

Chapter 100

LAND DEVELOPMENT

[HISTORY: Adopted by the Town Council of the Town of Grottoes 11-14-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 63.
Solid waste and weeds — See Ch. 134.
Streets and sidewalks — See Ch. 139.
Water and sewers — See Ch. 160.

ARTICLE I

General Provisions

§ 100-1. Authority to establish zoning regulations. [Amended 7-9-2009]

The act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Article 7, §§ 15.2-2280 through 15.2-2316 (NOTE: as amended 7-1-2008), Code of Virginia 1950, as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

- A. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain 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 in use.
- D. The excavation or mining of soil or other natural resources.

§ 100-2. Authority to establish subdivision regulations. [Amended 7-9-2009]

The act of the General Assembly of Virginia, as recorded in the Code of Virginia 1950, amended, Article 6, §§ 15.2-2240 through 15.2-2279 (NOTE: as amended 7-1-2008) requires the Council of the Town of Grottoes, Virginia, to adopt regulations to assure the orderly subdivision of land and its development and to provide for the harmonious and economic development of the Town, the coordination of streets within subdivisions with other existing or planned streets, adequate open spaces for traffic, recreation, light and air and the distribution of population and traffic which will tend to create conditions

favorable to health, safety, convenience and prosperity, including reasonable regulations and provisions that apply to or provide for:

- A. Size, scale and other plat details.
- B. 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. Adequate provisions for drainage and flood control and other public purposes, and for light and air.
- D. The extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed.
- E. The acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision or any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as a part of a public system or other improvement, financed or to be financed in whole or 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;
 - (2) Furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or personal, corporate or property 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; or
 - (3) Furnishes to the governing body a bank or savings-and-loan association's letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings-and-loan association, the amount and the form.
- F. Monuments of specific types to be installed establishing street and property lines.
- G. That unless a plat is 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. 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 heretofore made are hereby validated.

- I. Payment by a subdivider or developer of land of his or her 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 or her but necessitated or required, at least in part, by the construction or improvement of his or her 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 to adequately 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 stormwater runoff to be actually caused by his or her 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 personal, corporate or property bond, cash escrow or other method of performance guaranty satisfactory to it, conditioned on payment at commencement of such construction.
- J. Reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection, a "member of the immediate family" is defined as any person who is a natural or legally defined offspring, spouse or parent of the owner.
- K. The partial or complete release of any bond, escrow, letter of credit or other performance guaranty required by the governing body under this section within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder, unless the governing body notifies said subdivider or developer, in writing, of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty-day period; provided, however, that the governing body shall not be required to release such bond, escrow, letter of credit or other performance guaranty in an amount to exceed 90% of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the governing body or state agency. For the purposes of this subsection, a certificate of partial or final completion of such facilities from a duly licensed engineer or land surveyor, as defined in the Code of Virginia, § 54.1-400,

or from a department or agency designated by the local government may be accepted without further inspection of such facilities. [Amended 7-8-1996]

§ 100-3. Enactment.

Therefore, be it ordained by the Council of the Town of Grottoes, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, Articles 6 and 7 of the Code of Virginia 1950, as amended, that the following be adopted as the Land Development Regulations of the Town of Grottoes, Virginia, incorporating the Town of Grottoes Zoning Ordinance, as amended, and Subdivision Ordinance, Town of Grottoes, Virginia, as amended.

§ 100-4. Purpose.

- A. The Town of Grottoes Planning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety and general welfare of the public and accomplish the objectives of § 15.2-2200 of the Code of Virginia by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 6, § 15.2-2240 et seq., the purposes of these regulations are to:
- (1) Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
 - (2) Reduce or prevent congestion in the public streets.
 - (3) Facilitate the creation of a convenient, attractive and harmonious community.
 - (4) Expedite 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) Protect against destruction of or encroachment upon historic areas.
 - (6) Protect against one or more of the following:
 - (a) Overcrowding of land.
 - (b) Undue density of population in relation to the community facilities existing or available.
 - (c) Obstruction of light and air.
 - (d) Danger and congestion in travel and transportation.
 - (e) Loss of life, health or property from fire, flood, panic or other dangers.
 - (7) Encourage economic development activities that provide desirable employment and enlarge the tax base.

(8) Establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the Town of Grottoes, Virginia.

B. The subdivision standards and procedures are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use and to make possible the provision of public services in a safe, adequate and efficient manner.

§ 100-5. Intent.

It is not the intent of these regulations to exclude any economic, racial, religious or ethnic group from enjoyment of residence, land ownership or tenancy within the Town of Grottoes; nor is it the intent of this chapter to use public powers in any way to promote the separation within the Town of Grottoes of economic, racial, religious or ethnic groups, except as may be an incidental result of meeting the purpose outlined in § 100-4 herein.

**ARTICLE II
Terminology**

§ 100-6. Word usage.

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

§ 100-7. Definitions.

When used in this chapter the following words and phrases shall have the meanings given in this section:

ABATTOIR — A commercial slaughterhouse.

ACCESSORY USE OR BUILDING — See "use, accessory," or "building, accessory."

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

ACRE, GROSS — A measure of land equating to 43,560 square feet.

ACRE, NET — That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, public or authorized private utility or any right-of-way for any proposed streets or street widening.

ADMINISTRATOR — The official charged with the enforcement of the Zoning Ordinance and/or Subdivision Ordinance. He or she may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He or she may serve with or without compensation as determined by the governing body.

AGRICULTURE — The tilling of the soil, the raising of crops, horticulture and forestry, including the keeping of animals and fowl and including any agricultural industry or business, such as fruit packing plants, dairies or similar uses, not including abattoir.

AIRPORT — A place, either on land or on water, where aircraft may land to discharge or receive cargo and passengers, make repairs or take in fuel.

AIRPORT HAZARD — Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

ALLEY — A platted serviceway providing a secondary means of access to abutting properties.

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

ANIMAL HOSPITAL OR CLINIC — An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.

ANIMAL OR POULTRY HUSBANDRY — Any keeping, boarding, breeding or raising of any number of horses, goats, sheep, poultry or other customary farm animals for any purpose or of more than three dogs and three cats or other customary pet animals for noncommercial purposes.

APARTMENT — A unit in a multifamily dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance and structure.

APARTMENT DEVELOPMENT — A development containing one or more multifamily dwellings containing apartments with accessory parking, open space, recreation and management facilities and any other facilities for common use.

AUTOMOBILE GRAVEYARD — Any lot or place which is exposed to the weather upon which more than three motor vehicles of any kind not displaying current Commonwealth of Virginia inspection certification are placed, located or found.

AUTOMOBILE SERVICE STATION — Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services, including facilities for lubricating, washing and cleaning or otherwise servicing automobiles, but excluding painting and major repair.

BASEMENT — A story having part but not more than 1/2 of its height below grade. A "basement" shall count as a story for the purpose of height regulations if it is used for business purposes or for dwelling purposes by other than a janitor employed on the premises.

BED-AND-BREAKFAST — A residential use consisting of one dwelling unit, together with no more than seven rooms or suites that are rented to overnight or weekly guests and where meals are prepared for the guests by the proprietors. The rented rooms do not contain kitchen facilities and do not constitute separate dwelling units. [Amended 7-8-1996]

BOARD — The Board of Zoning Appeals as established under this chapter.

BOARDINGHOUSE (ROOMING HOUSE) — A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three to 10 unrelated persons where no cooking or dining facilities are provided in individual rooms and in which the length of stay usually exceeds one week in duration. A lodging house is also included in this definition.

BUILDING — Any structure designed or intended for support, enclosure, shelter or protection of persons, animals or property.

BUILDING, ACCESSORY — A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes or located in any required front yard. A mobile home shall not be used for such building. [Amended 5-8-1995]

BUILDING CODE — The Virginia Uniform Statewide Building Code, as adopted by the Town of Grottoes and as amended.

BUILDING, HEIGHT OF — The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the declivity of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof. For buildings set back from the road line, the "height" shall be measured from the average elevation of the ground surface along the front of the building.

BUILDING INSPECTOR — The building official appointed by the Town Council to administer and enforce the provisions of the Building Code, or his designated representative or agent.

BUILDING, MAIN — A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPGROUND — Any plot of ground used, maintained or held out to the public, wholly or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks or such other devices as may be developed and marketed for camping, whether privately or publicly owned, and whether the use of such accommodations is granted free of charge or for compensation.

CELLAR — A story having more than 1/2 of its height below grade.

CHILD CARE CENTER — Any facility requiring a license by the state, but excluding a family day-care home, providing care, protection and guidance to a group of children during only part of the day. [Amended 7-8-1996]

CHURCH or HOUSE OF WORSHIP — A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to conduct public worship.

CLERK — The Clerk of the Circuit Court having jurisdiction in the Town of Grottoes.

COMMISSION — The Town of Grottoes Planning Commission.

COMMON ELEMENTS — All portions of a cooperative other than the units.

COMMUNICATIONS EQUIPMENT — Any tower, dish or other equipment used to send or receive electronic transmissions for public or private use.

COMMUNITY CENTER — Community entertainment, recreation or meeting place operated by a nonprofit organization.

CONDOMINIUM — A dwelling unit in an apartment building or residential development which is individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all individual owners.

CONVERSION BUILDING — A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.

COOPERATIVE — Real estate owned or leased by a cooperative organization.

COOPERATIVE INTEREST — A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.

COOPERATIVE ORGANIZATION — Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.

COOPERATIVE UNIT — A physical portion of the cooperative designed for separate tenancy.

COTTAGE INDUSTRY — A small, nonpolluting business or industry employing fewer than five workers.

CUL-DE-SAC — A circular turning area at the end of a dead-end street.

CURB GRADE — The elevation of the established curb in front of the building measured at the center of such front. Where no "curb grade" has been established, the Zoning Administrator shall establish such "curb grade."

DAIRY — A commercial establishment for the manufacture and sale of dairy products.

DAIRY FARM — A livestock establishment where the production of milk is its primary purpose.

DEVELOPER — An owner of property being subdivided, whether or not represented by an agent.

DEVELOPMENT — A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production. [Amended 7-8-1996]

DISTRICT — A section of the Town of Grottoes within which the zoning regulations are uniform as referred to in the Code of Virginia 1950, as amended, § 15.2-2281.

DRIVEWAY — Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.

DUMP HEAP (TRASH PILE) — Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence or a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

DWELLING — Any building or portion thereof which is designed for or used for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins and automobile trailers.

DWELLING, MULTIFAMILY — A building designed for or occupied exclusively by three or more families living independently of each other; the term includes condominiums of similar physical appearance, character and structure.

DWELLING, SINGLE-FAMILY — A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY (DUPLEX) — A building designed for or occupied exclusively by two families living independently of each other.

DWELLING UNIT — One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen.

EASEMENT — A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation or a certain person or persons.

ENGINEER, CIVIL — An engineer currently registered by the Commonwealth of Virginia.

FAMILY — One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, lodging house or hotel as herein defined. Private household workers employed and housed on the premises may be considered as included in the "family" occupying said premises.

FAMILY DAY-CARE HOME — Any private family home not requiring state licensing providing care, protection and guidance to children during only part of the day. Children related by blood or marriage to the person who maintains the home shall not be counted. [Amended 7-8-1996]

FAMILY, IMMEDIATE MEMBER OF — Any person who is a natural or legally defined offspring, spouse or parent of the owner.

FLOOD — A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.

FLOOD HAZARD AREA — The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping, as appropriate.

FLOODPLAIN — An area, usually a relatively flat or low land area adjoining a river, stream or watercourse, which has been in the past or can be reasonably expected in the future to be covered temporarily by a flood.

FLOODPROOFING — A combination of structural provisions, changes or adjustments to properties and structures subject to flooding required for new construction in the floodplain by the Virginia Uniform Statewide Building Code, Section 135.6.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge the waters of the one-hundred-year flood.

FLOOR AREA — The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including any attic space providing headroom of less than seven feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces and accessory off-street loading berths.

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, or from the front edge of the lot, than the building setback line as defined and required herein.

GARAGE, PRIVATE — An accessory building designed or used for the storage of vehicles 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 vehicles for each dwelling unit in accordance with minimum off-street parking requirements.

GARAGE, PUBLIC — A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling or storing motor-driven vehicles.

GARDENING — Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.

GENERAL STORE, COUNTRY — A single store, the ground floor area of which is 4,000 square feet or less which offers for sale primarily most of the following articles: bread, milk, cheese, fresh meats and vegetables, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a "country general store."

GOLF COURSE — Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

GOLF DRIVING RANGE — A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.

GOVERNING BODY — The Town Council of Grottoes, Virginia.

GROUP HOME — A child-caring institution which is operated by any person at any place other than in an individual's family home or residence and which does not care for more than 12 children. [Amended 7-8-1996]

GUEST ROOM — A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests paying direct or indirect compensation therefor but in which no provision is made for cooking. Dormitories are excluded.

HALF BLOCK — An area bounded by streets on three sides and a twenty-foot alley or greater. [Added 10-10-1994]

HEALTH DEPARTMENT — The Rockingham County Health Department or its designated agent or representative.

HIGHWAY ENGINEER — The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys and other public ways.

HISTORICAL AREA — An area containing one or more buildings and places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. [Amended 7-8-1996]

HOG FARM — A farm where swine are raised commercially as the principal farm enterprise.

HOG PEN — An enclosure for concentrated confinement or housing of swine. A "hog pen" shall be located at least 500 feet from the nearest residence, except that of the owner.

HOME FOR ADULTS — Any facility other than a nursing home providing part-time or full-time care to three or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

HOME OCCUPATION — An accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises and the activities are conducted within the dwelling or accessory building.

HOSPITAL — An institution rendering medical, surgical, obstetrical or convalescent care, including any institution licensed as a hospital by the State Hospital Board.

HOSPITAL, SPECIAL CARE — An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

HOTEL — A building in which lodging or board and lodging are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel."

HOUSE PETS — Domesticated animals whose principal shelter and residence is the same as its owner.

INDUSTRIALIZED BUILDING UNIT — A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specific components, as a finished building or as a part of a finished building comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site; sometimes referred to as "modular building unit."

JUNKYARD (AUTOMOBILE WRECKING YARD) — A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running conditions or for the sale of parts thereof. [Amended 7-8-1996]

JURISDICTION — The area or territory subject to the legislative control of the governing body.

KENNEL — Any location where breeding, raising, grooming, caring for or boarding of dogs, cats or other similar small animals for commercial purposes is carried on.

LAND USE PLAN — The Land Use Plan of the Town of Grottoes, as amended.

LIGHT INDUSTRY — Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors.

LIVESTOCK — Animals kept or raised for sale, use or pleasure.

LIVESTOCK MARKET — A commercial establishment wherein livestock is collected for sale, sold or auctioned off.

LOADING SPACE — A space within the main building or on the same lot providing for the standing, loading or unloading of trucks and other carriers.

LOT — A numbered and measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of

ownership or of development or separate use. The term applies to units of land whether in a subdivision or a development.

LOT AREA — The total horizontal area within the lot lines of a lot. No alley, public way, public land or area proposed for future street purposes is included within the net area of the lot.

LOT, CORNER — A lot abutting upon two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

LOT COVERAGE — The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE (THROUGH) — An interior lot having frontage on two streets as distinguished from a corner lot.

LOT, INTERIOR — Any lot other than a corner lot.

LOT OF RECORD — A lot or parcel of land whose existence, location and dimensions have been recorded in the office of the Clerk of the Circuit Court of Rockingham County at the time of the adoption of this chapter.

LOT, WIDTH — The average horizontal distance between side lot lines.

MAIN USE — The primary purpose for which land or a building is used.

MANUFACTURED HOME — A structure subject to federal regulations, which is transportable in one or more sections; is eight 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. [Amended 7-8-1996]

MANUFACTURED HOME PARK/SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale. [Amended 7-8-1996]

MANUFACTURED HOME STAND — A plot of ground within a manufactured home park designed to accommodate one manufactured home.¹

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

MODULAR BUILDING — Premanufactured dwelling unit, comprised of a combination of one or more building sections or modules, containing electrical, plumbing, heating,

¹. Editor's Note: The former definition of "manufactured home subdivision," which immediately followed this definition, was deleted 7-8-1996.

ventilating and other service systems, manufactured off site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Such a structure is not built on a permanent chassis and designed to be used only with a permanent foundation.

MOTOR HOME OR CAMPER — A unit or subunit which is or becomes self-propelled and is designed for human habitation on a short-term basis.

NONCONFORMING LOT — An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING STRUCTURE — A structure existing at the time of enactment or amendment of this chapter which does not conform to the requirements of this chapter by reason of height or condition or by reason of its impingement upon required yard areas.

NONCONFORMING USE OF LAND — A use of land existing at the time of the enactment of this chapter, or at the time of a zoning amendment, which does not conform to the regulations of the use district in which it is located.

NONCONFORMING USE OF STRUCTURE — The otherwise legal use of a building or structure that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NURSING HOME — Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as "convalescent homes," "skilled care facilities," "intermediate care facilities," "extended care facilities" and "infirmaries."

OFF-STREET PARKING AREA — Space provided for vehicular parking outside the dedicated street right-of-way.

ONE-HUNDRED-YEAR-FLOOD — A flood that, on the average, is likely to occur once every 100 years.

PARKING SPACE — An area consisting of a minimum of 10 feet by 30 feet.

PARKS, PLAYGROUNDS and OUTDOOR RECREATION AREAS — Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise or competitive sport not requiring structures for habitation.

PEN — A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. An enclosed pasture or range with an area in excess of 100 square feet for each small animal or 200 square feet for each larger animal shall not be regarded as a "pen." Any enclosure containing a hog is a hog pen. (See also the definition of "hog pen" in this section.)

PLAT — Includes the terms map, plan, 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."

PREFABRICATED BUILDING — The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials and in which the service equipment may be either prefabricated or at-site construction.

PROFESSIONAL — When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stockbrokers and administrative agencies considered professional in character. The term does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.

PROPERTY — Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

PROPERTY OWNERS' ASSOCIATION — A corporation or other legal entity or a nonprofit organization which has as its purpose maintenance of streets and/or other common areas.

PUBLIC SERVICE OR STORAGE BUILDINGS — Governmental facilities necessary for public health, safety and welfare.

PUBLIC UTILITIES — Public service structures such as power plants or substations; waterlines, treatment plants or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications or related services to the general public.

PUBLIC WATER AND SEWAGE SYSTEM — A water or sewage disposal system owned and operated by a municipality.

RAMADA — A structure erected over a manufactured home for the purpose of providing shade or shelter.

RECREATIONAL ACTIVITY, ACTIVE — Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, such as playgrounds, tennis courts, golf courses, ball fields, gymnasiums and swimming pools, and other similar activities. [Added 8-8-2011]

RECREATIONAL ACTIVITY, PASSIVE — Recreational uses (such as hiking, nature observation and picnicking, and other similar activities) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities such as bathrooms, benches, picnic tables and trails. [Added 8-8-2011]

RECREATIONAL VEHICLE PARK — A lot or parcel of land upon which three or more recreational vehicle sites are located, established or maintained for occupancy by

recreational vehicles or tents as temporary living quarters for recreational, travel or vacation purposes. [Added 8-8-2011]

REQUIRED OPEN SPACE — Any space required in any front, side or rear yard.

RESIDENTIAL USE — Any place, building or establishment used in whole or in part as a dwelling.

RESTAURANT — Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens or refreshment stands.

RESTAURANT, DRIVE-IN — An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.

RETAIL STORES AND SHOPS — Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustrations: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop and beauty and barber shop.

RIGHT-OF-WAY — Access over or across particularly described property for a specific purpose or purposes.

RIGHT-OF-WAY LINE — The dividing line between a lot, tract or parcel of land and a contiguous street, railroad or public utility right-of-way.

SAWMILL — A mill or machine for the processing of timber into lumber.

SCHOOL, BUSINESS OR COMMERCIAL — Privately owned and operated educational institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist or other office occupations.

SCHOOL, PRIVATE — Privately owned and operated educational institution or educational organization maintained or conducting classes for the purpose of offering instruction of students from kindergarten to 12th grade level.

SCHOOL, PUBLIC — Publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintained or conducting classes for the purpose of offering instruction of students from kindergarten to 12th grade level.

SCHOOL, TRADE — Privately or publicly owned and operated educational institution or educational organization maintained or conducting classes for the purpose of offering instruction to pursue any occupation for profit in any skilled trade, electronics, data processing or industry or to give occupational training or to give training in public or

other service occupations or to give vocational training designed to prepare an individual for or to upgrade an individual in technical occupations and technical phases of other occupations.

SCREENING — A barrier to vision or noise consisting of trees, bushes, shrubbery or fences.

SETBACK — The minimum distance by which any building structure must be separated from the front lot line.

SETBACK LINE — A line generally parallel with and measured from the lot line defining the limits of a yard in which no building or structure may be located above ground.

SIGN — Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any public way and used as an outdoor display. A display of less than one square foot in area is excluded from this definition.

SIGN AREA — The smallest square, rectangle, triangle, circle or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

SIGN, BUSINESS — A sign, painted, electrical or otherwise, erected for the purpose of conveying information, knowledge or ideas to the public about a subject related to the premises upon which said sign is located.

SIGN, DIRECTIONAL — One (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of the same and distance.

SIGN, HOME OCCUPATION — A sign directing attention to a product, commodity or service available on the premises; but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, LOCATIONAL — A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.

SIGN, OUTDOOR ADVERTISING — A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the premises upon which it is located.

SIGN STRUCTURE — A structure, including the supports, uprights, bracing and framework, be it single-faced, double-faced, V-type or otherwise, which is located on the ground or on top of another structure and which supports no more than two signs.

SIGN STRUCTURE FACING — The surface of the sign upon, against or through which the message of the sign is exhibited, not including architectural trim and structural supports.

SIGN, TEMPORARY — Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a period of not more than 30 consecutive days.

SITE PLAN — The proposal for a development or a subdivision, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as is required in applicable sections of this chapter.

STORY — That portion of a building, other than the basement, included between the surface of the floor next above it; or, if there is no floor above it, the space between the floor and the ceiling next above it.

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 2/3 of the floor area is finished off for use.

STREET — The principal means of access to abutting properties.

STREET CENTER LINE — A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

STREET, HALF — A street that does not meet the minimum right-of-way width requirements set forth or referenced in this chapter.

STREET, INTERNAL — A private street providing access to lots within a development, but not including driveways.

STREET LINE — The dividing line between a street or road right-of-way and the contiguous property.

STREET, MAJOR — A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding 500 vehicles per day.

STREET, OTHER — A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of fewer than 500 vehicles per day.

STREET (ROAD) — Any public thoroughfare which affords the principal means of access to abutting property.

STREET, SERVICE DRIVE — A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET WIDTH — The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips and bikeways.

STRUCTURE — Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground; includes fuel pumps and aboveground elevation valves for the transmission of oil and natural gas.

SUBDIVIDER — Any individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision.

