Town of Luray

Planning Commission Agenda

September 11, 2019

7:00 P.M.

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Review of Minutes Meeting August 14, 2019**

5. **Citizen Comments**

6. **Public Hearing**

7. **Updates & Discussions**

   A – Code Amendment – Draft Discussion
   B – Code Amendment – Non-Conventional Homes
   C – Emergency Homeless Shelter General Discussion

8. **Chairman's Announcements**

9. **Adjournment**

Town of Luray
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Luray, VA 22835
www.townofluray.com
540.743.5511

PLANNING COMMISSION

Chairman
Ronald Good
meado12@aol.com
Appointed By
Councilman Ron Vickers
Term Ends: 12-31-2022

Commission Members

Tracie Dickson
tdickson@bbandt.com
Appointed By
Councilman Jerry Dofflemyer
Term Ends: 12-31-2022

John Shaffer
john.shaffer@luraycaverns.com
Appointed By
Councilman Jerry Schiro
Term Ends: 12-31-2022

Bill Huffman
bill.huffman@luraycaverns.com
Appointed By
Council President Leroy Lancaster
Term Ends: 12-31-2020

Brian Sours
brian@richardsbus.com
Appointed By
Councilman Joey Sours
Term Ends: 12-31-2020

Frankie Seaward
frankieseaward@gmail.com
Appointed By
Councilwoman Leah Pence
Term Ends: 12-31-2020

Grace Nowak
gracenowak04@gmail.com
Appointed By
Mayor Barry Presgraves
Term Ends: 12-31-2020

Town Officials:
Town Manager – Steve Burke
Assistant Town Manager- Bryan Chrisman
Town Clerk/ Treasurer- Mary Broyles
Deputy Town Clerk/ Treasurer- Danielle Babb
Planning & Zoning Assistant – Dawn Shores
Chief of Police- Bow Cook
Superintendent of Public Works- Lynn Mathews
Parks & Recreation Director- Dakota McCoy
Parks & Rec Assistant Director- Morgan Housden
WTP Superintendent- Joey Haddock
WWTP Superintendent- Tom Brown

Commissions & Committees:
Luray Planning Commission
Luray-Page County Airport Commission
Luray Tree and Beautification Committee
Luray Board of Zoning Appeals
Luray Downtown Initiative
Luray-Page County Chamber of Commerce

REGULAR MEETING OF
LURAY PLANNING COMMISSION
August 14, 2019

The Luray Planning Commission met on Wednesday, August 14, 2019 at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia at which time there were present the following:

Commissioners Present:

Ronald Good, Chairman
John Shaffer
Brian Sours
Tracie Dickson
Bill Huffman
Frankie Seaward (late)

Commissioners Absent: Grace Nowak

Others Present:
Steve Burke, Town Manager
Dawn Shores, Planning & Zoning Assistant

The meeting was called to order by Chairman Ronald Good, at 7:00 p.m. and everyone joined in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion: Commissioner Dickson made the motion to accept the minutes from the July 10th Meeting. Second was by Commissioner Sours.
YEA: Chairman Ronald Good, Commissioners John Shaffer, Brian Sours, Tracie Dickson, Bill Huffman.
Approved 5-0

CITIZEN COMMENTS

No citizens spoke

PUBLIC HEARINGS

A. Code Amendment-Single-Family Dwelling in B1 District

Chairman Good presented that Code Amendment to eliminate requirement at Special Use Permit for Residential use of building constructed prior to 1974 in the B1Commercial District.

CITIZEN COMMENTS

No citizens spoke

Motion: Commissioner Huffman made the motion recommending approval to Town Council. Second was by Commissioner Seaward.
YEA: Chairman Ronald Good, Commissioners John Shaffer, Brian Sours, Tracie Dickson, Bill Huffman and Frankie Seaward.
Approved 6-0

UPDATES & DISCUSSIONS

At Chairman Good Request Code Amendment-Non-Conventional Homes were discussed first.

B- Code Amendment- Non-Conventional Homes

Steve Burke presented and discussed VII-A Non-Conventional Homes with possible revisions to the Town's Zoning Code regarding non-conventional homes as Page County is still evaluating Ordinance Amendments regarding tiny homes, yurts, and shipping container constructed dwellings.

Chairman Good stated that we would consider tiny houses in R3 and R4 with Special Use Permit and that non-conventional homes be excluded from being built. In R3 and R4 would it stay with a 7,0000 square ft. lot size?

Steve Burke stated we would not propose any changes to the lot sizes unless it is recommended.

Steve Burke recommended we can start to make provisions on the requirements for lot sizes and tiny homes but not to implement as the County issues the building permits and currently does not address tiny homes or yurts; they are still in the process of evaluating the Ordinances.

A. Code Amendment – Draft Discussion

Steve Burke reviewed the proposed Zoning Code Updates of Article IV., Article VIII, Article V and Definition changes which also includes the Flood Plain definition to have our code concurrent with FEMA Regulations and Sustainable Energy Systems.

Steve Burke discussed Country Inn and Lodging Housing definition will fall under Bed and Breakfast and will only reduce number of beds to 5 and does not have to offer breakfast.

Chairman Good recommended change on Code 403.2 G number 2 changed from "six guest rooms and no more than 12 guests" to "five guest rooms and no more than 10 guests."

Commissioner Shaffer noticed a typo on Code 406.1 should be changed to" structures to be erected on land" and not "structures to be erected or land."

Steve Burke stated we will continue discussion in September and hold a Public Hearing will for the Planning Commission's October meeting.

CHAIRMAN'S ANNOUNCEMENTS

Steve Burke stated there are no new updates on the theater or the Browns Building. We are looking to put the Browns Building on the market in the near future.

We had two public hearings with the Peoples Inc. and no citizens attended.

Chairman Good stated next Commission Meeting will be on September 11, 2019.

ADJORNMENT

There being no further business, the meeting adjourned at 8:03 p.m.

Steven Burke Town Manager	Dawn M. Shores Planning/Zoning Assistant

Town of Luray, Virginia

Planning Commission Agenda Statement

Item No: VII-A

Meeting Date: September 11, 2019

Agenda Item: PLANNING COMMISSION DISCUSSION
Item VII-A – Code Amendment – Draft Code Revisions

Summary: The Planning Commission is requested to discuss a draft Amendments to various sections of the Town's Appendix A – Zoning. Staff have been working with the Town Attorney to develop updated language to address different issues in the community.

The number of rooms for a Bed & Breakfast has been reduced to five bedrooms. References to six guest rooms and 12 guests have been revised to five bedrooms and 10 guests.

References to "structures to be erected or land" have been revised to "structures to be erected on land".

The Planning Commission is requested to review and discuss these draft revisions.

Staff anticipates review of these proposed changes to be conducted over the next two to three Planning Commission meetings.

Commission Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A

ARTICLE II. - DEFINITIONS

201. - General usage.

For the purpose of this ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words used in the singular number include the plural number, and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

The word "shall" is mandatory; "may" is permissive.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel."

The word "used" shall be deemed also to include "erected," "reconstructed," "altered," "placed," or "moved."

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

The word "state" means the Commonwealth of Virginia.

The word "town" means the Town of Luray, Virginia.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

202. - Specific terms.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abut: Lots that share a common boundary.

(Ord. of 8-14-2017(1), § 1(a))

Access: A public or private right-of-way providing the ability to enter, approach, or pass to and from an area to another area.

Accessory building: A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building

Accessory dwelling unit: A detached secondary residence containing provisions for sleeping, cooking and sanitation which is located on the same lot as a primary residence. Accessory dwelling units are subject to the provisions enumerated in appendix A (zoning), article V (supplemental regulations), section 516 (accessory dwelling units) of the Town Code.

(Ord. of 5-11-2009(3), § 1)

Accessory use: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or the lot.

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Adjacent: Lots that abut one another or are separated only by a street, alley, right-of-way, or easement.

(Ord. of 8-14-2017(1), § 1(a))

Administrator: The official charged with the enforcement of the zoning ordinance. ~~He~~ They may be any appointed or elected official who is by formal resolution designated to the position by the governing body. ~~He~~ They may serve with or without compensation as determined by the governing body.

Alley: ~~A public right-of-way which affords only a secondary means of vehicular access of the side or rear of property.~~ A permanent private easement or public right-of-way providing secondary means of vehicular access to the side or rear of abutting properties.[j1]

All-weather surface: Crushed rock, gravel or similar surface shall constitute an all-weather surface.

Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Amendment: A change in the zoning ordinance and/or zoning map granted by the town council after review and comment by the town planning commission and appropriate public hearings.

Amusement or *recreation center:* Any room, place or space available for public patronage, operated as a business which utilizes in its operation five or more pieces of equipment or games, including, but not limited to the following: two or fewer pool/billiard tables, ping-pong tables, foosball tables, video game machines, pinball machines, or any arcade-style mechanical or electronic amusement device.

(Amend. of 6-14-2010)

Apartment house : A building used or intended to be used as a dwelling by two or more families living independently of each other and who do their cooking therein. A building containing one apartment unit may be considered an apartment house provided it is located on a single commercially zoned lot with other apartment houses containing two or more apartment units. In addition, apartment houses shall be required to meet all Town Code and Building Code requirements. The number of families in an Apartment house shall not exceed the number of dwelling units in the Apartment house. Entrance to the dwelling units may be either common or separate.

Architect, registered: A licensed professional architect, registered in the Commonwealth of Virginia by the state board for architects, professional engineers, land surveyors, certified interior designers and landscape architects as an "architect."

Arts and Cultural District: A zoning overlay district established as a mechanism to increase awareness and support for arts, cultural, festival and special event activities within a defined geography of the town. Luray's Arts and Cultural District does not supersede established use regulations enumerated in a particular zoning district. The Code of Virginia, § 15.2-1129.1 specifically, provides municipalities with the legislative authority to create Arts and Cultural Districts as an instrument to support and enhance arts and cultural activities.

(Ord. of 2-8-2010, § 1)

Automobile parking lot, commercial: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Automobile sales lots: A lot arranged, designed, or used for the storage and display for sale of any new or used motor vehicle capable of independent operation or any type of travel trailer and recreation vehicle provided the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

Automobile service station: Any place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop, or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting. All repairs shall be conducted within a fully enclosed building.

Basement: An area having ~~part but not more than~~ at least one-half of its floor to ceiling height ~~below~~ above grade. A basement shall be counted as a story for the purpose of height regulations, only if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Bed and breakfast home: ~~A single-family dwelling where for compensation lodging and breakfast are provided to registered transient guests only.~~ Any establishment 1) having no more than five (5) bedrooms; 2) offering to the public, for compensation, transitory lodging or sleeping accommodations; and 3) offering at least one meal per day, which may be but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements, a “bed and breakfast home” includes any property offered to the public for short-term rental, as that term is defined in Virginia Code, other than a hotel as defined in this Section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.[J2][j3]

(Ord. of 7-10-1989; Mo. of 4-10-1995; Ord. of 6-9-1997; Mo. of 1-12-1998; Ord. of 5-8-2017, § 1)

Block: The property bound on all sides by one side of a street or a combination of street lines, railroad right-of-way, unsubdivided land, river, live stream, streambed, or any other barrier to the continuity of development.

Board, the: The Board of Zoning Appeals of the Town of Luray, Virginia.

Building: A structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

Building, height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building inspector: An official designated by the Town of Luray, Virginia, to be responsible for certifying building inspections.

Building, main: A building in which the principal use of the lot is conducted.

Cellar: An area having more than one-half of its floor to ceiling height below grade. A cellar shall not be counted as a story.

Commercial recreation: An activity conducted wholly or partially for the purpose of sport, entertainment, education, or recreation which is carried out on a commercial/fee basis.

(Amend. of 6-14-2010)

Commission, the: The Planning Commission of the Town of Luray, Virginia.

Common open space: An open tract, or parcel of land owned in undivided interest, not devoted to structures but directly related, and adjunct to a development, as herein provided.

Condominium: A building or complex in which units of property are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners and subject to all provisions enumerated in the Virginia Condominium Act.

(Ord. No. 2006-07-01, § 1, 7-10-2006)

~~*Country* [j4]*inn:* A building of a more or less residential nature to provide a temporary abiding place for less than 14 individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in individual rooms or suites.~~

(Res. No. 2005-05-02, 5-9-2005)

Density: The number of dwelling units permitted on one acre of land as specified herein.

Development: The process of erecting or causing to be erected buildings or structures on a lot or acreage.

District, zoning: A portion of the Town of Luray within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this ordinance and within which certain lot areas and other uniform requirements are established.

Drive-in eating establishment: Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a "fast food" or primarily a "carry out" establishment.

Driveway: A space or area providing access specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street.

~~*Duplex:* A two-family residential structure, with each unit having its own exterior entrance; the residential units may be arranged one above the other, or be semidetached.~~

Dwelling: A building or portion thereof which is used or intended to be used exclusively for residential purposes and which contains one or more dwelling units. This does not include hotels, motels or recreational vehicles.

(Mo. of 4-10-1995)

Dwelling, attached: A dwelling having any portion of ~~each of two (2) walls~~a wall in common with one [j5]other adjoining dwelling~~s~~ on a single, shared lot, or with each half located on a separate, adjacent lot.

Dwelling, detached: A dwelling which is entirely free standing on a lot.

Dwelling, multi-family: A building containing three or more dwelling units with the number of families in residence not exceeding the number of dwelling units provided. This use is limited to the conversion of existing structures into structures containing an additional number of dwelling units above two.

Dwelling, semi-detached: One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, single-family: A residential dwelling unit ~~other than a mobile home~~ , designed for and occupied by one family,~~.; *and shall include manufactured homes when placed on a permanent foundation, converted to real property, and taxed as a site-built dwelling as provided by law.*~~ *including a modular unit or sectional home. Manufactured homes and mobile home are excluded herefrom regardless of whether they are taxes as personal or real property.*

(Ord. of 3-12-1990)

Dwelling, temporary: A residence designed as a portable dwelling, but not necessarily attached to a permanent foundation. These units shall be used only as specified herein.

Dwelling, two-family: A residential building containing not more than two dwelling units within the single building, with such units arranged one above the other, or side by side, and such buildings designed for occupancy by not more than two families.

Dwelling unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than 700 square feet of residential floor area. Such units shall be constructed in accordance with the Virginia Statewide Building Code.

(Mo. of 4-10-1995)

Modular unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. This type of unit is included in the definition of dwelling unit and shall be constructed in accordance with the Virginia Statewide Building Code.

(Mo. of 4-10-1995)

Sectional home: A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling. This type of unit is included in the definition of dwelling unit and shall be constructed in accordance with the Virginia Statewide Building Code.

(Mo. of 4-10-1995)

Easement: A grant by a property owner of the use of ~~his~~ their land by another party for a specific purpose.

Electronic occupations: An occupation within a residential dwelling, conducted by a member(s) of a family living in the residence, such as a professional service, direct marketing service, telecommuting or other business that can be accomplished by use of equipment customarily found in a small office. Customer and/or client visits to the site will not be integral to, and shall be discouraged by, the service. Such occupations are not allowed outside employees, or signage for the advertisement of the service provided.

(Ord. of 9-12-2011, § 1)

Engineer, registered: A licensed professional engineer, registered in the Commonwealth of Virginia by the state board for architects, professional engineers, land surveyors, certified interior designers and landscape architects as an "engineer."

Family: One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group of individuals.

Fast food establishment: See "Drive-in eating establishments."

Floodplain: Sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation as defined or approved by the Department of Housing and Urban Development, and/or the Corps of Army Engineers.

Floor area: The floor area of a building or buildings is the sum of the gross horizontal areas of the floors of all buildings on the lot, such area to be measured from the exterior faces of exterior walls.

Frontage: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

Funeral parlor, home, or mortuary: An establishment used for human funeral services, which must include facilities on the premises for embalming with performance of autopsies, and may or may not include facilities for other surgical procedures, or cremation.

Garage, private: An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units.

Garage, public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

Garden apartment house: A multi-family structure, not exceeding three stories in height, containing not less than three nor more than eight separate dwelling units, on a lot having yards in common and which may also have other joint facilities and services in common. Each apartment unit shall have at least 700 square feet of floor space from exterior wall to exterior wall.

Governing body: The Town Council of Luray, Virginia.

Hard surface: Concrete, "black top," and macadam, or a similar surface meeting the specifications of the Virginia Department of Transportation shall constitute a hard surface.

Health official (officer): The director of the Page County Department of Health or ~~his~~ their designated deputy, or a representative of the Virginia Department of Health in Page County.

Home for adults: Any place, establishment, or institution, public or private, operated or maintained for the maintenance, or care of four or more adults who are aged, infirm or disabled, except (i) a facility or portion of a facility licensed by the state board of health or the department of mental health, mental retardation and substance abuse services, but including any portion of such facility not so licensed, and (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage, and (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for children with disabilities pursuant to Code of Virginia, § 22.1-214, as amended, when such facility is licensed by the Virginia Department of Social Services as a child-caring institution under Code of Virginia, § 63.2-1700 et seq.), as amended, but including any portion of the facility not so licensed. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

Home occupation: Any professional service and/or business occupation within a dwelling and clearly incidental thereto carried on by a member, or members, of the family residing on the premises, with no advertising sign displayed other than a name plate not exceeding four square feet in area on each side of the plate, and no exterior evidence that the building is being used for any purpose other than a dwelling. Home occupations are required to obtain a Zoning Clearance Permit, a Town business license, and must adhere to article V (Supplemental Regulations), section 506 (parking) and section 514 (professional offices) of the Town Code.

(Ord. of 9-12-2011, § 12)

Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, but in all cases, excluding institutions primarily for the mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

Hospital, special care: A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Hotel: A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in individual rooms or suites.

Kennel: ~~A place to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.~~ An establishment in which five or more canines, felines[j6], or ~~hybrids~~other domesticated animals, or some combination thereof, are kept overnight for compensation. Cattle, horses, goats, sheep, and other livestock are not included in the definition of domesticated animals and may not be kept in a kennel. ~~of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.~~

~~*Lodging house:* Any structure other than a hotel, motel, apartment house, townhouse, and bed and breakfast home that is routinely rented or otherwise made available for compensation for residential, leisure or vacation usage for periods of 30 days or less.~~

(Ord. of 5-8-2017, § 1)

Lot: A parcel of land adjacent to a public street, either occupied or to be occupied by a main building and its accessory buildings or by a use and its accessory uses together with such open spaces as are required under the provisions of this ordinance having at least the minimum area required by this ordinance for a parcel of land in the zone in which such parcel of land is situated, and having its principal frontage on an officially approved means of ingress and egress. Each lot shall either be shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner: A lot abutting on two or more streets at their intersection.

Lot, depth: The average of the horizontal distances between front and rear lines of a lot measured perpendicular to the street line.

Lot interior: Any lot other than a corner lot.

Lot, through (double frontage): A lot, other than a corner lot, which has a frontage on two streets.

Lot of record: A lot which has been recorded in the office of the clerk of the circuit court.

Main Building: The~~A~~ building that is used in conjunction with the principal ~~permitted~~ use of the property.

Maintenance or care: The protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

Manufacture and/or manufacturing: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured Home*: ~~means a structure subject to federal regulations, which is transportable in one or more sections, is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site, is built on a permanent chassis, is designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.~~ A structure designed for residential use by a single family that is manufactured offsite in accordance with the National Manufactured Housing Construction and Safety Act of 1974 and Federal Manufactured Home Construction and Safety Standards.*

(Ord. of 8-12-1991, § 1)

Microbrewery: An establishment which produces and sells beer on premise in conjunction with food. A microbrewery may produce up to 200,000 gallons in any given 12-month period; such operations are required to adhere to all relevant local, state and federal regulations.

(Ord. of 5-10-2010, § 1)

Mixed-use development: The use of a structure (existing or new) on a lot/parcel zoned for general business in which a mixture of commercial and residential uses are conducted. Buildings on such parcel in which a minimum of 25 percent of the gross floor space is dedicated for business/commercial uses where the remainder is utilized for residential purposes. Such residential use shall likewise not be less than 25 percent of the gross floor space of the structure. Residential uses must conform to all requirements set forth by the local Building Official and the Code of the Town of Luray.

Mobile Home: A transportable structure designed for residential use by a single family that was manufactured before June 15, 1976.

Temporary Mobile Home: A type of Manufactured home used on a temporary basis subject to the regulations in Section 508 of this Appendix.

(Ord. of 5-9-2016(1), § 1)

Motel: One or more buildings containing individual sleeping rooms designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Nonconforming activity (use): The otherwise legal use of a building, structure, or tract of land that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Off-street parking area: Space provided for vehicular parking outside the street right-of-way.

Open space, usable landscaped: That space on the same lot and contiguous to the principal building or buildings, except as herein noted, which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

Outdoor [j7]display: The keeping of products, goods, merchandise, and/or materials, excluding signs, outside of an enclosed building for the purpose of making it known that similar items or related services are available for purchase.

