

Town of Luray, Virginia



Zoning & Subdivision Ordinance

APPENDIX A ZONING*

***Editor's note:** Printed herein is the zoning ordinance, as adopted by the council on October 10, 1977. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catch lines have been made uniform and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State law references: Zoning, Code of Virginia, § 15.2-2280 et seq.

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ARTICLE I. PURPOSE

101. Purpose.

Whereas, by act of the General Assembly of Virginia as provided in Code of Virginia, §§ 15.2-2280--15.2-2316, and amendments thereto, "the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

(a) The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, flood plain, and other specific uses;

(b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

(c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

(d) The excavation or mining of soil or other natural resources."

Therefore, be it ordained by the Town Council of Luray, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.2-2280, that the following be adopted as the Zoning Ordinance of Luray, Virginia, together with the accompanying map, and shall supersede the Zoning Ordinance of Luray, Virginia, dated September 13, 1966, as amended. To these ends, this ordinance has been designed:

- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- (2) To reduce or prevent congestion in the public streets;
- (3) To facilitate the creation of a convenient, attractive, and harmonious community;
- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (5) To protect against destruction of or encroachment upon historic areas;
- (6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
- (7) To encourage economic development activities that provide desirable employment and enlarge the tax base; and
- (8) To give effect to the policies and objectives set forth in the Comprehensive Plan of the Town of Luray.

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:

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 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.

Administrator: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He 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.

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.

Apartment house: A building used or intended to be used as a dwelling by three or more families living independently of each other and who do their cooking therein. Each apartment unit shall have at least 700 square feet of floor space from exterior wall to exterior wall.

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."

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 one-half of its height below 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. A bed and breakfast home shall qualify as a home occupation and shall be allowed as a use permitted by special permit only. The special use permit shall be issued to the landowner or lessee in his personal capacity, and shall not be vested in or run with his property, shall not be assignable or otherwise transferable by him or through his estate.
(Ord. of 7-10-1989; Mo. of 4-10-1995; Ord. of 6-9-1997; Mo. of 1-12-1998)

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 height below grade. A cellar shall not be counted as a story.

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 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, 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.
(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 land by another party for a specific purpose. The initial property owner in the agreement may be compensated for the use of his property.

Electronic office: An occupation within a residential dwelling wherein the conduct of a business such as accounting, correspondence, research, editing, or other business that can be accomplished by use of equipment customarily found in a home or small office.
(Mo. of 10-10-2000)

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 1 1/2 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 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 occupation within a dwelling and clearly incidental thereto carried on by a member, or members, of the family residing on the premises, provided

that no person not a resident on the premises is employed, no advertising sign is displayed other than a name plate not exceeding four square feet in area on each side of said plate, and there is no exterior evidence that the building is being used for any purpose other than a dwelling and there is no motor vehicle regularly operated from [or] one parked on the premises that carries advertising.

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.

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.

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.

(Ord. of 8-12-1991, § 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.

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.

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.

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)

Professional offices: A structure designed for use by a person, in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry and other like endeavors, and requiring licensing and regulations by the State of Virginia.

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.

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.

Setback: The minimum distance by which any building or structure must be separated from the front lot line.

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.

Special Use Permit: A permit authorizing a special use that is not permitted by right in a particular zoning district, subject to the provisions of Section 703 of Appendix A.

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.

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 2 1/2 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.

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 relaxation of the terms of the zoning ordinance granted only by the board of zoning appeals.

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 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 there from 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 there from 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.

ARTICLE III. ZONING MAP AND ZONING DISTRICTS

301. Official zoning map.

The Town of Luray is hereby classified into zones, or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance, together with all future notations, references and amendments.

Editor's note: The zoning map is not included herein, but is on file in the town offices.

301.1. Identification of official zoning map: The official zoning map shall be identified by the signatures of the governing body and attested to by the secretary of that body, together with the date of the adoption of this ordinance.

301.2. Changing the official zoning map: If, in accordance with the provisions of this ordinance and the code of the Commonwealth of Virginia, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the governing body. No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance or any state law, if applicable. All changes shall be noted on the official zoning map by date with a brief description of the nature of the change. Such change shall also be accurately reflected in the minutes of the town council meetings at which the change is adopted. A scale drawing of such change shall be attached to the minutes and a copy forwarded to the office of the clerk of the circuit court of Page County.

301.3. Location of official zoning map: The official zoning map shall be located in a public place, as designated by the governing body, and shall be the final authority as to the current zoning status of land and water areas in the town, regardless of unofficial copies which may have been made or published from time to time.

301.4. Replacement of official zoning map: In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the governing body may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signatures of the governing body, attested by the secretary of that body, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted **September 10, 2007** as part of Ordinance No. _____ of the Town of Luray, Virginia." Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendments.

302. Zoning districts.

For the purpose of this ordinance, the incorporated area of Luray, Virginia, is hereby classified into the following districts:

TABLE INSET:

R-1	Low-Density Residential
R-2	Medium-Density Residential
R-3	High-Density Residential
R-4	High-Density Residential (Boomfield)
R-5	Townhouse and Apartment Residential
B-1	Business
M-1	INDUSTRIAL Floodplain Conservation District
PND	Planned Neighborhood Development

303. Interpretation of district boundaries.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

303.1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad tracks, existing lot lines, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

303.2. Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limits of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

303.3. If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.

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.
- (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) Real estate signs not exceeding six square feet in area (two sides) and not to exceed 30 days in place after sale of property.
(Mo. of 4-10-1995)
- (j) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area on each side.
- (k) Identification signs not exceeding four square feet on two sides.
(Mo. of 4-10-1995)

(l) Temporary signs not exceeding four square feet on two sides and not to exceed 30 days in place.

(Mo. of 4-10-1995)

(m) Auction and sale of land signs not to exceed six square feet (two sides).

(Mo. of 4-10-1995)

(n) Electronic office.

(Mo. of 10-10-2000)

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.

401.4. Setback regulations: Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

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 2 1/2 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.
(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.

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.

(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) Real estate signs not exceeding six square feet (two and not to exceed 30 days in place after sale of property).
(Mo. of 4-10-1995)

(j) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area on each side.

(k) Identification signs not exceeding four square feet (two sides).
(Mo. of 4-10-1995)

(l) Temporary signs not exceeding four square feet on both sides and not to exceed 30 days in place.
(Mo. of 4-10-1995)

(m) Auction and sale of land signs not to exceed six square feet (two sides).
(Mo. of 4-10-1995)

(n) Electronic office.
(Mo. of 10-10-2000)

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 detached dwellings located on lots contiguous to South Court Street from West Main Street to South Highland Court, and only if the single-family detached dwelling and its front door faces South Court Street. 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 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 employ 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)

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: Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

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 2 1/2 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.

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 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) Professional offices, as set forth in section 514.

(m) Home occupations as defined, conducted by the occupant.

(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.

(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) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area on each side.

(s) Reserved.
(Mo. of 4-10-1995)

(t) Identification signs not exceeding four square feet.
(Mo. of 4-10-1995)

(u) Real estate signs not exceeding six square feet (two sides) and not to exceed 30 days in place after sale of property.
(Mo. of 4-10-1995)

(v) Temporary signs not exceeding four square feet, and not to exceed 30 days in place.

(Mo. of 4-10-1995)

(w) Auction and sale of land signs not to exceed six square feet (two sides).

(Mo. of 4-10-1995)

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 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 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 employ 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)

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. 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 5,000 square feet, and provided further that there be a firewall meeting all legal and regulatory requirements between the two dwellings. (Amended 2.11.2008)

(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: Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

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 2 1/2 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.

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) Professional offices, as set forth in section 514.

- (m) Home occupations as defined, conducted by the occupant.
- (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.
- (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) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area on each side.
- (s) Reserved.
(Mo. of 4-10-1995)
- (t) Identification signs not exceeding four square feet.
(Mo. of 4-10-1995)
- (u) Real estate signs not exceeding six square feet (two sides) and not to exceed 30 days in place after sale of property.
(Mo. of 4-10-1995)
- (v) Temporary signs not to exceed four square feet and not to exceed 30 days in place.
(Mo. of 4-10-1995)
- (w) Auction and sale of land signs not to exceed six square feet (two sides).
(Mo. of 4-10-1995)

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 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 employ 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)

404.3. Area regulations:

(a) The minimum lot area shall be 6,000 square feet.

(b) For two-family dwellings arranged side-by-side, each unit shall be assigned 4,000 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 4,000 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)

404.4. Setback regulations: Structures shall be located at least 15 feet from the ultimate street right-of-way.

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 2 1/2 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.

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.

(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) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area on each side.

(k) Identification signs not exceeding four square feet.
(Mo. of 4-10-1995)

(l) Real estate signs not exceeding six square feet (two sides) and not to exceed 30 days in place after sale of property.
(Mo. of 4-10-1995)

(m) Temporary signs not to exceed four square feet, and not to exceed 30 days in place.
(Mo. of 4-10-1995)

(n) Auction and sale of land signs not to exceed six square feet (two sides).
(Mo. of 4-10-1995)

(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)

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)

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: Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line." (Unless as otherwise specified for townhouses and garden apartments.)

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 2 1/2 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 aeriels 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.)

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 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.
- (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) Business signs.
- (cc) Directional signs.
- (dd) Church bulletin boards and church identification signs for church activities only not exceeding 12 square feet in area, on each side.
- (ee) General advertising signs.

(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)

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) 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 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 employ 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)

(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)

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.

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: In Industrial District M-1 any structure to be erected or land 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) Business signs.
- (t) General advertising signs.
- (u) Location signs.
- (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)

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: Buildings shall be located 20 feet or more from any street right-of-way which is 50 feet or greater in width, or 45 feet or more from the center line of any street right-of-way less than 50 feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

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.

408. Reserved.

Editor's note: An ordinance adopted June 10, 1991, repealed § 408 of app. A. Said section pertained to floodplain conservation and was derived from Ord. No. 201-A, adopted July 28, 1981. In addition, the June 10, 1991, ordinance enacted floodplain provisions designated and included herein as § 408.1. These new provisions have been set out substantially as enacted.

408.1. Floodplain conservation.

Article I. General Provisions

Section 1.1. 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.

Section 1.2. Applicability.

These provisions shall apply to all lands within the jurisdiction of the Town of Luray and identified as being in the 100-year floodplain by the Federal Insurance Administration or the Federal Emergency Management Agency or known to be subject to flooding.

Section 1.3. 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 ordinance [section 408.1] and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance [section 408.1].

B. The degree of flood protection sought by the provisions of this [section 408.1] 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 ordinance 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 408.1] 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 408.1] or any administrative decision lawfully made there under.

Section 1.4. Abrogation and greater restrictions.

This [section 408.1] supersedes any ordinances currently in effect in flood prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this [section 408.1].

Section 1.5. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this [section 408.1] shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this [section 408.1]. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this [section 408.1] are hereby declared to be severable.

Section 1.6. Penalties.

A. Any person who fails to comply with any of the requirements or provisions of this [section 408.1] or directions of the zoning officer or any other authorized employee of the Town of Luray shall be guilty of a Class 1 misdemeanor and subject to the penalties there for.

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 408.1]. The imposition of a fine or penalty for any violation of or noncompliance with this [section 408.1] shall not excuse the violation or noncompliance or 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 408.1] may be declared by the Luray Town Council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this [section 408.1].

Article II. Definitions

A. *Base flood 100-year flood.* A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

B. *Base flood elevation (BFE).* The Federal Emergency Management Agency designated 100-year water surface elevation.

C. *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 408.1].

D. *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

E. *Flood.*

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) 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.

(b) The collapse or subsidence of land along the shore of a lake or other 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 a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in (a)(1) of this definition.

F. *Flood-prone area.* Any land area susceptible to being inundated by water from any source.

G. *Floodplain.*

(a) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;

(b) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

H. *Floodway.* The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this [section 408.1], the floodway shall be capable of accommodating a flood of the 100-year magnitude.

I. *Historic structure.* Any structure that is:

(a) 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;

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

(c) 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

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

J. *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 permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

K. *New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of 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.

L. *Recreational vehicle.* A vehicle which is:

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

M. *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, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of 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.

