

**CHAPTER 18**  
**SUBDIVISION**  
**(Repealed)**  
**CHAPTER 18-1**  
**LAND USE REGULATIONS**  
**ARTICLE 18-1**  
**AUTHORITY AND ENACTMENT**

Section 18-101.00 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.1, Chapter 11, Article 8, Section 15.1:486 through 15.1-498, 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:

Section 18-101.01 The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain and other specific uses.

Section 18-101.02 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures.

Section 18-101.03 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.

Section 18-101.04 The excavation or mining of soil or other natural resources.

Section 18-102.00 AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS

Whereas, by act of the General Assembly of Virginia as recorded in the Code of Virginia, 1950, as amended, as Article 7, Section 15.1-465 through 15.1-485 requires the Council of Floyd, Virginia to adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Town, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for 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:

Section 18-102.01 For size, scale, and other plat details.

Section 18-102.02 For the coordination of streets within and contiguous to the subdivision with other existing or streets within the general area as to location, widths, grades, and drainage.

Section 18-102.03 For adequate provisions for drainage and flood control and other public purposes, and for light and air.

Section 18-102.04 For 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.

Section 18-102.05 For 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 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; or (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 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 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;

Section 18-102.06 For monuments of specific types to be installed establishing street and property lines.

Section 18-102.07 That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the Governing Body such approval shall be withdrawn and the plat marked void and returned to the approving official.

Section 18-102.08 For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated.

Section 18-102.09 For payment by a sub-divider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the sub-divider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewer 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 sub-divider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development

bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the sub-divider 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 guarantee satisfactory to it conditioned on payment at commencement of such construction.

Section 18-102.10 For 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 requirements 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.

Section 18-102.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this section within thirty (30) days after receipt of written notice by the sub-divider or developer of completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said sub-divider or developer in writing of any specified defects or deficiencies in and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety (90) percent 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 from a department or agency designated by the local government may be accepted without further inspection of such facilities.

#### Section 18-103.00 ENACTMENT

Therefore be it ordained by the Council of the Town of Floyd, 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, of the Code of Virginia, as amended that the following be adopted as the Land Development Regulations of the Town of Floyd, Virginia, be adopted as the Town of Floyd Zoning Ordinance, as amended, and Subdivision Ordinance - Town of Floyd, Virginia, as amended.

### **ARTICLE 18-2 PURPOSES OF THE REGULATIONS**

#### Section 18-201.00 PURPOSES

The Floyd/Floyd County 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 Section

15.2-2283 by reasonable restrictions on those property rights. Further, to comply with the provisions of Section 15.2-2283, et. seq. the purposes of these regulations are:

Section 18-201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.

Section 18-201.02 To reduce or prevent congestion in the public streets.

Section 18-201.03 To facilitate the creation of a convenient, attractive, and harmonious community.

Section 18-201.04 To 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.

Section 18-201.05 To protect against destruction of, or encroachment upon, historic areas.

Section 18-201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.

Section 18-201.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.

Section 18-201.08 To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the Town of Floyd, Virginia.

Section 18-201.09 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.

Section 18-202.00 NON-EXCLUSIONARY 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 Floyd; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Floyd of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in Section 18-201, herein.

**ARTICLE 18-3  
DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

Section 18-301.00 GENERAL

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."

#### Section 18-302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

Section 18-302.01 Abattoir. A commercial slaughter house.

Section 18-302.02 Accessory Use or Building. See Use, Accessory.

Section 18-302.03 Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded plats.

Section 18-302.04 Administrator, The. The official charged with the enforcement of the zoning ordinance. He (The Administrator) may be any appointed or elected official who is by formal resolution designated to the position by the Floyd Town Council. He (The Administrator) may serve with or without compensation as determined by the Town Council.

Section 18-302.05 Agriculture. The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, and any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.

Section 18-302.06 Alley. A platted service way providing a secondary means of access to abutting properties.

Section 18-302.07 Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Section 18-302.08 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; (Private Kennel-add as a special exception)

Section 18-302.09 Animal Hospital or Clinic. A veterinary establishment where treatment is received. Activities conducted outside the main building and kennels are not included.

Section 18-302.10 Apartment. A unit in a multi-family 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.

- Section 18-302.11 Apartment Development. A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- Section 18-302.12 Automobile Graveyard. Any lot or place which is exposed to the weather upon which more than five (5) vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.
- Section 18-302.13 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, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automobile washing.
- Section 18-302.14 Basement. A story having part but not more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations
- Section 18-302.15 Bed and Breakfast. A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for two (2) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one week in duration.
- Section 18-302.16 Board. The Board of Zoning Appeals as established under this Ordinance.
- Section 18-302.17 Boarding House (Rooming House). A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for two (2) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- Section 18-302.18 Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- Section 18-302.19 Building, Accessory. A subordinate (single story) 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. Accessory Buildings are allowed on properties in which 78% of the remaining lot is open-as defined below. To determine the allowable size of the building the lot size (sq feet) is to be subtracted from the primary structure size (sq feet) and then subtracted by the square footage of the setbacks. This number is the amount of open space. If the proposed accessory buildings ratio of open space is lower than 78% the building is prohibited. Square footage of the structure shall be that which is under roof. No such accessory structure shall be used for housekeeping purposes.
- Section 18-302.20 Building Code. The Uniform Statewide Building Code under Section 36-97 of the Code of Virginia, as adopted by Floyd County.

- Section 18-302.21 **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 deck line 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.
- Section 18-302.22 **Building Inspector.** The building official for the Town and the County who administers and enforces the provisions of the Building Code, or his designated representative or agent.
- Section 18-302.23 **Building, Main.** A building which is utilized as the main or principal use of the lot on which said building is situated.
- Section 18-302.24 **Campground.** Campground shall mean 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 use of such accommodations is granted free of charge or for compensation.
- Section 18-302.25 **Cellar.** A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- Section 18-302.26 **Child (Day) Center.** Any facility other than a Family Day Care Home, providing care, protection, and guidance to a group of children (under the age of 13) during only part of the day.
- Section 18-302.27 **Clerk.** The Clerk of the Circuit Court having jurisdiction in Floyd County.
- Section 18-302.28 **Clinic.** A building in which services (are) provided by one or more physicians, dentists, or other health care providers (and) take(s) place on an out-patient basis.
- Section 18-302.29 **Commercial Uses.** A Use in which a for-profit or not-for-profit business or individual that, for monetary or other consideration, brings clientele on site, or provides a service to them onsite or through any informational channel onsite, or otherwise utilizes those lands or resources for consideration.
- Section 18-302.30 **Commission, The.** The Town of Floyd/Floyd County Planning Commission.
- Section 18-302.31 **Community Center.** Community entertainment, recreation, or meeting place. Generally a Special Exception
- Section 18-302.32 **Common Elements.** All portions of a cooperative other than the units.
- Section 18-302.33 **Conditional Use.** A use which may be allowed for a specific lot in a district if the use is listed as a Conditional Use for the district and if the Town Council, after a public hearing and a recommendation by the

Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

- Section 18-302.34 Conditional Use Permit. A permit which indicates the conditions of use for a specific lot in a district which has been approved for Conditional Use by the Town Council.
- Section 18-302.35 Conditional Zoning. The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Council to accept the proffered conditions, the proposed project must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.
- Section 18-302.36 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.
- Section 18-302.37 Convenience Store. A store designed for ease of access which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, and magazines, whose size limits the volume and variety of items sold, and is utilized because single purchases may be made quickly. Gasoline, if offered for sale, is a secondary activity.
- Section 18-302.38 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. Real estate owned or leased by a cooperative organization.
- Section 18-302.39 Cooperative Interest. A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- Section 18-302.40 Cooperative Organization. Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- Section 18-302.41 Cooperative Unit. A physical portion of the cooperative designed for separate tenancy.
- Section 18-302.42 Cul-de-Sac. A circular turning area at the end of a dead end street.
- Section 18-302.43 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 (utilizing the Virginia Uniform Statewide Building Code).
- Section 18-302.44 Dairy. A commercial establishment for the manufacture and sale of dairy products.



- Section 18-302.45 Developer. An owner of property being subdivided, whether or not represented by an agent.
- Section 18-302.46 Development. A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single-family or two-family residential dwelling units or buildings which are devoted to multi-family dwelling, commercial, recreational, or industrial use. The term "development " shall not be construed to include any property which will be devoted principally to agricultural production.
- Section 18-302.47 District. A section of the Town of Floyd within which the zoning regulations are uniform as referred to in the Code of Virginia, Section 18 15.1-486.
- Section 18-302.48 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.
- Section 18-302.49 Dump Heap (Trash Pile). Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- Section 18-302.50 Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.
- Section 18-302.51 Dwelling, Multi-Family. A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- Section 18-302.52 Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.
- Section 18-302.53 Dwelling, Two-Family (Duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other.
- Section 18-302.54 Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- Section 18-302.55 Easement. A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.
- Section 18-302.56 Efficiency Apartment. A unit in a multi family dwelling that generally consists of one or two rooms with a bathroom. This type of unit is interchangeable with the term Studio Apartment.
- Section 18-302.57 Engineer, Civil. An engineer registered by the Commonwealth of Virginia.

Section 18-302.58 Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, 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.

Section 18-302.59 Family Day Care Home. Any private family home in which three (3) to nine (9) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.

Section 18-302.60 Family, Immediate Member of. Any person who is a natural or legally defined off-spring, spouse, (sibling, grandchild, grandparent, may add aunts, uncles, nieces, nephews) or parent of the owner.

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, sibling, grandchild, grandparent, or parent of the owner. In addition, any such locality may include aunts, uncles, nieces and nephews in its definition of immediate family.

Section 18-302.61 Farmers Market, Wayside Stand, Roadside Stand, Wayside Market. Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.

Section 18-302.62 Floating Zone. A district classification which is not "anchored" to a particular area on the initial zoning map but is available for any parcel of property with the following qualifications: the plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.

Section 18-302.63 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.

Section 18-302.64 Flood Hazard Area. The maximum area of the floodplain that has a 1% chance of flooding each year 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. (Building encroachment permissible with approved permit from the Administrator).

Section 18-302.65 Floodplain. An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.

Section 18-302.66 Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.

- Section 18-302.67 Floodway. The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood. Building encroachment is not permitted.
- Section 18-302.68 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 centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) 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.
- Section 18-302.69 Frontage. The length of the property line of any lot, lots, or tract of land measured along a public street, road or highway against which that land abuts.
- Section 18-302.70 Garage Apartment. A dwelling unit constructed in or above an existing private garage.
- Section 18-302.71 Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.
- Section 18-302.72 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.
- Section 18-302.73 Governing Body. The Town Council of Floyd, Virginia.
- Section 18-302.74 Granny House/Cottage. A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.
- Section 18-302.75 Group Home. Any facility providing full-time care, maintenance, protection, and guidance to eight (8) or fewer persons.
- Section 18-302.76 Health/Fitness Club. A building or development containing body building (exercise) equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts.
- Section 18-302.77 Health Department. The Floyd County Health Department or its designated agent or representative.
- Section 18-302.78 Highway Engineer. The official designated by the Virginia Department of Highways and Transportation to inspect subdivision streets and alleys, and other public ways.
- Section 18-302.79 Historical Area. An officially designated area containing or 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. Such areas are officially designated at the local, state, or national level.

Section 18-302.80 Home for Adults. Any facility other than a Nursing Home, providing part-time or full-time care to four (4) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

Section 18-302.81 Home Occupation. An accessory use carried on by the occupant of a dwelling in connection with which there is no display, other than a than a professional name plate, 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.

Section 18-302.82 Hospital. An institution rendering medical, surgical, obstetrical, or convalescent care, on an in-patient basis including any institution licensed as a hospital by the State Hospital Board.

Section 18-302.83 Hospital, Special Care. A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.

Section 18-302.84 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."

Section 18-302.85 Housing for the Elderly. A multi-family structure, designed for the elderly in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten (10)) are occupied or designed for occupancy by:

- (a) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or over or is handicapped, or
- (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death.
- (c) A single person who is 62 years of age or over or a non-elderly handicapped person between the ages of 18 and 62, or
- (d) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being.

For the purpose of this definition Handicapped Persons means any adult having an impairment which is expected to be of long continued and

indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.

Section 18-302.86 Junk Yard (Automobile Wrecking Yard). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.

Section 18-302.87 Jurisdiction. The area or territory subject to the legislative control of the Town of Floyd.

Section 18-302.88 Kennel. Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar domestic animals of five (5) or more for commercial purposes is carried on.

Section 18-302.89 Land Use Plan. The Land Use Plan of the Town of Floyd, as amended.

Section 18-302.90 Livestock. Non-domestic animals kept or raised for sale, use, or pleasure.

Section 18-302.91 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.

Section 18-302.92 Lot. A numbered and measured portion or parcel of land separated from other portions or parcels by description in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.

Section 18-302.93 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.

Section 18-302.94 Lot, Corner. A lot abutting upon two (2) 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, except as defined for mobile home subdivisions in Section 18-707.06.

Section 18-302.95 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.

Section 18-302.96 Lot, Depth of. The average horizontal distance between the front and rear lot lines.

Section 18-302.97 Lot, Double Frontage (Through). An interior lot having frontage on two (2) streets as distinguished from a corner lot.

Section 18-302.98 Lot, Interior. Any lot other than a corner lot.

- Section 18-302.99 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 Floyd County at the time of the adoption of this Ordinance.
- Section 18-302.100 Lot, Width. The average horizontal distance between side lot lines.
- Section 18-302.101 Main Use. The primary purpose for which land or a building is used. (Only one primary use allowed per lot).
- Section 18-302.102 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.
- Section 18-302.103 Manufactured Home. A structure, transportable in one or more sections and which is built on a permanent chassis for towing to the point of use and is designed to be used as a dwelling.
- Section 18-302.104 Mobile Home Park. The division of a lot, tract, or parcel of land into one or more lots, tracts, or parcels for the purpose, whether immediate or future of accommodating two or more mobile homes exclusively, and where the stands are rented or leased. Mobile Home Parks are to be
- Section 18-302.105 Mobile Home Stand. A plot of ground within a mobile home park designated to accommodate one mobile home. A stand shall have a minimum area of six-thousand-six-hundred twenty-four(6,624) square feet.
- Section 18-302.106 Mobile Home Subdivision. A development which has been created in accordance with the Town of Floyd Subdivision Ordinance. Each lot is designed to be individually owned and occupied by a mobile home.
- Section 18-302.107 Modular Home. means, but shall not be limited to, single and multifamily houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly.
- Section 18-302.108 Non-Conforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- Section 18-302.109 Non-Conforming Use of Structures. The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- Section 18-302.110 Non-Conforming Structure. A structure existing at the time of building or structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or regulations of this Ordinance for

the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Section 18-302.111 Non-Conforming Use of Land. A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.

Section 18-302.112 Nursery. A wholesale, retail or research facility including greenhouses, in which plants, trees and shrubs are raised for transplanting.

Section 18-302.113 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 in-patient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.

Section 18-302.114 Off-Street Parking Area. Space provided for vehicular parking outside the dedicated street right-of-way.

Section 18-302.115 One Hundred Year Flood. A flood that has a 1% chance of occurrence each year.

Section 18-302.116 Parking Space. An area consisting of a minimum of 9 x 18 feet.

Section 18-302.117 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.

Section 18-302.118 Plat. A drawing or map which has been reviewed and approved by the Town Council of the Town of Floyd, the Public Service Authority, and the Virginia Department of Transportation which depicts a lot or lots which are the result of the subdivision of land. Appropriate signature blocks shall be attached to all Plats. When used as a verb "plat" is synonymous with "subdivide".

Section 18-302.119 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 service equipment may be either prefabricated or at-site construction.

Section 18-302.120 Professional. A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, or administrators working with *organizations* considered professional in character. When used in connection with "home occupation", the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located

within the structure, or any use which would create any loud noises or noxious odors.

- Section 18-302.121 Professional Office. An office whose use is characterized by the activities of one or more professionals as defined in 18-302.131 and who serves an average of one client or less per hour.
- Section 18-302.122 Property. Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- Section 18-302.123 Public Service Buildings. Governmental facilities necessary for public health, safety, and welfare.
- Section 18-302.124 Public Water and Sewage Systems. Public Water is defined as 15 or more connections and 25 or more customers for 60 or more days per year. Sewerage system means a sewage collection system consisting of pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.
- Section 18-302.125 Public Utilities. Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, communications, related services to the general public.
- Section 18-302.126 Ramada. A structure erected over a mobile home for the purpose of providing shade or shelter.
- Section 18-302.127 Recreational Vehicle. A mobile unit, whether self-propelled or towed which is designed for temporary human habitation travel, recreation, or vacation. This term includes motor homes, campers, converted buses, and travel trailers.
- Section 18-302.128 Recreational Vehicle Park. Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.
- Section 18-302.129 Refuse. Items that are discarded to be collected for the purposes of disposal including but not limited to: Trash, rubbish, recyclables, and garbage. Collection of refuse by the Town of Floyd shall be confined to public streets and roadways, all private streets and roadways shall not be served by the Town in this capacity unless mitigated with Town Council.
- Section 18-302.130 Required Open Space. Any space required in any front, side, or rear yard.
- Section 18-302.131 Residential Use. Any place, building, or establishment used in whole or in part as a dwelling.
- Section 18-302.132 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.

Section 18-302.133 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.

Section 18-302.134 Retail Stores and Shops. Buildings wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. For purposes of illustration, the term “retail stores and shops” shall include the following: drug store; newsstand, food stores and supermarket; candy shops; dry goods; notions and clothing stores; boutiques and gift shops; hardware, home furnishings, and household appliance and electronic stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; tailor shops; beauty and barber shops; and music and radio stores. Establishments for the sale in bulk of coal, wood, fuel, building materials and lumber, and establishments for the sale of vehicles, farm implements, boats, trailers, machinery and similar items shall not be considered retail stores and shops.

