

Chapter 24

Comprehensive Zoning Ordinance

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FILED 3/6/14 TIME 7:42 AM
 CIRCUIT COURT CLERK'S OFFICE
 SCOTT COUNTY, VIRGINIA
 MARK "BO" TAYLOR, CLERK
 BY E. Ben Starna DEPUTY CLERK

Sec. 24.....Preamble and Purpose

PREAMBLE

Nothing in this chapter shall be construed as giving to any person any kind of right, interest or easement in any street, alley, sidewalk or public way of the town for any sign, or other encroachment of any type whatsoever, whether the same be erected prior to or subsequent to the adoption of this article, whether the same be attached to the street, alley, sidewalk or public way or is hanging over the same or is a portable or temporary display. It is expressly understood and provided that the owner, lessee or custodian of such sign, or other encroachment is a mere licensee and subject to the will of the council and that the sign, or other encroachment in question shall be removed at any time upon receipt by the owner, lessee or custodian on ten (10) days' written notice from the town council ordering the removal of same. Should the recipient of such notice fail to comply therewith, he or she shall be charged with a class 2 misdemeanor AND punished by a fine of not more than \$1,000, provided such penalty shall not exceed the penalty prescribed by law for like offense, and the town manager shall forthwith remove the sign or encroachment at the expense of the owner. Each day of noncompliance shall constitute a separate offense.

General authority of town relative to streets and sidewalks, Code of Virginia if 15.1-14, 15.1-363 through 15.1-462, 15.1-888 et seq.

PURPOSE

The Comprehensive Zoning Ordinance of the Town of Gate City, Virginia shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Sec. 15.1-427 of the Code of Virginia, as amended. To these ends, this ordinance has been designed to give reasonable consideration to each of the following purposes, as applicable:

- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- (2) To reduce or prevent congestion in the public streets;
- (3) To facilitate the creation of a convenient, attractive, and harmonious community;
- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (5) To protect against the destruction of or encroachment upon historic areas;
- (6) To protect against one or more of the following: over-crowding of land, undue density of population in relation to the community facilities existing or available, abstraction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
- (7) To encourage economic development activities which provide desirable employment and enlarge the tax base;
- (8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; and,
- (9) To promote affordable housing.

This ordinance and map are adopted pursuant to the authority of Title 15.1, Chapter XI, Article 8, Section 15.1-486 through 15.1-498 et seq., of the Code of Virginia of 1950 and amendments thereto.

Sec. 24.1.....Definitions

For the purpose of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

24.1.1 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. Permitted accessory uses or structures include private garages, guest houses; swimming pools, hot tubs and Jacuzzis; accessory buildings for storage of household goods and maintenance items, tennis courts, basketball courts, volleyball and badminton areas; home gardens and landscaping features, private security or dusk-to-dawn lighting, children's play structures, gazebos, dog houses, dog pens, private greenhouses.

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

- 24.1.3** Administrator, The: The official charged with the enforcement of the Zoning Ordinance. The Administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body. The Administrator may serve with or without compensation as determined by the governing body.
- 24.1.4** Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening.
- 24.1.5** Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 24.1.6** Apartments: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 24.1.7** Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.
- 24.1.8** Base Flood / One Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- 24.1.9** Base Flood Elevation (BFE): The Federal Emergency Management Agency designated 100 year water surface elevation plus one foot.
- 24.1.10** Boarding House: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 24.1.11** Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- 24.1.12** Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.
- 24.1.13** Building, Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure.
- 24.1.14** Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if it is a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 24.1.15** Building, Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.
- 24.1.16** Commission, The: The Planning Commission of Gate City, Virginia.
- 24.1.17** Convalescent Home, Nursing Home, or Home for the Aged: A residential structure established to serve elderly or seriously ill persons for an extended period of time, such persons not being related by blood or marriage.
- 24.1.18** District: Districts as referred to in Section 15.1-486 of the Code of Virginia.

- 24.1.19** Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 24.1.20** Dog House: An accessory structure which provides shelter for a domestic dog kept as a pet. No more than two (2) such structures are permitted per lot in any residential district, and no more than two (2) dogs may be maintained permanently in such structures. All such structures shall be placed in the rear yard, and only two (2) dog houses or one (1) dog pen as defined are permitted per lot.
- 24.1.21** Dog Pen: An accessory structure consisting of a fenced area in which no more than two (2) domestic dogs may be kept as pets. No such structure may be used in the manner of a kennel. One (1) such structure is permitted per lot. All such structures shall be placed in the rear yard, and only one (1) dog pen or two (2) dog houses as defined are permitted per lot.
- 24.1.22** Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments and travel trailers.
- 24.1.23** Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than one (1) family.
- 24.1.24** Dwelling, Two-Family Duplex: A structure arranged or designed to to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 24.1.25** Dwelling, Single-Family: A structure arranged or designed to to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 24.1.26** Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 24.1.27** Family: One (1) or more persons occupying a premises and living in a single swelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.
- 24.1.28** Family Care Home, Foster Home, or Group Home: A residential structure established to serve mentally retarded or other developmentally disabled persons, not related by blood or marriage.
- 24.1.29** Flood:
- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of a current.
 - (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding

anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) (1) of this definition.

24.1.30 Flood-Prone Area: Any land area susceptible to being inundated by water from any source.

24.1.31 Floodplain:

- (a) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;
- (b) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

24.1.32 Floodway: The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

24.1.33 Frontage: The minimum width of a lot measured from one (1) side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined as required herein.

24.1.34 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.

24.1.35 Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

24.1.36 Greenhouse, Private: An accessory structure, usually completely enclosed, used for the cultivation of plants for horticultural use and consumption.

24.1.37 Commercial Greenhouses, Plant Nurseries and Landscaping: Buildings and structures used for the growing and sale of plants, flowers, shrubbery, and other vegetation for replanting and ornamental horticulture, and/or where landscaping services are provided.

24.1.38 Governing Body: The Town Council of Gate City, Virginia.

24.1.39 Guest House: An accessory structure which is intended to be occupied by one (1) or more guests of the owner, but in which no provision is made for cooking.

24.1.40 Historic Structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary

determined by the Secretary of the Interior to qualify as as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

24.1.41 Home Garden: A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.

24.1.42 Home Occupation: An enterprise, either for profit or not, carried on by the occupant of a dwelling as a secondary use in connection with which the only display which is permitted is a home occupation sign as defined and where no one is employed other than members of the household residing on the premises. Home occupations under this ordinance are limited to accounting, bookkeeping and other clerical occupations; catering and the preparation of food for off-premises consumption; practice of law; general carpentry, with no stored materials outside the main building and accessory structures and utilizing hand tools or light power hand tools; general sewing and seamstressing; hand-crafts, woodworking, painting and other artistic endeavors; electrical and electronic repair and servicing; musical training limited to unamplified instruments; gunsmithing and locksmithing; plumbing; nursery schools, kindergartens, child care, day nursery or day care; beauty and barber shops; wine making, beer-making with appropriate permits for off-premises consumption; dance, aerobics, gymnastic and similar forms of instruction; general student tutoring. A Zoning or Special Exception and Use permit for home occupations may be revoked by the governing body if such activities or uses are deemed incompatible with the residential neighborhood.

24.1.43 Hotel, Motel or Inn: A building designed or occupied as the more or less temporary abiding places for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

24.1.44 Junk Yard: An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metals or other scrap or salvaged materials. The term shall also include automobile graveyards as defined in Section 33.1-348 of the Code of Virginia.

24.1.45 Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept or any other number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

24.1. 46 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either

shown on a plat or record or considered as a unit of property and described by metes and bounds.