N. *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.

O. *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."

Article III. Establishment of Zoning Districts

Section 3.1. 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 Federal Emergency Management Agency flood insurance study (FIS) report and the accompanying flood insurance rate map (FIRM), dated January 5, 2007, as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the town office.

1. The floodway district is delineated, for purposes of this [section 408.1], 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 point. The areas included in this district are provided in the above-referenced flood insurance study (FIS) report and the accompanying flood insurance rate map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the town office.

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 provided in the above-referenced flood insurance study (FIS) report and the accompanying flood insurance rate map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the town office.

(Ord. No. 2006-12-01, § 1, 12-11-2006)

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 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 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.

Section 3.2. Official zoning map.

The boundaries of the floodplain districts are provided in the above-referenced flood insurance study (FIS) report and the accompanying flood insurance rate map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the town office.

(Ord. No. 2006-12-01, § 2, 12-11-2006)

Section 3.3. District boundary changes.

The delineation of any of the floodplain districts may be revised by the Luray Town Council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

Section 3.4. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning officer. 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.

Article IV. District Provisions

Section 4.1. General provisions.

A. *Permit requirement.* All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Luray subdivision regulations. Prior to the issuance of any such permit, the zoning officer 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 floodway of any watercourse, drainage ditch or any other drainage facility or system.

B. *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 U.S. 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 Emergency Management Agency.

C. *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed.
3. The elevation of the 100-year flood.
4. Topographic information showing existing and proposed ground elevations.

D. *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 floatation, collapse and lateral movement.

Section 4.2. 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.

Section 4.3. Permitted uses in the floodway district.

The following uses and activities are permitted by special use permit only in addition to those uses permitted by the underlying district:

- A. Agricultural uses, such as pasture, grazing outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. 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, fish hatcheries, and fishing areas.
- C. Accessory residential uses, such as yard areas, gardens, play areas and previous loading areas.
- D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- E. Structures designed to allow unimpeded flow of floodwaters.
 - (1) Structures shall have a low flood damage potential.
 - (2) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
 - (a) Whenever possible, structure shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(b) So far as practicable, structure shall be placed approximately on the same flood flow lines as those of nearby structures.

(3) Structures shall be firmly anchored to prevent floatation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and

(4) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or shall be flood-proofed.

(Mo. of 10-12-1993)

Section 4.3.1. Special considerations for special use permits.

A. In considering the issuance of special use permits in floodway districts, the following criteria, in addition to any other criteria set forth in this zoning ordinance as generally applicable to special use permits, shall be taken into consideration:

1. The amount or quantity of land involved.
2. The location of the land, including the existing conforming and nonconforming uses of surrounding properties.
3. The layout and boundary lines of the property.
4. The topography of the property.
5. The other uses and restrictions pertaining to the underlying area, and other ordinances of the town.
6. The effect on the health or safety of persons residing or working in the neighborhood of the proposed use.
7. The effect on property in the neighborhood of the proposed use.

(Mo. of 10-12-1993)

Section 4.3.2. Conditions of special use permit.

A. In granting any use permit, the town council shall designate such conditions as it determines necessary to carry out the intent of this chapter.

(Mo. of 10-12-1993)

Section 4.4. Flood-fringe districts.

In the flood-fringe districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district; 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.

Section 4.5. 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 into the systems and discharges from the systems into the 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.* All storm drainage facilities shall be designed to convey the flow or surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The Luray Town Council 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, 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.

Article V. Variances; Factors to be Considered

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance 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 onto 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 development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access by ordinary and emergency vehicles to the property in 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 designation 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 408.1].

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 flood protection and other related matters.

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

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

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 (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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 Emergency Management Agency.

Article VI. Existing Structures in Floodplain Districts

A. 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 and the proposed expansion would not result in any increase in the 100-year flood elevation.

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

C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its locations 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 408.1] and the Virginia Uniform Statewide Building Code.
(Ord. of 6-10-1991)

PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT [PND]

ZONING ORDINANCE: APPENDIX A

409.0 STATEMENT OF INTENT - PND.

Pursuant to Sections 15.2-2280 and 15.2-2316 of the *Code of Virginia*, 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 ordinance 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.

409.10 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.

409.11 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 1 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.

409.12 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 non-residential use, multi-family 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.

409.13 MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS - PND.

Multi-family 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.

409.14 UTILITIES - PND.

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

409.15 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.

409.16 NEIGHBORHOOD RECREATIONAL USES - PND.

A minimum of 25% 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.

409.17 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 5% of the total acreage.

Planned Neighborhood Development containing more than 75 acres may include a commercial area that shall not exceed 7% of the total land area of the project acreage. The developer/owner shall provide specific justification of commercial areas proposed in excess of 5% 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 fifty percent of the residential units within the Planned Neighborhood Development.

409.18 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 multi-family 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 non-residential 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 (6) months of approval of the Final Plat.

409.19 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 ground water 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 ordinance. 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.

409.20 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% 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.

409.21 PERMITTED USES - PND.

- A. All planned neighborhood developments shall permit the following residential and accessory uses:
 - 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.
 - B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Appendix A, 409.27, Density Bonus:
 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).
 - 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).
 - F. Prohibited Uses:

Junkyards, off-site signage, used automobiles and truck/trailer sales, mobile homes, outdoor storage yards, industrial uses, and uses otherwise determined by the Town Council at its discretion are prohibited in a Planned Neighborhood Development

409.22 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.

**409.23 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, 409.0.

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 (1) inch to six hundred (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 (1) inch equals two hundred (200) and one (1) inch equals two thousand (2,000) feet and showing the relation of the property.
5. Topographic map with contour lines at vertical intervals of not greater than five (5) 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, non-tidal wetlands, areas greater than 15-percent slope, and significant geologic formations or man-made 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 (1) inch equals two hundred (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, 409.0, 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, hard scape, 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 non-residential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.
- b. Non-Residential 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. Non-Monotonous 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, 802.1 for residential districts 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.

409.24 OPEN SPACE STANDARDS - PND.

- A. Planned neighborhood developments shall reserve a minimum of 25% 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, 409.0. 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 ordinance 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, 409.0 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 responsibility 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% 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 5 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 water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

409.25 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.

409.26 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 buffer yard 20 feet in width containing a minimum of three canopy trees, six under story 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 buffer yard of 20 feet in width containing a minimum of three canopy trees, six under story 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. Under story 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 ordinance, 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 10 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.

409.27 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 residential density up to 6.0 dwelling units per acre acceptable to both the applicant and the Town Council.

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 5 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 non-residential 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.

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 non-profit organization.

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 non-profit 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.

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. 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 be prohibited from occupancy.

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.

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

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. There shall be provided at the time of erection of any main building or at the time any main building is enlarged, or at the institution or enlargement of any use,

minimum off-street parking space with adequate provisions for entrance and exit. Two hundred square feet (10 ft. x 20 ft.) of lot or floor area shall be deemed parking space for one vehicle. All parking spaces and access driveways shall be covered with an all-weather surface, unless as otherwise herein provided, and shall be graded and drained to dispose of surface water.

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. At the time of the erection, enlargement or alteration of any principal building or structure, there shall be provided the parking space not less than in the amounts stated herein. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change.

506.4. The parking spaces required for one and two-family dwellings shall be located on the same lot as the dwelling; 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, leased, or rented by the owner of the principal use. However, before such parking facilities are approved (on a separate lot), 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.

506.5. 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 1 1/2 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.

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 3 1/2 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:* 2 1/2 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:* 2 1/2 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 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 offices 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 north point, 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 storm water 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) In conjunction with a detailed site plan, a separate landscape plan must be presented to the zoning administrator for approval. Landscape plans are evaluated individually because of the wide variety of developments and the relationship between them. Landscaping plans are required to satisfactorily address, but are not limited to, the following criteria:
 - 1) Detail the existing trees and vegetation on the site and identify those which will remain on the site.
 - 2) The location and labels of all proposed vegetation accompanied with plant lists with the botanical or common name, quantity, size, and spacing of all proposed landscape materials at the time of planting.

3) The locations and descriptions of all other landscaping improvements such as earth berms, walls, fences, screens, water features, and street furniture.

4) Landscaping and buffering should be provided to separate dissimilar uses.

5) For parking areas greater than 15,000 square feet in size a fifteen-foot wide perimeter landscaping strip shall be provided between any parking lot and a public right-of-way. Provided that sight distance can be safely achieved, the perimeter strip shall contain one vegetative planting at the rate of one planting for every 30 feet of road frontage; any tree planting must have a minimum diameter of two inches measured 1 foot above ground, and must be a minimum of five feet high.

6) For parking areas greater than 15,000 square feet, at least five percent of the interior parking lot shall be landscaped. No landscaped area shall be less than 50 square feet. Perimeter landscaping strips along public right-of-ways can be included in this calculation.

7) The zoning administrator may waive the requirements of this section if landscaped areas cannot be provided because of existing structures or other unique features of the subject area.

(p) All outdoor lighting installed in the Town under this section shall be separately reviewed and approved by the Town's zoning administrator. A lighting plan shall be submitted to the zoning administrator, and the following criteria should be addressed:

- 1) Include the location, type, and height of luminaries including both building and ground-mounted fixtures;
- 2) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission
- 3) Maintain that outdoor lighting is hooded, shielded, and/or aimed downward.
- 4) Minimize bright light shining onto adjacent property or streets which would result in a nuisance glare or a disabling glare. Outdoor fixtures shall be designed, installed, located and maintained such that glare onto adjacent properties or streets shall be minimized.

(Amended February 2008)

ARTICLE VI. NONCONFORMING USES, LOTS AND STRUCTURES

601. Continuation.

(a) If at the time of the enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does

not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have 24 months within which to relocate in a permitted area.

(b) If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

(c) If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

(d) Whenever a nonconforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use, after application is made to the zoning administrator, and approval is granted.

602. Permits.

(a) All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within 60 days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

(b) The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one year, or such use of land established within 30 days after the effective date of this ordinance.

603. Repairs and maintenance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

604. Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

605. Expansion or enlargement.

(a) A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

(b) A nonconforming activity may not be extended beyond the number of square feet occupied by the activity at the time of adoption of this ordinance.

606. Nonconforming lots.

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the board of zoning appeals regarding setbacks, side and rear yards are met.

607. Restoration or replacement.

(a) If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed 50 percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

(b) If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75 percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

(c) Where a nonconforming structure devoted to a nonconforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75 percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

(d) The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

(e) The foregoing provisions of paragraphs (a) through (d) of this section shall not apply to agricultural nonconforming activities or structures annexed to the Town of Luray during the 1984 annexation, which were in use and existence when that annexation became effective on January 1, 1985, if such nonconforming agricultural activity or structure is destroyed or damaged, in whole or in part, by act of God or casualty, and the same may be repaired or restored to the same condition as it existed on January 1, 1985; provided, that the scope of the activity or structure had not been reduced since January 1, 1985, and before the damage or destruction thereof as aforesaid, in which case the nonconforming agricultural activity or structure may be repaired or restored only to its reduced scope as it existed immediately prior to the damage or destruction. The owner of the activity or structure shall obtain a zoning permit from the zoning administrator within 60 days following the loss or destruction, and not thereafter, for such repair or restoration, pursuant to the provisions of section 701 of this zoning ordinance. (Ord. of 7-8-1985)

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

701. Zoning permits.

701.1. No building or structure shall be started, repaired, reconstructed, enlarged or altered until after a zoning permit has been obtained from the administrator.

701.2. Each application for a zoning permit shall be accompanied by three copies of an adequately dimensioned drawing unless as otherwise specified. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, the location and arrangement of off-street parking, the location of such building or use with respect to the property line of said parcel of land and to the right-of-way of any street or

highway adjoining said parcel of land, the developers drainage plan for properly distributing surface water and additional information as required by this ordinance. Any other information which the administrator may deem necessary for the consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

701.3. Buildings to which state fire safety regulations apply as set forth by the state corporation commission shall conform to such regulations.