Outdoor [j8]sales: The retail selling of products, goods, merchandise, and/or materials, outside of an enclosed building.

Outdoor [j9]storage: The keeping, without retail sale, or products, goods, merchandise, and/or materials outside of an enclosed building.

Parking space: An area of not less than ten feet wide by 20 feet long, for each automobile or motor vehicle. Such space shall be exclusive of necessary drives, aisles, entrances, or exits, and shall be fully accessible for the storage or parking of vehicles.

Planning commission: The Planning Commission of the Town of Luray, Virginia.

Poolroom or *billiard room:* An establishment open to the public containing amusements devices devoted to or used in connection with the playing of pool, billiards or snooker where a fee is charged which is directly or indirectly conditioned upon or related to the playing of any such game. Establishments which provide three or more pool, billiards or snooker tables shall be considered a poolroom or billiards room.

(Amend. of 6-14-2010)

Porches: An open unenclosed stoop or paved terrace which may project into a front or rear yard for a distance not exceeding ten feet, and into a side yard for a distance not exceeding five feet, but this shall not be interpreted to include porches which may be enclosed by removable windows or fixed canopies.

Portable Storage Containers: A large portable container, other than trailers and semitrailers, and which are typically referred to as "PODS" or cargo containers that are transported to a desired location for use as storage of products, goods, merchandise, and/or materials.

Preschool or child care facility: A building or structure, however designated, other than public school facilities operated for the purposes of providing care, guidance, education or training, or any part thereof, to any child five years old or younger during only part of the 24-hour day for more than five children not of common parentage. Such facilities shall meet all applicable regulations of the department of social services, the department of health, and the state and local building codes. Such facilities shall meet the requirements of section 506.9.

(Ord. of 7-9-1990, § 1)

Principal ~~permitted~~ use: The main use on a lot, as allowed by this Zoning Ordinance, and as distinguished from accessory uses.

Professional offices: A structure designed for use by services such as, but not limited to, doctors, dentists, engineers, lawyers, architects, accountants, or persons offering similar business, clerical, professional and or technical services. Professional offices are required to conform to article V (Supplemental regulations), sections 514 (professional offices) and 515 (site plan) of the Town Code.

(Ord. of 9-12-2011, § 19)

Public water and sewer systems: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the state corporation commission, and subject to special regulations as herein set forth.

Recreational Vehicle: Commonly known as a motorhome or travel trailer, a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use, that either has its own motive power or is mounted in, or is towed by another vehicle.

Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops and refreshment stands.

Retail stores and shops: Buildings for the display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood, oil storage and lumberyards.

Screening: Except as specifically provided otherwise in this Appendix, ~~A~~any device, materials, coniferous or deciduous growth, or combination thereof, such as plantings, walls, fences, or earthen berms, of sufficient height and density, as determined by the Zoning Administrator, required to serve as an opaque barrier, to vision, light, or noise between adjoining properties.

Setback: The minimum distance by which a building or structure must be separated from the front lot line and street right-of-way.

(Ord. Of 8-14-2017(1), § 1(b))

Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

Small winery operation: An establishment which retails and/or manufactures wine on premise. A small winery operation may include an area for sampling or tasting wines. Production of wine may not exceed 10,000 gallons in any given 12-month period; such operations are required to adhere to all relevant local, state and federal regulations.

(Ord. of 5-10-2010, § 1)

Store: Retail stores and shops.

Story: That portion of a building other than a cellar or mezzanine, a basement, in some instances, included between the surface of any floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling next above it; a mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story beneath the mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Story, half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street; road: A public thoroughfare, except an alley or driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

Street line: The dividing line between a street or road right-of-way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

Surveyor, professional: A licensed professional surveyor, registered in the Commonwealth of Virginia by the state board for architects, professional engineers, land surveyors, certified interior designers and landscape architects as a "surveyor." This term shall also include land surveyors.

Tattoo parlor: An establishment whose principal business activity is the practice of placing designs, letters, figures, or other marks upon the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of use of needles or other instruments designed to contact or puncture the skin. The proprietor of such an establishment shall be licensed by the Virginia Board of Professional and Occupational Regulations.

(Ord. of 10-13-2009, § 1)

Theatre, indoor: A building designed and/or used primarily for the commercial exhibition of motion picture to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Townhouse: A building consisting of dwelling units arranged, designed, intended for and occupied exclusively by one family; said building consisting of one of a group of not less than three nor more than eight attached dwelling units with a semi-detached dwelling unit on each end thereof being included within the aforesaid minimum and maximum numbers; each dwelling unit shall be separated by an unpierced partition and contain at least two and not more than 2½ stories, each story of each unit containing at least 500 square feet from exterior wall to exterior wall and each dwelling unit having at least one separate entrance from the outside.

Travel trailer: A vehicular, portable structure built on a chassis, as a temporary dwelling for travel, recreation, and vacation having body width not exceeding eight feet and being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its body length does not exceed 29 feet.

Triplex: Three separate dwelling units arranged side-by-side. Triplexes shall possess an aggregate minimum lot size 10,000 square feet, and individual units may be divided into separate lots/parcels as deemed appropriate.

(Mo. of 12-14-2015)

Use: The purpose or activity for which a lot is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

Variance: A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

(Ord. of 8-14-2017(1), § 1(c))

Wayside stand; roadside stand; wayside market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or ~~his~~ their family on their farm.

Yard: An open space of a generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, front: A yard extending across the full width of the lot and lying between the adjacent street right-of-way line and the building setback line.

Yard, rear: A yard extending across the full width of the lot and lying between the rear property line of the lot and a line drawn generally parallel to the rear lot line at such distance therefrom as may be specified herein for any district.

Yard, side: A yard between the side lot line and a line drawn generally parallel thereto at such distance therefrom as may be specified herein for any district and extending from the front yard line to the rear yard line. On a corner lot the side yard adjacent to a street shall extend the full depth of every such lot.

Zoning administrator: See *Administrator* .

Zoning map: The official zoning map of the Town of Luray, Virginia, and all amendments thereto.

Zoning permit: A permit issued by the zoning administrator to the applicant before the applicant may proceed with any work affected by any provision of this ordinance, or begin any uses of land and/or structures as permitted by this ordinance.

(Ord. of 12-9-2013, § 1)

ARTICLE IV. - DISTRICT REGULATIONS

401. - Low-Density Residential District R-1.

Statement of intent: This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

401.1. Uses permitted by right: Only one main building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-1.

(a) Single-family dwellings.
(b) Schools.
(c) Churches.
(d) Libraries.
(e) Parks and playgrounds.
(f) Off-street parking for uses permitted in this district as required by this ordinance.
(g) Accessory buildings as defined, however, garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line, and accessory buildings shall only be allowed in the side and rear yards.
(h) Public utilities: Poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
(i) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(j) Reserved.

(Ord. of 8-8-2016(1))

(k) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(l) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(m) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(n) Reserved.

(Mo. of 10-10-2000; Ord. of 9-12-2011, § 3)

(o) Electronic occupations.

(Ord. of 9-12-2011, § 4)

401.2. Uses permitted by special permit:

(a) ~~Temporary mobile homes and temporary mobile home parks as set forth in section 508.~~
(b) Fire, police, and rescue squad stations.
(c) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

401.3. Area regulations: ~~The minimum lot area for permitted uses shall be 15,000 square feet, except that private schools must conform to land area requirements of the state board of education.~~

(a) For lots served by public water and sewage disposal or only public sewage disposal, the minimum lot area shall be 15,000 square feet. The required area for lots with on-site water systems shall be approved by the health official.
(b) For lots not served by public sewerage systems [j1]the minimum lot area shall be 40,000 square feet. The required area for any such use shall be approved by the health official.

401.4. Setback regulations: All structures shall be located at least: (a) 35 feet from the front lot line; (b) 35 feet from the edge of any street right-of-way; and (c) 60 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 2)

401.5. Frontage regulations: The minimum lot width at the setback line shall be 100 feet.

401.6. Yard regulations:

(a) Side: Each side yard shall be a minimum of 15 feet.
(b) Rear: Each rear yard shall have a minimum of 35 feet.

401.7. Height regulations:

(a) Buildings may be erected up to 2½ stories but not to exceed 35 feet in height except that:
   1. A public or semipublic building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
   2. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) No accessory building which is within 20 feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

401.8. Special provisions for corner lots:

~~(a) Of the two sides of a corner lot, the owner may determine the front. All area and setback regulations of this section shall apply.~~

Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front yard shall be established by the following criteria:

(a) For new subdivision applications, the front yard shall be identified by the applicant on the subdivision site plan and approved by the Town on the approved final plat.

(b) For new construction on existing corner lots where no front yard is designated on the approved final plat, the property owner shall specify the front yard on the Zoning Permit application, which front yard ~~and~~ shall be approved by the Zoning Administrator as part of the Zoning Permit issued in accordance with this Appendix.~~.~~

(c) For existing structures, the front yard shall be the yard with street frontage that the front façade of the primary building faces, unless otherwise designated at the time of construction. Alterations changing the primary building façade of an existing structure shall be deemed new construction.

[j2](Mo. of 4-10-1995)

(b) The side yard on the side facing the side street shall be 35 feet or more for both main and accessory building.
(c) Each corner lot shall have a minimum width at the setback line of 125 feet.

401.9. Signs: As provided in article VIII.

(Ord. of 8-8-2016(1))

402. - Medium-Density Residential District R-2.

Statement of intent: This district is composed of certain medium concentration of residential uses, plus certain open areas where similar development appear likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. To these ends, development is limited to low-to-medium concentration and permitted uses are limited basically to single unit dwellings plus certain additional uses such as schools, parks, churches and certain public facilities that serve the district. No home occupations are permitted.

402.1. Uses permitted by right: Only one building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-2.

(a) Single-family dwellings.
(b) Schools.
(c) Churches.
(d) Libraries.
(e) Parks and playgrounds.
(f) Off-street parking for uses permitted in this district as required by this ordinance.
(g) Accessory buildings permitted as defined, however, garages, or other accessory structures, such as carports, porches, and stoops attached to the main building, shall be considered part of the main building. No accessory building may be closer than five feet to any property line, and accessory buildings shall only be allowed in the side and rear yards.
(h) Public utilities: Poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
(i) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(j) Reserved.

(Ord. of 8-8-2016(1))

(k) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(l) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(m) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(n) Reserved.

(Mo. of 10-10-2000; Ord. of 9-12-2011, § 5)

(o) Electronic occupations.

(Ord. of 9-12-2011, § 6)

402.2. Uses permitted by special permit:

(a) Temporary mobile homes and temporary mobile home parks as set forth in section 508.

(b) Fire, police and rescue squad stations.

(c) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

(d) Bed and breakfast home. These regulations are established to allow the rental of bedrooms to guests in bed and breakfast homes while at the same time preserving the historical and residential character of the neighborhoods in which the dwellings are located. Bed and breakfast homes are allowed only along the listed major street to avoid bringing increased traffic and congestion by non-residents into this residential district in order to ensure that the corridor maintains its residential character. Bed and breakfast homes shall be permitted only in single-family attached dwellings.

(1) Guest registration shall not exceed a period of 14 consecutive calendar days.

(2) A bed and breakfast home shall have no more than three guest rooms and no more than six guests at any one time. Except that a bed and breakfast home situated on a lot one acre or greater in size shall be allowed no more than five guest rooms and no more than 10 guests~~than six guest rooms and no more than 12 guests~~. Existing cottages on the premises may be rented and shall be considered a guest room. Children 12 years old and under in the same room shall not be included in the total number of guests.

(3) At least one off-street parking space shall be provided for each guest room and each outside employee. No more than two parking spaces shall be permitted in the front yard. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick, or paving stones. Parking areas shall be screened and buffered as to preserve the residential character of the premises.

(4) An identification sign may be allowed on the property, not exceeding four square feet on either side.

(5) The bed and breakfast home must be occupied and managed by the owner or lessee of the property. Such owners or lessees may employee no more than one outside person to assist with the operation of the bed and breakfast home.

(6) Meals shall only be served to guests renting bedrooms in the dwelling.

(7) Applicable provisions of the Uniform Statewide Building Code, the commonwealth board of health, and all other applicable laws, regulations, inspections, and licenses shall be met.

(8) Transient occupancy tax and meals tax must be collected and remitted to the town.

(9) The application for a bed and breakfast home shall include a floor plan showing the location of each bedroom to be rented, including its dimensions and floor area, the location of exits and the location of smoke detectors. A site plan shall also be submitted showing the location of the parking to be provided.

(10) It shall be a violation of this section to advertise for rent to guests any bedroom exceeding the number of bedrooms authorized herein.

(Ord. of 6-9-1997; Res. No. 2005-05-02, 5-9-2005; Ord. of 12-9-2013, § 2)

(e) Home occupation.

(Ord. of 9-12-2011, § 13)

402.3. Area regulations:

(a) For lots served by public water and sewage disposal or only public sewage disposal, the minimum lot area shall be 10,000 square feet. The required area for lots with on-site water systems shall be approved by the health official.

(b) For lots not served by public sewerage systems the minimum lot area shall be 15,000 square feet. The required area for any such use shall be approved by the health official.

402.4. Setback regulations: All structures shall be located at least: (a) 35 feet from the front lot line; (b) 35 feet from the edge of any street right-of-way; and (c) 60 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 2)

402.5. Frontage regulations: The minimum lot width at the setback line shall be 75 feet.

402.6. Yard regulations:

(a) Side: Each minimum side yard shall be a minimum of ten feet.

(b) Rear: Each rear yard shall have a minimum of 25 feet.

402.7. Height regulations:

(a) Buildings may be erected up to 2½ stories but not to exceed 35 feet in height except that:

1. A public or semipublic building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
2. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) Accessory buildings over one story in height shall be at least ten feet from any lot line. All accessory buildings shall be less than the main building in height.

402.8. Special provisions for corner lots:

(a) Of the two sides of a corner lot, the owner may determine the front. All area and setback regulations of this section shall apply.

(Mo. of 4-10-1995)

(b) The side yard on the side facing the side street shall be 25 feet or more for both main and accessory buildings.

(c) Each corner lot shall have a minimum width at the setback line of 100 feet.

402.9. Signs: As provided in article VIII.

(Ord. of 8-8-2016(1))

403. - High-Density Residential District R-3.

Statement of intent: This district is composed of certain medium to high concentration of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. Residential types of structures for both permanent and transient occupancy and including institutions, are permitted plus structures for commercial uses conforming to the pattern of the district.

403.1. Uses permitted by right: In Residential District R-3, structures to be erected ~~or~~on land to be used shall be for one of the following uses:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Libraries.

(d) Reserved.

(Mo. of 4-10-1995)

(e) Reserved.

(Mo. of 4-10-1995)

(f) Schools.

(g) Churches.

(h) Reserved.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

(i) Reserved.

(Ord. of 4-12-1993; Mo. of 4-10-1995; Ord. of 12-11-1995)

(j) Reserved.

(Mo. of 4-10-1995)

(k) Parks and playgrounds.

(l) Reserved.

(Ord. of 9-12-2011, § 20)

(m) Reserved.

(Ord. of 9-12-2011, § 14)

(n) Off-street parking for permitted uses in this district as required by this ordinance.

(o) Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line, and accessory buildings shall only be allowed in the side and rear yards.

(p) Public utilities: Poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

(q) Reserved.

(Mo. of 4-10-1995)

(r) Reserved.

(Res. No. 2017-12-03, § 1, 12-11-2017)

(s) Reserved.

(Mo. of 4-10-1995)

(t) Reserved.

(Mo. of 4-10-1995; Res. No. 2017-12-03, § 1, 12-11-2017)

(u) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(v) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(w) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(x) Electronic occupations.

(Ord. of 9-12-2011, § 7)

403.2. Uses permitted by special permit:

(a) General hospitals and special care hospitals.

(b) Temporary mobile homes and temporary mobile home park as set forth in section 508.

(c) Fire, police, and rescue squad stations.

(d) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

(e) Manufactured home, ~~if~~ provided that it meets the following requirements:

1. If it is a structure, transportable in two or more sections, which in the traveling mode is ten body feet or more in width or 40 body feet or more in length, or when erected on site is 800 or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.
2. The special use permit application must be reviewed by the Luray Planning Commission and approved by the Luray Town Council.
3. The axles, wheels and towbar/hitch must be removed.
4. The roof must be constructed of shingles, or other materials customarily and normally used for conventional dwelling roofing, and must be approved by the planning commission and the Luray Town Council.
5. The underpinning shall consist of a permanent, continuous masonry foundation.
6. Siding must be of any material commonly used in conventional homes.
7. Front, rear and all other steps and landings must be constructed in accordance with all legal requirements.
8. All other Town of Luray zoning requirements must be met.

(Ord. of 3-12-1990; Ord. of 8-12-1991, § 2)

(f) Homes for adults.

(Ord. of 12-11-1995)

(g) Bed and breakfast home. These regulations are established to allow the rental of bedrooms to guests in bed and breakfast homes while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. Bed and breakfast homes shall be permitted only in single-family detached dwellings. Approval for a bed and breakfast home shall be subject to the following:

(1) Guest registration shall not exceed a period of 14 consecutive calendar days.

(2) A bed and breakfast home shall have no more than three guest rooms and no more than six guests at any one time. Except that a bed and breakfast home situated on a lot one acre or greater in size shall be allowed no more than ~~six~~ five guest rooms and no more than ~~12~~10 guests. Existing cottages on the premises may be rented and shall be considered a guest room. Children 12 years old and under in the same room shall not be included in the total number of guests.

(3) At least one off-street parking space shall be provided for each guest room and each outside employee. No more than two parking spaces shall be permitted in the front yard. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick, or paving stones. Parking areas shall be screened and buffered as to preserve the residential character of the premises.

(4) An identification sign may be allowed on the property, not exceeding four square feet on either side.

(5) The bed and breakfast home must be occupied and managed by the owner or lessee of the property. Such owners or lessees may employee no more than one outside person to assist with the operation of the bed and breakfast home.

(6) Meals shall only be served to guests renting bedrooms in the dwelling.

(7) Applicable provisions of the Uniform Statewide Building Code, the commonwealth board of health, and all other applicable laws, regulations, inspections, and licenses shall be met.

(8) Transient occupancy tax and meals tax must be collected and remitted to the town.

(9) The application for a bed and breakfast home shall include a floor plan showing the location of each bedroom to be rented, including its dimensions and floor area, the location of exits and the location of smoke detectors. A site plan shall also be submitted showing the location of the parking to be provided.

(10) It shall be a violation of this section to advertise for rent to guests any bedroom exceeding the number of bedrooms authorized herein.

(Ord. of 6-9-1997; Res. No. 2005-05-02, 5-9-2005)

(h), (i) Reserved.

(j) Clubs and lodges.

(Mo. of 4-10-1995)

(k) Accessory dwelling units, as set forth in article V, section 516.

(Ord. of 5-11-2009(2), § 1)

(l) Home occupation.

(Ord. of 9-12-2011, § 15)

(m) Professional offices.

(Ord. of 9-12-2011, § 21)

(n) Lodging houses.

(Res. No. 2017-12-02, § 1, 12-11-2017)

403.3. Area regulations:

(a) For lots served by public water and sewage disposal or only with public sewer, the minimum lot area shall be 7,000 square feet, plus 3,000 square feet for each additional dwelling unit. The health official shall approve all lot sizes for lots having either on-site water and/or on-site sewer systems.

(b) For two-family dwellings arranged side-by-side, each unit shall be assigned 5,000 square feet on the lot.

(c) For lots containing or intended to contain a single-family dwelling not served by public sewerage systems, the minimum lot area shall be 15,000 square feet. The required area for any such use shall be approved by the health official. All other permitted uses shall be served by public water and sewerage systems.

403.4 Setback regulations: All structures shall be located at least: (a) 35 feet from the front lot line; (b) 35 feet from the edge of any street right-of-way; and (c) 60 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 2)

403.5. Frontage regulations: The minimum lot width at the setback line shall be 60 feet, and for each additional dwelling unit above one there shall be at least ten feet of additional lot width at the setback line.

403.6. Yard regulations:

(a) Side: The minimum side yard shall be ten feet.

(b) Rear: The minimum rear yard shall be 25 feet.

403.7. Height regulations: Buildings may be erected up to 2½ stories but not to exceed 35 feet in height except that:

1. A public or semipublic building such as a school, church, library, or hospital may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

2. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

403.8. Special provisions for corner lots:

(a) Of the two sides of a corner lot, the owner may determine the front. All area and setback regulations of this section shall apply.

(Mo. of 4-10-1995)

(b) The side yard on the side facing the side street shall be 20 feet or more for both main and accessory buildings.

403.9. Signs: As provided in article VIII.

(Ord. of 8-8-2016(1))

404. - High-Density Residential (Boomfield) District R-4.

Statement of intent: This district is composed of certain medium to high concentration of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. Residential types of structures for both permanent and transient occupancy and including institutions, are permitted plus structures for commercial uses conforming to the pattern of the district. This district has been designed specifically to provide regulations for the Boomfield Area.