- 24.1.47** Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- 24.1.48** Lot, Depth: The average horizontal distance between the front and rear lot lines. Calculated by measuring both the side property lines and the midpoint depth of the lot, then dividing by three (3).
- 24.1.49** Lot, Double Frontage: An interior lot having frontage on two (2) streets.
- 24.1.50** Lot, Interior: any lot other than a corner lot.
- 24.1.51** Lot, Width: Shall mean the width of any lot at the setback line. Calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the streetline curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.
- 24.1.52** Lot of Record: A lot which has been recorded in the clerk's office of the circuit court.
- 24.1.53** Manufacturer and/or Manufacturing: The processing or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
- 24.1.54** Manufactured/Mobile Home: The terms "mobile home" and "manufactured home" are often used interchangeably. Manufactured/Mobile homes are constructed on a chassis for towing, and are designed for use with or without permanent foundation in which in the traveling mode is eight (8) body feet or more in width or thirty-two (32) feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet. A Manufactured/Mobile Home is subject to federal regulatory standards (42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act). A Manufactured/Mobile Home is required to be registered with the Virginia Department of Motor Vehicles as Personal Property.
- A single-wide manufactured/mobile home is 20 feet or less in width and 90 feet or less in length and can be towed to their site as a single unit.
- A double/triple-wide manufactured/mobile home is 20 feet or more in width and 90 feet in length or less and can be towed to their site in two or more separate units, which are then joined together.
- A Manufactured/Mobile Home is limited to single-family use only.
- 24.1.55** Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured home exclusively.
- 24.1.56** Modular Home: A Modular home is different from a mobile home or a manufactured home. A Modular Home is a dwelling unit which is constructed in compliance with the Virginia State Building Code and Gate City Zoning Ordinance composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation (that is, not intended for removal and relocation at a later time). A Modular Home which is nineteen (19) or

more feet in width and designed to be placed on permanent foundations once sited. A Modular Home of less than nineteen (19) feet of width but placed on permanent foundations is not considered a modular home. Once sited, the modular home is considered a permanent improvement to the property and may not be relocated. Limited to single-family use only.

- 24.1.57** May: As a grammatical term, indicates discretionary authority as used here in this ordinance.
- 24.1.58** Motor Home: Fully self-contained unit which is built on a truck or bus chassis and is designed for temporary living accommodations for recreation, camping and travel use.
- 24.1.59** New Construction: for purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the Flood Insurance Rate Map (FIRM) for Gate City, Virginia, effective date: March 15, 1979, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by ordinance effective March 15, 1979, in Gate City, Virginia and includes any subsequent improvements to such structures.
- 24.1.60** Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 24.1.61** Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 24.1.62** Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance for the district in which it is located, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 24.1.63** Off-Street Parking Area: Space provided for vehicular parking outside the dedicated street right-of-way.
- 24.1.64** Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Gate City, or owned and operated by a private individual or corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.
- 24.1.65** Recreational Vehicle: A vehicle which is
- (a) built on a single chassis;
 - (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonable use.

There are three (3) basic types of recreational vehicles: travel trailers, motor homes, and

truck campers. No recreational vehicle shall be used to provide additional dwelling space at the owner's place of residence on a permanent basis.

24.1.66 Required Open Space: any space required in any front, side, or rear yard.

24.1.67 Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionary shops, or refreshments stands.

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

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

24.1.70 Shall: As a grammatical term, indicates a required action as used herein this ordinance.

24.1.71 Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in any area is excluded from this definition.

- (a) Business Sign: A sign which directs attention to a product, commodity, or service available on the premises, or which directs attention to the location of the establishment where such may be obtained.
- (b) Home Occupation Sign: A sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available as a result of a home occupation. Only one such sign is permitted per dwelling, and such signs may not be illuminated.
- (c) Billboard Sign: A sign, either affixed to a building or other structure or self-supporting by means of a freestanding support structure, generally ten (10) square feet or larger, which advertises products, commodities, or services by means of interchangeable pre-fabricated or painted images and words. The advertiser may or may not be the owner of such signs.
- (d) Mobile Directional Sign: a sign, generally mounted on a wheeled trailer assembly, internally illuminated and sometimes containing a directional arrow, which advertises by means of interchangeable letters and symbols, and which may be either leased or purchased by the advertiser.
- (e) Identification Sign: A sign which directs attention to a non-business enterprise or activity, or which or which directs attention to the location of such an enterprise or activity.

24.1.72 Special Exception: Granted by the issue of a Special Exception and Use Permit, a special exception to the provisions of this ordinance may be considered, granted, or denied by the Town Council. Activities which require such exceptions are so indicated, and any activity not specified within this ordinance is subject to a special exception.

The term refers to certain categories or uses which are to be permitted only after being submitted to the review of the governing body in order to insure compliance with standards designed to protect neighboring properties and the public.

- 24.1.73 Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start date means either the first placement of permanent construction of a structure on the site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.
- 24.1.74 Story:** That portion of a building, other than the basement, included between the surface of any floor and 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.
- 24.1.75 Street, Road:** A public thoroughfare which affords principal means of access to abutting property.
- 24.1.76 Street Line:** The dividing line between a street or road right-of-way and the contiguous property.
- 24.1.77 Structure:** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.
- 24.1.78 Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 24.1.79 Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed.

The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

- 24.1.80** Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.
- 24.1.81** Travel Trailer: Vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use. Can be easily towed by automobile or small truck and does not require special highway movement permits.
- 24.1.82** Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. Designed to be used for temporary living accommodations for recreation, camping, and travel use.
- 24.1.83** Variance: A variance is a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.
- 24.1.84** Wayside Market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 24.1.85** Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- (a) Front: An open space on the same lot as a building between front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
 - (b) Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
 - (c) Side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

DISTRICTS

For the purpose of this ordinance, the incorporated area of Gate City, Virginia, is hereby divided into the following districts:

Residential R-1 Residential R-2 Manufactured
Housing Residential District R-3
Commercial District C-1
Central Business District C-2
Industrial District M-1

SEC. 24.2..... RESIDENTIAL DISTRICT R-1

STATEMENT OF INTENT

This district is composed of certain quiet, low-density areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a non-residential commercial nature. To these ends, development is limited to low concentration; and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

24.2.1 In Residential District R-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- (a) Home Gardens
- (b) Single-family dwellings; conventional, site-built, or modular single unit construction only.
- (c) Convalescent home, nursing home or home for the aged, with a Special Exception and Use Permit.
- (d) Family care home, foster home, or group home, with a Special Exception and Use Permit.
- (e) Schools, public and private
- (f) Churches and other religious institutions, including parish houses and parsonages
- (g) Parks and playgrounds
- (h) Home occupations as defined, with a Special Exception and Use Permit
- (i) Off street parking as required by this ordinance
- (j) Accessory uses and structures permitted as defined; however, garages or other accessory structures such as carports, porches, and stoops attached to the main

building shall be considered part of the main building. No accessory use or structure may be closer than three (3) feet to any property line.

- (k) Public Utilities: poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, telephone lines, booths and other communication facilities, and street lighting. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section, and these require a Special Exception and Use Permit.
- (l) Signage as provided for in this ordinance.
- (m) Yard sales and garage sales for the disposal of personal property.
- (n) Nursery schools, kindergartens, child care centers, day nursery or day care centers.
- (o) Agriculture, with a Special Exception and Use Permit.
- (p) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size. The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

AREA REGULATIONS

- 24.2.2** For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be ten thousand (10,000) square feet.
- 24.2.3** For lots containing or intended to contain a single permitted use served by public or individual sewage disposal, the minimum lot area shall be twenty thousand (20,000) square feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.
- 24.2.4** For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be thirty thousand (30,000) square feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

SETBACK REGULATIONS

- 24.2.5** Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

FRONTAGE REGULATIONS

- 24.2.6** For permitted uses the minimum lot width at the setback line shall be seventy-five (75) feet.

YARD REGULATIONS

- 24.2.7** The minimum side yard for each main structure shall be ten (10) feet.
- 24.2.8** Each main structure shall have a minimum rear yard of twenty-five (25) feet.

HEIGHT REGULATIONS

- 24.2.9** Buildings may be erected up to thirty-five (35) feet in height from grade except that:
- 24.2.10** The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- 24.2.11** Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, Flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.
- 24.2.12** No accessory structure which is within twenty (20) feet of an adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than the main building on the lot.
- 24.2.13** Off-street parking and loading standards and space requirements for particular uses are contained in Section 24.8.

CORNER LOTS

- 24.2.14** Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- 24.2.15** The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

SEC. 24.3 RESIDENTIAL DISTRICT R-2

STATEMENT OF INTENT

This district is composed of certain quiet, medium-density areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a non-residential commercial nature. To these ends, development is limited to moderate concentration; and permitted uses are limited basically to dwellings providing homes for the residents plus certain public facilities that serve the residents of the district.

- 24.3.1** In Residential District R-2, structures to be erected or land to be used shall be for one (1) or more of the following uses:
- (a) Agriculture and Home Gardens
 - (b) Apartments, with a Special Exception and Use Permit
 - (c) Boarding Houses
 - (d) Single-family dwellings; conventional, site-built, single unit construction or modular home as defined.