702. Certificate of occupancy.

(a) Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the administrator. Such a permit [certificate] shall state that the building or the proposed use, or the use of land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

(b) Special use permits, issued pursuant to sections 401.2(c), 402.2(c), 403.2(d), 404.2(d), 405.2(c), 406.2(f), and 407.1(y), shall only be issued after a public hearing is held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Notices thereof shall be given of the time and place of such hearing by publication in at least two issues of some newspaper having a general circulation in the jurisdiction, in accordance with Code of Virginia, § 15.2-2204, as amended.

(c) Such permits shall not be issued if the proposed use would be contrary to the spirit of this ordinance, or contrary to the spirit of the statement of intent for the zoning district involved, or would be a substantial detriment to adjacent property, or would be substantially at variance with the character of the zoning district involved.

(Ord. of 4-28-1980, § 5)

703. Special use permit.

(a) Where uses are permitted by a special use permit, the location and beginning of such uses shall require, in addition to the zoning permit and certificate of occupancy, a special use permit. These permits shall be subject to such conditions as required in this ordinance, and those that the governing body, upon recommendation of the planning commission, deems necessary to carry out the intent of this ordinance. Applications for such permits shall be submitted to the zoning administrator.

(b) Special use permits shall either transfer with title to the property, or be subject to an automatic review upon a change in ownership of the property, a change in possession of the property,

a change in the operation or management of the property, or a transfer of majority control of the business entity. Upon such review, a special use permit may be amended, revoked or renewed after notice and a public hearing. Any special residential or industrial use permit shall transfer with title to the property, and shall not be subject to such an automatic review. Any special business use permit shall transfer with title to the property, and shall not be subject to an automatic review, unless a condition of the permit expressly provides for such review of any billiard parlor, poolroom, bowling alley, dancehall or similar form of public amusement, or any other use which requires such review to ensure the general health, safety and welfare of the Town.

(c) Notwithstanding the foregoing, any special use permit shall be subject to an automatic review upon the violation of any condition thereof. Upon such review, a special use permit may be amended, revoked or renewed after notice and a public hearing.

(d) As a condition of the special use permit it shall be recorded by the owner(s) of the property, at their expense, in the land records of the Clerk's Office of the Circuit Court of Page County, within thirty (30) days of issuance.

704. Schedule of fees, charges and expenses.

The governing body shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this ordinance.

The schedule of fees shall be available for inspection in the office of the zoning administrator and may be altered or amended by resolution of the governing body.

Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

705. Provisions for appeal.

705.1. Board of zoning appeals:

(a) A board consisting of five town residents shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses, and members shall be removable for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court that appointed them, after a hearing held after at least 15 days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(b) The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years, and one for one year. One of the five appointed members may be an active member of the planning commission.

(c) Reserved.

(d) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(e) The board shall choose annually from its own membership, its own chairman, vice chairman who shall act in the absence of the chairman, and secretary.

State law references: Local board of zoning appeals, Code of Virginia, § 15.2-2308 et seq.

705.2. Powers of the board of zoning appeals:

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or this ordinance. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

2. To authorize upon appeal or original application in specific cases such variance as defined in Code of Virginia, § 15.2-2201 from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

- a. That the strict application of the ordinance would produce undue hardship;
- b. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- c. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

State law references: Similar provisions, Code of Virginia, § 15.2-2309.

705.3. Rules and regulations:

(a) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

(b) The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.

(c) The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(d) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(e) All meetings of the board shall be open to the public.

(f) A quorum shall be at least three members.

(g) A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

705.4 Appeal to the board of zoning appeals:

A. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of Code of Virginia, § 15.2-220 et seq. or this ordinance. Notwithstanding any Charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the town manager and for good cause shown.

C. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

State law references: Similar provisions, Code of Virginia, § 15.2-2311.

705.5. Appeal procedure: Appeals shall be mailed to the board of zoning appeals, c/o the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any.

705.6. Public hearing: The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in

interest and make its decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

State law references: Similar provisions, Code of Virginia, § 15.2-2312.

705.7. Review of decision of board of zoning appeals:

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town, may file with the clerk of the circuit court for the county a petition specifying the grounds on which aggrieved within 30 days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, the decision of the board of zoning appeals shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, or application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that

the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong and in violation of the purpose and intent of the zoning ordinance.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the board may request that the court hear the matter on the question of whether the appeal was frivolous.

State law references: Similar provisions, Code of Virginia, § 15.2-2314.

705.1. Board of zoning appeals--Terms/members.

(a) A board consisting of seven town residents shall be appointed by the Circuit Court of Page County, Virginia. The board shall serve without pay other than for traveling expenses, and members shall be removable for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Circuit Court of Page County, Virginia, after a hearing held after at least 15 days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(b) The term of office shall be for five years, except that of the first seven members appointed, one shall serve for seven years, one for six years, one for five years, one for four years, one for three years, one for two years, and one for one year. One of the seven members appointed may be an active member of the planning commission of the town.

(c) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(d) The board shall choose annually from its own membership, its chairman and vice chairman, who shall act in the absence of the chairman, and secretary.
(Ord. No. 2006-04-08, 4-10-2006)

706. Violation and penalty.

706.1. All departments, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.

706.2. Any person, firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to \$1,000.00. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

State law references: Permitted penalty for violation of zoning ordinance, Code of Virginia, § 15.2-2286(A)(5).

707. Amendments.

The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:

707.1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

707.2. Notices shall be given of the time and place of such hearings by publication in at least two issues of some newspaper having a general circulation in the jurisdiction, in accordance with Code of Virginia, § 15.2-2204, as amended. After enactment of any such amendments, further publication thereof shall not be required.

707.3. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this ordinance shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of more than 25 parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Code of Virginia, § 15.2-2240 et seq. where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

State law references: Similar provisions, Code of Virginia, § 15.2-2204.

707.4. Changes may be made by the governing body in the zoning ordinance or the zoning map only after such changes shall have been referred to the planning commission for its recommendations. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of 90 days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment. No land may be zoned to a more intensive useclassification than was contained in the public notice without an additional public hearing after notice as required herein.

707.5. Individual property owners may petition the governing body to have their property rezoned by submitting their request in writing to the administrator. The fee imposed shall be used to defray the cost of advertising and administration. After proper public hearing, the planning commission shall make its recommendation to the town council, which will then act upon the applicant's request. If the planning commission makes no recommendation within 90 days from the date of referral, council may assume that the commission concurs with the applicant.

708. Administration.

708.1. This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such may be fixed by resolution of the governing body.

708.2. Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within 30 days after this ordinance becomes effective and be completed within a period of one year after construction is initiated. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

709. Severability.

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

710. Conflicting ordinances.

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

711. Effective date.

This Zoning Ordinance of Luray, Virginia, shall be effective at and after 7:30 p.m., October 10, 1977.

ARTICLE VIII. SIGNS

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.

801.2. Applicability: These sign regulations shall apply to all signs erected within the Town of Luray following the effective date of this ordinance.

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. Unless specifically qualified, all signs shall be located on the same lot with the principal use to which they pertain.

801.4. Special definitions: For the purposes of these sign regulations, unless the context otherwise requires, the following terms shall have the meanings established below:

Animated sign. A sign or part of a sign that moves or appears to move.

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 sign applied to cloth, paper, balloons or fabric of any kind. Governmental flags or symbolic flags of religious, charitable, public or non-profit organizations shall not be considered banners.

Billboard sign. See "Off-premises sign."

Canopy sign. A sign attached or otherwise affixed to a canopy.

Change of use. Any change from one business activity to another, except a name change for a specific established business activity.

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.

Directional sign. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way," or similar directional instructions but not including any advertising message. Not to exceed four square feet.

Directory sign. A sign on which the names and locations of occupants or the use of a building or group of buildings is given.

Flashing sign. A sign used for identification, direction, advertising or promotion that includes lights which flash, blink, or turn on and off intermittently.

Freestanding sign. See "Ground-mounted sign."

Ground-mounted sign. A sign which is supported by structures or supports in or upon the ground and independent of any support from any building.

Identification sign. A sign which displays only the address and name or crest, insignia or trademark, occupation or profession of an occupant or the name of any building on the premises, not to exceed four square feet on two sides.

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 the name of a religious institution, school library, community center or similar institutional or community service use, and the announcement of 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.

Monument sign. A sign affixed to and made an integral part of a structure built on-grade, that does not involve the use of poles as its major sign support and is less than eight feet in height.

Natural attraction. A place of business in which nature's handiwork is displayed and interpreted to the public.

Off-premises sign. A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

Portable sign. Any sign except an exempt sign that is not permanently affixed to the ground or another structure and is capable of being moved by mechanical or non-mechanical means.

Projecting sign. Any sign, other than a wall, awning or marquee sign, which is affixed to a building perpendicularly and is supported 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 signs. A nonilluminated sign constructed by connecting two sides, neither of which shall exceed seven square feet in area, in a triangular shape which is self supporting.

(Ord. No. 2007-01-01, § 1, 1-8-2007)

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" shall include 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.

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. All signs attached to or applied directly onto the internal or external surface, or set back less than one foot from the interior surface of any window in view of the general public from outside the structure.

801.5. Prohibited signs: The following signs are expressly prohibited unless specifically stated otherwise:

- (a) Billboards and off-premises signs.
- (b) Portable signs, including signs displayed on a stationary vehicle.
- (c) Changeable copy signs, except for approved institutional bulletin boards and gas station fuel price signs as permitted by this ordinance, and where such signs are incorporated as an element within another permanent sign, provided that the changeable copy area does not exceed 20 square feet or 50 percent of the total sign area, whichever is less.
- (d) Simulated traffic signs or any sign which may be confused with or obstruct the view of any authorized traffic sign or signal.
- (e) Animated signs, including but not limited to pennants, propellers, and discs. This prohibition shall not apply to the hands of a clock, a weather vane, or flags.
- (f) Flashing signs, except for time and temperature signs.
- (g) Glaring signs, or signs with light sources of such brightness as to constitute a hazard, as determined by the zoning administrator.
- (h) Strings of lights outlining property lines, sales areas, or any portion of a structure, unless part of an approved sign or sign-structure. This prohibition shall not apply to seasonal decoration.
- (i) Roof signs.
- (j) Signs affixed to a tree, other natural vegetation, rocks, and public utility poles or public signs.
- (k) 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.
- (l) Signs erected in or over a public right-of-way, or on public land, except as allowed in the Business District.
- (m) Home occupation signs, except an address or identification sign as provided in section 801.6(a) below.

801.6. Exempt signs: Sign permits shall not be required for the following signs; however, all other applicable regulations of this ordinance shall apply:

- (a) Address or identification sign. Signs indicating the address and/or names of occupants on premises, not exceeding four square feet on two sides.

- (b) Changing the message content of an approved directory, institutional bulletin board, theater marquee or changeable copy element of an approved sign.
- (c) Commemorative plaques and historical markers erected by a recognized historical agency or governmental body.
- (d) Flags, emblems and insignias of any governmental agency or religious, charitable, public or nonprofit organization; provided, however, that no single flag shall exceed 50 square feet in area and no single zoning lot shall display more than three such flags. If the total area of such flags exceeds 72 square feet, the excess area shall be included in the sign area calculations for the zoning lot.
- (e) Handicapped parking space sign.
- (f) Directional signs, not exceeding four square feet in area and located on private property. Such signs exceeding 2 1/2 feet in height shall be located no closer than ten feet from the curb line of abutting streets.
- (g) Security and warning signs. Signs posted on private property warning the public against trespassing or similar messages, provided that any such sign does not exceed 1.5 square feet in area.
- (h) Private drive signs, one per drive entrance, not exceeding, two square feet in area, with the message content limited to the words "Private Drive" and the address of any residence utilizing the private roadway.
- (i) Public signs, including traffic, utility, parking, directional and identification signs, public event and festival signs, not to exceed six signs per event or festival, approved by the zoning administrator, and other signs displayed for governmental purposes.
(Ord. No. 2007-01-02, § 1, 1-8-2007)
- (j) Seasonal and temporary displays of patriotic, religious or civic character on private property, not advertising a product or service.
- (k) Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
- (l) Temporary political campaign signs on private property not to exceed eight square feet in area and six feet in height. Such signs shall be removed within five days after the election. If, after reasonable notice, such signs are not removed, the town may remove them and the candidate, organization, or person who caused the sign to be erected may be charged for the removal.
- (m) Temporary private yard sale signs, not exceeding three in number per yard sale and not placed in a public right-of-way.