Section 18-302.135 Right-of-Way. The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.

Section 18-302.136 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.

Section 18-302.137 Setback. The minimum distance from which any building structure must be separated from the lot line(s).

Section 18-302.138 Setback Line(s). A line generally parallel with and measured from the lot line(s), defining the limits of a yard in which no building or structure may be located above ground.

Section 18-302.139 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 (1) square foot in area is excluded from this definition.

Section 18-302.140 Sign Area. The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

- Section 18-302.141 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.
- Section 18-302.142 Sign, Directional. A directional sign is 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 same and distance.
- Section 18-302.143 Sign, Locational. A sign which directs attention to the approximate location of an establishment from which an advertised product or service may be obtained.
- Section 18-302.144 Sign, Home Occupation. A professional name plate indicating name of the professional, the business, or the service which is provided on the premises, which is no more than one (1) square foot in area and is non-illuminated.
- Section 18-302.145 Sign, Outdoor Advertising. A structural poster panel or painted sign, either free standing 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.
- Section 18-302.146 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 (2) signs.
- Section 18-302.147 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.
- Section 18-302.148 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 sixty (60) consecutive days.
- Section 18-302.149 Site Plan. A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.
- Section 18-302.150 Storage Building. An accessory structure built for storage, normally enclosed and lower than the height of the principle use structure.
- Section 18-302.151 Storage Container. A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of items, including, but not limited to household goods, furniture, wares, building materials, equipment or merchandise. The term includes both wheeled trailers and container units that can be detached from a trailer. The term shall not include dumpsters or refuse containers.

- Section 18-302.152 Story. That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- Section 18-302.153 Story, Half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use.
- Section 18-302.154 Street. The principal means of access to abutting properties.
- Section 18-302.155 Street Centerline. A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- Section 18-302.156 Street, Half. A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- Section 18-302.157 Street, Internal. A private street providing access to lots within a development, but not including driveways.
- Section 18-302.158 Street Line. The dividing line between a street or road right-of-way and the contiguous property.
- Section 18-302.159 Street, Major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic.
- Section 18-302.160 Street, Other. A street that is used primarily as a means of public access to the abutting properties.
- Section 18-302.161 Street (Road). Any public thoroughfare which affords the principal means of access to abutting property.
- Section 18-302.162 Street, Service Drive. A public right-of-way generally parallel and contiguous to a major highway, primarily designated 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.
- Section 18-302.163 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.
- Section 18-302.164 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.
- Section 18-302.165 Studio. A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance-exercise studios are included in this definition. A Studio Apartment is a one room unit with a bathroom.
- Section 18-302.166 Sub-divider. 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.

Section 18-302.167 Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" of lots of record or the vacation of plats. The term shall apply either to the process of subdividing or to land being subdivided.

- (a) The term "to subdivide" does not include divisions of land into parcels of five acres or more not involving any new street or easement of access.
- (b) The term "to subdivide" does not include the transfer of ownership of a lot, tract or parcel of land to the owner of adjacent land, except that the owner of land so transferred must comply with the provisions of the Town of Floyd Ordinance before any improvements are erected on the land so transferred.

Section 18-302.168 Surveyor. A land surveyor certified by the Commonwealth of Virginia.

Section 18-302.169 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.

Section 18-302.170 Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge. Building or buildings containing individual sleeping 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.

Section 18-302.171 Townhouse. A single-family dwelling forming one of a group or series of four 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.

Section 18-302.172 Townhouse Development. One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.

Section 18-302.173 Truck Terminal. A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.

Section 18-302.174 Truck Stop. A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.

Section 18-302.175 Use, Accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Section 18-302.176 Variance. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Section 18-302.177 Wrecked Automobile. Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.

Section 18-302.178 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.

Section 18-302.179 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.

Section 18-302.180 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.

Section 18-302.181 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 rear 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 18-4 ESTABLISHMENT OF DISTRICTS**

##### Section 18-401. Division of the Town of Floyd Into Districts

For the purposes of this Ordinance, the Town of Floyd 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.

Section 18-402. Incorporation of the Zoning Map

The zoning map entitled the "Official Zoning Districts Map for the Town of Floyd, Virginia", dated December 8, 1987, 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 Ordinance. Said map shall be made a public record and shall be kept permanently in the Town Offices where it shall be accessible to the general public.

Section 18-403. Map Amendment

If in accordance with the provisions of Article 18-8, 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 ten (10) days after the amendment has been approved by the Floyd Town Council together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 18-8, 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 Floyd Town Council. Amendments to this Ordinance, which involve matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Floyd 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.

Section 18-404. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council 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.

Section 18-405. Rules for Determining 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:

Section 18-405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.

Section 18-405.02 District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or right-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 there from 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.

Section 18-405.03 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 Town Council in accordance with Section 18-802.04 of this Ordinance.

Section 18-405.04 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.

Section 18-405.05 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 centerline 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.

Section 18-405.06 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 Section 18-806.01 of this Ordinance.

## ARTICLE 18-5 APPLICATION OF ZONING REGULATIONS

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:

### Section 18-501.00 Uses

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.

Section 18-501.01 Permitted Uses. A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a Zoning Permit will be issued by the Zoning Administrator without a public hearing.

Section 18-501.02 Conditional Use. A Conditional Use is one which may be allowed when the Floyd Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the Town and the public interest. 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.

### Section 18-502.00 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.

Section 18-503. Lots and Yards

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open 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 such projections shall not extend into the required yard areas for a distance exceeding two (2) feet and those authorized modifications described in Section 18-701.01.

Section 18-504. 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, or drainage.

Section 18-505. Permits Issued Prior to Adoption of Ordinance

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, if such construction does not commence within thirty (30) days after this Ordinance becomes effective, or if construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

Section 18-506. Final Grading and Site Finishing

Final grading and site finishing shall take place for all new construction.

**ARTICLE 18-6 USES IN DISTRICTS**

**Section 18-601. Agricultural/Residential District AR-1**

Section 18-601.01 Intent of the Agricultural/Residential District. This district covers portions of the Town which are occupied by various open uses. The district is established for the specific purpose of facilitating existing and future agricultural operations, conservation of natural resources, and to provide for the orderly expansion of urban development.

Section 18-601.02 Permitted Uses. Within the Agricultural/Residential District AR-1 the following uses are permitted:

Section 18-601.02-1 Wildlife areas or game refuges;



- Section 18-601.02-2 Flood control and watershed structures;
- Section 18-601.02-3 Nurseries, commercial and non-commercial or tree farms;
- Section 18-601.02-4 Cemeteries;
- Section 18-601.02-5 Parks, playgrounds, and outdoor recreation areas;
- Section 18-601.02-6 Single-family dwellings excluding residential developments;
- Section 18-601.02-7 Family day care homes; homes for adults; and child care centers;
- Section 18-601.02-8 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be closer than one hundred (100) feet to a lot with a residence;
- Section 18-601.02-11 Schools;

**Section 18-601.03 Conditional Uses.**

When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in public interest, and will comply with all other provisions of law and ordinances of the Town of Floyd, the following uses may be permitted with appropriate conditions:

- Section 18-601.03-1 Private seasonal camp or retreat;
- Section 18-601.03-2 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds are met;
- Section 18-601.03-3 Temporary Sawmill or commercial wood yard;
- Section 18-601.03-4 Animal hospital;
- Section 18-601.03-5 Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence, except the residence of the owner;
- Section 18-601.03-6 Lodge or resort;
- Section 18-601.03-7 Motel;
- Section 18-601.03-8 Feed mill or seed and feed store;
- Section 18-601.03-9 Automobile service station;
- Section 18-601.03-10 Public utilities and major transmission lines;
- Section 18-601.03-11 Public water and sewage systems;

Section 18-601.03-12 Livestock Production;

Section 18-601.03-13 Timber Production, forests.

**Section 18-601.04 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:

Section 18-601.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;

Section 18-601.04-2 Living quarters in the main structure of persons employed on the premises;

Section 18-601.04-3 Recreational vehicles shall be stored within the rear or side yard and shall be prohibited from occupancy;

Section 18-601.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

Section 18-601.04-5 Signs as provided for in Article 18-7;

Section 18-601.04-6 Parking as provided for in Article 18-7.

Section 18-601.04-7 Residential swimming pool.

**Section 18-602. Residential Limited District R-1**

Section 18-602.01 Intent of Residential Limited District R-1. The intent of the R-1 residential district is to provide for low density residential development which is characterized by open space. This district is to provide and encourage a safe and suitable environment for family life.

Section 18-602.02 Permitted Uses. Within the Residential Limited District R-1 the following uses are permitted:

Section 18-602.02-1 Single-family dwellings;

Section 18-602.02-2 Schools;

Section 18-602.02-3 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any residential lot;

Section 18-602.02-4 Parks, and playgrounds;

Section 18-602.02-5 Family day care homes; homes for adults; and child care centers;

Section 18-602.02-6 Group homes;

**Section 18-602.03 Conditional Uses.**

When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Floyd, the following uses may be permitted with appropriate conditions:

Section 18-602.03-1 Public utilities and major transmission lines;

Section 18-602.03-2 Public water and sewage facilities;

Section 18-602.03-3 Public service and storage buildings;

Section 18-602.03-4 Private storage building in excess of provision of Article 18-7.

Section 18-602.03-5 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence;

Section 18-602.03-6 Granny House/Cottage.

**Section 18-602.04 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:

Section 18-602.04-1 Home Occupations provided that the requirements of Article 18-7, Section 18-705 are met;

Section 18-602.04-2 Living quarters in the main structure of persons employed on the premises;

Section 18-602.04-3 Recreational vehicles may be stored within the rear yard requirements, or appropriately screened and shall be prohibited from occupancy;

Section 18-602.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

Section 18-602.04-5 Signs as provided for in Article 18-7;

Section 18-602.04-6 Parking as provided for in Article 18-7;

Section 18-602.04-7 Residential swimming pools;

Section 18-602.04-8 Private storage building as provided for in Article 18-7.

**Section 18-603. Residential District R-2**

Section 18-603.01 Intent of Residential District R-2.

The intent of the R-2 residential district 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.

Section 18-603.02 Permitted Uses. Within Residential District R-2 the following uses are permitted:

Section 18-603.02-1 Single-family dwellings;

Section 18-603.02-2 Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family developments. Each living unit shall contain a minimum of 980 square feet;

Section 18-603.02-3 Schools;

Section 18-603.02-4 Churches and other places of worship with attendant educational, and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence;

Section 18-603.02-5 Parks and playgrounds;

Section 18-603.02-6 Family day care homes; homes for adults; and child care centers;

Section 18-603.02-7 Group homes.

**Section 18-603.03 Conditional Uses.**

When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Floyd, the following uses may be permitted with appropriate conditions:

Section 18-603.03-1 Public utilities and major transmission lines;

Section 18-603.03-2 Public water and sewage facilities;

Section 18-603.03-3 Bed and Breakfasts;

Section 18-603.03-4 Public service buildings;

Section 18-603.03-5 Private storage building in excess of provision of Article 18-7;

Section 18-603.03-6 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence.

**Section 18-603.04 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:

- Section 18-603.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
- Section 18-603.04-2 Living quarters in the main structure of persons employed on the premises;
- Section 18-603.04-3 Recreational vehicles may be stored within the rear yard requirements or appropriately screened, and shall be prohibited from occupancy;
- Section 18-603.04-4 Temporary buildings for uses incidental to construction such buildings shall be removed upon completion or abandonment of the construction work;
- Section 18-603.04-5 Signs as provided for in Article 18-7;
- Section 18-603.04-6 Parking as provided for in Article 18-7;
- Section 18-603.04-7 Residential swimming pool;
- Section 18-603.04-8 Private storage building as provided for in Article 18-7.

**Section 18-604. Medium Density Residential District R-3**

**Section 18-604.01 Intent of Medium Density Residential District R-3.**

The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Town of Floyd Comprehensive Plan. The regulations for this district provide for development which is not completely 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.

Section 18-604.02 Permitted Uses. Within Medium Density Residential District R-3 the following uses are permitted, and a site plan is required:

- Section 18-604.02-1 Single-family dwellings;
- Section 18-604.02-2 Two-family dwellings;
- Section 18-604.02-3 Multi-family dwellings, apartments, townhouses and condominiums;
- Section 18-604.02-4 Schools;
- Section 18-604.02-5 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence;
- Section 18-604.02-6 Family day care homes; homes for adults; and child care centers;

Section 18-604.02-7 Parks and playgrounds;

Section 18-604.02-8 Group homes;

**Section 18-604.03 Conditional Uses.**

When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Floyd, the following uses may be permitted with appropriate conditions:

Section 18-604.03-1 Boarding houses; Bed and Breakfasts;

Section 18-604.03-2 General hospitals; clinics;

Section 18-604.03-3 Public utilities and major transmission lines;

Section 18-604.03-4 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; and (4) will comply with all other provisions regulating such uses;

Section 18-604.03-5 Clubs, fraternities, lodges, and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;

Section 18-604.03-6 Commercial radio towers;

Section 18-604.03-7 Private storage building in excess of provision of Article 18-7;

Section 18-604.03-8 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence;

Section 18-604.03-9 Public water and sewage facilities;

Section 18-604.03-10 Public service or storage building.

Section 18-604.02-11 Professional offices in structures similar in character with surrounding neighborhoods with signs as provided in Section 18-706.03-3;

**Section 18-604.04 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:

- Section 18-604.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
- Section 18-604.04-2 Living quarters in main building of persons employed on the premises;
- Section 18-604.04-3 Recreational vehicles may be stored within the rear yard requirements, or appropriately screened, and occupancy therein shall be prohibited;
- Section 18-604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- Section 18-604.04-5 Signs as provided for in Article 18-7;
- Section 18-604.04-6 Parking as provided for in Article 18-7;
- Section 18-604.04-7 Satellite dish as provided for in Article 18-7;
- Section 18-604.04-8 Residential swimming pool;
- Section 18-604.04-9 Private storage building as provided for in Article 18-7.

**Section 18-605.00 Manufactured Home District R-4**

Section 18-605.01-1 Intent of the Manufactured Home District R-4. The intent of the Manufactured Home District R-4 is to allow residential development in the form of Manufactured home subdivisions.

Section 18-605.01-2 Zoning Amendment Required for R-4 District Classification. The R-4 District is considered a "floating" zone and classification of a piece of property as R-4 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a Manufactured home subdivision shown in Article 18-7 and the proposed use is compatible with adjacent land uses.

Section 18-605.02 Permitted Uses. Within Manufactured Home District R-4 the following uses are permitted, and a site plan is required:

Section 18-605.02-1 Manufactured home subdivisions as provided for in Section 18-707;

Section 18-605.02-2 Permanent buildings associated with Manufactured home subdivisions indoor recreational facilities, outdoor recreational activities, or other service facilities are permitted, provided that:

- (a) Parking requirements for such facilities are met.
- (b) Such uses are subordinate to the residential use and character of the subdivision.

Section 18-605.02-3 Parks and playgrounds.

**Section 18-605.03 Conditional Uses.**

When after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Floyd, the following uses may be permitted with appropriate conditions:

Section 18-605.03-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the subdivision and its immediate neighborhood.

Section 18-605.03-2 Private storage building in excess of provision of Article 18-7;

Section 18-605.03-3 Public water and sewage facilities;

Section 18-605.03-4 Public service buildings;

Section 18-605.03-5 Public utilities and major transmission lines.

**Section 18-605.04 Accessory Uses.**

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

Section 18-605.04-1 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work;

Section 18-605.04-2 Signs as provided for in Article 18-7;

Section 18-605.04-3 Parking as provided for in Article 18-7;

Section 18-605.04-4 Residential swimming pool;

Section 18-605.04-5 Private storage building as provided for in Article 18-7

**Section 18-606.00 Planned Development District R-5**

**Section 18-606.01 Intent of Planned Development District R-5.**

Section 18-606.01-1 The intent of the Planned Development District R-5 is to provide for larger scaled development and clustering of single-family residential dwelling units through design innovation, to provide for a neighborhood with a variety of housing types and densities and/or neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land to provide other employment opportunities.

Section 18-606.01-2 The R-5 Planned Development District is a district assigned by the governing body which because of site and other conditions is suitable for mixed use developments. In addition, the R-5



District may be considered a "floating" zone and classification of a piece of property as R-5 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

**Section 18-606.02 Permitted Uses.** Within Planned Development District R-5 the following uses are permitted, and a site plan is required:

Section 18-606.02-1 Single-family dwellings;

Section 18-606.02-2 Two-family dwellings;

**Section 18-606.03 Accessory Uses.**

Section 18-606.03-1 Private storage building as provided for in Article 18-7;

**Section 18-606.04 Uses Permitted by Approval.** 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.

Section 18-606.04-2 In addition to the principal residential uses, other commercial or non-commercial service uses may be permitted provided:

- (a) that such uses are intended primarily to serve the needs of the project area residents;
- (b) that such uses are designed and located for the convenience of project area residents and to protect the character of the district;
- (c) that all subsequent changes in use shall be approved by the Town Council or its agent;
- (d) that all commercial uses may be up to 10% of the gross building footprint square footage with a conditional use permit; and
- (e) that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development have been completed.

**Section 18-606.05 Qualifying Requirements.** A tract or parcel of land may be considered for R-5 Planned Residential District Zoning only if it meets the following conditions:

Section 18-606.05-1 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 Residential District must be in single or common ownership before the final development plan is

approved;

Section 18-606.05-2 Public Utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer systems can be developed as part of the project; must include stormwater management; and all utilities must be below ground.

Section 18-606.05-3 Land Suitability. Rezoning land to R-5 Planned Development District may be denied if from investigation conducted by public agencies, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, non-conformity to town development plans, or other public health, welfare or safety objectives.