404.1. Uses permitted by right: In Residential District R-4, structures to be erected on land to be used shall be for one of the following uses:

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Libraries.

(d) Reserved.

(Mo. of 4-10-1995)

(e) Reserved.

(Mo. of 4-10-1995)

(f) Schools.

(g) Churches.

(h) Reserved.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

(i) Reserved.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

(j) Reserved.

(Mo. of 4-10-1995)

(k) Parks and playgrounds.

(l) Reserved.

(Ord. of 9-12-2011, § 22)

(m) Reserved.

(Ord. of 9-12-2011, § 16)

(n) Off-street parking for uses permitted in this district as required by this ordinance.

(o) Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line, and accessory buildings shall only be allowed in the side and rear yards.

(p) Public utilities: Poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

(q) Reserved.

(Mo. of 4-10-1995)

(r) Reserved.

(Res. No. 2017-12-03, § 2, 12-11-2017)

(s) Reserved.

(Mo. of 4-10-1995)

(t) Reserved.

(Mo. of 4-10-1995; Res. No. 2017-12-03, § 2, 12-11-2017)

(u) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(v) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(w) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(x) Electronic occupations.

(Ord. of 9-12-2011, § 8)

404.2. Uses permitted by special permit:

(a) General hospitals and special care hospitals.

(b) Temporary mobile homes and temporary mobile home parks as set forth in section 508.

(c) Fire, police, and rescue squad stations.

(d) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

(e) Manufactured home, if it meets the following requirements:

1. If it is a structure, transportable in two or more sections, which in the traveling mode is ten body feet or more in width or 40 body feet or more in length, or when erected on site is 800 or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.
2. The special use permit application must be reviewed by the Luray Planning Commission and approved by the Luray Town Council.
3. The axles, wheels and towbar/hitch must be removed.
4. The roof must be constructed of shingles, or other materials customarily and normally used for conventional dwelling roofing, and must be approved by the planning commission and the Luray Town Council.
5. The underpinning shall consist of a permanent, continuous masonry foundation.
6. Siding must be of any material commonly used in conventional homes.
7. Front, rear and all other steps and landings must be constructed in accordance with all legal requirements.
8. All other Town of Luray zoning requirements must be met.

(Ord. of 3-12-1990; Ord. of 8-12-1991, § 3)

(f) Homes for adults.

(Ord. of 12-11-1995)

(g) Bed and breakfast home. These regulations are established to allow the rental of bedrooms to guests in bed and breakfast homes while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. Bed and breakfast homes shall be permitted only in single-family detached dwellings. Approval for a bed and breakfast home shall be subject to the following:

(1) Guest registration shall not exceed a period of 14 consecutive calendar days.

(2) A bed and breakfast home shall have no more than three guest rooms and no more than six guests at any one time. Except that a bed and breakfast home situated on a lot one acre or greater in size shall be allowed no more than five guest rooms and no more than 10 guests~~than six guest rooms and no more than 12 guests~~. Existing cottages on the premises may be rented and shall be considered a guest room. Children 12 years old and under in the same room shall not be included in the total number of guests.

(3) At least one off-street parking space shall be provided for each guest room and each outside employee. No more than two parking spaces shall be permitted in the front yard. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick, or paving stones. Parking areas shall be screened and buffered as to preserve the residential character of the premises.

(4) An identification sign may be allowed on the property, not exceeding four square feet on either side.

(5) The bed and breakfast home must be occupied and managed by the owner or lessee of the property. Such owners or lessees may employee no more than one outside person to assist with the operation of the bed and breakfast home.

(6) Meals shall only be served to guests renting bedrooms in the dwelling.

(7) Applicable provisions of the Uniform Statewide Building Code, the commonwealth board of health, and all other applicable laws, regulations, inspections, and licenses shall be met.

(8) Transient occupancy tax and meals tax must be collected and remitted to the town.

(9) The application for a bed and breakfast home shall include a floor plan showing the location of each bedroom to be rented, including its dimensions and floor area, the location of exists and the location of smoke detectors. A site plan shall also be submitted showing the location of the parking to be provided.

(10) It shall be a violation of this section to advertise for rent to guests any bedroom exceeding the number of bedrooms authorized herein.

(Ord. of 6-9-1997; Res. No. 2005-05-02, 5-9-2005)

(h), (i) Reserved.

(j) Clubs and lodges.

(Mo. of 4-10-1995)

(l) Home occupation.

(Ord. of 9-12-2011, § 17)

(m) Professional offices.

(Ord. of 9-12-2011, § 23)

(n) Triplex/Multi-family dwelling.

(Mo. of 12-14-2015)

(o) Lodging houses.

(Res. No. 2017-12-02, § 2, 12-11-2017)

404.3. Area regulations:

(a) For a single family dwelling, the minimum lot area shall be 6,000 square feet.

(b) For two-family dwellings arranged side-by-side, the minimum lot area shall be 7,000 square feet. Each unit shall be assigned 3,500 square feet on the lot. A lot containing a two-family dwelling arranged side-by-side may be further divided into separate parcels for each dwelling unit, provided that the resulting lot size for each dwelling unit is a minimum of 3,500 square feet, and provided further that there be a firewall meeting all legal and regulatory requirements between the two dwellings.

(Ord. of 8-10-1992)

(c) Triplex units arranged side-by-side can be divided into lot sizes as deemed appropriate; provided the units are located on a lot with a minimum aggregate size of 10,000 square feet, and contains a firewall between individual dwelling units. A triplex unit shall possess a minimum of 75 feet of lot width at the setback line, and no individual unit/lot shall possess less than 20 feet of lot width.

(Mo. of 12-14-2015; Ord. of 1-9-2017(1))

404.4. Setback regulations: All structures shall be located at least: (a) 15 feet from the front lot line; (b) 15 feet from the edge of any street right-of-way; and (c) 40 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 3)

404.5. Frontage regulations: The minimum lot width at the setback line shall be 50 feet.

404.6. Yard regulations:

(a) Each side yard shall be a minimum of five feet.

(b) The minimum rear yard shall be 25 feet.

404.7. Height regulations: Buildings may be erected up to 2½ stories but not to exceed 35 feet in height from grade except that:

1. A public or semipublic building such as a school, church, library, or hospital may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
2. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

404.8. Special provisions for corner lots:

(a) Of the two sides of a corner lot, the owner may determine the front. All area and setback regulations of this section shall apply.

(Mo. of 4-10-1995)

(b) The side yard facing the side street shall be a minimum of five feet.

404.9. Signs: As provided in article VIII.

(Ord. of 8-8-2016(1))

405. - Townhouse and Apartment Residential District R-5.

Statement of intent: This district is intended to be composed of some of the highest residential densities in the Town of Luray. The regulations for this district are designed to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children. Various types of residential structures for permanent occupancy are permitted along with institutional uses. This is the only residential district in Luray in which apartments and townhouses are permitted.

405.1. Uses Permitted by right: In Residential District R-5, structures to be erected on land to be used shall be for one of the following uses:

(a) Single-family dwellings.
(b) Two-family dwellings.
(c) Libraries.
(d) Schools.
(e) Churches.
(f) Parks and playgrounds.
(g) Off-street parking for uses permitted in this district as required by this ordinance.
(h) Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line, and accessory buildings shall only be allowed in the side and rear yards.
(i) Public utilities: Poles, lines, distribution transformers, booster relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
(j) Reserved.

(Ord. of 8-8-2016(1))

(k) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(l) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(m) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(n) Reserved.

(Mo. of 4-10-1995; Ord. of 8-8-2016(1))

(o) Garden apartments in accordance with section 511.
(p) Electronic office.

(Mo. of 10-10-2000)

(q) Townhouses in accordance with section 510.

(Ord. No. 2006-07-02, § 1, 7-10-2006)

(r) Electronic occupations.

(Ord. of 9-12-2011, § 9)

405.2. Uses permitted by special permit:

(a) Temporary mobile homes and temporary mobile home parks as set forth in section 508.
(b) Fire, police, and rescue squad stations.
(c) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

(d) Lodging houses.

(Res. No. 2017-12-02, § 3, 12-11-2017)

405.3. Area regulations:

(a) For lots served by public water and sewage disposal, the minimum lot area shall be 7,000 square feet.
(b) For two-family units, for lots served by public water and sewage disposal, the minimum lot area shall be 10,000 square feet.

(Mo. of 4-10-1995)

(c) For two-family dwelling units arranged side-by-side, each unit shall be assigned 5,000 square feet on the lot.
(d) For townhouses, see section 510.
(e) For garden apartments, see section 511.

405.4 Setback regulations: All structures shall be located at least: (a) 35 feet from the front lot line; (b) 35 feet from the edge of any street right-of-way; and (c) 60 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 2)

405.5. Frontage regulations: The minimum lot width at the setback line shall be 60 feet, and for each additional dwelling unit above one there shall be at least ten feet of additional lot width at the setback line. (Unless as otherwise specified for townhouses and garden apartments.)

405.6. Yard regulations:

(a) Side: The minimum side yard shall be ten feet.

(b) Rear: The minimum rear yard shall be 25 feet. (Unless as otherwise specified for townhouses and garden apartments.)

405.7. Height regulations: Buildings may be erected up to 2½ stories but not to exceed 35 feet in height from grade except that:

1. A public or semipublic building, such as a school or church, may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
2. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest. (Unless as otherwise specified for townhouses and garden apartments.)

405.8. Special provisions for corner lots:

(a) Of the two sides of a corner lot, the owner may determine the front. All area and setback regulations of this section shall apply.

(Mo. of 4-10-1995)

(b) The side yard on the side facing the side street shall be 20 feet or more for both main and accessory buildings. (Unless as otherwise specified for townhouses and garden apartments.)

405.9. Signs: As provided in article VIII.

(Ord. of 8-8-2016(1))

406. - Business District B-1.

Statement of intent: Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise due to the congregation of people and passenger vehicles.

406.1. Uses permitted by right: In Business District B-1, structures to be erected ~~or~~on land to be used shall be for one or more of the following:

(a) Retail food stores.
(b) Bakeries.
(c) Drycleaners.
(d) Laundries or laundromats.
(e) Wearing apparel stores.
(f) Drugstores.
(g) Barber and beauty shops.
(h) Auto and home appliance services.
(i) Theaters, assembly halls.
(j) Hotels and motels.

(Mo. of 4-10-1995)

(k) Office buildings (see professional offices).

(Ord. of 9-12-2011, § 24)

(l) Churches.
(m) Libraries.
(n) Hospitals, general.
(o) Animal hospital or clinic, veterinary office.
(p) Funeral homes.
(q) Services stations (with major repair under cover), and garages.
(r) Clubs and lodges.
(s) Auto sales and service.
(t) Lumber and building supply (with storage under cover).
(u) Plumbing and electrical supply (with storage under cover).
(v) Machinery sales and service.
(w) Furniture stores.
(x) Restaurants.
(y) Public utilities.
(z) Commercial recreation, tourist and scenic attractions.

(aa) Off-street parking for permitted uses in this district as required by this ordinance.

~~(bb) (ee) Reserved.~~

(Res. No. 2017-12-05, § 1, 12-11-2017)

(ff) Pet stores.

(Ord. of 9-17-1990)

(gg) Banks.

(Ord. of 9-17-1990)

(hh) Photographers, photographic services.

(Ord. of 11-12-1990)

(ii) Bookstore.

(Ord. of 11-12-1990)

(jj) General retail stores.

(Mo. of 4-10-1995)

(kk) Businesses for the rental or sale of equipment of all sizes and designs and rental of supplies or any other items, except that no equipment or other items for rental or sale shall be stored outside.

(Mo. of 11-8-1999)

(ll) Country inn.

(Res. No. 2005-05-02, 5-9-2005)

(mm) Small winery operation.

(Ord. of 5-10-2010, § 2)

(nn) Microbrewery.

(Ord. of 5-10-2010, § 2)

(oo) Electronic occupations.

(Ord. of 9-12-2011, § 10)

(pp) Home occupation.

(Ord. of 9-12-2011, § 18)

(qq) Mixed-use development.

(Ord. of 5-9-2016(1), § 2)

(rr) Schools.

(Ord. of 3-13-2017(1))

(ss) Bed and breakfast homes.

(Ord. of 5-8-2017, § 3)

(tt) Lodging houses.

(Ord. of 5-8-2017, § 3)

(uu) Accessory buildings, provided that such accessory buildings shall only be allowed in the side and rear yards..

(Res. No. 2017-12-05, § 2, 12-11-2017)

406.2. Uses permitted by special permit:

(a) Apartment houses.

(b) Wholesale houses.

(Mo. of 4-10-1995)

(c) Public billiard parlors and poolroom, bowling alleys, dance halls, and similar forms of public amusement. The governing body shall request that the planning commission submit a recommendation to it concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as it may deem necessary in the public interest.

(d) Temporary mobile homes and temporary mobile home parks as set forth in section 508.

(e) Fire, police, and rescue squad stations.

(f) Other uses not specifically permitted, which are not expected to be recurring or of general application.

(Ord. of 4-28-1980, § 1)

(g) Manufactured home, if it meets the following requirements:

1. If it is a structure, transportable in two or more sections, which in the traveling mode in ten body feet or more in width or 40 body feet or more in length, or when erected on site is 800 or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and electrical systems contained therein.

2. The special use permit application must be reviewed by the Luray Planning Commission and approved by the Luray Town Council.
3. The axles, wheels and towbar/hitch must be removed.
4. The roof must be constructed of shingles, or other materials customarily and normally used for conventional dwelling roofing, and must be approved by the planning commission and the Luray Town Council.
5. The underpinning shall consist of a permanent, continuous masonry foundation.
6. Siding must be of any material commonly used in conventional homes.
7. Front, rear and all other steps and landings must be constructed in accordance with all legal requirements.
8. All other Town of Luray zoning requirements must be met.

(Ord. of 3-12-1990; Ord. of 8-12-1991, § 4)

(h) Single-family dwellings.

(Amendment of 12-9-1991)

(i) Preschool, child care facilities.

(Ord. of 7-9-1990, § 2)

(j) Mini-storage units.

(Ord. of 12-11-1989)

(k) Homes for adults.

(Ord. of 4-12-1993)

(l) Reserved.

(Ord. of 6-9-1997; Res. No. 2005-05-02, 5-9-2005; Ord. of 8-8-2016(1); Ord. of 5-8-2017, § 4)

(m) Two-family dwellings.

(Ord. of 8-11-1997)

(n) Townhouses for sale or rental in accordance with section 510.

(Ord. of 8-11-1997)

(o) Tattoo parlor.

(Ord. of 10-13-2009, § 2)

406.3. Area regulations: None.

406.4. Setback regulations: None.

406.5. Frontage and yard regulations: For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be 25 feet and off-street parking shall be in accordance with the provisions contained herein.

406.6. Height regulations:

(a) Buildings may be erected up to 45 feet in height from grade.

(b) Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

406.7. Requirements for permitted uses: Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans (three copies) in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendations. Modification of the plans may be required. A use permitted by special permit shall also receive approval or rejection by the town council. Such site plan shall be proposed in accordance with section 515.

406.8. Signs: As provided in article VIII.

406.9. Business District Performance Standards (B-1)

A. Screening:

1. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or a dense evergreen hedge. Screening shall be at least six (6) feet in height. Uses such as ~~P~~public utilities and signs that require natural air consideration, unobstructed view, or other technical consideration necessary for property operation [j3]shall be exempt from this provision. This exception does not include storing of any materials.
2. [j4]Non-residential uses ~~development~~ shall be permanently screened from any adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable screening with a minimum height of five (5) feet. Any area between such screening and the property line shall be landscaped to form

a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational area, or by topographic or other natural conditions.

3. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district.

4. The provisions of subsections 1 and 2 shall not apply ~~or~~when, in the determination [j5]of the zoning administrator, strict application of the requirement would produce undue hardship, such hardship is not shared generally by other properties in the zoning district, and the lack of screening will not be of substantial detriment to adjacent property and the character of the zoning district.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. Where needed, lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.

3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.

4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be shored only in completely closed containers.

5. All outdoor [j6]refuse storage areas shall be located in a paved area and hidden from general public view, fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

(Ord. of 8-8-2016(1))

407. - Limited Industrial District M-1.

Statement of intent: The preliminary purpose of this district is to permit certain industries to locate adjacent to residential uses, without harming such residential property.

407.1. Uses permitted by special permit[j7]*:* In Industrial District M-1 any structure to be erected ~~or~~ onland to be used shall be for one or more of the following uses:

(a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.

(b) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.

(c) Blacksmith shop, welding or machine shop, excluding punch presses exceeding 40 ton rated capacity and drop hammers.

(d) Laboratories, pharmaceutical and/or medical.

(e) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.

(f) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint.

(g) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

(h) Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

(i) Building material sales yards, plumbing supplies storage.

(j) Coal and wood yards, lumber yards, feed and seed stores.

(k) Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
(l) Cabinet, furniture and upholstery shops.
(m) Boat building.
(n) Stone monument works.
(o) Veterinary hospital, kennels.
(p) Wholesale businesses, storage warehouses.
(q) Off-street parking for permitted uses in the district as required by this ordinance.
(r) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations.
(s) Reserved.

(Ord. of 8-8-2016(1))

(t) Reserved.

(Ord. of 8-8-2016(1))

(u) Reserved.

(Ord. of 8-8-2016(1))

(v) Airports.
(w) Temporary mobile homes and temporary mobile home parks as set forth in section 508.
(x) Fire, police, and rescue squad stations.
(y) Other uses not herein specifically listed.

(Ord. of 4-28-1980, § 2)

(z) Small winery operation.

(Ord. of 5-10-2010, § 3)

(aa) Microbrewery.

(Ord. of 5-10-2010, § 3)

(bb) Lodging houses.

(Res. No. 2017-12-02, § 4, 12-11-2017)

407.2. Requirements for permitted uses:

(a) Before a building permit, or special use permit, shall be issued or construction commenced on any enumerated use in this district, or a special permit issued for a new use, the plans (three copies), in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. Modifications of the plans may be required. Site plans shall be prepared in accordance with section 515.
(b) Such uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid board fence or evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
(c) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of any intersecting streets.
(d) Sufficient area shall be provided to adequately screen such uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees and clients.
(e) Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to three years after adoption of this ordinance in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height. They shall comply with all other regulations for nonconforming uses of land.

(Ord. of 4-28-1980, § 4)

407.3. Area regulations: The minimum lot area shall be 10,000 square feet.

407.4. Setback regulations: All structures shall be located at least (a) 20 feet from the front lot line; (b) 20 feet from the edge of any street right-of-way; and (c) 45 feet from the center of any street right-of-way. The line which complies with all of these minimum distances shall be known as the "setback line."

(Ord. of 8-14-2017(1), § 4)

407.5. Frontage regulations: None.

407.6. Yard regulations: For permitted uses the minimum side yard adjoining or adjacent to a residential district shall be 20 feet. The side yard of all corner lots shall be 20 feet or more. A rear yard adjacent to a residential district shall be a minimum of 20 feet.

407.7. Height regulations: Buildings may be erected up to a height of 45 feet. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded

from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

407.8. Signs: As provided in article VIII.

407.9. Limited Industrial District Performance Standards (M-1)

A. Screening:

1. Permitted [j8]uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, or a dense evergreen hedge. Screening shall be at least six (6) feet in height. Public utilities and signs requiring natural air consideration, unobstructed view, or other technical consideration necessary for property operation ~~may~~shall be exempt from this provision. This exception does not include storing of any materials.
2. Non[j9]-residential development shall be permanently screened from any adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable screening with a minimum height of five (5) feet. Any area between such screening and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational area, or by topographic or other natural conditions.
3. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district.
4. The provisions of subsections 1 and 2 shall not apply when, in the determination [j10]of the zoning administrator, strict application of the requirement would produce undue hardship, such hardship is not shared generally by other properties in the zoning district, and the lack of screening will not be of substantial detriment to adjacent property and the character of the zoning district.~~.~~

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. Where needed, lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be shored only in completely closed containers.
5. All outdoor refuse storage areas [j11]shall be located in a paved area and hidden from general public view, fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

[j12]

(Ord. of 8-8-2016(1))

408. - Floodplain Conservation. [j13]

408.1. General provisions.

Statutory authorization and purpose: This ordinance is adopted pursuant to the authority granted to localities by Code of Virginia, § 15.2-2280.

408.2. Purpose. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

(a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

(b) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.

(c) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood proofed against flooding and flood damage.

(d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

408.3. Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Luray (VA) that are subject to a one (1%) percent or greater chance of being flooded in any given year, commonly known as the one-hundred (100) year floodplain (Special Flood Hazard Area), as identified -by the Federal Insurance & Mitigation Administration.

408.4. Compliance and liability.

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.

(b) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.

(c) This section shall not create liability on the part of the Town of Luray or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

408.5. Abrogation and greater restrictions. This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

408.6. Records. Records of actions associated with administering this ordinance shall be kept on file and maintained by the floodplain administrator.