(n) Temporary real estate signs located on the premises, not exceeding six square feet in area for single-family residential districts, or six square feet in area for other zoning districts. No real estate sign shall exceed a height of six feet. One real estate sign shall be permitted per property, except for corner lots, which may have two such signs.

Temporary real estate signs shall be removed within 30 days of the settlement or lease of the property.

(o) Temporary window signs shall cover no more than 50 percent of the window area and shall not be displayed above the first floor. Such signs shall not remain in place for more than eight weeks.

(p) Vehicle safety inspection signs not exceeding ten square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground mounted sign structure one per business, not to exceed the height of the ground mounted sign.

(q) Auction and/or sale of land signs not to exceed six square feet (two sides), to be displayed no more than 21 days before sale and removed five days after.

801.7. Signs requiring temporary sign permit: The following signs shall require the issuance of a temporary sign permit by the zoning administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If, after the expiration of the temporary sign permit such signs are not removed, the town may remove them and charge the costs of removal to the enterprise or proprietor responsible.

(a) Special sales events sign, exceeding a 14-day display period, announcing such events and grand openings, new management and going-out-of business sales. Such signs shall be attached to an existing principal structure or sign pole, shall not exceed 20 square feet in area and may be displayed on a given property for one period, not to exceed 45 days, within a 12-month period.

(b) Temporary and seasonal produce, fireworks and tree stand signs. The total area of all such signs shall not exceed four square feet.

(c) Construction signs not to exceed one per street frontage, limited to a maximum height of eight feet. The total area of all such signs shall not exceed 12 square feet. Such signs shall be removed within 14 days following completion of construction.

(d) Temporary residential subdivision and model home identification signs. One sign may be erected for not more than two years at each principal entrance to the development. Such signs shall not exceed eight feet in height or 16 square feet in area. In addition, one model home sign of not more than four square feet may be maintained at each model home.

(e) Temporary signs on vacant lots announcing an upcoming event (such as "Coming Soon"). Such signs shall not exceed 20 square feet in size and may be displayed on a given property for one period, not to exceed 45 days, within a 12-month period.

(f) Sandwich board signs. The placement of a sandwich board sign requires a temporary permit issued by the zoning administrator and subject to annual review. A sandwich board sign shall be located on the same lot(s) of the use to which it is accessory, except that where it is impossible to locate the sign entirely on the same lot as the use, the sign may be placed on an adjacent private lot, provided that permission of the lot owner or occupant is explicitly provided to the town, or a town sidewalk within reasonable proximity to the business provided that:

1. The sign is placed in a manner which does not impede pedestrian access or intersection visibility.
2. The sign is removed at the close of business hours, if requested, at the discretion of the zoning administrator.

Any use shall be limited to one sandwich board sign, except that additional sandwich board signs may be placed at the discretion of the zoning administrator.
(Ord. No. 2007-01-03, § 1, 1-8-2007)

801.8. General sign standards:

(a) *Determination of sign height and setback.* The height of a sign shall be measured from the average elevation of the street to which the sign is oriented. The setback shall be measured from the property boundary to the closest point of the sign.

(b) *Number of sign faces.* No sign shall have more than two sign faces.

(c) *Determination of sign area.* The area of signs shall include the area enclosing the face of the sign, including all frames, or other components not otherwise used for support.

(d) *Area of signs with two sign faces.* The area of a sign with two sign faces shall be computed according to the following:

1. Sign faces separated by an interior angle of 45 degrees or greater, both sign faces shall be included.
2. 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.

801.9. Development standards for permitted sign types: All new signs and all existing signs, which are replaced, reconstructed, extended or changed structurally, shall comply with the following development standards:

(a) *Ground mounted sign--Development standards.*

1. *Road frontage requirements.* Ground mounted signs up to the maximum allowable size shall be permitted on zoning lots with 100 feet or more of lot width. Where a zoning

lot has less than 100 feet of width, a ground-mounted sign shall not exceed 32 square feet in size.

2. *Minimum clearance.* Where a ground mounted 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. For a monument sign, the placement of the sign shall conform to the requirements of article II, section 202.

3. *Maximum height.* 20 feet or the height of the principal structure, whichever is less.

(b) *Projecting sign--Development standards.*

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 outside the Business District shall project over the public right-of-way.

5. *Minimum clearance:* Nine feet.

6. *Maximum height:* 14 feet, or the lowest point of the roof, whichever is lowest.

(c) *Wall signs--Development standards.*

1. *Maximum height of wall signs:* 20 feet, or the lowest point of the roof, whichever is lowest.

2. *Limit on projections:* 12 inches.

3. *Permanent window signs--Additional restrictions:* Permanent window signs shall be limited in area to 25 percent of the window area or 25 square feet, whichever is less, and shall be included in the sign area calculations.

(d) *Awning, canopy and marquee signs--Development standards.*

1. *Location:* Parallel to the face and not projecting above or below the face of the awning, canopy or marquee.

2. *Limit projection:* To within one foot of the vertical placement of curves but shall in no way interfere or obstruct either pedestrian or vehicular traffic.

801.10. Construction and maintenance standards:

(a) *Building code compliance.* 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) *Condition of signs.* All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

(c) *Repair or removal of nuisance signs.* Any sign, which is declared to be an immediate or imminent hazard to life or property, may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the current owner of the premises or to the owner of the sign.

(d) *Removal of obsolete signs.* Any sign that is obsolete because of discontinuation of the advertised activity, or any other reason which would cause the sign to be obsolete shall be removed within 30 days.

801.11. Nonconforming signs:

(a) *Nonconforming sign, generally.* Any sign that was lawfully in existence at the time of the effective date of this ordinance 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. No nonconforming sign shall be enlarged, extended, or structurally reconstructed in any manner, unless it is in conformance with these sign regulations. However, a nonstructural sign face may be changed on a one-time basis to a new sign face. Any subsequent change to the sign face shall require that the sign be reduced in height, area and/or projection to conform to the requirements of this section. Should a sign owner possess other nonconforming sign(s) of or totaling an equivalent size on the property, the owner may elect to permanently remove such signs in exchange for a sign face change to another nonconforming sign. In such case, removal shall be made within 14 days of permit approval, and the new sign face change shall not count against the one-time change allowed in this section.

(b) *Removal of nonconforming signs.* Nonconforming signs may remain, provided they are kept in good repair, except for the following:

1. *Damage or destruction of nonconforming sign.* A nonconforming sign which is destroyed or damaged to the extent exceeding 50 percent of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is 50 percent or less of the appraised value, the sign may be restored within two years of the destruction, but shall not be enlarged in any manner. The present day replacement cost of an identical new sign, as determined by a sign contractor or manufacturer shall be considered the appraised value.

2. *Damage or destruction of use.* A nonconforming sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding 50 percent of the principal structure's appraised value.

(Ord. of 9-14-1998, § A; Mo. of 7-6-1999)

802. Signs permitted by zoning districts.

802.1. Residential zoning districts; permitted signs:

(a) *General regulations.*

1. *Minimum setback:* Ten feet from all public right-of-ways unless further restricted by provisions of this article.

2. *Illumination of signs in residential districts.* The following signs may be illuminated, by white light only: institutional bulletin boards and residential development identification signs.

(b) *Signs for permitted uses.*

1. *Single-family and two-family dwellings:* None, except for those signs exempt from permit requirements.

2. *Residential developments:* Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be a ground mounted or monument sign and the maximum sign area shall be determined as follows:

- a. Development of 20 units or less: One ground mounted sign, not to exceed 16 square feet in area or eight feet in height, at each major street entrance.
- b. Development of 21 units or more: One ground mounted sign at each major street entrance not to exceed 24 square feet in area or eight feet in height.
- c. Where signs are incorporated as part of a monumental 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.

3. *Institutional signs and bulletin boards:* One ground-mounted or wall sign per use, not to exceed 24 square feet in area and eight feet in height for ground-mounted signs or ten feet in height for wall-mounted signs. The town council may, by special permit, approve an increase in size to 32 square feet.

4. *Professional office, nursing homes:* One sign not to exceed four square feet per principal structure.

(c) Signs for accessory uses.

1. *Accessory management or rental offices:* One sign up to four square feet in area.
2. *Other accessory uses:* One sign up to four square feet in area.

802.2. Business and industrial zoning districts; permitted signs:

(a) Signs in business and industrial districts; general regulations.

1. *Development and construction standards:* All signs requiring a permit shall comply with the development, construction and maintenance standards of article II, section 202.
2. *Signs facing residential areas:* Any sign erected within 100 feet of either the principal structure of an existing residential use or the boundary of a residential zoning district shall be non-illuminated.
3. *Minimum setback of ground mounted and monument signs:* Five feet from any public right-of-way service driver or entrance unless otherwise restricted by this ordinance.

(b) Signs for individual businesses. A single business located on one zoning lot or separate businesses located on separate road frontages may erect signs as follows:

1. *Maximum number of signs per business:* Three; however, only through lots as defined in section 202 shall be permitted to have more than one ground-mounted sign, with only one sign erected on each street frontage.
2. *Types of signs permitted:* Wall, ground mounted, monument style, projecting, window, awning, canopy, marquee or permitted temporary sign.
3. *Maximum size of signs:*
 - a. *Wall or marquee sign:* One square foot per linear foot of building width on which the sign is to be attached, up to a maximum of 60 square feet of signage on any building elevation. Artistic murals containing business or product advertising may be approved for

a size exceeding 60 square feet by special permit, pursuant to article II, section 202, when located outside the business district.

b. Ground mounted or monument style sign: On lots with 100 feet or more of lot width, one square foot per three linear feet of lot width on the side where the sign is to be located.

c. Awning or canopy sign: One square foot per linear foot of the awning or canopy, up to ten square feet.

d. Projecting sign: One square foot per linear foot of building width on which the sign is to be attached, up to 16 square feet.

(c) Signs for a single zoning lot having two or more business. Multiple businesses located on a single zoning lot may erect signs as follows:

1. *Maximum number of signs per zoning lot:* A zoning lot shall be permitted to have erected either one projecting sign or one ground mounted sign on a street frontage, but not both.

2. *Maximum number of signs per business with an individual outside entrance:* Two, except that one additional sign for a corner unit facing a street or parking lot is permitted.

3. *Types of signs permitted:* Wall, ground mounted monument style, projecting, awning, canopy, window, marquee or permitted temporary sign.

4. *Maximum size of signs:* Same as for individual businesses, article II, section 202.

5. *Directory sign:* One up to four square feet in area. A ground mounted directory sign precludes the use of any other ground-mounted sign on that same street frontage.

6. *Wall signs:* Only one per establishment having an individual outside entrance. Located above entrance of individual establishment and harmonious with either wall signs as to color and lettering. The size is to be limited to one square foot per linear of building for the establishment. Individual business sharing a common entrance: one wall sign, not to exceed four square feet, is permitted for each business tenant.

7. *Tenant spaces under canopied walkway:* Where tenant spaces are recessed under a canopied walkway, one additional double-faced projecting sign (not to exceed four square feet) located under the canopy adjacent to the main entry of the individual tenant may be permitted.

(d) Signs for commercial, office and industrial centers. Commercial, office or industrial uses located within a center of park of at least two acres in size and including five or more establishments planned as an integrated development, or any commercial business or natural center or park of at least five acres in size, shall be authorized to erect signs based on the following:

1. *Signs for individual establishments within center:* Same as for individual or multiple businesses, as appropriate, except:

a. Ground mounted signs advertising business or businesses within center and/or center identification signs. Development standard same as section 801.9(a), except height requirement and setback.

(1) Number of signs permitted: One for every 200 linear feet of street or highway frontage. Maximum of three signs.

(2) Sign area: Maximum 300 square feet.

(3) Height: Maximum 30 feet.

(4) Set back: Minimum 15 feet.

b. Projecting signs advertising business or businesses within center, and/or center identification signs. Developmental standards are the same as section 801.9(b).