SUBDIVISION [Amended 7-8-1996] — The division of any tract, parcel or lot of land into two or more parts, any one of which contains an area of less than five acres, for the purpose of transfer of ownership or building development. If a new street (see the definition of "street" in this section) is involved in any such division, any division of a parcel of land is a "subdivision." The word "subdivision" shall be taken to include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

- A. The term "to subdivide" shall not include a bona fide division or partition of agricultural land into parcels of less than five acres for agricultural purposes or for building sites for the farmstead or tenant houses. Plats of divisions so excused will contain notice that the plat has not been approved for residential purposes and must be approved by the agent prior to recordation.
- B. The term "to subdivide" shall not include a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the owner. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing the subdivision provisions of this chapter. A plat of the division is required to be approved by the agent prior to recordation.
- C. The term "subdivide" includes the resubdivision of lots of record or the vacation of plats. The term shall apply either to the process of subdivision or the land subdivided.

SURVEYOR — A land surveyor currently certified by the Commonwealth of Virginia.

TELEVISION AND/OR RADIO STATIONS — A broadcasting facility licensed in the public interest, convenience and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings and other necessary accessories required to operate a station.

TOURIST COURT, AUTO COURT, MOTEL, HOTEL, CABIN or MOTOR LODGE — Building or buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

TOURIST HOME — A dwelling where only lodging is provided for compensation for up to 14 persons (in contrast to hotels and boardinghouses) and open to transients.

TOWNHOUSE — A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof and having roofs which may extend from one such dwelling unit to another.

TOWNHOUSE DEVELOPMENT — One or more single-family dwellings consisting of townhouses with accessory parking, open space and recreational facilities.

TRAVEL TRAILER — A vehicular, portable structure built on a chassis, designed to be used as a temporary occupancy for travel, recreation or vacation; being of any length, provided that its gross weight does not exceed 4,500 pounds, or being of any weight, provided that its overall length does not exceed 28 feet.

TRAVEL TRAILER PARK or TRAVEL TRAILER CAMP — Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

TREE — A woody perennial plant.

USE, ACCESSORY — A subordinate use, customarily incidental to and located upon the same lot occupied by the main use. Any "accessory use" shall not be located in any required front yard.

USE, CONDITIONAL — One which may be allowed when the Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use is consistent with the Comprehensive Plan, is compatible with surrounding uses, is consistent with the intent of the chapter, is in the public interest and will comply with all other provisions of law and ordinances of the Town of Grottoes.

VARIANCE — In the application of the zoning provisions of this chapter, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner and such need for a variance would not be shared generally by other properties and provided that such variance is not contrary to the intended spirit and purpose of the ordinance and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning. [Amended 7-8-1996]

WAREHOUSE — A structure for storing goods, wares or merchandise.

WAYSIDE STAND, ROADSIDE STAND or WAYSIDE MARKET — Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner and/or his or her family on their farm.

WHOLESALE SALES — An operation which sells chiefly to retailers, other merchants or industrial, institutional and commercial uses for resale or business use.

YARD — A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT — An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the depth of the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR — An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots, the "rear yard" shall be the opposite end of the lot from the front yard.

YARD, SIDE — An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the "side yard" shall be considered as parallel to the street upon which the lot has its greatest dimension.

ARTICLE III **Zoning Map and Boundaries**

§ 100-8. Zoning map.

- A. For the purposes of this chapter, the Town of Grottoes is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map maintained in the office of the Zoning Administrator and shown as originally adopted at the end of this chapter.
- B. The Zoning Map entitled the "Official Zoning Districts Map for the Town of Grottoes, Virginia," dated November 14, 1989, as amended, hereinafter referred to as the "Official Zoning Map," with all notations, references, amendments and dates thereof and other information shown thereon, shall constitute a part of this chapter. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator where it shall be accessible to the general public.
- C. If, in accordance with the provisions of Article XXI herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 10 days after the amendment has been approved by the governing body, together with a numerical entry referring to the application for the amendment, submitted in accordance with Article XXI herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the governing body. Amendments to this chapter which involve matter portrayed on the Official Zoning Map shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Grottoes Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

- D. 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 corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

§ 100-8.1. Annexed territory.² [Added 9-10-2009]

- A. When territory is annexed to the Town ("annexed territory"), this section will govern the zoning of the annexed territory pending the orderly amendment of the Zoning Ordinance to incorporate the annexed territory into the Town's zoning system.
- B. Any portion of the Town's Zoning Ordinance that applies without limitation to each and every area of the Town shall apply to the annexed territory immediately upon the effective date of the annexation.
- C. Any portion of the Town's Zoning Ordinance that contains regulations specific to a particular zoning district or districts ("district-specific regulations"), but do not apply to each and every district, shall not apply to annexed territory until the Town amends its Zoning Map to place such annexed territory or a portion thereof into a Town zoning district. With regard to any issue governed by such district-specific regulations, the zoning regulations applicable to such annexed territory on the day before the annexation becomes effective shall continue to govern the questions raised by the Town's district-specific regulations until such time as the Town places the annexed territory or a portion thereof into a particular district.
- D. Effective upon the date of annexation, the Town's administrative officials and procedures shall govern, regulate, and enforce the Town's Zoning Ordinance (including § 100-8.1C thereof) in the annexed territory. The entity in which the territory is being annexed from shall have no jurisdiction over the annexed territory after the effective date of the annexation, and all requests for rezonings, subdivisions, site plan approvals, variances, appeals or other action regarding the annexed territory shall be submitted to the appropriate Town official after such date. Any requests for rezonings, subdivisions, site plan approvals, variances, appeals or other action regarding the annexed territory that are submitted to an official other than a Town official, but not acted upon by such official before the effective date of the annexation, shall be null and void, and the person making such a request may resubmit such request to the appropriate Town official.

². Editor's Note: See also § C-1A.

- E. The Town may begin the process of rezoning any annexed territory and incorporating it into the Town's Zoning Map at any time after the enactment of the ordinance annexing such annexed territory. During the period after the enactment of the annexation ordinance and before the effective date of the annexation, the Town's Planning Commission may hold a public hearing and vote on the proposed rezonings, and the Town Council may hold a public hearing with regard to the proposed rezonings. Any final Town Council vote with regard to a proposed rezoning of the annexed territory shall be held only after the effective date of the annexation.
- F. To the extent that the provisions of this section conflict with the provisions of any annexation agreement that the Town has reached with another political subdivision or municipal corporation under Code of Virginia, § 15.2-2231 et seq., the provisions of the annexation agreement shall control.

§ 100-9. District boundaries.

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- A. Unless otherwise indicated, district boundaries indicated as approximately following property lines, landlines, center lines of streams, roads, highways, alleys, the shorelines of reservoirs or other bodies of water or civil boundaries shall be construed to follow such lines.
- B. District boundaries indicated as approximately parallel to the center lines of streams, roads, highways or rights-of-way of the same or the shorelines of reservoirs or other bodies of water or said lines extended shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- C. Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the governing body in accordance with Article XXI of this chapter.
- D. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- E. Where a district boundary is indicated to follow a river, creek, branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- F. If no distance, 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 the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board which shall determine the boundary in accordance with § 100-114 of this chapter.

ARTICLE IV
General Regulations

§ 100-10. Application.

The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class of structure or land, except as hereinafter provided.

§ 100-11. Uses.

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.
- B. Permitted uses. A permitted use is one which is allowed in the district in which the land is situated or any more restrictive use. However, within the Industrial, General Business and Planned Business Districts, only those enumerated uses will be permitted. The uses listed in the order of decreasing restrictiveness are as follows: C-1, R-8, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and B-2. [Amended 7-8-1996]
- C. Conditional use. A conditional use is one which may be allowed when the Grottoes Town Council, after review of an application and hearing thereon in accordance with Article XXI herein, finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of public interest and will comply with all other provisions of law and ordinances of Grottoes. Except within the Industrial Districts, uses which meet the requirements of this section may be allowed even if not listed in the conditional use section of the district in which the use is proposed to be located. Where the use is conditional, a zoning permit will be issued by the Zoning Administrator after such conditional use has been approved by the Town Council.

§ 100-12. Buildings.

No building shall hereafter be erected, constructed or altered so as to exceed the height limit, to accommodate or house a greater number of families or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.

§ 100-13. Lots and yards.

All width, depth, area requirements, front, side and rear yard requirements and inner and outer court requirements of this chapter shall be maintained whenever lots and/or yards

are created or altered or buildings are moved, except when a portion of a lot is required for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues and eaves, provided that such projections shall not extend into the required yard areas.

§ 100-14. Gardening.

Gardening shall be exempt from zoning permit requirements in any district allowing residential uses, provided that such gardening shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, drainage or visibility.

§ 100-15. Existing permits.

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 chapter. However, if such construction does not commence within 60 days after this chapter becomes effective or if construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

ARTICLE IVA
Overlay Districts
[Added 8-8-2011]

§ 100-15.1. Applicability.

The regulations of this article shall apply in all zoning districts enacted as part of the Town of Grottoes Code.

§ 100-15.2. Nature of overlay district.

An overlay district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the overlay district shall also lie within one or more of the other zoning districts provided by this chapter. The effect shall be the creation of new zoning districts consisting of the regulations and requirements of both the underlying district and the overlay district.

§ 100-15.3. Standards to apply.

Where the standards of the overlay district and the underlying district differ, the standards of the overlay district shall apply.

§ 100-15.4. Removal of overlay district designation.

Nothing in this chapter shall be deemed to deny the Town Council the power to remove an overlay district designation from one or more parcels in the proper case by the

rezoning process described in Article XXI of this chapter. Such removal may be done by rezoning the property to the underlying district classification without the overlay district, and may be subject to such conditions as may be voluntarily proffered and approved pursuant to said article.

ARTICLE V
Conservation District C-1

§ 100-16. Intent.

This district covers portions of the Town which are occupied by various open uses such as agriculture, national forests and parks, state-owned forest and park lands and local government-owned lands. This district is established for the specific purpose of providing recreation and open space uses, conservation of water and other natural resources, reducing soil erosion, protecting watersheds and reducing hazards from flood and fire.

§ 100-17. Permitted uses.

Within the Conservation District C-1 the following uses are permitted:

- A. Wildlife areas or game refuges.
- B. Flood control and watershed structures.
- C. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and other outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 200 feet to any residential lot. [Amended 7-8-1996]
- D. Public utilities.
- E. Public service or storage buildings.
- F. Nursery or tree farms.
- G. Fish hatcheries.
- H. Cemeteries.
- I. Timber production and forests.
- J. Agriculture.
- K. Public water and sewage systems.

§ 100-18. Conditional uses. [Added 7-8-1996]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Overnight recreational vehicle park.

§ 100-19. Minimum area and setback requirements. [Added 8-7-1973; amended 9-3-1985]

- A. No person within the Town limits shall stable, pen or otherwise shelter livestock or poultry as defined in Subsection B below closer than 250 feet to the residence or place of business of any other person and not less than 100 feet from his or her own residence.
- B. No person within the Town limits shall keep horses, cattle, mules, donkeys, ponies, sheep, poultry or other livestock except on a parcel of real estate that is one acre or larger.
- C. No person within the Town limits shall keep hogs in a pen or lot less than 250 feet from the residence or place of business of any other person and not less than 100 feet from his or her own residence, nor shall hogs be kept by any person within the limits of the Town who did not keep hogs prior to the passing of the Zoning Ordinance of August 5, 1960.

ARTICLE VI
Low-Density Residential District R-1

§ 100-20. 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 and to promote and encourage a suitable environment for family life. 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.

§ 100-21. Permitted uses.

Within Low-Density Residential District R-1 the following uses are permitted:

- A. Single-family dwellings 1,500 square feet or greater, excluding basements, cellars, garages and porches. [Amended 7-8-1996]
- B. Schools.
- C. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- D. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and other outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 200 feet to any residential lot. [Amended 7-8-1996]

- E. House pets.
- F. Public utilities. [Added 7-8-1996]
- G. Public water and sewage facilities. [Added 7-8-1996]

§ 100-22. Conditional uses. [Amended 7-8-1996]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Family day-care homes.
- B. Public utility service storage buildings.

§ 100-23. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in the main building of persons employed on the premises.
- C. Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.
- G. Private parking garage.
- H. Shelter for house pets.
- I. Private swimming pool.
- J. Satellite receivers or dishes.
- K. Bed-and-breakfast. [Added 7-8-1996]

ARTICLE VII
Residential District R-2

§ 100-24. Intent.

The intent of the Residential District R-2 is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light, dust, odors, smoke or other obnoxious influences.

§ 100-25. Permitted uses.

Within Residential District R-2 the following uses are permitted:

- A. Single-family dwellings.
- B. Schools.
- C. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- D. Public parks, playgrounds, recreational buildings and grounds, tennis courts, public swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than 200 feet to any residential lot. [Amended 7-8-1996]
- E. House pets.
- F. Public utilities. [Added 7-8-1996]
- G. Public water and sewage facilities. [Added 7-8-1996]

§ 100-26. Conditional uses.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Public utility service storage buildings. ³ [Amended 7-8-1996]
- B. Family day-care homes. ⁴ [Amended 7-8-1996]
- C. Public service or storage buildings.
- D. Commercial television receiving towers.
- E. Bed-and-breakfast. [Added 7-8-1996]

³. Editor's Note: Former Subsections 603.03-1 and 603.03-2, which allowed public utilities and public water and sewage facilities as conditional uses and which immediately followed this subsection, were 7-8-1996.

⁴. Editor's Note: Former Subsection 603.03-4, which allowed homes for adults as a conditional use and which immediately followed this subsection, was deleted 7-8-1996.

- F. In any half block, one building lot may have a minimum street frontage of 75 feet, however, in any half block in which a three lot corner has been improved by a dwelling, no additional three lot building lot is permitted. [Added 11-5-1998]

§ 100-27. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are also applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in the main structure of persons employed on the premises.
- C. Travel trailers, which shall be stored within the minimum yard requirements and shall be prohibited from occupancy.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.
- G. Private parking garage.
- H. Shelter for house pets.
- I. Private swimming pool.
- J. Satellite receivers or dishes.

ARTICLE VIII
Residential Limited District R-3

§ 100-28. Intent.

The intent of the Residential Limited District R-3 is to protect the residential character of established neighborhoods and communities. The regulations for this district tend to reflect and protect established neighborhoods which reflect on long-standing character.

§ 100-29. Permitted uses.

Within the Residential Limited District R-3 the following uses are permitted:

- A. Single-family dwellings.
- B. Two-family dwellings, provided that the intent of this district is maintained in the design and use of two-family developments.
- C. Schools.

- D. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- E. Public parks, playgrounds, recreational buildings and grounds, tennis courts, public swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than 200 feet from any residential lot. [Amended 7-8-1996]
- F. House pets.
- G. Public utilities. [Added 7-8-1996]
- H. Public water and sewage facilities. [Added 7-8-1996]

§ 100-30. Conditional uses. [Amended 7-8-1996]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Family day-care homes.
- B. Public utility service storage buildings.
- C. In any half block, one building lot may have a minimum street frontage of 75 feet, however, in any half block in which a three lot corner has been improved by a dwelling, no additional three lot building lot is permitted. [Added 11-5-1998]

§ 100-31. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in the main structure of persons employed on the premises.
- C. Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.
- G. Private parking garage.

- H. Shelter for house pets.
- I. Private swimming pool.
- J. Satellite receivers or dishes.
- K. Bed-and-breakfast. [Added 7-8-1996]

ARTICLE IX
Medium-Density Residential District R-4

§ 100-32. Intent.

The intent of the Medium-Density Residential District R-4 is to protect the residential character of established neighborhoods and communities, while allowing four-family dwelling units.

§ 100-33. Permitted uses.

Within Medium-Density Residential District R-4, the following uses are permitted:

- A. Single-family dwellings.
- B. Two- to four-family dwellings.
- C. Townhouses (as regulated in § 100-104 of this chapter) and condominiums.
- D. Schools.
- E. Churches and other places of worship with attendant educational recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- F. Public parks, playgrounds, recreational buildings and grounds, tennis courts, public swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than 100 feet to any residential lot.
- G. Professional offices in structures similar in character to surrounding neighborhoods.
- H. Tourist homes.
- I. Public water and sewage facilities.
- J. Public utilities. [Added 7-8-1996]
- K. House pets.

§ 100-34. Conditional uses.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of

law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. General hospitals.
- B. Public utility service storage buildings. [Added 7-8-1996]
- C. Commercial operations which:
 - (1) Will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use.
 - (2) Will not be detrimental to the public welfare or injurious to property or improvements.
 - (3) Will not be in conflict with the intent of this district.
 - (4) Will comply with all other provisions regulating such uses.
- D. Boardinghouses; bed-and-breakfast. [Amended 7-8-1996]
- E. Family care homes, foster homes or group homes serving the intellectually disabled, developmentally disabled or others, rest homes, homes for adults or nursing homes, provided that licensing requirements are met. [Amended 7-9-2009]
- F. Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least 50 feet from any other lot.
- G. Commercial radio towers.
- H. Private parking garages. [Added 7-8-1996]
- I. Shelter for house pets. [Added 7-8-1996]
- J. Private swimming pool. [Added 7-8-1996]
- K. Satellite receivers or dishes. [Added 7-8-1996]
- L. In any half block, one building lot may have a minimum street frontage of 75 feet, however, in any half block in which a three lot corner has been improved by a dwelling, no additional three lot building lot is permitted. [Added 11-5-1998]

§ 100-35. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in main building of persons employed on the premises.
- C. Travel trailers, which may be stored within the minimum yard requirements and occupancy therein shall be prohibited.

- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.

ARTICLE X
Multi-Family Residential District R-5

§ 100-36. Intent.

The intent of the Multifamily Residential District R-5 is to provide for a range of development densities in accordance with the Grottoes Comprehensive Plan. The regulations for this district provide for development which is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, is protected against encroachment of heavy commercial, industrial and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences.

§ 100-37. Permitted uses.

Within Multifamily Residential District R-5, the following uses are permitted:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Multifamily dwellings, apartments, townhouses (as regulated in § 100-104 of this chapter) and condominiums.
- D. Schools.
- E. Churches and other places of worship with attendant educational recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- F. Public parks, playgrounds, recreational buildings and grounds, tennis courts, public swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than 100 feet to any residential lot.
- G. Professional offices in structures similar in character to surrounding neighborhoods.
- H. Tourist homes.
- I. Public water and sewage facilities.
- J. Public utilities. [Amended 7-8-1996]
- K. House pets.

§ 100-38. Conditional uses.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. General hospitals.
- B. Public utility service storage buildings. [Amended 7-8-1996]
- C. Commercial operations which:
 - (1) Will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use.
 - (2) Will not be detrimental to the public welfare or injurious to property or improvements.
 - (3) Will not be in conflict with the intent of this district.
 - (4) Will comply with all other provisions regulating such uses.
- D. Boardinghouses.
- E. Family care homes, foster homes or group homes serving the intellectually disabled, developmentally disabled or others, rest homes, homes for adults or nursing homes, provided that licensing requirements are met. [Amended 7-9-2009]
- F. Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least 50 feet from any other lot.
- G. Commercial radio towers.
- H. In any half block, one building lot may have a minimum street frontage of 75 feet, however, in any half block in which a three lot corner has been improved by a dwelling, no additional three lot building lot is permitted. [Added 11-5-1998]

§ 100-39. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are also applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in the main building of persons employed on the premises.
- C. Travel trailers, which may be stored within the minimum yard requirements and occupancy therein shall be prohibited.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.

ARTICLE XI
Manufactured Housing District R-6

§ 100-40. Intent. [Amended 3-5-1992]

The intent of the Manufactured Housing District R-6 is to allow low-cost residential development in the form of manufactured home subdivisions.

§ 100-41. Permitted uses.

Within Manufactured Housing District R-6 the following uses are permitted⁵:

- A. Manufactured home parks in accordance with Article XX and meeting the requirements of Article XXII.
- B. Permanent buildings, housing management offices, child care centers, laundry facilities or indoor recreational facilities or other service facilities may be permitted, provided that:
 - (1) Parking requirements for such facilities are met in accordance with Article XX.
 - (2) Such uses are subordinate to the residential use and character of the subdivision. [Amended 3-5-1992]
- C. House pets.
- D. Public utilities. [Added 7-8-1996]
- E. Public water and sewage facilities. [Added 7-8-1996]

§ 100-42. Conditional uses. [Amended 7-8-1996]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council find as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions⁶:

- A. Child care centers and family day-care homes. The main structure shall not be located closer than 50 feet to any residential lot.
- B. Public utility service storage buildings.

⁵. Editor's Note: Former Subsection 607.02-1, allowing manufactured home parks as a permitted use, which immediately followed this subsection, was deleted 3-5-1992.

⁶. Editor's Note: Former Subsection 607.03-1, allowing neighborhood commercial uses as a conditional use, which immediately followed this subsection, was repealed 3-5-1992.

- C. In any half block, one building lot may have a minimum street frontage of 75 feet, however, in any half block in which a three lot corner has been improved by a dwelling, no additional three lot building lot is permitted. [Added 11-5-1998]

§ 100-43. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Living quarters in the main structure of persons employed on the premises.
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- C. Signs as provided for in Article XX.
- D. Parking as provided for in Article XX.

ARTICLE XII
Planned Unit Development District R-7

§ 100-44. Intent.

The intent of the Planned Unit Development District R-7 is to provide for larger scaled development and clustering of single-family residential dwelling units through design innovation and to provide for a neighborhood with a variety of housing types and densities, neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.

§ 100-45. Permitted uses.

Within Planned Unit Development District R-7 the following uses are permitted:

- A. One- and two-family dwellings with requirements being the same as those in the R-3 District.⁷ [Amended 4-28-1992]
- B. Two-family dwellings that can be sold as single-family dwellings, with lot requirements of 62.5 feet of frontage per unit. [Added 11-13-2006⁸]
- C. Multifamily dwellings, apartments, townhouses (as regulated in § 100-104 of this chapter) and condominiums.
- D. House pets.
- E. Public utilities. [Added 7-8-1996]
- F. Public water and sewage facilities. [Added 7-8-1996]

⁷. Editor's Note: Former Subsection 608.02-2, allowing two-family dwellings as a permitted use, which immediately followed this subsection, was repealed 4-28-1992.

⁸. Editor's Note: This ordinance also redesignated former Subsections B through E as Subsections C through F, respectively.

§ 100-46. Accessory uses.

In addition to the principal uses, other commercial or noncommercial service uses may be permitted, provided that:

- A. Such uses are intended primarily to serve the needs of the project area residents.
- B. Such uses are designed and located for the convenience of project area residents and to protect the character of the district.
- C. All subsequent changes in use shall be approved by the Planning Commission or its agent.
- D. All commercial uses shall not total more than 10% of the total project area.

§ 100-47. Authorized development.

The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.

§ 100-48. Qualifying requirements.

A tract or parcel of land may be considered for Planned Unit Development District R-7 zoning only if it meets the following conditions:

- A. Ownership requirements. The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Unit Development District must be in single or common ownership before the final development plan is approved.
- B. Availability of public utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer system can be developed as part of the project.
- C. Land suitability. Rezoning land to Planned Unit Development District R-7 may be denied if, from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, geographic constraints, inadequate community facilities, excessive distance to employment area, nonconformity to Town development plans or other public health, welfare or safety objectives.

§ 100-49. Site design requirements.

The following are the site design requirements for the R-7 District:

- A. Maximum density. The gross residential density shall not exceed 20 dwelling units per acre.

