

**Code of Ordinances, Town of Luray, Virginia
Abstracted April 2016**

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Chapter 58 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 58-15. Destruction of property.

(a) If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, any monument or memorial for war veterans, any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of the town or any tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the town or other organization responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

(b) If any person intentionally causes such injury, he shall be guilty of a Class 1 misdemeanor if the value of or damage to the property, memorial or monument is less than \$1,000.00. The amount of loss caused by the destruction, defacing, damage or removal of such property, memorial or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

(Ord. of 12-8-2008(2), §§ 1, 2)

Chapter 74 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 74-9. Clearance for awnings, fire escapes, signs, tree limbs, etc., over streets, sidewalks, alleyways, rights of way, etc.

(a) Pursuant to the Code of Virginia, 1950, § 15.2-2010, as amended, it shall be unlawful for any person to place or allow to remain over any public street, avenue, park, ridge, sidewalk, building, structure, fence, alleyway, easement, or right of way, or any other public places or public property, any awnings, fire escapes, shutters, signs, cornices, gutters, downspouts, bay windows and other appendages to buildings or property, unless the same be at least 14 feet above the street, or nine feet above such other public places or public property, and with authorization of the town manager, or their designee. The town manager, or their designee, may remove the thing whenever such person, after the expiration of five days next following receipt of notice, has failed to do so. The cost of any removal shall be chargeable to such person and shall be added to their tax bill.

(b) It shall be unlawful for any person to place or allow to remain over any public street, avenue, park, ridge, sidewalk, building, structure, fence, alleyway, easement, or right of way, or any other public places or public property, any tree, shrub, bush or other growth, or any part thereof, unless the same be at least 14 feet above the street, or nine feet above such other public places or property. The town may remove the tree, shrub, bush or other growth, or any part thereof, whenever such person, after the expiration of five days next following receipt of notice, has failed to do so. The cost of any removal shall be chargeable to such person and shall be added to their tax bill.

(c) For the purpose of this section, the term "sidewalk" shall mean not only any sidewalk on the property of the town, but also the property of any person which is adjacent thereto, not more than three feet therefrom, and not enclosed.

(d) Any person who violates this section as the owner or occupant of the subject property shall be guilty of a Class 4 Misdemeanor.

(Code 1965, §§ 24-22, 24-23; Code 1981, § 16-10; Ord. No. 2005-11-08, § 1, 11-14-2005; Ord. of 5-27-2014, § 1)

State Law reference— Authority of town to permit signs, etc., to overhang street, etc., Code of Virginia, § 15.2-2010.

Sec. 74-15. - Cutting trees on street or alley.

(a) No person shall cut, trim or remove any tree, shrub, bush or other growth, or any part thereof, in, on, or upon any public street, avenue, park, ridge, sidewalk, building, structure, fence, alleyway, easement, or right of way, or any other public places or public property, without authorization of the town manager, or their designee.

(b) Any person who violates this section shall be guilty of a Class 3 Misdemeanor.

(Code 1965, § 24-15; Code 1981, § 16-16; Ord. of 5-27-2014, § 1)

Chapter 90 VEGETATION

Sec. 90-1. Grass, weeds and other foreign growth.

(a) It shall be unlawful for any person to keep or maintain on his premises any grass, weeds or other growth which is detrimental to the health, comfort or general welfare of any person, including but not limited to any grass, weeds or other growth of ten inches or more in height. However, the provisions of this section shall not apply to any person whose premises are lawfully devoted to agriculture

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

(c) Violations of this section shall be subject to a civil penalty, not to exceed \$50.00 for the first violation. The civil penalty for subsequent violations within 12 months of the first violation shall not exceed \$200.00. Such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed within a 24-month period.

(Code 1965, §§ 12-6—12-9; Code 1981, § 14-35; Ord. of 4-14-1997, § 1; Res. No. 2005-11-06, § 1, 11-14-2005)

State Law reference— Authority of town to compel the cutting of grass, weeds and other foreign growth on vacant property, Code of Virginia, § 15.2-901.

APPENDIX A ZONING

ARTICLE II. DEFINITIONS

202. Specific terms.

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

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

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

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

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

(Ord. of 12-9-2013, § 1)

ARTICLE IV. DISTRICT REGULATIONS

409. Planned Neighborhood Development District [PND].

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

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

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3. A landscape plan prepared by a certified landscape architect shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.

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5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.

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409.11. Definitions—PND.

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G. Open space. Common space generally intended for passive recreation and not improved with a building, structure, vehicular travel lane, driveway, street, sidewalk,

or parking area. Open space may include pedestrian ways, bike paths, trails interconnecting open space areas; undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped grounds, buffers; playgrounds and tot lots; swimming and boating areas. Open space shall not include yards within individual residential lots, yards less than 30 feet wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

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

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

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409.17. Off-street parking—PND.

A. The number, design, location and construction of parking lots, bays, spaces and drives shall conform to the applicable requirements of appendix A, sections 506 and 507 of the zoning ordinance.

1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be protected by curbing or other means against damage by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be provided.

2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No more than 15 spaces shall be laid out without an intermediate landscape island. Such planting islands shall be not less than ten feet wide in the direction parallel to the row and not less than 20 feet long in the direction perpendicular to the row. Each such island shall have a suitable poured-in-place concrete curb, or approved equal, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

409.18. Landscaping and screening—PND.

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

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

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

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

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

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

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

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(Res. No. 2006-02-04, § 1, 2-13-2006)

ARTICLE V. SUPPLEMENTARY REGULATIONS

503. Visibility at intersections.

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

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

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

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