(1) Number of signs permitted: Three for each principal structure.

(2) Sign area: If the sign is 100 feet or more from the right-of-way to which the sign faces, then two square feet per one linear foot of building width on which the sign is attached up to a maximum of 200 square foot of signage on any building elevation. If less than 100 linear feet from the right-of-way, then the same as section 802: 2/b--3/d.

c. Wall signs advertising business or businesses within center, and/or center identification signs. Development standard same as section 801.9(c), except for height requirement.

(1) Number of signs permitted: Three for each principal structure.

(2) Sign area: If the sign is 100 feet or more from the right-of-way to which the sign faces, then two square feet per one linear foot of building width in which the sign is attached up to a maximum of 200 square feet of signage on any building elevation. If less than 100 linear feet from the right-of-way, then the same as section 802: 2b/3a.

(3) Height: Maximum 25 feet or lowest point of the roof, whichever is lowest.

d. Awning, canopy and marquee signs. Development standard same as section 801.9(d).

(1) Number of signs permitted: Three for each principal structure.

(2) Sign area: If the sign is 100 feet or more from the right-of-way to which the sign faces, then two square feet per one linear foot of building width in which the sign is attached up to a maximum of 200 square feet of signage on any building elevation. If less than 100 linear feet from the right-of-way, then the same as section 802: 2b/3a and section 802: 2b/3c.

e. Signs for gasoline stations. Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, provided, however, the following additional regulations shall apply:

(1) Changeable fuel price signs: Ground mounted or monument style signs shall be authorized to include changeable fuel price signs indicating the current price of fuel dispensed on the premises. If the fuel price is freestanding, it shall be erected as an integral part of the ground mounted sign and shall not be included in the sign area calculations, except for any portion of the sign that exceeds 50 percent of the total sign area.

(2) Gas pump signs: Each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.

(3) Canopy signs: A canopy covering gas pumps shall be permitted additional logo signage located on the canopy, not to exceed a total of 24 square feet. Such signs shall be included in the maximum number of signs allowed.

f. Signs for theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.

g. Signs for other uses within business and industrial employment districts. In cases where the regulations within article II, section 202 specifically address a sign for a permissible use within a business or employment district, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept on file and used as a guide for future determinations.

802.3. Signs in the business district:

(a) *Certificate of appropriateness required.* Signs within the business district require the approval of the Luray Town Council and town manager prior to the issuance of a sign permit by the zoning administrator.

(b) *Area, height and location of signs.* The area, height, and location standards for the underlying zoning district shall be applicable to signs in the business district.

(c) *Sign requirement may be waived.* The zoning administrator may authorize the waiver of the sign requirements for setback, spacing, number, frontage, height, area and type of signs within the business district, if the Luray Town Council approves a specific sign proposal consistent with the character of the building to which it relates and other surrounding properties. In no case, however, may a sign exceed a maximum of six square feet.

(d) *Additional review criteria.* Any sign erected within the business district shall also satisfy all applicable standards and guidelines adopted by the Luray Town Council.

(e) *Projection over the sidewalk.* Perpendicular signs may be allowed to project over the sidewalk or public right-of-way, provided that a minimum vertical clearance of nine feet is maintained and installation is made to ensure public safety.

(f) *Note:* Carillon Park (Luray Singing Tower Park)--Being a property originally donated to the Town of Luray Parks Commission by the owner of the Luray Caverns Corporation, and recognizing the continuous financial support by the Luray Caverns Corporation to the park grounds and the presentation of musical recitals, and recognizing the existence of a current sign agreement between Luray Caverns Corporation and the park commission, therefore for the purposes of this sign ordinance, the Carillon Park property is subject to this sign ordinance as if said property is part of the Luray Caverns land area.

(Ord. of 9-14-1998, § B)

803. Administration.

803.1. Sign permit procedures:

(a) *Applicability.* A sign permit shall be required for each sign erected after the effective date of this article, except for those signs which are specifically excluded from the sign permit requirements as provided in article II, section 202.

(b) *Filing of applications; fees.* Applications for sign permits shall be filed by the applicant or his agent with the zoning administrator, shall contain information required herein, and shall be accompanied by a fee, as established from time to time by resolution of the town council.

- (c) *Information required.* All applications for sign permits shall contain or have attached thereto the following information in either written or graphic form:
1. Name, address and telephone number of the sign erector and the sign owner.
 2. Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
 3. Type of sign and general description of structural design and construction of materials to be used.
 4. Purpose of the proposed signs.
 5. Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and 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 to remain on the property.
 7. Any other information requested by the zoning administrator or town manager.

(d) Zoning permits for signs will be recorded separately from other zoning permits for building or remodeling in order to carry out the purpose and intent of these regulations.

(e) *Recording of sign permit.* The zoning administrator shall maintain a record of all sign permits issued. All sign permits shall be numbered in the order of their issuance.

(f) *Inspections.* A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the zoning administrator.

(g) *Revocations.* The zoning administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans.

(h) *Appeals.* Any decision made by the zoning administrator while interpreting or enforcing these sign regulations may be appealed to the board of zoning appeals.

(i) *Grant of approval.* Upon adoption of this amendment, the zoning administrator shall review all sign permit applications submitted to him and grant approval within five days if he determines that the application meets the requirements of the regulations.

803.2. Temporary sign permit procedures: All signs requiring the issuance of a temporary sign permit, as established in article II, section 202, shall submit all information requested by the zoning administrator prior to the issuance of such permit. The applicant may request extensions of said permit for good cause. Temporary signs remaining after the expiration of the permit shall be considered in violation of this chapter [article] and shall be immediately removed.

803.3. Expiration of sign permits; signs not constructed: A sign permit shall expire and become null and void if the approved sign is not completely erected within a period of 12 months from the date the permit was originally issued. The zoning administrator may

grant one extension of the sign permit for a period of six months, but in no case shall a permit be valid for more than a total of 18 months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

803.4. Variances to certain sign regulations not permitted: Unless specifically authorized herein, no variance to the standards established for regulating the size of signs shall be authorized.

(Ord. of 9-14-1998, § C)

APPENDIX B SUBDIVISIONS*

***Editor's note:** Printed herein is the subdivision ordinance, as adopted by the council on June 22, 1977. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State law references: Land subdivision and development, Code of Virginia, § 15.2-2240 et seq.; requirement that municipalities adopt ordinances to assure the orderly subdivision of land and its development, Code of Virginia, § 15.2-2240; provisions to be included in subdivision ordinance, Code of Virginia, § 15.2-2241.

Article I. Purpose and Title

Sec. 101. Purpose.

Sec. 102. Title.

Article II. Submission and Review Procedures

Sec. 201. General.

Sec. 202. Submission of sketch plat (optional).

Sec. 203. Review of sketch plat.

Sec. 204. Official submission of preliminary plat (mandatory).

Sec. 205. Review of preliminary plat.

Sec. 206. Official submission of final plat (mandatory).

Sec. 207. Review of the final plat.

Sec. 208. Recording of final plat.

Article III. Specifications for Documents to Be Submitted

Sec. 301. Sketch plat.

Sec. 302. Preliminary plat.

Sec. 303. Final plat.

Article IV. Design Standards and Specifications

Sec. 401. Application and general standards.

Sec. 402. Streets.
Sec. 403. Blocks.
Sec. 404. Lots.
Sec. 405. Sanitary sewage disposal.
Sec. 406. Water supply.
Sec. 407. Storm drainage.
Sec. 408. Utility easements.
Sec. 409. Erosion and sediment controls.
Sec. 410. Flood plain regulations.
Sec. 411. Monuments.
Sec. 412. Curbs.
Sec. 413. Sidewalks.
Sec. 414. Street lights.
Article V. Definitions
Sec. 501. General.
Sec. 502. Words and terms defined.
Article VI. Effectual Clauses
Sec. 601. Modification.
Sec. 602. Compliance.
Sec. 603. Penalties.
Sec. 604. Private contracts.
Sec. 605. Necessary changes.
Sec. 606. Validity.
Sec. 607. Repeal.
Sec. 608. Amendments.
Sec. 609. Ordinance to be filed.
Sec. 610. Effective date.

INTRODUCTION

An ordinance, establishing rules, regulations, procedures, and standards governing the subdivision of land into lots, streets, and other public areas, to provide for the making and recording of plats of such subdivision and the certificates of same and provide for the approval of plants, and for the administration, amendment of such regulations, and the prescription of penalties for violation thereof.

Pursuant to Code of Virginia, § 15.2-2240 et seq., as amended, the governing body of the Town of Luray, Virginia is authorized to adopt regulations to provide:

- (a) For size, scale, and other plat details;
- (b) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage;
- (c) For adequate provisions for drainage and flood control and other public purposes, and for light and air;

(d) For the extent to which and the manner in which streets shall be graded, gravelled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

(e) For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system or other improvement, financed or to be financed in whole or in part by private funds only if the owner or developer (1) certifies to the governing body that the construction costs have been paid to the person constructing such facilities, or (2) furnishes to the governing body a certified check in the amount of the estimated costs of construction or a bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned;

(f) For monuments of specific types to be installed establishing street and property lines;

(g) That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body such approval shall be withdrawn and the plat marked void and returned to the approving official;

(h) For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges here-to-fore-made are hereby validated; and

(i) For payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the governing body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewerage and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state.

Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the governing body may provide for the posting of a bond with surety satisfactory to it conditioned on payment at commencement of such construction.

Therefore, be it ordained by the Town Council of Luray, Virginia, that the following regulations are hereby adopted for the subdivision of land within the corporate limits of the town from and after the effective date of this ordinance. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision, developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

This ordinance is divided into an Introduction, including pertinent portions of the state enabling legislation, and six articles. Article I states the general purpose and title of the ordinance. Article II states the submission process which must be followed by the applicant and town officials and the review procedure which must be followed by the town officials for the sketch, preliminary and final plats. General guidance for review of plats is also given. Article III provides the applicant and town with the requirements for the type of information which must be shown on each plat and accompanying material. Detailed design standards and specifications for the plats are presented in article IV of the ordinance. These standards must be met by all applicants in preparing plats and used by town officials in reviewing the submissions. Some guidance is also given for review of each type of plat. Definition of important words and phrases in the ordinance are presented in article V, and article VI contains legal information dealing with amendments, modifications, and penalties, etc., for the ordinance.

ARTICLE II. SUBMISSION AND REVIEW PROCEDURES

Section 201. General.

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the applicant, or his agent authorized in writing, shall apply for and secure approval and endorsement of such proposed subdivision and such subdivision shall be recorded in the office of the clerk of the circuit court.

(a) The town shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned in accordance with these regulations, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Provisions of this ordinance shall be relied upon to determine suitability.

Land within a 100-year flood plain or known to be subject to flooding and land deemed to be topographically or geologically unsuitable shall not be platted for residential

occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate erosion. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or erosion and shall not produce conditions contrary to the public welfare.

(b) Hereafter all plans for the subdivision of land within the corporate limits of the Town of Luray shall be reviewed by the town planning commission and other town, state or other officials as deemed necessary and shall be approved or disapproved by the town council in accordance with procedures specified in these regulations. The provisions and requirements of these regulations shall apply to and control all land subdivisions which have not been recorded in the office of the clerk of the circuit court in and for the County of Page, Commonwealth of Virginia, prior to the effective date of these regulations provided, however, that any change in a recorded plat shall constitute a resubdivision and shall make said plat subject to any and all of the regulations in this ordinance.

Section 202. Submission of sketch plat (optional).

202.1. Plat to be filed with the administrator. The applicant may, if he so chooses, submit to the administrator a sketch plat of the proposed subdivision prior to his preparation of engineered preliminary and final plat. The purpose of such sketch is to permit the administrator and town planning commission to advise the applicant whether his plans, in general, are in accordance with the requirements of this ordinance. The commission, upon submission of any sketch plat shall study it and advise the applicant wherein it appears that changes would be necessary. The commission may mark the sketch plat indicating necessary changes and any such marked copy shall be returned to the subdivider. Plats shall fully comply with requirements of article III, section 301 of these regulations.