408.7. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

408.8. Penalties.

(a) Any person who fails to comply with any of the requirements or provisions of this section or directions of the floodplain administrator or any other authorized employee of the Town of Luray shall be guilty of a misdemeanor of the first class and subject to the penalties of up to $2,500.00 or imprisonment for not more than 12 months, or both.

(b) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this section. The imposition of a fine or penalty for any violation of or noncompliance with this section shall not excuse the violation or noncompliance to permit it to continue, and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this section may be declared by the town council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this section.

408.9. Definitions. As used in this section, the following terms shall have the meanings indicated:

Base flood/100-year flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per section 408.10(1)a.3. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is 100-year flood or one percent annual chance flood.

Basement . Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this section.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations or storage of equipment or materials.

Elevated [J14]Building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachments. The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction[j15]. Structures for which the "start of construction" commenced before the effective date of the FIRM prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2007, as amended and any subsequent revisions or amendments thereto, and the Flood Hazard Analysis of the Hawksbill Creek Watershed, prepared by the Department of Agriculture and Soil Conservation Service, dated August 1977.

Flood or flooding.

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters; or,
   b. The unusual and rapid accumulation or runoff of surface waters from any source.
   c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas, the base flood elevations, and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS). A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

Floodway District. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate the risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard[J16]. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction adjacent to the proposed walls of a structure.

Historic structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
   a. By an approved state program as determined by the Secretary of the Interior; or
   b. Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters [J17]of Map Changes (LMOC). A letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. LETTER OF MAP AMENDMENT (LOMA) – An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
2. LETTER OF MAP REVISION (LOMR) – A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home. A structure subject to federal regulations which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured home park/subdivision. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New construction. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after September 2, 1981, and includes any subsequent improvements to such structures; for floodplain management purposes, new construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Recreational vehicle. A vehicle which is:

(1) Built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or permanently towable by a light-duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Repetitive loss structure. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that: (a) is covered under a contract for flood insurance made available under the NFIP; and (b) has incurred flood related damage – (i) for which 4 or more separate claims payments have been made under flood insurance coverage whit the amount of each such claim exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or (ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.[J18]

Special flood hazard area. The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, commonly known as the one-hundred (100) year floodplain. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a flood hazard boundary map or a flood insurance rate map as zone A, AO, A2-30, AE, A99, AH, AR, AR/A, AR/AH, AAR/AO, AR/A1-A30, V1-V30, VE, or V. For the purpose of determining community rating system premium discounts, all AR and A99 zones are treated as non-SFHAs.

Start of construction. The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways;

nor does it include excavation for a basement footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of any accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation. The failure of any future structure or other future development to be fully compliant with the community's floodplain management regulations. Any future structure or other future development without the elevation certificate, other certifications, or other evidence of compliance required in by this Code is presumed to be in violation until such time as that documentation is provided.

408.10. Establishment of zoning districts.

(1) *Description of districts.*

a. *Basis of districts.* The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study (FIS), for Page County, and the FIRM prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2007, as amended and any subsequent revisions or amendments thereto, and the Flood Hazard Analysis of the Hawksbill Creek Watershed, prepared by the Department of Agriculture and Soil Conservation Service, dated August 1977. In case of a conflict, the more stringent delineation controls.

1. The Floodway District is delineated, for the purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any one point. The areas included in this district are specifically defined in Table II of the above-referenced flood insurance study and shown on the accompanying flood boundary and floodway map or the flood insurance rate map.

2. The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of the district shall be the 100-year flood elevations contained in the flood profiles in the above-referenced Flood Insurance Study and as shown on the accompanying flood insurance rate map, plus one foot.

3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, the United States Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County of Page.

b. *Overlay concept.*

1. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

2. In the event of any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
4. Official zoning map. The boundaries of the floodplain districts are established as shown on the flood insurance rate map, which is declared to be a part of this chapter and which shall be kept on file at the administrative offices.
5. District boundary changes. The delineation of any of the floodplain districts may be revised by the town council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need for a change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
6. Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator or their designee. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

408.11. District provisions.

(1) *Permit requirement.* All uses, activities and development occurring within any floodplain district including placement of manufactured homes shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code. and Town Code sections 101 through section 610, Subdivisions, of the Town of Luray. Prior to the issuance of any such permit, the floodplain administrator or their designee shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

(2) *Site plans and permit applications*. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
   a. The elevation of the base flood at the site.
   b. The elevation of the lowest floor (including basement).
   c. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
   d. Topographic information showing existing and proposed ground elevations.

(3) *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the United States Army Corps of Engineers, the Virginia State Water Control Board and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.

(4) *General provisions*: The following provisions shall apply to all permits:
   a. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
   b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
   c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
   e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   f. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

g. New construction proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

h. New construction proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

i. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(5) *Elevation.* For structures to be elevated, the elevation of the lowest floor (including basement) must meet the following conditions:

a. New construction or substantial improvement of any residential structure (including manufactured homes) in zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level.

b. Space below the lowest floor: In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

ii. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.

iii. The bottom of all required openings shall be no higher than one foot above the adjacent grade.

iv. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

v. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(6) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by Page County Floodplain Administer or their designee.

(7) *The elevation of the 100-year flood.*

a. Base flood elevation data shall be obtained from other sources including licensed surveyors or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(8) *Topographic information showing existing and proposed ground elevations.*

a. Manufactured homes. Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Recreational vehicles. Recreational vehicles placed on sites shall either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is

attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions); or

2. Meet the permit requirements for placement and elevation and anchoring requirements for manufactured homes in section 408.11(8)a. above.

(9) *Floodway District.* In the Floodway District, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.

a. Permitted uses. In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
3. Accessory residential uses, such as yard areas, gardens, play areas and previous loading areas.
4. Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.

b. Permitted by special permit. Uses permitted by special permit shall be as follows:

1. Commercial recreational use, where open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures, excepting toilet facilities, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.
2. Outlet installations for sewage treatment plants or sewage pumping stations, with the approval of the County Engineer and/or the appropriate sewer authorities.
3. Sealed public water supply wells, with the approval of the county engineer and/or appropriate authorities.
4. Dams, culverts and bridges, with the approval of appropriate authorities with jurisdiction, such as the Commonwealth of Virginia, Department of Forests and Waters, Power and Resources Board.
5. Sanitary or storm sewers impoundment basins, with the approval of the county engineer and/or appropriate authorities.
6. Roads, driveways or parking areas.
7. Similar uses to the above which are in compliance with the intent of this section.
8. The board of zoning appeals may authorize issuance of a zoning permit to construct buildings allowed in accordance with the provisions of the primary zoning district if adequate building methods are used to eliminate the dangers of flooding. A statement by a registered architect or engineer will be required to explain the building methods to be used in overcoming the possibility of flooding. Such statement should also include an explanation of the manner by which water and sewer facilities will be provided in keeping with public health requirements.
9. All facilities required by electric utilities.

(10) *Flood-Fringe and Approximated Floodplain Districts.*

a. In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

b. Within the approximated floodplain district, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100-year flood elevation more than one foot at any one point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights.

c. Within the floodway area delineated by the applicant, the provisions of Subsection 408.11 (9) shall apply.

(11)[j19] *Design criteria for utilities and facilities.*

a. *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

b. *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

c. *Drainage facilities.*

1. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.
2. The Town of Luray may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

d. *Utilities.* All utilities, such as gas lines and electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

e. *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

408.12. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

408.13. Variances; factors to be considered.

(1) Upon passing applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway District that will cause any increase in the 100-year flood elevation.

b. The danger that materials may be swept on to other lands or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and anticipated development in the foreseeable future.

i. The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for the area.

j. The safety of access by ordinary and emergency vehicles to the property in the time of flood.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designations as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

m. Such other factors which are relevant to the purposes of this section.

(2) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for the flood protection and other related matters.

(3) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights or additional threats to public safety or extraordinary public expense and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.

(4) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

(5) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risk to life and property and will result in increased premium rates for flood insurance.

(6) A record shall be maintained of the above notification, as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

408.14. Existing structures in floodplain districts. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued, subject to the following conditions:

(1) Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.

(2) Any modifications, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in a floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or flood proofed to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this section and the Virginia Uniform Statewide Building Code.

408.15. Administration.

(1) *Designation of the floodplain administrator:* The zoning administrator is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator.

(2) *Duties and Responsibilities of the floodplain administrator:* The duties and responsibilities of the floodplain administrator shall include but are not limited to:

a. Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).

b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

d. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

e. Inspect or cause to be inspected, prospective buildings and structures, and other prospective development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

f. Submit to FEMA, or require to be submitted to FEMA, at applicants expense, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Luray, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

g. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

1. Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and

2. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

h. Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

i. Administer the requirements related to proposed work on existing buildings:

1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

2. Make reasonable efforts to notify owners of substantially damaged structures.

j. Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service

announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

k. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Luray have been modified and:
   1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
   2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

l. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

m. It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. of 1-12-2015)

409. - Planned Neighborhood Development District [PND].

409.1. Statement of intent—PND. Pursuant to Code of Virginia, § 5.2-2280 et seq., and Section 43 of the Town Charter, the Town Council of the Town of Luray establishes the planned neighborhood development (PND) zoning ordinance to allow planned neighborhood development on large tracts of land characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning (as permitted herein) and density calculation are performed for the entire development rather than on an individual basis. The purposes of the PND are to provide an alternative form of development that:

A. Eliminates standard dimensional requirements while reserving sufficient natural open space for common use, conservation or recreational purposes, and providing adequate buffering between structures and adjacent properties;
B. Enhances the physical appearance of the town by preserving the town's natural assets and distinctive character;
C. Promotes more efficient use of land and provision of public facilities, utilities, streets, and services;
D. Provides the opportunity for innovative combinations of integrated housing, recreation, neighborhood-oriented commercial, professional uses, and increased public amenities within a single development;
E. Conserves natural and environmental resources and the integrity of natural systems;
F. Encourages innovative residential development so that housing demands are met by a greater variety of types, designs, and layouts of residential structures;
G. Encourages creative and site-sensitive developments by allowing increased overall density in exchange for planned neighborhood development pursuant to this chapter.
H. Promotes the design of a walkable environment for pedestrians within the neighborhood, which provides a circulation system for various transportation modes.
I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and general welfare of the community.

409.2. Traffic improvements—PND. Where a proposed planned neighborhood development borders on an existing street whose right-of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently accommodate the traffic generated by the proposed development, the town council shall require the applicant to dedicate land for needed realignment or widening, and to undertake or fund the needed street improvements.

409.3. Dimensional standards—PND.

A. Building separation: No structure under 30 feet in height shall be located within 20 feet of any other structure. Buildings higher than 30 feet shall be separated by an additional one foot of separation for each foot of increased height over 30 feet and no buildings being more than 45 feet in height.

B. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, television antennas and radio aerials are subject to town council approval up to a maximum of 60 feet in height.

409.4. Perimeter boundary—PND.

A. No portion of a building, structure, or parking area, shall be located within 55 feet of abutting property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent property permits uses similar to the proposed planned neighborhood district use to be located abutting the common boundary. Where proposed PND uses are similar to uses permitted on the adjacent property, the minimum separation shall be that same as required for the zoning district on the adjacent property.

B. No portion of a nonresidential use, multifamily residential use, community use, institutional use or active recreational use shall be located within 100 feet of abutting property that is not part of the proposed planned neighborhood, unless the abutting property is developed as a planned neighborhood district, whereas the separation shall be equal to the existing yard requirement on the abutting planned neighborhood district property. If the adjoining property is zoned B-1, the town council may reduce the width of this buffer from 100 feet to no less than 20 feet. This reduction can only be obtained if the town council determines that the developer has provided adequate alternative screening, fencing or other approved barriers between the planned neighborhood district and abutting B-1 property.

C. The minimum front yard requirement of the R-1 zoning district shall apply for a minimum of 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

409.5. Multifamily residential development standards—PND. Multifamily housing. Such housing shall be either townhouses or multiplexes.

A. *Townhouses.* The maximum number of dwelling units permitted within a townhouse structure shall be eight. Townhouse structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry material, (not including asphalt), shall be installed from parking areas to townhouse units served by such parking areas.
3. The facades of townhouse units shall have variation in materials, setbacks, and design so that abutting units will not have the same or essentially the same architectural treatment of facades and rooflines.

B. *Multiplex structures.* The maximum number of dwelling units permitted within a multiplex structure shall be four. Multiplex structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone brick or similar masonry material, (not including asphalt), shall be installed from parking areas to multiplex units served by such parking areas.
3. The minimum size of each individual unit shall be no less than 700 net square feet.
4. Each separate dwelling unit shall have living space located on the ground floor of the structure.

C. Accessory buildings shall be limited to one enclosed storage building not exceeding seven feet in height nor exceeding ten feet in length by ten feet in width.

D. Individual townhouses and dwelling units in multiplex structures may be sold or transferred as separate individual units in a PND provided that all applicable local, state and federal regulations are met.

409.6. Utilities—PND. Utilities, such as electric transmission cable television lines, and telephone lines, serving the planned neighborhood subdivision shall be installed underground.

409.7. Accessory structures—PND. Accessory structures shall not be located within any front yard, side yard or within five feet of any other structure. The location of these structures shall be indicated on the master plan and included in the covenants of the PND.

409.8. Neighborhood recreational uses—PND. A minimum of 25 percent of the required open space shall be dedicated and developed for neighborhood recreational use to serve the recreational demands generated by the planned neighborhood development. Recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

409.9. Commercial uses development standards—PND.

A. For planned neighborhood developments with a total land area of 25—75 acres, land dedicated to commercial uses shall not exceed five percent of the total acreage.

Planned neighborhood development containing more than 75 acres may include a commercial area that shall not exceed seven percent of the total land area of the project acreage. The developer/owner shall provide specific justification of commercial areas proposed in excess of five percent of the total acreage,

identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

B. The total gross floor area of any one commercial category shall not exceed 35 square feet for each residential unit.

C. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the planned neighborhood development.

D. Commercial uses shall not receive a certificate of occupancy until building permits have been issued for 50 percent of the residential units within the planned neighborhood development.

409.10. Development review—PND. Within one year of approval of a master land use plan for development of a planned neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered development plan, along with the fee as established in the approved schedule of fees. The applicant may petition the town council for an extension of time for submission of a development plan, provided such extension is requested at least 20 days prior to the expiration of the one-year period. The town council may grant an extension upon demonstration of good cause for up to one year.

A. *Development plan.* A development plan shall be submitted for all proposed commercial, residential, community facility, institutional, or multifamily residential development within a planned neighborhood development. The development plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate. The development plan shall comply with the provisions of appendix A section 515 of the Code of Luray, Virginia, unless otherwise provided for herein, and the following:

1. All information required for the master plan submission.
2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.
3. A landscape plan prepared by a certified landscape architect shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.
4. Proposed number of dwelling units by residential types, and the area of nonresidential buildings by use type (retail, office, service, etc.).
5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.
6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).
7. Notes identifying any deviations from the approved master plan.

B. *Development plan revisions, modifications.* After approval, all subsequent plans, plats, and permits for the PND shall be in substantial compliance with the approved PND master land use plan. Minor adjustment to the master land use plan may be approved administratively provided there is no increase in the overall density or number of housing units in the development and no reduction in useable open space. Revisions or modifications which substantially change the development, design, density, concept, uses, or magnitude shall cause the revised plan to be referred back through the review process as if it were an original submission.

Revisions to the site development plan may be proposed by the applicant prior to the town council's review. The town council at its discretion may consider the application with minor revisions as proposed or may return the plan to the planning commission for further review.

C. *Amendments to planned development districts.* Land area may be added to an established PND if it adjoins and is demonstrated to become an integral part of the approved development. The procedures for any addition of land shall be the same as for an original application and all requirements shall apply.

D. *Final plats.* Final plats shall be submitted concurrently with the site development plan. Except as provided herein, planned neighborhood development plats shall comply with the zoning ordinance, appendix A and the subdivision regulations, appendix B of the Town of Luray, Virginia, except that reasonable waivers and variances as described in appendix B may be granted by the town council in order to facilitate creative design consistent with good community planning standards. The specific provisions of this chapter shall prevail for development of planned neighborhood districts whenever conflict exists with other general ordinance provisions.

E. *Recordation of documents.* Any applicable covenants, governance documents and easements shall be recorded in the Page County Circuit Court Clerk's office within six months of approval of the final plat.

409.11. Definitions—PND.

A. *Assisted living facility.* A residential facility for two or more persons that provides nursing assistance and/or support services for residency of elderly and /or disabled persons, where residents share common meals.

B. *Community hall.* A community hall is a structure designed and constructed for civic uses and may include a community meeting room, a library annex, space dedicated to historical or cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and function with this section.

C. *Neighborhood recreation use.* This term shall include basketball courts, tennis courts, playgrounds, tot lots, picnic areas, and the like.

D. *Neighborhood restaurants.* A restaurant of not more than 20 seats, nor five employees per operating shift, open for business not later than 10 p.m.

E. *Neighborhood-oriented commercial.* This term shall include neighborhood-oriented retail businesses with not more than 4,000 square feet of gross floor area. The term shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty shops, wearing apparel stores, bakeries, drugstores, banks, gift shops, hardware stores, or other use found to be similar to one or more uses listed herein, but shall not include automobiles sales operations.

F. *Nontidal wetlands.* Those wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Clean Water Act as amended.

G. *Open space.* Common space generally intended for passive recreation and not improved with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open space may include pedestrian ways, bike paths, trails interconnecting open space areas; undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped grounds, buffers; playgrounds and tot lots; swimming and boating areas. Open space shall not include yards within individual residential lots, yards less than 30 feet wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

H. *Planned neighborhood development.* Planned neighborhood development (PND) is used in two contexts. Depending upon the context, planned neighborhood development refers to the development authorized by the ordinance or a project, which is proposed for consideration under this section. This term shall have the same meaning as mixed-use development and planned unit development as defined in the Code of Virginia (1989 Session Virginia Acts of Assembly - Chapter 384).

I. *Base density.* The base residential density per acre as established in the following existing Luray Residential Zoning Districts: R-1 (3 units), R-2 (4 units), R-3 (5 units), R-4 (6 units) and R-5 (6 units). The existing Luray Business District, B-1, shall have a base density equal to that established in the residential R-2 district.

409.12. Evaluation criteria—PND. Application for rezoning to a planned neighborhood development district shall specifically demonstrate achievement of the following objectives. Each proposed planned neighborhood development will be evaluated on the extent to which these objectives are achieved:

A. Provides a variety of housing types and designs at a range of densities and costs in an orderly relationship to one another.

B. Employs architectural, landscape and/or other design features to provide compatibility between different uses.

C. Includes a network of circulation systems for various transportation modes that connect to the surrounding area.

D. Conserves a minimum of 25 percent of the total project area, not developed as single-family detached dwelling units having a minimum lot size of 10,000 square feet, as open space, incorporating a system of parks, open spaces, recreational facilities, and public amenities within the development which enhance the total plan of development.

E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and topographic features.

F. Provides a mechanism to relate the type, design and layout of proposed development to the specific characteristics of the particular parcel.

G. Exhibits consistency with the town's comprehensive plan and provides overall benefits to the town.

H. Demonstrates adequate capacity of public facilities and utilities to serve the development.

I. Minimizes traffic impacts upon the surrounding traffic network.

409.13. Permitted uses—PND.

A. The following residential and accessory uses shall be permitted in planned neighborhood developments:

1. Detached single-family dwellings;
2. Two-family dwellings (duplex);
3. Multi-family dwellings (mutiplex);
4. Townhouses with a maximum of eight units per structure;
5. Accessory buildings or uses as defined in the master plan and covenants of the PND;
6. Recreation or park facilities;

7. Retirement living facilities (handicapped accessible)
8. Municipal buildings or uses;
9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems. Such utilities shall be buried or otherwise screened in accordance with design standards of the development as defined in the master plan;
10. Home occupations as set forth in appendix A, section 202.
11. Public libraries;
12. Schools; and
13. Churches.
14. Electronic occupations.

(Ord. of 9-12-2011, § 11)

B. The following community and institutional uses shall be permitted in planned neighborhood developments subject to the terms set forth in appendix A, 409.27, Density bonuses:
1. Child care facility; and
2. Community halls.

C. Planned neighborhood developments comprising 25 acres or more may contain the uses permitted in subsections A and B as well as the following commercial uses:
1. Neighborhood-oriented commercial businesses;
2. Personal services;
3. Business or professional offices; and
4. Neighborhood restaurants; and
5. Banks, branch banks and financial institutions.

D. Planned neighborhood developments may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by special use permit in accordance with appendix A, 703 if proposed subsequent to approval of the master land use plan and covenants.
1. Assisted living facility or other nursing home as permitted in appendix A, 403.2(a).
2. Lodging houses.

E. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

F~~E~~. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the provisions set forth for such use in the zoning ordinance (Appendix A of the Town Code).

[j20](Ord. No. 2017-12-02, § 5, 12-11-2017)

409.14. Standards—PND.

A. Planned neighborhood developments shall contain not less than 25 contiguous acres.

B. The project area must be held in single ownership or all property owners within the proposed district must participate in the application.

C. Planned neighborhood developments shall be served by municipal water and sewer service.

D. Conservation lands. Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional or commercial lot within a planned neighborhood development: land within the 100-year flood plain; land with a natural slope in excess of 40 percent, and as determined by standard slope computation methods. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing the allowable base residential density. Nontidal wetlands may be platted, but shall be protected by preservation easements.

E. Management and ownership of common open space and facilities. All common spaces, properties, and facilities shall be preserved for their intended purpose as specified on the approved plan. The developer shall provide for the establishment of a property owner's association conforming to the Virginia Property Owners' Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common areas.

409.15. Review and creation of the planned neighborhood development district—PND. Whenever a tract of land meets the minimum requirements for classification as a PND district as stipulated herein, the owner may file an application with the director of planning, requesting rezoning to this classification. A preliminary conference with staff prior to such filing is required.

A. *Concept plan.*
1. *Procedure.* The owner may present and file with the director of planning a concept plan for the project, along with the fee established in the schedule of fees, showing the rough layout of major roads within the project, and such areas within the project as may be planned for particular uses or mixtures of uses, as outlined below. Upon receipt, the director of planning shall forward the concept plan to the

planning commission for review and comment. The planning commission may recommend to the town council approval, denial or modifications to the concept plan.

Upon review and recommendation by the planning commission the director of planning shall forward the concept plan to the town council for review and comment. The town council may approve, deny or approve conditionally with stated modifications. Approval of a concept plan is only an expression of apparent favor to be used in preparation of the PND master land use plan and does not authorize construction of improvements.

2. *Submittal requirements.* The concept plan shall be prepared by a Virginia registered architect, landscape architect, or engineer with seal and signature affixed to the plan. The plan shall be approximately to scale and clearly show the following:
   a. Location map showing existing zoning and ownership of property and adjacent land;
   b. Identification of principal natural features and/or unique site design features;
   c. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities;
   d. The location and size of the components of the PND, including the general layout of the road system within the project, location of use areas within the project planned for particular uses or mixtures of uses and their acreage, residential densities, and the interior open space system and preservation areas;
   e. Written description of the use areas;
   f. A statement demonstrating consistency with the Town of Luray comprehensive plan, suitability of the tract for the type and intensity of the activities proposed, the anticipated availability of adequate road networks, and the objectives stated in appendix A, 409.

B. *Master land use plan.* Within six months of the town council's approval or approval conditioned upon modifications of the concept plan, the developer/owner may prepare and file an application for an amendment to the official zoning map to a planned neighborhood development (PND) district, as set forth in this chapter, together with the established fee in the schedule of fees for rezoning and an engineered master land use plan for development presenting a unified and organized arrangement of buildings, service areas, parking, landscaped areas, recreation areas, open space and community facilities. All information submitted for consideration as a master land use plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed district. At a minimum the information contained on a master land use plan shall include:

1. A map of the boundaries of the proposed development site, showing bearings, dimensions at a scale not greater than one inch to 600 feet;
2. A statement of existing property owner(s) and the proposed developer;
3. Names and addresses of adjacent property owners;
4. A vicinity map drawn at a scale of between one inch equals 200 and one inch equals 2,000 feet and showing the relation of the property.
5. Topographic map with contour lines at vertical intervals of not greater than five feet at a minimum scale of one inch to 200 feet;
6. A site analysis map of existing conditions, including but not limited to the location and delineation of sensitive environmental features, any 100-year floodplain, watercourse, nontidal wetlands, areas greater than 15-percent slope, and significant geologic formations or manmade features, existing structures and public facilities, historic landmarks, existing zoning on-site and surrounding areas;
7. The overall scheme of development including general layout of proposed land uses at a scale of one inch equals 200 feet;
8. The location and acreage of recreation areas, open space and conservation areas, parks within the development;
9. The location, acreage and type of nonresidential areas and uses, and community/ public uses.
10. For each residential area shown, the total number of units in each by type and density;
11. An access and circulation plan showing the general location of all existing and proposed streets and easements of right-of-way, bridges, culverts, railroads, and utility transmission lines;
12. A traffic analysis and description of the base existing conditions and traffic volumes for the connecting external road network serving the site, projected average daily traffic for all new streets within the subdivision based on the proposed land uses and the traffic growth on adjacent highways, trip generation rates for peak hours by development and phase, and internal/external trip distribution and intersection and capacity analysis, identifying off-site access and traffic control improvements generated by the traffic demands of the proposed project at full development;
13. The proposed general location of all building areas and other improvements, except single-family and two-family dwellings and accessory buildings;

14. Notations showing the total gross development acreage, the net development acreage, acreage devoted to each land use category, the number of dwelling units and overall development density of the project;
15. General intent and schematic plans for water, sanitary sewer, storm water management, electrical services, and other utilities;
16. An approximate development schedule/phasing plan;
17. A general description of proposed agreements, provisions, or covenants that govern the use, maintenance, and continued protection of property to be held in common ownership.
18. Municipal boundaries through the property.
19. A narrative statement demonstrating consistency with the Town of Luray Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, and the planning purposes to be achieved by the proposed PND as stated in appendix A, 409, the design theme and major elements, principal site features, and environmental components integrated into the plan.
20. An impact assessment on the environment and on community facilities, services and taxes.
21. Demographic profile of proposed development (population, housing, school children and employment).
22. Other relevant data which may be used to evaluate the project.
23. A set of design guidelines describing the design principles for the site arrangement, standards for development including proposed yards, building heights, building architecture, open space characteristics, landscaping, hardscape, and buffering, and streetscapes related to scale, proportions, and massing at the edge of the district.

    The design guidelines will establish the appearance standards to be used as the basis for the appearance review occurring concurrent with the site development review. The purpose of the appearance standards shall be:
    a. To encourage development that enhances the character of the town;
    b. To enhance and protect property values by encouraging excellent design;
    c. To encourage architectural freedom, imagination and variety, and to encourage creative design solutions that will enhance the town's visual appearance.
    d. To promote harmonious unified development within a planned neighborhood.

C. *Demonstration of purposes.* The purposes shall be demonstrated in each of the components as follows:
1. *Relationship of building site.*
    a. The proposed nonresidential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.
    b. Nonresidential parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other appropriate means to screen parking areas from view from the streets and adjacent properties.
2. *Relationship to adjoining areas.*
    a. Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials and other methods.
    b. Landscaping shall provide a transition to adjoining property and screening between residential and commercial uses, and for off-street commercial parking and loading areas from public view.
    c. Texture, building lines and mass shall be harmonious with adjoining property. Monotonous texture, lines and mass shall be avoided.
3. *Building design and landscaping.* The applicant shall provide a narrative for all building types describing compliance with the following, including dimensional and qualitative specifications.
    a. Quality of design and landscaping, and compatibility with surrounding uses for proposed nonresidential development. Architectural style is not restricted.
    b. Materials and finishes of good, sound architectural quality that are harmonious with adjoining buildings.
    c. Suitable materials for the type and design of the building. Materials that are architecturally harmonious shall be used for all exterior building walls and other exterior building components.
    d. Building components, such as windows, doors, eaves, and parapets with appropriate proportion and relationships to one another.
    e. Use of harmonious colors and compatible accents.
    f. Mechanical equipment or other utility hardware on roof, ground, or buildings screened from view with materials harmonious with the building.
    g. Nonmonotonous design with visual interest provided by variation in detail, form, and siting.
    h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all exposed accessories harmonious with the building design.

i. Landscaping treatment creating unity of design, enhance architectural features, strengthen vistas, and provide shade.
j. Plant materials selected for interest in its structure, texture, and color and for its ultimate growth using indigenous plants and those that are hardy, harmonious to the design and of good appearance.
k. Protection of plant materials by appropriate curbs, tree guards, or other devices in locations which are susceptible to injury by pedestrian or vehicular traffic.

4. *Signs.*
a. Signs shall conform to the provisions of appendix A, article VIII, sections 801.5(a) and (b), and this section, except that signs erected on poles shall not be permitted (except any street or roadway signs).
b. Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.
c. Every sign shall be designed as an integral architectural element of the building and site to which it relates.
d. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.
e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.
f. Each sign shall be compatible with signs on adjoining plots or buildings.
g. Logos shall conform to the criteria for all other signs.
h. A coordinated, unified sign plan shall be utilized for direction and information within the PND.

5. *Miscellaneous structures.* Miscellaneous structures and hardware shall be part of the architectural concept of the project. Materials, scale and colors shall be compatible with the building and surrounding uses.

D. The planning commission shall proceed in general as for any other rezoning application as required in the ordinance, and recommend to the town council to approve, conditionally approve or disapprove the application.

E. The town council shall proceed in general as for any other rezoning application as required in the ordinance. Subsequent to the public hearing and a recommendation from the planning commission, the town council shall approve, conditionally approve or disapprove the application for a master land use plan.

F. Upon approval of a master land use plan for development the official zoning map shall be amended to indicate the property as "PND - planned neighborhood development". Once the town council has approved the master land use plan, all accepted proffers shall constitute conditions, enforceable by the zoning administrator.

(Res. No. 2017-12-03, § 3, 12-11-2017)

409.16. Open space standards—PND.

A. Planned neighborhood developments shall reserve a minimum of 25 percent of the total project area, not developed as single-family detached dwelling units having a minimum lot size of 10,000 square feet, as dedicated natural open space.

B. Up to 25 percent of this requirement may be satisfied with land covered by water or by stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the town council determines that such a water body or basin is suitable for the purposes set forth in appendix A, 409. The dedicated open space shall not be included in subdivision lots. Dedicated open space shall include the land necessary to provide access to the open space.

C. Land characterized as conservation lands in appendix A, 409.4 of this section may be used to fulfill the minimum open space requirement up to a maximum of 50 percent of the total dedicated natural open space within a planned neighborhood development.

D. Dedicated open space shall have shape, dimension, character, location, and topography to accomplish the open space purposes specified in appendix A, 409 and to ensure appropriate public access.

E. Dedicated open space land shall be shown on the planned neighborhood development concept plan and master land use plan and shall be labeled to specify that the land has been dedicated to open space purposes. The plans and final plat shall specify that the open space land shall not be further subdivided or developed and is permanently reserved for natural open space purposes.

F. The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined by the town council:

1. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the town attorney. A copy of the proposed deed covenants shall be submitted with the application.

2. Deeded to a property owner's association within the development upon terms and conditions approved by the town attorney that will ensure the continued use and management of the land for the intended purposes. The formation and incorporation by the applicant of one or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owner's association:
   a. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit;
   b. The property owners' association, shall have the responsibil-ity of maintaining the open space and operating and maintaining recreational facilities;
   c. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities; and
   d. The applicant shall maintain control of dedicated open space and be responsible for its maintenance until 75 percent of occupancy permits for residential units have been issued and development is sufficient to support the association.

G. The owner/developer shall convey or restrict the open space land by a deed instrument reviewed and approved by the Luray Town Attorney to ensure that the land will be held and managed in perpetuity for open space purposes and shall not be further developed.

H. If the planned neighborhood development is developed in phases, the provision of dedicated natural open space shall be phased with the construction of dwelling units and other improvements to ensure that a proportionate share of the total dedicated open space is preserved with each phase.

I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or similar common recreational development (excluding tennis courts, golf courses, and buildings) may be counted as dedicated open space, provided that impervious surfaces constitute no more than five percent of the total required open space.

J. Open space shall be permanently dedicated for one of more of the following uses: natural resource conservation, recreational facilities, wetland and watercourse preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

409.17. Off-street parking—PND.

A. The number, design, location and construction of parking lots, bays, spaces and drives shall conform to the applicable requirements of appendix A, sections 506 and 507 of the zoning ordinance.
   1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be protected by curbing or other means against damage by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be provided.
   2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No more than 15 spaces shall be laid out without an intermediate landscape island. Such planting islands shall be not less than ten feet wide in the direction parallel to the row and not less than 20 feet long in the direction perpendicular to the row. Each such island shall have a suitable poured-in-place concrete curb, or approved equal, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

409.18. Landscaping and screening—PND.

A. *Screening of uses.* Commercial, institutional, and community uses shall be screened from residential uses within and abutting the planned neighborhood development by a bufferyard 20 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs per 100 feet of length (or an amount creating an equivalent effect and approved with the landscape plan) along the perimeter of the lot line abutting a residential use.

B. *Screening along public roadways.* Uses within a planned neighborhood development which abut an arterial street as defined in appendix B, section 502 shall be screened by a bufferyard of 20 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs per 100 feet of frontage (or an amount creating an equivalent effect and approved with the landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of two and one-half inches in caliper at six inches above the ground with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch in caliper at six inches above the ground with a mature height of at least 12 feet.

C. *Existing vegetation.* Notwithstanding any other provisions of this section, existing vegetation shall be retained and maintained to the extent feasible in order to permit existing vegetation to fulfill or contribute to

buffer and screening requirements. In lieu of strict compliance with the above bufferyard requirements, a developer may submit a detailed landscaping plan that will afford a degree of buffering and screening comparable to that provided by these regulations in making use of existing and new vegetation. For developments utilizing more than ten percent existing vegetation as a density bonus credit, a certified arborist shall provide a detailed description of the existing vegetation with notation of specimen trees, to certify compliance. The arborist report shall be accompanied by the proposed measures for ensuring preservation during and after construction in accordance with the preservation criteria stated in the Town of Luray Landscape Preservation and Planting Guide.

D. *Screening of refuse collection facilities.* Uses, except single-family homes within a planned neighborhood development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view from nearby residential uses, streets, adjacent properties, and recreational facilities.

409.19. Density bonuses—PND. Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other than the commercial uses set forth in appendix A, 409.21(B) and (C) may be approved and granted at the discretion of the town council upon a finding that a proposed density bonus promotes the purposes of the planned neighborhood development and provides additional public benefit. Each of the following amenities and any other amenities or proffered conditions will be evaluated by the town planning commission and town council and used in negotiations with the applicant:

A. *Dedicated open space.* In exchange for increasing the dedicated natural open space beyond the required 25 percent, the project may qualify for a density bonus, provided the natural open space is increased by a minimum of five percent of the developable acreage. A bonus shall not be permitted for preservation areas or without sufficient justification of demonstrated benefit to the town. Priority shall be given to protecting existing stands of mature trees.

B. *Bikeways/greenways.* A system of bike paths and pedestrian greenways may qualify for a density bonus. In order to qualify, the bike paths or greenways shall form an integrated system of access within the development to principal off-site destinations, and be integrated with other planned or existing systems (i.e., Greenway Trail - Phase I, II and III, etc.).

C. *Walk-up housing.* A dwelling unit located above the ground floor of a structure that contains a nonresidential use on the ground floor may be applied toward the allowable base density as one-half of a dwelling unit.

D. *Community and institutional uses.*

(1) *Child care facility:* In a PND with 75 or more residential units, a parcel may be designated, dedicated and developed for use as a child care facility. This lot shall have a minimum of 100 square feet per residential unit within the PND, and be developed in accordance with the requirements of Town Code appendix A, 202. The facility must be operated as a nonprofit organization.

(2) *Community hall:* In a PND with 100 or more residential lots or units, a community hall may be constructed, with an enclosed area of no less than 25 square feet for each residential unit or lot. The facility must be operated as a nonprofit organization.

E. *Developed recreational facilities.* Such facilities may include, but shall not be limited to, tot lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools, public pedestrian plazas or arcades with benches, water fountains and reflecting pools, terraces, sculptures, public art, involving unique design features and amenities. To be considered for a density bonus, such recreational facilities shall be developed at a minimum ratio of three acres per 100 units.

F. *Enhanced streetscapes.* Streets developed with widened sidewalk area, substantial landscaping above the required minimum, approved traffic calming measures, pedestrian-oriented features, and bicycle parking facilities may be considered for a density bonus.

G. *Other.* Additional density bonuses may be granted based upon such other innovative factors or off-site improvements that benefit the PND and/or the town as may be proposed by the applicant and accepted by the town council in its sole discretion.

(Res. No. 2006-02-04, § 1, 2-13-2006)

410. - Arts and Cultural District.

410.1 Statement of purpose: In accordance with Code of Virginia, title 15.2, chapter 11, it is the purpose of this chapter to establish an arts and cultural district in order to increase awareness and support for the arts and culture in Luray, specifically within the area designated as Luray's Arts and Cultural District. The town believes that the creation of an arts and cultural district will enable arts and cultural organizations within the district the ability to partner and build alliances to enable more effective promotion, cooperation, and collaboration. The town further believes that the

establishment of an arts and cultural district will encourage the growth of arts and cultural organizations as well as complementary businesses, thus increasing the overall economic activity of this geographic area and other neighboring areas of the town which would, in turn, benefit the welfare of the citizens throughout Luray.

410.2 Boundaries and date established: The boundaries of Luray's Arts and Cultural District are as set forth on the map entitled "Luray's Arts and Cultural District", adopted as part of this district. The map is dated December 18, 2009 and is maintained and displayed in the Luray Town Office. The Arts and Cultural District encompasses approximately 30 percent of the town's land area, and its respective furthermost eastern, western, northern, and southern points are as follows: Memorial Drive and West Main Street, East Main Street and Collins Avenue, North Broad Street and U.S. Highway 211, and South Court Street and Mill Creek Road.

410.3 Definition: For the purposes of this section, the phrase "qualified arts and cultural organization" shall have the following meaning, unless clearly indicated to the contrary: a business or nonprofit organization physically located within Luray's Arts and Cultural District that presents live performances of theatre, dance, music, or other imaginative work and/or produces or exhibits physical works created by an artist or under her/his direction intended for unique production or limited reproduction. Organizations providing education in the arts, humanities, and museums or historic sites, the primary mission of which is education or historic preservation, also qualify as arts and cultural organizations.

410.4 Administration: The administrator of Luray's Arts and Cultural District shall be the town manager or their designee. The administrator shall determine the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

410.5 Validity: Provided adherence to Code of Virginia, § 15.2-1129.1, the adoption and administration of a local Arts and Cultural District is a valid and lawful exercise by the Town of Luray.

410.6 District incentives: As enumerated in Code of Virginia, § 15.2-1129.1(B), tax incentives may be provided for up to 10 years and may include, but not be limited to: (i) reduction of permit fees; (ii) reduction of user fees; and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States. Any incentives associated with Luray's Arts and Cultural District shall be required to receive specific legislative approval by Luray's Town Council prior to being enacted. The adoption of this district does not require, or imply, the extension of incentives (monetary or otherwise) to qualified arts and cultural organizations.

(Ord. of 2-8-2010, § 3)

411. - Luray Enterprise Zone.

411.1 Statement of Purpose: The Virginia Enterprise Zone Act, section 59.1-270 et seq., of the Code of Virginia, as amended, authorizes the establishment of an enterprise zone. It is the purpose of the Enterprise Zone Act, and of this article, to stimulate business and industrial growth within the area so designated as the Page County Enterprise Zone, which includes portions of the Town of Luray, by means of state income tax credits, state sales tax exemptions, and local incentives as set forth herein.

411.2 Boundaries of the Page County Enterprise Zone and Town of Luray Enterprise Zone: The boundaries of the Page County Enterprise Zone, which encompasses portions of the Town of Luray, is established on the map entitled, "Map of the Page County Enterprise Zone," which is on file in the Page County Office of Economic Development and Tourism, located at 117 South Court Street, Luray, Virginia. These specific areas were established as enterprise zones on January 1, 2015 by the Governor of the Commonwealth of Virginia for a period of ten years in accordance with the Virginia Enterprise Zone Act.

411.3 Definitions.

Business firm: Any corporation, partnership, electing small business corporation, limited liability company or sole proprietorship authorized to do business in this Commonwealth of Virginia and the Town of Luray, Virginia. However, a business firm does not include organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, section 512; nor does it include homeowners associations as defined in Federal Internal Revenue Code, section 528.

County: The County of Page, Virginia.

Enterprise zone: An area declared by the Governor of the Commonwealth of Virginia to be eligible for the benefits accruing under the Virginia Enterprise Zone Act.

Equivalent employment or *full-time equivalent job:* Forty hours per week of an hourly wage (or the salaried equivalent). A single equivalent job may be represented by one employed individual, or by multiple employed individuals whose aggregate hours of employment (or salaried equivalent) equal 40 hours per week.

Existing business: Any business operating or located within the enterprise zone on January 1, 2015, or within Page County, or Town of Luray, prior to its location within the enterprise zone. A business which retains the same ownership and which was operating or located within the enterprise zone on January 1, 2015 or within the town prior to location with the enterprise zone shall not be defined as a new business, even if the name or entity (corporate or otherwise) has changed.

