height, façade openings, indentations and encroachments, building signage, building and exterior lighting.

Other Supplemental Application Requirements

1. Design Calculations: Actual SF for non-residential uses and residential dwelling unit counts (in accordance with the methodology presented in Section V. Land Use.)
2. Parking Impact Assessment: Parking Impact analysis for the specific project to ensure the adequacy of parking provisions as well as general compatibility with Code of Development's parking standards and projections established in Section III. Public Space Standards and Section V. Land Use.
3. Stormwater Management and BMP Compliance: hydraulic and hydrologic calculations and a statement of compatibility and technical compliance of the Lot Development Plan with the Uptown North Orange BMP/SWM master plan
4. Justification for Issuance of Warrant(s): In cases where a UDRC "warrant" is required for approval of a given project, the Applicant shall prepare a statement of justification addressing the particular warrant(s) to be evaluated by the UDRC.
5. Statement of Code Compliance: Written statement by the Applicant that the proposed construction complies with the Code of Development as well as applicable regulations of the Town of Orange.

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E. Summary: The UDRC Design Review Process

Narrative Outline of Application Process

The process and relationship by and between the Applicant and the UDRC shall be conducted in accord the Internal Review process steps as summarized herein below:

- Step 1:** The prospective Applicant shall have a bona fide purchase agreement with the Owner prior to initiation of UDRC process. In the drafting of the contract document, the attorneys for the Owner and Applicant shall determine whether or not the purchase contract shall provide a codicil references the fact that the Design Review (UDRC) process is a requirement of all property owners and that there are mandatory requirements of the Applicant that must be taken before the Applicant can apply to the Town for the External Design review process. The attorney's for both Owner and Applicant shall determine whether or not the contract will need adequate "kick out" clauses and clear provisions as to the Owner's expectations for the Applicant's adherence to the Internal Process.
- Step 2:** Upon execution of purchase agreement, the Applicant shall be issued a copy of the Code of Development (herein referred to as the UNO-FBC) and other UDRC requirements. The contract will need to specify that the contract can be abandoned at this Step if the potential Applicant decides not to move forward with the process.
- Step 3:** The UDRC Architect, as agent and administrator for the UDRC process, would have an initial "kick-off" meeting with the Applicant and its design team to (a) review expectations for the project, (b) clarify application requirements, (c) determine whether or not the proposed project will require the consideration and issuance of a "warrant" by the UDRC, and (d) determine what, if any, of the UDRC application requirements can be waived or set-aside for the particular project. With this understanding, the Applicant would move forward with preparation of submission materials.
- Step 4:** The Applicant submits application package to the UDRC for its "complete submission" evaluation and review. This review can be done by the UDRC Architect or via some other process that the UDRC could invent upon its constitution.
- Step 5:** The UDRC Architect shall review of the Application Plan submittal and make a determination and notification to the Applicant as to whether or not the Applicant Plan constitutes a "complete submission. The notification of "complete submission" shall be made within ten (10) days of receipt of the Applicant's submission package by the UDRC Architect.
- Step 6:** The Applicant is notified, and at its option, can request the initial "Review Meeting" upon notification of "complete submission" with the UDRC. This meeting shall be scheduled to be held within ten (10) days of the Applicant's request. In the interim, the UDRC has the responsibility for a thorough review of the submission package. The UDRC shall prepare a written report of its findings and recommendations to present to the Applicant at the initial "Review Meeting".
- Step 7:** At its "Review Meeting", the UDRC shall determine whether or not the application content complies with the purpose, intent and regulatory provisions of the Code of Development. Upon this determination, the UDRC, by majority vote, shall act to approve, modify, or deny the application. If the project meets all expectations, then the UDRC shall approve the project with no further design review meetings. In such case, the UDRC shall issue a "certificate of internal compliance", notify the Owner/Developer, and the Applicant may proceed directly with the External (Town) Review process.
- Step 8:** If the UDRC recommendation is that it be denied or modified, the Applicant and UDRC shall document recommended project alterations, deviations, and amendments that are deemed to be inconsistent with the purpose and intent of the Code of Development. The UDRC may not approve any alterations, deviations, and amendments the scope of which are not specifically provided for within the Code of Development. The UDRC and Applicant shall determine a mutually agreeable timeframe for resubmission. A second "Design Review" meeting shall be scheduled and conducted.

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E. Summary: The UDRC Design Review Process

- Step 9:** The UDRC shall evaluate the Applicant's second submission at the second "Design Review" meeting. If approved, UDRC documentation of the scope and details of any approved alterations, deviations, and amendments to regulatory measures shall be appended to the "certificate of internal compliance" and the Town's agent shall be notified of such by the UDRC within ten (10) days of approval. This approval completes the "Internal Review Process". The Applicant may then proceed with "External Review Process" that shall include the filing of any zoning, subdivision, or other development review permits as may be required by Town, County, State or Federal law. Upon notification to the Town of the issuance of the "certificate of internal compliance", the UDRC shall have no further involvement with the "External Review Process". If the application is denied, the Applicant, at its discretion, may either begin an appeals process or may abandon the pursuit at this time and terminate its agreement with the Owner subject to the terms of its contract.
- Step 10:** The Owner shall be the agent of appeals until such point in time that fifty percent (50%) of the total planned residential dwellings within the project have been occupied. Thereafter, the Applicant's appeal shall be to an officially constituted Property Owners' Association(s) (POA) representing the community, provided that such an association exists at the time of request for appeal. In the absence of an officially constituted Property Owners' Association at the threshold percentage, then the Owner and the Town Manager shall agree upon the appointment of an agent of appeals.
- Step 11:** The agent of appeal shall review and make a final determination on the Applicants project. If there are no grounds for agreement, the Applicant, in accord with provisions of its contract agreement, shall be relieved from terms of contract and may abandon the project at this point in time.
- Step 12:** Upon completion of the Internal Review Process, the Applicant may proceed with the filing of all requirements related to the External Review Process, including public improvements plans, site plans, plats and architectural plans related to the Applicant's proposed project. Upon satisfaction of the External Review Process, the Applicant shall notify the UDRC of actions taken during this process.

It is understood that the Internal Review Process does not void any requirement on the part of the Owner, the Master Developer, the Sub-Developer, and/or Lot Owner (a.k.a. Lot Developer/Applicant) to comply with all other requirements, policies and laws of the Town of Orange and the State of Virginia, including, but not limited to the Town's zoning ordinance, subdivision ordinance, and infrastructure design standards, provided that such standards may be waived or amended by due process in accord with the legislative and administrative procedures of the Town of Orange and the State of Virginia in effect on the date of such request for waiver or modification. It shall be the responsibility of the Owner, the Master Developer, the Sub-Developer, and/or Lot Owner (a.k.a. Lot Developer/Applicant) to determine all External Review Process responsibilities in conjunction with the specific nature of the project being proposed.

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Flow Chart