202.2. Number of copies. Three legible black-line or blue-line paper prints (which may be prepared in ink or pencil) of the sketch plat shall be required for this optional submission.

Section 203. Review of sketch plat.

203.1. A sketch plat shall be considered a submission for informal discussion between the applicant and the town. Submission of a sketch plat shall not constitute official submission of a plat to the town.

203.2. Review by the town planning commission.

(a) When a sketch plat has been submitted to the administrator, the plat shall be reviewed by the town planning commission at its next scheduled meeting, provided that such submission has occurred no less than seven calendar days prior to the scheduled meeting.

(b) Such submission shall include application forms available at the office of the administrator.

(c) The planning commission shall study the sketch plat, taking into consideration the requirements of the subdivision regulations (see article IV) and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and

width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and lot arrangement, the further development of adjoining lands as yet unsubdivided, the guidelines for the town comprehensive plan and the requirements of other plans and ordinances as adopted by the town.

(d) The planning commission may seek the advice of other officials or consultants in reviewing a sketch plat.

(e) Within seven calendar days after the meeting at which the sketch plat is reviewed by the town planning commission, the administrator shall send written notice of the planning commission's action, including changes or modifications, and what environmental protection analyses, plans, development controls or other information, it may require as a condition for approval of later subdivision plat submissions. Such notice shall be sent to the applicant or his agent, and the town council. The planning commission and/or town council may require additional changes as a result of further study of the subdivision at the time of submission and review of preliminary and/or final plats.

Section 204. Official submission of preliminary plat (mandatory).

204.1. Plat to be filed with the administrator. Copies of the preliminary plat and all required supporting data shall be officially submitted to the administrator by the applicant or his representative authorized in writing to submit the plat. The preliminary plat shall be considered the first official submission of a plat for subdivision. If a sketch plat has not been submitted, the subdivider should confer with the administrator or planning commission as to the proper procedure for filing and obtaining approval of plats. Plats shall fully comply with the requirements of article III, section 302 of these regulations. The subdivider should also contact the state department of transportation to obtain design and construction standards, the state department of health (county office) regarding water and sewer system design standards, and/or the state water control board concerning public sewage system design standards.

204.2. Official submission of the preliminary plat by the applicant to the administrator shall consist of:

(a) Three completed copies of the application for review of preliminary subdivision plat available at the office of the administrator.

(b) Eleven legible black-line or blue-line paper prints of the preliminary plat as described in these regulations.

(c) Four copies of all other information as required by section 302.

204.3. Filing fees. The administrator shall collect a nonrefundable filing fee as established by the governing body for all subdivisions. Fees shall be charged in order to cover the costs of examining all plats, and other expenses incidental to the approval of subdivisions. The applicant shall pay the fee at the time of filing of application for approval of a preliminary plat. The filing fee shall be established by resolution of the town council. Such schedule shall be available for inspection in the office of the administrator.

204.4. Distribution of preliminary plat by the administrator (black-line or blue-line prints). Four copies to town planning commission, three copies to state department of transportation, four copies to state health department (county office).

Section 205. Review of preliminary plat.

205.1. Review by the town planning commission.

(a) When a preliminary plat drawn in accordance with section 302 has been officially submitted, such plat shall be reviewed by the town planning commission at its next regularly scheduled meeting, provided such submission has occurred no less than seven calendar days prior to such meeting. At the discretion of the planning commission the plat may be reviewed at a special meeting.

(b) During review of the preliminary plat, the town planning commission shall seek the advice of the town zoning administrator, the health department where applicable, the state department of transportation, and other officials or consultants as required, before making its decision on the plat. Such review shall ensure that the preliminary plat is in accordance with the requirements of this ordinance (see article IV), the streets in the proposed subdivision are designed to fit into the existing street system, and no such subdivision creates harmful effects for the present and future residents of the town. All subdivisions shall be reviewed considering the policies of the town comprehensive plan and the requirements and recommendations of all the plans and ordinances of the town.

(c) If the preliminary plat is approved or disapproved, or the commission deems changes or modifications of the plat submitted are advisable or necessary in the public interest, such decision, the reasons therefor, and the ordinance sections relied upon, shall be put in written form by the administrator. Such notice shall be sent to the following:

1. The applicant or his agent.
2. The town council.
3. The town engineer, if applicable, or highway resident engineer.

Such report shall be only a notification of planning commission activity to the governing body. Such report may also include an estimate of the cost of construction of all improvements as required by the ordinance and the amount of the performance bond which may be required as a prerequisite for approval of the final subdivision plat (see section 206.2(c)5). In determining the cost of required improvements and the amount of the performance bond, the commission may consult with a duly licensed engineer who shall prepare this data for the commission, or the commission may require an estimate of the cost of improvements, prepared and certified by a duly licensed engineer, to be furnished by the applicant.

One copy of the plat with all comments shall be maintained for the permanent records of the town, and one copy shall be sent to the applicant or his agent.

(d) The town planning commission shall render its decision and communicate it to the applicant no later than 45 days after application for review is officially reviewed for the first time by the commission at its meeting. Failure of the planning commission to render such a decision and communicate it to the applicant within the time and in the manner

required shall be deemed an approval unless the town requests an extension of time, and the applicant has agreed in writing, to such extension.

(e) If the planning commission requires changes to the preliminary plat, the planning commission shall approve or disapprove the plat at its next regularly scheduled meeting provided such changes are made to the satisfaction of the planning commission and communicate such decision forthwith, provided however the resubmission has occurred no less than seven days prior to such meeting.

(f) Approval of preliminary plat shall not constitute acceptance of a subdivision for recording and does not constitute a guarantee of approval of the final plat. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision plat for final approval and recording upon fulfillment of all requirements of these regulations.

(g) When a preliminary plat has been approved or approved subject to conditions, no subsequent changes or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any item for which the approval was granted. If such ordinance is amended after preliminary approval of such plat, the plat will be rendered nonconforming and will be subject to all requirements placed on such nonconformities.

Section 206. Official submission of final plat (mandatory).

Within one year of town planning commission approval of the preliminary plat, a final plat shall be officially submitted to the administrator. However, an extension of time may be granted by the planning commission upon written request. Final plats submitted after this expiration of time for which no time extension has been granted shall be considered as a new preliminary plat and subject to all regulations in effect at the time of submission.

The final plat shall conform in all respects to the preliminary plat as previously reviewed by the town planning commission and shall incorporate all modifications required by the town in its review of the preliminary plat.

206.1. Plat to be filed with the administrator. Copies of the final plat and all required supporting data shall be officially submitted to the administrator by the applicant or his representative authorized in writing to submit the plat. Plats should fully comply with the requirements of article III, section 303 of these regulations.

206.2. Official submission of the final plat by the applicant to the administrator shall consist of:

(a) Three completed copies of the application for review of final subdivision plat available in the office of the administrator.

(b) Eleven legible black-line or blue-line paper prints of the final plat which shall comply with these regulations.

(c) Four copies of all other required information including but not limited to the following, if applicable:

1. All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the town attorney as to their legal sufficiency.
2. Such deed restrictions as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.
3. Certificate of appropriate approval of the state health department and/or state water control board, when required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision. If individual on-site sewage disposal systems are to be used, the applicant shall submit health department tentative approval of each lot in the subdivision as having a suitable site for a septic system at the stated lot size. This shall be done on a lot-by-lot basis. This tentative approval does not guarantee the issuance of a permit for a septic system when construction occurs. The state health department reserves the right to withdraw any tentative approval at the time a permit for a septic system is applied for.
4. State department of transportation approval of roads and drainage systems.
5. The performance bond, if required, in a form satisfactory to the town attorney and in an amount established by the planning commission upon recommendation of a designated engineer and shall include a provision that the principal of the bond shall comply with all the terms of the final subdivision plat approval as determined by the town and shall include, but not be limited to, the performance of all required subdivision and off-site improvements or parts thereof. All improvements and land included in the irrevocable offer of dedication shall be dedicated to the town free and clear of all liens and encumbrances on the premises (see article IV, section 401.4).

Section 207. Review of the final plat.

207.1. Review by the town planning commission.

- (a) When a final plat drawn in accordance with article III has been officially submitted, such plat shall be reviewed by the town planning commission at its next regularly scheduled meeting, provided such submission has occurred no less than seven calendar days prior to such meeting. At the discretion of the planning commission the plat may be reviewed at a special meeting.
- (b) The planning commission shall ensure that all requirements of this ordinance (see article IV) and other town ordinances are met and that appropriate changes to the preliminary plat have been made, as required by the planning commission.
- (c) If the review is favorable, the planning commission shall authorize its chairman, with the secretary so attesting, to endorse the record plat and one other paper print with "Reviewed and Approved by the Town Planning Commission" together with the date of such action, record such action in the minutes, and forward to the town council.
- (d) The record plat and one other paper print shall be forwarded to the town council.

(e) If the final plat is not approved, the reasons for such disapproval shall be transmitted in writing to the town council. Such disapproval shall be forwarded with the final plat for review by the town council.

207.2. Review by town council.

(a) The town council shall not approve any plats until such plats comply with all town ordinances, or until such modifications are made, as needed. If not approved, the council shall return the plat to the subdivider with the deficiencies indicated thereon.

(b) Before acting on a final plat, the council may arrange for a public hearing with notice as provided for in Code of Virginia, § 15.2-2204.

(c) If the town council approves the final plat, the record plat shall be endorsed "Approved by the Town Council of the Town of Luray," and signed by the mayor and the clerk, together with the date of action.

(d) A performance guarantee, cash, or other bond, or a certificate of satisfactory installation of improvements as required shall be submitted before the final plat is finally approved and endorsed (see article IV, section 401.4).

(e) The town council shall communicate the result of its review of the final plat to the applicant or his agent and the planning commission no later than 60 days after the application to review the plat was officially submitted for approval at the planning commission's review meeting.

(f) Should the town not comply with subsection (e) above, the applicant may take action in accordance with Code of Virginia, § 15.2-2259, as amended.

Section 208. Recording of final plat.

208.1. After approval by town council and with all endorsements indicated on the record plat, the subdivider shall record his record plat in the office of the clerk of the circuit court. No subdivision plat may be legally recorded unless it bears the town approval and seal.

208.2. Such plat shall be filed and recorded in the office of the clerk of the circuit court where deeds are admitted to record for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing such plat, and under the name of the subdivision.

208.3. Any plat not recorded within six months after final approval by town council shall be considered void, and such approval shall be considered withdrawn.

208.4. The recordation of such plat shall operate to transfer, in fee simple, to the town such portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to the town any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this section shall affect any right of a subdivider of land heretofore validly reserved.

Provided, that where the authorized officials of the town approve in accordance with this subdivision ordinance, a plat or replat of land therein, then upon the recording of such plat or replat in the clerk's office wherein land records are maintained, all rights-of-way, easements or other interest of the town in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the town by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record shall not be affected thereby.

ARTICLE III. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

Section 301. Sketch plat.

301.1. The sketch plat of a proposed subdivision shall be clearly and legibly drawn on white paper, or on a print of a topographic map of the property at a scale of between one inch equals one foot and one inch equals 100 feet.

301.2. If the sketch plat requires more than one sheet, a key diagram showing relative location of the several sections, shall be drawn on each sheet.

301.3. The sketch plat shall contain at least the following information which shall be shown in accordance with the standards in article IV where applicable:

- (a) Name of subdivision, name of property, or other identifying title.
- (b) Name, address, and telephone number of legal owner or agent of property.
- (c) Display of any existing legal rights-of-way or easements affecting the property, including names and widths of existing streets.
- (d) Existing covenants on the property, if any.
- (e) Name, address, and telephone number of persons responsible for subdivision design, design of improvements, and for boundary surveys.
- (f) Tract boundaries accurately labeled.
- (g) Name of municipality or municipalities in which subdivision is located.
- (h) North point, scale (written and graphic) and date.
- (i) Name(s) of adjoining property owner(s).
- (j) Significant topographical and physical features (water sources, wooded areas, etc.).
- (k) Proposed general street and lot layout, with approximate dimensions.
- (l) A vicinity map drawn to scale of between one inch equals 250 feet and one inch equals 2,000 feet with sufficient information to locate the property in relation to all streets (showing names) and municipal boundaries within 1,000 feet of all subdivision boundaries.