- (e) Two-family duplexes and multiple-family dwellings
- (f) Family care home, foster home, or group home
- (g) Schools, public and private
- (h) Cemeteries, with a Special Exception and Use Permit
- (i) Churches and other religious institutions, including parish houses and parsonages
- (j) Convalescent homes, nursing homes or homes for the aged
- (k) Parks and playgrounds
- (l) Home occupations as defined
- (m) Off-street parking as required by this ordinance
- (n) Accessory uses and structures permitted as defined; however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory use or structure may be closer than three (3) feet to any property line.
- (o) Public Utilities; poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, telephone lines, booths and other communication facilities, and street lighting. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section, and these require a Special Exception and Use Permit.
- (p) Signage as provided for in the ordinance
- (q) Yard sales and garage sales for the disposal of personal property.
- (r) Nursery schools, kindergartens, child care centers, day nursery or day care centers
- (s) Government offices, with a Special Exception and Use Permit
- (t) Double/Triple-wide manufactured/mobile home as defined.
- (u) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size. The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

AREA REGULATIONS

- 24.3.2** For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be seventy-five hundred (7,500) square feet.
- 24.3.3** For lots containing or intended to contain a single permitted use served by public or individual water but having individual sewage disposal, the minimum lot area shall be twenty thousand (20,000) square feet. The required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

- 24.3.4** For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be thirty thousand (30,000) square feet. The required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

SETBACK REGULATIONS

- 24.3.5** Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

FRONTAGE REGULATIONS

- 24.3.6** For permitted uses the minimum lot width at the setback line shall be sixty (60) feet.

YARD REGULATIONS

- 24.3.7** The minimum side yard for each main structure shall be ten (10) feet.
- 24.3.8** Each main structure shall have a minimum rear yard of twenty-five (25) feet.

HEIGHT REGULATIONS

- 24.3.9** Buildings may be erected up to thirty-five (35) feet in height from grade except that:
- 24.3.10** The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- 24.3.11** Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.
- 24.3.12** No accessory structure which is within twenty (20) feet of an adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than the main building on the lot.
- 24.3.13** Off-street parking and loading standards and space requirements for particular uses are contained in Section 24.8.

CORNER LOTS

- 24.3.14** Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- 24.3.15** The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

SEC. 24.4.....MANUFACTURED HOME RESIDENTIAL DISTRICT R-3

STATEMENT OF INTENT

The purpose of this district is to provide for manufactured housing at moderately low-densities in subdivisions or park developments together with such churches, recreational facilities, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. Agricultural and open uses are permitted, but in general, urbanization is planned and utilities and public services exist or are planned which will be adequate for the type or types of development contemplated.

REGULATIONS

24.4.1 A building or land shall be used for the following purposes:

- (a) Single-family dwellings, conventional, site-built, single unit construction, modular housing as defined, or double-wide housing as defined.
- (b) Manufactured and/or modular housing on individual lots or in parks. No more than three (3) manufactured housing units may be placed on lots with adjoining property lines except as allowed in Section 24.4.8 of this ordinance. Property separated only by streets, roads and other rights-of-way shall be considered adjoining properties for the purpose of this section. Four (4) or more manufactured housing units shall constitute a manufactured housing park and shall comply with all provisions of Section 24.4.8.
- (c) Manufactured housing parks subject to the design standards of this section.
- (d) Cemeteries with a Special Exception and Use Permit.
- (e) Churches and other religious institutions, with parish houses and parsonages.
- (f) Convalescent homes, nursing homes or homes for the aged with a Special Exception and Use Permit.
- (g) Family care homes, foster homes or group homes with a Special Exception and Use Permit.
- (h) Public utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, telephone lines, booths and other communication facilities, and street lighting. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section, and these require a Special Exception and Use Permit.
- (i) Home occupations as defined.
- (j) Nursery schools, kindergartens, child care centers, day nursery, or day care centers.
- (k) Radio or television transmission or receiving tower.
- (l) Signage as provided in this ordinance.
- (m) Agriculture.
- (n) Yard sale or garage sale for disposal of personal property.
- (o) Accessory uses and structures permitted as defined; however, garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory use or structure may be closer than three (3) feet to any property line.

- (p) Apartments, condominiums, duplexes, and other multiple family dwellings
- (q) Pharmacies
- (r) Medical doctor/physicians' offices being professional offices involving the healing arts as defined in Virginia Code Section 54.1-2900
- (s) Psychologist/Psychiatrist
- (t) Doctor of Dentistry/Dental offices
- (u) Chiropractors, licensed physical therapists
- (v) Licensed land surveyor, real estate appraisal, real estate brokers and agents
- (w) Gift shop, hobby, collectibles & antique shops
- (x) Certified optometrist/optometry services
- (y) Licensed professional counseling services
- (z) Attorneys, Certified Public Accountants and other accounting and tax services
- (aa) Veterinary Clinic
- (bb) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size.
The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

AREA REGULATIONS

- 24.4.2** For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be six thousand (6,000) square feet, with a minimum lot width of fifty (50) feet and a minimum lot depth of one hundred (100) feet.
- 24.4.3** For lots containing or intended to contain a single permitted use served by public water but having individual sewage disposal, the minimum lot width of one hundred (100) feet and minimum lot depth of one hundred fifty (150) feet.
- 24.4.4** For lots containing or intended to contain a single permitted use served by individual water and sewage systems, the minimum lot area shall be thirty thousand (30,000) square feet, with a minimum lot width of one hundred fifty (150) feet, and minimum lot depth of two hundred (200) feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

SETBACK REGULATIONS

- 24.4.5** Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

YARD REGULATIONS

24.4.6 The minimum side yard for each main structure shall be ten (10) feet.

24.4.7 Each main structure shall have a minimum rear yard of twenty-five (25) feet.

SPECIAL REGULATIONS FOR MANUFACTURED HOME PARKS

24.4.8 The following provisions apply to the creation and expansion of manufactured housing parks:

- (a) The park shall contain not less than two contiguous acres and shall be under single ownership or control, except that minimum area may be one acre where the proposed park is to be located adjacent to an existing manufactured housing park containing an area of one acre or more.
- (b) The minimum width and minimum depth for a manufactured housing park shall be 200 feet.
- (c) A portion of a manufactured housing park consisting of not more than 25 percent of the area of the park may be designated for temporary parking of boats or other recreational vehicles for storage purposes.
- (d) The overall density of the manufactured housing park shall not exceed seven (7) units per gross acre and the net density of any particular acre within such park, whether used for manufactured housing or storage, shall not exceed ten (10) units per acre. Land subject to flooding or otherwise unsuitable for residential use shall be excluded from density computations.
- (e) Manufactured and/or modular home units shall be placed no closer than fifteen (15) feet from any property line or manufactured housing site line, and none shall occupy more than twenty-five (25%) percent of the area of the site on which it is situated. A minimum of thirty (30) feet shall be maintained between manufactured and/or modular home units. The minimum width for each site shall be 2.5 times the width of the manufactured and/or modular home unit, or fifty (50) feet, whichever is greater. Minimum site widths shall be measured at right angles to the long axis of the site at the setback line or rear of the parking stand, whichever is less. No more than one manufactured and/or modular home unit shall be parked on any one site and no manufactured housing sites shall be offered for sale or sold. Once established, no manufactured housing park shall be subdivided. Minimum site area for travel trailer or camper sites shall be 2,000 square feet.
- (f) The manufactured housing park shall comply with all sanitary and other requirements prescribed by law or regulations. Each manufactured housing site shall be provided with individual water and sewer connections to central sewer and water systems designed to serve the entire manufactured housing park.
- (g) The park owners shall provide at least two (2) refuse containers of the type and size prescribed by the Administrator or each manufactured and/or modular home unit located in the park. A central refuse collection enclosure shall be placed in a location prescribed by the Administrator for disposal and collection of park refuse. One (1)