New business: A business operating within the enterprise zone after January 1, 2015, having had no prior business location within Page County, or the Town of Luray.

Town: The Town of Luray, Virginia.

411.4 Qualification for state incentives.

(a) State incentives are available to eligible businesses and zone investors who create jobs and invest in real property within the boundaries of the Page County Enterprise Zone located in the Town of Luray. Eligibility for state incentives, and the application process for obtaining incentives, shall be coordinated between Virginia Department of Housing and Community Development and Page County's Office of Economic Development and Tourism. These incentives are as follows:

(1) Qualification for the Job Creation Grant (JCG) is based on permanent full-time job creation over a four job threshold, with wage rates at least 175 percent of the Federal minimum wage and availability of health insurance. Personal services, retail, food and beverage positions are not eligible to receive job creation grants.

(2) Real Property Investment Grant (RPIG) is based on qualified investments made to commercial, industrial, or mixed-use buildings for facilities located within the boundaries of an enterprise zone. To be eligible for the RPIG, an individual or entity must invest at least $100,000.00 for rehabilitation or expansion projects and at least $500,000.00 for new construction projects.

411.5 Qualification for local incentives (Administered by Page County's Office of Economic Development & Tourism)

(a) *Capital Investment Grant (CIG).* The CIG is a grant equal to 75 percent of the taxes paid on net new taxable in machinery and tools, business personal property, and/or real estate, as measured by the increase in assessment. The CIG will be delivered as a grant made to the recipient after taxes have been paid to the town (and/or the county) after all eligibility requirements have been met by the recipient. The CIG will be paid semi-annually, after all taxes due have been paid by the recipient, for a period of five years. Additional qualification requirements:

(1) Location in enterprise zone;

(2) The creation of at least five new full-time jobs or full-time equivalent jobs, to be maintained throughout the grant period, with an average annual salary/wage at least equal to 85 percent of the most current prevailing local wage as determined by the Virginia Employment Commission;

(3) Net new taxable investment in machinery and tools of at least $100,000.00, to be maintained throughout the grant period, to be attained within 24 months of entering into a grant performance agreement;

(4) Or a net new taxable investment in business real estate of at least $150,000.00, to be maintained throughout the grant period, to be obtained within 24 months of entering into the grant performance agreement;

(5) Payment of all taxes and fees due to the county and/or town in a timely manner during the grant period;

(6) Entrance into a grant performance agreement with the Page County Economic Development Authority, acting on behalf of the Town of Luray; and

(7) Annual submission of evidence of compliance with the grant performance agreement during the grant period.

(b) *Business/Professional/Occupational License (BPOL), Local Sales Tax, Meals and/or Lodging Tax Refund (BSMLR).* The refund is a grant equal to a percentage of new business license fees, local option sales tax, meals and/or lodging taxes paid by the qualifying company/business determined by the following schedule: Year 1—80 percent refund; Year 2—60 percent refund; Year 3—40 percent refund; and Years 4 and 5—20 percent refund. The BSMLR will be paid semi-annually for a period of five years after all taxes have been paid by the recipient and amount(s) paid determined by the commission of revenue or town treasurer. A business may qualify for and receive the BSMLR for one grant period only during the life of the enterprise zone. Additional qualification requirements:

(1) Location in enterprise zone;

(2) Creation of at least five full-time jobs (or full-time equivalent) or 10 percent expansion of current number of jobs, whichever is greater to be maintained throughout grant period;

(3) Payment of all taxes and fees due to the town and/or county in a timely manner during the grant period;

(4) Submission of an annual application during the grand period; and

(5) Annual submission of evidence of compliance with the grant performance agreement during the grant period.

(c) *Business Development Loan Program (BDLP).* The BDLP provides loans up to a maximum of $50,000.00 to be utilized by new or existing businesses located in the enterprise zone. The BDLP is administered by Page County Economic Development Authority (EDA), and all inquiries and applications must be submitted to the EDA for review and approval. Additional qualification requirements:

(1) Creation of at least one full-time, or full-time equivalent job;

(2) Underwriting must be successfully completed;

(3) Payment of all taxes and fees due to town and/or county must be paid in a timely manner during the loan period; and

(4) Annual submission of evidence of compliance with the terms of the loan agreement during the loan period;
(5) The loan must be fully collateralized.

(d) *Commercial Rehabilitation Real Estate Tax Exemption (CRRETE).* The CRRETE exempts qualifying real estate assessments (QREA) from increases in taxation by the town and/or county for a period of between five to 15 years. A QREA provides for tax rebates based upon the difference between pre- and post-improvement tax assessments. Once improvements are realized, qualifying properties are eligible for semi-annual town and/or county real estate tax rebates for the increased assessment amount only. Applicants may receive said rebates after all real taxes are paid to the town and/or county. Additional qualification requirements:
(1) The qualifying property must be in the enterprise zone;
(2) The qualifying property must be at least 15 years old;
(3) The property must be in commercial or industrial use;
(4) The cost of rehabilitation must be at least 40 percent of the property's pre-improvement assessment prior to the commencement of rehabilitation work with a minimum investment of no less than $50,000.00 as determined by the Page County Building Official;
(5) The property cannot be expanded more than 15 percent of its existing size prior to commencement of the rehabilitation work;
(6) Applicants must comply with all other terms and conditions of section 58.1-3221 of the Code of Virginia.

(e) *Refund of Various Development Fees (RVDF).* The RVDF refunds half of the building permit, site plan and/or zoning, rezoning zoning variance or special use permit fees paid to the town and/or county by a qualifying applicant. The fees are refunded upon the successful completion of the qualifying project. Fees related to emergency management services (EMS), stormwater management and/or utility facility/connections are not subject to the RVDF. Additional qualification requirements:
(1) The qualifying project must be in the enterprise zone.

(f) *Business Visitation Prioritization (BVP).* The BVP is implemented by Page County's Economic Development Coordinator, and may include other professional and resources in accordance to availability and appropriateness. The economic development coordinator will provide consultation services to qualifying business to assist in resolving issues related to conducting business. The degree and variety of services provided will be determined by the economic development coordinator, and allocated according to time and resources.

(g) *HUBzone Assistance (HZA).* HZA is provided by the Page County's Economic Development Coordinator for businesses seeking HUBzone certification, and to existing HUBzone certified businesses located in the town and/or county.

(h) *Fast Track Development Program (FTDP).* Through the FTDP, businesses applying for rezoning and/or special use permits may request joint hearings of the town's planning commission and town council as a means to expedite process. Additional qualification requirements:
(1) The qualifying project must be in the enterprise zone; and
(2) The joint hearing request must be coordinated through Page County's Economic Development Coordinator, and the administration of the Town of Luray.

411.6 Incentives Capped.

(a) The combined amount of BSMLR, CIG (section 411.5 a) and the CRRETE (section 411.5 d) shall be capped at 75 percent of all recipient's taxes paid to the town and/or county, whichever is applicable.

411.7 Application.

(a) Any business firm seeking to receive local enterprise zone incentives shall make application to the Page County's Economic Development Coordinator, who acts as the enterprise zone administrator, on forms provided by the Page County Economic Development Authority. The economic development coordinator may require the business firm to provide documentation establishing that said business firm has met the requirements for the receipt of town and/or county enterprise zone incentives. Failure to provide requested documentation shall result in a denial of the business firm's application for local incentives. Upon approval of any business firm application for local enterprise zone incentives, the economic development coordinator shall submit a written report to the town manager listing the name and address of the qualifying business firm, and the local enterprise zone incentives for which it is qualified. The economic development coordinator may require the business firm to provide additional documentation from time to time to assure that said business firm retains the requisite qualifications for the receipt of local enterprise zone incentives. In the event that any business firm shall fail to maintain the requisite qualifications for the receipt of local enterprise zone incentives, the economic development coordinator shall inform the business firm in writing that it is no longer qualified for the receipt of local incentives, and shall send a copy of said notice to the town manager.

(Ord. of 4-13-2015)

ARTICLE V. - SUPPLEMENTARY REGULATIONS

501. - Widening of highways and streets. +

Whenever there shall be plans in existence, approved by either the state department of transportation or by the town council for the widening of any street or highway, the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

502. — Vehicles and Trailers

(a) Travel trailers and recreational vehicles.

Travel trailers and recreational vehicles may be stored only within the side or rear yard (behind the setback line) and shall ynot be used as dwelling units..-

(b) Temporary Construction Trailers [j1]for Non-Residential Purposes

Zoning permits for temporary trailers may be issued by the Zoning- Administrator in any zoning district for non-residential purposes related to construction pursuant to a building permit that, in the determination of the zoning official, is being diligently pursued. [j2]In consideration of the permit, screening and other reasonable conditions can be required.— All sanitary facilities must conform to the State Health Department trailer camp sanitation requirements. Such temporary construction trailers may only be used for residential purposes in accordance with Section 508 hereof.

(c) Temporary Trailers

The Town Council in its discretion may grant a special use permit allowing, in any district, for lapproval period of time not to exceed one (1) year, for the use of a temporary trailer or temporary manufactured home/building for specified non-residential purposes- related to hospitals, schools, churches, nursing homes, industrial facilities, businesses, and public utilities.

(d) Portable Storage Containers

Notwithstanding any contrary provision of the Town Code, portable storage containers shall be permitted in all zoning districts through issuance of a Zoning Permit issued by the Zoning Administrator. In Residential Districts, one (1) portable storage container shall be allowed on a lot for no longer than sixty (60) days in any consecutive twelve (12) month period. In Commercial or Industrial Districts, portable storage containers shall be allowed on a lot for no longer than ninety (90) days in any consecutive twelve (12) month period. Extensions may be approved for incidents related to significant weather events.

503. - Visibility at intersections.

(a) Except for street signs, utility poles, or traffic signs, no tree, shrub, bush or other thing, or any part thereof, shall be placed or allowed to remain on any corner lot in such a manner as to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bound by the street centerlines of such intersecting streets and a line joining the street centerlines at a distance of 50 feet from the point of intersection.

(b) The town may remove the tree, shrub, bush or other thing, or any part thereof, whenever such person, after the expiration of five days next following receipt of notice, has failed to do so. The cost of any removal shall be chargeable to such person and shall be added to their tax bill.

(c) Violations of this section shall be a Class 4 misdemeanor.

(Ord. No. 2005-11-11, § 1, 11-14-2005)

504. - Fences.

504.1. No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such materials be employed as an adjunct or supplement to any fence.

504.2. Fences shall not exceed a height of six feet as measured from the top most point thereof to the ground or surface, along the centerline of the fence, in a commercial or residential zone, except on corner lots as set forth in section 503. Fences in residential districts shall not exceed four (4) feet in height in the required front yard unless otherwise approved the Zoning Administrator.[J3]

504.3. Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of 14 feet.

504.4 Notwithstanding the other requirements of this chapter, a finished fence side shall face toward improved public streets and adjoining lots used for residential purposes. For the purposes of this requirement, a finished fence

side shall consist of the side covered with pickets, or similar material, such as, but not limited to, panels, wire, and/or fabric, if any, and opposite of a side with exposed rails, or similar supports[J4]

505. - Buildings to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

506. - Minimum off-street parking.

506.1. When an existing, or newly constructed, residential, commercial, industrial or institutional building is occupied for any use, minimum off-street parking spaces with adequate provisions shall be provided in conjunction with appropriate ingress and egress. Unless a parking waiver is requested in accordance to section 506.22 of this code, the standard dimensions of a parking space shall measure 10 feet by 20 feet (10 ft. × 20 ft.) and cover 200 square feet of area. Parking spaces and access driveways shall be covered with an appropriate surface, and shall be graded in order to facilitate appropriate site drainage.

(Ord. of 11-9-2015)

506.2. A driveway or parking space shall be at least three feet from a property line and no parking space for a multiple-family dwelling shall be less than ten feet from a residential structure on the lot.

506.3. When an existing, or newly constructed, residential, commercial, industrial or institutional building is occupied for any use, minimum off-street parking spaces with adequate provisions shall be provided in conjunction with appropriate ingress and egress.

(Ord. of 11-9-2015)

506.4. The parking spaces required for other land uses shall be located on the same lot as the principal use or on a properly zoned lot which is within 1,200 feet of the principal use, such distance being measured along street lines abutting the property and such land shall be owned or leased be the operator of the principal use. Publically developed parking lots, located within 1,200 feet of the use may be utilized, but shall only satisfy 75 percent of the total number of parking spaces required for the principal use.

(Ord. of 11-9-2015)

506.5. Collective provision of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements. However, before such spaces are collectively provided or used, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and shall be filed with the zoning administrator.

506.6. In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of two automobiles for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building. Off-street parking for residences in multiple-family dwellings or townhouses shall be provided at two spaces per dwelling unit.

(Revision of 7-9-1984)

506.7. Hotels and motels shall provide on the lot parking space for one automobile for each guest room or residence unit, plus one additional space for each ten guest rooms or residence units, plus required parking for any restaurant and/or assembly space, plus one space for each employee on the maximum shift.

(Mo. of 4-10-1995)

506.8. For church and school auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, there shall be provided at least one off-street parking space for every four fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one parking space for each 100 square feet of usable floor area.

506.9. For public or private nursery, day care, kindergarten, elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee, or administrator, whether full or part time, whose activities are conducted between the hours of 8:00 a.m. and 4:00 p.m. in addition to the requirements of the auditoriums. In addition, high school shall provide one parking space for every 20 students for the maximum rated capacity of the school, as determined by the school board.

506.10. Parking space already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within 1,200 feet of the place of public assembly as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6:00 p.m. and midnight on other days, may be used to meet not more than 75 percent of the off-street parking requirements of a church or other similar place of public assembly.

506.11. For hospitals, there shall be provided at least one parking space for each two beds based on the maximum capacity in terms of beds, including those of infants and children, plus one space for each employee or staff member on maximum shift excluding doctors.

506.12. For medical and dental clinics, there shall be provided at least one parking space for each 200 square feet of floor area, or ten spaces, whichever is greater. In addition, three parking spaces shall be provided for each doctor or dentist in excess of three doctors and/or dentists having offices in such clinic.

506.13. For homes for adults, there shall be provided at least one parking space for each six beds, plus one space for each employee on maximum shift.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

506.14. For retail stores selling directly to the public, there shall be provided one parking space for each 200 square feet of retail floor space in the building unless otherwise specified herein.

506.15. For funeral homes and mortuaries, there shall be one parking space for each four seats in chapels or parlors with fixed seats, or one parking space for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus five parking spaces for employees in both instances noted above.

506.16. For restaurants (other than drive-in restaurants), there shall be provided at least one parking space for each four seats, or one space for each 50 square feet of gross floor area, whichever is greater. In addition, one parking space shall be provided for each employee on maximum shift.

506.17. For office buildings, offices of professionals and personal service establishments, there shall be provided one parking space for each 200 square feet of floor space occupied by the office or personal service.

506.18. For industrial establishments or wholesale establishments, there shall be provided one parking space for each 1½ employees computed on the basis of maximum number of individuals employed within an eight hours shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

506.19. Any commercial building not listed above and hereafter erected, converted, or structurally altered, shall provide one parking space for each 200 square feet of business floor space in the building.

506.20. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

506.21. Where a parking area adjoins a lot in a residential zone, suitable landscaping shall be planted between the parking lot and the adjoining property or street line. A plan for such planting shall be submitted to the administrator with a request for a zoning permit.

506.22. Because many existing downtown structures were constructed prior to the widespread use of vehicles, a reduction in required parking spaces, and variations in parking space dimensional requirements, may be requested. For all uses proposed to be operated from an existing, or newly constructed structure, located in Luray's downtown business district (extending from Memorial Drive to Bristol Avenue) which contain frontage and/or are located within 250 feet from Main Street, may request a waiver from the standard parking requirements detailed in this code section. The applicant shall be required to adhere to the following procedures in order to be granted a parking waiver:

(a) The applicant shall provide the zoning administrator with a written request seeking a waiver from the parking standards required by this code section. This request must be provided to the zoning administrator and shall detail the proposed use(s) of the subject structure and specifically enumerate the total number parking spaces required under this code section; in conjunction with the written request, additional documents—such as a basic site plan sketch or visuals—may be requested. The applicant must detail the number of proposed off-street parking spaces, and demonstrate that a reasonable effort has been made to maximize off-street parking on-site and/or on nearby areas where off-street parking may be available by lease or agreement. In addition, a general summary of the existing on-street parking conditions should be addressed in this waiver request. These documents will be reviewed by the zoning administrator and forwarded to the town council for consideration at its next regularly scheduled meeting. The town council shall review the waiver request and render an approval, approval with proposed modifications or disapproval.

(b) If a requested parking waiver is approved, and the subsequent use of the subject structure is changed or significantly modified, the zoning administrator may request that the previously submitted parking waiver be reviewed as detailed in 506.22(a) of this code.

(Ord. of 11-9-2015)

507. - Off-street loading requirements.

507.1. On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.

507.2. Such space or spaces shall be a minimum of 15 feet wide and 50 feet in length with a minimum clear height of 15 feet. Off-street truck loading space shall be provided at a rate of one space for the first 10,000 square feet or less of gross floor area, plus a minimum of one additional space for each additional 40,000 square feet of

gross floor area or part thereof. For the purpose of this section, gross floor area shall also include gross outdoor storage area, whether covered or uncovered.

508. - Temporary mobile homes and temporary mobile home parks.

508.1. Special use permits for temporary mobile homes and temporary mobile home parks may be issued by the governing body, subject to the following conditions:

(a) That the location of a temporary mobile home and temporary mobile home park is necessary for the housing of construction workers employed on an industrial or highway construction project, or used as an office.

(b) That the request is filed by or certified to by the industry or state department of transportation as being essential to the construction.

(c) That a minimum area of 2,000 square feet be provided for each space.

(d) That sanitary facilities conform to the state health department's "Trailer Camp Sanitation" requirements.

(e) That the period for operating such temporary mobile home and temporary mobile home park shall concur with the anticipated period of the construction. Applications for renewal may be submitted if more time is required to complete the project. However, such renewal applications must be filed at least 90 days prior to the expiration of the original temporary use permit.

508.2. Bond: The governing body, in granting such a special use permit, may require the posting of a bond to assure that the temporary mobile home and temporary mobile home park will be removed and the site left in good order at the expiration of the permit.

508.3. The governing body shall establish such additional requirements as are in the best interest of the public.

509. - Restrictions adjacent to airports.

509.1. Establishment of approach zones:

(a) The commission shall determine whether there exists any areas which would be involved under the Federal Aviation Administration's criteria for determining obstruction to air navigation. If there are, they shall be marked on a copy of a zoning map in the office of the administrator. It shall be available to the public for examination.

(b) The administrator shall prepare such height and other regulations governing the construction of buildings within such areas. They are to be consistent with the Federal Aviation Administration's recommendations. Following approval by the governing body, the administrator shall enforce these regulations.

(c) Places of public assembly, such as schools, churches, hospitals, apartment houses, theaters, and assembly halls shall not be erected or otherwise located in any area which would be classified as an "approach zone." This "zone" includes an area of 11,000 feet from the end of any runway. The "approach zone" for airports accommodating heavy jet aircraft extends out 3½ miles from the end of the runway.

510. - Townhouses.

510.0. Townhouses (single or multiple buildings constructed on one lot): For single and multiple buildings constructed on one lot, the following area regulations, minimum lot widths, minimum yard requirements, maximum building heights and minimum parking space requirements shall apply:

(1) *Area regulations:*
   a. Minimum lot size for townhouse construction: 20,000 square feet.
   b. Minimum lot area per dwelling unit: 2,500 square feet.

(2) *Minimum width:*
   a. Minimum lot width for development: 125 feet at setback line.
   b. Minimum lot width per townhouse unit: 20 feet for three-bedroom unit and 16 feet for two-bedroom unit.
      1. In the case of a lot at the end of a row of townhouses, the minimum lot width shall be 30 feet.
      2. For corner lots at street intersections, the minimum lot width shall be 40 feet.

(3) *Minimum requirements:*
   a. Front yard: 40 feet from road right-of-way line. Required parking may be located in a front yard, but not closer than ten feet to the ultimate street right-of-way.
   b. Rear yard: 40 feet for each townhouse dwelling.
   c. Side yard: 20 feet for each end unit, 30 feet for each corner lot at street intersections. When a townhouse abuts an R-1, R-2, R-3, or R-4 District, the side yard shall be 35 feet.

(4) *Maximum building height:* 2½ stories but not to exceed 35 feet.

(5) *Minimum parking space:* See section 506.6. An off-street parking space shall be a minimum of ten feet by 20 feet. Parking areas shall be set back at least ten feet from property lines of the development.

510.1. Townhouses (dwelling units of townhouse buildings on individual lots):

(a) For the purpose of area regulation, minimum width, minimum yard requirement, and maximum building height, the townhouse building will be considered as one building on one lot with side yards required for end units only:

(1) Area regulations:
   a. Minimum lot size for townhouse construction: 20,000 square feet.
   b. Minimum lot area per dwelling unit: 2,500 square feet.