**Section 18-606.06 Site Design Requirements.** The following are the site design requirements for the R-5 Residential District:

Section 18-606.06-1 Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre;

Section 18-606.06-2 Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total parcel area and could include patios, and other similar improvements including swimming pools and other active and passive recreational areas;

Section 18-606.06-3 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, refuse collection, etc.;

Section 18-606.06-4 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;

Section 18-606.06-5 Street Design. The street system within the project area shall be designed:

- (a) According to functional street purposes and projected traffic flow;
- (b) To assure safe and convenient sight distances;
- (c) To complement the natural topography;
- (d) In coordination with existing and planned streets; and
- (e) To be constructed in accordance with the street requirements as found in Section 18-9.

Section 18-606.06-6 Street Names and Signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court.

Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat and shall be coordinated with the County's Emergency Management Director. Street signs shall be provided at all intersections;

- Section 18-606.06-7 Street Lighting. Adequate street lighting shall be provided on all streets in the development;
- Section 18-606.06-8 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;
- Section 18-606.06-9 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;
- Section 18-606.06-10 Water and Sewer. All Planned Development Districts shall be served by public collective water and sewer systems as follows:
- Section 18-606.06-11 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 in the town comprehensive plan;
- Section 18-606.06-12 Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- Section 18-606.06-13 Storm water Management The site development plan shall include a plan for adequate management of storm water including drainage. The street and lot plan shall be designed to incorporate low-impact development techniques and avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage ways 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. All lands and storm water management facilities shall be available for inspection and are subject to maintenance requirements.
- Section 18-606.06-14 Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for such other uses as may increase danger of health, life, property damage, or aggravate erosion or flood hazard. Such land within the project area shall be used as

common open space or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;

Section 18-606.06-15 Easements. Easements shall be provided in all setbacks for utilities, the respective utility departments, agencies or companies shall have the right to comment on the proposed project.

Section 18-606.06-16 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 by good design;

Section 18-606.06-17 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;

Section 18-606.07 **Data to Accompany Application.** With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:

Section 18-606.07-1 Mapping of the project at an accurate scale for the proposed development plan:

- (a) Existing and proposed land uses including residential types, commercial types, recreation and any other proposed use;
- (b) Existing and proposed street system including public and private right-of-way;
- (c) Existing and proposed parking areas and parking space delineations;
- (d) Existing and proposed plat showing subdivision lot lines;
- (e) Existing and proposed utility rights-of-way or easements including water, sewer, gas, power, and telecommunications;
- (f) Existing and proposed erosion and sediment control plan;
- (g) Existing and proposed storm water management plan;
- (h) Existing and proposed location of buildings, structures, and improvements;
- (i) Existing and proposed property lines of proposed common property;
- (j) Existing and proposed pedestrian circulation system;
- (k) Existing and proposed landscaping plan and proposed treatment of the project perimeter such as screening;
- (l) Existing and proposed relationships and tie-ins to adjacent property;

- (m) Existing and proposed refuse collection methods;
- (n) If required, traffic impact analysis.

Section 18-606.07-2 Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) 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 Floyd 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 plan of erosion and sedimentation control measures to be taken and a plan for the permanent storm water management structures required to comply with state regulations;
- (l). If required, a traffic impact analysis complying with regulations and reviewed by the Virginia Department of Transportation.

Section 18-606.07-3 Application. Ten copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their 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 and

harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the particular suitability of the proposed uses;

Section 18-606.07-4 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Floyd a check in the amount prescribed by the Town of Floyd Fee Schedule.

Section 18-606.07-5 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development;

Section 18-606.07-6 Preliminary Plan Approval.

(a) Within one hundred (100) days after the filing of a complete development plan, the Planning Commission shall hold a public hearing and report to Town Council one of the following:

- Recommend approval of the plan as presented, or
- Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
- Recommend disapproval;

(b) The Town Council shall give notice under Section (15.2-2204) of the Code of Virginia of a public hearing to be held not more than ninety (90) days after the receipt of the Planning Commission's report. It is the applicant's responsibility to insure that the Zoning Administrator will have ample opportunity to review any changes to the plan by submitting any revisions to the plan at least fourteen (14) days prior to the scheduled Town Council Public Hearing. In the event the applicant has not submitted revisions within fourteen (14) days prior to the Town Council Public Hearing the Town Council shall act upon the plan as presented to the Planning Commission, unless the applicant is granted a time extension prior to the scheduled Town Council Public Hearing. The Town Council may grant time extensions to the applicant in a maximum of ninety (90) day increments for a period of no longer than one (1) year after the date of receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;

(c) If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the R-5 Planned Development District. If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.

Section 18-606.08 **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.

Section 18-606.09 **Final Plan Application.** Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator the original plus ten (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 (6) months the period for filing of the final development plan; if the preliminary development plan lapses under the provisions of this section, the zoning change shall be revoked and the zoning regulations applicable before the preliminary development plan was approved shall then be in effect.

Section 18-606.09-1 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;

Section 18-606.09-2 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 providing modification does not involve any of the following and provided further than such modification does not exceed the limitations of this District's regulations:

- (a) Variation of the proposed residential density or intensity of use by more than ten (10) percent;
- (b) Reduction of more than ten (10) percent of the area reserved for common open space;
- (c) Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
- (d) Increase of the total ground area covered by buildings by more than five (5) percent.

Section 18-606.09-3 Final Plan Approval. The Planning Commission shall review the final development plan, and make recommendations to the Town Council who will 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 recoding plats or subdivisions.

Section 18-606.10 **Subdivision Plat Requirements.** Subdivision Plats shall comply with the Subdivision requirements found in 18-900

**Section 18-607.00 Central Business District B-1**

Section 18-607.01-1 **Intent of the Central Business District B-1.** This district covers the portion of the town located in downtown Floyd which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side

yards because they are attached to other buildings and these buildings frequently have no setbacks. Uses in the District include retail sales, services, banks, restaurants, and other similar businesses. The intent of the District is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures.

Section 18-607.01-2 Parking in Central Business District. The parking requirements as provided in Article 18-7 are not applicable except for residential uses for the B-1 District. On-street parking is allowed and off-street parking is provided in several public parking lots in the district. The provision of additional off-street parking by developers of property in this district is allowed.

Section 18-607.02 **Permitted Uses.** Within the Central Business District B-1 the following uses are permitted:

Section 18-607.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;

Section 18-607.02-2 Bakeries;

Section 18-607.02-3 Laundries and dry cleaning shops;

Section 18-607.02-4 One- or two-family dwellings but not including single-family and two-family developments; Upper story multi-family in a mixed use environment.

Section 18-607.02-5 Retail stores and shops;

Section 18-607.02-6 Theaters, assembly halls, playhouses and dinner theaters;

Section 18-607.02-7 Hotels;

Section 18-607.02-8 Banks and loan and finance offices, including drive-in types;

Section 18-607.02-9 Churches and other places of worship, and church school buildings;

Section 18-607.02-10 Libraries;

Section 18-607.02-11 Hospitals;

Section 18-607.02-12 Funeral home and/or mortuaries;

Section 18-607.02-13 Automobile service stations (with major repairs in an enclosed building);

Section 18-607.02-14 Clubs and lodges;

Section 18-607.02-15 Automobile sales;



- Section 18-607.02-16 Lumber and building supply (with storage in an enclosed building);
- Section 18-607.02-17 Plumbing and electrical supply (with storage in an enclosed building;)
- Section 18-607.02-18 Public utilities;
- Section 18-607.02-19 Public service and storage buildings;
- Section 18-607.02-20 Restaurants and drive-in restaurants;
- Section 18-607.02-21 Newspaper offices and printing shops;
- Section 18-607.02-22 Business and professional offices;
- Section 18-607.02-23 Greenhouses;
- Section 18-607.02-24 Police, fire, and rescue squad stations;
- Section 18-607.02-25 Post offices;
- Section 18-607.02-26 Taxi stands;
- Section 18-607.02-27 Radio and television broadcasting studios;
- Section 18-607.02-28 Public buildings and properties of a cultural, administrative, or service type;
- Section 18-607.02-29 Parking garages and parking lots;
- Section 18-607.02-30 Business and vocational schools;
- Section 18-607.02-31 Signs as provided in Article 18-7;
- Section 18-607.02-32 Museums; studios, and art galleries;
- Section 18-607.02-33 Picture frame manufacturing and assembling.
- Section 18-607.02-34 Farmer's Market
- Section 18-607.02-35 Personal services.

**Section 18-607.03 Conditional Uses.**

When after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Floyd, the following uses may be permitted with appropriate conditions:

- Section 18-607.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement, including adult

entertainment not within 500 feet of a public land use/space or religious institution;

Section 18-607.03-2 Television, radio, and cellular transmitting antennae;

Section 18-607.03-3 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;

Section 18-607.03-4 Wholesale business, storage warehouse, or processing not objectionable because of noise, or odors provided that any such use shall be at least fifty (50) feet from any Residential District;

Section 18-607.03-5 Conversion of a single-family dwelling to a multi-family use;

Section 18-607.03-6 Fabricating and welding of metal within a completely enclosed building;

Section 18-607.03-7 Open storage of machinery, materials, and supplies.

Section 18-607.03-8 Private Garages

Section 18-607.03-9 Automobile Sales

**Section 18-607.04 Requirements for Permitted Uses and Conditional Uses in Central Business District B-1.**

Section 18-607.04-1 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 (3) feet within fifty (50) feet of the intersection of two roads.

**Section 18-607.05 Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

Section 18-607.05-1 Living quarters on the second and above floors;

Section 18-607.05-2 Private parking garage;

Section 18-607.05-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

Section 18-607.05-4 Signs as provided for in Article 18-7.

**Section 18-608.00 General Business District B-2**

**Section 18-608.01 Intent of the General Business District B-2.** 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.

Section 18-608.02 **Permitted Uses.** Within the General Business District B-2 the following uses are permitted:

- Section 18-608.02-1 Automobile sales;
- Section 18-608.02-2 Bakeries;
- Section 18-608.02-3 Banks and loan and finance offices, including drive-in types;
- Section 18-608.02-4 Bus stations and taxi stands;
- Section 18-608.02-5 Business and professional offices;
- Section 18-608.02-6 Business and vocational schools;
- Section 18-608.02-7 Carpenter, electrical, plumbing, heating, 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 one hundred (100) feet of any Residential District;
- Section 18-608.02-8 Churches and other places of worship, and church school buildings;
- Section 18-608.02-9 Clubs and lodges;
- Section 18-608.02-10 Department stores, variety stores, specialty shops, discount shops, and appliance stores;
- Section 18-608.02-11 Farmer's Market;
- Section 18-608.02-12 Funeral homes and/or mortuaries;
- Section 18-608.02-13 Greenhouses;
- Section 18-608.02-14 Hospitals;
- Section 18-608.02-15 Hotels;
- Section 18-608.02-16 Individual residential uses associated with a permitted use such as the residence of an entrepreneur or a dwelling unit within a commercial structure.
- Section 18-608.02-17 Laundries, dry cleaning shops, and clothes dyeing establishments;
- Section 18-608.02-18 Libraries;

- Section 18-608.02-19 Lumber and building supply (with storage in an enclosed building);
- Section 18-608.02-20 Museums;
- Section 18-608.02-21 Newspaper offices and printing shops
- Section 18-608.02-22 Off-street parking as required by this Ordinance;
- Section 18-608.02-23 One- or two-family dwellings but not including single-family and two-family developments;
- Section 18-608.02-24 Parking garages and parking lots;
- Section 18-608.02-25 Personal services.
- Section 18-608.02-26 Picture frame manufacturing and assembling;
- Section 18-608.02-27 Plumbing and electrical supply (with storage in an enclosed building);
- Section 18-608.02-28 Police, fire, and rescue squad stations;
- Section 18-608.02-29 Post offices;
- Section 18-608.02-30 Public buildings and properties of a cultural, administrative, or service type;
- Section 18-608.02-31 Public service and storage buildings;
- Section 18-608.02-32 Public utilities;
- Section 18-608.02-33 Radio and television broadcasting studios;
- Section 18-608.02-34 Restaurants and drive-in restaurants;
- Section 18-608.02-35 Retail stores and shops;
- Section 18-608.02-36 Signs as provided in Article 18-7;
- Section 18-608.02-37 Studios;
- Section 18-608.02-38 Theaters, assembly halls, playhouses and dinner theaters.

Section 18-608.03 **Conditional Uses.** When after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Floyd Town Council finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Floyd, the following uses may be permitted with appropriate conditions:

- Section 18-608.03-1 Apartments in existing structures;
- Section 18-608.03-2 Athletic fields, stadiums, and arenas;
- Section 18-608.03-3 Automobile service stations and public garages (with major repair in an enclosed building);
- Section 18-608.03-4 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;
- Section 18-608.03-5 Drive-in theaters provided all parts of such drive-in shall be distant at least two hundred (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 two hundred (200) feet from the established right-of-way of said street or highway;
- Section 18-608.03-6 Fabricating and welding of metal within a completely enclosed building;
- Section 18-608.03-7 Kennels and animal hospitals provided that any structure or premise used for such purposes shall be located at least two hundred (200) feet from any residential lot;
- Section 18-608.03-8 Open storage of machinery, materials, and supplies;
- Section 18-608.03-9 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement; including adult entertainment not within 500 feet of a public land use/space or religious institution;
- Section 18-608.03-10 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the "Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds" are met;
- Section 18-608.03-11 Shooting range or gallery;
- Section 18-608.03-12 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least two hundred (200) feet from any residential lot;
- Section 18-608.03-13 Television and radio transmitting antennae;
- Section 18-608.03-14 Wholesale business, storage, processing or warehouse not objectionable because of noise or odor provided that any such use shall be at least fifty (50) feet from any Residential District;
- Section 18-608.03-15 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 18-7.

**Section 18-608.04 Requirements for Permitted and Conditional Uses in General Business District B-2.**

Section 18-608.04-1 Final grading and site finishing are required on the 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 (3) feet within fifty (50) feet of the intersection of two roads.

**Section 18-608.05 Accessory Uses.** Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

Section 18-608.05-1 Living quarters on second and above floors;

Section 18-608.05-2 Private parking garages;

Section 18-608.05-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

Section 18-608.05-4 Signs as provided for in Article 18-7;

Section 18-608.05-5 Parking as provided for in Article 18-7;

**Section 18-609.00 Planned Business District B-3**

**Section 18-609.01 Intent of the Planned Business District B-3.** The B-3 Planned Business Zone 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.

**Section 18-609.02 Permitted Uses.** 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 18-8, Section 18-802.00 and until and unless the following conditions have been complied with:

1. Uses permitted will be the same as those permitted in the B-2 zone, and requires a site plan.
2. There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district, which an application shall be accompanied with the following information:

- (a) A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, screening, and other necessary uses;
- (b) Preliminary architectural plans for the proposed building or buildings;
- (c) A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing excessive auto or traffic congestion or problems of noise, glare, odor, fire, or safety hazards, or other factors detrimental to the health, safety, and welfare of the area;
- (d) Engineering or architectural plans for the handling of any of the problems of the type outlined in Item C above, including the handling of storm water and sewers and necessary plans for the controlling of smoke or other nuisances such as those enumerated under Item C above;
- (e) Any other information the Planning Commission or Town Council may need 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.

**Section 18-609.03 Area Regulations.** In this district the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-2 District.

Section 18-609.03-1 There shall be a twenty five (25) foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the Planning Commission and by Town Council;

Section 18-609.03-2 These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfare or thoroughfares. Entrances to the property will be allowed from the arterial streets only.

**Section 18-609-04 Signs.**

Section 18-609.04-1 For each shopping center, one ground sign having a maximum area of twenty-four (24) square feet, maximum overall height of fifteen (15) feet, minimum distance from street line of ten (10) feet indicating the name of the shopping center. In lieu of the shopping center name, the one sign may designate a business use or a combination of business uses within the center;

Section 18-609.04-2 For each individual business; one sign attached to the building having a maximum area of one (1) square foot for each linear

foot of building frontage occupied by a single permitted use; to a maximum of 24 square feet.

Section 18-609.04-3 All other regulations of Article 18 Section 18-706.00 shall apply.

### **Section 18-610.00 Light Industrial District I-1**

#### **Section 18-610.01 Intent.**

The intent of the I-1 District is to allow, wholesale, warehouse, industrial and heavy commercial activities conducted within completely enclosed buildings or within screened areas. The I-1 District is structured as a planned unit district, and a site plan is required. Fore area regulations see Section Table 1.

#### **Section 18-610.02 Permitted Uses**

Section 18-610.02-1 The I-1 District is structured as a planned unit district to permit uses to include the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials.

Location of specific firms shall be in an area zoned I-1 or rezoned I-1 only as a result of the approval of a site plan which has been developed to address both on-site and off-site impacts of the proposed development, which is recommended by the Planning Commission and approved by the Town Council.

Employment is anticipated to be less than 100 persons per shift.  
Building size is anticipated to be 20,000 square feet or less.

#### **Section 18-610.03 Prohibited Uses**

Section 18-610.03-1 Uses of any kind which have been shown by engineering or other professional studies to cause an adverse impact upon adjacent properties as a result of traffic, noise, congestion, storm water runoff, emissions, or other environmental impacts.

Section 18-610.03-2 Uses involving open storage of machinery, materials and supplies

#### **Section 18-610.04 Site Plan Required**

Section 18-610.04-1 A variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony of architecture shall prevail among developments so that no improvement shall detract from the appearance of the neighborhood. Individuality and creativity are encouraged provided that blending of design into parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. The site plan shall include a landscaping plan which provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design of the proposed buildings, parking, traffic impact analysis (when required under VA State Code) and all other improvements to the site.



Section 18-610.04-2 Proposed uses in the I-1 District shall be proposed by a complete site plan and submitted for consideration by the Planning Commission and Town Council. The site plan is to be submitted in accordance with the provisions of the Town of Floyd Land Development Regulations and addressing the standards enumerated herein prior to initiation of construction. The finding in fact by the Town Council that the proposed project is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with other provisions of law and ordinances, the approved site plan shall control the development of the site, until such time as an amended plan shall be approved.