- B. Common open space. Minimum open space shall be not less than 30% of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios and other similar improvements, but inclusive of swimming pools and other active and passive recreational areas.
- C. Functional relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.
- D. Lot design. The lot design, arrangement and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and provide convenient and safe access.
- E. Street design. The street system within the project area shall be built in accordance with the Virginia Department of Transportation design standards as follows:
 - (1) According to functional street purposes and projected traffic flow.
 - (2) To assure safe and convenient sight distances.
 - (3) To complement the natural topography.
 - (4) In coordination with existing and planned streets.
 - (5) To be dustproof and passable year round.
- F. Street names and signs. [Amended 7-8-1996]
 - (1) Introduction.
 - (a) The purpose of this subsection is to describe a system for the naming of roads/streets and subdivisions in Rockingham County. It shall not supersede the ordinances of the Towns of Bridgewater, Broadway, Dayton, Elkton, Grottoes, Mount Crawford or Timberviile. This document shall be used by the City of Harrisonburg as a guide only.
 - (b) The Rockingham County Director of the Department of Planning or his designee shall be responsible for the interpretation and administration of the provisions of this subsection.
 - (c) As of the adoption date of this subsection, all regulations of the road/street and subdivision naming resolution and this subsection shall be met.
 - (2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

DESIGNATOR — The suffix used to indicate the road/street type.

GOVERNING JURISDICTION — The body representing a Town, the city or the county as established by the Virginia Code.

MEMORANDUM OF AGREEMENT — A document, signed by the governing body of each jurisdiction, in which the signatories agree to comply with this subsection and to

cooperate in order to provide for efficient delivery of emergency and other services and to provide for a uniform system for road/street and subdivision naming.

PUBLIC SAFETY ROAD/STREET AND SUBDIVISION NAMING AGENT — The Rockingham County Director of the Department of Planning or his designee, hereafter referred to as "agent."

ROAD or STREET — Whether public or private, refers to the principal means of access to abutting property, including but not limited to any avenue, cul-de-sac, drive, highway, lane, place or any other principal access.

SIGN

- (a) For purposes of a road/street sign, the display of a road/street name according to current standards established by the Virginia Department of Transportation if within Rockingham County, the standards established by the Towns if within the Towns and the standards established by the City of Harrisonburg if within the city.
- (b) For purposes of a subdivision sign, the display of a subdivision name according to the Rockingham County Zoning Ordinance, Article 7, Division 5; the standards established by the Towns if within the Towns and the standards established by the City of Harrisonburg if within the city.

SUBDIVISION — Any planned development of a residential, commercial or industrial nature requiring the submittal of a site plan or subdivision plat to the local jurisdiction and, in the opinion of the agent, should be named to enhance emergency services response. This definition includes a manufactured home park or subdivision.

USPS ABBREVIATIONS — The official standardized street suffix abbreviations recognized by the automated equipment at the United States Postal Service (USPS).

- (3) Road/street naming.
 - (a) Roads/streets requiring names. All roads/streets, except public school roads, in Rockingham County and all roads in the Towns and the city shall be named following the guidelines in this subsection. County roads serving public schools shall not be named unless and until a time when the naming of these roads is necessary for emergency purposes.
 - (b) Review and approval of proposed road names. All proposed names shall be reviewed by the agent for conformance with the guidelines established herein. If a proposed road name is found to be in accordance with all provisions in this subsection, the agent shall approve the name. Each Town and the city shall appoint an individual to receive approved names from the agent.
 - (c) Road/street name guidelines. All names proposed within the county, the Towns and the city shall be reviewed to avoid potentially confusing situations for emergency responders.

- [1] Duplication. A proposed road/street name which duplicates an existing or reserved road/street name in Rockingham County, the City of Harrisonburg or the Towns of Bridgewater, Broadway, Dayton, Elkton, Grottoes, Mount Crawford and Timberville should not be approved.
 - [2] Confusion. A proposed name should not sound like or similar to an official road name (for example, Cherry and Cheery or Lynwood and Linwoode).
 - [3] Length of name. A road/street name and the abbreviated suffix should not exceed 18 characters, including spaces. Any abbreviated suffix must comply with USPS standards.
 - [4] Special characters. A road/street name should not include hyphens, apostrophes, periods, numbers or nonalphabetical characters.
 - [5] Directionals. Compass points (such as north, northeast, etc.) should be avoided in road names.
 - [6] Articles. Articles (such as the, a, an, etc.) should not be used.
 - [7] Community or geographic features. The use of names derived from community names or geographic features should be limited to locations in such communities or geographic features.
 - [8] Name breaks.
 - [a] Any continuous road broken by incorporated jurisdictions, i.e., the Towns and city, may have separate names where segmented by those jurisdictions.
 - [b] If the intersection of roads is offset, the segments should have different names. In some cases, adding directionals to the name will constitute a different name.
 - [c] If the intersection of roads is not offset, the segments may have different names.
- (d) Road/street type designators. The road/street name suffixes or road/street type designators should be consistent with the roadway's expected traffic use, width of right-of-way and physical design or location. The agent may recognize any designator that meets USPS standards. The following list is not exhaustive:

ROAD/STREET TYPE DESIGNATIONS, USPS ABBREVIATIONS AND DEFINITIONS

Designation - Abbreviation	Definition
Alley - ALY	A narrow or minor street in a community or a narrow street between or behind buildings
Avenue - AVE	A major road in a community
Bend - BND	Generally, a minor road
Bluff - BLF	A road running up or along a high hill
Boulevard - BLVD	A wide road with a median and landscaping
Bottom - BTM	A road running through a small valley or below a hill
Center - CTR	Generally, a central area with commercial buildings clustered around it
Circle - CIR	A short road that returns to itself
Court - CT	Generally, shorter permanent cul-de-sac
Cove - CV	Generally, a minor road through a small valley or pass
Creek - CRK	A road that crosses or runs along a creek
Crossing - XING	A road that crosses a geographic feature, such as a creek or mountain, or a short road that serves as a connector between 2 other roads
Drive - DR	Generally, a winding or straight road
Garden - GDN	Generally, a minor road in a landscaped or park-like area
Glen - GLN	Generally, a narrow road through a small valley
Grove - GRV	Generally, a minor road through a small wood or group of trees
Heights - HTS	A road along high ground
Highway - HWY	A significant state or federal roadway
Hollow - HOLW	A road through a small valley
Lane - LN	A narrow, usually dead-end, road
Loop - LOOP	A short drive that begins and ends on the same road
Park - PK	Reserved for entranceways to public parks
Parkway - PKY	A scenic or landscaped road
Path - PATH	A short and/or narrow road
Pike - PIKE	Generally, a state primary-numbered road
Place - PL	A dead-end or cul-de-sac road
Plaza - PLZ	Generally, a central area with commercial buildings clustered around it
Point - PT	Generally, along high ground
Road - RD	Generally, primary and secondary roads
Run - RUN	A road that crosses or runs along a creek or run
Square - SQ	Generally, a central area with buildings clustered around it
Street - ST	A community or subdivision road
Terrace - TER	Generally, a hillside road in a community or subdivision

Trail - TRL	A winding road or a straight road generally of historical significance
Turnpike - TPKE	Generally, a state primary-numbered road
View - VW	A road through a scenic area or overlooking a scenic area
Vista - VIS	A road through a scenic area or overlooking a scenic area
Way - WAY dead-end	Generally, a minor road which may

(4) Road/street naming process. For the purpose of this section, "served" by a road/street shall include right of use whether or not a property actually uses such road/street.

(a) Policy on participation in road/street naming.

- [1] The process of naming roads/streets shall be limited to those who own property served by the road in question or by the governing jurisdiction.
- [2] Where the road/street serves several properties, the landowners shall be given the opportunity to propose the name.
- [3] In the event that there is no participation from the landowners, the governing jurisdiction shall name the road/street in accordance with this subsection's procedures.

(b) Change in existing road/street name.

- [1] A change to an existing road/street name shall be accomplished as follows:
 - [a] Towns. A road/street name change within a Town may be initiated by its citizen(s) or by the Town Council. The process described below under Rockingham County may be adopted by the Towns. An infrastructure fee may be levied by the Town to cover the cost of the manufacture and installation of the road/street sign and any other local costs.
 - [b] City of Harrisonburg. A road/street name change within the city will occur pursuant to city ordinance.
 - [c] Rockingham County. Rockingham County shall accept no name change requests for a period of five years following the installation of the road/street sign.
- [2] The fees for processing a name change must be paid at the time the request is submitted. An administrative fee shall be levied by the agent/clearinghouse for road/street name review, name-change notification of the effected landowners or residents, the processing of name changes to cover corrections to all copies of the Master Road/Street Names Directory, the maps used by emergency

services and any other related costs. An infrastructure fee shall be levied to cover the costs of the manufacture and installation of the road/street sign and any other related costs.

[3] Requests to change a Rockingham County road/street name shall be in writing to the agent and should include the following information:

[a] A description of the request for the change shall include:

[i] Proposed road/street name or names. Several should be submitted in order of preference.

[ii] Location of road/street on a map, giving the direction and distance from the nearest intersection of two public roads/streets.

[iii] Existing road/street name(s).

[iv] Reason for request to change road/street name.

[b] The requester shall notify by letter and include a list of all property owners served by the road/street in question; and identification of each property owner by Tax Map parcel number and address. Each landowner must sign a petition/statement to indicate favor or opposition to the proposed name(s). If any landowners could not be contacted, the letter that was not deliverable by the United States Postal Service shall be submitted with the petition. The landowners in favor of the proposed name(s) must represent the majority of the parcels served by the road/street.

(c) Naming of a new road/street not part of a subdivision/site development.

[1] The naming of a new road/street not part of a subdivision/site development shall be accomplished as follows:

[a] Towns. The naming of a road/street within a Town shall occur pursuant to Town ordinances. The process described below under Rockingham County may be adopted by the Towns. An infrastructure fee may be levied by the Town to cover the cost of the manufacture and installation of the road/street sign and any other local costs.

[b] City of Harrisonburg. The naming of a road/street within the city shall occur pursuant to city ordinance.

[c] Rockingham County. No fee is required for processing the proposed name(s) for a new public road/street or a Rockingham County private road/street serving three or more residences. An administrative fee and an infrastructure fee will be required for processing the proposed name(s) for a

Rockingham County private road/street serving less than three residences. An administrative fee shall be levied by the agent/clearinghouse for road/street name review, name-change notification of the effected landowners or residents, the processing of requests to cover corrections to all copies of the Master Road/Street Names Directory, the maps used by emergency services and any other related costs. An infrastructure fee shall be levied to cover the cost of the manufacture and installation of the road/street sign and any other costs related to the road/street name request.

[2] Proposed names shall be in writing to the agent and shall include the following information:

[a] A description of the request shall include:

[i] Proposed road/street name or names. Several should be submitted in order of preference.

[ii] Location of road/street on a map, giving the direction and distance from the nearest intersection of two public roads/streets.

[iii] Background information explaining the significance of the names proposed.

[b] The requester shall notify by letter and include a list of all property owners served by the road/street in question. Identify each property owner by tax map parcel number and address. Each landowner must sign a petition/statement to indicate favor or opposition to the proposed name(s). The landowners in favor of the proposed name(s) must represent the majority of the parcels served by the road/street. If any landowners could not be contacted, the letter that was not deliverable by the United States Postal Service shall be submitted with the petition.

(d) Road/street name reservation. The submittal of a preliminary plan or plat for review will reserve any road/street names therein unless those names fail to meet the criteria or fail to gain the approval of the governing body in the respective jurisdiction or unless the project is disapproved, abandoned or otherwise voided. Refer also to Subsection F(5)(d)[3] below.

(e) Road/street naming in the subdivision and site development review process. Refer to Subsection F(5)(d)[2] below.

(f) Road/street naming of annexed areas. If changes are to occur within areas annexed by the Towns or city, those areas shall be addressed or renamed and addressed on the date the annexation occurs.

- (5) Subdivision naming.
- (a) Subdivision requiring names. All commercial, industrial and residential subdivisions, including manufactured home parks and subdivisions, in Rockingham County shall be named. Subdivisions in the Towns and city shall be named pursuant to Town and city ordinances.
 - (b) Review and approval of proposed subdivision names. All proposed names shall be reviewed by the agent for conformance with the guidelines established herein. If a proposed subdivision name is found to be in accordance with all provisions in this subsection, the agent shall approve the name. Each Town and the city shall appoint an individual to receive approved names from the agent.
 - (c) Subdivision naming guidelines. All subdivision names proposed within the county, the Towns and the city shall be reviewed to avoid potentially confusing situations for emergency responders.
 - [1] Duplication. A proposed subdivision name should not duplicate an existing or reserved subdivision name in the county, the city or the Towns. A subdivision name and a road/street name may be the same only if the road/street is within that subdivision.
 - [2] Confusion. A proposed subdivision name should not sound like or be similar to the name of an existing or reserved subdivision name or an existing or reserved road/street name in the county, city or Towns.
 - [3] Directionals. Compass points (such as north, northeast, etc.) should be avoided in subdivision names.
 - [4] Community or geographic features. The use of names derived from community names or geographic features should be limited to locations in such communities or geographic features.
 - (d) Subdivision naming process.
 - [1] Change in existing subdivision name.
 - [a] The change of in an existing subdivision name shall be accomplished as follows:
 - [i] Towns. The naming of a subdivision within a Town and any pertinent signage shall occur pursuant to Town ordinances. The process described below under Rockingham County may be adopted by the Towns.
 - [ii] City of Harrisonburg. The naming of a subdivision within the city and any pertinent signage shall occur pursuant to city ordinance.

- [iii] Rockingham County. An administrative fee shall be levied by the agent/clearinghouse for subdivision name review, name-change notification of the effected landowners or residents, the processing of name changes to cover corrections to all copies of the Master Road/Street and Subdivision Names Directory, the maps used by emergency services and any other related costs. The fee must be paid at the time the request is submitted. The developer or the subdivision residents, depending on who initiated the request, shall be responsible for the manufacture and installation of a new sign or any corrections to the existing sig. The sign shall comply with Division 5 of the Rockingham County Zoning Ordinance.
- [b] When the request is initiated by the subdivision residents or landowners. Requests to change a Rockingham County subdivision name shall be in writing to the agent and should include the following information:
 - [i] A description of the request for the change shall include the proposed subdivision name or names (several should be submitted in order of preference); location of subdivision on a map, giving the direction and distance from the nearest intersection of two public roads/streets; existing subdivision name; and the reason for request to change subdivision name.
 - [ii] The requester shall notify by letter and include a list of all property owners within the subdivision in question and identify each property owner by Tax Map parcel number and address. Each landowner must sign a petition/statement to indicate favor or opposition to the proposed name(s). If any landowners could not be contacted, the letter that was not deliverable by the United States Postal Service shall be submitted with the petition. The landowners in favor of the proposed name(s) must represent the majority of the parcels within the subdivision.
- [c] When the request is initiated by the developer, if the subdivision has sold lots, the developer shall involve the residents or landowners in the name-change request and follow the above procedure; or if no lots have been sold, the developer may request a name change. A description of the request for the change shall include:
 - [i] Proposed subdivision name or names. Several should be submitted in order of preference.

- [ii] Location of subdivision on a map, giving the direction and distance from the nearest intersection of two public roads/streets.
 - [iii] Existing subdivision name.
 - [iv] Reason for request to change subdivision name.
- [2] Subdivision and road/street naming in the subdivision and site development review process.
 - [a] Subdivision and road/street naming in the subdivision and site development review process shall be accomplished as follows:
 - [i] Towns. The naming of a subdivision within a Town and any pertinent signage shall occur pursuant to Town ordinances. The process described below under Rockingham County may be adopted by the Towns.
 - [ii] City of Harrisonburg. The naming of a subdivision within the city and any pertinent signage shall occur pursuant to city ordinance.
 - [iii] Rockingham County. No fee is required for processing the proposed name(s) for a new subdivision.
 - [b] A developer may contact the agent prior to submission to determine the availability of proposed names. Subdivision name and road/street names may be reserved as provided in Subsection F(5)(d)[3].
 - [c] Proposed subdivision name and road/street names shall appear on all final site development plans and subdivision plats, where applicable.
 - [d] No final site development plan or final subdivision plat shall be approved until the subdivision name and all roads/streets are named and approved.
 - [e] A subdivision name or a road/street name is approved for a five-year period, within which time a final plat must be recorded. It is the responsibility of the developer to renew the reserved names on the preliminary plan or plat if the final plat is not approved within five years of the preliminary plan approval.
 - [f] It shall be the developer's responsibility to notify the agent when the final plat has been recorded with the Clerk of the Court, giving the deed book and page number. It shall also be the responsibility of the developer to notify the agent when the subdivision name and the road/street name is in use. The

subdivision name and road/street names on the approved final plat shall be reserved for five years. Renewal of the reserved status is the responsibility of the developer.

[3] Subdivision and road/street name reservation. The submittal of a preliminary plan or plat for review will reserve any subdivision name and the subdivision road/street names therein unless those names fail to meet the criteria or fail to gain the approval of the governing body in the respective jurisdiction or unless the project is disapproved, abandoned or otherwise voided.

- (6) Agent checklist for the processing of names.
 - (a) The agent receives the request pursuant to the guidelines established in Subsection F(4) and (5) above.
 - (b) The agent/clearinghouse reviews the name(s) pursuant to the name criteria established in Subsection F(3)(c) and (4)(c) above.
 - (c) The agent/clearinghouse approves or denies name(s) and notifies the applicant.
 - (d) If the name(s) submitted is\are approved and appear on the final plat recorded with the Clerk of the Court, the agent contacts the appropriate governing jurisdiction. It shall be the responsibility of the appropriate governing jurisdiction to notify pertinent entities and agencies of any change within its boundaries.
 - (e) The agent/clearinghouse updates the Master Road/Street and Subdivision Names Directory and the Road/Street and Subdivision Names Map pursuant to Subsection F(4).
- (7) Maintenance of Master Road/Street and Subdivision Names Directory and Road/Street and Subdivision Names Map.
 - (a) All approved road/street names shall be listed in a Master Road/Street and Subdivision Names Directory to be maintained in the office of the agent/clearinghouse.
 - (b) The location of all approved road/street names listed in the Master Road/Street and Subdivision Names Directory shall be illustrated on a master set of Road/Street and Subdivision Names Maps to be maintained in the office of the agent/clearinghouse.
 - (c) The county and Towns must report to the agent/clearinghouse any new roads/streets or subdivisions and/or road/street or subdivision names. The city shall provide the agent/clearinghouse with a list of street names and a street map.
- (8) Enforcement.

- (a) The Towns, city and county shall not release the bond for new streets until road name signs are correct and are appropriately placed. In the case of a private road in the county, the agent shall determine if a road name sign is correct and is appropriately placed.
 - (b) A Rockingham County subdivision name sign shall meet the requirements of the County Zoning Ordinance, Article 7, Division 5.
- (9) Process for making changes to subsection.
 - (a) Any signatory of the memorandum of agreement which accompanies this subsection may, at any time, request that a change be made to this subsection.
 - (b) Each signatory shall review the requested change.
 - (c) The requested change would require unanimous approval by the signatories.
- G. Streetlighting. Streetlighting shall be provided on all streets in the development.
- H. Pedestrian circulation. Provision shall be made for sidewalks and pedestrian walkways which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.
- I. Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit.
- J. Water and sewer. All Planned Unit Development Districts shall be served by collective water and sewer systems as follows:
 - (1) Wherever feasible, the project area water- and sewer lines shall be connected to existing public systems.
 - (2) Where connection to existing public water or sewer systems is not feasible, the developer shall provide community water or sewer systems.
- K. Community facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the Town development plan.
- L. Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection in accordance with designated fire codes used by the Town.
- M. Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required or where an existing waterway or drainage

way traverses the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed.

- N. Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy nor for such other uses as may increase danger of health, life or property or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to the public welfare.
- O. Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies.
- P. Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety.
- Q. Natural amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site, such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents.
- R. Landscaping and screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

§ 100-50. Preliminary plan requirements.

- A. With the Planned Unit Development District, there shall be submitted a tentative, overall development plan which shall include:
 - (1) Scale-accurate proposed development plan mapping of the project, which shall include:
 - (a) Proposed land uses, including residential types, commercial types, recreation and any other proposed use.
 - (b) Proposed street system, including public and private rights-of-way.
 - (c) Proposed parking areas and parking space delineations.
 - (d) Proposed plat showing subdivision lot lines.
 - (e) Proposed utility rights-of-way or easements, including water, sewer, gas, power and telephone.
 - (f) Proposed drainage plan.
 - (g) Proposed location of buildings, structures and improvements.
 - (h) Property lines of proposed common property.

- (i) Proposed pedestrian circulation system.
 - (j) Proposed landscaping plan.
 - (k) Proposed treatment of the project perimeter such as screening or landscaping.
 - (l) Relationships and tie-ins to adjacent property.
- (2) Supporting documentation which shall include the following minimum data:
- (a) A legal description of the project boundaries.
 - (b) A statement of existing and proposed property owners.
 - (c) The names and addresses of all adjacent property owners.
 - (d) A statement of project development objectives and character to be achieved.
 - (e) An approximate development schedule, including dates of proposed construction beginning and completion and staging plan, if appropriate.
 - (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.
 - (g) Quantitative data, including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial and other land use types.
 - (h) Proposed building types, including architectural style, height and floor area.
 - (i) Approvals from the Virginia Department of Transportation and the County Health Officer.
 - (j) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of property to be held in common ownership.
 - (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

B. Application. Application for zoning meeting the foregoing requirements shall be filed with the Zoning Administrator. Ten copies of the original application are required to be filed with it. The Zoning Administrator shall forward the application and data to the Planning Commission for its review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking

spaces; the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses.

- C. Processing fee. At the time of filing the preliminary plan application, the applicant shall deposit with the Zoning Administrator a check payable to the Treasurer in an amount as set forth in Chapter A171, Fees. [Amended 7-8-1996]
- D. Appearance of developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development.
- E. Preliminary plan approval.
 - (1) Within 60 days after the filing of the preliminary development plan, the Planning Commission shall report to the Town Council one of the following:
 - (a) Recommend approval of the plan as presented.
 - (b) Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer.
 - (c) Recommend disapproval stating reasons.
 - (2) The Town Council shall, within 30 days of receiving the Planning Commission's report, approve, approve with modifications or disapprove by letter stating reasons for disapproval.

§ 100-51. Final plan requirements.

- A. Status of approval. No building permits shall be issued within the project area until the final development plan has been approved by the Town under the procedures in the following sections.
- B. Final plan application. Within six months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator 10 copies of a final development plan containing in final form the information required in the preliminary plan, including but not limited to final maps and documents specified above. In its discretion and for good cause, the Planning Commission may, upon receipt of a written application, extend for six months the period for filing of the final development plan.
- C. Phasing plan. If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase.
- D. Compliance with preliminary plan. The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance, provided that

modification does not involve any of the following, and provided further that such modification does not exceed the limitations of this district's regulations:

- (1) Variation of the proposed residential density or intensity of use by more than 5%.
 - (2) Reduction of more than 5% of the area reserved for common open space.
 - (3) Increase of the floor area proposed for nonresidential use by more than 5%.
 - (4) Increase of the total ground area covered by buildings by more than 2%.
- E. Final plan approval. The Planning Commission shall review the final development plan and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the Court, in whose office deeds are conveyed, will record the final development plan in the manner provided for recording plats or subdivisions.