(2) *Minimum width:*
   a. Minimum lot width for development: 125 feet at setback line.
   b. Minimum lot width per townhouse unit: 20 feet for three-bedroom unit and 16 feet for two-bedroom unit.
      1. In the case of a lot at the end of a row of townhouses, the minimum lot width shall be 30 feet.
      2. For corner lots at street intersections, the minimum lot width shall be 40 feet.

(3) *Minimum requirements:*
   a. Front yard: 40 feet from road right-of-way line. Required parking may be located in a front yard, but not closer than ten feet to the ultimate street right-of-way.
   b. Rear yard: 40 feet for each townhouse dwelling.
   c. Side yard: 20 feet for each end unit, 30 feet for each corner lot at street intersections. When a townhouse abuts an R-1, R-2, R-3, or R-4 District, the side yard shall be 35 feet.

(4) *Maximum building height:* 2½ stories but not to exceed 35 feet.

(b) Minimum parking space. See section 506.6. An off-street parking space shall be a minimum of ten feet by 20 feet. Parking areas shall be set back at least ten feet from property lines of the development.

(c) Individual water and sewer service must be provided for each dwelling unit.

(d) Individually metered utilities such as electric power, LP gas, or natural gas must be provided for each dwelling unit.

510.2. Other regulations for all townhouse construction:

(a) Each dwelling shall be separated by a noncombustible party wall going to the roof with a fire resistance of not less than two hours' duration or the current requirements of the Virginia Uniform Statewide Building Code, whichever is greater.

(b) Each townhouse and/or townhouse parking area shall front on a dedicated public street.

(c) Concrete curb and gutter shall be installed along both sides of all streets within the development. However, should a street act as a boundary for townhouse developments, curbs and gutters need only be installed on the side of the street adjacent to the development.

(d) Sidewalks of four feet in width, constructed of concrete or other solid material, shall be installed from parking areas to all townhouse structures served by such parking areas.

(e) The radius of cul-de-sacs shall be at least 50 feet. No more than 25 dwelling units shall be located on any cul-de-sac.

(f) Accessory buildings are not permitted except that on any lot there may be an enclosed storage shed not exceeding seven feet in height, nor exceeding ten feet by ten feet in area.

(g) All townhouse-units must be individually connected to the town's public water and public sewer system.

(h) A ten feet easement along the side and rear of properties shall be provided in townhouse developments of under three acres.

(i) Variation in townhouse design. The facades of dwelling units in a townhouse structure shall be varied by changed front yards of not less than two feet and variation in materials and design so that not more than four abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.

(j) Site plan review and approval. A site plan drawn in accordance with section 515 shall be reviewed by the planning commission and approved or rejected by the town council.

(k) Within the townhouse development, all utilities, including telephone, television cable, and electric, shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened, thereby exempting them from this requirement.

(l) Townhouse developments must provide adequate drainage and an approved Erosion and Sediment Control Plan, when required by the Erosion and Sediment Control Law (Code of Virginia, § 10.1-560 et seq.).

(m) Lighting. Lighting for buildings, interior walkways, and parking areas shall be provided for safety and convenience of residents, but it shall be so arranged as not to reflect toward any public streets or cause any annoyance to building occupants or surrounding property owners or residents.

(n) Storage of trash and rubbish. Exterior storage areas for trash and rubbish shall be well-screened on three sides and contain vermin-proof containers.

(o) Screening, buffering and landscaping.
   1. Upon recommendation of the zoning administrator and/or planning commission, sufficient area may be required to adequately screen and/or buffer the townhouse development from adjacent residential uses.

2. Upon recommendation of the zoning administrator and/or planning commission, a planting plan specifying the type, size and location of existing and proposed planting material may be required. Such plan shall be submitted with the site plan.

(p) Management of open space and improvements. Management of all common open space and improvements shall be as follows:

1. The developer shall provide for the establishment of an incorporated property owner association of all individuals or corporations owning property within the townhouse development to insure the maintenance of all open space, common land, facilities, utilities and improvements, including but not limited to detention ponds and other erosion and sedimentation and/or stormwater management structures.
2. An organizations established for this purpose shall meet the following requirements:
   a. The organization shall be established prior to the sale of any lots.
   b. Membership in the organization shall be mandatory for all property owners, present or future, within the townhouse development, and said organization shall not discriminate in its membership or shareholders.
   c. The organization shall manage all common open space and recreational facilities, and it shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the development. It shall also secure adequate liability on such land.
   d. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of such lands and improvements. Such assessments shall constitute a pro-rata lien upon the individual townhouse lots. Covenants, conditions and restrictions shall run with the land and be for the benefit of present, as well as future, property owners.
3. All property deeds shall include the above restrictions, conditions and covenants and shall contain a prohibition against partition.
4. The responsibility for the maintenance of townhouse exteriors, individual lawns, snow removal from other than public streets, refuse storage and other similar services, shall also be addressed by the above restrictions, conditions and covenants.
5. The developer shall be responsible for the management and maintenance of all private common areas, easements and improvements within the townhouse development until such common areas, easements and improvements are taken over by the property owner association, and all such lands, easements and improvements shall be in good operating order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owner association. The developer shall notify the zoning administrator when the transfer of control to the property owner association occurs.
6. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process and as required by the subdivision ordinance of the Town of Luray. A maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for maintenance of such structures shall be made with the town prior to final plat or final site plan approval, whichever is applicable, and subject to review after final site inspection, in accordance with current administrative guidelines.
7. The town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure or dedicated facility to ensure that the requirements of the Code of the Town of Luray are complied with. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health or safety, the zoning administrator shall give ten days' written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the town shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).
8. All maintenance within the townhouse development shall be provided for in such a manner so as to discharge any responsibility from the town.
9. If the townhouse development does not include common land, a property owners association is not required.

(Ord. of 8-11-1997)

510.3. Special regulations for townhouse development of three acres and over:

(a) *Generally.* For townhouse developments of three acres or more, the following regulations shall apply in addition to those previously noted:

(1) There shall be provided 0.25 square foot of usable open space (not including parking or driveway areas) devoted to recreational use for every one square foot of gross residential floor area. This space shall take the form of parks or play areas, etc. Usable open space shall not include front, rear, or side yard areas of individual townhouse units.

(2) All common open spaces shall be preserved for their intended purpose as expressed in the final site plan.

(b) *Management of open spaces:*

(1) Single or multiple buildings constructed on one lot, the management of open spaces will be as follows:

a. Should individual units be for sale, open spaces should be managed by an organization conforming to the Condominium Act, Code of Virginia, § 55-79.39 et seq., as amended.

b. Should the units be for rental purposes, the owner or rental agent shall be responsible for maintenance and management of open spaces.

(2) For an individual dwelling unit on one lot, management of open spaces shall be as follows:

a. There shall be an establishment of a nonprofit association, corporation, trust, or foundation of all individuals or corporations owning residential property within the townhouse development to ensure the maintenance of common space.

b. When the development is to administer common open space through a nonprofit association, corporation, trust, or foundation, said organization shall conform to the following requirements:

1. The developer must establish the organization prior to the sale of any lots.

2. Membership in the organization shall be mandatory for all residential property owners, present or future, within the townhouse development and said organization shall not discriminate in its members or shareholders.

3. The organization shall manage all common open space, and recreational and cultural facilities, and shall provide for the maintenance, administration and operation of said land and improvements and other common land within the townhouse development.

(c) *Failure to maintain common space.* In the event that the organization established to own and maintain common open spaces, or any successor organization or the designated individual (owner or rental agent), shall at any time after establishment of the townhouse development fail to maintain the common open space in reasonable order and condition in accordance with the site plan, the town council may serve written notice upon such organization, or upon the residents of the townhouse development; setting forth the manner in which the organization or individual has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the town council may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications thereof shall not be remedied within said 30 days or any extension thereof, the town, in order to preserve the taxable values of the properties within the townhouse development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the town shall, upon its initiative or upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organizations or individual, or to the residents of the townhouse development, to be held by the town council, at which hearing such organization or individual or the residents of the townhouse development shall show cause why such maintenance by the town shall not, at the election of the town council, continue for a succeeding year. If the town council shall determine that said organization or individual is not ready or willing or able to maintain the common open space in a good, clean and safe condition, the town council may, in its discretion, continue to maintain said space, subject to a similar hearing and determination in the next succeeding year and in each thereafter.

(d) *Horizontal distance.* The horizontal distance between groups of townhouses shall be:

(1) Two times the average height of the two groups of townhouses for front or rear walls facing front or rear walls;

(2) One and one-half times the average height for front or rear walls facing side walls; and

(3) Equal to the height of the highest building for side walls facing side walls.

(e) *Access and service.* Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot as carports, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal, and repairs.

(f) *Usable open space.* Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the town planning commission and town council.

(g) *Screening.* Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1, R-2, R-3, or R-4. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

(h) *Parking facilities:*

(1) Location. Required parking spaces shall be provided on the same lot as the building served:

a. All access drives shall be at least 15 feet from any building on the lot and from exterior lot lines.

b. If possible, parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

c. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site, but shall at no time exceed 30 feet in width at the street line.

d. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls or parking area.

e. All access ways and parking areas shall be paved with a double surface treatment or other approved weatherproof material.

f. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

g. Any other requirements deemed necessary by the planning commission or town council for the public safety shall be complied with.

(i) *Drainage:*

(1) A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit and shall be subject to approval by the town engineer.

(2) All provisions of existing town ordinances and regulations regarding storm drainage shall be complied with.

(j) *Lighting.* Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

(k) *Storage of trash and rubbish.* Exterior storage areas for trash and rubbish shall be well screened on three sides and contain vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(Revision of 7-9-1984)

511. - Garden apartments.

511.1. Area regulations: The minimum lot size for garden apartments developments is 10,000 square feet for an apartment structure having three units, with an additional 2,000 square feet of lot area for each additional unit above three units.

511.2. Minimum lot width: 125 feet at the setback line.

[511.3.] Minimum yard requirements for development site:

(a) Front yard: 40 feet from road right-of-way. Required parking may be located in a front yard, but not closer than ten feet to the ultimate street right-of-way.

(b) Rear yard: 40 feet.

(c) Side yard: 35 feet.

511.4. Maximum building height: Three stories but not to exceed 35 feet.

511.5. Other regulations for all garden apartment construction:

(a) Each garden apartment structure and/or apartment parking area shall have areas on a dedicated public street or on an access easement meeting state department of *transportation and town standards.*

(b) *Concrete curbs and gutters shall be installed along both sides of all streets within the development. However, should a street act as a boundary for an apartment development, curbs and gutters need only be installed on the side of the street adjacent to the development.*

(c) *Sidewalks of four [feet] in width, constructed of concrete or brick, shall be installed from parking areas to all apartment structures served by such parking areas.*

(d) *The radius of cul-de-sacs shall be at least 50 feet. No more than 25 dwelling units shall have sole principal access on any cul-de-sac.*

(e) *Minimum parking space. See section 506.6. An off-street parking space shall be a minimum of ten feet by 20 feet.*

(f) *Site plan review and approval. A site plan drawn in accordance with section 515 shall be reviewed by the planning commission and approved or rejected by the town council.*

511.6. Special regulations for garden apartment development of two acres and over: For garden apartment developments of two acres or more, the following regulations shall apply in addition to those previously noted:

(a) *Generally.* There shall be provided 0.25 square foot of usable open space (not including parking or driveway areas) devoted to recreational use for every one square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.

(b) *Management of open spaces.* For single or multiple buildings constructed on one lot, the management of open spaces will be as follows:

(1) Should individual units be for sale, open spaces should be managed by an organization conforming to the Condominium Act, Code of Virginia, § 55-79.39 et seq., as amended.

(2) Should the units be for rental purposes, the owner or rental agent shall be responsible for maintenance and management of open spaces.

(c) *Failure to maintain common space.* In the event that the organization established to own and maintain common open spaces, or any successor organization or the designated individual (owner or rental agent), shall at any time after establishment of the garden apartment development fail to maintain the common open space in reasonable order and condition in accordance with the site plan, the town council may serve written notice upon such organization, or upon the residents of the garden apartment development, setting forth the manner in which the organization or individual has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the town council may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications thereof shall not be remedied within said 30 days or any extension thereof, the town, in order to preserve the taxable values of the properties within the garden apartment development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organizations or individual, or to the residents of the garden house development, to be held by the town council, at which hearing such organizations or individual or the residents of the garden house development shall show cause why such maintenance by the town shall not, at the election of the town council, continue for a succeeding year. If the town council shall determine that said organization or individual is not ready or willing or able to maintain the common open space in a good, clean and safe condition, the town council may, in its discretion, continue to maintain said space, subject to a similar hearing and determination in the next succeeding year and in each thereafter.

(d) *Horizontal distance.* The horizontal distance between groups of garden apartments shall be:

(1) Two times the average height of the two groups of garden apartments for front or rear walls facing front or rear walls;

(2) One and one-half times the average height for front or rear walls facing side walls; and

(3) Equal to the height of the highest building for side walls facing side walls.

(e) *Parking.* Parking may be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal, and repairs.

(f) *Usable open space.* Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the town planning commission and council.

(g) *Screening.* Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1, R-2, R-3, or R-4. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

(h) *Parking facilities:*

(1) *Number of spaces.* Off-street parking, whether garage or on-lot, shall be provided on the premises in accordance with section 506.6.

(2) *Location.* Required parking spaces shall be provided on the same lot as the building served:

a. All access drives shall be at least 15 feet from any building on the lot and from exterior lot lines.

b. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

c. Entrance and exit ways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width at the street line.
d. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of parking area.
e. All access ways and parking areas shall be paved with a double surface treatment or concrete covering.
f. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
g. Any other requirements deemed necessary by the planning commission or town council for the public health and safety shall be complied with.

(i) *Drainage:*
(1) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit and shall be subject to approval by the town engineer.
(2) All provisions of existing town ordinances and regulations regarding storm drainage shall be complied with.

(j) *Lighting.* Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

(k) *Storage or trash and rubbish.* Exterior storage areas for trash and rubbish shall be well screened on three sides and contain vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(Revision of 7-9-1984)

512. - Automobile service stations.

The town council, upon recommendation from the planning commission, may place certain restrictions on automobile service stations in the B-1 and M-1 zones, in addition to the regulations of those zones, based on the following criteria:

512.1. The effect of such proposed buildings and use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, safety, and general welfare.

512.2. All appliances for dispensing gasoline installed outside of enclosed buildings shall be located not less than 14 feet from the street line, and all such appliances shall be installed and maintained in such location as to prevent any part of vehicles being serviced from standing on the street, alley, or sidewalk area.

513. - Homes for adults.

In addition to the requirements of the district in which the home for adults is located, such uses shall meet the following requirements:

513.1. All state rules and regulations for the licensing of such uses.

513.2. All requirements of the state health department and fire marshal's office regarding such uses.

513.3. Parking requirements as established in this ordinance.

513.4 Architectural barriers (such as stairs) for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails in various areas, shall be installed.

(Ord. of 4-12-1993; Ord. of 12-11-1995)

514. - Professional offices.

Professional offices are subject to the following requirements:

514.1. All parking shall be off-street and shall conform to the requirements of section 506.

514.2. All activity and equipment (other than parking) must be housed in a fully enclosed building.

514.3. No noise or odor produced as a result of activity in such officers shall be discernible beyond the boundaries of the lot.

514.4. All vehicular access to the site shall be from a street which meets town standards.

514.5. No display in the building shall be visible from outside of the building.

515. - Site plan.

515.1. Site plans, as required by this ordinance, shall include, but not be limited to the following as required by the administrator:

(a) The proposed title of the project and the name of the preparer and developer.
(b) The northpoint, scale, date, and vicinity map.
(c) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
(d) The present use of all abutting property.

(e) The boundaries of the property involved, by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.

(f) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features such as watercourses, waterways, or lakes on adjoining properties need only be shown in approximate scale and proportion.

(g) Topography of the project area with contour intervals of two feet or less.

(h) The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities.

(i) The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.

(j) The location of all off-street parking, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.

(k) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.

(l) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building, and the number, size, and type of dwelling units where applicable.

(m) Provisions for the adequate disposition of natural and stormwater indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.

(n) The location, character size, height, and orientation of proposed signs.

(o) Landscaping plans.

(p) Outdoor lighting plans.

(Ord. of 3-10-2008(4); Ord. of 8-8-2011(4), § 1)

516. - Accessory dwelling units.

(a) Accessory dwelling units are allowable only by special use permit.

(b) Only one accessory dwelling unit allowable per lot.

(c) The accessory dwelling units must be located on the same lot of the primary dwelling.

(d) The proposed accessory dwelling unit is required to be an existing and permanent structure and constructed prior to December 31, 2008.

(e) The accessory dwelling unit is required to meet all relevant building codes and contain provisions for sleeping, cooking, and sanitation.

(f) The accessory dwelling unit must have a dedicated single off-street parking space measuring a minimum of ten feet by 20 feet size.

(g) The property owner must reside in either the primary residence or accessory dwelling unit.

(h) No more than two individuals can reside in an accessory dwelling unit at any given time.

(i) The size of an accessory dwelling unit may not exceed 50 percent of the footprint occupied by the lot's primary dwelling, exclusive of attached carports, decks, etc. The applicant shall provide both sets of dimensions with their application.

(j) An accessory dwelling unit is required to have a separate water meter and line connecting directly to a town water main, and a separate sewer connection with a clean-out at the property line. A separate utility account, with proper fees and deposits, shall be required. These requirements may be waived provided the following items are satisfied:

(1) For accessory structures being converted to an accessory dwelling unit containing existing approved water and sewer connections: The above requirement may be waived provided the owner maintains responsibility for all fees associated with water, sewer and trash service for both structures in perpetuity. An approved connection is one where a building permit and inspection were issued and completed, and/or the owner can substantively verify the subject connection(s) were done so prior to the enactment of relevant codes and/or ordinances. To be eligible for a waiver, such work must have been completed and approved prior to December 31, 2008.

(2) If a waiver from item "(j)" of this ordinance is granted, a condition of the special use permit shall be that if the billing or plumbing arrangements are changed, then adherence to the requirements of item "(j)" shall be met.

(k) The accessory dwelling unit is required to conform to additional regulations as recommended by the town's planning commission, and required by the town council.

(l) Accessory dwelling units shall only be allowed in the rear yard.

(Ord. of 5-11-2009(1), § 1; Ord. of 2-14-2011)

Appendix A – Zoning
Article V – Supplementary Regulations

517. Sustainable Energy Systems

Recognizing the desire of some residents and businesses to pursue sustainable energy systems, these regulations are promoted to protect the public health, safety, and welfare of the community.

517.1 Small-scale – Residential and Commercial

A "small-scale – roof mounted" system shall be defined as a system that occupies less the seventy-five (75 %) percent of the existing roof system of a dwelling or primary structure and one accessory structure on a property that meets all height restriction requirements for the Zoning District. A small-scale – roof mounted system shall be a by-right use in all zoning districts permitted through a Zoning Permit for an accessory structure.

A "small-scale – accessory installation" system shall be defined as a permanent, ground mounted system that is less than fifty (50 %) percent in size of the existing dwelling or primary structure on a property that meets all set-back and height requirements for the Zoning District. Small-scale – accessory installation systems shall meet one hundred-fifty (150 %) percent of the setback requirements for the Zoning District and the setback for any side or rear yard shall be at least the height of the proposed structure. These installations shall be a by-right use permitted through a Zoning Permit for an accessory structure.

Noise from a small-scale system shall conform to the Town's noise requirements.

The design and installation of a small-scale system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL, the American Society for Testing and Materials (ASTM) or similar certifying organizations, and shall comply with the Virginia Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the Zoning Permit application.

If a small-scale system installation has been determined to be unsafe by the Page County Building Official, the system shall be required to be repaired by the property owner or other responsible party to meet federal, state, and local safety standards, or be removed by the property owner or other responsible party within the time period allowed by the Page County Building Official. If the property owner or other responsible party fails to remove or repair the unsafe system, the Town may pursue a legal action to have the system removed at the responsible party's expense.

517.2 Other Sustainable Energy Systems

Any sustainable energy system that is not regulated by Chapter 517.1 shall only be considered in the Limited Industrial (M-1) Zoning District by Special Use Permit.

Application for a Special Use Permit shall conform to the general procedures for a Special Use Permit as set forth in this Zoning Ordinance.