**Section 18-611.00 Flood Hazard District FH-1 Reserved.**

**Section 18-612.00 Historic Districts and Town of Floyd Historic District H-1 Reserved.**

Table 1 Lot Regulations by District  
Town of Floyd Zoning

District	Minimum Lot Sq. Ft.	Set back*	Frontage at Set back	Side Yard	Rear Yard	Accessory building to Main building	Accessory building Side Yard	Accessory building Rear Yard	Height**	Lot Open Space %
AR	14,520 sq ft	35'	100'	20'	35'	20'	10'	10'	35'	N/A
R-1	10,890 sq ft	35'	100'	15'	35'	20'	10'	10'	35'	78%
R-2	8,712 sq ft	30'	60' SF	15'	20'	10'	10'	10'	35'	78%
R-2 Add. Units	< 3,000 sq ft		75' Duplex							78%
R-3	8,712 sq ft	30'	60' SF	10'	20'	10'	10'	10'	35'	60%
R-3 Add. Units	< 3,000 sq ft		75' Duplex							60%
R-4 Standard	6,800 sq ft	20'		10'	20'	20'	10'	10'	20'	35%
R-4 W/ Subdivision Plan	6,800 sq ft	15'		10'	10'	20'	10'	10'	35'	35%
R-5 Requires Detailed Plan	6,000 sq ft			A		10'	5'	10'	35'	N/A
B-1	6,000 sq ft	20'	60'	5' A	20'	10'	5'	10'	35'	N/A
B-2	43,560 sq ft	30'	100'	15'	20'	20'	10'	15'	35'	N/A
B-3										

I-1	43,560 sq ft	30'	100 '	15'	25'	20'	10'	15'	35'	N/A
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\* Add ten (10) Feet for Corner Lots. Minimum Setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the 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.

\*\* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is twenty (20) feet, plus one (1) foot or more of side yard for each additional foot of building height over thirty five (35) feet. A public or semi public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty five (35) feet. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna, and radio antenna are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Accessory buildings over one story shall be at least ten (10) feet from any lot line. All accessory buildings shall not exceed the main building height. For buildings over forty five (45) feet in height, approval shall be obtained from the town council. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest. All height increases over thirty five (35) feet shall require a Conditional Use Permit.  
A) Property Located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a ten (10) foot side yard on the side of sides adjoining or adjacent to the residential district.

## **ARTICLE 18-7 USE REGULATIONS**

### **Section 18-701. AREA REGULATIONS**

Area and density regulations are provided by District in the Lot Regulations, Table 1.

#### **Section 18-701.01 Authorized Modifications of Yard Requirements.**

The following modifications of the yard requirements are allowed:

- Section 18-701.01-1 An uncovered or covered porch may project into a front yard setback for a distance not exceeding five (5) feet;
- Section 18-701.01-2 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 no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;
- Section 18-701.01-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the 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;

Section 18-701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

Section 18-701.01-5 Ten (10) foot easements shall be platted on each side of all lots to be available for public utilities including water, sewer, power, and telecommunications including cable and fiber transmission and service lines.

**Section 18-701.02 Special Provisions for Corner Lots.**

Section 18-701.02-1 Of the two (2) sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except in manufactured home subdivisions;

Section 18-701.02-2 The side yard (setback) on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings;

Section 18-701.02-3 For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line which is five (5) feet wider than the required minimum width at the setback line for non-corner lots in each district.

Section 18-701.03 Accessory Buildings shall be limited to a foot print that allows for 78% the lot (not including areas contained in the lot's setbacks) to remain in open space and Lot regulations illustrated in Table 1. If the ratio of improved land is higher than 22% of the lot's square footage (not including areas contained in the lot's setbacks), accessory buildings are prohibited.

**Section 18-702.00 Additional Buildings on a Single Lot**

Additional single-family structures on a single lot shall be subject to a conditional use permit.

Section 18-702.01 Garage Apartments. The addition of a single family structure including garage apartments or a manufactured home on a lot with an existing residential or non-residential structure may be permitted by Conditional Use Permit under exceptional circumstances and for good cause. In the case of a garage apartment, no new garage may be erected or constructed.

Section 18-702.02 Additional Multi-family Structures or Additional Non-residential Main Structures on a Single Lot. The addition of a multi-family structure to a lot already containing multi-family structures or the addition of another main building to a lot requires that all additional buildings conform to all open space requirements for the district in which the lot or tract is located and further conform to all other requirements, Town Codes and ordinances.

Section 18-702.03 Temporary Building may be used in conjunction with construction work only and may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

**Section 18-703.00 Off-Street Parking and Loading.**

Off-street automobile storage or parking space, and truck loading zones shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance.

**Section 18-703.01 General Requirements.** For the purpose of this Ordinance, the following general requirements are specified:

- Section 18-703.01-1 Parking spaces for all dwellings and other uses shall be located on the same lot with the main buildings to be served;
- Section 18-703.01-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such main use;
- Section 18-703.01-3 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;
- Section 18-703.01-4 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;
- Section 18-703.01-5 Off-street parking existing at the effective date of this Ordinance 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.
- Section 18-703.01-6 Any new use established in an existing building after the effective date of this ordinance shall provide off-street parking which conforms to the requirements of this section.
- Section 18-703.01-7 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

**Section 18-703.02 Site Requirements.** All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

- Section 18-703.02-1 All such parking areas, except those serving one and two-family dwellings, shall be surfaced with concrete, asphalt, tar and gravel or other dustproof material. Where concrete or asphalt is used, individual parking spaces shall be so marked. All parking areas shall be maintained in a dust-proof condition. A good stand of vegetative cover shall be maintained on the remainder of the lot;
- Section 18-703.02-2 Lighting facilities shall be so arranged that light is reflected away from adjacent properties;

Section 18-703.02-3 The parking lot shall be adequately drained. Where a creation of a paved or graveled parking lot will likely cause storm water run-off due to grade conditions, review and approval by the applicable official is necessary before the improvement is to be made.

Section 18-703.02-4 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:

- (a) Access shall be provided by means of not more than two (2) driveways for the first 120 feet of frontage along any one (1) street and shall have not more than one (1) additional drive-way for each additional 150 feet of street frontage.
- (b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections or ten (10) feet to adjoining property lines.
- (c) Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right-of-way line.

Section 18-703.02-5 On-site parking arrangement shall not depend on public streets (or public parking lots) in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty-two (22) feet between parking rows back-to-back shall be clear for maneuvering into and out of parking spaces.

Section 18-703.02-6 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two-thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, and signs.

**Section 18-703.03 Parking Space Requirements for All Districts.** In all districts, except the Central Business District B-1, 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.

Section 18-703.03-1 In the Central Business District B-1, off-street parking shall be provided for any building whose primary use is (or includes) residential.

Section 18-703.03-2 Other uses in the Central Business District B-1 are exempt from off-street parking requirements.

Section 18-703.03-3 Dwellings:

	LAND USE	PARKING REQUIREMENTS
a.	Single, two family, townhouse	Two (2) spaces for each dwelling unit.
b.	Multi-family	One and a half (1 1/2) spaces per dwelling unit
c.	Hotels, motels, beds and breakfasts	One (1) space for each bedroom, plus One (1)

- additional space for each Two (2) employees.
- d. Manufactured home parks and subdivisions Two (2) spaces per manufactured home.
- e. Recreational vehicle parks One (1) space for each travel trailer, motor home, or camper.
- f. Boarding and rooming houses, dormitories One and one-half (1 1/2) spaces for each bedroom. One (1) space for each two (2) employees

Section 18-703.03-4 Public Assembly:

LAND USE

PARKING REQUIREMENTS

- a. Newly constructed churches and other places of worship One (1) space for each four (4) people which may be seated in the main auditorium or sanctuary.
- b. Private clubs, lodges and fraternal or sororal buildings not providing overnight accommodations One (1) space for each five (5) members.
- c. Theaters, auditoriums, coliseums, stadiums, and similar places places of assembly One (1) space for each four (4) seats, plus one (1) space per employee.
- d. Schools, including kindergartens, playschools, and day care centers One (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges.
- e. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.
- f. Bowling alleys Two (2) spaces for each alley, plus one (1) space for each (2) employees.
- g. Libraries; museums One (1) space for each 500 square feet of floor area.

Section 18-703.03-5 Health Facilities:

LAND USE

PARKING REQUIREMENTS



- |    |  |  |
|----|--|--|
| a. | Hospitals and similar facilities                 | One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one (1) space for each four (4) employees, on the maximum working shift. |
| b. | Kennels and animal hospitals                     | Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.   |
| c. | Medical, dental, and health offices and clinics. | Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.   |
| d. | Homes for adults and similar uses.               | One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.  |

Section 18-703.03-6 Businesses:

LAND USE

PARKING REQUIREMENTS

- |    |   |   |
|----|---|---|
| a. | Automobile repair establishments  | Three (3) spaces for each 180 square feet, plus one (1) space for each employee.  |
| b. | Food stores   | One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the average shift.  |
| c. | Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments       | One (1) space for each four (4) seats provided for patron use, plus one (1) space per employee on the average shift.  |
| d. | Office Buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics. | One (1) space for each 180 square feet of ground floor area, plus one (1) space for each 500 square feet of upper floor space, plus one (1) space per employee.   |
| e. | General business, commercial or personal service establishments catering to the retail trade  | One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per employee.  |
| f. | Governmental offices  | One (1) space for each 180 square feet of ground floor area plus, one (1) space for each 500 square feet of upper floor area and one (1) space for each governmental vehicle, plus one (1) space per employee |
| g. | Shopping centers  | One (1) space per 200 square feet   |

or gross leasable area.

- h. Furniture stores One (1) space for each 1,000 square feet of gross floor area.
- i. Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations. One (1) space for each employee on the maximum shift, plus three (3) spaces for each TV or radio station
- j. Mortuaries and funeral parlors Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus (1) space for each two (2) employees.

Section 18-703.03-7 Industries:

LAND USE

PARKING REQUIREMENTS

- a. Manufacturing and industrial establishments not catering to the retail trade. One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
- b. Wholesale establishments One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

Section 18-703.04 Loading. All business and industrial uses requiring a loading or unloading space shall provide an off-street loading zone. Such loading zone shall be in addition to the required parking spaces and shall not block access to or from parking spaces on thoroughfares.

**Section 18-704.00 Junk Storage and Automobile Graveyards**

Title 33.1, Chapter 6, 33.1-348 establishes the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Town of Floyd Zoning Ordinance incorporates the provisions of the above referred sections of the State Code. Junk storage or automobile graveyards, meeting the following criteria, may be permitted by Conditional Use Permit as provided for in Article 18- 8.

**Section 18-704.01 Criteria for the Location of Junkyards or Automobile Graveyards.**  
(See Title 33.1-348 of the Code of Virginia.) No junkyard or automobile graveyard shall be established, any portion of which is within one thousand

(1,000') feet of the nearest edge of the right-of-way of any interstate or primary highway or within five-hundred (500') feet of the nearest edge of the right-of-way of any other highway, except:

Section 18-704.01-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway, or otherwise removed from sight;

Section 18-704.01-2 Junkyards or automobile graveyards which are not visible from the main-traveled way of the highway.

**Section 18-704.02 Automobile Graveyards or Junkyards in Existence in permitted districts at the Time of Adoption.** Automobile graveyards or junkyards in existence in the Light Industrial and General Industrial Districts at the time of the adoption of this Ordinance, as amended, are considered as nonconforming uses (see Section 18-708.03) except that the requirements for screening in each district shall apply.

### **Section 18-705.00 Home Occupations.**

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure 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 Administrator may request advice from the Planning Commission as appropriate.

**Section 18-705.01 Special Requirements.** Home occupation, where permitted, must meet the following special requirements:

Section 18-705.01-1 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;

Section 18-705.01-2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;

Section 18-705.01-3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;

Section 18-705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, 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 name plates, as spelled out in Section 18-706.03-3;

Section 18-705.01-5 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

Section 18-705.02 Expiration. A Zoning Permit for home occupations shall expire under the following conditions:

Section 18-705.02-1 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 shall have been issued a new permit after proper application;

Section 18-705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

## **18-706.00 SIGNS (Adopted 11/01/2018)**

### **DIVISION I. - GENERAL PROVISIONS**

#### **18-706.01 – Findings, purpose and intent; interpretation.**

- a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on public and private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- b) Signs not expressly permitted by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town of Floyd are forbidden.
- c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- d) These regulations are intended to promote signs that:
  - 1) are compatible with the use of the property to which they are appurtenant
  - 2) are compatible with the landscape and architecture of surrounding buildings
  - 3) are legible and appropriate to the activity to which they pertain
  - 4) are not distracting to motorists
  - 5) are constructed and maintained in a structurally sound and attractive condition.
- e) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

- f) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

#### **18-706.02 -- Definitions.**

**“A-Frame Sign”** means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the definition “portable sign.”

**“Advertising”** means any words, symbol, color or design used to call attention to a commercial product, service, or activity.

**“Alteration, Sign”** means any change in the use, adaptability, or external appearance of an existing sign area, and/or structure.

**“Animated Sign”** means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

**“Architectural Additions”** means an item attached to a structure for the purpose of attracting attention to a business. Typically an architectural additional is not a sign with letters, although their purpose is similar to that of a sign.

**“Attached Business Sign”** means a permanent wall sign announcing the name of a professional, business, service, commodity or similar advertisement.

**“Awning/Canopy”** means a roof-like cover that projects from the wall of a building or are freestanding for the purpose of shielding from the elements, such as a covering over a service station island.

**“Awning/Canopy Sign”** means a sign painted on or attached directly on the surface of an awning or canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edges.

**“Banner”** means a sign of flexible material to include cloth, paper, fabric, or other lightweight material. A banner may be attached at each end to a structure or hanging from the top of a structure such as a porch, awning, etc.

**“Banner over the Public Right of Way”** means a temporary sign generally made of fabric or vinyl but not of paper or cardboard, etc. attached by grommets or ties to a wire or rope suspended above and across a street or Public Right of Way.

**“Building frontage”** means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.

**“Business Sign”** means a sign which directs attention to a product, service or commercial activity available on the premises.

**“Chalk-board/White-board Sign”** means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

**“Changeable Copy Sign”** means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or structure and may be illuminated either internally or externally.

**“Comprehensive Sign Plan”** means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities or a single tenant property that might require multiple signs such as a drive thru.

**“Dark Sky Principles”** means lighting that is designed to reduce light and glare pollution onto neighboring properties and roadways so as not to cause any degradation of the nighttime visual environment and the night sky. Provide protection for drivers and pedestrians from the glare of non-vehicular light sources; Provide protection from lighting for neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; while protecting the natural environment from the damaging effects of night lighting.

**“Double-Faced Sign”** means a freestanding sign having two faces or sides designed for use. This includes V-shaped signs with the internal angle between its two faces of no more than 45 degrees.

**“Electronic Changeable Copy”** is an electronic sign, regardless of the technology, which displays letters, numbers, symbols, characters, etc. that change using electronic means.

**“Feather Sign”** is a lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

**“Flag”** means a piece of cloth or similar material, typically rectangular, oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants, which are long, tapering, usually triangular flag.

**“Flashing Sign”** means a sign that includes lights that flash, blink, or turn on and off intermittently.

**“Freestanding/Ground Mounted Sign”** means a sign not attached to nor printed on a building but which is supported by upright structural members or by braces on or in the ground and not attached to a building and includes monument type signs.

**“Frontage”** is the length of the property line of any lot, lots, or tract of land measured along a public street, road or highway against which that land abuts.

**“Height”** means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

**“Historic Sign”** means a sign of any age, type, location or use, having historic value or attached to a building having historic value, as determined by the governing body.

**“Historic Markers”** means a marker bearing text or image to commemorate one or more persons, events or former uses of the place. No advertising is allowed on the sign and the sign must conform to all the requirements in this ordinance. A permit is required for a historical marker, no fee is required.

**“Holiday Displays”** mean displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

**“Illegal Sign”** means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

**“Illuminated Sign”** means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

**“Lot”** is a numbered and measure portion or parcel of land separated from other portions or parcels by descriptions in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, transfer of ownership, or of development or separate use. The term applies to units of land whether standalone, in a subdivision or development.

**“Marquee”** means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**“Marquee Sign”** means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**“Menu Board Sign”** means a permanent sign at the entrance lane of a drive-through or located at curb service establishment for the purpose of placing an order to be picked up at the

drive-through window or delivered via curb service. Also includes a permanent sign at the entrance of an eatery that displays menus, pricing, specials, etc.

**“Minor Sign”** means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.

**“Monument Sign”** means a sign affixed to a structure built on grade, mounted on the ground, in which the sign and the structure are an integral part of one another; this includes a sign at the main entrance to a subdivision, housing development, farm, estate, or industrial park; not to include a pole sign.

**“Murals”** are any piece of artwork painted or applied directly on a wall or other areas. Murals may be artistic in nature only or used as an advertisement of any type.

**“Multi-Frontage Signs”** means a V-shaped sign, designed in such a way, as to be viewed from more than one side or direction of the property on which the sign is located. This definition shall apply to both corner lots and double frontage (through) lots. The internal angle between the two faces of the sign shall be greater than 45 degrees.

**“Multi-tenant Business”** refers to more than one business on a single lot.

**“Multi-tenant Business Sign”** means a sign, unified in design, whether freestanding or attached to the building, listing the names and/or logos of the businesses or offices located within the Multi-tenant business. Individual business nameplates as part of the multi-tenant business sign may include the name and type of the business and logo of the business but no other advertising.

**“Neon Sign”** means a sign containing exposed tubes filled with light-emitting gas.

**“Nonconforming Sign”** Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this article of the zoning ordinance and which fails to conform to current standards and restrictions of this article.

**“Off-premises Sign”** means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

**“Pole Sign”** means a freestanding sign that is mounted on one (1) or more freestanding poles.

**“Portable Sandwich Board”** is a sign designed to be transported with ease or designed to be transportable such as to permit its easy installation and removal. Such signs include but are not limited to A- or T-frame signs.