- such enclosure is required for each seven (7) manufactured and/or modular home units. The enclosure shall be completely screened from view with a latching gate.
- (h) Each manufactured housing site shall be provided with electrical outlets installed in accordance with applicable Codes and ordinances.
 - (i) No manufactured and/or modular home units shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 15 feet from any other accessory building.
 - (j) Access to the manufactured housing park shall not be from a public street or road having less than a forty (40) foot wide right-of-way. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and no manufactured housing space shall be designed for direct access to a street outside the boundaries of the park. Interior access drives shall be properly lighted at 250 foot intervals and at least 50 feet in width, hard surfaced and curbed and maintained at least 20 feet in width in accord with applicable Town specifications. Turning radius at the end of a cul-de-sac shall be a minimum of 35 feet.
 - (k) At least two (2) off-street hard-surfaced parking spaces shall be provided on each manufactured housing site, and in addition one off-street parking space shall be provided per manufactured and/or modular home unit in other locations convenient to groups of homes. Additional parking area shall be designated for accessory storage of boats, boat trailers, or other recreational vehicles. No parking shall be permitted on the street.
 - (l) The topography of the site shall be such as to facilitate drainage and adequate drainage facilities shall be provided.
 - (m) The overall design shall evidence a reasonable effort to preserve the natural amenities of the site, particularly mature trees.
 - (n) Each manufactured housing park shall provide not less than one multiple purpose developed recreational area of at least 10,000 square feet in area for the use of occupants of the park.
 - (o) Any part of the manufactured housing park not used for buildings or other structures, off-street parking, recreational uses, drives and pedestrian walks, garbage and trash collection stations or other uses shall be planted with appropriate ground cover, trees, flowers, shrub and grass lawns, all of which shall be properly maintained. Where no trees exist, at least two shade trees shall be planted and properly maintained on each manufactured unit site. The area of the park which abuts any public street or road or any other developed property shall be planted in row trees, hedges or other shrubbery sufficient to afford privacy to the park occupants and adjoining property owners. The owner(s) of the park shall at all times maintain these plantings in good order and appearance. Such plantings shall provide cover at least five (5) feet from grade.
 - (p) The park owner shall require and the unit owner shall insure that open space beneath each manufactured and/or modular home unit shall be skirted with approved material in accordance with the requirements of the Administrator.

- (q) Corners for each manufactured housing site shall be clearly defined by permanent ground markers corresponding to the approved site plan.
- (r) No manufactured housing park existing at the effective date of these regulations shall be enlarged or extended unless the enlargement area is in compliance with all requirements for a new manufactured housing park. Manufactured and/or modular home units may be added within the established boundaries of an existing manufactured housing park so long as the overall density within said boundaries does not exceed seven (7) units per gross acre.
- (s) Buildings and uses not related to the manufactured housing park, but located within the park boundary, shall comply with the provisions of Sections 24.4.2 through 24.4.7, and Sections 24.4.9 through 24.4.15, inclusive.
- (t) A site plan of the proposed park shall be submitted for review and approval to the Administrator. The Administrator shall submit said plan to the commission for its recommendations.

CORNER LOTS

- 24.4.9** Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 24.4.10** The side yard on the side facing the side street shall be at least 20 feet for both main and accessory structures.

HEIGHT REGULATIONS

- 24.4.11** Buildings may be erected up to 35 feet in height from grade except that:
- 24.4.12** The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.
- 24.4.13** Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flagpoles, television antennae and radio aerials, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.
- 23.4.14** No accessory structure which is within 20 feet of any adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than the main buildings on the lot.
- 24.4.15** Off-street parking and loading standards and space requirements for particular uses are contained in Section 24.8.

SEC. 24.5.....COMMERCIAL DISTRICT C-1

STATEMENT OF INTENT

This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access and is characterized by constant heavy traffic,

and by noise of congestion of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns, garages, and service stations, located mostly on primary highway arteries.

24.5.1 In Commercial District C-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- (a) Animal hospital or clinic.
- (b) Antique and gift shops.
- (c) Automobile or truck sales, service and repair, including body or fender repair, but not auto salvage or junk.
- (d) Bakeries.
- (e) Barber and beauty shops.
- (f) Boarding houses.
- (g) Car washes.
- (h) Churches.
- (i) Clubs and lodges.
- (j) Commercial greenhouses, plant nurseries and landscaping.
- (k) Drive-in restaurants and food sales.
- (l) Pharmacies.
- (m) Dry cleaners, laundries, and laundromats.
- (n) Farm supply, feed and seed stores (with storage under cover).
- (o) Financial institutions.
- (p) Funeral homes.
- (q) Furniture refinishing and repair including upholstering, cabinet and furniture making.
- (r) Furniture stores.
- (s) Home appliance sales and service.
- (t) Hospitals, general; and laboratories-pharmaceutical and/or medical.
- (u) Hotels, motels and inns.
- (v) Newspaper and electronic media.
- (w) Fire departments, rescue squads and ambulance services.
- (x) Libraries.
- (y) Lumber and building supply (with storage under cover).
- (z) Machinery and electronic sales and service, with a Special Exception and Use Permit.
- (aa) Office buildings including government offices.
- (bb) Plumbing and electrical supply (with storage under cover).

- (cc) Public utilities.
- (dd) Restaurants; on-premise alcoholic beverage sales require a Special Exception and Use Permit.
- (ee) Retail stores selling directly to the public.
- (ff) Service stations (with major repair under cover).
- (gg) Taxi service and bus terminals.
- (hh) Theaters, assembly halls.
- (ii) Tourist homes.
- (jj) Wholesale and processing not objectionable because of dirt, noise, or odors with a Special Exception and Use Permit.
- (kk) Off-street parking as required by this ordinance.
- (ll) Public billiard parlors and pool rooms, bowling alleys, dance halls, taverns, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest. On-premise alcoholic beverage sales permitted with a Special Exception and Use Permit.
- (mm) Wayside markets, with a Special Exception and Use Permit.
- (nn) Video rentals.
- (oo) Photographic studios and printing services.
- (pp) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size. The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

AREA REGULATIONS

- 24.52** No area regulations shall apply in this district, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

SETBACK REGULATIONS

- 24.53** Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent or premises may be erected up to the property line. This shall be known as the "setback line."

FRONTAGE AND YARD REQUIREMENTS

- 24.5.4** For permitted uses, the minimum side yard or rear yard immediately adjoining or adjacent to a residential district shall be twenty-five (25) feet. This requirement shall not apply where residential districts are separated from commercial districts by a public street or right-of-way with a minimum width of thirty (30) feet.

HEIGHT REGULATIONS

- 24.5.5** Buildings may be erected up to thirty-five (35) feet in height from grade except that:
- 24.5.6** The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- 24.5.7** Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yards or on roofs.

REQUIREMENTS FOR PERMITTED USES

- 24.5.8** Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans in sufficient details to show the operations and processes shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for their recommendations. Modification of the Plans may be required.

SEC. 24.6.....CENTRAL BUSINESS DISTRICT C-2**STATEMENT OF INTENT**

This district covers that part of the community intended for the conduct of general business characterized by high-density development, street parking, heavy traffic and pedestrian activity. Because of its centralized location and limitations as to parking and street design, uses are generally restricted to light commercial activities and support services principally directed at the immediate community.

- 24.6.1** In the Central Business District C-2, structures to be erected or land to be used shall be for one (1) or more of the following uses:
- (a) Antique and gift shops.
 - (b) Apartments and accessory uses and structures, with a Special Exception and Use Permit.
 - (c) Bakeries, with a Special Exception and Use Permit.
 - (d) Barber and beauty shops.
 - (e) Churches.
 - (f) Clubs and lodges; no on-premise alcoholic beverages may be served by such establishments.

- (g) Pharmacies.
- (h) Dry cleaners and laundries.
- (i) Financial institutions.
- (j) Furniture stores.
- (k) Home appliance sales and service.
- (l) Hotels, motels and inns, with a Special Exception and Use Permit.
- (m) Signage as provided in this ordinance.
- (n) Laundromat with a Special Exception Permit.
- (o) Libraries.
- (p) Machinery and electronic sales and service, with a Special Exception and Use Permit.
- (q) Office buildings including government offices.
- (r) Plumbing and electrical supply (no exterior storage allowed).
- (s) Public utilities.
- (t) Restaurants; on premise alcoholic beverage sales prohibited.
- (u) Retail stores selling directly to the public.
- (v) Service stations (with major repair under cover).
- (w) Theaters, assembly halls.
- (x) Tourist homes, with a Special Exception and Use Permit.
- (y) Wholesale and processing not objectionable because of dirt, noise, or odors with a Special Exception and Use Permit (no exterior storage allowed).
- (z) Off-street parking as required in Section 24.8.6.
- (aa) Public billiard parlors and pool rooms, bowling alleys, dance halls, taverns, and similar forms of public amusement only after a public hearing shall have been held by the governing body on application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest. On-premise alcoholic beverage sales permitted with a Special Exception and Use Permit.
- (bb) Newspaper and electronic media.
- (cc) Parking lots and spaces.
- (dd) Video rentals.
- (ee) Photographic studios and printing services.
- (ff) Taxi service.