Application for a Special Use Permit for a Sustainable Energy System project shall include the following items but not be limited to:

A. *Project Narrative to include identification of the applicant, owner, and operator of the system; description of the project; location and size of project; approximate rated capacity of the project; depiction of proposed facilities and equipment; description of ancillary facilities; benefits provided to the Town residents; and other information necessary for consideration.*
B. *Site Plan to include all property lines of proposed site improvements and all adjacent properties; all setback lines; existing and proposed topographic information; existing and proposed building and structures including preliminary locations for all system facilities and equipment; existing and proposed access roads and parking; location of substations and cabling; signage locations to include any necessary warning signs; existing and proposed fencing and landscaping; and other information necessary for consideration.*
C. *Traffic Impact Study to assess the impact to the Town's road network during construction, operation, and decommissioning of the project. Study shall include determination if parking on site is sufficient or if a transit delivery system will be necessary.*
D. *Historical Resources Impact Assessment.*
E. *Utility mapping of all existing and proposed utilities.*
F. *Property ownership, lease agreements, or other documentation to confirm control of property for the project. Sensitive financial or confidential information may be redacted with concurrence of the Town Attorney.*
G. *Probable construction schedule and cost estimate.*
H. *Decommissioning Plan to include schedule, disposal site requirements, plan, and probable cost.*
I. *Liability Insurance and performance bond coverage adequate for construction and decommissioning costs.*
J. *Field placement of balloons at heights consistent with proposed facilities and equipment at the corners of all installation, as well as any locations where a change in height occurs.*

Noise from a system requiring a Special Use Permit shall conform to the Town's noise requirements.

Setback requirements for a system requiring a Special Use Permit shall be a minimum of two hundred (200 %) percent of the maximum height of the systems facilities or equipment on all sides of the property.

A minimum of fifty feet of vegetative screening shall be required to achieve a minimum of twenty feet in height within five (5) years shall be required. A constructed, stable berm of no more than ten (10) feet can be used to achieve the height requirement.

The design and installation of a Special Use Permit system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI), Underwriters Laboratory (UL, the American Society for Testing and Materials (ASTM) or similar certifying organizations, and shall comply with the Virginia Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the Zoning Permit application.

If a Special Use Permit system installation has been determined to be unsafe by the Page County Building Official, the system shall be required to be repaired by the property owner or other responsible party to meet federal, state, and local safety standards, or be removed by the property owner or other responsible party within the time period allowed by the Page County Building Official. If the property owner or other responsible party fails to remove or repair the unsafe system or portion thereof, the Town may pursue a legal action to have the system removed at the responsible party's expense.

ARTICLE VIII. - SIGNS[2]

Footnotes:
--- (**2**) ---
Editor's note— Ord. of 8-8-2016(1), adopted August 8, 2016, amended Article VIII in its entirety to read as herein set out. Former Article VIII pertained to signs. See the Code Comparative Table for complete derivation.

801. - General provisions.

801.1. Purpose and intent: The purpose of this article is to regulate the size, location, height and construction of all signs placed for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community; to protect property values, and to further the urban design and economic development objective of the town's comprehensive plan. To these ends, these regulations are intended to promote signs that are:

(a) Compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structure;
(b) Legible and appropriate to the activity to which they pertain;
(c) Not distracting to motorists; and
(d) Constructed and maintained in a structurally sound and attractive condition.

This article shall be interpreted in a manner consistent with the First Amendment of the United States Constitution. If any provision of this article is found to be invalid, such finding shall not affect the validity of other provisions of this article that can be given effect without the invalid provision.

801.2. Definitions. The following definitions apply throughout this article:

Animated sign. A sign or part of a sign that is designed to rotate, move, or appear to rotate or move. This definition does not include the hands of a clock, a weather vane, or feather banners.

Artistic mural. A work of art (as a painting) applied to and made integral with a building wall that is prepared by a skilled artist and shows imaginative skill in arrangement or execution.

Awning sign. A sign placed, painted or printed directly on the surface of an awning.

Banner. A temporary sign applied to cloth, fabric or other non-friable material with connectors sufficient to affix to stands in the ground or a building.[J1]

Canopy sign. A sign attached or otherwise affixed to a canopy.

Changeable copy sign. A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Commercial, office, or industrial center. A lot of at least two acres in size on which there are five or more businesses, or any lot with business or industrial zoning of at least five acres in size.

Feather banner. A vertical portable sign with a fabric sign wrapped around a harpoon-style pole or staff driven into the ground for support.

Flag. A sign applied to cloth or similar material attachable by one edge to a pole or rope.

Flashing sign. A sign that includes lights which flash, blink, or turn on and off intermittently.

Ground-mounted sign. A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.

Illuminated sign. A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including neon.

Institutional bulletin board sign. A sign containing a surface upon which is displayed information about an institution and/or its service.

Marquee. A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee sign. A sign attached to and made part of a marquee or any other similar projection from a building with changeable, fixed or both types of lettering in use.

Minor sign. A sign not exceeding four square foot in sign area and four feet in height.

Monument sign. A sign affixed to a structure built on-grade in which the sign and structure are an integral part of one another and is not a pole sign.

Off-premises sign. A sign, such as a billboard, which directs attention to an event, activity, business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

Pole sign. A sign mounted on one or more freestanding poles.

Portable sign. Any sign not affixed to a building, structure, vehicle, or the ground. It does not include a flag.

Principal structure. The structure occupying the same or greater square footage on a lot when compared to other structures located on the same lot.

Projecting sign. Any sign, other than a wall, awning or marquee sign, which is affixed to a building and supported only by bracketing to the surface on which it is mounted.

Roof sign. A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

Sandwich board sign. A non-illuminated sign constructed by connecting two sides in a triangular shape that is self-supporting. Such signs may be constructed as a standard "A" or an inverted "T" frame method.

Sign. Any device employing letters, words, symbols, etc. used or intended to attract the attention of the public from streets, sidewalks, or other outside public right-of-ways. For the purposes of this article, the term "sign" includes all structural members.

Sign area. The surface area encompassed within any regular geometric figure, e.g. (square, rectangle, circle, triangle), which would enclose all parts of the sign, excluding structural supports.

Temporary sign. A sign, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light materials with or without frames, intended to be displayed for a short period of time. This definition does not include flags. The category of "temporary signs" is not mutually exclusive with other categories. For example, a temporary sign may also be a ground-mounted sign. Therefore, a temporary sign must meet the requirements for temporary signs as well as other requirements which apply to the type of sign involved.

Wall sign. A sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one advertising surface.

Window sign. A sign visible outside a window and attached to or within one foot in front of or behind the interior surface of a window or door.

801.3: Sign permit required. Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a sign permit or zoning permit has been issued (and a certificate of appropriateness, if applicable). For the purpose of this ordinance, all signs are considered accessory uses and accessory structures.

801.4. Prohibited signs. The following signs are prohibited:

(a) Off-premises signs (Excluding Temporary Event Signs). [J2]

(b) Portable signs, including signs displayed on a stationary vehicle.

(c) Changeable copy signs with the following exception, any lot on which there is a gas station or movie theater may have a sign with changeable copy area up to 20 square feet or 50 percent of the total sign area, whichever is less. In such cases, this allowance shall not count against signage allowed in sections 801.5 and 801.6.

(d) Any sign which may be confused with or obstruct the view of a traffic sign or signal.

(e) Animated signs, including but not limited to pennants, propellers, and discs.

(f) Flashing signs.

(g) Glaring signs or signs with light sources that constitute a traffic hazard or distraction.

(h) Roof signs.

(i) Signs affixed to a tree, other natural vegetation, rocks, public utility poles, or public signs.

(j) Signs that obstruct the visibility of intersections or block any window, door, fire escape, or stairway, or any opening intended for light, air or access to any building.

(k) Signs erected in or over a public right-of-way or on public land without appropriate governmental approval.[J3]

801.5. Allowed signs. This section governs what signs are allowed in each zoning classification.

(a) Signs allowed in all zoning districts without a sign permit.

(1) Plaques or markers made of granite, bronze or a similar material.

(2) Flags up to 16 square feet in sign area.

(3) Three minor signs per lot placed at least ten feet away from the curb of any abutting street.

(4) Any sign that is not visible beyond the boundaries of the lot or parcel upon which it is located and cannot be viewed from any public right-of-way.

(5) One sign attached to an existing ground mounted sign on any lot where vehicle safety inspections are performed. Signs authorized by this subsection shall not exceed ten square feet in sign area and shall not exceed the height of any adjoining ground mounted sign.

(6) Any sign erected by the town or required by law.

(7) The following temporary signs:

a. On any lot for sale or rent, one sign of not more than six square feet in sign area for residential districts or 16 square feet in sign area in commercial/industrial districts. Temporary signs authorized by this subsection shall not exceed six feet in height and shall be removed within 30 days of the settlement or lease of the property.

b. On any property with an active building permit, one temporary sign of not more than eight feet in height and 12 square feet in sign area. Signs authorized under this subsection shall be removed within 14 days following completion of construction.

c. On residential property, one or more temporary signs with a total area of no more than eight square feet, and which are removed within 90 days after being erected.

d. Temporary window signs on the first floor of a structure that cover no more than 50 percent of the window area. Such signs shall not remain in place for more than eight weeks.

e. Temporary signs advertising an event which occurs not more than one time per calendar year not exceeding 12 square feet in sign area may be displayed a maximum of seven days before the event and removed two days after the event.

f. Temporary signage in the right-of-way not to exceed 20 square feet in sign area for a time period not to exceed forty-five (45) days approved by the Zoning Administrator. [J4]

(b) Residential districts; signs allowed with a sign permit.

(1) The following signs are allowed as accessory to residential uses in residential districts:

a. Single-family and two-family dwellings: None except for signs allowed in sections 801.5(a) and 801.6.

b. Residential developments: At subdivision entrances, a monument sign may be erected and may be illuminated by white light with the maximum sign area determined as follows:

1. Development of 20 units or less: One sign, not to exceed 16 square feet in area or six feet in height, at each major street entrance.

2. Development of 21 units or more: One sign at each major street entrance not to exceed 25 square feet in area or six feet in height.

3. Where signs are incorporated as part of a monument entrance structure, such as a gateway, archway or freestanding entry columns, the lettering or signage incorporated therein may be physically divided and still considered as one entrance sign. The total of all lettering or signage shall not exceed the maximum allowed in this section.

(2) The following signs are allowed as accessory to non-residential uses in residential districts:

a. One pole sign up to eight feet in height or one wall sign up to ten feet in height with neither to exceed 25 square feet in area.

b. An institutional bulletin board sign which may be illuminated by white light.

(c) Business and industrial zoning districts; signs allowed with a sign permit.

(1) General regulations.

a. No sign may be illuminated that is erected within 100 feet of the principal structure of an existing residential use or the boundary of a residential zoning district.

b. Pole signs and monument signs must have a minimum setback of five feet from any public right-of-way, service driveway, or entrance.

(2) In addition to the signs allowed in sections 801.5(a) and 801.6, a maximum of three signs may be erected on each lot within a business or industrial district with the following exceptions:

a. Lots occupied by multiple businesses.

1. Each business with a dedicated exterior entrance may erect two signs, except that a business on a corner unit facing a street or parking lot may erect three signs.

2. Each business that shares an entrance may erect one wall sign of up to four square feet in area.

3. One pole directory sign of up to four square feet in area may be erected so long as there is no other pole sign on the same street frontage or zoning lot.

4. Where tenant spaces are recessed under a canopied walkway, one additional double-faced projecting sign of up to four square feet may be erected under the canopy adjacent to the main entry of the individual tenant.

b. Lots on which there is a commercial, office, or industrial center.

1. A maximum of two pole signs, one for each street or highway frontage, which may not exceed 20 feet in height and 150 square feet in area with a minimum setback of 15 feet.

2. Two projecting signs projecting up to ten feet may be erected for each principal structure. Sign area may be up to two square feet for each linear foot of building width to which the sign is attached subject to a maximum of 100 square feet.

3. Two wall signs may be erected for each principal structure. Sign area may be up to two square feet for each linear foot of building width to which the sign is attached subject to a maximum of 150 square feet. No wall sign shall exceed 25 feet in height or the lowest part of roof, whichever is lowest.

4. Two awning, canopy, or marquee signs may be erected for each principal structure. Sign area may be up to two square feet for each linear foot of building width to which the sign is attached subject to a maximum of 100 square feet.

801.6. Temporary signs: The following temporary signs are allowed by permit:

(a) On a vacant lot, temporary signs up to 20 square feet in sign area may be displayed for one continuous period of up to 45 days in each calendar year.

(b) On a lot on which there is a business that is new, closing, under new management, or conducting a special event, temporary signs may be attached to an existing principal structure or sign pole, shall not exceed 20 square feet in area, and may be displayed for one continuous 45-day period in each calendar year. In addition, one feather banner of not more than 14 feet in length may be displayed for up to 30 days.

(c) For each residential subdivision entrance, one temporary sign of not more than eight feet in height and 16 square feet in area may be erected for a period of two years.

(d) A maximum of two sandwich board signs with neither side of each sign to exceed seven square feet in sign area. Such signs may not impede pedestrian traffic or intersection visibility and must be removed at the close of business hours.

801.7. Sign requirements. The following standards apply throughout this article except where alternate specifications are expressly provided.

(a) *Standards applicable to all signs.*

(1) The height of a sign shall be measured from the ground to the highest point on the sign or its support structure. The setback shall be measured from the property boundary to the closest point of the sign.

(2) No sign shall have more than two faces.

(3) Sign area includes the area enclosing the face of the sign, all frames, and all other components not used for support.

(4) Sign area of a sign with two faces shall be computed as follows:

a. Both sides of a sign having two faces shall be included in computing area if the sides separated by an interior angle of 45 degrees or greater.

b. Sign faces separated by an interior angle of less than 45 degrees, one sign face shall be included, provided, however, the area of the largest sign face shall be used when two faces are unequal in area.

(5) All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

(6) All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code. All illuminated signs shall comply with the National Electrical Code.

(b) *Pole signs.*

(1) *Lot frontage and size requirements.* Pole signs up to a maximum allowable size of 36 square feet shall be permitted on lots with 100 feet or more of lot width. Where a lot has less than 100 feet of width, a pole sign shall not exceed 32 square feet in size.

(2) *Minimum clearance.* Where a pole sign is located within 25 feet of an intersecting developed street, or town-maintained alley, a minimum ten-foot clearance from the ground to the bottom of the sign shall be provided.

(3) *Maximum height.* 15 feet or the height of the principal structure, whichever is less.

(4) *Foundation requirements.* The foundation of a pole sign shall be constructed of wood, masonry, or other appropriate materials. The foundation shall be a minimum of two feet in height, and be included in overall pole sign height calculation.

(c) *Projecting signs.*

(1) *Frontage requirements:* 18 feet of ground level frontage.

(2) *Angle of projection:* 90 degrees.

(3) *Limit on projection* : Six feet.

(4) *Projection over right-of-way:* No sign shall project over a public right-of-way.

(5) *Minimum clearance:* Nine feet.

(6) *Maximum height:* 14 feet or the lowest point of the roof, whichever is lower.

(7) *Maximum size:* One square foot for each linear foot of building width to which the sign will be attached subject to a maximum of 16 square feet.

(d) *Wall signs.*

(1) *Maximum height:* 20 feet or the lowest point of the roof, whichever is lower.

(2) *Limit on projection:* One foot.

(3) *Permanent window signs:* Permanent window signs shall be limited in area to 25 percent of the window area or 25 square feet, whichever is less.

(4) *Maximum size:* One square foot for each linear foot of building width on the side to which the sign will be attached subject to a maximum of 56 square feet. Artistic murals may not exceed 25 square feet.

(e) *Awning, canopy and marquee signs.*

(1) *Location:* Parallel to the face and not projecting above or below the face of the awning, canopy or marquee.

(2) *Maximum projection:* One foot of the vertical placement of curves without interfering with or obstructing pedestrian or vehicular traffic.

(3) *Maximum size:* One square foot for each linear foot of awning or canopy subject to a maximum of ten square feet.

(f) *Monument signs.*

(1) *Lot frontage and size requirements:* Monument signs up to 36 square feet are allowed on lots with 100 feet or more of lot width. Where a lot has less than 100 feet of width, a monument sign may not exceed 32 square feet.

(2) *Minimum clearance:* A ten-foot setback shall be observed for a monument sign located within 25 feet of an intersecting street or public right-of-way.

(3) *Maximum height:* Six feet not including the foundation.

(4) *Foundation:* Must be constructed of wood, masonry, or other appropriate materials and shall be between two and three feet in height.

802. - Administration.

802.1. Sign permit applications.

(a) *Filing of applications; fees.* Applications for sign permits shall be filed by the applicant or his agent with the zoning administrator along with a nonrefundable filing fee.

(b) *Information required.* Every application shall include the following information:

(1) Name, address and telephone number of the applicant.

(2) Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.

(3) A general description of the proposed sign type, structural design, and construction materials.

(4) Purpose of the proposed signs.

(5) Drawings of the proposed sign with specifications of the height, perimeter, area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.

(6) Size and placement of all existing signs on the lot.

(7) For temporary signs, the time period during which the applicant seeks to display the proposed sign.

(c) The zoning administrator shall review each application and either approve the application, reject the application, or notify the applicant of deficiencies in the application within five business days after receipt. Any application that meets all requirements of this article, the building code, and other applicable laws, regulations, and ordinances shall be approved. If an application is rejected, the zoning administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(d) Sign permits shall be numbered in the order of issuances and recorded separately from other zoning permits for building or remodeling. The zoning administrator shall maintain a record of all sign permits issued.

(e) If a sign is not constructed within 12 months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. A permit for a temporary sign shall state its duration. The town may revoke a sign permit under any of the following circumstances:

(1) The town determines that information in the application was materially false or misleading.

(2) The sign as installed does not conform to the sign permit application.

(3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(f) Any decision made by the zoning administrator while interpreting or enforcing this article may be appealed to the board of zoning appeals.

802.2. Sign maintenance and removal.

(a) Any sign not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.

(b) Any sign that poses an immediate or imminent hazard to life or property may be immediately removed. All costs associated with the removal or repair shall be reimbursed by the owner of the premises or the owner of the sign.

(c) Covering of unused sign frames/structures. When a sign face is removed due to the cessation of the activity to which the sign relates, such as a business closure, the property owner shall cover the sign frame with an approved material within 30 calendar days.

802.3. Nonconforming signs.

(a) Any sign lawfully in existence on the effective date of this article that does not conform to the provisions herein, and any sign that is accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner except that a sign face may be changed on a one-time basis so long as the new face does not exceed the height and sign area of the old sign face. If there are multiple nonconforming sign(s) on a property, the owner may elect to permanently remove one or more signs in exchange for a sign face change

to a remaining nonconforming sign. In that case, the sign face change shall not count against the one-time change allowed in this section and shall be made within 14 days of permit approval.

(b) Damage or destruction of nonconforming sign. A nonconforming sign which is destroyed or damaged to an extent exceeding 50 percent of its area may not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(c) Removal of obsolete nonconforming signs. Within 15 days after the issuance of a written notice from the town, the owner shall remove any nonconforming sign or sign structure accessory to a use which has been discontinued for a period of two years or more.

802.4. Special exceptions: Upon proper application and after following the process described in chapter 703 of article VII, the town council may grant a special use permit authorizing a sign which would otherwise be prohibited by this article. The permit may contain such conditions as the town council deems proper.

(Ord. of 8-8-2016(1))

Town of Luray, Virginia

Planning Commission Agenda Statement

Item No: VII-B

Meeting Date: September 11, 2019

Agenda Item: PLANNING COMMISSION DISCUSSION
Item VII-B – Code Amendment – Non-Conventional Homes

Summary: The Planning Commission is requested discuss a possible revision to the Town's Zoning Code regarding non-conventional homes. Page County is currently evaluating Ordinance Amendments regarding tiny homes, yurts, and shipping container constructed dwellings.

Page County is considering reducing the structure size requirement for single-family dwellings to 320 square feet from 800 square feet.

Additionally, they are considering updating their definition for "Dwelling Unit" to "One or more rooms in a ~~dwelling~~ *residential building or residential portion of a building* designed for living or sleeping purposes or a single housekeeping unit ~~and having no cooking or sanitary facilities in common with any other dwelling unit~~ *including permanent provisions for living, sleeping, eating, cooking, and sanitation*.

Page County is considering allowing "tiny homes" as a by-right use in both Commercial and Residential Zoning Districts. No determination has been established for the other non-conventional homes.

Staff would recommend consideration of "tiny homes" in the R-3 and R-4 High-Density Residential Districts by Special Use Permit. Staff would recommend that other non-conventional homes be excluded from construction within the Town limits due to the potential effect on surrounding neighborhoods.

Staff have also been informed that the County has received a request to construct an underground dwelling.

Staff will develop potential Code Amendments based upon direction of the Planning Commission.

Commission Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A

Town of Luray, Virginia

Planning Commission Agenda Statement

Item No: VII-C

Meeting Date: September 11, 2019

Agenda Item: PLANNING COMMISSION DISCUSSION
Item VII-C – General Discussion – Emergency Homeless Shelter

Summary: The Planning Commission is requested discuss their potential information or concerns for future discussion and consideration of a Special Use Permit for an emergency homeless shelter that has been received for a location in the B-1 Business District. Staff are currently working with the applicant to obtain additional information to compete staff's review of the application.

Commission Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A