§ 100-52. Subdivision plat requirements.

- A. Final subdivision plats shall be submitted and recorded before the granting of building permits or before the sale of any lots. Subdivision plats may be submitted for portions of the project area in accordance with the phasing plan. Subdivision plats shall be drawn according to the following specifications:
- (1) Subdivision plats shall be clearly and legibly drawn in ink upon Mylar at a suitable scale. A blank oblong space three inches by five inches shall be reserved on the cover sheet, and a one-by-five-inch space shall be reserved on subsequent sheets for use of the approving authority.
 - (2) Subdivision plats shall show the accurate location and dimensions by bearing said distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites or other public areas; the number and area of all buildings sites; all existing public and private streets, their names, numbers and widths; existing and proposed easements for water, sewer, gas, power, telephone and other utilities; watercourses and their names; and the names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
 - (3) Distances and bearings must balance and close with an accuracy of not less than one in 10,000.
 - (4) The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- B. Surveyor's certificate. Every subdivision plat shall be prepared by a surveyor duly licensed by the Commonwealth of Virginia, who shall endorse upon each plat a certificate signed by him or her 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 tract within an insert block or by means of a dotted boundary line upon the plat.

- C. Owner's statement. Every such plat, or the deed of dedication to which such plat is attached, shall contain a statement to the effect that "the above and foregoing subdivision of (here insert the correct description of the land subdivided) as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any," which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds and when thus executed and approved as herein specified shall be filed and recorded in the office of the Clerk of the appropriate court and indexed under the names of the landowners signing such statement and under the name of the subdivision.
- D. Recording of plat. The subdivider shall record the approved plat in the office of the Clerk within 60 days after final approval; otherwise the agent shall mark the plat "void" and return the same to the subdivider. No lot shall be sold and the building permit shall not be issued until the plat has been approved and properly recorded.

§ 100-53. General regulations.

- A. Required improvements. All improvements shown on the final development plan shall be installed by the developer at his or her cost. In cases where specifications have been established by state departments or local ordinances, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and approved by the appropriate official.
- B. Monuments. Monuments shall be provided to permanently identify lot and right-of-way lines. The monuments shall be installed as follows:
 - (1) Concrete monuments four inches in diameter or square, two feet long, with a flat top, shall be put at all street corners, at all points where the street lines intersect the exterior boundaries of the project area and at right angle points and points of a curve in each street. The top of the monument shall have an indented cross to properly identify the location and shall be set flush with the finished grade.
 - (2) All other lot and parcel corners shall be marked with concrete monuments as above.
- C. Plans and specifications. Two blue- or black-line prints of the plans and specifications of all required physical improvements to be installed shall be prepared by a licensed engineer as certified by the Commonwealth of Virginia and shall be submitted to the Zoning Administrator for review. The agent shall approve or disapprove the construction plans within 45 days of submission. If approved, one copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing.

- D. Maintenance of common property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments, and such assessments shall constitute a lien upon the individual properties.
- E. Advertising and sale. The developer shall not advertise for sale or sell any tract or lot within the project area until an approved plat has been properly recorded. Prospective property owners shall be informed of the homeowners' responsibility, the entire project area development plan and the amount of officially approved water available to each lot in terms of gallons per day.
- F. Changes in final development. No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:
 - (1) Minor changes in the location, setting and character of buildings and structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this section may increase the cubic volume of any building or structure by more than 5%.
 - (2) All other changes in use and rearrangement of lots, blocks and buildings tracts, any changes in the provisions of common open spaces and all other changes in the approved final plan by the developer or any succeeding owner or agent must be made under the procedure authorized by this chapter. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.
- G. Development schedule and review. The construction and provision of all facilities and improvements on common property which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the Planned Development and examine the construction which has taken place on the site. If he or she shall find that the rate at which facilities and improvements on common property have been constructed and provided is not in accordance with the original development schedule, he or she shall forward this information to the Building Official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided.
- H. Failure to begin development. If no construction has begun or no use established in the planned development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion, and for good cause, the Planning Commission may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the Clerk shall file a notice of revocation

with the recorded subdivision plat. The zoning regulations applicable before the final development plan was approved shall then be in effect.⁹

ARTICLE XIII
Low-Density Residential District R-8

§ 100-54. 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 and to promote and encourage a suitable environment for family life. 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.

§ 100-55. Permitted uses.

Within Low-Density Residential District R-8 the following uses are permitted:

- A. Single-family dwellings 2,000 square feet or greater, excluding basements, cellars, garages and porches. [Amended 7-8-1996]
- B. Schools.
- C. Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet to any residential lot.
- D. Public parks, playgrounds, recreational buildings and grounds, tennis courts, public swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than 100 feet to any residential lot.
- E. House pets.
- F. Public utilities. [Added 7-8-1996]
- G. Public water and sewage facilities. [Added 7-8-1996]

§ 100-56. Conditional uses. [Amended 7-8-1996]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of

⁹ Editor's Note: Former Sections 608.11-1, Authority, and 608.11-4, Penalties, which immediately followed this subsection, were deleted 7-8-1996.

law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Family day-care homes.
- B. Public utility service storage buildings.

§ 100-57. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Home occupations, provided that the requirements of Article XX, § 100-100, are met.
- B. Living quarters in the main building of persons employed on the premises.
- C. Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- E. Signs as provided for in Article XX.
- F. Parking as provided for in Article XX.
- G. Private parking garage.
- H. Shelter for house pets.
- I. Private swimming pool.
- J. Satellite receivers or dishes.

ARTICLE XIV
General Business District B-1

§ 100-58. Intent.

Generally, this district covers that portion of the Town 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 of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns and garages and service stations.

§ 100-59. Permitted uses.

- A. Within the General Business District B-1, the following uses are permitted:
 - (1) Department stores, variety stores, specialty shops, discount shops and appliance stores.

- (2) Bakeries.
- (3) Laundries, dry-cleaning shops and clothes dyeing establishments.¹⁰
- (4) Retail stores and shops.
- (5) Theaters, assembly halls, playhouses and dinner theaters.
- (6) Hotels.
- (7) Banks and loan and finance offices, including drive-in types.
- (8) Churches and other places of worship, and church school buildings.
- (9) Libraries.
- (10) Hospitals as defined in § 100-7.
- (11) Funeral home and/or mortuary.
- (12) Automobile service stations and public garages (with major repair under cover).
- (13) Clubs and lodges.
- (14) Automobile sales.
- (15) Lumber and building supply (with storage under cover).
- (16) Plumbing and electrical supply (with storage under cover).
- (17) Carpenter, cabinet making, woodworking, furniture refinishing, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops, provided that any use shall be conducted within a completely enclosed building, and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within 100 feet of any residential district.
- (18) Public utilities.
- (19) Public utility service storage buildings. [Amended 7-8-1996]
- (20) Restaurants, including dairy product stores and soda fountains, and drive-in restaurants.
- (21) Newspaper offices and printing shops.
- (22) Business and professional offices.
- (23) Greenhouses.
- (24) Police, fire and rescue squad stations.

¹⁰. Editor's Note: Former Subsection 610.02-4, which allowed one- or two-family dwellings as a permitted use and which immediately followed this subsection, was deleted 7-8-1996.

- (25) Post offices.
- (26) Bus stations and taxi stands.
- (27) Radio and television broadcasting studios.
- (28) Public buildings and properties of a cultural, administrative or service type.
- (29) Individual residential uses associated with a permitted use such as the residence of an entrepreneur, but not including subdivisions and multifamily complexes.
- (30) Parking garages and parking lots.
- (31) Business and vocational schools.
- (32) Off-street parking as required by this chapter.
- (33) Signs as provided in Article XX.
- (34) Museums.
- (35) Picture frame manufacturing and assembling.
- (36) Residences existing in District B-1 prior to December 14, 1998, will be considered conforming structures. [Added 12-14-1998]

§ 100-60. Conditional uses.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Wholesale and processing not objectionable because of dust, noise or odors.
- B. Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the Commission submit a recommendation to it concerning such use applications.
- C. Television and radio transmitting antennas.
- D. Athletic fields, stadiums and arenas.
- E. Beverage manufacturing, bottling or distribution stations and food processing, packaging or distribution stations.
- F. Circuses, carnivals, fairs and sideshows.

- G. Drive-in theaters, provided that all parts of such drive-in shall be a distance of at least 200 feet from any residential district, and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than 200 feet from the established right-of-way of said street or highway.¹¹
- H. Shooting range or gallery.
- I. Wholesale business, storage or warehouse, provided that any such use shall be distant at least 50 feet from any residential district.
- J. Apartments as a secondary business in existing structures. Apartments are excluded in all cases from ground level. [Amended 7-8-1996]
- K. Kennels and animal hospitals, provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential district.
- L. Swimming pools, skating rinks, golf driving ranges, miniature golf courses or similar recreational use or facility if located at least 200 feet from any residential district.
- M. Child day-care centers. [Added 7-8-1996]
- N. Bed-and-breakfast. [Added 7-8-1996]

§ 100-61. Grading and finishing required.

Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.

§ 100-62. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Living quarters in the main building of persons employed on the premises.
- B. Private parking garage.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- D. Signs as provided for in Article XX.
- E. Parking as provided for in Article XX.
- F. Travel trailers, Classes A, B, and C, which shall be stored within the minimum yard requirements and shall be prohibited from occupancy. The designation "Classes A,

¹¹. Editor's Note: Former Subsections 610.03-8 and 610-03.9, allowing livestock market and sales pavilions and overnight recreational vehicle parks as conditional uses, respectively, which immediately followed this subsection, were deleted 7-8-1996.

B, and C" is declarative of existing law regarding the definition of "travel trailers" in the Grottoes Zoning Ordinance. [Added 3-14-2005]

ARTICLE XV
Planned Business District B-2

§ 100-63. Intent.

The Planned Business District B-2 is intended to permit the development of neighborhood business areas under one ownership or control in those areas of the Town where there are areas of sufficient size in heavily populated sections and where sanitary sewers, street access and public water supply are adequately provided. Within this district, the location of buildings, design of buildings, parking areas and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general. Residential use may be permitted in this district provided the location is not deemed to be better suited for business use to promote the general welfare of the Town.

§ 100-64. Permitted uses. [Amended 11-12-2019]

Within the Planned Business Zone, no building, structure or premises shall be used and no building or structure shall be erected or altered until and unless the same has been approved by the Planning Commission and by Town Council in accordance with the provisions contained in Article XXI, § 100-108B, and until and unless the following conditions have been complied with:

- A. Uses permitted will be the same as those permitted in the B-1 District, except one or two-family dwellings shall be considered a Conditional Use and must be approved by the Town.
- B. Existing residential dwellings in this district shall not be subject to the district regulations except for the twenty-five-foot setback from the front property line and the twenty-five-foot setback from all adjoining property. This exemption shall remain in effect only so long as the dwelling continues in residential use.
- C. There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
 - (1) A plot plan indicating the location of present and proposed buildings, driveways, parking lots, signs, landscaping and other necessary uses.
 - (2) Preliminary plans for the proposed building or buildings.
 - (3) A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing safety hazards and problems of noise, fire or other factors that may be detrimental to the health and welfare of the area.
 - (4) Engineering or architectural plans for the handling of any of the problems of the type outlined in Subsection C(3) above, including the handling of

stormwater and sewers and necessary plans for the controlling of smoke or any other nuisances under Subsection C(3) above.

- (5) Any other information the Planning Commission or Town Council needs to adequately consider the effect that the proposed uses may have upon the area and/or the cost of providing municipal services to the area.

§ 100-64.2 . Conditional Uses. [Amended 11-12-2019]

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. All conditional uses in the B-1 District may be considered in the B-2 District.
- B. One or Two-Family Dwellings, provided the proposed lots would not be better suited for business use, and with residential requirements being the same as what is in the B-3 District.

§ 100-65. Area regulations. [Amended 11-5-1998]

In this district, the area regulations, maximum lot coverage, height regulations and off-street parking shall comply with the requirements of the B-3 District. The Town Council may modify these requirements after review of the proposed development plan. Area regulations shall be as follows:

- A. There shall be a twenty-five-foot setback from the front property line to the improvements and a twenty-five-foot setback from all adjoining property to the improvements. This twenty-five-foot setback shall act as a buffer. At least 10 feet of its width shall be landscaped and maintained with grass, trees or shrubs. The remaining fifteen-foot width can also be maintained as above or can be utilized as part of the parking area or simply left as open space, but no building or signs or other structural improvements shall be erected upon it. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone, upon completion of the development of the project, shall be at or near the same grade or plane which existed prior to the development of the project, unless otherwise expressly reviewed and approved by the Planning Commission and the Town Council. The restrictions pertaining to the buffer zone shall not apply to that portion of the lot fronting on a public street or highway.

§ 100-66. Signs.

All regulations of Article XX, § 100-101, shall serve as standards for this district. The Town Council may modify these requirements after review of the proposed development plan.

ARTICLE XVI
Business District B-3

§ 100-67. Intent. [Amended 7-8-1996]

The intent of the Business District B-3 is to allow for more flexible usage than the General and Planned Business Districts, in that business and residential uses are permitted.

§ 100-68. Permitted uses.

- A. Within the Business District B-3, the following uses are permitted:
- (1) Department stores, variety stores, specialty shops, discount shops and appliance stores.
 - (2) Bakeries.
 - (3) Laundries, dry-cleaning shops and clothes dyeing establishments.
 - (4) One- or two-family dwellings, with lot requirements being the same as those in the R-3 District.
 - (5) Retail stores and shops.
 - (6) Theaters, assembly halls, playhouses and dinner theaters.
 - (7) Bed-and-breakfast. [Amended 7-8-1996]
 - (8) Banks and loan and finance offices, including drive-in types.
 - (9) Churches and other places of worship, and church school buildings.
 - (10) Libraries.¹²
 - (11) Convenience store with or without fuel service. [Amended 7-8-1996]
 - (12) Clubs and lodges.¹³
 - (13) Carpenter, cabinet making, woodworking, furniture refinishing, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith, picture frame manufacturing and assembling or similar shops, provided that any use shall be conducted within a completely enclosed building, and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within 100 feet of any residential district. [Amended 7-8-1996]
 - (14) Public utilities.

¹². Editor's Note: Former Subsections 612.02-11 and 612.02-12, allowing hospitals and funeral homes and/or mortuaries as permitted uses, respectively, which immediately followed this subsection, were deleted 7-8-1996.

¹³. Editor's Note: Former Subsections 612.02-15, 612.02-16 and 612.02-17, allowing automobile sales, lumber and building supply (with storage under cover) and plumbing and electrical supply (with storage under cover) as permitted uses, respectively, which immediately followed this subsection, were deleted 7-8-1996.

- (15) Public utility service storage buildings. [Amended 7-8-1996]
- (16) Restaurants, including dairy product stores and soda fountains, and drive-in restaurants.
- (17) Newspaper offices and printing shops.
- (18) Business and professional offices.
- (19) Greenhouses.
- (20) Police, fire and rescue squad stations.
- (21) Post offices.
- (22) Bus stations and taxi stands.¹⁴
- (23) Public buildings and properties of a cultural, administrative or service type.
- (24) Individual residential uses associated with a permitted use such as the residence of an entrepreneur, but not including subdivisions and multifamily complexes.¹⁵
- (25) Off-street parking as required by this chapter.
- (26) Signs as provided in Article XX.
- (27) Museums.

§ 100-69. Conditional uses.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Wholesale and processing not objectionable because of dust, noise or odors.
- B. Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the Commission submit a recommendation to it concerning such use applications.
- C. Television and radio transmitting antennae.
- D. Athletic fields, stadiums and arenas.

¹⁴. Editor's Note: Former Subsection 612.02-28, allowing radio and television broadcasting studios as a permitted use, which immediately followed this subsection, was deleted 7-8-1996.

¹⁵. Editor's Note: Former Subsections 612.02-31 and 612.02-32, allowing parking garages, parking lots and business and vocational schools as permitted uses, respectively, which immediately followed this subsection, were deleted 7-8-1996.

- E. Beverage manufacturing, bottling or distribution stations and food processing, packaging or distribution stations.
- F. Circuses, carnivals, fairs and sideshows.
- G. Drive-in theaters, provided that all parts of such drive-in shall be a distance of at least 200 feet from any residential district, and provided that the screen shall be located as not to be visible from adjacent streets or highways, and it shall be set back not less than 200 feet from the established right-of-way of said street or highway.¹⁶
- H. Shooting range or gallery.
- I. Wholesale business, storage or warehouse, provided that any such use shall be distant at least 50 feet from any residential district.
- J. Apartments in existing structures.
- K. Kennels and animal hospitals, provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential district.
- L. Swimming pools, skating rinks, golf driving ranges, miniature golf courses or similar recreational use or facility if located at least 200 feet from any residential district.
- M. Hotels. [Added 7-8-1996]
- N. Radio and television broadcasting studios. [Added 7-8-1996]
- O. Parking garages and parking lots. [Added 7-8-1996]
- P. Business and vocational schools. [Added 7-8-1996]

§ 100-70. Grading and finishing required.

Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.

§ 100-71. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- A. Living quarters in the main building of persons employed on the premises.
- B. Private parking garage.

¹⁶ Editor's Note: Former Subsections 612.03-8 and 612.03-9, allowing livestock markets and sales pavilions and overnight recreational vehicle parks as conditional uses, which immediately followed this subsection, were deleted 7-8-1996.

- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- D. Signs as provided for in Article XX.
- E. Parking as provided for in Article XX.

ARTICLE XVII
Light Industrial District M-1

§ 100-72. Intent.

The intent of the Light Industrial District M-1 is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M-1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semifinished products from previously prepared material.

§ 100-73. Permitted uses.

Within the Light Industrial District, the following uses are permitted:

- 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 painting, upholstering, repairing, rebuilding, reconditioning, body- and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture. [Amended 7-8-1996]
- C. Blacksmith shop or welding or machine shop.
- 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 stones, 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. Cabinets, furniture and upholstery shops.
- J. Boat building.

- K. Monumental stone works.¹⁷
- L. Public utilities.
- M. Public water and sewage systems.¹⁸
- N. Animal hospital and kennels.

§ 100-74. Conditional use.

When, after review of an application and hearing thereon in accordance with Article XXI herein, the Grottoes Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this chapter and of the Comprehensive Plan, is in the public interest and will comply with all other provisions of law and ordinances of Grottoes, the following uses may be permitted with appropriate conditions:

- A. Building material sales yards and plumbing supplies storage.
- B. Coal and wood yards, lumberyards and feed and seed stores.
- C. Contractor's equipment storage yards or plants or rental of equipment commonly used by contractors.¹⁹
- D. Wholesale businesses and storage warehouses.
- E. Radio transmission tower not exceeding 225 feet in height, which shall conform in design and coloring to the environment and pursuant to plans and specifications approved by the Zoning Administrator and Building Inspector. [Added 7-8-1996]
- F. Public utility service storage buildings. [Added 7-8-1996]

§ 100-75. Accessory uses.

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable²⁰:

- A. Private parking garage.
- B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
- C. Signs as provided for in Article XX.

¹⁷. Editor's Note: Former Subsection 613.02-12, which allowed public utility service storage buildings as a permitted use and which immediately followed this subsection, was deleted 7-8-1996.

¹⁸. Editor's Note: Former Subsection 613.02-15, allowing radio transmission towers not exceeding 225 feet in height as a permitted use, which immediately followed this subsection, was deleted 7-8-1996.

¹⁹. Editor's Note: Former Subsection 613.03-4, allowing mining operations as a conditional use, which immediately followed this subsection, was deleted 7-8-1996.

²⁰. Editor's Note: Former Subsection 613.04-1, allowing living quarters for persons employed on the premises as an accessory use, which immediately followed this subsection, was deleted 7-8-1996.

D. Parking as provided for in Article XXI.

§ 100-76. Requirements for use.

- A. 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, the plans, 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 recommendation. Modifications of the plans may be required.
- B. 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 within 50 feet of the corner of any intersecting streets. [Amended 7-8-1996]
- C. Sufficient area shall be provided:
 - (1) To adequately screen permitted uses from adjacent business and residential districts.
 - (2) For off-street parking of vehicles incidental to the industry, its employees and clients.²¹
- D. The Administrator shall act on any application received within 30 days after receiving the application. If formal notice, in writing, is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

ARTICLE XVIII
General Industrial District I-1

§ 100-77. Intent.

The primary purpose of this district is to establish an area where the primary use of land is for industrial operations which may create some nuisance and which are not properly associated with, nor particularly compatible with, residential, institutional and commercial service establishments. The specific intent of this district is to:

- A. Encourage the construction and the continued use of land for industrial purposes.
- B. Prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of industrial-type uses in the district.
- C. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
- D. Encourage industrial parks.

²¹. Editor's Note: Former Subsection 613.05-4, dealing with existing automobile graveyards and junkyards, which immediately followed this subsection, was deleted 7-8-1996.

§ 100-78. Permitted uses.

Within the General Industrial District I-1, the following uses are permitted:

- 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.
- 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 stones, 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 and plumbing supplies storage.
- J. Coal and wood yards, lumber yards and feed and seed stores.
- K. Contractors' equipment storage yards or plants or rental of equipment commonly used by contractors.
- L. Cabinets, furniture and upholstery shops.
- M. Boat building.
- N. Monumental stone works.
- O. Wholesale businesses and storage warehouses.
- P. Sawmills and planing mills.
- Q. Brick manufacture.
- R. Off-street parking as required by this chapter.
- S. Public utility service storage buildings. [Amended 7-8-1996]
- T. Public utilities.
- U. Public water and sewage systems.

V. Signs as provided in Article XX.²²

§ 100-79. Conditional uses.

In the General Industrial District I-1, conditional use permits may be granted for one or more of the following uses:

- A. Manufacture or production of metals. [Amended 7-8-1996]
- B. Airports.
- C. Truck terminals.
- D. Sand and gravel operations.²³
- E. Petroleum storage.²⁴
- F. Manufacture, production or processing of asphalt.
- G. Radio transmission tower not exceeding 225 feet in height, which shall conform in design and coloring to the environment and pursuant to plans and specifications approved by the Zoning Administrator and Building Inspector. [Added 7-8-1996]

§ 100-80. General requirements.

- A. 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, the plans, 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 recommendation. Modifications of the plans may be required.
- B. Final grading and site finishing are required on parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.
- C. The Administrator shall act on any application received within 30 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

ARTICLE XIX

Flood Hazard Districts

[Amended 6-13-1991; 7-8-1996; 11-11-2002; 12-20-2007]

²². Editor's Note: Former Subsection 614.02-23, allowing radio transmission towers not exceeding 225 feet in height as a permitted use, which immediately followed this subsection, was deleted 7-8-1996.

²³. Editor's Note: Former Subsection 614.03-5, allowing mining operations as a conditional use, which immediately followed this subsection, was deleted 7-8-1996.