- (gg) Adult book stores or adult theaters as defined, with a Special Exception and Use Permit. The property line of no such establishment shall be located within 300 feet of the property line of a church, school, child care facility, or public library, nor within 300 feet of the property lines of any other establishment under this paragraph. No on-premise alcoholic beverages may be served by such establishments.
- (hh) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size. The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

AREA REGULATIONS

- 24.6.2** No area regulations shall apply to this district, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

SETBACK REGULATIONS

- 24.6.3** Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

FRONTAGE AND YARD REQUIREMENTS

- 24.6.4** For permitted uses, the minimum side or rear yard immediately adjoining or adjacent to a residential district shall be twenty-five (25) feet. This requirement shall not apply where residential districts are separated from commercial districts by a public street or right-of-way having a minimum width of thirty (30) feet.

HEIGHT REGULATIONS

- 24.6.5** Buildings may be erected up to seventy-five (75) feet in height from grade except that:
- (a) The height limit for structures may be increased up to ninety (90) feet and up to six (6) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional three (3) feet of building height over seventy-five (75) feet.
 - (b) Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard or on roofs.

REQUIREMENTS FOR PERMITTED USES

- 24.6.6** Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans in sufficient details to show the operations and processes shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for their recommendations. Modification of the plans may be required.

SEC. 24.7.....INDUSTRIAL LIMITED DISTRICT M-1

STATEMENT OF INTENT

The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in areas adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

24.7.1 In Industrial Limited District M-1, any structure to be erected or land to be used shall be for one (1) or more of the following uses:

- (a) Assembly of electrical appliances, electronic instruments and devices. Also the manufacture of small electronic components.
- (b) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire recapping, battery or manufacture.
- (c) Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- (d) Boat building.
- (e) Building material sales yards, plumbing supplies storage.
- (f) Cabinets, furniture, and upholstery shops.
- (g) Coal and wood yards, lumber yards.
- (h) Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- (i) Junk storage under cover, with a Special Exception and Use Permit.
- (j) Laboratories-Pharmaceutical and/or medical.
- (k) Manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, wood, yarn, and paint.
- (l) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet water, toiletries, food products, and ice manufacture.
- (m) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- (n) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- (o) Monumental stone works.
- (p) Petroleum storage and distribution.

- (q) Veterinary or dog or cat hospital, kennels.
- (r) Wholesale businesses, storage warehouses.
- (s) Off-street parking as required by this ordinance.
- (t) Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- (u) Signage as provided in this ordinance.
- (v) Activities or uses permitted in districts C-1 and C-2, where differences in the permitted activities or uses occur, the more restrictive shall apply.
- (w) Radio, telephone and television transmission or receiving station or tower; tower more than 100 feet in height to be granted by a Special Exception and Use Permit.
- (x) High speed voice and data communication hub. Minimum 50 foot x 50 foot lot size. The Zoning Administrator may require adjustments to the site plan where needed to meet the intent of this section, or waive certain requirements where necessary to facilitate placement with the approval of town council.

REQUIREMENTS FOR PERMITTED USES

- 24.7.2** Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for their recommendations. Modification of the plans may be required.
- 24.7.3** Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.
- 24.7.4** Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential district and (b) for off-street parking of vehicles incidental to the industry, its employees, and clients.
- 24.7.5** The Administrator shall act on any application received within sixty (60) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) 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.

AREA REGULATIONS

- 24.7.6** No area regulations shall apply to this district, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

SETBACK REGULATIONS

- 24.7.7** Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

FRONTAGE AND YARD REGULATIONS

- 24.7.8** For permitted uses, the minimum side or rear yard immediately adjoining or adjacent to a residential district shall be twenty-five (25) feet. This requirement shall not apply where residential districts are separated from commercial districts by a public street or right-of-way having a minimum width of thirty (30) feet.

HEIGHT REGULATIONS

- 24.7.9** Buildings may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers, or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

COVERAGE REGULATIONS

- 24.7.10** Building or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.

SEC. 24.8.....OFF-STREET PARKING REQUIREMENTS

- 24.8.1** There shall be provided at the time of erection of any main building, or at the time of any main building enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:
- (a) For apartments, at least one and one-half (1-1/2) parking space for every dwelling.
 - (b) For car wash (self service), at least three (3) standing or parking spaces for waiting vehicles for each washing bay.
 - (c) For church and school auditoriums and assembly halls, and for theaters, general auditoriums, stadiums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.
 - (d) For drive-in restaurants, at least one (1) parking space for each sixty (60) square feet of floor area.
 - (e) For dry cleaners and laundries at least one (1) parking place for each two hundred (200) square feet of floor area.
 - (f) For funeral homes, at least one (1) parking space for each five (5) seats, provided that there shall be not less than twenty (20) spaces for each chapel and parlor.

- (g) For furniture and home furnishing and home appliance sales and service establishments, at least one (1) parking space for each four hundred (400) square feet of floor area.
- (h) For hospitals, convalescent homes, nursing homes or homes for the aged, family care homes, foster homes or group homes, at least one (1) parking space for each two (2) beds' capacity, including infants' cribs and children's beds.
- (i) For industrial establishments, there shall be provided one and one-half (1 1/2) parking spaces for each two (2) employees computed on the basis of maximum number of individuals employed within an eight (8) hour shift, plus space to accommodate all truck and other vehicles used in connection therewith.
- (j) For laundromats, at least one (1) parking space for every two (2) cleaning or laundry machines.
- (k) For libraries, art galleries, and museums, at least one (1) parking space for each five hundred (500) square feet of floor area.
- (l) For medical and dental clinics, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- (m) For office buildings, financial institutions, clubs and lodges, at least one (1) parking space for each three hundred (300) square feet of floor area.
- (n) In all residential districts there shall be provided, either in a private garage or on the lot, space for the parking of two (2) automobiles for each single-family dwelling unit in a new building, or each single-family dwelling unit added in the case of the enlargement of an existing building. Owners of tractor-trailer rigs shall also provide adequate off-street parking spaces for such vehicles.
- (o) For restaurants, at least one (1) parking space for each six (6) seats.
- (p) For retail stores selling directly to the public, one (1) parking space for each two hundred (200) square feet of retail floor space in the building.
- (q) For service stations, at least two (2) spaces for each garage service bay plus one (1) parking space for each employee.
- (r) For boarding houses, tourist homes, hotels, motels, and inns, at least one and one-half (1 1/2) parking spaces for each accommodation, individual sleeping or dwelling unit.
- (s) For wholesale and processing, but not wholesale associated with retail uses, and for farm supply, feed and seed store, lumber and building supply and commercial greenhouses, plant nurseries, and landscaping, at least one (1) parking space for each one thousand (1,000) square feet of floor space, or one (1) parking space for each two (2) employees, whichever is greater.
- (t) For public billiard parlors and pool rooms, dance halls, taverns and similar forms of public amusement at least two (2) parking spaces for each pool table, booth or seating table provided, or ten (10) parking spaces, whichever is greater. For bowling alleys, at least two (2) parking spaces for each alley.

- (u) For barber and beauty shops, at least two (2) parking spaces for each chair or work station, plus one (1) parking space for each employee.

24.8.2 Any other commercial building not listed above here after erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.

24.8.3 Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, off-street spaces may be located as far away as three hundred (300) feet, such distance to be measured along lines of public access to the property. Every parcel of land hereafter used as a parking area shall be surfaced with asphalt or concrete and appropriately marked or striped as to designated parking spaces, including handicapped and loading zone spaces. It shall have appropriate barriers where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

SPECIAL REQUIREMENTS FOR STORED VEHICLES

24.8.4 In the R-1, R-2 and R-3 districts, all vehicles which require registration with the Virginia Department of Motor Vehicles as a condition of operation on or transport over public and roads and which are maintained by their owners in an inoperable and/or unregistered fashion shall comply with the off-street storage requirements of this section.

24.8.5 For the purpose of this ordinance, a vehicle shall be deemed inoperable if the vehicle is observed to have not been moved from a particular location on a public street or right-of-way for a thirty (30) day period; or is observed to be in a clearly inoperable condition for a ten (10) day period; or is found to be unregistered or with an expired or invalid registration for a ten (10) day period, or is found in violation of Section 13.5 of the Gate City Town or Section 46.2-1200 et. al. of the Code of Virginia, as amended. The owner's intent to remedy any of the foregoing conditions shall not serve to mitigate the requirements of this section.