**“Portable Sign”** means any sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

**“Projecting Sign”** means any sign, other than a wall, awning or marquee sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

**“Public Area”** means any public place, public right-of-way, any parking area or right-of-way open to use by the general public.

**“Public Art”** means items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

**“Right-of-Way”** is the public land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.

**“Right-of-Way Line”** means the legal dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

**“Roof Sign”** means a sign which is attached, erected, applied or incorporated into a roof, or constructed and maintained from the roof of a building.

**“Setback”** is the minimum distance from which any building structure must be separated from the lot line(s) or other structures.

**“Setback Line(s)”** means a line generally parallel with and measured from the lot line(s) or other structures, defining the limits of a yard in which no building or structure may be located above ground.

**“Sign”** Any object, device, display, or structure, or part thereof, visible from a public or private place, a public right-of-way, any parking area or right-of-way open to use by the general public which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term “sign” also does not include the display of merchandise for sale on the site of the display.

**“Sign Area”** is the visible area of the sign that encompasses the entire advertising area, including architectural trim but not structural supports as defined in Section 18-706.06.

**“Sign Setback”** means the distance from the edge of the road pavement or the outer edge of the sidewalk on the road directly adjoining the property or property line to the sign or the sign structure. Unless otherwise stated this distance is to be five (5) feet.

**“Sign Face”** means the portion of a sign structure bearing the message.

**“Sign Structure”** means any structure bearing a sign face.

**“Temporary Sign”** means a sign that is securely affixed, although not permanently mounted, to a building or into the ground, for a limited period of time. Temporary signs can be, but not limited to, a sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames and attached by rope, string, chain, tape, paste, and similar mechanisms; signs not rigidly attached to a supporting structure; and signs that are pushed, hammered or similarly put into the ground are considered temporary signs.

**“Unusual Display”** means a display, whether permanent or temporary, of any type or construction located on the lot of record but not on a building, that advertises in some way, with or without the use of letters, numbers, symbols, etc., the business or structure located on the same lot.

**“Vehicle or Trailer Sign”** means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates or inspection sticker, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

**“Wall Sign”** means any sign attached to a wall or painted on or against a flat vertical surface of a structure.



**18-706.03 – Signs Requiring a Permit.**

- a) In general. A sign permit and application fee is required prior to the display and erection of any sign except as provided in Section 18-706.04. Failure to adhere to the requirements of this Ordinance automatically cancels any such Permit which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith per Section 18-706.07 (g);
- b) Application for permit, including Temporary Signs, Banners, Banners over the Right-of-Way, General Signs, Special Signs and Conditional Use Permits.
  - 1) An application for a sign permit and application fee shall be filed with the Town of Floyd Zoning Administrator on forms furnished by that department. The applicant shall provide plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
  - 2) Any business applying for a sign permit of any type, must have and maintain a current Town of Floyd Business License, if applicable, and all real estate, personal property, meals, lodging, etc. taxes must be current. All signage located on a lot shall be the responsibility of the property owner, regardless whether the property or building is leased, rented, etc. The application shall require the signature of the owner of the property in question, and of the agent, if there be any agent. All signs, whether permanent or temporary, shall be located on a lot of record except for off-premise directional signs and vehicle signs. Any sign not located on the lot of record shall require a Conditional Use Permit (CUP) except as otherwise allowed herein.
  - 3) The Town of Floyd Zoning Administrator or designee, shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 90 days after receipt. Any application that complies with all provisions of this zoning ordinance, the State Building Code, and other applicable laws, regulations, and ordinances shall be approved.
  - 4) If the application is rejected, the Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, State Building Code, or other applicable law, regulation, or ordinance.
  - 5) Not more than three (3) signs per parcel. Additional signs are permitted in certain districts with a Conditional Use permit.
  - 6) An application for a Historical Marker shall be filed with the Town of Floyd Zoning Administrator on forms furnished by the department. No application fee shall be required for Historical Markers.
- c) Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 14 consecutive days, 5 times a year unless another time is provided in the zoning ordinance. The

Town may revoke a sign permit under any of the following circumstances after proper notification to land owner and business owners:

- 1) The Town determines that information in the application was materially false or misleading;
  - 2) The sign as installed does not conform to the sign permit application; or
  - 3) The sign violates the zoning ordinance, State Building Code, or other applicable law, regulation, or ordinance.
- d) Conditional Use Sign Permit. Signs in excess of that which is allowed for the district require a Conditional Use Permit. Conditional Use Sign Permit requests shall require a completed and signed (by the land owner and the agent) Conditional Use Sign Permit Application and fee. Grounds for such approval and issuance of a Conditional Use Permit shall be based on whether the sign is viewed as appropriate to the proposed location in terms of scale, compatibility with surrounding land uses, location, traffic, and safety. The Conditional Use Sign permit shall establish but not be limited to the time, manner, and placement of signs, frequency of message changes, the materials, hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not exceed a height of fifteen (15) feet as measured from the road elevation closest to the sign location, except by Conditional Use Permit (CUP). Following a duly advertised Public Hearing, the Town of Floyd Planning Commission reviews and offers a recommendation to the Town Council for their approval or denial.
- 1) Signs Requiring A Conditional Use Permit.
    - 1) Architectural Additions. Only allowed in Business and Industrial District(s). The area of such additions will be included in the total allowable signage per lot and calculated based upon their sign area.
    - 2) Electronic Changeable Copy or Animated Signs. Not allowed in Residential District(s). Can only be used for public emergency type messages (Amber Alerts, weather/traffic warnings, etc.). Such signs cannot contain any advertisement of any kind, and cannot contain or use flashing, scrolling or animation of any type. The square footage of electronic changeable copy signs are limited to 12 square feet.
    - 3) Multi-Tenant Business. Businesses or Office Complexes with more than five (5) tenants.
    - 4) Murals. Only allowed in Business and Industrial District(s).
    - 5) Unusual Display. Only allowed in Business and Industrial District(s).
    - 6) Monument, Freestanding & Illuminated Signs. Such signs in Residential District(s) require a permit.
    - 7) Menu Board. All Menu Board signs regardless of technology.
- e) Historic Signs. Identify the architectural, cultural, and historical significance to the Town and encourage their preservation, enhancement, and maintenance. A sign may be designated historically significant if it was installed fifty (50) years prior to the application and meets at least three or more of the following criteria:

- 1) The sign exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or historic heritage of the Town;
- 2) The sign identifies with a person or persons or groups who significantly contributed to the history and development of the Town, regional, state or national culture and history;
- 3) The sign exemplifies one of the best remaining architectural design, detail, materials, or craftsmanship of a particular historic period.
- 4) The sign is in a unique location or singular physical characteristic(s) represents an established and familiar visual feature of the neighborhood, community or the Town;
- 5) The sign has been in existence for more than 50 years and it possesses integrity of the location, design, setting, materials, workmanship, feeling and association;
- 6) The sign has been continually displayed for more than 50 years, with the exception of routine maintenance, repair or restoration;

Proof of the age of the sign and historic significance is the responsibility of the applicant and shall be included with the zoning application. A zoning permit will be required for a historic sign and any historic sign displayed shall comply with all applicable provisions of the Uniform Statewide Building Code and any amendments thereto. Designation of historic sign(s) shall be subject to approval by the Zoning Administrator. A historic sign shall be maintained in its original condition except for routine maintenance, repair, or restoration. A historic sign shall be allowed in all zoning districts and shall be exempted from being included in the maximum permitted sign area and the maximum number of signs allowed in the designated districts.

**18-706.04 – Signs Not Requiring a Permit.**

The following signs, shall be allowed in all districts except residential, and shall be exempt from permit requirements if:

- 1) Placed with written permission of the land owner.
- 2) Not illuminated by any means.
- 3) Meet at least one of the following requirements.
  - a) Signs erected for traffic or other official public signs or notices posted or erected by or at the direction of a local, state, or federal governmental agency such as the Virginia Department of Transportation (VDOT), or a public utility company of the Town or County of Floyd;
  - b) Any federal, state, or local governmental flag, provided, that no freestanding pole shall be erected in the public right-of-way nor be within ten (10) feet of a service drive, travel lane or adjoining street or sidewalk, and must be located in a manner not to impede sight distance. Cannot contain advertising in any way, and cannot exceed three flags per lot or exceed a height of fifteen (15) feet.
  - c) Professional name plate, which shall be no more than two (2) square foot in area, indicating the name of the professional, the business, or service provided on the premises. Multiple name plates (more than one) may be arranged into one larger sign, but shall require a sign permit, and will be counted toward the total sign area.
  - d) One sign or bulletin board per institution or civic association, not exceeding ten (10) square feet in area, indicating the name of an institution or civic association on premises of such facility.
  - e) On-premise signs, including pavement markings, not to exceed four (4) square feet each, displayed for direction or convenience of the public, such as those indicating restrooms,

public entrances, freight entrances, parking, ADA access and the like, provided the signs do not convey any type of advertising including the name, logo, hours of operations, etc.; must be located in a manner not to impede sight distance;

- f) 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 two (2) square feet;
- g) No trespassing signs (or similar notification signs), without limitations on the number or placement, limited in area to two (2) square feet, each provided the signs do not convey any type of advertising including the name, logo, etc. (hours of operation allowed)
- h) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 18-706.09(e).
- i) Not more than three minor signs per parcel are allowed without a permit. Additional minor signs are permitted in certain districts with a permit.
- j) A permanent window sign.
- k) Temporary signs as follows:
  - 1) One (1) sign, no more than six (6) square feet in area, located on the property where a building permit is active.
  - 2) On any property for sale or rent in all business districts, and in Industrial Zoning districts, not more than two (2) signs with a sign area of up to six (6) square feet per sign, and on any property for sale or rent in Residential Zoning districts, not more than three (3) signs with a total area of up to four (4) square feet.
  - 3) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
  - 4) On residential property, not more than three (3) temporary signs with a total area of no more than four (4) square feet each, and which are removed within 30 days after being erected and cannot be displayed more than 90 cumulative days.
  - 5) Vertical Flags, pennants and streamers may be displayed provided they do not exceed fifteen (15) square feet each, are limited to three (3) per lot and cannot exceed a height of 15 feet, provided that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

#### **18-706.05 – Signs Prohibited in All Districts**

In addition to signs prohibited elsewhere in this Code or by applicable State or Federal law, the following signs are prohibited, except as provided in Section 18-706.03(d)(1):

- a) General prohibitions.
  - 1) Signs that violate any law of the Commonwealth.
  - 2) Any sign erected or painted upon a public right-of-way, trees, and fire escapes, fences or utility poles, except for regulatory signs.
  - 3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official as a nuisance.
  - 4) Vehicle or trailer signs. Examples include but are not limited to: business signage attached to a cargo container on the premises of the business, subdivision advertisement signage attached to work equipment, stationed to attract interest in the subdivision, but not for general work conducted on site. Except for temporary

containers used for moving or storage (PODS) provided that the container does not remain on or at the same lot more than 30 days except by Conditional Use Permit (Section 18-710).

- 5) Any signage or advertisement on any inoperable or unlicensed vehicle.
  - 6) Any sign displayed without complying with all applicable regulations of this chapter.
- b) Prohibitions based on materials.
- 1) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, which causes glare onto any roadway, building or land other than the building or land on which the sign is necessary, except where such signs are expressly permitted within this article.
  - 2) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, or wall edges of any building, except for temporary decorations not to exceed 90 calendar days per year.
  - 3) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
  - 4) Signs that emit sound.
  - 5) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit, except for signs used for Public Service Notification or Announcement.
  - 6) Strings of flags visible from, and within 25 feet of, any public right-of-way.
  - 7) Pole signs less than eight (8) feet in height.
- c) Prohibitions based on location.
- 1) Off-premises signs, unless specifically permitted by this chapter.
  - 2) Signs erected on public land other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E.
  - 3) Signs extending above the ridgeline of a building or its parapet wall.
  - 4) Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard.
  - 5) Any sign located in the vision triangle formed by any two (2) intersecting streets.
  - 6) Any sign which obstructs any door opening or window used as a means of ingress or egress.
  - 7) Any sign which advertises a business location which is no longer in operation at the site in question, or as designated as a Historic Sign.

#### **18-706.06 - Measurements of sign area and height.**

a) Sign Area.

- 1) Sign area is calculated under the following principles:
  - a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within the smallest continuous square, rectangle or triangle enclosing the extreme limits of each word, symbol, numeral, group of symbols or group of numerals where the symbols or numerals are meant to be read as an unit.

- b. The sign area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
  - c. For projecting signs, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle.
- b) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the following provisions.
  - c) In instances where there are multiple tenants or users on a property or in a building, maximum allowable sign area for all parties shall be divided and distributed by the owner or manager among the several business activities within the building. Except for multi-tenant buildings with more than five (5) tenants where a Conditional Use Permit is required for signage.
  - d) Maximum height. The maximum height for any sign shall be fifteen (15) feet from the elevation of road grade at the nearest point on the frontage road, to the top of the sign or its structure, unless otherwise specified within this chapter.
  - e) Multiple frontages. Where a lot fronts two different roads, a multiple frontage sign may be utilized. For this type of sign the maximum copy area for the primary sign, that which fronts the primary road frontage, is listed in Table S-1. The secondary sign, that which fronts the secondary road frontage, is allowed to have an area up to 50% of the primary sign. This provision shall apply to both corner lots and double frontage (through) lots. A multi-frontage sign is considered one sign. The cumulative area of both faces of the sign will be used for calculating the total sign area.

**18-706.07 - Maintenance and removal.**

- a) All signs and sign structures shall be constructed, mounted, and maintained in compliance with the Virginia Uniform Statewide Building Code.
- b) The Town may cause to have removed or repaired within 48 hours of notification, any sign which, in its opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in this chapter.
- c) In the event any sign is to be relocated, or repaired beyond 50% of the replacement value (which is to be determined by a professional in the business of valuing signs), it shall be required that the owner of said sign obtain new permits (sign, building, zoning compliance, etc.)
- d) The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the signs or sign structures, which are no longer functional, use or business has ceased operating for 90 days (except for Historical signs as defined herein), shall within thirty (30) days of the cessation of use or business operation, repair, remove, relocate, replace the sign face with a blank face, until such time as a use or business has resumed operating on the property. If after thirty (30) days following notification from the Town the sign is not repaired,

removed or relocated as required by the Town, the Town shall remove said sign(s) and the land owner will be charged the cost of the removal.

- e) Sign condition, safety hazard, nuisance abatement, and abandonment.
  - 1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
  - 2) Any sign which constitutes a nuisance may be abated by the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.
- f) Any sign erected on public property not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- g) Any sign or sign structure installed without a permit, the owner or lessee shall be given thirty (30) days written notice to file an application for a sign permit. If the owner and lessee fails to properly permit the sign, the zoning administrator or designee shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this ordinance. The cost of such removal shall be chargeable to the owner of the property.

**18-706.08 – General requirements.**

- a) Placement. Except as otherwise permitted, no part of a freestanding sign shall protrude into the setback area.
- b) Illumination. All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this chapter.
  - 1) In the case of indirect lighting, the source shall be so placed or shielded that it illuminates only the face of the sign so as not to impair the vision of any motor vehicle operator or cause glare into or upon any property other than the property to which the sign may be accessory. However, shingle signs can be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.
  - 2) No sign shall be permitted to have an illumination spread that may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. All lighting fixtures used to illuminate a sign shall be full-cutoff, and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and comply with Dark Sky Principles and shall be turned off at the close of business or 10:00 p.m., whichever is later.

**18-706.09 - Nonconforming signs.**

- a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) lawfully existed at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- b) No nonconforming sign shall be enlarged or altered nor shall any feature of a nonconforming sign, such as illumination, be increased; however, any sign or portion thereof may be altered to decrease its non-conformity.
- c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area shall be repaired but shall not be enlarged in any manner. Any damage that creates a hazardous condition shall be repaired within 48 hours of notification by the Town or the sign shall be removed. Any damage that does not create a hazardous condition shall be repaired within 30 days of notification by the Town or the sign shall be removed. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- g) A nonconforming sign structure shall be subject to the removal provisions of section 18-706.07. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two (2) years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner thirty (30) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

**18-706.10 – Non-Commercial Signs.**

- a) Substitution. Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.



**DIVISION II. - SIGN REGULATIONS BY TYPE AND ZONING DISTRICT**  
**18-706.21 – Temporary Signs.**

<b>Table S-T. Temporary Signs</b>		
Allowed with a Permit in the following Zones by Square Feet: All Zoning Districts in the Town of Floyd		
Duration:	Not to exceed 14 consecutive days, 5 times a year	
Number of Signs:	No more than three (3) temporary signs on any single lot.	
Illumination:	Permitted signs may be backlit, internally lighted, or indirectly lighted.	
Setback:	Unless otherwise stated, this distance is 5 feet from the edge of the road pavement or the outer edge of the sidewalk on the road adjoining the property line to the sign.	
Height:	Not exceed a height of 15 feet as measured from the road elevation closest to the sign location.	
Additional Restrictions for all temporary signage in these districts:		
1. No temporary sign may be placed on any public right-of-way without VDOT and Town of Floyd approved permits.		
2. No temporary sign may be placed upon or attached to any utility poles, meter poles, fire escapes, traffic signal or signage, fences or trees.		
3. No changeable copy of any type		
4. May only be placed on the lot of record or off-premise with the written consent of property where the sign is to be placed.		