²⁴. Editor's Note: Former Subsection 614.03-7, allowing automobile graveyards and junkyards as a conditional use, which immediately followed this subsection, was deleted 7-8-1996.

§ 100-81. Intent.

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 floodproofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

§ 100-82. Applicability.

These provisions shall apply to all lands within the jurisdiction of the Town of Grottoes and identified as being in the one-hundred-year floodplain by the Federal Insurance Administration.

§ 100-83. Compliance; disclaimer of 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 article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- B. The degree of flood protection sought by the provisions of this article 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 article 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 article shall not create liability on the part of the Town of Grottoes or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 100-84. Conflicts with other provisions.

This article supersedes any ordinance 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 article.

§ 100-85. Description of districts.

- A. The various floodplain districts shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM)²⁵ for the Town of Grottoes prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 6, 2008, as amended.
- B. The Floodway District is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than one foot at any one point. The areas included in this district are specifically defined in Table 2 of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map.
- C. The Flood-Fringe District shall be that area of the one-hundred-year floodplain not included in the Floodway District. The basis for the outermost boundary of the district shall be the one-hundred-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map.
- D. The Special Floodplain District shall be that area of the one-hundred-year floodplain for which one-hundred-year flood elevations have been provided but no floodway has been delineated.

§ 100-86. Overlay concept.

- A. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map,²⁶ and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- B. If there is 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.
- C. In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

§ 100-87. Official map.

The boundaries of the floodplain districts are established as shown on the Flood Insurance Rate Map, which is declared to be a part of this article and which shall be kept on file at the Grottoes Town offices.

§ 100-88. District boundaries.

²⁵. Editor's Note: The Flood Insurance Map is located in the Town offices.

²⁶. Editor's Note: The Zoning Map is located at the end of this chapter.

- A. The delineation of any of the floodplain districts may be revised by the Town Council of the Town of Grottoes where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- B. Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Town Council of the Town of Grottoes 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 or her case to the Town Council and to submit his or her own technical evidence if he or she so desires.

§ 100-89. General requirements.

- 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 this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code²⁷ and the subdivision regulations of this chapter. Prior to the issuance of any such permit, the Zoning Administrator 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 United States Army Corps of Engineers, the Virginia State Water Control Board and the Virginia Marine Resources Commission. (A joint permit is available from any of these organizations.) Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.
- 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 floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

²⁷. Editor's Note: See Code of Virginia, § 36-97 et seq.

- (3) The elevation of the one-hundred-year flood.
 - (4) Topographic information showing existing and proposed ground elevations.
- D. All new construction and substantial improvements of residential or nonresidential structures in the floodplain districts shall:
- (1) Have the lowest floor (including basement) elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. (If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade).
 - (2) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (3) Be constructed with materials resistant to flood damage.
 - (4) Be constructed by methods and practices that minimize flood damages.
 - (5) Be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. 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 be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- F. Recreational vehicles.
- (1) Recreational vehicles placed on sites shall either:
 - (a) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or
 - (b) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in Subsection E above.
 - (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

§ 100-90. Floodway District.

- A. 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 analysis performed in accordance with standard engineering practice that the proposed encroachment

would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge.

- B. Permitted uses. In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill or permanent storage of materials and equipment:
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
 - (3) Accessory residential uses such as yard areas, gardens, play areas and pervious loading areas.
 - (4) Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- C. Uses permitted by special exception. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this article or any other ordinance:
- (1) Structures, except for manufactured homes, accessory to the uses and activities in Subsection A above.
 - (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.
 - (3) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - (4) Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).
 - (5) Temporary uses such as circuses, carnivals and similar activities.
 - (6) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
 - (7) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

§ 100-91. Flood-Fringe and Special Floodplain Districts.

- A. In the Flood-Fringe and Special Floodplain Districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code²⁸ and all other applicable codes and ordinances.
- B. No new construction or development shall be permitted within the Special Floodplain District unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the one-hundred-year flood elevation more than one foot at any point.

§ 100-92. Design criteria.

- 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. They should be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 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 shall be located and constructed to minimize or eliminate flood damages.
- C. Drainage facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The Grottoes Town Council may require a primary 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

²⁸. Editor's Note: See Code of Virginia, § 36-97 et seq.

shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

§ 100-93. Variances.

- A. Considerations. 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 provisions of this chapter and consider the following additional factors:
- (1) 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 one-hundred-year flood elevation. No variance shall be granted within the Special Floodplain District for any proposed development that would cause an increase of more than a one foot in the one-hundred-year flood elevation.
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) 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.

(13) Such other factors which are relevant to the purposes of this article.

- B. 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.
- C. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety and extraordinary public expense, and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.
- D. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from hardship to the applicant.
- E. The Board of Zoning Appeals shall notify the applicant, in writing, that the issuance of a variance to construct a structure below the one-hundred-year flood elevation will increase the risks to life and property and result in increased premium rates for flood insurance.
- F. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

§ 100-94. Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions may be continued subject to the following conditions:

- A. Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one-hundred-year flood elevation.
- B. Any modifications, 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% or more of its market value shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.²⁹
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area shall be undertaken only when the entire structure is brought into full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.

²⁹. Editor's Note: See Code of Virginia, § 36-97 et seq.

- D. Existing structures in the Special Floodplain District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that the proposed expansion or enlargement would not result in an increase of more than one foot in the one-hundred-year flood elevation.

§ 100-95. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BASE FLOOD ELEVATION (BFE) — The Federal Emergency Management Agency designated one-hundred-year water surface elevation.

BASE FLOOD/ONE-HUNDRED-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).

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BOARD OF ZONING APPEALS — The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article.

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. This definition applies only to the word "development" in §§ 100-81 through 100-95.

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

FLOOD

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of 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 Subsection 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 Subsection A(1) of this definition.

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.

FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source.

FLOODWAY — The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

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.

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

MANUFACTURED HOME — A structure subject to federal regulations, which is transportable in one or more sections; is eight 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.

MANUFACTURED HOME PARK SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the start of construction commenced on or after 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.

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.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

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.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% 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:

- A. 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
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

ARTICLE XIXA
Public Use Overlay (PUO) District
[Added 8-8-2011]

§ 100-95.1. Intent.

- A. It is recognized that in the interest of protecting and promoting the public health, safety and general welfare that certain public uses may be needed in any zoning classification.
- B. Whatever the need for such public uses may be, it is appropriate that the decisions to locate such uses be made after the procedures, notices, hearing and actions normally associated with a rezoning.
- C. The Public Use Overlay is designed to expand the number of permitted uses which may be allowed in a given underlying district to include certain public uses.

§ 100-95.2. Additional permitted uses.

In addition to the uses permitted in the underlying zoning district, one or more of the following uses are permitted in the Public Use Overlay District:

- A. Government buildings and properties.
- B. Power plants, water treatment plants, sewage treatment plants, wastewater dump stations, water wells, and water tanks.
- C. Wind farms and/or other energy systems where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.
- D. Schools.
- E. Jails, prisons and other detention facilities.
- F. Community centers and similar facilities.
- G. Police, rescue squad, and fire stations.
- H. Active and passive recreational activities and necessary infrastructure.
- I. Recreational vehicle park and/or campgrounds and necessary infrastructure.
- J. Gift shop and retail sales.
- K. Museums.

- L. Game room or arcade.
- M. Exercise facilities.
- N. Recreational transportation.
- O. Cafe or restaurant.
- P. Hotels, motels and bed-and-breakfast facilities.
- Q. Sanitary landfills, inert material disposal areas, recycling centers, dumpster sites or solid waste transfer stations, incinerators, and other facilities for the collection, handling, storage and disposal of solid, liquid and gaseous materials.
- R. Carnivals, circuses, fairs, festivals, animal shows, concerts, drive-in movies, exhibition and similar events.
- S. Meeting places and offices for civic clubs, fraternities, lodges and other organizations, excepting those for which the chief activity is a service customarily carried on as a business.
- T. Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and other recreational activities.
- U. Roads and parking lots as necessary and trailways for walking or biking uses.
- V. Public tours of facilities.
- W. Signage and fences applicable to the uses listed above.

ARTICLE XX
Use Regulations

§ 100-96. Area regulations.

- A. Area and density regulations are provided by district in the Lot Regulations, Table 1.³⁰ [Amended 7-8-1996]
- B. Modification of yard requirements. Yard requirements may be modified as follows:
 - (1) An uncovered porch may project into a required front yard for a distance not exceeding 10 feet.
 - (2) A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements, provided that no structure is closer than five feet to the property line. No patio or open court area may be located in the front yard of a lot without adequate screening.
 - (3) Minimum setback requirements of this chapter for yards facing streets shall not apply to any lot where the average setback on developed lots within the

³⁰. Editor's Note: Table 1 is located at the end of this chapter. Former Table 2, Lot Regulations for Manufactured Homes, Parks and Subdivisions, which was included in this article, was repealed 3-5-1992.

same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

- (4) Signs advertising the sale or rent of premises may be erected up to the property line.

C. Corner lots.

- (1) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- (2) The side yard on the side facing the side street shall be 15 feet or more for both main and accessory buildings.
- (3) For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 120 feet or more.

§ 100-97. Additional buildings on a single lot.

- A. After a review of an application, additional buildings on the same lot or parcel of land may be permitted by the Town Council.
- B. Additional dwellings. Additional dwellings on a single lot may be permitted, provided that:
 - (1) The arrangement of such additional dwellings are in such a manner that no requirement of the Virginia Department of Health or this chapter is violated. [Amended 7-8-1996]
 - (2) On lots having more land than required for two structures, the arrangement of such additional dwellings are in such a manner so that if the lot or parcel of land is ever subdivided, no substandard lots are created. Provision of guaranteed access open to the sky, at least 15 feet in width, is required.
- C. Temporary buildings. Temporary buildings used in conjunction with construction work only may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

§ 100-98. Off-street parking.

- A. Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this chapter.
- B. General requirements. For the purpose of this chapter, the following general requirements are specified:
 - (1) Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served.

- (2) If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided that such space lies within 600 feet of the property line of such main use.
 - (3) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.
 - (4) Area reserved for off-street parking in accordance with the requirements of this chapter shall not be reduced in the area, encroached upon or changed to any other use unless the use which it serves is discontinued or modified.
 - (5) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.
- C. Site requirements. All off-street parking shall be laid out, constructed and maintained in accordance with the following requirements:
- (1) All such parking areas, except those serving one- and two-family dwellings, shall be maintained in a dustproof condition.
 - (2) Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
 - (3) The parking lot shall be adequately drained.
- D. Parking space requirements for all districts. In all districts, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley and shall be equal in area to at least the minimum requirement for the specific land use set forth. The parking requirements are as set forth below:

Land Use	Parking Requirements (number of spaces)
Dwelling	
One- and two-family	2 for each dwelling unit
Multifamily and townhouses	2 per dwelling unit, except for efficiency apartments for which 1 space per dwelling unit shall be provided
Hotels and motels	1 for each bedroom, plus 1 additional for each 2 employees
Manufactured home subdivisions [Amended 3-5-1992]	2 per manufactured home
Travel trailer parks	1 for each travel trailer, motor home or camper
Boarding- and rooming houses and dormitories	1 for each bedroom

Public Assembly

Newly constructed churches and other places of worship	1 for each 10 seats in the main auditorium or sanctuary
Private clubs, lodges and fraternal or sororal buildings not providing overnight accommodations	1 for each 600 square feet
Theaters, auditoriums, coliseums, stadiums and similar places of assembly	1 for each 10 seats
Schools, including kindergartens, playschools and day-care centers	1 space for each employee, including teachers and administrators, plus 5 per classroom for high school and colleges
Skating rinks, dance halls, exhibition halls, poolrooms and other places of amusement or assembly without fixed seating arrangements	1 for each two 200 square feet of floor area
Bowling alleys	2 for each alley

Health facilities

Hospitals and similar uses	1 for each two 2 beds, plus 1 for each staff doctor, plus 1 for each 4 employees on the maximum working shift
Kennels and animal hospitals	A net parking area equal to 30% of the total enclosed or covered area
Homes for adults and similar uses	1 for each 4 beds, plus 1 for every 3 employees

Businesses

Automobile repair establishments	1 for each 300 square feet, with a minimum of 10
Food stores	1 for each 200 square feet of floor area designated for retail sales only
Restaurants, including bars, cafes, taverns, nightclubs and lunch counters, and all similar dining and/or drinking establishments	1 for each 4 seats provided for patron use, plus 1 per employee on average shift
Office buildings, including banks, business, commercial and professional offices and buildings, but not including medical, dental and health offices and clinics	1 for each 300 square feet of ground floor area, plus 1 for each 500 square feet of upper floor space
General business, commercial or personal service establishments catering to the retail trade	1 for each 200 square feet of floor area designated for retail sales
Governmental offices	1 for each 300 square feet of ground floor area, plus 1 for each 500 square feet of upper floor area and 1 for each governmental vehicle
Shopping centers	1 per 200 square feet of retail sales area
Furniture stores	1 for each 1,000 square feet of gross floor
Public utilities, such as telephone exchanges and substations, radio and TV stations and electric power and gas substations	1 for each employee on the maximum shift, plus a parking area equal to 25% of the gross floor area

Mortuaries and funeral parlors	5 per parlor unit or chapel unit or 1 per 4 seats, whichever is greater
Industries	
Manufacturing and industrial establishments not catering to the retail trade	1 for each three 3 employees on the maximum working shift, plus 1 for each company vehicle or manufactured equipment operating from the premises
Wholesale establishments	1 for every 50 square feet of customer service area, plus 2 for each 3 employees on the maximum working shift, plus 1 for each company vehicle operating from the premises

§ 100-99. Junk storage and automobile graveyards.

- A. Title 33.1, Chapter 6, § 33.1-348, of the Code of Virginia 1950, as amended, establishes the criteria for review of the proposed location of junkyards and automobile graveyards. Section 15.2-903 established the criteria for licensing junk dealers. This section of the Town of Grottoes Land Development chapter incorporates the provisions of the above-referred sections of the State Code. Junk storage or automobile graveyards meeting the following criteria may be permitted upon a specific exemption hearing as provided in Article XXI. [Amended 7-8-1996]
- B. Notification of license required by § 15.2-903. Every junk dealer shall pay to the commonwealth fees as set forth in Ch. A171, Fees for the privilege of transacting business, for the privilege of doing business at premises other than that designated in the license; and for the privilege of appointing canvassers for the purpose of buying any junk or other matter or things for any such junk dealer or for sale to a junk dealer as well as the cost of the tin signs furnished such canvasser. Every license issued under this section shall expire on the 31st day of December each year. No license issued under this section shall be prorated. [Amended 7-8-1996]
- C. Criteria for the location of junkyards or automobile graveyards. (See § 33.1-348 of the Code of Virginia 1950, as amended.) [Amended 7-8-1996]
- D. Existing licensed automobile graveyards or junkyards. Licensed automobile graveyards or junkyards in existence at the time of the adoption of this chapter, as amended, are considered as nonconforming uses (see § 100-103C).

§ 100-100. Home occupations. [Amended 4-11-2011]

- A. This chapter uses a permit approach to the control of home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Zoning Administrator may request advice from the Planning Commission as appropriate.

- B. Purposes. The purposes of the home occupations supplemental regulations and performance standards of this section are to:
- (1) Establish criteria for the operation of home occupations in dwelling units;
 - (2) Permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner- or renter-occupied;
 - (3) Ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
 - (4) Ensure that public and private services such as streets, sewer, water, or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
 - (5) Allow residents of the community to use their residences as places to enhance or fulfill personal economic goals under certain specified standards, conditions and criteria;
 - (6) Enable the fair and consistent enforcement of these home occupations regulations; and
 - (7) Promote and protect the public health, safety, and general welfare.
- C. Applicability. Regulations of this section shall apply to all home occupations initiated or established after the date of the enactment of this section. No home occupation may be initiated or established after the date of the enactment of this section except in conformance with the regulations and performance standards set forth in this section. Existing home occupations may continue as a nonconforming use of a structure under the regulations in effect the day before the enactment of this section.
- D. Permitted districts; permits. Home occupations shall be permitted only in residential zoning districts, as an accessory use to a dwelling, and only in accordance with the regulations contained herein. No person shall operate a home occupation without first obtaining either a home occupation zoning permit from the Zoning Administrator, who shall issue such a permit when the requirements of this section are met, or a conditional use permit in accordance with Chapter 100 of this Code.
- E. Exclusions from operation of section. Notwithstanding any other provision of this section, the following uses shall be specifically excluded from the definition of home occupation, and no home occupation permit shall be issued for such uses: motor vehicle repair or service, appliance repair, machine shop, welding shop, escort service, medical services, tattoo parlors, body piercing establishments, bookstore, movie theater or arcade, or storage yard. Such uses shall be permitted only where otherwise authorized in this section. Notwithstanding any other provision in this section, tutoring services and art or music lessons provided on a part-time basis by the occupant of a dwelling shall not be considered home occupations subject to this chapter, and no permit shall be required to engage in such activities.

- F. General standards for all home occupations. Any home occupation shall be subordinate, secondary and incidental in both character and scale to the use of a dwelling unit for residential purposes. Home occupations shall not compromise the residential character of an area, shall not generate excessive traffic that is conspicuous or at a nonresidential level, shall not visually call unusual attention to the home, and shall not generate noise of a nonresidential level.
- G. Special requirements. A home occupation, where permitted, must meet the following special requirements:
- (1) The applicant must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant.
 - (2) The home occupation shall be operated only by the members of the family residing on the premises.
 - (3) The home occupation shall be restricted to the main building and shall not occupy more than 50% of the floor area within said building.
 - (4) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise of a nonresidential level, vibration, electrical disturbance, radioactivity or other conditions detrimental to the character of the surrounding area and in general shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional nameplates, as spelled out in § 100-101C.
 - (5) The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.
 - (6) There shall be no outdoor storage of goods, products, equipment or other materials associated with the home occupation.
 - (7) There shall be no display of goods, merchandise or products visible from the street or any adjoining property.
 - (8) No equipment or processes not normally associated with a dwelling unit or which cannot be accommodated on existing utility or standard electrical services shall be permitted.
 - (9) No commercial motor vehicle shall be used, parked or stored on the site in connection with the home occupation.
 - (10) The home occupation shall be conducted entirely within the interior of the principal residential structure or within an accessory structure located on the same lot.
 - (11) Deliveries related to a home occupation shall be limited to the United States Postal Service, parcel delivery services, and messenger services. The home occupation or conditional use permit home occupation shall not involve the commercial delivery by tractor-trailer of materials or products to or from the premises.

- (12) A home occupation shall comply with all local, state or federal regulations pertinent to the activity pursued, and the requirements of or authorization granted by this section shall not be construed as an exemption from such regulations.
 - (13) There shall be no addition of parking spaces to accommodate the home occupation.
- H. Home occupations not requiring customer or client travel to the home. No conditional use permit shall be necessary to conduct a home occupation which does not require customer or client travel to the home, but the applicant seeking to engage in such a home occupation shall obtain a home occupation zoning permit from the Zoning Administrator.
- I. Home occupations requiring customer or client travel to the home. A conditional use permit issued in accordance with Chapter 100 is necessary to conduct a home occupation which requires customer or client travel to the home. The Town Council may prescribe the following conditions when issuing the permit:
- (1) Not more than one separate entrance or exit to the residence or accessory structure solely for the purpose of the home occupation shall be permitted, and the creation of any such separate entrance shall not be permitted on the front facade of the residential dwelling; and
 - (2) The number of clients or customers who may visit the home at any one time may be established by the Town Council as a condition of the approval of a conditional use permit.
- J. Home occupations for direct sellers. A home occupations permit shall not be required by those businesses classified as direct sellers as defined herein: any person who:
- (1) Engages in the trade or business of selling or soliciting the sale of consumer products primarily in private residences and maintains no public location for the conduct of such business; and
 - (2) Receives remuneration for such activities with substantially all of such remuneration being directly related to sales or other sales-oriented services, rather than to the number of hours worked; and
 - (3) Performs such activities pursuant to a written contract between such person and the person for whom the activities are performed, and such contract provides that such person will not be treated as an employee with respect to such activities for federal income tax purposes.
- K. Expiration and revocation. A zoning permit or conditional use permit for home occupations shall expire or be revoked under the following conditions:
- (1) Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall

engage in any home occupation until he or she shall have been issued a new permit after proper application.

- (2) Whenever the holder of such a permit fails to exercise the same for any period of six consecutive months.
- (3) Whenever the Town Council finds that the holder of the permit has violated the conditions of the permit for one or more of the special requirements set forth in § 100-100.

§ 100-101. Signs.

A. Intent. The purpose of the following sign requirements is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate and enhance and protect the scenic and natural beauty of the Town of Grottoes. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development.

B. General requirements.

- (1) Except as provided in Subsection C below, no outdoor advertising, sign or structure shall be erected without a zoning and building permit. Failure to adhere to the requirements of this chapter automatically cancels such permit, and said structure shall be removed forthwith.
- (2) For the purpose of computing sign area, only one side of a V-type or double-faced sign shall be considered.
- (3) Rooftop signs or rooftop sign structures shall not extend more than 20 feet above the roofline. Rooftop signs or sign structures shall not extend beyond or overhang any exterior wall of the building upon which secured.
- (4) No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection or in such a manner as to materially impede the view of the intersection of a road with a railroad grade crossing or be located so as to impede the safe flow of traffic. [Amended 7-8-1996]
- (5) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- (6) No portion of any sign structure, except official road markers which shall adhere to the applicable state and local laws, shall be less than 10 feet above the level of an adjacent sidewalk or other pedestrian thoroughfare and no less than 16 feet above the level of an adjacent public driveway, alley or street.
- (7) All signs, whether permanent or temporary, shall comply with the applicable requirements of the Building Code.

- (8) In the event that any sign is to be relocated, it shall be required that the owner of said sign obtain a new building permit.
- (9) All sign structures may be erected up to a height of 35 feet, except in the business and industrial districts, which may be erected up to a height of 100 feet.
- (10) All signs coming within the jurisdiction of state and federal laws along interstate highway and federal-aid primary highway systems shall conform to said laws, in lieu of any other sign regulations in this chapter.
- (11) All signs in existence at the time of the passage of this chapter which do not conform to this chapter shall be classified as nonconforming but may be continued, provided that they are properly maintained during the life of such advertisement or advertising structure.
- (12) Informational signs of a public or quasi-public nature identifying or locating civic, educational or cultural purpose and signs drawing attention to public parking lots, rest rooms or to other public convenience relating to such places or activities are permitted. Such signs shall not exceed an area of six square feet, shall not be illuminated, shall contain no advertising matter and shall be set back not less than five feet from the fronting highway. Nothing contained herein shall be construed to limit the effect of this section.
- (13) Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his or her official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments. Such signs shall not exceed an area of two square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law.

C. Permissible signs in all districts. The following signs are allowed in all districts and shall be exempt from permit requirements:

- (1) Real estate signs advertising the sale, rental or lease of the land or building upon which signs are located, provided that:
 - (a) In residential districts, real estate signs shall not be in excess of six square feet.
 - (b) In business districts, there shall be no sign in excess of 32 square feet and no more than three such signs on any single lot.
 - (c) In industrial districts, there shall be no sign in excess of 90 square feet and no more than three such signs on any single lot.
- (2) Directional signs for parks and playgrounds and other permitted nonresidential uses, provided that such signs shall not exceed four square feet in area. [Subsection D(1)(c) also applies.]
- (3) Professional nameplates not exceeding four square feet in area, such signs to be nonilluminated.