24.8.6 Vehicles meeting any of the criteria of 28.8.5 shall be stored either in a private garage on the owner's lot or shall be placed in the rear yard of the lot and covered from view at all times. No more than three (3) such vehicles may be maintained on any lot at any given time by the owner. Measures shall be taken to secure any covering used from disarray by the weather. No stored vehicles may be placed closer than three (3) feet from any property line.

24.8.7 In the C-1, C-2 and M-1 districts, stored vehicles shall comply with the provisions of this section except that four (4) such vehicles may be maintained on a lot. The owner's intent to sell such vehicles or parts thereof shall not serve to mitigate the requirements of this section. Automobile graveyards as defined are prohibited in all zoning districts.

OFF-STREET LOADING

24.8.8 On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for

standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.

- 24.8.9** Owners of boats and other recreational vehicles as defined which are designed to travel over the road shall provide adequate off-street parking for such items.

CENTRAL BUSINESS DISTRICT PARKING

- 24.8.10** The off-street parking requirements of this section are not applicable to the Central Business District C-2. Where the type of use or activity permitted requires regular use of a loading or unloading area, adequate space for an off-street loading or unloading area shall be provided for in the Application for Zoning Permit or Special Exception and Use Permit. Where feasible, and where unused lot space is available, the application must demonstrate maximum use of such space for off-street parking. This shall include provisions for handicapped and mobility-disabled access to the use or activity, including special ramps, spaces, etc. An application may be returned at the discretion of the Administrator, commission or governing body if maximum use of such space has not been demonstrated. The availability of on-street parking, public loading and unloading zones, and other public parking areas shall not affect the foregoing.

Sec. 24.9SIGNAGE REGULATIONS

- 24.9.1** The regulations promulgated within this section are intended to preserve the aesthetic qualities of the Town of Gate City regarding the erection and maintenance of signs within the corporate limits, to promote safety by prohibiting distracting bill boards and signs not necessary to identify business locations; and to promote orderly growth and development and prevent the overburdening of transportation corridors by instituting the various measures provided herein.

- 24.9.2** In Commercial District C-1, Central Business District C-2, and Industrial District M-1, the following signage is permitted:

- (a) Business signs; where such are affixed to a structure, the sign shall not exceed twenty five percent (25%) of the total surface area of the building side where the sign is placed. Where such signs are free-standing, placement shall be at least fifteen (15) feet from any property line, shall not exceed in height the building height restrictions of the C-1 district, and shall not be so constructed or placed as to pose a safety hazard to the public. Free-standing signs are prohibited in the Central Business District C-2.
- (b) Identification signs; either affixed or free-standing, in compliance with the provisions established for business signs.
- (c) Home occupational signs; affixed to the dwelling.

- 24.9.3** In the Residential Districts R-1 and R-2, and Manufactured Housing District R-3, the following signage is permitted:

- (a) Home occupations signs; affixed to the dwelling.
- (b) Identification signs with a Special Exception and Use Permit.

24.9.4 The following signage is prohibited in all districts:

- (a) Billboard signs.
- (b) Mobile Directional Signs.

24.9.5 The following signage is exempt from the provisions of this section; in all instances, such signs must be constructed and placed so as not to pose a safety hazard to the public:

- (a) Realty signs.
- (b) Temporary political campaign signs, banners, poster, etc. The same shall be removed no later than ten (10) days after the event.
- (c) Temporary signs for various government and government-sponsored activities. The same shall be removed no later than ten (10) days after the event.
- (d) Temporary yard sale, garage sale, flea market or seasonal sales signs. The same shall be removed no later than ten (10) days after the event.
- (e) Highway and street signage of all types.
- (f) Other signage not otherwise specified of one (1) square foot or less.

24.9.6 In all instances where signage is subject to regulation, the Administrator shall require a design with adequate measurements be submitted for review. A permit is required prior to the construction, erection or placement of all signs subject to regulation. The Administrator may consult with the Planning Commission regarding sign permits.

24.9.7 The Administrator may disapprove an application for sign permit where the design or placement of the sign would pose a safety hazard to the public, or when such signage reasonably circumvents the provisions of this section.

24.9.8 Any sign allowed under this section may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to the business operation, to the product, commodity or service, to the non-commercial enterprise or activity, and that complies with all other requirements of this ordinance.

SEC. 24.10NONCONFORMING USES

24.10.1 If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for the purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

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

24.10.3 If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance. Intent to resume active operations shall not affect the foregoing.

24.10.4 Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance may be continued as herein provided.

24.10.5 All dwellings and their accessory structures erected prior to the enactment of this ordinance shall be exempt as to area, setback, frontage and yard regulations if their present owners so desire.

PERMITS

24.10.6 All nonconforming uses shall be issued a Zoning Permit and a Certificate of Occupancy within one hundred eighty (180) days after the adoption of this ordinance.

24.10.7 The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

REPAIRS AND MAINTENANCE

24.10.8 On any building in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

CHANGES IN DISTRICT BOUNDARIES

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

EXPANSION OR ENLARGEMENT

24.10.10 A nonconforming structure to be extended or enlarged shall conform with the provision of this ordinance.

24.10.11 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

NONCONFORMING LOTS

24.10.12 Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used provided a showing of unnecessary and undue hardship would result if a variance is not granted from the Board of Zoning Appeals.

RESTORATION OR REPLACEMENT

- 24.10.13** If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.
- 24.10.14** If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.
- 24.10.15** When a nonconforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.
- 24.10.16** The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.
- 24.10.17** Nothing in this ordinance shall require any change in the plans or construction of any building or structure for which any required permit from appropriate local authority was granted, provided that such construction must commence within thirty (30) calendar days after the effective date of this ordinance and must be completed within a period of one (1) year after construction is initiated. Excavation or site preparation in contemplation of construction shall not satisfy the provisions of this section. Where the placement of manufactured housing unit is involved, placement must occur as specified by permit within thirty (30) days of the effective date of this ordinance. Where the expansion of an existing manufactured housing or mobile home park is involved, or where a new manufactured housing or mobile home park is involved, at least three (3) such units must be placed as permitted within thirty (30) days of the effective date of this ordinance. Failure to comply with the provisions of this section within the period specified shall void all permits which may have been issued hereto, and all uses or activities shall be governed by the provisions of this ordinance.

SEC. 24.11.....ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

- 24.11.1** Buildings or structures shall be started, reconstructed, enlarged, or altered only after a Zoning Permit has been obtained from the Administrator.
- 24.11.2** The commission may request a review of the Zoning Permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 24.11.3** Each application for a Zoning Permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining

said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the Administrator. One (1) copy of the drawing shall be returned to the applicant with the permit. Scale drawings shall not be required if the exterior of all buildings remain unchanged.

24.11.4 Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a Certificate of Occupancy has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A Certificate of Occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a Zoning Permit. The Certificate of Occupancy shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

24.11.5 No public utility or other entity providing electricity, natural gas, water, sanitary sewage disposal or other similar services within the Town shall make such available prior to the issuance of a Zoning Permit. Such services shall not be made permanent unless pursuant to a Certificate of Occupancy.

24.11.6 If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendations to the Town Council within sixty (60) days. If the recommendation of the Planning Commission is approved by the Town Council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both the Planning Commission and Town Council shall hold a public hearing in connection with this after advertising according to Section 15.1-431 of the Code of Virginia.

FUTURE ANNEXATION

24.11.7 Any area annexed by the Town of Gate City, after the effective date of this ordinance, shall immediately upon the effective date of such annexation be automatically classified as an "R-1" district until a zoning plan for said area has been adopted by the Town Council. The Planning Commission shall prepare and present a zoning plan of the annexed area within six (6) months to the Town Council.

LANDSCAPE FEATURES

24.11.8 On any corner lot in a residential district, there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said street lines twenty-five (25) feet from their intersection. On any corner lot in commercial or industrial district, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level

within the triangle formed by the street right-of-way line and a line connecting said street lines five (5) feet from their intersection.

24.11.9 Trees, shrubs, flowers, or plants shall not be permitted or maintained on any required front, side, or rear yard, if they interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side, or rear yard, provided they do not interfere with public safety and do not produce a hedge effect contrary to provisions of Section 24.11.8.

24.11.10 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four (4) feet high. However, a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding seven (7) feet. This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in Section 24.11.8. Also, this provision shall not be interpreted to prohibit any open mesh type fence enclosing any school or playground.

SEC. 24.12..... VARIANCES AND SPECIAL EXCEPTION AND USE PERMITS

24.12.1 All variances to this ordinance shall be considered, granted or denied by the Zoning Board of Appeals as provided for in Section 24.13.