(m) Preliminary proposals for connection with existing water supply and sanitary sewerage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(n) The approximate location and area of all parcels of land proposed to be set aside for nonresidential use such as park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(o) Whenever the sketch plat does not cover an applicant's holdings which touch the property being subdivided, the applicant shall submit, at the scale of between one inch equals one foot and one inch equals 250 feet, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract.

Section 302. Preliminary plat.

302.1. The preliminary plat shall be prepared at a scale of between one inch equals one foot and one inch equals 100 feet, and may be prepared in either pen or pencil and the sheets shall be numbered in sequence for filing in the office of the recorder of deeds but in no instance shall a sheet be less than 18 inches by 24 inches. The preliminary plat may also be used for the final subdivision plat.

302.2. Draw and certify.

(a) Every plat intended for recording shall be prepared by a surveyor or engineer duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

(b) Every such plat or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows: the platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. The statement shall be signed (on the final plat) by such persons and duly acknowledged before some officer authorized to take acknowledgement of deeds.

302.3. The preliminary plat shall show the following information in accordance with the standards in article IV when applicable.

(a) Date, including the month, day, and year that the original drawings were completed and the month, day and year that the original drawing was revised, for each revision.

(b) True north point, scale (written and graphic), and name of subdivision.

(c) Name, address, and telephone number of recorded owner and applicant.

(d) Name and address of registered engineer or surveyor responsible for the subdivision plat, surveys, and design of improvements.

(e) Names of all owners of all land next to each boundary of the land being subdivided and the names of all subdivisions, if any, next to the project being considered with the book and page number where each is recorded.

(f) A vicinity map for the purpose of locating the property being subdivided drawn at a scale of between one inch equals 250 feet and one inch equals 2,000 feet, and showing the relation of the property, set apart by tone or pattern, to adjoining property and to all streets and municipal boundaries within 1,000 feet of each subdivision boundary, giving the names of each such street. The name of the municipality or municipalities in which the subdivision is located shall also be shown.

(g) Total tract boundaries (with dimensions) of the property being subdivided showing bearings and a statement of total acreage of the property.

(h) Zoning data including all of the following which are applicable:

1. Existing town zoning district designations, and any zoning district boundary lines going through or touching the boundary of the proposed subdivision.
2. Any changes in the existing zoning to be requested by the applicant.

(i) Contour lines at vertical intervals of two feet. Locations and elevation of the data to which contour elevations refer shall be the closest USC&G or USGS established bench mark, or an established bench mark approved by the town.

(j) All existing streets, including streets of record, easements and rights-of-way, including names, right-of-way widths, pavement widths and approximate grades of such streets or rights-of-way on or abutting the tract.

(k) Existing covenants on the property.

(l) The full plan of proposed development, including:

1. Location, width, and names of all streets, easements, and rights-of-way, with a statement of any conditions governing their use, and functional classification of each with dimensions.
2. Setback lines along each street.
3. Lot lines with dimensions.
4. Lot numbers and statement of number of lots and parcels. All lots within each block shall be numbered consecutively.
5. A statement of the intended use of all nonresidential lots and parcels.
6. Location of water supply, sanitary and/or storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
7. Areas proposed to be dedicated or reserved for public use with any conditions governing such use, dedication, or reservation.
8. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
9. The 100-year flood plain line.
10. Municipal boundaries which cut through the subdivision, showing the name of municipalities, if applicable.

(m) The location of all proposed monuments.

302.4. The preliminary plat shall be accompanied by the following supplementary data shown in accordance with standards in article IV as applicable.

(a) Street cross section drawing(s) for all proposed streets, showing depth and type of base, type of surface, etc. Cross section drawings may be shown on either the preliminary plat or on separate profile sheets and shall show tentative profiles along the top of pavement edges or along the top of curb for both sides of each proposed street. Such profiles shall show existing and proposed grades. Information as required by the Virginia Department of Transportation shall be submitted. Such information shall be submitted to the state department of transportation by the administrator.

(b) Where deemed necessary by the town planning commission, the town council, or the Virginia Department of Transportation, a plan for the surface drainage of the tract to be subdivided shall be shown. Such plan shall include storm water run-off calculations for the entire property being subdivided as well as the anticipated run-off of areas of higher elevation in the same watershed, and shall show the proposed method of accommodating the anticipated run-off. Such plan shall also show a complete drainage layout including all pipe sizes and types, drainage easements and the means of transporting the drainage to a well-defined open stream which is considered natural drainage. Drainage computation for the appropriate drainage structures shall also be included.

(c) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of appropriate state and local agencies and shall be submitted to such agencies by the administrator.

(d) Any applicant may submit a plat for the subdivision of land in stages. Where a preliminary plat shows the proposed subdivision of only a part of the applicant's total property, a sketch may be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to future connections with the unsubmitted portion. To prevent undue hardship in the case of extremely large properties, the town planning commission may, based on existing natural or man-made features, delimit the area for which a prospective street system may be sketched.

302.5. The preliminary plat shall be accompanied by the following environmental protection analyses where applicable.

- (a) Erosion and sediment control plans.
- (b) Topsoil control plans.
- (c) Flood plain preservation plans.

Section 303. Final plat.

303.1. The subdivision plat submitted to the administrator for final approval shall be clearly and legibly drawn in ink on paper at a scale of between one inch equals one foot and one inch equals 100 feet, on sheets having a size of not more than 24 inches by 36 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following shown in accordance with the standards in article IV where applicable:

(a) The total tract boundary lines and bearings of the area being subdivided. Such boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided,

however, that the boundary(s) adjoining additional unplatted land of the applicant are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plat, and the placement of the monuments.

(b) The following data shall be shown for the pavement edges (curb lines) and right-of-way lines: The ultimate right-of-way, for existing, recorded (except those to be vacated), and proposed streets within or abutting the property to be subdivided; the length and width (in feet to the nearest hundredth of a foot) of all straight lines and radii of curved lines; and the angle (in degrees, minutes and seconds).

(c) All lot lines shall be completely dimensioned in hundredths of a foot if straight, and by length of arc and radius if curved with central angle in degrees, minutes and seconds. All internal angles within the lots shall be designated to the nearest second.

(d) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.

(e) The location of all existing and proposed required street monuments.

(f) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plat, and easements shall either be shown or specifically described on the plat. Easements should be located in cooperation with the appropriate public utilities.

(g) Plan for water supply and distribution; locations, size and invert elevations of all sanitary and/or storm sewers, manholes not to exceed 300 feet apart, inlets and culverts (this data may be submitted as a separate plan).

(h) If the subdivision proposes a new street intersection with a state route, state department of transportation approval must be obtained for all such intersections.

(i) A blank oblong space three inches by five inches shall be reserved on the plat for the use of the commission and council.

(j) Certificates signed by surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(k) When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dashlines, and identification of the respective tracts shall be placed on the plat.

303.2. The final plat shall be accompanied by supplementary data, where applicable as required for preliminary plats, article III, sections 302.4 and 302.5 in addition to all appropriate approvals from the state health department, state department

of transportation, the state water control board, and any other agency as required. No final plat shall be approved by the town unless all proper approvals are submitted to the town. The standards in article IV shall be complied with.

ARTICLE IV. DESIGN STANDARDS AND SPECIFICATIONS

Section 401. Application and general standards.

401.1. The standards and requirements contained in this article are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the town planning commission and town council in reviewing all subdivision plats.

401.2. Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plat shall show adequate safeguards against them. Such safeguards shall be approved by the appropriate regulatory agencies.

401.3. Subdivision plats shall give due recognition to the policies of the comprehensive plan, and to other plans and ordinances of the town or to such parts thereof as may have been adopted pursuant to statute.

401.4. All required on-site improvements for the property or the stage of such property submitted for approval shall be installed by the applicant at his cost. Before any subdivision plat will be finally approved, the applicant shall install the required improvements to the satisfaction and approval of the appropriate engineer (town, highway, and/or other), or in lieu of construction, shall furnish bond or cash in an amount calculated by the planning commission with the necessary assistance of appropriate engineers, to secure the required improvements for the subdivision which the subdivider has submitted for final approval. Such bond shall be payable to and held by the town council. The form of such bond shall be approved by the town attorney. The applicant's bond shall not be reduced by town council until construction has been inspected and approved.

Section 402. Streets.

402.1. General standards.

(a) All streets, except where specifically noted, shall meet the state department of transportation standards for secondary roads.

(b) The proposed street system shall extend existing or recorded streets at the same width or larger but in no case at less than the required minimum width as specified in this article. Where possible, new intersections along one side of an existing street shall coincide with any existing street intersection on the opposite side of such street.

(c) Where, upon recommendation of the town planning commission, it is desirable to provide for street access to adjoining property, the town council may require street stubs to be extended by dedication to the boundary of such property.

(d) New local streets shall be so designed as to discourage through traffic, but the applicant shall give adequate consideration to providing for the extension and continuation of arterial and collector streets into and from adjoining properties.

(e) Where a subdivision abuts or contains an existing street of improper width or alignment, upon recommendation of the planning commission, the town council shall require the dedication of land sufficient to widen the street or correct the alignment.

(f) All streets shall meet the design standards of these regulations.

(g) The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

402.2. Street widths.

(a) The minimum width of a proposed street right-of-way, measured from lot line to lot line on either side of such right-of-way shall meet the requirements of the state department of transportation for secondary roads.

(b) Alley rights-of-way shall not be less than 20 feet in width.

(c) Additional right-of-way and pavement widths may be required by the town planning commission or town council for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.

402.3. Construction of streets. All street construction shall conform to specifications and standards of the state department of transportation for secondary streets. The construction shall be subject to approval of the state department of transportation.

402.4. Restriction of access. Whenever a proposed subdivision contains or is adjacent to a limited-access highway or expressway, provision shall be made for either a service drive or for reverse frontage lots. A service drive shall be approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited-access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

402.5. Approach angle. All streets shall approach each other at an angle of not less than 80 degrees, unless the commission, upon recommendation of the highway engineer, shall recommend and the council approve a lesser angle of approach for reasons of terrain, etc.

402.6. Street grades. Centerline grades shall meet state department of transportation standards for secondary roads but in no case shall they be greater than eight percent.

402.7. Cul-de-sac streets.

(a) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(b) Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length and shall not furnish access to more than 20 dwelling units.

(c) Any dead-end street intended for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turnaround within the subdivision.

(d) Unless future extension is clearly impractical or not desired, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

(e) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a turnaround which is constructed in accordance with state department of transportation specifications. The minimum radius shall be 50 feet.

(f) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, adequate provisions shall be made for run-off to be carried away. Drainage easements shall be required where necessary.

402.8. Street names.

(a) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.

(b) The name of a proposed street shall not duplicate or confuse an existing street in the town or in the postal district. The use of the following suffixes: street, road, avenue, boulevard, drive, way, place, court, lane, etc., shall constitute a duplication if used after a name which is repeated before each suffix.

(c) Street names shall be subject to the approval of the town council. Names of existing streets shall not be changed except by approval of the council.

402.9. Alleys.

(a) Alleys may be permitted provided that the subdivider produces evidence satisfactory to the town planning commission and town council of the need for such right-of-way.

(b) No part of any main structure shall be located within 20 feet of the centerline of an alley.

(c) Dead-end alleys shall be avoided, but where this proves impossible, dead-end alleys shall terminate with an all-weather circular turnaround with a minimum radius of 50 feet.

(d) Alley intersections and sharp changes in alignment shall be avoided.

402.10. Driveways. Private driveways on corner lots shall be located at least 40 feet from the point of intersection of street right-of-way lines.

402.11. Street signs. Street identification signs of a design approved by the town council and readable from either side, shall be installed at all intersections.

402.12. Railroad crossings. The applicant shall be responsible for providing flashing lights and short-arm gates for any road within a subdivision which may cross a railroad track.

Section 403. Blocks.

403.1. Length. Blocks shall have a maximum length of 1,200 feet and a minimum length of 500 feet.

403.2. Depth. Blocks shall be wide enough to allow two tiers of lots consistent with the Town of Luray zoning ordinance, and/or sections 404.1 and 404.5 of this subdivision ordinance, unless prevented by topographical conditions or the size of the property, in which case the town council may approve a single tier of lots.