- (4) One sign or bulletin board indicating the name of the institution or civic association not exceeding 10 square feet in area on premises of public or semipublic facilities.
- (5) Signs located on the premises relating to active construction projects.
- (6) Memorial signs or tablets, including names of buildings and date of erection, when cut into masonry, bronze or other materials.
- (7) Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency.
- (8) Customary signs in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates and other similar usage, not exceeding 10 square feet.
- (9) One subdivision identification sign at the main entrance or entrances to the subdivision, provided that such sign shall not exceed 100 square feet, may be illuminated but not flashing, shall be so designed as to be in the public interest and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision.
- (10) Temporary signs, including political advertisements, which shall:
 - (a) Not be allowed longer than 60 days.
 - (b) Be removed by the sign owner within five days after the date of the event or activity to which the sign makes reference, or if he or she fails to do so, by the Zoning Administrator at the owner's expense.

D. Signs as permitted uses. The following signs are permitted uses in the following districts without a public hearing with a building and zoning permit:

- (1) Residential districts. Within any residential district, the following signs are permitted:
 - (a) One sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed 30 square feet per sign area, shall not be illuminated, shall be maintained at the subdivider's expense and shall be removed by the subdivider when 80% of the lots in said subdivision are sold.
 - (b) Where multifamily dwellings are a permitted use, one sign for identifying multifamily dwellings of more than six units, provided that such sign shall be located only on the premises of the multifamily dwellings, shall not exceed nine square feet in area, shall indicate nothing other than the name and/or address of the premises and the name of the management and may be illuminated only by indirect illumination.
 - (c) Directional signs for parks and playgrounds and other permitted nonresidential use, provided that such signs shall not exceed four square

feet in area, shall be within one mile of the use and shall not be illuminated.

- (2) Business districts. Within any business district, the following signs are permitted: [Amended 7-8-1996]
 - (a) One-story buildings. The total area of all signs facing a street, alley or parking area shall not exceed two square feet for each foot of building width facing such street, alley or parking area.
 - (b) First-floor businesses in multistory buildings. The total area of all signs facing a street, alley or parking area shall not exceed two square feet for each foot of building width facing such street, alley or parking area, provided that all such signs shall be kept within a height of 20 feet above the sidewalk.
 - (c) Upper stories of multistory buildings containing one or more businesses above the first floor. The total area of all signs facing a street, alley or parking area on any wall above the twenty-foot height specified in Subsection D(2)(b) above shall not exceed 40 square feet or 1/40 of the area of that wall above such twenty-foot height, whichever is greater.
 - (d) Multistory buildings occupied by one business only. Where an entire building over one story in height is occupied by one business, a total sign area of 100 square feet facing any street, alley or parking area or of 1/40 of the wall area facing such street, alley or parking area, whichever is greater, may be substituted for the allowable sign areas specified in Subsection D(2)(b) and (c) above, and in such case, the sign may be located without regard to the twenty-foot height provisions contained in Subsection D(2)(b) above.
 - (e) Signs hung on marquees. No sign shall be hung on a marquee, canopy or portico if said sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
 - (f) Projection and height of signs. A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line. The bottom of a sign, the area of which extends six square feet, erected flat against a wall, shall not be less than eight feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a wall shall not be less than 10 feet above a walkway or parking area nor less than 14 feet above an alley.
 - (g) Roof signs. Roof signs, not exceeding a total area of 100 square feet, may be erected or displayed in the B-1 Business District only, provided that the area of any roof sign shall be included in the total area of signs permitted by this section and shall not be in addition thereto. No roof sign shall project more than four feet beyond the property line nor extend more than 15 feet above the roof level at the point where it is

erected, provided that a roof sign may project more than 15 feet above the roof level at the point where it is erected when it is erected on pylons which are an integral part of a building.

- (h) Freestanding signs. Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of 25 feet or more or where a building is setback 25 feet or more from the front lot line, provided that not more than two such freestanding signs shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area or building setback. No signs other than those indicated on the sign application shall be attached to a freestanding sign. Freestanding signs shall not be erected more than 30 feet above grade nor project beyond the established setback line and shall not exceed 100 square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this subsection shall be two square feet for each foot of lot frontage, provided that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other subsections of this section.
 - (i) Identification signs. Identification signs for shopping centers consisting of five or more separate businesses and having a continuous street frontage of at least 200 feet shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this Subsection D(2) for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each foot of street frontage, nor shall the total area of such signs facing any street, alley or parking area exceed 150 square feet.
 - (j) Advertising theater acts, etc. Signs advertising the acts or features to be given in a movie theater or theaters may be displayed on permanent frames erected on theater buildings in accordance with the provisions of this Subsection D(2) as to size and location, provided that the bottom of any such frame erected flat against a wall may be less than eight feet above the sidewalk, alley or parking area; provided, further, that when the area of any such frame facing a street, alley or parking area does not exceed 24 square feet and the area of any such frames facing such street, alley or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.
 - (k) Billboards. Billboards and general advertising signs are prohibited in all zones.
- (3) Industrial districts. Within any industrial district, the following signs are permitted: [Amended 7-8-1996]

- (a) One-story buildings. The total area of all signs facing a street, alley or parking area shall not exceed two square feet for each foot of building width facing such street, alley or parking area.
- (b) First-floor businesses in multistory buildings. The total area of all signs facing a street, alley or parking area shall not exceed two square feet for each foot of building width facing such street, alley or parking area, provided that all such signs shall be kept within a height of 20 feet above the sidewalk.
- (c) Upper stories of multistory buildings containing one or more businesses above the first floor. The total area of all signs facing a street, alley or parking area on any wall above the twenty-foot height specified in Subsection D(3)(b) above shall not exceed 40 square feet or one-fortieth (1/40) of the area of that wall above such twenty-foot height, whichever is greater.
- (d) Multistory buildings occupied by one business only. Where entire buildings over one story in height are occupied by one business, a total sign area of 100 square feet facing any street, alley or parking area or of 1/40 of the wall area facing such street, alley or parking area, whichever is greater, may be substituted for the allowable sign areas specified in Subsections D(3)(b) and (c) above, and in such case, the sign may be located without regard to the twenty-foot height provisions contained in Subsection D(3)(b) above.
- (e) Signs hung on marquees. No sign shall be hung on a marquee, canopy or portico if said sign shall extend beyond the established setback line. The area of any such sign shall be included in determining the total area of signs erected or displayed.
- (f) Projection and height of signs. A sign may be erected or displayed flat against a wall or at an angle thereto, but no sign shall project beyond the established setback line. The bottom of a sign, the area of which extends six square feet, erected flat against a wall, shall not be less than eight feet above the sidewalk, alley or parking area. The bottom of a sign projecting from a wall shall not be less than 10 feet above a walkway or parking area nor less than 14 feet above an alley.
- (g) Roof signs. Roof signs, not exceeding a total area of 100 square feet, may be erected or displayed in the B-1 Business District only, provided that the area of any roof sign shall be included in the total area of signs permitted by this section and shall not be in addition thereto. No roof sign shall project more than four feet beyond the property line nor extend more than 15 feet above the roof level at the point where it is erected, provided that a roof sign may project more than 15 feet above the roof level at the point where it is erected when it is erected on pylons which are an integral part of a building.

- (h) Freestanding signs. Freestanding signs upon a lot may be erected or displayed only where drive-in service or parking is provided, leaving a distance between the building and a side lot line of 25 feet or more or where a building is setback 25 feet or more from the front lot line, provided that not more than two such freestanding signs shall be permitted for any building or building unit having a street frontage with such drive-in service area, parking area or building setback. No signs other than those indicated on the sign application shall be attached to a freestanding sign. Freestanding signs shall not be erected more than 30 feet above grade nor project beyond the established setback line and shall not exceed 100 square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this subsection shall be two square feet for each foot of lot frontage, provided that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in the other subsections of this section.
- (i) Identification signs. Identification signs for shopping centers consisting of five or more separate businesses and having a continuous street frontage of at least 200 feet shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this subsection for the separate businesses. The total area of such identification signs for any shopping center shall not exceed one square foot for each foot of street frontage, nor shall the total area of such signs facing any street, alley or parking area exceed 150 square feet.
- (j) Advertising theater acts, etc. Signs advertising the acts or features to be given in a movie theater or theaters may be displayed on permanent frames erected on theater buildings in accordance with the provisions of this Subsection D(3) as to size and location, provided that the bottom of any such frame erected flat against a wall may be less than eight feet above the sidewalk, alley or parking area; provided, further, that when the area of any such frame facing a street, alley or parking area does not exceed 24 square feet and the area of any such frames facing such street, alley or parking area does not exceed 48 square feet, the area of the signs displayed thereon shall not be included in determining the total area of signs erected or displayed.
- (k) Billboards. Billboards and general advertising signs are prohibited in all zones.

E. Signs as conditional uses. The following signs may be permitted as conditional uses:

- (1) Signs related to conditional use. Except as hereinafter provided, within any residential district, signs relating to buildings and uses permitted conditionally are permitted as conditional uses, provided that they shall not exceed 20 square feet per sign area, shall indicate nothing other than the activity engaged in, the name of the owner, firm, organization or agency and the hours of

activity and shall be limited to two signs per use. Such signs may be indirectly illuminated at the discretion of the Council. In business and industrial districts, signs relating to buildings and uses permitted conditionally shall be permitted as conditional uses, provided that all requirements of signs area and character for permitted signs are met.

- (2) Directional signs related to conditional use. Within any residential district, directional signs for uses and buildings permitted conditionally are permitted as conditional uses, provided that they shall not exceed four square feet per sign area shall be within one mile of the use and shall not be illuminated.
- (3) Outdoor advertising signs, one for each lot of 100 feet or less of lot frontage with one additional such sign for each additional 100 feet or less of lot frontage under single or separate ownership at the time of the passage of the chapter and provided that said sign shall not exceed 400 square feet in area per sign structure facing. Where two signs, each not exceeding 300 square feet in area, are supported by the same structure, one above the other, they shall be considered as a single outdoor advertising sign.

F. Signs prohibited in all districts. The following signs are prohibited in all districts:

- (1) Any sign erected or painted upon a fence, tree, fire escape or utility pole.
- (2) Any sign which uses the words "stop" or "danger" prominently displayed or which is a copy or imitation of official traffic control signs.
- (3) Any sign which contains flashing or intermittent illumination.
- (4) Any sign which is manufactured and is designed to and effectively does distract the attention of passing motorists on any highways by loud and blatant noises or movable objects.

G. Maintenance and removal of signs.

- (1) All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the Building Code.
- (2) Signs which are no longer functional or are abandoned shall be repaired, removed or relocated at the owner's expense, in compliance with the provisions of this chapter, within 30 days following disfunction.

§ 100-102. Manufactured homes.

A. Any manufactured home placed in the Town of Grottoes after the date of enactment or amendment of this chapter, shall meet the following requirements:

- (1) All manufactured homes shall meet the plumbing requirements and the electrical wiring and connection, construction, blocking and anchoring requirements of the Virginia State Building Code and shall display the seal of a testing laboratory approved by the Commonwealth of Virginia.

- (2) All manufactured homes shall be completely skirted such that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the building official.
 - (3) All manufactured homes shall be supplied with public water and wastewater disposal.
- B. Lot requirements. Individual manufactured home lot requirements are found in Table 1.³¹ [Amended 7-8-1996]
- C. Manufactured home stand requirements. All manufactured home parks shall meet the following requirements:
- (1) The area of any manufactured home stand shall not be less than 3,400 square feet.
 - (2) No manufactured home or permanent building shall be closer than 10 feet to any stand line.
 - (3) The average size length of a manufactured home stand shall be 85 feet; the average width shall be 40 feet.
- D. Manufactured home accessory structures. All manufactured home accessory structures erected or constructed after the date of enactment or amendment of this chapter must meet the following requirements:
- (1) All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction and other applicable requirements of the Building Code.
 - (2) Except in the case of an awning, ramada or other shade structure, where a manufactured home accessory structure is attached to the manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the manufactured home unit, or such accessory structure shall be attached to the manufactured home unit in a substantial manner by means of a roof. All manufactured home accessory structures, whether attached or detached, shall be designed and constructed as freestanding structures. No detached manufactured home accessory structure, except ramadas, shall be erected closer than 10 feet to a manufactured home.
 - (3) Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home.
 - (4) No manufactured home accessory structure shall be erected or constructed on any manufactured home lot or stand except as an accessory to a manufactured home.³²

³¹. Editor's Note: Table 1 is located at the end of this chapter. Former Section 707.02, Manufactured home park and setback requirements, which immediately followed this subsection, was deleted 3-5-1992.

³². Editor's Note: Former Sections 707.05, Manufactured home park application and site plan, and 707.06, Manufactured home park design standards, which immediately followed this subsection, were deleted 3-5-1992.

§ 100-103. Nonconforming lots, buildings and uses.

It is the intent of this chapter to recognize that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is, therefore, the intent of this chapter to permit these nonconformities to continue, but not to permit their expansion or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district. Therefore, any structure or use of land existing at the time of the enactment of this chapter, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

- A. Lots of record. Where a lot of record at the time of enactment of this chapter does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply:
 - (1) A single nonconforming lot of record at the time of enactment or amendment of this chapter may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in § 100-115 herein.
- B. Nonconforming structures. Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (1) Any structure or portion thereof declared unsafe by the building official may be restored to a safe condition, provided that the requirements of this section are met and that the cost of restoration of the structure to a safe condition shall not exceed 75% of its replacement cost at the time of the building official's declaration.
 - (2) No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; and any structure or portion thereof may be altered to decrease its nonconformity.
 - (3) Notwithstanding the provisions of Subsection B(2) above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the health official or the building official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this chapter. Where an existing residential structure exceeds these requirements, said addition shall extend no nearer the lot line than the existing building line.

- (4) Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.
 - (5) Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of nonconformity.
- C. Nonconforming uses of land. Where a lawful use of land exists at the time of enactment or amendment of this chapter that would not be permitted by the regulations imposed herein and where such is either an accessory use involving the use of no separate accessory structure or a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this chapter.
 - (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this chapter.
 - (3) In the event that such use ceases for reasons other than destruction for a period of more than one year, any subsequent use shall conform to all requirements of this chapter for the district in which the land is located.
 - (4) No additional structure not conforming to the requirements of this chapter shall be constructed in connection with such nonconforming use.
- D. Nonconforming uses of structure. Where a lawful use involving an individual structure or structures in combination exists at the time of enactment or amendment of this chapter that would not be permitted in the district in which it is located under the requirements of this chapter, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) No structure existing at the time of enactment or amendment of this chapter devoted to a nonconforming use shall be enlarged, extended, moved or structurally altered. Repairs on or installation of plumbing fixtures required by law or administrative action of the health official or the building official or the changing of interior partitions or interior remodeling or changing the use of the structure to a conforming use would be permitted.
 - (2) A nonconforming use of a structure may be extended to include use of the entire structure but shall not be extended to include either additional structures or land outside the structure.
 - (3) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one year or for 18 months during any three-year period, except when government action impedes access to the premises or when a nonconforming use is superseded by a permitted

use, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.

§ 100-104. Townhouses.

- A. Townhouses built shall be in groups of six or fewer units, each group to be separated by a twenty-five-foot lot left vacant at the alleys and street ends of the group.
- B. Attached dwellings shall be separated by a noncombustible party wall with a fire resistance of not less than two hours' durations in accordance with designated Building Code requirements.
- C. Each townhouse building shall front on a street dedicated to public use. If access is to be provided by means of privately owned and maintained streets, the streets, including curbs, gutters and sidewalks, shall be developed according to standards found in Subdivision Street Requirements by the Virginia Department of Transportation by authority of §§ 33.1-12, 33.1-69 and 33.1-229 of the Code of Virginia 1950, as amended.
- D. Common areas shall be maintained by and be the sole responsibility of the developer-owner of the townhouse development, until such time as the developer-owner conveys such common area to a homeowners' association, whose members shall be all the individual owners of the townhouses in the townhouse development. Said land shall be conveyed to and be held by said homeowners' association solely for recreational and parking purposes of the owners of the individual townhouse lots in the development. In the event of such conveyance by the developer-owner to a homeowners' association, deed restrictions and covenants shall provide, among other things, that any assessments and charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual townhouse lots. Maintenance of townhouse exteriors, lawns, refuse handling, taxes, lighting and drainage shall be provided in a similar manner so as to discharge any responsibility from the Town of Grottoes.

§ 100-105. Fences.

- A. No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.
- B. In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three feet high, less than 10 feet from the pavement edges.
- C. No fence shall exceed six feet in height, unless otherwise approved by the Zoning Administrator. Fences parallel to front property lines cannot exceed three feet unless installed at a front yard setback line. [Added 4-13-2009]
- D. A fence is not an accessory structure. Notwithstanding any other provision of this section, a fence may be located along or parallel to a property line without regard to

any setback requirements. Additionally, if applicable, a gate must be provided for entry into the property which allows for septic tank pumping. [Added 4-13-2009]

- E. All fences shall have a finished side facing the adjoining property owner, and both sides shall be maintained by the property owner. [Added 4-13-2009]

ARTICLE XXI Administration

§ 100-106. Applicability.

These regulations shall be administered in accordance with the provisions below.

§ 100-107. Zoning administrator.

- A. Appointment. The Zoning Administrator shall be appointed by and shall serve at the pleasure of the Town of Grottoes Town Council, which shall fix the compensation of the Zoning Administrator.
- B. Powers and duties relating to zoning. The Zoning Administrator is authorized and empowered on behalf of and in the name of the Grottoes Town Council to administer and enforce the provisions set forth herein, to include receiving applications, inspecting premises and issuing zoning permits and certificates of occupancy for uses and structures which are in conformance with the provisions of this chapter. The Zoning Administrator shall have all necessary authority on behalf of the Grottoes Town Council to administer and enforce this chapter, including ordering, in writing, the remedy for any condition found in violation of this chapter and the bringing of legal actions, including injunction, abatement or other appropriate action or proceeding, to ensure compliance with this chapter. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances nor on conditional uses or other special exceptions, on which final action is reserved to the Board of Zoning Appeals or governing body.
- C. Zoning administration process. Figure 1 outlines the administrative process to be followed under various provisions of this chapter.³³

§ 100-108. Permit procedures.

Zoning and building permits shall be issued in accordance with the following provisions and procedures:

- A. Issuance and display. The Zoning Administrator shall issue a zoning permit for any permitted use or structural alteration, provided that such proposed use of land or structure or structural alteration is in conformance with the provisions set forth herein. The zoning permit shall indicate whether the use is a permitted use, a conditional use or a variance and shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction. The building

³³. Editor's Note: Figure 1 is located at the end of this chapter.

permit shall be issued by the Rockingham County Building Inspector and shall also be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

B. Application procedure for permitted uses. Applications for a zoning permit shall be submitted to the Zoning Administrator according to the following provisions:

- (1) An application for a zoning permit for a permitted use shall be accompanied by one copy of an acceptable site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) The location and size of existing and proposed structures.
 - (c) Yard dimensions and the use of structures.
 - (d) Easements (private and public).
 - (e) Watercourses.
 - (f) Fences.
 - (g) Street names and street right-of-way lines.
 - (h) Such other information regarding abutting property as directly affects the application.
- (2) Each application for a zoning permit, upon issuance of the permit, shall be accompanied by payment of a fee.
- (3) The proposed use or construction described in the application required by Subsection B(1) shall be in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Grottoes, including but not limited to the required:
 - (a) Health Department approval of septic tank system.
 - (b) Highway Department entrance permit.
 - (c) Flood insurance, floodplain provisions of this chapter.
 - (d) Chapter 160, Water and Sewers.
- (4) The Zoning Administrator shall sign and return one copy of the site plan to the applicant and shall issue a zoning permit. The Zoning Administrator shall retain the application and one copy of the site plan for his or her records.
- (5) If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a zoning permit but shall return one copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this chapter with which the

submitted plan does not comply. The Zoning Administrator shall retain one copy of the site plan and one copy of the refusal.

- C. Application procedures for conditional uses. Applications for a conditional use permit for a conditional use shall be submitted to the Zoning Administrator, who shall refer the application to the governing body for a public hearing. Applications for zoning permits for conditional uses must be submitted in accordance with the following procedures:
- (1) An application shall be accompanied by two copies of an acceptable site plan drawn in accordance with applicable provisions of § 100-108 of this chapter, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following:
 - (a) The dimensions with property line monuments located thereon.
 - (b) The location and size of existing and proposed structures.
 - (c) Yard dimensions and the use of structures.
 - (d) Easements (private and public).
 - (e) Watercourses.
 - (f) Fences.
 - (g) Street names and street right-of-way lines.
 - (h) Such other information regarding abutting property as directly affects the application.
 - (2) Each application for a zoning permit for a conditional use or other special exception shall be accompanied by payment of a fee as set forth in Article XXIII to help defray the cost of publicizing and conducting the public hearing.
 - (3) The application shall be sent to the Commission for review and recommendation, and said Commission shall have 60 days within which to submit a report. If the Commission fails to submit a report within a sixty-day period, it shall be deemed to have approved the proposed conditional use.
 - (4) The governing body shall consider the proposed conditional use or other special exception after notice and public hearing, in accordance with § 15.2-2204 of the Code of Virginia 1950, as amended, and shall take action on the proposed conditional use within 60 days of the date of the public hearing.
 - (5) In evaluating the proposed conditional use or other special exception, the governing body shall address the following concerns:
 - (a) The effect of the proposed use or special exception on existing and projected traffic volumes in the neighborhood.

- (b) The current and future need for the proposed use in the Town of Grottoes.
 - (c) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.
- (6) Conditions set forth in Subsection C(5) for the various conditional uses are minimum. In approving a proposed conditional use or other special exception, the governing body may stipulate such additional requirements as are necessary to protect the public interest. The governing body may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the governing body.
 - (7) If the governing body approves the application for a zoning permit for a proposed conditional use, the Zoning Administrator shall issue a conditional use permit, indicating the conditional nature of the use.
 - (8) If the governing body disapproves the application for a zoning permit for a proposed conditional use or other special exception, the governing body shall inform the applicant of the decision, in writing, within 30 days of the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one copy of the site plan and one copy of the refusal and shall keep them as a public record.
 - (9) A property owner or his appointed agent shall not initiate action for a conditional use permit relating to the same conditional use affecting the same parcel of land more often than once every 12 months.
 - (10) A conditional use permit must be put into effect six months after the date the permit is issued, unless otherwise provided in the permit itself.
 - (11) Renewal of a conditional use permit does not require a public hearing unless the original conditions in the permit are changed; however, notice of the renewal will be shown on the agenda of the Town Council.
 - (12) Upon change of ownership any conditional use permit for the property shall expire.

§ 100-109. Application procedures for amendments.