24.12.2 The Town Council of Gate City is vested with the authority to issue special exceptions to this ordinance.

24.12.3 In considering a special exception to this ordinance, the Town Council may request from the property owner such information, sketches, diagrams or other documentation as it deems advisable and may request access to the property in question for the purpose of establishing conditions for the exception.

24.12.4 The governing body shall be prohibited from granting special exceptions under the following conditions:

- (a) Where such an exception would be inconsistent with good zoning practices.
- (b) Where such an exception would in fact have the same effect as a variance issued by the Zoning Board of Appeals.
- (c) Where such an exception would effect an amendment to this ordinance or a rezoning.

24.12.5 The governing body shall consider special exceptions to this ordinance only for uses or activities so specified herein; activities not included within this ordinance shall require an amendment or rezoning as provided for in Section 24.16.

24.12.6 Where both a special exception and variance are required, the issuance of a special exception shall be conditioned upon the granting of such variances by the Zoning Board of Appeals. Denial of such variances shall void the special exception as permitted by the governing body.

24.12.7 An application for a Special Exception and Use Permit shall be submitted to the Administrator in the same manner prescribed for an Application for Zoning Permit. At the Administrator's discretion, or at the request of the Town Council, the application

may be submitted to the Planning Commission for review and recommendation. When submitted, the Commission shall have 60 days after the first meeting of Commission after said application has been referred to the Commission to return recommendations to the governing body. Failure of the Commission to report within said time shall be deemed approval.

- 24.12.8** A public hearing shall be advertised and held by the governing body prior to the issuance of any Special Exception and Use Permit. Where the application for a Special Exception and Use Permit affects twenty-five (25) or less parcels of land, in addition to the requirements of the first sentence, written notice shall be given at least five (5) days in advance of the hearing date to the owner or owners of each parcel involved, and to the owners of all abutting property and property which may be situated across a street, right-of-way or other barrier from the property affected. Such notices shall be delivered by certified mail, the cost of which to be defrayed by the applicant. Where more than 25, but less than 500 parcels are involved, delivery by first class mail shall satisfy the requirements of this section.

SEC. 24.13.....APPEAL OF PROVISIONS

- 24.13.1** A Board of Zoning Appeals consisting of five residents of the Town of Gate City shall be appointed by the Circuit Court of Scott County. One member of the Board shall be a member of the Gate City Planning Commission.
- 24.13.2** Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest.
- 24.13.3** The creation, organization, and membership of the Board of Zoning Appeals shall be in accordance with Section 15.1-494 of the Code of Virginia.

POWERS OF THE BOARD OF ZONING APPEALS

- 24.13.4** The Board of Zoning Appeals shall have the following powers and duties:
- (a) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.
 - (b) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of district boundary.
 - (c) To authorize upon appeal 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 provisions will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done.
- 24.13.5** When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic condition or other extraordinary situation or

condition 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.

24.13.6 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 (4) that the character of the district will not be changed by the granting of the variance.

24.13.7 No such variance shall be authorized except after notice and hearing as required in Section 15.1-431 of the Code of Virginia, (1950), as amended. All costs associated with this notice and hearing shall be defrayed by the applicant.

24.13.8 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended 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.

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

24.13.10 No provision of Section 24.13.4 shall be construed as granting the Board of Zoning Appeals the power to rezone property or to grant special exceptions to this ordinance.

24.13.11 Where a variance is being considered for a flood-prone area as set out in Section 24.17 of this ordinance, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this ordinance and consider the following additional factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.

- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (m) Such other factors which are relevant to the purposes of this ordinance.

24.13.12 The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

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

24.13.14 Variances shall be issued only after the Board of Zoning Appeals has determined that such variances will be the minimum required to provide relief from any hardship to the applicant.

24.13.15 The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) may result in increased premium rates for flood insurance.

24.13.16 A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

24.13.17 Rules and Regulations

- (a) The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

- (b) The meeting of the Board shall be held at the call of its chairman or acting chairman upon two days written notice to all members.
- (c) The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- (d) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (e) All meetings of the Board shall be open to the public.
- (f) A quorum shall be a majority of the members of the Board.
- (g) A favorable vote of the majority of the members of the Board shall be necessary to reverse any order, requirement decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

APPEAL TO THE BOARD OF ZONING APPEALS

24.13.18 Any appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county or municipality affected by any decisions of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

APPEAL PROCEDURE

24.13.19 Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual officer, department, or agency concerned, if any.

24.13.20 Appeals requiring an advertised public hearing shall be accompanied by a certified check for forty dollars (\$40.00) payable to the Town of Gate City.

PUBLIC HEARING

24.13.21 The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within sixty (60) days of the conclusion of the hearing. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order,

requirement, decision, or determination of an applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance.

APPEAL OF THE DECISION OF BOARD OF ZONING APPEALS

- 24.13.22** Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the municipality, may present to the Scott County Circuit Court a petition specifying the grounds of the grievance within thirty (30) days after filing of the decision of the board
- 24.13.23** Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- 24.13.24** The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 24.13.25** 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 partly, or may modify the decision brought up for review.
- 24.13.26** Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

SEC. 24.14VIOLATIONS AND PENALTIES

- 24.14.1** All officials of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.
- 24.14.2** Any person, firm, corporation, whether as principal, agent, employed, or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars (\$1,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm, or corporation, and shall be punishable as herein provided.

- 24.14.3** In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of these provisions. The imposition of a fine or penalty for any violation of, or noncompliance with, these provisions shall not excuse the violation of noncompliance to permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Additionally, any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with these provisions may be declared by the Gate City Town Council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of these provisions.

SEC. 24.15ADMINISTRATION AND INTERPRETATION

- 24.15.1** This ordinance shall be enforced by the Administrator who shall be appointed by the Town Council. The Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the Town Council.
- 24.15.2** Nothing contained herein shall require any change in the plans or construction of any building or structure for which a building or other permit was granted prior to the effective date of this ordinance. However, such construction must commence thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further consideration shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

INTERPRETATION

- 24.15.3** Unless district boundary lines are fixed, by the dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid district as shown on the zoning map, the following rules shall apply:
- (a) Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad tracks, such center line or lines at right angles to such center lines, shall be construed to be such boundaries as the case may be.
 - (b) Where a district boundary is indicated to follow a river, creek, or branch or other body water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction; and, in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
 - (c) If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In the case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.
 - (d) The district boundary lines as shown on the initial zoning map reflect property lines on file as of April 15, 1992. The boundaries for each zone are described herewith, listed by type of zone. References to street or roads will follow the right-of-way of said street or road, regardless of whether the street or road is actually open.
 - (e) Residential Districts R-1:

- (1) Beginning at the top of the cliff overlooking the entrance ramp to U.S. 23-58-421 on the west end of town at the corporation limits, then along the corporation limits to a branch just southwest of State Route 665, then along said branch to the terminus of Old Rye Cove Road, then along Old Rye Cove Road to Fir Street, then along Fir Street to Cypress Street, then along Cypress Street to Scott Street, then along Scott Street to West Jackson Street, then along West Jackson Street to a branch near Horton Street, then along said branch to a point 200 feet past the extended centerline of Franklin Street, from that point, paralleling West Jackson Street to a branch between Starnes Street and Sue Street, then along said branch to West Jackson Street, then along West Jackson Street to Sue Street, then along Sue Street to the rear property lines of the commercial office property known as 372 West Jackson Street, then along said property line to the property known as 378 West Jackson Street, then along therear of property of said property line to Linda Street, then along West Jackson Street to the edge of Marcum Pond, then along the top of the cliff overlooking Marcum Pond back to the beginning.
- (2) Beginning on the northeast side of State Route 665 at the corporation limits, then along the corporation limits to the extended southwestern side of Sargeant Street at its intersection with Wolfe Street, then along said extended line to Wolfe Street, then along Wolfe Street to the extended centerline of Sargeant Street at its intersection with Ruth Road, then along said line to Ruth Road, then along Ruth Road to Solon Street, then 250 feet south along Solon Street, then at a right angle to the rear property line of property fronting the northeast side of Anderson Street, then along the rear property lines of Anderson Street to an unnamed road, then along the extended centerline of said street to the rear property line of property line on the southwest side of Ravine Street, then along said rear property lines to the extended centerline of Poplar Street, then along said line and Poplar Street to Carter Street, then along Carter Street to Monte Vista Drive, then along Monte Vista Drive and its extended centerline to the rear property line of property fronting the northeast side of Cleveland Street, then paralleling Cleveland Street to the extension of the centerline of Holly Street, then along Holly Street to State Route 665, then along State Route 665 back to the beginning.
- (3) Beginning on the northeast side of State Route 665 at the corporation limits, then along the corporation limits, to a point 100 feet southwest of State Route 619, then paralleling State Route 619 to Lynn Drive, then along Lynn Drive to an unnamed road that runs between Lynn Drive and East Jackson Street, then along said road to East Jackson Street, then along East Jackson Street to State Route 666, then along State Route 666 back to the beginning.
- (4) Beginning at the intersection of the extended centerline of Benton Street and the corporation limits, then along the corporation limits, across State Route 71 to State Route 796, then along State Route 796 to State Route 71, then along State Route 71 to Benton Street, then along the extended centerline of Benton Street back to the beginning.
- (5) Beginning at a point where the extension of the centerline of the post office access road intersects Broadwater Avenue, then along Broadwater Avenue to Old Nickelsville Road, then along Old Nickelsville Road to Pike Branch, then along