SIGNAGE BY TYPE OF USE		AR-1	B 1-5	I-1	R 1-5
	A-frame	8	8	8	8
Awning/Canopy	x	x	x	x	
Banner	24	24	24	24	
Banner Over Public ROW	120	120	120	x	
Chalkboard	8	8	8	8	
Changeable Copy	24	24	24	x	
Feather	15	15	15	x	
Flag	8	8	8	8	
Freestanding/Ground Mounted/Monument	x	x	x	x	
Marquee	x	x	x	x	
Menu-Board	x	x	x	x	
Multi-Frontage	48	24	48	24	
Multi-Tenant	x	x	x	x	
Neon	x	x	x	x	
Pole	24	12	24	12	
Portable Sandwich Board	8	8	8	8	
Portable	8	8	8	8	
Projecting	x	x	x	x	
Roof	x	x	x	x	
Wall	24	24	24	24	

x: Signage type not allowed within the zoning district.

**18-706.22. – Permanent signs.**

<b>Table S-1. Permanent Signs.</b>		
Allowed with a Permit in the following Zones by Square Feet: All Zoning Districts in the Town of Floyd.		
Number of Signs:	No more than three (3) signs on any single lot in AR-1, B 1-5, I-1 and two (2) signs on any single lot in R 1-5. Only one (1) freestanding sign per lot.	
Illumination:	Permitted signs may be backlit, internally lighted, or indirectly lighted.	
Setback:	Unless otherwise stated, this distance is 5 feet from the edge of the road pavement or the outer edge of the sidewalk on the road adjoining the property line to the sign.	
Height:	Not to exceed a height of 15 feet as measured from the road elevation closest to the sign location.	
<p>Note: ** For businesses requesting signage different from prescribed amount may submit a signage plan for a conditional use permit (See Section 18-706.03-4 and 18-706.03-5 for procedure and process).</p>		

		AR-1	B 1-5	I-1	R 1-5
SIGNAGE BY CONSTRUCTION TYPE	A-frame	8	8	8	x
	Awning/Canopy	x	10% of the total sq ft of the canopy not to exceed 24 sq ft		x
	Banner	24	24	24	x
	Chalkboard/Whiteboard	8	8	8	x
	Changeable Copy	24	24	24	x
	Feather	15	15	15	x
	Flag	8	8	8	x
	Freestanding/Ground Mounted/Monument	24	24	32	2 sq ft not higher than 3ft
	Marquee	24	24	24	x
	Menu-Board	36	50	36	x
	Multi-Frontage <i>*Primary Road Frontage Total</i>	24	24	32	x
	Neon	8	8	8	x
	Portable Sandwich Board	8	8	8	x
	Projecting	16	16	24	x
	Roof	24	24	32	x
	Wall	24	24	32	2 sq ft located near business entrance
Maximum Square Footage Allowed		64	64	72	4

x: Signage type not allowed within the zoning district.

**18-706.23 – Signage for Multi-Tenant Businesses with 2-5 Tenants**

Except as provided otherwise in this Article, the following signs are permitted for multi-tenant businesses with 2-5 tenants in the same building or on the same lot located in business and industrial districts.

<b>Table S-2. Multi-Tenant Office Complex Signs.</b>		
Signs allowed with a Permit for Multi-Tenant Businesses or Office Complexes with 2-5 Tenants in All Business and Industrial Zones		
	Number of Signs:	Only one (1) freestanding sign per lot; Only two (2) signs per business in addition to a sign on the freestanding sign.
	Illumination:	Permitted signs may be backlit, internally lighted, or indirectly lighted.
	Setbacks:	Unless otherwise stated, this distance is five (5) feet from the edge of the road pavement or the edge of the sidewalk closest to the property line.

**Note:**

\*Multi-tenant businesses or office complexes with 2-5 tenants requesting signage different from prescribed amount may submit a signage plan for a conditional use permit (See section 18-706.03-4 and 18.706.03-5 for procedure and process)

\*\*Multi-Tenant businesses and Office Complexes with more than five (5) tenants, require a Conditional Use Permit for signage.

		B 1-5	I-1
FREESTANDING (ONE PER LOT)	MULTI-TENANT BUSINESS/ OFFICE COMPLEX	16 sq. ft. +8 sq. ft. for each additional tenant not to exceed a total of 48 sq. ft.	24 sq. ft. +10 sq. ft. for each additional tenant not to exceed a total of 64 sq. ft.
		Size (each/total)	
SIGN CONSTRUCTION	A-Frame/Portable Sandwich Board	10 sq. ft. per tenant not to exceed a total of 50 sq. ft.	12 sq. ft. per tenant not to exceed a total of 60 sq. ft.
	Awning/Canopy		
	Chalkboard/Whiteboard		
	Flag		
	Menu-Board		
	Projecting		
	Wall		
Maximum Square Footage per lot		98	124

Section 18-707.00      **MANUFACTURED HOMES**

Any manufactured homes placed in the Town of Floyd after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

Section 18-707.00-1 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.

Section 18-707.00-2 All manufactured homes shall be completely skirted within 30 days and shall be maintained 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 and Zoning Administrator;

Section 18-707.00-3 All manufactured homes shall be supplied with public water and wastewater disposal or such individual service evidenced by permits from the Floyd County Health Department;

Section 18-707.00-4 All manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of 180 square feet) for each manufactured home. Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.

Section 18-707.00-5 All manufactured homes shall not have any non-roofing materials on the roof.

Section 18-707.00-6 All manufactured homes older than 10 years from date of construction shall not be moved onto a lot.

Section 18-707.01      **Individual Manufactured Home Lot Requirements**

Section 18-707.01-1 Lot area and use requirements. Lots on which individual manufactured homes are to be placed must meet the area requirements found in Table 1 for single-family residential dwellings for the specific districts in which manufactured homes are permitted by Conditional Use Permit.

Section 18-707.02      **Manufactured Home Subdivision Requirements**

Section 18-707.02-1 Manufactured home subdivisions shall conform to the requirements of the Town of Floyd Subdivision Ordinance.

Section 18-707.02-2 Minimum lot width for manufactured home subdivision lots is one-hundred and fifteen (115) feet and minimum depth is eighty-five (85) feet.

Section 18-707.02-3 The orientation of a manufactured home on a lot in a manufactured home subdivision shall have the side of the manufactured home with the longest dimension parallel to the primary thoroughfares.

Section 18-707.03      **Manufactured Home Accessory Structures.**

All manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

Section 18-707.03-1 All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the Building Code, as required. All Utilities shall be underground.

Section 18-707.03-2 All manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached manufactured home accessory structure, except ramadas, shall be erected closer than ten (10) feet to a manufactured home;

Section 18-707.03-3 Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home;

Section 18-707.03-4 The rear yard of each manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of manufactured home accessory structures.

### **Section 18-708.00 Non-Conforming Lots, Buildings and Uses.**

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance 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 Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their survival, 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 Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

**Section 18-708.01 Lots of Record.** Where a lot of record at the time of enactment of this Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:

Section 18-708.01-1 A single nonconforming lot of record at the time of enactment or amendment of this Ordinance 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 Section 18-807.00 herein.

**Section 18-708.02 Nonconforming Structures.** Where a lawful structure exists at the time of enactment or amendment of this Ordinance 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:

Section 18-708.02-1 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 seventy-five (75) percent of its replacement cost at the

time of the Building Official declaration. Historic structures, as in Section 613, shall be exempt from this provision.

Section 18-708.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity;

Section 18-708.02-3 Notwithstanding the provisions of Section 18-708.02-2 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 Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line;

Section 18-708.02-4 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;

Section 18-708.02-5 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 non-conformity.

**Section 18-708.03 Nonconforming Uses of Land.** Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use no separate accessory structure or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

Section 18-708.03-1 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 Ordinance;

Section 18-708.03-2 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 Ordinance;

Section 18-708.03-3 In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

Section 18-708.03-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

**Section 18-708.04 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 Ordinance, that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions;

Section 18-708.04-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on 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 in changing the use of the structure to a conforming use;

Section 18-708.04-2 Should a structure or portion thereof containing a nonconforming use be destroyed by any means, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in with the regulations of the district in which it is located.

Section 18-708.04-3 Any structure or portion thereof declared unsafe by the Building Inspector may be restored to a safe condition, provided that the requirements of this section are met, and that the cost restoration of the structure to a safe condition shall not exceed seventy-five (75) percent of its replacement cost at the time of the Building Inspector declaration;

Section 18-708.04-4 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;

Section 18-708.04-5 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (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;

#### **Section 18-709.00 FENCES**

Section 18-709.01 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;

Section 18-709.02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

#### **Section 18-710.0 Storage Containers**

A portable, weather-resistant receptacle designed and used for the temporary storage or shipment of items, including, but not limited to household goods, furniture, wares, building materials, equipment or merchandise. The term includes both wheeled trailers and container units that can be detached from a trailer. The term shall not include dumpsters or refuse containers.

Section 18-710.01 The provisions of this section shall not apply to containers located on and necessary for an approved construction project.

Section 18-710.02 The temporary placement of any container on any lot shall be permitted only upon issuance of a zoning permit, except for a container in an industrial zoning district.

Section 18-710.03 Containers shall be permitted only for temporary storage for the lot on which the container is located.

- Section 18-710.04 Containers shall be permitted only upon the same lot as the principle structure it is accessory to. Containers are prohibited on any lot without a principle structure.
- Section 18-710.05 Containers shall comply with all district yard setbacks and are prohibited in buffer areas.
- Section 18-710.06 Containers shall not be connected to utilities
- Section 18-710.07 Containers shall be located behind the front building line, only in an approved paved area, and shall not block vehicle entrances, visibility triangles, drive aisles, required parking, or fire lanes.
- Section 18-710.08 Vertical stacking of containers is prohibited.
- Section 18-710.09 Signs on containers shall be limited to no more than two sign areas having a maximum four square feet per sign. Such signs may only identify the container supplier and telephone number
- Section 18-710.10-1 Additional standards for portable storage containers accessory to agricultural, detached single family, attached single family, and two family dwelling uses:
- Section 18-710.10-1.2 A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per year,
- Section 18-710.10-1.3 A container may not exceed 16 feet in length, eight feet in width and eight and one-half feet in height when accessory to detached single family use (unless agricultural in use).
- Section 18-710.10-2 Additional standards for portable storage containers accessory to industrial uses: No more than three containers shall be permitted simultaneously per lot and each for a maximum 14-day period
- Section 18-710.10-3 Additional standards for containers accessory to other uses not identified above: A single container shall be permitted per lot for a maximum 14-day period, and for no more than two times per year
- Section 18-710.10-4 Storage Containers are not to be used as a general storage (e.g. a shed)

**Section 18-710.11 Conditional Uses**

- Section 18-710.11-1 For time periods exceeding the limits stated in 18-710.10 (1-3), containers shall be located in a screened storage yard, behind the front building line and meet all requirements for screened storage and other applicable Zoning Regulations.
- Section 18-710.11-2 The above restrictions notwithstanding, when the principle structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued or a fire or other damaging event beyond the control of the owner, one or more movable storage containers may be used for on-site storage purposes exceeding fourteen (14) days while the principle building is undergoing reconstruction/repair. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principle structure and shall expire upon issuance of a Certificate of Occupancy for the principle structure or twelve (12) months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Zoning



Administrator may extend the authorization for as much as an additional 12-month period or until a Certificate of Occupancy is issued, whichever occurs first.

**Section 18-711.0 Telecommunications/Wireless Towers.**

This section describes the telecommunications/wireless tower policies intended to ensure that the placement and construction of towers are accomplished in such a way that conserves property values, minimizes visual impacts, promotes the general welfare, safety, and quality of life, and assures communication services to Town residents.

Section 18-711.1 Towers of less than 35 feet in height, measured from the ground, shall be considered permitted uses in all zoning districts.

Section 18-711.2 Towers of 35 or more in height may be permitted as a Conditional Use following the review and approval of a site plan, which in part, addresses the following provisions.

Section 18-711.3 Need for a Tower. As part of the application, unless the applicant is a provider of radio, television, or communication signals, and executed lease or letter of intent to locate on the proposed structure by a provider of such services shall be required. Prior to issuance of a building permit, a lease for space on the tower must be available and certified.

Section 18-711.4 Tower Required. As part of the application, verifiable evidence shall be provided in writing showing the lack of antenna space on existing towers, buildings, or other structures suitable for antenna locations, or evidence of the unsuitability of existing tower location for co-location. In addition, a listing of all other buildings, towers or other structures considered and deemed unsuitable shall be provided along with the decision criteria. An engineering report certifying that the proposed facility will support a minimum of four (4) users without causing interference with radio, television, or communications of nearby property owners. The applicant shall take steps to successfully eliminate any interference.

Section 18-711.5 Location. As part of the application, the applicant shall provide detailed information regarding the proposed facility's location, including; latitude, longitude, and proposed service area.

Section 18-711.6 Notification. As part of the application, the applicant shall provide evidence that adjoining property owners and other residents of the Town have been contacted to discuss specifics of the proposed project prior to public hearings before the Planning Commission and Town Council.

Section 18-711.7 Compliance with Federal Regulations. Documentary evidence that the proposed facility is in compliance with the requirements of the Federal Aviation Administration and the Federal Communications Commission.

Section 18-711.8 Balloon Test. Prior to the initial public hearing on an application, the applicant shall conduct a "balloon test" or other demonstration to evidence the location and height of the proposed tower to be constructed for a period of 12:00 Noon to 6:00 PM local time. Such notice shall be given directly to adjoining property owners, the Town Planning Commission, and Town Council. In addition, a notice shall be published at least one week prior to the demonstration giving the time and duration of the test, in a newspaper of general circulation. The Planning

Commission reserves the right to require additional testing, under defined circumstances, as part of the application.

- Section 18-711.9 Security. The proposed tower and associated equipment shall be enclosed by a fence or other structure of not less than 8 feet in height.
- Section 18-711.10 Setback from Property Lines. The proposed tower location shall be such that the tower is located at least 125 percent of its height from any adjoining property line. The Town Planning Commission may recommend that the Town Council establish additional setback requirements.
- Section 18-711.11 Visual Impact. The visual impact of the tower and associated facilities shall blend with the natural and built environment of the surrounding area. Mitigating measures such as stealth technology may be proposed such as architectural, landscaping, color, materials, or similar.
- Section 18-711.12 No Advertising. No advertising of any type shall be placed on the tower or accompanying facility.
- Section 18-711.13 Removal of the Tower. The owner of the tower shall dismantle the tower and all associated structures, if no functioning privately-owned telecommunication antennae are attached to the tower for a period of 21 consecutive months, and restore the site as nearly as possible to pre-existing conditions. Security acceptable to and securing the Town, must be posted at the time of the tower approval, in the event the Town must remove the Tower upon abandonment. This security shall be in an amount estimated sufficient to remove the tower, cables, fencing, support buildings, plus 25% to cover additional costs. The amount of the surety shall be reviewed every five years and may be increased periodically during the life of the tower.
- Section 18-711.14 Expiration of Permit. Any Conditional Use authorized under this section shall expire if the tower is not constructed and service provided within 180 days of issuance by the Town. Provided however, the Town may grant an additional 180 days for completion of the project.
- Section 18-711.15 Site Specific Conditions. The Town Council may impose such other site specific conditions as it may determine as required to protect the health, safety, and public welfare.
- Section 18-711.16 Reporting Required. At the time of installation, and by January 30, of each succeeding year, the owner of the tower shall report to the Town Treasurer, all users of the tower by name, address, and other contact information; and their status as of January first of each year.

## **ARTICLE 18-8 ADMINISTRATION**

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

### **Section 18-801.00 ZONING ADMINISTRATOR**

- Section 18-801.01 **Appointment.** The Zoning Administrator shall be appointed by the Town Council.
- Section 18-801.02 **Powers and Duties Relating to Zoning.** The Zoning Administrator is authorized and empowered on behalf of and in the name of the Floyd Town Council to

administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing Zoning Permits and co-signs Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Floyd Town Council to administer and enforce this Ordinance, including the ordering, in writing, the remedy for any condition found in violation of this Ordinance, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances nor on Conditional Uses on which final action is reserved to the Board of Zoning Appeals or Governing Body.

Section 18-801.03 **Zoning Administration Process.** Figure 1 outlines the administrative process to be followed under various provisions of this Ordinance.

### **Section 18-802.00 ZONING AND BUILDING PERMIT PROCEDURES**

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

Section 18-802.01 **Issuance and Display.** The Zoning Administrator shall issue a Zoning Permit for any permitted use or alteration, provided 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.