- A. The Grottoes Town Council may, from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare or good zoning practice requires. Any resolution or motion by the governing body or Planning Commission proposing the rezoning shall state the above public purposes therefor.
- B. Information required.
 - (1) Applications for amendments initiated by any person, firm or corporation owning the subject property shall be submitted, in writing, to the Zoning

Administrator and shall be accompanied by two copies of an acceptable site plan, where applicable, of the proposed amendment with such reasonable information shown thereon as shall be required by the Zoning Administrator. Where site plans are required, they shall show, as a minimum, the following:

- (a) Lot dimensions with property line monuments located thereon.
 - (b) The location and size of existing a proposed structures.
 - (c) Yard dimensions and the use of structures.
 - (d) Easements (private and public).
 - (e) Watercourses.
 - (f) Fences.
 - (g) Street names and street right-of-way lines.
 - (h) Such other information regarding abutting property as directly affects the application.
- (2) Proposals for amendments not initiated by either the Commission or the Town Council shall be accompanied by payment of a fee as set forth in Article XXIII.
- C. The Commission shall consider the proposed amendment after notice and public hearing, in accordance with § 15.2-2204 of the Code of Virginia 1950, as amended. The Commission shall then present the proposed amendment along with site plans and explanatory materials, where applicable, to the Town Council with its recommendations. If the Commission fails to submit its recommendations within 60 days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment.
- D. The Grottoes Town Council shall consider the proposed amendment after notice and public hearing, in accordance with § 15.2-2204 of the Code of Virginia 1950, as amended, and shall take action on the proposed amendment within 30 days of the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with § 15.2-2204 of the Code of Virginia 1950, as amended.
- E. Any petition for an amendment may be withdrawn prior to action thereon by the Town Council at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Zoning Administrator.
- F. No more than one application for any amendment affecting a specific parcel of land may be initiated during any single twelve-month period.

§ 100-110. Procedures for proffering conditions.

- A. Intent. The intent of this section is to provide for proffering conditions to the zoning district regulations pursuant to §§ 15.2-2296 through 15.2-2301 of the Code of Virginia 1950, as amended.
- B. Proffer of conditions. See § 15.2-2297 of the Code of Virginia. [Amended 7-8-1996]
- C. Expiration. Any zoning permit shall automatically expire six months from the date of issuance if the person, firm or corporation to which the permit has been issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued or if the work so authorized is suspended or discontinued for a period of one year.

§ 100-111. Certificate of occupancy.

Certificates of occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

- A. Certificate of occupancy required. A certificate of occupancy shall be required in advance of occupancy or use of:
 - (1) A building hereafter erected.
 - (2) A building hereafter altered so as to affect height or the side, front or rear yard dimensions.
 - (3) A change of type of occupancy or use of any building or premises.
- B. Issuance of certificate of occupancy. The Zoning Administrator shall sign and issue a certificate of occupancy as stated on the application for such certificate and signed thereto by the owner or his appointed agent, if it is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted for the zoning and building permit.
- C. Denial of certificate of occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision set forth herein.

§ 100-112. Board of Zoning Appeals.

- A. The Board of Zoning Appeals shall consist of five members who shall be appointed by the Circuit Court of Rockingham County.
- B. Initial appointment. The initial appointment of the Board shall be as follows: one member for one year; one member for two years; one member for three years; one member for four years; and one member for five years.
- C. Terms of office. Appointments shall be for five years each. The Secretary of the Board of Appeals shall notify the Circuit Court at least 30 days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his or her successor is appointed.

- D. Public offices held. No member shall hold any public office except that one member shall be a member of the Commission.
- E. Compensation. Members of the Board may receive such compensation as may be authorized by the governing body.
- F. Support. Within the limits of funds appropriated by the governing body, the Board of Appeals may employ or contract for secretaries, clerks, legal council, consultants and other technical and clerical services.
- G. Vacancies. Appointments for vacancies occurring otherwise than by expiration of term shall, in all cases, be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after hearing held after at least 15 days' notice.

§ 100-113. Rules of procedure for Board of Zoning Appeals.

The Board shall observe the following procedures:

- A. Said Board shall adopt rules in accordance with the provisions of this chapter and consistent with other ordinances of the Town of Grottoes and general laws of the commonwealth for the conduct of its affairs.
- B. Said Board shall elect a Chairperson, Vice Chairperson and Secretary from its own membership, who shall serve annual terms as such and may succeed themselves.
- C. Said Board will keep a full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year.
- D. All meetings of said Board shall be open to the public.
- E. Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has an interest.
- F. The meetings of said Board shall be held at the call of the Chairperson and at such other times as a quorum of said Board may determine.
- G. The Chairperson, or in his absence the Vice Chairperson or Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- H. A quorum shall be at least three members.
- I. A favorable vote of three members of said 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 said Board is empowered.

§ 100-114. Powers and duties of Board of Zoning Appeals. [Amended 7-8-1996; 7-9-2009]

The Board of Zoning Appeals shall have all the powers and duties provided for in § 15.2-2309 (NOTE: as amended 7-1-2008) of the Code of Virginia, except that the Zoning Board of Appeals shall not have the power to grant special exceptions.

§ 100-115. Variances.

- A. Application for variances from this chapter may be made by any property owner, tenant or governmental official, department, board or bureau.
- B. Application.
 - (1) Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) The location and size of existing and proposed structures.
 - (c) Yard dimensions and the use of structures.
 - (d) Easements (private and public).
 - (e) Watercourses.
 - (f) Fences.
 - (g) Road names and road right-of-way lines.
 - (h) Such other information regarding abutting property as directly affects the application.
 - (2) The application and accompanying maps, plans or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local Commission, which may send a recommendation to the Board within 30 days or appear as a party at the hearing.
- C. Hearing and action. The Secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by § 15.2-2204 of the Code of Virginia 1950, as amended. The Board shall decide same within 30 days from the date of such hearing.
- D. Limitation of hearings. A property owner or his appointed agent shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every 12 months without specific approval of the Board.
- E. Withdrawal of application. Any petition for a hearing before the Board may be withdrawn prior to action thereon by said Board at the discretion of the person, firm or corporation initiating such request, upon written notice to the Secretary of said Board.
- F. Fee. Each application for a variance shall be accompanied by payment of a fee as set forth in Article XXIII to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be

refunded, provided that no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

§ 100-116. Hearings.

Requests for a hearing before the Board of Zoning Appeals for an administrative review shall observe the following procedures:

- A. An appeal to the Board may be taken by any person aggrieved by or by an officer, department, board or bureau of the Town of Grottoes affected by any decision of the Zoning Administrator, within 30 days after the decision.
- B. Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board; such applications shall specify the grounds for appeal.
- C. The Zoning Administrator shall, forthwith, transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- D. An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that, by reason of acts 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 and on notice to the Zoning Administrator and for good cause shown.
- E. The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by § 15.2-2204 of the Code of Virginia 1950, as amended, and decide the same within 30 days of the date of such public hearing.
- F. In exercising the powers granted the Board in § 100-114 of this chapter, said Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Administrator and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning and building permit.
- G. Any application for appeal before the Board may be withdrawn prior to action hereon by said Board at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Secretary of said Board.
- H. Each application for an appeal shall be accompanied by payment of a fee as set forth in Article XXIII to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded, provided that no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

§ 100-117. Decisions. [Amended 7-8-1996; 7-9-2009]

For procedures relating to decisions made by the Board of Zoning Appeals, see § 15.2-2311 (NOTE: as amended 7-1-2008) of the Code of Virginia.

§ 100-118. Administration of Subdivision Regulations.

- A. Subdivision Ordinance Administrator. The Subdivision Administrator shall be appointed by and shall serve at the pleasure of the Grottoes Town Council, which shall fix the compensation of the Administrator.
- B. Powers and duties. The Subdivision Administrator is authorized and empowered on behalf of and in the name of the Grottoes Town Council to administer and enforce the provisions set forth in Article XXII of these regulations, other pertinent provisions and § 15.2-2240 et seq., Code of Virginia 1950, as amended. The Administrator may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority, by the agent, shall have particular reference to the resident highway engineer and the health official.
- C. Subdivision administration process. Figure 2³⁴ outlines the administrative process to be followed under the provisions of the subdivision regulations found in Article XXII.

ARTICLE XXII
Subdivision Regulations

§ 100-119. Authority; applicability.

Under the authority to establish subdivision regulations recorded in Article I, § 100-2, and the purposes outlined in Article I at §§ 100-4A(8) and 100-4B, the regulations established herein constitute minimum requirements which shall apply to all subdivisions, except as hereinafter provided.

§ 100-120. Statutory provisions.

The following statutory provisions shall be effective in the Town of Grottoes:

- A. No person shall subdivide land without making a plat of such subdivision and recording it in the office of the Circuit Court of Rockingham County and without fully complying with the provisions of this article.
- B. No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local Commission or by the governing body or its duly authorized agent of the Town of Grottoes wherein the land to be subdivided is located or by the commissions, governing bodies or agents, as the case may be, of each county or municipality having a subdivision ordinance, in which any part of the land lies.
- C. No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto or bona fide divisions in accordance with the authority referenced in Article I, § 100-2J.

³⁴. Editor's Note: Figure 2 is located at the end of this chapter.

- D. Any person violating the foregoing provisions of this section shall be subject to a fine as provided in § 15.2-2286, Subsection A5 of the Code of Virginia 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. [Amended 7-8-1996]
- E. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by § 17-59³⁵ of the Code of Virginia 1950, as amended, shall apply to any failure to comply with the provisions of this section.

§ 100-121. Plat required.

- A. Whenever the owner or proprietor of any tract of land within the Town of Grottoes desires to subdivide the same, he or she shall submit a plat of the proposed subdivision to Grottoes through the designated Administrator. The administrative process for the subdivision regulations, for the Town of Grottoes are found in Article XXI, § 100-118. No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Administrator in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded in the office of the Clerk of Court of Rockingham County, Virginia.
- B. No one exempt. No person shall subdivide any tract of land that is located within the Town of Grottoes, except in conformity with the provisions of this chapter and the applicable provisions of the Code of Virginia 1950, as amended.
- C. Mutual responsibility. There is a mutual responsibility between the subdivider and the Town of Grottoes to divide the land so as to improve the general use patterns of the land being subdivided.
- D. Land must be suitable. The Town Council shall not approve the subdivision of land if, from adequate investigation conducted by the public agencies concerned, 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.
- E. Improvements. All required improvements shall be installed by the subdivider at his or her cost. Specifications and requirements set forth in this regulation shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate official.
 - (1) The subdivider or developer shall pay a 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 or her subdivision or development; provided, however, that no such payment shall be

³⁵. Editor's Note: Title 17 of the 1950 Code of Virginia was repealed by Acts 1998, c. 872. See now Title 17.1, Ch. 2, Art. 3, of the Code of Virginia.

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. 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; in lieu of such payment, other methods of performance guaranty satisfactory to the governing body shall be posted, conditioned on payment at the commencement of such construction.

- F. Necessary changes. No change, erasure or revision shall be made on any final plat nor on accompanying data sheets after approval by the Town Council has been endorsed, in writing, on the plat or sheets, unless authorization for such changes has been granted in writing on behalf of the Council.
- G. Private contracts. This regulation 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. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

§ 100-122. General requirements.

The general specifications and requirements set forth in this section shall be as follows:

- A. Lot size. Residential lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located, as prescribed in Article XX of this chapter.
- B. Lot shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to the topography and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage by adding area which would be unusable for normal purposes.
- C. Lot side lines. Side lines of lots shall be approximately at right angles or radial to the street line.
- D. Lot shall abut on a street. Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street or on a street which has become public by right of use. If the existing streets are not 50 feet in width, 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 said roads or streets to a width of 50 feet.
- E. Remnants. Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over

after subdividing a tract must be added to adjacent lots or become the property of a homeowners' association, rather than allowed to remain as unusable parcels.

- F. Block length. The maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.
- G. Block width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- H. Block orientation. Where a proposed subdivision adjoins a major road, the Town may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- I. Street design and standards.
 - (1) For all subdivisions, all streets and roads shall conform to Virginia Department of Transportation specifications and standards. ³⁶ [Amended 7-8-1996]
 - (2) Concrete sidewalks, curbs and gutters shall be installed on all streets shown on the subdivision plat in applicable specifications set by the Town. In the case of newly platted streets in a subdivision, the development plan must provide drainage provisions satisfactory to the Town Council. ³⁷ [Amended 7-8-1996]
 - (3) The subdivider shall construct and surface all platted streets. Curbs and gutters shall be provided for each street. Sidewalks shall also be constructed at the subdivider's expense.
 - (4) Curbs, gutters and sidewalks shall be constructed such that there will be a driveway entrance for each lot.
- J. Street alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. 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. Where, in the opinion of the Town, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60°, unless approved by the Administrator.

³⁶. Editor's Note: Former Subsections 904.09-2, 904.09-3 and 904.09-4, dealing with street design and street standards, which immediately followed this subsection, were deleted 7-8-1996.

³⁷. Editor's Note: Former Subsections 904.09-6, 904.09-7 and 904.08, dealing with street design and street standards, which immediately followed this subsection, were deleted 7-8-1996.

- K. Alleys. Alleys should be avoided whenever possible; if permitted, the right-of-way will be not less than 20 feet.
- L. Culs-de-sac. Streets designed to have one end permanently closed must be terminated by a turnaround of not less than 100 feet in diameter.
- M. Reserve strips. There shall be no reserve strips controlling access to public streets.
- N. Street names. Street naming shall be done in accordance with the provisions of § 101-49F. [Amended 7-8-1996]
- O. Street identification signs. Street identification signs of an approved design shall be installed at all intersections.
- P. Monuments. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this regulation are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted. The following requirements shall apply:
 - (1) Location, concrete. Concrete monuments four inches in diameter or square, with a flat top, shall be set at all street corners, 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. The top of the monument shall be set flush with the finished grade.
 - (2) Location, iron pipe. All other lot corners shall be marked with iron pipe not less than 3/4 inch in diameter and 24 inches long and drive 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 1/2 inch in diameter, the top of which shall be flush with the finished grade line.
- Q. Reservation of land for public purposes. The Town may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the following regulations:
 - (1) Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage reservations, without reimbursement by the governing body. Where land is required in excess of this amount, the reimbursement by the governing body shall be based on a proportionate share of the cost of raw land, cost of improvements, including interests or investments and development costs, plus not more than 10% profit on the total of such costs.
 - (2) Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. The amount of reimbursement shall be determined as in Subsection Q(1). They shall not be required to hold the land longer than 18 months following the recording of the plat for such purchase. If the land is not

purchased within said 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plan, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserve land and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.

- (3) The Commission shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his or her subdivision.
- (4) Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district without the land so required for commercial use being zoned appropriately in accordance with the zoning provisions of this chapter.

§ 100-123. Utilities.

- A. Plans and specifications for utility fixtures and systems to be submitted for approval. If the owners of any such subdivision desire to construct in, on or under any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the governing body of the Town of Grottoes or its authorized agent for approval. The governing body shall have 60 days in which to approve or disapprove the same. In event of the failure of the governing body or its agent to act within such period, such plans and specifications may be submitted, after 10 days' notice to the Town, to the Judge of the Circuit Court having jurisdiction within Town for approval or disapproval, and approval thereof shall, for all purposes of this article, be treated and considered as the approval of the Town.
- B. Septic tanks. The governing body shall not approve any subdivision where sanitary sewers are not provided unless there are systems that are in accordance with the water and sewer ordinances. [Amended 7-8-1996]
- C. Public water and/or sewer. Where public water and/or sewer is available, the service shall be extended to all lots within a subdivision by the developer.
- D. Fire protection. The installation of adequate fire hydrants in a subdivision at approved locations is required in accordance with the designated County Fire Code.
- E. Flood control and drainage. If any portion of the proposed subdivision is determined by the agent to be in the one-hundred-year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the one-hundred-year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the statewide stormwater management criteria or alternate criteria adopted by the Grottoes Town Council. The flood control and drainage information shall include a properly certified

engineer's statement that such improvements, when properly installed, will be adequate to meet the criteria as applied to the proposed development.

- F. Utility easements. The Town may require easements for drainage through adjoining property to be provided by the subdivider. Easements of not less than 20 feet in width shall be provided for water, sewer, power lines and other utilities to serve the subdivision when required.
- G. Town obligation. Nothing herein shall be construed as creating an obligation upon the Town of Grottoes to pay for grading or paving or for sidewalks, sewers, water systems, curb and gutter improvements or other construction.

§ 100-124. Relation to erosion and sediment control laws.

- A. The General Assembly has determined that the lands and waters comprising the watersheds of the Commonwealth are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control Law to control erosion and sedimentation from land-disturbing activities.
- B. Subdivision development included as land-disturbing activity. The Code of Virginia includes the term subdivision development along with activities disturbing 10,000 or more square feet of land for commercial or noncommercial uses.
- C. Erosion and sedimentation plan required. At the time of filing the preliminary plat, an erosion and sedimentation control plan will also be filed [see § 100-125C(9)] in accordance with the Town of Grottoes Erosion and Sediment Control Ordinance, when enacted, and the provisions of the Virginia Erosion and Sediment Control Handbook or in accordance with Rockingham County's Erosion and Sediment Control plans. [Amended 7-8-1996]

§ 100-125. Preliminary plat; sketch.

- A. Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the subdivider or his or her agent shall apply, in writing, to the Administrator for the approval of the subdivision by submitting four copies of a preliminary plat, including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded.
- B. Preliminary sketch. The subdivider may, if he or she so chooses, submit to the Administrator a preliminary sketch of the proposed subdivision prior to his or her preparing detailed preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his or her plans, in general, are in accordance with the requirements of this chapter. Upon submission of any such preliminary sketch, it shall be studied and the subdivider advised where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned

to the Commission with the preliminary plat. The preliminary sketch shall be as follows:

- (1) It shall be drawn on white paper or on a print of a topographic map of the property.
- (2) It shall be drawn to an appropriate scale i.e., 200 feet to the inch.
- (3) It shall show the name, location and dimensions of all streets entering the property adjacent to the property or terminating at the boundary of the property to be subdivided.
- (4) It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

C. Preliminary plat. The subdivider shall present to the Administrator four copies of a preliminary layout at an appropriate scale. The preliminary plat shall include the following information:

- (1) The name of the subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, North point and scale.
- (2) The location of the proposed subdivision by an inset map at a scale of not less than one inch equal to 2,000 feet showing adjoining roads, their names and number, Towns, subdivisions and other landmarks.
- (3) The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500, total acreage, acreage of the subdivided area, the number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, the names of owners and their property lines, both within the boundaries of the tract and adjoining such boundaries.
- (4) All existing, platted and proposed streets and their names, numbers and widths; existing utility or other easements, public areas and parking spaces; and culverts, drains and watercourses and their names and other pertinent data.
- (5) All parcels of land to be dedicated for public use and the conditions of such dedication.
- (6) Topography at an appropriate interval.
- (7) Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.
- (8) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal.

- (9) Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required (see § 100-124C).
- D. Procedure. The Planning Commission and agent shall discuss the preliminary plat with the subdivider in order to determine whether or not his or her preliminary plat generally conforms to the requirements of this chapter. The subdivider shall then be advised, in writing, within 45 days, which may be by formal letter or by legible markings on his or her copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Administrator shall require a bona fide estimate of the cost of improvements to be furnished by the subdivider.
- E. No guaranty. Approval by the Planning Commission and Administrator of the preliminary plat does not constitute a guaranty of approval of the final plat.
- F. Six-month limit. The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the Administrator a final subdivision plat in accordance with this section. Failure to do so shall make preliminary approval null and void. The Administrator may, on written request by the subdivider, grant an extension of this time limit.

§ 100-126. Final plat.

- A. In accordance with § 15.2-2262 of the Code of Virginia, plats shall be prepared by a certified professional engineer or land surveyor. [Added 7-8-1996]
- B. Four copies of the final plat shall be submitted to the Administrator. The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly printed at an appropriate scale, i.e., 100 feet to the inch, on sheets not exceeding 17 inches by 22 inches in size. When a subdivision cannot be platted on sheets of this size, it is suggested that it be platted in sections, numbering the sections numerically as "Section 1, 2, etc.," of the name of the subdivision.
- C. The plat should contain at least the following information:
- (1) The name of the subdivision, ward, Town, state, owner, North point, scale of drawing and number of sheets. If shown on more than one sheet, match lines shall clearly indicate where the several sheets join. A space containing the certificate of approval (see Appendix A³⁸) shall be provided for the use of the approving authority.
 - (2) The location of the proposed subdivision by an insert map, at a scale of not less than one inch equals 2,000 feet, indicating adjoining roads, their names and numbers, Towns, subdivisions and other landmarks.

³⁸. Editor's Note: Appendix A is on file in the Town offices.

- (3) A boundary survey with an error of closure within the limits of one in 5,000, related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the State Plan Coordinate grid, if the coordinates of two adjacent corners of the subdivision are shown.
 - (4) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds on the form shown in Appendix A.
 - (5) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
 - (6) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers and widths; existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type; watercourses and their names; and the names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- D. All dimensions shown shall meet the standards published by the State Board of Licensing.
- E. The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.
- F. A professional engineer or surveyor shall certify that all required facilities are designed and built to the requisite standards. (See Appendix A.³⁹)
- G. Consideration of final plats.
- (1) The Town Council shall act on proposed final plats within 60 days after it has been officially submitted for approval by either approving or disapproving such plat, in writing, and giving with the latter specific reasons therefor. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself and shall relate in general terms such modifications or corrections as will permit approval of the plat.
 - (2) If the Town Council fails to act on the proposed plat within 60 days after it has been officially submitted for approval, the subdivider, after 10 days' written notice to the Town Council, may petition the Circuit Court of the

³⁹. Editor's Note: Appendix A is on file in the Town offices.

County of Rockingham to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper.

- (3) If the Town Council disapproves a plat and the subdivider contends that such disapproval was not properly based on the ordinance applicable thereto or was arbitrary or capricious, he or she may appeal to the Circuit Court having jurisdiction of such land, and the Court shall hear and determine the case as soon as possible, provided that his or her appeal is filed with the Circuit Court within 60 days of the written disapproval by the Town Council.
- (4) The subdivider shall have not more than six months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit, such approval shall be withdrawn and the plat marked void and returned.
- (5) Before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement financed or to be financed in whole or in part by private funds, the owner or developer must:
 - (a) Certify to the governing body that the construction costs have been paid to the person constructing such facilities; or
 - (b) Furnish to the governing body a certified check, letter of credit, cash escrow or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities.
- (6) Should the Town have accepted the dedication of a road for public use and such road is not acceptable into the state highway system due to factors other than its quality of construction, the Town may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the governing body in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the state highway system.
- (7) Recordation. The recordation of such plat shall operate to transfer, in fee simple, to the Town of Grottoes 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 public right of passage over the same.
- (8) Conditions. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for performance

bonds to the satisfaction of the agent. Approval of final plat shall be written by the agent on the face thereof.

§ 100-127. Lot line revisions.

- A. A lot line on an existing parcel may be revised as long as the revision will not be in conflict with any provisions of this chapter.
- B. Procedure. The property owner or proprietor of a tract of land in Grottoes shall file a plat meeting the requirements of § 100-126. The Planning Commission shall review the proposed revision and make recommendations to Town Council. Council consideration will follow the process outlined in § 100-126G.

§ 100-128. Vacation of plat.

