

ARTICLE 1 AUTHORITY AND ENACTMENT

101.00 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Article 7, Section 15.2-2280 *et seq.*, 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, restrict, prohibit, and determine the following: (a) The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain and other specific uses; (b) the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; (c) the areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and in use; and (d) the excavation or mining of soil or other natural resources.

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 6, Section 15.2-2240 *et seq.* requires the Town Council of the Town of Broadway, Virginia 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 (a) for size, scale, and other plat details; (b) for the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general areas as to location, widths, grades, and drainage; (c) for adequate provisions for drainage and flood control and other public purposes, and for light and air; (d) for the extent to which and the manner in which streets shall be graded, graveled, or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed; (e) for the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line as a part of a public system, or other improvement, financed or to be financed in whole or part by private funds in accordance with certain conditions prescribed herein; (f) for monuments of specific types to be installed establishing street and property lines; (g) for provisions regarding the time period within which plats

approved in accordance with the provisions herein must be recorded; (h) for the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved; (i) for payment by a subdivider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction, or improvement of his subdivision or development in accordance with certain provisions herein; (j) 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 requirement contained in the Code of Virginia; (k) for the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Town under the provisions herein; and (l) for the exercise of other subdivision powers prescribed by general law.

103.00 **ENACTMENT**

Therefore, be it ordained by the Town Council of the Town of Broadway, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.2, Chapter 22, Articles 6 and 7 of the Code of Virginia, 1950, as amended that the following Ordinance be adopted, constituting the Town of Broadway Zoning Ordinance, as amended and Subdivision Ordinance - Town of Broadway, Virginia, as amended. This Ordinance shall be known and may be cited as the "Land Development Regulations of the Town of Broadway, Virginia (2008)". The Subdivision Ordinance shall consist of Article 9, and the Zoning Ordinance shall consist of all other articles of the Land Development Regulations. A reference herein to "this Ordinance" shall refer to the Land Development Regulations as a whole, including both the Zoning Ordinance and the Subdivision Ordinance.