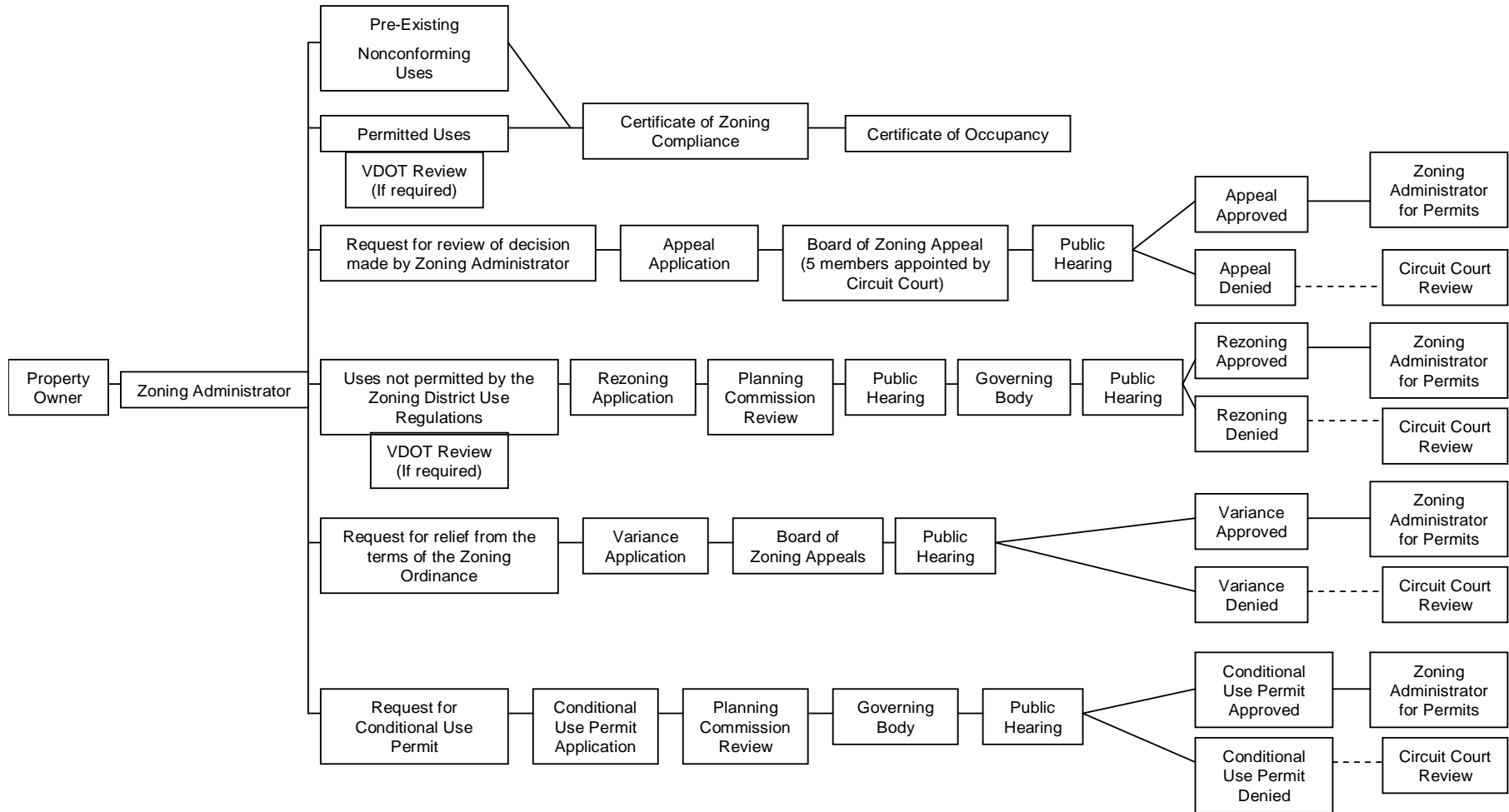
Section 18-802.02 **Application Procedure for Permitted Use.** Applications for a Zoning Permit shall be submitted to the Zoning Administrator according to the following provisions:

Section 18-802.02-1 An application for a Zoning Permit for a permitted use shall be accompanied by two (2) copies of an acceptable site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator to determine compliance with the Zoning Ordinance. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; driveways; parking areas and such other information regarding abutting property as directly affects the application. Upon submission to, or initiation by, the Town of Floyd a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department;

Section 18-802.02-2 Each application for a Zoning Permit, upon issuance of the permit, shall be accompanied by payment of a fee;

Figure 1-Zoning Administration Process

Town of Floyd \*



\*Building Inspector Review may be required prior to issuance of the Certificate of Occupancy

Section 18-802.02-3 The Administrator shall act on any application received within forty-five (45) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a forty-five (45) 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.

Section 18-802.02-4 If the proposed use or construction described in the application required by Section 18-802.02-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Floyd, including but not limited to the required:

- (1) Virginia Statewide Uniform Building Code
- (2) Health Department Approval
- (3) Virginia Department of Transportation Approval
- (4) Flood Insurance - Floodplain Ordinance
- (5) Erosion and Sediment Control Ordinance Plan
- (6) Superintendent of the Public Service Authority

The Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue a Zoning Permit. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

Section 18-802.02-5 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 (1) 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 Ordinance with which the submitted plan does not comply. The Zoning Administrator shall retain one copy of the site plan and one (1) copy of the refusal.

Section 18-802.03 **Application Procedures for Conditional Uses.** Applications for a Conditional Use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for a recommendation to the Floyd Town Council. The Town Council will hold a public hearing and make a decision on the application. Applications for Zoning Permits for Conditional Uses must be submitted in accordance with the following procedures:

Section 18-802.03-1 An application shall be accompanied by two (2) copies of an acceptable site plan drawn in accordance with applicable provisions of Section 18-802.00 of this Ordinance, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses, fences, street names and street right-of-way lines; driveways; parking areas and such other information regarding abutting property as directly affects the application;

Section 18-802.03-2 Each application for a Zoning Permit for a Conditional Use shall be accompanied by payment of a fee as set forth in Article 18-10 to help defray the cost of publicizing and conducting the public hearing;

- Section 18-802.03-3 The application shall be sent to the Commission for review and recommendation, and said Commission shall one hundred (100) days within which to submit a report. If the Commission fails to submit a report within a one hundred (100) day period, it shall be deemed to have approved the proposed Conditional Use;
- Section 18-802.03-4 The Town Council shall consider the proposed Conditional Use after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed Conditional Use within thirty (30) days from the date of the public hearing;
- Section 18-802.03-5 In evaluating the proposed Conditional Use the Town Council shall address the following concerns:
- (a) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;
  - (b) The current and future need for the proposed use in the Town of Floyd; and
  - (c) The character of the existing neighborhood and the effect of the proposed use on existing property values;
- Section 18-802.03-6 Conditions set forth in Article 18-802.03-5 for the various Conditional Uses are minimum. In approving a proposed Conditional Use the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town Council 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 Town Council
- Section 18-802.03-7 If the Town Council 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;
- Section 18-802.03-8 If the Town Council disapproves the application for a Zoning Permit for a proposed Conditional Use, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;
- Section 18-802.03-9 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 twelve (12) months;
- Section 18-802.03-10 A Conditional Use Permit must be put into effect within six (6) months after the date the permit is issued, unless otherwise provided in the permit itself;
- Section 18-802.03-11 A Conditional Use Permit may be revoked by the Town Council if the Council finds that the holder of the permit has violated the conditions of the permit or one (1) or more of the "additional requirements" in Section 18-802.03-6.

- Section 18-802.03-12 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;
- Section 18-802.03-13 Upon change of ownership, any conditional use permit for the property shall expire (except for approved permanent structures);
- Section 18-802.03-14 Conditional Use Permits shall expire on the last day of the Town of Floyd Fiscal Year, and if renewed shall become effective on the first day of the Town of Floyd Fiscal Year. Renewal fees will not be required, unless the original conditions of the permit are changed, or a renewal fee is specified as a condition of the permit.
- Section 18-802.03-15 If the property owner fails to renew the Conditional Use Permit, the Zoning Administrator or his appointed agent shall notify the property owner of violations to the conditional use permit first by personal contact; either by phone or personal appearance. If the violation is not remedied within 14 calendar days, the property owner will receive a certified "Notice of Violation" from the town and given 30 days to comply before legal action is implemented. If after the 30 days the violation is not remedied the matter will be referred to the Town Attorney. Penalty for failure to comply with the Conditional Use Permit shall be fifty dollars (\$50.00) per calendar month beginning the day after the Zoning Administrator has given written notice of the violation.
- Section 18-802.04 **Application Procedures for Ordinance or Map Amendment.** The Floyd Town Council may from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Governing Body or Planning Commission proposing the rezoning shall state the above public purposes therefore.
- Section 18-802.04-1 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 (2) 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. Site plans are required and they shall show, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimension and the use of structures; easements (private and public) water courses, fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application. 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 18-10;
- Section 18-802.04-2 The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 the Code of Virginia, 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 one hundred (100) 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;

Section 18-802.04-3 The Floyd Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within one hundred (100) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia;

Section 18-802.04-4 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;

Section 18-802.04-5 No more than one application for any amendment affecting a specific parcel of land may be initiated during any single twelve (12) month period.

**Section 18-802.05      Procedures for Proffering Conditions to Zoning District Regulations**

Section 18-802.05-1 Intent. The intent of this section is to provide (pursuant to Sections 15.2-2298 through 15.2-2230 of the Code of Virginia, 1950, as amended) to the zoning district regulations or the zoning district map;

Section 18-802.05-2 Proffer of Conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in Ordinance, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Town Council. In addition:

- a. The rezoning itself must give rise to the need for the conditions.
- b. The conditions proffered shall have a reasonable relation to the rezoning.
- c. The conditions are in conformity with the comprehensive plan.
- d. Cash proffers may be accepted for off-site road improvements or any off-site transportation improvement that is included in the Comprehensive Plan and is incorporated into the capital improvements program.

Section 18-802.05-3 Expiration. Any zoning permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the permit has 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 (1) year.

**Section 18-803.00      CERTIFICATE OF OCCUPANCY**

Certificates of Occupancy shall be co-signed by the Zoning Administrator (and Building Official) in accordance with the following provisions:

Section 18-803.01      A Certificate of Occupancy shall be required in advance of occupancy or use of;

Section 18-803.01.1    A building hereafter erected;

Section 18-803.01.2    A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;

Section 18-803.01.3    A change of type of occupancy or use of any building or premises.



Section 18-803.02 Issuance of a Certificate of Occupancy

Section 18-803.02-1 The Building Official shall sign and issue a Certificate of Occupancy under the following circumstances: (a) there exists a previously issued Certificate of Zoning Compliance; and (b) the building, as finally constructed, complies with the sketch or plan submitted

**Section 18-804.00 BOARD OF ZONING APPEALS**

Section 18-804.01 Initial Appointment. The initial appointment of the Board shall be One (1) member of one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; one (1) member for four (4) years; and one (1) member for five (5) years.

Section 18-804.02 Terms of Office. Appointments shall be for five years each. The Secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.

Section 18-804.03 Public Offices Held. No member shall hold any public office except that one (1) member shall (may) be a member of the (Planning) Commission.

Section 18-804.04 Compensation. Members of the Board may receive such compensation as may be authorized by the Governing Body.

Section 18-804.05 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.

Section 18-804.06 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 fifteen (15) days notice.

**Section 18-805.00 RULES OF PROCEDURE**

The Board shall observe the following procedures:

Section 18-805.01 Said Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other ordinances of the Floyd and general laws of the Commonwealth for the conduct of its affairs.

Section 18-805.02 Said Board shall elect a Chairman, Vice Chairman, and Secretary from its own membership who shall serve annual terms as such and may succeed themselves.

Section 18-805.03 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.

Section 18-805.04 All meetings of said Board shall be open to the public.

Section 18-805.05 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.

- Section 18-805.06 The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.
- Section 18-805.07 The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
- Section 18-805.08 A quorum shall be at least three (3) members.
- Section 18-805.09 A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide favor of the applicant on any matter upon which said Board is empowered.

**Section 18-806.00 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following duties and powers:

- Section 18-806.01 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Ordinance.
- Section 18-806.02 To authorize upon original application in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done as follows:
  - Section 18-806.02-1 When a property owner can show that this property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance;
  - Section 18-806.02-2 No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variation;
  - Section 18-806.02-3 No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia 1950, as amended;
  - Section 18-806.02-4 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the use of the property is not of so general

or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance;

Section 18-806.02-5 In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

#### **Section 18-807.00 APPLICATION FOR VARIANCES**

Application for variances from this Ordinance may be made by property owner, tenant, governmental official, department, board, or bureau.

Section 18-807.01 Application. 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: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private public); water courses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects the application. 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 Planning Commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.

Section 18-807.02 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 Section 15.2-2204 of the Code of Virginia, 1950, as amended. The Board shall decide same within thirty (30) days from the date of such hearing.

Section 18-807.03 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 twelve (12) months without specific approval of the Board.

Section 18-807.04 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.

Section 18-807.05 Fee. Each application for a variance shall be accompanied by payment of a fee set forth in Article 18-10 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

#### **Section 18-808.00 PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS**

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

- Section 18-808.01 An appeal to the Board may be taken by any person aggrieved by, by an officer, department, board, or bureau of the Town of Floyd affected by, and decision of the Zoning Administrator within thirty (30) days after the decision.
- Section 18-808.02 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.
- Section 18-808.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- Section 18-808.04 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.
- Section 18-808.05 The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and decide the same within thirty (30) days from the date of such public hearing.
- Section 18-808.06 In exercising the powers granted the Board in Section 18-806.00 of this Ordinance, the said Board may, in conformity with the provisions of this Ordinance, 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.
- Section 18-808.07 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.
- Section 18-808.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 18-10 to help defray the cost publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

**Section 18-809.00 DECISION OF BOARD OF ZONING APPEALS**

- Section 18-809.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or bureau of the Town of Floyd may present to the Circuit Court of Floyd a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.
- Section 18-809.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which

a return thereto must be made and served upon the aggrieved attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

Section 18-809.03 The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed and shall be verified.

Section 18-809.04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.

Section 18-809.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

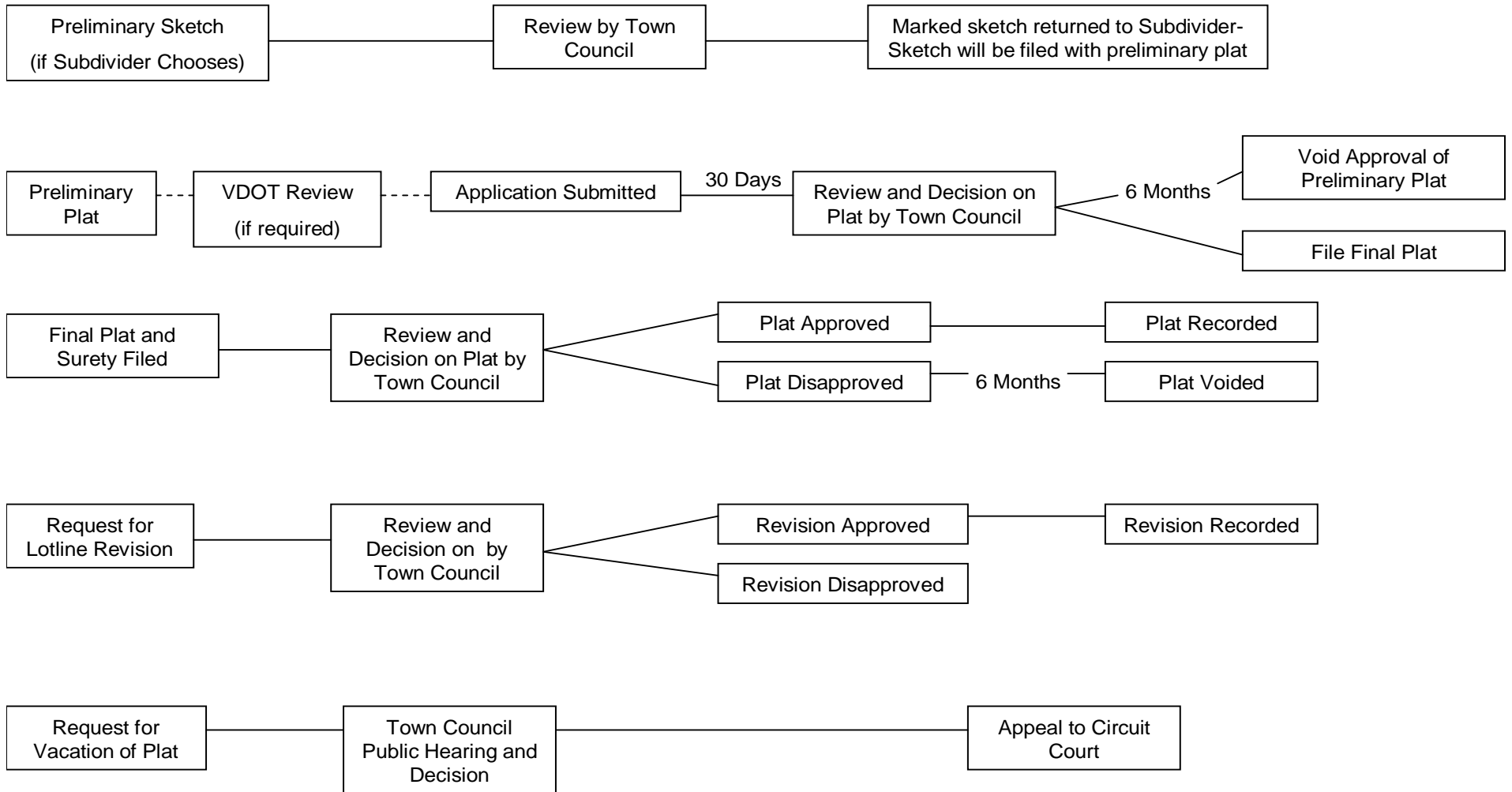
#### **Section 18-810.00 ADMINISTRATION OF THE SUBDIVISION REGULATIONS**

Section 18-810.01 Subdivision Ordinance Administrator. The administrator shall be appointed by and shall serve at the pleasure of the Floyd Town Council which shall fix the compensation of the administrator.

Section 18-810.02 Powers and Duties Relative to Subdivision Administration. The subdivision administrator is authorized and empowered on behalf of and in the name of the Floyd Town Council to administer and enforce the provisions set forth in Article 18-9 of these regulations, other pertinent provisions, and Section 15.2-2255, 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. When the Town of Floyd receives a subdivision plat pursuant to § 15.2-2258 or 15.2-2260, or a site plan or plan of development pursuant to subdivision A 8 of § 15.2-2286, the locality shall submit such plat or plan to the Department of Transportation in accordance with § 15.2-2260 within 10 business days if the plat or plan substantially affects transportation on state-controlled highways as defined by regulations promulgated by the Department. Such plat or plan shall include supplemental traffic analysis if required by local ordinance or resolution or pursuant to regulations promulgated by the Department.

Section 18-810.03 Subdivision Administration Process. Figure 2 outlines administrative process to be followed under the provisions of the Subdivision Regulations found in Article 18-9.

Figure 2-Administration of Subdivision Regulations  
Town of Floyd



## Article 18-9

### SUBDIVISION REGULATIONS

#### Section 18-901.00 SUBDIVISION REGULATIONS

Under the authority to establish subdivision regulations recorded in Article 18-1, Section 18-102, and the purposes outlined in Article 18-2 at Section 18-201.08 and 201.09, the regulations established herein constitute minimum requirements which shall apply to all subdivision, except as hereinafter provided.