- A. A plat may be vacated by ordinance of the governing body of the Town of Grottoes in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by § 15.2-2204 of the Code of Virginia. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance is to be considered. An appeal from the adoption of the ordinance may be filed within 30 days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the Clerk's office of the Court in which the plat is recorded.
- B. In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:
 - (1) By instrument, in writing, agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the governing body of the Town in which the land shown on the plat or part thereof to be vacated lies, for the purpose of showing the approval of such vacation by the governing body. The word "owners" shall not include lien creditors, except those whose debts are secured by a recorded deed of trust or mortgage, and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the Clerk's office of any court in which said plat is recorded; or
 - (2) By ordinance of the Town of Grottoes Town Council on motion of one of its members or on application of any interested person. Such ordinance shall not be adopted until after notice has been given as required by § 15.2-2204 of the Code of Virginia. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person

may appear at said meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days with the Circuit Court having jurisdiction over the land shown on the plat or part thereof to be vacated. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the Clerk's office of any court in which the plat is recorded.

§ 100-129. Advertising standards.

A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to whether or not officially approved water and sewage facilities are available.

§ 100-130. Exceptions.

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 a departure may be made without destroying the intent of such provisions, the governing body may authorize an exception. Any exception thus authorized is to be stated, in writing, in the report of the Administrator with the reasoning on which the departure was justified set forth. No exception to this chapter may be granted which is opposed, in writing, by the Town or Highway Engineer or health official.

**ARTICLE XXIII
Schedule of Fees**

§ 100-131. Fees. [Amended 7-8-1996]

The fees set forth in Chapter A171, Fees, are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings and performing necessary inspections.⁴⁰

§ 100-132. Return of fees; deficiencies.

- A. Upon completion of the hearing process, the actual costs shall be determined, and if the amount prepaid to the Town exceeds the actual cost plus 10%, the excess shall be refunded to the applicant.
- B. Deficiencies. If there is a deficiency, the applicant shall pay that amount plus 10% to the Town.

**ARTICLE XXIV
Violations and Penalties**

⁴⁰. Editor's Note: Former Sections 1001.00, 1002.00 and 1003.00, dealing with fees related to zoning, amendments and subdivisions, were deleted 7-8-1996.

§ 100-133. Compliance of public employees required.

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

§ 100-134. Complaint of violation.

Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. He or she shall record properly such complaint, immediately investigate and take action thereon provided by these regulations.

§ 100-135. Violations and penalties.

Any person, firm or corporation, whether as principal agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to \$1,000. 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 these regulations is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

ARTICLE XXV
Miscellaneous Provisions

§ 100-136. Private covenants.

This chapter 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. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

§ 100-137. Conflicts with other provisions.

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.⁴¹

ARTICLE XXVI
Adult Businesses
[Added 9-8-2008]

§ 100-138. Applicability.

⁴¹. Editor's Note: Appendix A, Certificates Required, and Appendix B, Subdivision Checklist, which were included at the end of these regulations, are now on file in the office of the Town Clerk.

This article enacts a code adopting rules, regulations and restrictions to oversee and control the operation of adult businesses within the Town Limits of the Town of Grottoes, Rockingham County, Virginia.

- A. Whereas, the Courts of Virginia as well as the United States Supreme Court have recognized the Town's authority to adopt rules and regulations over the operation of adult entertainment businesses; and
- B. Whereas, the county has a substantial government interest in protecting the public health, safety and welfare of its citizens and all persons within the Town, and of propounding standards to eliminate the possibility of infection by contagious sexually transmitted diseases; and
- C. Whereas, the regulation of adult entertainment businesses is necessary to prevent undesirable secondary effects on surrounding areas, including but not limited to a tendency to attract an undesirable quantity and quality of transients; to affect property values adversely; to cause an increase in crime, especially prostitution; to contribute to the blighting or downgrading of surrounding neighborhoods/areas; and to encourage residents and businesses to move elsewhere; and
- D. Whereas, this article is intended to prevent secondary effects of adult entertainment businesses, and is not intended to protect citizens from offensive speech or to suppress free expression protected by the First Amendment of the United States Constitution; and
- E. Whereas, the Town has reviewed the effects of unregulated adult entertainment businesses in surrounding counties and municipalities, and has determined that the secondary effects of same are unacceptable.

§ 100-139. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words and phrases used in this article which are not defined herein shall have the meanings ascribed to such words and phrases in common usage.

ADULT BUSINESS — Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to, the following: adults-only bookstores, adults-only motion-picture theaters, adult entertainment centers, massage parlors, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ADULT ENTERTAINMENT BUSINESS — Synonymous with "adult business," as defined herein.

ADULTS ONLY — Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether autoerotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

ADULTS-ONLY BOOKSTORE — An adults-only establishment having, as a substantial or significant portion of its stock in trade, books, magazines, films for sale or

viewing on premises by use of motion-picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether autoerotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity; an establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adults-only items for sale to patrons therein.

ADULTS-ONLY MOTION-PICTURE THEATER — An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether autoerotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity for observation by patrons therein.

NUDITY — A state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

OBSCENE — The word "obscene," where it appears in the article, shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof, or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value. Any material or performance is obscene if:

- A. The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- B. The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- C. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

OBSCENE ITEMS — Obscene items shall include:

- A. Any obscene book;
- B. Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, bumper sticker, drawing, photograph, film, negative, slide, motion picture, videotape recording;
- C. Any obscene figure, object, article, instrument, novelty device, or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words, or sounds; or
- D. Any obscene writing, picture or similar visual representation, or sound recording, stored in an electronic or other medium retrievable in a perceivable form.

OPERATOR — Any person (whether said person is an individual, partner, corporation, joint-stock company, fiduciary, officer, director, stockholder, employee, or manager) that conducts, maintains or owns any adult business.

PATRON — Any customer, patron or visitor to an adult business who is not employed by any operator of said establishment.

SELL — Includes soliciting or receiving an order for, keeping or exposing for sale, and keeping with intent to sell.

SEXUAL CONDUCT — Ultimate sex acts (whether autoerotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with a person's unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

UNDERAGE — Any person under 18 years of age, the legally minimum age at which one can purchase or view adults-only items.

WALL SIGN — Any flat sign which is placed against a building or other structure and attached thereto in such manner that only one side is visible.

§ 100-140. Special use permit required.

- A. No adult business may operate within the Town of Grottoes without first having obtained a special use permit. A separate special use permit must be acquired for each adult business. It shall likewise be unlawful for any such business to sell or offer for sale any adults-only items in violation of the terms and conditions of such special use permit.
- B. A special use permit issued by the Town is required for and with respect to any building location and premises, within the limits of the Town, at or upon which an adult business is to be operated.
- C. No special use permit shall be held in existence by the mere payment of fees.
- D. After a special use permit has been obtained, the applicant must also apply for a permit from the Chief of Police to conduct such activities.

§ 100-141. Special use criteria.

- A. Unless the applicant consents to a longer period of review, an application for a special use period of review an application for a special use permit for an adult business must be approved or denied within 90 days of the filing of a complete application.
- B. In reviewing the application, the Planning Commission and Town Council may consider the following factors, as well as other appropriate land use considerations:
 - (1) The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;

- (2) The proximity of dwellings, churches, schools, parks or other places of public gatherings, and no adult businesses shall be located within 1,000 feet of a church, school, park or residential area;
 - (3) The probable effect of the proposed use on the peace and enjoyment of people in their homes;
 - (4) The limitations of fire and rescue equipment and the means of access for fire and police protection;
 - (5) The preservation of cultural historical landmarks and trees;
 - (6) The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
 - (7) The conservation of property values;
 - (8) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and
 - (9) The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and any negative secondary effects on the surrounding properties and the neighborhood.
- C. If an application for a special use permit for an adult business is denied and the applicant desires to appeal the denial, the Town will facilitate the applicant's obtaining prompt review of the decision from the Circuit Court of Rockingham County. Unless the applicant agrees to an extension, the Town will file a responsive pleading within 10 days of service upon the Town of an appeal, will file a responsive brief within 15 days of service of the applicant's brief, and will agree to any reasonable expedited trial or hearing date.

§ 100-142. Adult business permit required; application.

- A. Every person desiring a business license to operate an adult business or any person presently operating an adult business shall apply to the Chief of Police, or his designee, for a permit to conduct such activity once a special use permit has been obtained. Each such application shall be accompanied by a fee in the amount of \$50, payable to the Town. The permit shall be valid for a period of 12 months and may be renewed subject to the same requirements as the initial permit.
- B. Information required on the permit application shall include, but not be limited to, the following:
 - (1) The applicant's full name, age, sex, race, weight, height, hair and eye color, address, telephone number, date and place of birth, and social security number;
 - (2) Names and addresses of references;

- (3) Whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted, and the penalty or punishment assessed;
 - (4) Photograph and fingerprints of applicant;
 - (5) Name, including any fictitious names, and address of the business for which a permit is sought;
 - (6) Written authorization to conduct a background investigation of the applicant, including a criminal records check, and to investigate whether the information provided by the applicant is true;
 - (7) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct;
 - (8) Whether the applicant holds or has held any other permits under this article or other similar adult use ordinance provisions from another locality within the past five years and, if so, the names and locations of such other permitted businesses; and
 - (9) A description of the intended business activity.
- C. For a corporation, partnership, limited-liability company or other legal entity, "applicant" shall include the principal, entity manager, and operating member of the entity and any managers of the business; however, the name and address of each officer, director or partner shall also be provided.
- D. Any changes in the ownership or principals of the business entity to which the permit is issued or in the managers of the business itself will automatically make the permit void. Such changes shall be reported to the Chief of Police, or his designee, and a new application may be submitted for review.
- E. Should any person's application be for a permit for an adult business be denied and that decision is not appealed, or if appealed, is denied by the court, then said person shall not be able to reapply for an adult business permit for a period of six months from the date of denial.
- F. Adult businesses that presently exist on the date this article is enacted and becomes effective shall have 12 months to come into compliance with all licensing requirements and other regulations as set forth in this article.

§ 100-143. Issuance of adult business permit.

- A. The Chief of Police, or his designee, shall grant or deny an application, in writing, within 60 days of its proper filing, unless information requested from other law enforcement agencies is not received within the sixty-day period, in which case the Chief of Police, or his designee, shall have an additional 30 days to act on the application. Upon the expiration of the applicable time period, unless the applicant requests, in writing, and is granted a reasonable extension of time, in writing, the applicant shall be permitted to begin operating the business for which the permit is

sought, unless and until the Chief of Police, or his designee, notifies the applicant of a denial of the application and states the reasons for that denial in writing.

- B. If the application is denied, the Chief of Police, or his designee, shall notify the applicant of the denial, in writing, and state the reasons for the denial.
- C. The Chief of Police, or his designee, shall deny the application for any of the following reasons:
 - (1) An applicant is under 18 years of age.
 - (2) An applicant has failed to provide information required by this article or has falsely answered a question.
 - (3) The premises to be used by the adult business have not been approved as being in compliance with health, fire and building codes.
 - (4) The application or permit fees have not been paid.
 - (5) The business does not have proper zoning.
 - (6) The applicant has a permit under this article which has been suspended or revoked.
- D. The applicant shall not be issued a permit if the Town's investigation or the information furnished in compliance with this article shows that the applicant has been convicted of a sex-related crime, has been denied a permit or has had a permit revoked under any statute or ordinance similar in substance to the provisions of this article. In addition, each application shall be reviewed by the Town departments charged with enforcing the business license, zoning, building, plumbing, utility, health, electric and fire prevention codes, as needed, and no permit shall be issued if the applicant's business in the Town does not comply with these and any other applicable Town or state laws or regulations.

§ 100-144. Revocation of adult business permit.

- A. The Chief of Police, or his designee, may revoke or suspend a permit issued pursuant to this article upon determining that:
 - (1) A permittee gave false or misleading information in the material submitted during the application process;
 - (2) A permittee or an employee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises;
 - (3) A permittee or an employee has knowingly allowed prostitution on the premises;
 - (4) A permittee refused to allow an inspection of the adult premises as authorized by this article;
 - (5) On two or more occasions within a twelve-month period, a person or persons committed an offense, occurring in or on the permitted premises, constituting

aiding, abetting or harboring a runaway child; prostitution or promotion of prostitution; exposing minors to harmful materials; dissemination of obscenity; sexual assault for which a conviction has been obtained, and the person or persons were employees of the adult business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit;

- (6) A permittee is convicted of tax violations for any taxes or fees related to the adult business;
 - (7) A permittee has demonstrated inability to operate or manage an adult business, as evidenced by proven violations, thus necessitating action by law enforcement officers;
 - (8) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or any other sexual activity to occur in or on the permitted premises;
 - (9) A permittee has been operating an adult business not approved under the applicable permit;
 - (10) A permittee has failed to comply with the provisions of this article; or
 - (11) A permittee's business fails to comply with applicable Town or state laws or regulations.
- B. If the Chief of Police, or his designee, revokes or suspends a permit, he shall notify the permittee, in writing, of such action and the reasons for the action, and of the permittee's right to request a hearing. To receive a hearing, the permittee must make a written hearing request which must be received by the Chief of Police, or his designee, within 10 days of the date of the revocation notice. If a hearing is properly requested, it shall be held within 10 days of receipt of the hearing request. The hearing shall be presided over by the Chief of Police or his designee. The permittee shall have the right to present evidence and argument or to have counsel do so. Within five days of the hearing, the Chief of Police, or his designee, shall render a decision. The permittee must discontinue operation of his business if the Chief of Police, or his designee, renders a final decision revoking or suspending the permit.

§ 100-145. Transfer of permit.

- A. A permittee shall not operate an adult business under the authority of a permit at any place other than the address designated in the approved permit.
- B. A permittee shall not transfer his or her permit to another person or entity.

§ 100-146. Location restrictions.

The use of property for an adult business can have potentially harmful secondary effects on surrounding areas, and may have a deleterious effect upon the use and enjoyment of adjoining properties. Such secondary effects can include, but not be limited to, a tendency

to attract an undesirable quantity and quality of transients, to affect property values adversely, to cause an increase in crime, especially prostitution, to contribute to the blighting or downgrading of the surrounding neighborhood/area, and to encourage residents and businesses to move elsewhere. As such, all adult businesses excepting nonconforming uses as described below, must comply with the following location restrictions:

- A. All adult businesses shall be located within a B-2 Business District.
- B. No adult business shall be located within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, school, licensed day-care facility, Town building, major highway or park. Said distance shall be measured from property line to property line.
- C. No more than two adult businesses shall be located within 2,000 feet (excluding streets, alleys and public ways) of another adult business. Said distance shall be measured from property line to property line.
- D. Adult businesses in violation of Subsections A, B and C shall be permitted as nonconforming uses where said adult businesses were established and operated continuously prior to the effective date of this article, provided that no such adult business may be enlarged or increased in size or may be discontinued in use for a period of more than 180 days.

§ 100-147. Physical layout restricted.

The use of booths, rooms or cubicles in an adult business can, by reason of their design and intended use, facilitate the spread of sexually transmitted diseases (both fatal and nonfatal). Insofar as the Town has a substantial government interest in protecting the public health, safety and welfare of its citizens and all persons within the county, the following standards have been propounded to eliminate the possibility of infection by contagious sexually transmitted diseases.

- A. All booths, rooms or cubicles for the private viewing of any adults-only items or movies shall comply with the following standards:
 - (1) They are totally accessible both to and from lighted aisles and public areas of the adult business.
 - (2) The bottom surfaces of any doors must measure at least 42 inches from the floor surfaces.
 - (3) No surfaces intended for seating may be located therein.
 - (4) No doors may be fitted with or obstructed by any lock mechanism or other control-type device.
 - (5) They must be separated from adjacent booths, rooms or cubicles and any nonpublic areas by a solid wall without any opening and extending from the floor to a height of at least six feet.

- (6) They must be lit by light bulbs of at least 25 watts when the adult business is open for business.
- (7) All doors or openings must be sufficiently unobstructed such that an operator, employee or agent may determine the number of persons within any booth, room or cubicle.
- B. Only one person shall occupy a booth, room or cubicle at any time, and at no time shall the occupant therein engage in any type of sexual conduct resulting in the discharge of any bodily fluids while within a booth, room or cubicle.
- C. All wall and floor surfaces must be of a light-colored, nonabsorbent, smooth texture that is easily cleaned.
- D. All public areas of an adult business must be lit by light bulbs of at least 60 watts when the adult business is open for business.
- E. The actual square footage used for the sale of adult merchandise shall only be 10% of the actual square footage of the building in which the business is operating.

§ 100-148. Prohibited conduct.

The operator of any adult business shall neither participate in nor suffer or permit any of the following prohibited acts to occur on the premises:

- A. Sexual conduct, including but not limited to any demonstration, dance, performance or exhibition on the licensed premises by any employee, agent, entertainer or patron, where said person engages in any of the following conduct:
 - (1) Exposure of the genitalia, pubic hair, buttocks, perineum, anal or pubic region.
 - (2) Exposure of any device, costume or covering which gives the appearance of or simulates the genitalia, pubic hair, buttocks, perineum, anal or pubic region.
 - (3) Exposure of any portion of the female breast at or below the areola thereof.
 - (4) Performance or simulated performance of ultimate sexual acts or explicit sexual conduct (whether autoerotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.
 - (5) Fondling of his or her own genitals or the genitalia of another person.
- B. Employment or use of the services of any person in or upon the premises of the adult business while such person is unclothed or in such attire, costume or clothing so as to result in conduct prohibited in Subsection A above.
- C. Admission of any underage patron into or upon the premises of the adult business.
- D. Patronage, frequenting or loitering of any underage person in any adult business.
- E. Allowance of any underage person to view, accept or otherwise possess any adults-only item on the licensed premises.

- F. Employment or use of the services of any underage person in or upon the premises of the adult business.
- G. Drunkenness, fighting, unlawful games, or riotous or disorderly conduct whatsoever in any premises kept or occupied as an adult business.

§ 100-149. Sales violations.

- A. No operator, agent or employee shall sell, deliver or provide, or offer or agree to sell, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene after recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof.
- B. No operator, agent or employee shall create, buy, procure or possess obscene matter or material with intent to disseminate it in violation of this article or state statute.
- C. No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be obscene, whether or not it is obscene.
- D. No operator, agent or employee shall knowingly sell, deliver or provide, or offer or agree to sell, deliver or provide, any child pornography, as defined by state statute.
- E. No operator, agent or employee shall create, buy, procure or possess any child pornography with intent to disseminate it in violation of this article or state statute.
- F. No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be child pornography, whether or not it is child pornography.
- G. No person, after purchasing or otherwise obtaining an adults-only item, shall sell, deliver or allow any underage person to view an adults-only item.
- H. If an operator, agent or employee believes or has reason to believe that a sale, delivery or viewing of any adults-only item is prohibited because the prospective recipient is underage, said operator, agent or employee shall (before making or allowing such sale, gift, delivery or viewing) demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties.
- I. An operator, agent or employee may refuse to sell, deliver or allow any person to view any adults-only item where said person is unable to produce adequate written evidence of identity and age by production of a document issued by the federal, state, or county government, or subdivision or agency thereof, including but not limited to the following documents:
 - (1) A motor vehicle operator's license.
 - (2) An identification card issued to a member of the armed forces.
- J. Proof that the operator, employee or agent demanded, examined and reasonably relied upon such written evidence listed in Subsection I above in any transaction

forbidden by this article is competent evidence that may be offered as an affirmative defense to a violation of this article.

- K. No operator, agent or employee shall give away or otherwise make available any adults-only item or viewing of any adults-only item for the purpose of evading any provision of this article when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.
- L. Offers or agreements to sell, deliver, provide or allow the viewing of any adults-only item at or within any premises when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.
- M. The use of any other shift or device to evade any provision of this article is prohibited and shall constitute unlawful selling.

§ 100-150. Hours of operation.

The unlimited operation of an adult business can, by reason of its intended use, facilitate secondary effects, including but not limited to prostitution, disorderly conduct, and performance of sexual acts or conduct in public, traffic congestion and parking problems. Insofar as the Town has a substantial government interest in preserving character and preventing deterioration of its neighborhood and minimizing the disruptive effect of such adult businesses on neighborhoods, the following limitations on operation times have been propounded:

- A. No operator, employee or agent of an adult business shall sell, deliver or allow any person to view any adults-only item between the hours of 10:00 p.m. and 10:00 a.m. on Mondays through Saturdays, nor on Sundays or recognized federal holidays. The time referred to shall be either Eastern standard time or daylight saving time, whichever is in effect at the time in this state.
- B. No operator, employee or agent of an adult business shall permit any person to remain on the premises during the hours specified herein, and all patrons shall vacate the licensed premises during the hours specified herein.

§ 100-151. Signs.

The unregulated use of signs can result in secondary effects that create dangers to the public in periods of high winds or inclement weather, defeat the sign's informational or advertising functions as competitors escalate sign size and expense to attract patrons, reduce the ability of the public to interpret the intended message safely and quickly, and destroy the aesthetic quality of the community. Insofar as the Town has a substantial government interest in these matters, all signs advertising or promoting the sale of adults-only items must meet the following restrictions:

- A. All signs must be flat wall signs.
- B. The amount of allowable sign area shall not exceed 400 square inches.

- C. No merchandise or depictions of adults-only items shall be displayed in window areas or any other area that may be viewed from a public street, alley, public way or sidewalk located in front of the building.
- D. A one-square-foot sign may be placed on the door to state the hours of operation and adults-only admittance.

§ 100-152. Public health standards.

- A. All premises operated as an adult business shall be kept in a clean and sanitary condition and shall be kept in full compliance with regulations issued by the County Health Department or the Virginia Department of Public Health.
- B. Any adult business shall keep and maintain the premises equipped with running hot and cold water, shall provide separate and adequate toilet facilities for both males and females, and shall comply with all health, sanitary, zoning and inspection requirements of the Rockingham County Code and the Commonwealth of Virginia.

§ 100-153. Inspections.

Any adult business shall permit representatives of the Police Department, Health Department (county or state), Fire Department, Zoning Department or Building Department to inspect the premises of an adult business for the purpose of insuring compliance with this article and with state statutes at any time the adult business is open for business.

§ 100-154. Vicarious liability.

- A. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this article, by any employee or agent of any operator, shall be deemed and held to be the act of said operator if such act or omission occurs either with the authorization, knowledge or approval of the operator.
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this article, by any employee or agent of any operator, shall be deemed and held to be the act of said operator if such act or omission occurs as a result of the operator's negligent failure to supervise the conduct of the employee or agent.
- C. Such an offense shall be punishable in the same manner as if said act or omission had been done or omitted by the operator personally.

§ 100-155. Violations and penalties.

- A. In the event that an operator, agent or employee of an adult business is guilty of violating any provision of this article, said person may be subject to a fine not to exceed \$1,500 per violation.

- B. Any person violating the provisions of this article shall be subject to an offense for each and every day on which such violation continues, and each day that the offense continues shall be regarded as constituting a separate offense.
- C. Any prosecution for violations of this article does not prohibit the Town from pursuing injunctive relief or the State Attorney's Office from pursuing criminal charges.

§ 100-156. Severability.

If any clause, section or other part of this article shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this article shall not be affected thereby, but shall remain in full force and effect.