Section 404. Lots.

404.1. Shape.

(a) Lots shall not contain peculiarly shaped elongations which would be unusable for normal building purposes solely to provide necessary square footage.

(b) Generally, the depth of residential lots should be not less than one nor more than four times their width.

404.2. Location.

(a) Each lot shall abut on a street dedicated by the subdivision plat, or on an existing public street which has been accepted by the governing body. If the existing streets are not constructed in accordance with the state department of transportation standards, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to such a required width.

(b) Municipal boundaries shall not cut through lots, but rather shall act as lot lines for those lots adjacent to either side of said municipal boundaries. All lots shall comply with section 404.5 of this ordinance.

404.3. Side lines. Side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines.

404.4. Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

404.5. Lot size. The minimum lot size of any area shall be in accordance with the zoning ordinance of the Town of Luray.

Section 405. Sanitary sewage disposal.

405.1. The applicant shall provide connection to the public sanitary sewage collection and treatment system of the Town of Luray.

405.2. Sanitary sewers shall be designed and constructed in strict accordance with state department of health and/or state water control board standards whichever is applicable.

405.3 Sanitary sewers shall not be used to carry storm water.

Section 406. Water supply.

406.1. Whenever an existing public water system is determined by the town to be geographically and economically accessible to a proposed subdivision, the applicant shall provide an approved distribution system which shall be designed to connect with such system in accordance with state health department standards. Such systems shall furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the Insurance Services Office. A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the final plat.

Section 407. Storm drainage.

407.1. Storm sewers and related installations shall be required only when the runoff of storm water cannot be satisfactorily handled within the street pavement.

407.2. Where existing storm sewers are reasonably accessible, according to the town planning commission, the proposed subdivision shall be required to connect with said storm sewers.

407.3. In the design of storm drainage facilities, problems shall be avoided which may arise from the concentration of storm water runoff onto adjacent developed or undeveloped properties or the collection of water at low points in the subdivision and along streets. Water shall be drained away from on-site sewage disposal facilities.

407.4. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the watershed is fully developed.

407.5. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the state water control board.

407.6. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

407.7. The applicant shall provide for all such drainage improvements together with a certified engineer's or surveyor's statement that such improvements will be adequate for proper development. The state highway resident engineer shall then approve or disapprove the plans.

Section 408. Utility easements.

408.1. Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

408.2. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

408.3. Easements shall be in accordance with requirements of appropriate utility companies.

Section 409. Erosion and sediment controls.

Erosion and sedimentation control measures shall meet the standards and specifications of the Town of Luray sediment and erosion control ordinance.

Section 410. Flood plain regulations.

410.1. The subdivider shall consult all available engineering and soils studies and delineate the 100 year flood plain on the plat of his land.

410.2. The town shall not approve any plat in which a structure or street will be located within the area subject to flooding by a flood of 100 year frequency unless such structure is adequately flood proofed and approved under the appropriate building code or the street approved by the state department of transportation.

Section 411. Monuments.

411.1. As required by this ordinance all monuments must be installed by the subdivider. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the town are clearly visible for

inspection and use. Such monuments shall be inspected and approved by the town before any improvements are accepted by the governing body.

411.2. Location--Steel pins. Steel pins shall be used as monuments at all street corners and at all points where the street line intersects the exterior boundaries of the subdivision and at right angle points, and points of curve in each street. Such monuments shall meet the specifications of the Virginia Department of Highways and Transportation.

411.3. Location--Iron pipe. All other lot corners shall be marked with an iron pipe not less than three-fourths inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

Section 412. Curbs.

412.1. Curbs and/or gutter, where required by the town, shall be installed along both sides of all streets, except along alleys. Curbs shall meet the standards and specifications of the Virginia Department of Transportation. Adequate provision shall be made for driveway entrances.

412.2. Installation shall be in accordance with these and other regulations of the town.

Section 413. Sidewalks.

413.1. When required by the town, sidewalks with a minimum width of four feet shall be installed on both sides of all streets within the subdivision and the side of each street touching the subdivision except that no sidewalks shall be required along service streets.

413.2. All sidewalks shall be installed in accordance with these and other regulations of the town.

Section 414. Street lights.

The installation of street lights, if required, shall be in accordance with design standards and specifications of the town and the state department of transportation.

ARTICLE V. DEFINITIONS

Section 501. General.

For the purpose of this ordinance, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory; the word "approve" shall be considered to be followed by the words "or disapproved"; the word "herein" means "in these regulations"; any reference to this ordinance includes all ordinances amending or supplementing the same.

Section 502. Words and terms defined.

Administrator: The representative of the town council who has been appointed by the town council to serve as the agent of the council for the administration of this ordinance. The administrator may be, but is not limited to the town clerk or the town manager, town superintendent, town secretary, etc., if officially designated as such.

Alley: A permanent private easement providing a secondary means of vehicular access to the side or rear of abutting properties and intended for use by abutting property owners, guests, and public officials.

Applicant: The owner of land proposed to be subdivided or his representative authorized in writing. A subdivider.

Architect: A person licensed to practice as such in the State of Virginia.

Arterial: A road designated as such by the state department of transportation.

Bearings: An angular direction measured from one position to another using reference lines.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the town's attorney whenever a bond is required by these regulations.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building (setback) line: The minimum distance which a building is from the front boundary line or front lot line.

Building, main: A building or structure in which the principal use of a lot is carried out.

Collector road: A road determined by the state department of transportation as being a collector road.

Commission: The Planning Commission of the Town of Luray.

Comprehensive plan: The Town of Luray Comprehensive Plan.

Council: The Town Council of Luray, Virginia.

Cul-de-sac: A local street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Dedication: The deliberate appropriation of land by its owner for any general and/or public use, reserving to himself no other rights than those that are compatible

with the full exercise and enjoyment of the public uses to which the property has been devoted.

Easement: Authorization by a property owner of any designated part of his property for use by another for a specified purpose.

Endorsement: The application of the reviewing and/or approving authority's stamp and the signature of the appropriate authority on the record plat.

Engineer: A person licensed to practice as such in the State of Virginia.

Final plat: The final map or plan of a subdivision and any accompanying material, as described in these regulations.

Functional classification: A classification of roads, established by the state department of transportation to determine the function of such roads.

Governing body: The Town Council of the Town of Luray.

Grade: The slope of a road, street, or other right-of-way, specified in percentage (%) terms.

Half street: A street, generally parallel to and adjacent to a property line, having a lesser right-of-way width than normally required.

Health department: The Health Department of the State of Virginia.

Health officer: The legally designated health authority of the state health department for Page County, or his authorized representative.

Highway engineer: The resident engineer for Page County employed by the state department of transportation.

Highway, limited access: A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the state department of transportation.

Improvements: All required utilities and facilities as specified in this ordinance, including, but not limited to streets, storm and sanitary sewers, and water lines.

Joint ownership: Joint ownership of any type among persons shall be construed as the same owner.

Jurisdiction: The area or territory subject to the legislative control of the governing body of the Town of Luray.

Landscape architect: A person licensed to practice as such in the State of Virginia.

Land surveyor: A person licensed to practice as such in the State of Virginia.

Local road: A road so designated by the state department of transportation.

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development.

Lot, corner: A lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of: The mean horizontal distance between the front and rear lot lines.

Lot, interior: A lot other than a corner lot.

Lot of record: A lot which has been recorded among the land records in the office of the clerk of the circuit court of Page County.

Lot, reverse frontage: An interior lot having frontage on two streets.

Lot, width of: The mean horizontal distance between the side lot lines.

Main building: See *Building, main* .

Monument: A permanent steel pin and/or iron identifying marker meeting the requirements and specifications of this ordinance (see section 411).

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Partial street: See *Half street* .

Performance bond: A bond with surety and/or cash deposit, approved by the governing body and town attorney in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period.

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

Plat: Includes the terms--map, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."

Preliminary plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for preliminary approval.

Private street: A street not to be offered for dedication.

Property: Any tract, lot, or parcel of land, or several of the same collected together for the purpose of subdividing.

Public improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded if required.

Record plat: The copy of the final plat which contains the original endorsements of the planning commission and the town council and which is intended to be recorded with, and meets the requirements of the county clerk of the circuit court.

Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line thereon; or if it affects any map or plan legally recorded as a subdivision prior to the adoption of any regulations controlling subdivisions.

Reverse frontage lot: See *Lot, reverse frontage* .

Right-of-way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, or road. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels and adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, roads, railroads, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which each right-of-way is established.

Road: A road shall be defined as a street.

Sale or lease: Any present or future transfer of ownership, or possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Setback: See *Building (setback) line* .

Sketch plat: A sketch preparatory to the preparation of the preliminary plat to enable the applicant to save time and expense in reaching general agreement with the planning commission as to the form of the plat and the objectives of these regulations.

Street: A strip of land, other than private driveways serving a single structure, subject to vehicular and/or pedestrian traffic providing means of access to property; also designated as street, road, lane, drive, avenue, right-of-way, highway, boulevard, trail, court, place, terrace, etc.

Street, public use of: The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street of record: Any street shown on any subdivision plat recorded in the office of the clerk of the circuit court, whether such street is constructed or not.

Street, service drive: A public right-of-way generally parallel with and contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress and egress to the major highway right-of-way by providing safe and orderly points of access to the major highway.

Street width: The total width of the strip of land dedicated or reserved for public travel including roadway, curb and gutter, sidewalks, planting strips and, where necessary, utility easements.

Structure: See *Building* .

Subdivide: The process of creating new lots to establish a subdivision.

Subdivider: An individual, corporation, proprietor, trust, trustee, joint venture, registered partnership or other entity, owning any tract, lot, or parcel of land to be subdivided or a group of two or more persons or entities owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision regulations. The applicant.

Subdivision: The division of a parcel of land into three or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision agent: Any person who represents, or acts for or on behalf of, a subdivider or applicant, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Surveyor: A person licensed as such by the State of Virginia.

U.S.C. & G.: The United States Coast and Geodetic Survey.

USGS: The United States Geological Survey.

ARTICLE VI. EFFECTUAL CLAUSES

Section 601. Modification.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the town council a departure may be made without destroying the intent of such provisions, the council may authorize an exception. Any exception thus authorized is to be stated in writing in the minutes of the commission and town council with the reasoning on which the departure was justified. No such modification may be granted by this ordinance which is opposed in writing by the highway engineer or health official. Modifications shall be clearly defined and entered

on the final plat and signed by the mayor. The planning commission in its review, shall make recommendations on the granting of such modifications.

Section 602. Compliance.

No clerk of any court shall file or record a plat of a subdivision required by this ordinance to be recorded until such plat has been approved as required herein; and the penalties provided herein shall apply to any failure to comply with the provisions of this section.

No permit will be issued by any administrative officer of the Town of Luray or the County of Page, Virginia, for the construction of any building or other improvements requiring a permit upon any land concerned for which a plat is required by this ordinance, unless and until the requirements of this ordinance have been complied with. Any person aggrieved by the decision of any administrative official whose decision is required pursuant to this ordinance may appeal said decision to the governing body.

Section 603. Penalties.

Any person violating the foregoing provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Section 604. Private contracts.

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

Section 605. Necessary changes.

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

Section 606. Validity.

Should any article, section, subsection or provision of this subdivision ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 607. Repeal.

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

Section 608. Amendments.

This ordinance may be amended in whole or in part by the town council provided that any such amendment shall either originate with or be submitted to the planning commission for recommendation; and further provided that no such amendment shall be

adopted without a public hearing having been held in accordance with Code of Virginia, § 15.2-2204. The planning commission shall have 60 days after referral by the council to make a recommendation.

Section 609. Ordinance to be filed.

When this ordinance is adopted, or amended, a certified copy of the ordinance and any and all amendments thereto shall be filed in the office of the administrator and in the clerk's office of the court or courts in which deeds are admitted to record in the county.

Section 610. Effective date.

This ordinance shall be effective on and after 12:01 a.m. June 23, 1977.