#### Section 18-902.00 STATUTORY PROVISIONS

Under the authority to establish subdivision regulations and the purposes, the regulations established herein constitute minimum requirements, which shall apply to all subdivision, except as herein provided.

Section 18-902.01 No person shall subdivide land without making a plat of such subdivision, recording it in the office of the Circuit Court of Floyd County and without fully complying with the provisions of this article.

Section 18-902.02 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 Floyd wherein the land to be subdivided is located.

Section 18-902.03 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 18-1 Section 18-102.10.

Section 18-902.05 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred (500) dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Section 18-902.05 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 section 17.1-223 of the Code of Virginia shall apply to any failure to comply with the provisions of the subsection.

#### Section 18-903.00 PLATTING REQUIRED

Whenever the owner or proprietor of any tract of land within the Town of Floyd desires to subdivide the same, he or she shall submit a plat of the proposed subdivision to the Town of Floyd through the designated Agent. The administrative process for the "Subdivision Regulations - Floyd" are found in Article 18-8 Section 18-810. No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved, and certified by the Agent in accordance with the regulations set forth in this ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded by the Floyd County Clerk of the Court.

- Section 18-903.01 Draw and Certify. Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or licensed Land Surveyor, who shall endorse upon each such plat a certificate.
- Section 18-903.02 No One Exempt. No person shall subdivide any tract of land that is located within the Town of Floyd, except in with the provisions of this Ordinance and the applicable provisions of the Code of Virginia, 1950 as amended.
- Section 18-903.03 Mutual Responsibility. There is a mutual responsibility between the subdivider and the Town of Floyd to divide the land so as to improve the general use pattern of the land being subdivided.
- Section 18-903.04 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.
- Section 18-903.05 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:
- Section 18-903.05.1 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 such designee but necessitated or required, at least in part, by the construction or improvement of such designees subdivision or development; provided, however, that no such payment shall be required until such times 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 owners 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 guarantee satisfactory to the Governing Body shall be posted conditioned on payment at the commencement of such construction.
- Section 18-903.06 Necessary Changes, No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets, unless authorization for such changes has been granted in writing on behalf of the Council.
- Section 18-903.07 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 Ordinance calls for more restrictive standards than are required by public contract, the provisions of this Ordinance shall control said contract.

**Section 18-904.00      General Requirements**

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



- Section 18-904.01 Lot Size. The minimum lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is located as prescribed in Article 18-7 of the Land Development Regulations.
- Section 18-904.02 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.
- Section 18-904.03 Lot Side Lines. Side lines of lots shall be approximately at right angles, or radial to the street line.
- Section 18-904.04 Lot Shall Abut on a Street Dedicated to Public Use. Each lot shall abut on a street dedicated by the subdivision plat, or an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be constructed as to permit the widening by dedication of said roads or streets to a width of fifty (50) feet. If the existing streets do not extend to the abutting property lines axis termination point
- Section 18-904.05 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.
- Section 18-904.06 Block Length. The maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- Section 18-904.07 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.
- Section 18-904.08 Block Orientation. Where a proposed subdivision adjoins an arterial road, and/or where a potential traffic hazard would be created if driveways serving such subdivisions lots were to intersect such thoroughfare, the Town may require that the greater dimension of the block shall front or back upon such thoroughfare to avoid unnecessary ingress or egress.
- Section 18-904.09 Street Design and Standards. For all residential subdivisions, all streets shall be constructed in accordance with the Virginia Department of Transportation road standards and approved by the Virginia Department of Transportation ;
- Section 18-904.09.1 All street and alleys shall be graded to their full width to the cross section and grade approved by the Town Council with embankment slopes lying outside the right-of-way, with regards to subdivisions utilizing existing streets that are to be extended.
- Section 18-904.09.2 Concrete curbs and gutters shall be installed on both sides of all streets shown on the subdivision plat in accordance with applicable specifications of the Virginia Department of Transportation. In the case of newly platted

streets, to not include the extension of existing streets, curb and gutter is not required but the development plan must provide storm drainage satisfactory to Town Council;

- Section 18-904.09-3 Concrete sidewalks shall be provided on at least one side of all newly created or redeveloped streets to meet Virginia Department of Transportation specifications;
- Section 18-904.09-4 The subdivider shall construct and surface all platted streets. Curbs, and gutters shall be provided for existing streets that are to be extended. Sidewalks shall also be constructed at the subdivider's expense on existing streets that are to be extended;
- Section 18-904.09-5 Curbs, gutters, and sidewalks shall be constructed such that there will be a driveway entrance for each lot.
- Section 18-904.09-6 Alternative Transportation Access and Connectivity. Subdivisions within the Town should enable the use of Alternative Transportation and incorporate access points to these streets, paths, and/or trails.
- Section 18-904.09-7 Traffic Impact Analysis. A Subdivision Plat that substantially affects transportation on state-controlled highways as defined by regulations promulgated by the Virginia Department of Transportation shall include a Traffic Impact Analysis or similarly approved traffic analysis.
- Section 18-904.10 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 adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. 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 sixty (60) degrees, unless approved by the Agent.
- Section 18-904.10 Street Alignment and Layout. Alleys should be avoided whenever possible, if permitted the right-of-way will be not less than twenty (20) feet.
- Section 18-904.12 Cul-De-Sacs. Streets designated to have one end permanently closed must be terminated by a turn-around adequate to support Emergency Service Vehicles.
- Section 18-904.13 Reserve Strips. There shall be no reserve strips controlling access to public streets.
- Section 18-904.14 Street Names. The Subdivider shall name all streets, in coordination with the emergency services. Names shall be sufficiently different in sound and in spelling from other road names in Floyd County so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Town. Names of existing streets shall not be changed except by specific approval.

- Section 18-904.15 Street Identification Signs. Street identification signs of an approved design shall be installed at all intersections.
- Section 18-904.16 Monuments. Upon completion of subdivision streets and other improvements, the subdivider shall make certain all monuments required by this ordinance are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Agent before any improvements are accepted:
- Section 18-904.16.1 Location – Concrete or other Approved Permanent Materials. Concrete or other approved permanent material monuments four (4) 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.
  - Section 18-904.16.2 Location – Iron Pipe or other Approved Permanent Materials. All other lot corners shall be marked with approved permanent material or iron pipe not less than three-fourths (3/4) inch in diameter and twenty four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.
- Section 18-904.17 Reservation of Land for Public Purposes. The Town may require Subdividers of land for residential use to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semipublic uses, subject to the following regulations:
- Section 18-904.17.1 Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage without reimbursement by the Town. Where land is required in excess of this amount, the reimbursement by the Town shall be based on a proportionate share of the: 1) cost of raw land; 2) cost of improvements, including interests or investments; 3) development costs; plus 4) not more than ten (10) percent profit on the total of such costs.
  - Section 18-904.17.2 Subdividers shall not be required to reserve land for public purposes other than streets, drainage, sidewalk, sewer system, water systems or other utility systems or site improvements required for vehicular, to include bicycle paths, ingress and egress, public access, structures necessary to ensure stability of critical slopes, or for stormwater management facilities, except on a reimbursement basis. The costs of other lands for public purposes shall be reimbursed by the Town or agency requiring the land. The amount of reimbursement shall be determined as previously stated. The subdivider shall not be required to hold land longer than eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible sale of reserved land as separate lots, the Subdivider shall show on the final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat.
  - Section 18-904.17.3 The Floyd Town Council 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 subdivision.

Section 18-904.17.4 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 Ordinance.

### **Section 18-905.00 UTILITY REQUIREMENTS**

Section 18-905.01 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 therefore to the Governing Body of the Town of Floyd or it's authorized Agent for approval. The Governing Body shall have sixty (60) days in which to approve or disapprove the same. In the event of the failure of the Governing Body or its agent, to act within such period, such plans and specifications may be submitted, after ten (10) days notice to the Town, and to the Judge of the Circuit Court having jurisdiction within the 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. All Utilities shall be underground.

Section 18-905.02 Septic Tanks. The Governing Body shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that approval by the Governing Body is only with the understanding that where septic tanks are to be installed, they must be approved on an individual basis by the Health Department.

Section 18-905.03 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.

Section 18-905.04 Private Water and/or Sewer. Where public water and/or sewer is not available, nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewerage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulations having authority over such installations.

Section 18-905.05 Fire Protection. Fire hydrants shall be installed according to the specifications of the Public Service Authority where public water supply is available and extended.

Section 18-905.06 Flood Control and Drainage. If any portion of the proposed subdivision is determined by the agent to be in the 100 year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the 100 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 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.

Section 18-905.07 Utility Easements. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, phone, fiber-optic (internet/television) and other utilities to serve the subdivision.

Section 18-905.07 Utility Easements. Nothing herein shall be construed as creating an obligation upon the Town to pay for grading or paving, or for sidewalks, sewers, water systems, curb and gutter improvements, or any other construction.

### **Section 18-906.00 RELATION TO EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT LAWS**

The General Assembly has determined that the lands and waters comprising the watersheds of the State 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.

Section 18-906.01 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.

Section 18-906.02 Erosion and Sedimentation Plan Required. At the time of filing the preliminary plat, an erosion and sedimentation control plan will also be filed in accordance with the Town Code and the provisions of the Virginia Erosion and Sediment Control Handbook.

Section 18-906.03 Stormwater Management. All applicable Stormwater Management Laws and Regulations, in relation to the Subdivision Ordinance, shall be satisfied by the subdivider or their agent prior to approval.

### **Section 18-907.00 PLAT REQUIRED – APPROVAL BEFORE SALE**

Section 18-907.02 The Subdivider shall present to the Agent four (4) copies of a preliminary layout at an appropriate Engineering Scale (1:10, 1:20 e.g.). The preliminary plat shall include the following information:

Section 18-907.02.1 Name of subdivision, owner, subdivider, licensed surveyor or engineer, date of drawing, number of sheets, north point, and graphic scale;

Section 18-907.02.2 Location of proposed subdivision by an inset map at a scale of not less than 1 inch equal to 2,000 feet showing adjoining roads, their names and number, towns, subdivisions, and other landmarks;

Section 18-907.02.3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract, and adjoining such boundaries;

- Section 18-907.02.4 All existing, platted, and proposed streets, their names, numbers, and widths; existing utility or other easements, public areas, and parking spaces; culverts, drains, and water courses, their names and other pertinent data;
- Section 18-907.02.5 All parcels of land to be dedicated for public use and the conditions of such dedication;
- Section 18-907.02.6 Topography at an appropriate interval;
- Section 18-907.02.7 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;
- Section 18-907.02.8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply;
- Section 18-907.02.9 Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required;
- Section 18-907.02.10 Preliminary Plat Procedure. The Town Council and Agent shall discuss the preliminary plat with the Developer in order to determine whether or not the preliminary plat generally conforms to the requirements of this ordinance. The Developer shall then be advised in writing within sixty (60) days, which may be by formal letter or by legible markings on a 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 notice of the performance guaranty which will be required to be submitted as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance guaranty, the Agent shall require a bona fide estimate of the cost of improvements to be furnished by the Subdivider;
- Section 18-907.02.11 No Guarantee. Approval by the Town Council and Agent of the preliminary plat does not constitute guarantee of approval of the final plat;
- Section 18-907.02.12 Six Month Limit on Approvals. The Subdivider shall have not more than six (6) months after the date of approval of the preliminary plat to file a final subdivision plat in accordance with this section with the Agent. Failure to do so shall make preliminary approval null and void. The Agent may, on written request by the Subdivider, grant an extension of this time limit.

### **Section 18-908.00 FINAL PLAT**

Four (4) copies and the original of the final plat shall be submitted to the Agent, one of which shall be reduced to eleven inches by seventeen inches. The original of the subdivision plat submitted for final approval by the Town Council and subsequent recording shall be clearly and legibly drawn in ink upon stable based material at an appropriate engineering scale, i.e. one hundred (100) feet to the inch, on sheets measuring no larger than 18 inches by 22 inches and no smaller than 11 inches by 17 inches in size. Plats shall further comply with all of the requirements imposed by law for recordation standards. Current recordation standards may be obtained from the Clerk of the Circuit Court. 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 subdivision.

- Section 18-908.01 Final Plat Requirements. The Final Plat ~~should~~ shall contain at least the following information:
- Section 18-908.01.1 Name of subdivision, community, state, owner, north point, scale of drawing, and number of sheets. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A space containing the Certificate of Approval shall be provided for the use of the approving authority;
- Section 18-908.01.2 Location of proposed subdivision by an insert map, at a scale of not less than 1 inch equals 2000 feet, indicating adjoining roads, their names and numbers, towns, subdivisions, and other landmarks;
- Section 18-908.01.3 A boundary survey with an error of closure within the limits established under current state standards related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the Virginia State Plane Coordinate grid, if the Coordinates of two (2) adjacent corners of the subdivision are shown;
- Section 18-908.01.4 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 acknowledgements of deeds on the form shown in Appendix A;
- Section 18-908.01.5 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;
- Section 18-908.01.6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines or center lines of streets; boundaries of all proposed or existing easements; all existing public and private streets, their names, numbers, and widths; water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- Section 18-908.01.7 All dimensions shown shall meet the standards published by the State Board of Licensing;
- Section 18-908.01.8 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;
- Section 18-908.01.9 A professional licensed engineer or licensed surveyor shall certify that all required facilities are designed and built to the requisite standards (See Appendix A).

### **Section 18-909.00 CONSIDERATION OF FINAL PLATS**

- Section 18-909.01 The Town Council shall act on proposed final plats within sixty (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 therefore. 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;

- Section 18-909.01.1 If the Town Council fails to act on the proposed plat within sixty (60) days after it has been officially submitted for approval, the Subdivider, after ten (10) days written notice to the Town may petition the Circuit Court 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;
- Section 18-909.01.2 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, the Subdivider 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 appeal is filed with the Circuit Court within sixty (60) days of the date of disapproval by the Town Council;
- Section 18-909.01.3 The Subdivider shall have not more than six (6) 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;
- Section 18-909.01.4 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, and 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 certify to the Governing Body that the construction costs have been paid to the person constructing such facilities; or provide 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;
- Section 18-909.01.5 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 or applicable standard.
- Section 18-909.01.5.1 All roads shall conform to the Virginia Department of Transportation Secondary Street Acceptance Requirements or other such laws, regulations, and requirements.
- Section 18-909.01.5 Recordation. The recordation of the Final Plat with all necessary approvals shall operate to transfer, in fee simple, to the Town of Floyd such portion of the premises platted as is on such plat set apart for streets, alleys, or other public uses and to transfer to the Town any easement indicated on such plat to create public right of passage over the same. The Town will collect all recordation fees from the applicant, and file the plat with the Clerk of the Circuit Court. The original plat will be filed by the Town and a copy of the final plat with the recordation will be returned to the subdivider;



Section 18-909.01.6 Draw and Certify. Every subdivision plat which is intended for recording shall be prepared by a certified engineer or licensed Land Surveyor, who shall endorse upon each plat a certificate signed by said professional, setting forth the source of the description the land to be 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 ownership, the outlines of the tracts shall be indicated upon such plat;

Section 18-909.01.7 Owners Statement. Every such plat, or deed of dedication to which the plat is attached, shall contain in addition to the professional engineer's or licensed land surveyor's certificate a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any". The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgement of deeds. When thus executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded in the office of the clerk of court where deeds are admitted to record for the lands contained in the plat, and indexed in the general index to deeds under the names of the owners of lands signing such statement, and under the name of the subdivision;

Section 18-909.01.8 Conditions. The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Ordinance, and has made satisfactory arrangements for performance bonds, to the satisfaction of the Town of Floyd. Approval of the final plat shall be written by the agent on the face thereof.

#### **Section 18-910.00 LOTLINE REVISIONS**

A lotline on an existing parcel may be revised as long as the revision will not be in conflict with any provisions of the Town of Floyd Land Development Regulations.

Section 18-910.01 Procedure. The property owner or proprietor of a tract of land in the Town of Floyd shall file a plat meeting the requirements of 18-908.00 of this Ordinance. The Town Council shall review the proposed revision and consideration will follow the process outlined in 18-909.00 of this Ordinance.

#### **Section 18-911.00 FAMILY SUBDIVISIONS**

Section 18-911.01 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 is permitted, subject to the provisions of the Code of Virginia, 1950, as amended. Only one such division shall be permitted per family member and shall not be for the purpose of circumventing this ordinance or other town regulations. For the purpose of this section, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner. The Agent shall have authority to approve a family subdivision, as evidenced by the Agent signature on the plat, provided the following requirements are met:

Section 18-911.01.1 All applicable requirements of the Zoning Ordinance shall be met.

Section 18-911.01.2 The proposed lots shall conform to all applicable town subdivision and design standards.

Section 18-911.01.3 The plat shall be drawn with all detail requirements of this and any other applicable ordinances or laws.

Section 18-911.01.4 A Public Right-of-Way of fifty (50) feet is recommended to provide the property adequate access. Twenty (20) feet is the mandatory minimum Right-of-Way for property access with regards to Family Subdivisions.

### **Section 18-912.00 VACATION OF PLAT**

A plat may be vacated by Ordinance of the 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 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 Town Council at which the adoption of the Ordinance is to be considered. An appeal from the adoption of the Ordinance may be filed within thirty 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.

Section 18-912.01 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

Section 18-912.01.1 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 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;

Section 18-912.01.2 By ordinance of the Town of Floyd 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 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 thirty 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 above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

### **Section 18-913.00 ADVERTISING STANDARDS**

Section 18-913.01 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.

**Section 18-914.00 EXCEPTIONS**

Where the Developer 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 of Floyd a departure may be made without destroying the intent of such provisions, the Agent may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Agent with the reasoning, on which the departure was justified, set forth. No exception to this Ordinance may be granted which is opposed in writing by the Town or Virginia Department of Transportation Resident Advisor or the Health Official, unless the opposition is found by the Town Council to be arbitrary and capricious.