Pike Branch to the corporation limits, then along the corporation limits to the Norfolk-Southern Railroad, then along the railroad to Kane Street, then along Kane Street to Jones Street, then along Jones Street to the extended centerline of the road that goes from Shoemaker Elementary School to Bishop Drive, then along said line to Bishop Drive, then along Bishop Drive to Elm Street to the extended centerline of Robin Lane, then along said line to Jones Street, then along Jones Street to the rear property line of the post office, then along the rear property lines of the post office and the Division of Motor Vehicles properties to the property line of Gatewood Apartments, then along said property line to the extended centerline of the post office access road, then along said line back to the beginning.

- (6) Beginning at a point where the extension of the centerline of West Barker Street intersects Little Moccasin Creek, along Little Moccasin Creek to the Norfolk-Southern Railroad, then along the railroad to Moccasin Street, then along Moccasin Street to Magnolia Avenue, then along Magnolia Avenue to an unnamed road, then along the extended centerline of said road to U.S. 23-58-421, then along U.S. 23-58-421 to the corporation limits, then along the corporation limits to the extended centerline of West Barker Street, then along West Barker Street back to the beginning.

(f) Residential Districts R-2:

- (1) Beginning at West Jackson Street at the corporation limits, then along West Jackson Street to Snodgrass Street, then along Snodgrass Street to the Norfolk-Southern Railroad, then along the railroad to a branch that lies on the east side of the West End Mobile Home Park, then along said branch to a point that is intersected by a line that parallels West Jackson Street and runs 200 feet north of the intersection of the extended centerline of Franklin Street and a branch that lies near Horton Street, then along said line to said branch, then along said branch to West Jackson Street, then along West Jackson Street to Scott Street, then along Scott Street to Cypress Street, then along Cypress Street to Fir Street, then along Fir Street to Old Rye Cove Road, then along Old Rye Cove Road to its terminus near a branch, then along said branch to the corporation limits, then along the corporation limits to State Route 665, then along State Route 665 to Holly Street, then along Holly Street to a point northeast of Cleveland Street, said point being the rear property line of property facing Cleveland Street, then paralleling Cleveland Street to the extended centerline of Monte Vista Drive, then along Monte Vista Drive and its extended centerline to Carter Street, then along Carter Street to Poplar Street, then along Poplar Street and its extended centerline to the rear property lines of lots fronting on the southwest side of Ravine Street, then along the rear property lines of said lots to the extended centerline of Dhu Street, then along said line to the rear property line of lots facing the northeast side of Ravine Street, then along said rear property lines to an unnamed road, then along the extended centerline of said street to the rear property lines of property facing the northeast side of Anderson Street, then along the rear property lines of Anderson Street to a line forming a right angle with Solon Street, 250 feet south of Ruth Road, then along said line to Solon Street, then north along Solon Street to

Ruth Road, then along Ruth Road to the extended centerline of Sargeant Street, then along this extended centerline of Sargeant Street, then along this extended centerline to Wolfe Street, then along said extended line to the corporation limits then along the corporation limits to State Route 666, then along State Route 666 to East Jackson Street, then along East Jackson Street to Jones Street, then along Jones Street to Robin Lane, then along Robin Lane and its extended centerline to Elm Street, then along Elm Street and Bishop Drive to the southern property line of the Scott County School Board, then along said line to Margie Street, then along Margie Street to Solon Street, then along Solon Street to East Jackson Street, then along East Jackson Street to the eastern property line of the old post office, then along said line to the rear of said property, then along the northern property lines of said property, the Scott County Professional Building and Signet Bank to Woodland Street, then along Woodland Street to Walnut Street, then along Walnut Street to the rear property line of 124 Cleveland Street, then along the rear property lines of 124 and 120 Cleveland Street to Willow Street, then along Willow Street to western property line of the lot housing Gillenwater and Associates, then along said property line to West Jackson Street, then along West Jackson Street to the extended centerline of Cemetery Street, then along Cemetery Street to the extended centerline of Willow Street, then along Willow Street to Depot Street, then along Depot Street to an unnamed street behind the Starnes Building, then along said street to Fir Street, then along Fir Street to Park Street, then along Park Street to the western end of the Addington Oil Company property, then along said property line to the Norfolk-Southern Railroad, then along the railroad to West Barker Street to the corporation limits, then along the corporation limits back to the beginning.

- (2) Encompassing the property lines of Gatewood Apartments.
- (3) Beginning at the corporation limits, 100 feet southwest of State Route 619, then along the corporation limits to the extended centerline of Benton Street, then along said line to the extended centerline of Lynn Drive, then along said line to a point 100 feet southwest of State Route 619, then paralleling State Route 619 back to the beginning.
- (4) Beginning at the intersection of State Route 71 and Old Nickelsville Road, then along State Route 71 to State Route 796, then along State Route 796 to the corporation limits, then along the corporation limits to a point perpendicular to the beginning, then back to the beginning.
- (5) Beginning at the intersection of the extended centerline of an unnamed road platted east of Gateway Plaza with U.S. 23-58-421, then along U.S. 23-58-421 to Wilcox Avenue, then along Wilcox Avenue and its extended centerline to the corporation limits, then along the corporation limits to the extended centerline of the unnamed road platted east of Gateway Plaza, then along said line back to the beginning.
- (6) Beginning at the intersection of the eastern property line of Pal's of Gate City with Margie Street, then along Margie Street to the Norfolk-Southern Railroad, then along the railroad to Kane Street, then along Kane Street to U.S. 23-58-421, then

along U.S. 23-58-421 to the extended centerline of an unnamed road that intersects Magnolia Avenue, then along said line to Magnolia Avenue, then along Magnolia Avenue to Moccasin Street, then along Moccasin Street to Little Moccasin Creek, then along the creek to the eastern property line of Pal's of Gate City, then along said line back to the beginning.

(g) Manufactured Housing Residential Districts R-3

- (1) Beginning at the intersection of the extended centerline of Dhu Street with Ravine Street, then along said line to the rear lot lines of property facing the northeast side of Ravine Street, then northwest along said lot lines to the extended centerline of an unnamed road, then along said extended centerline to the rear lot lines of property facing the southwest side of Ravine Street, then along said lot lines to the extended centerline of Dhu Street, then along said extended centerline back to the beginning.
- (2) Beginning at the intersection of State Route 71 and Broadwater Avenue, then along State Route 71 to Old Nickelsville Road, then along Old Nickelsville Road to Broadwater Avenue, then along Broadwater Avenue back to the beginning.

(h) Commercial Districts C-1:

- (1) Beginning at the top of the cliff overlooking the entrance ramp to U.S. 23-58-421 on the west end of town at the corporation limits, then along the top of the cliff overlooking Marcum Pond and around the pond to West Jackson Street, then along West Jackson Street to the corporation limits, then along the corporation limits back to the beginning.
- (2) Beginning at the intersection of Snodgrass Street and West Jackson Street, then along West Jackson Street to Linda Street, then along Linda Street to the rear property line of the property known as 378 West Jackson Street, then along said property line to the rear property line of the property known as 372 West Jackson Street, then along said property line to Sue Street, then along Sue Street to West Jackson Street, then along West Jackson Street to a branch that lies on the east side of the West End Mobile Home Park, then along said branch to the Norfolk-Southern Railroad, then along the railroad to Snodgrass Street, then along Snodgrass Street back to the beginning.
- (3) Beginning at the intersection of Moccasin Avenue and Water Street, then along Water Street to Kane Street, then along Kane Street to an unnamed street behind the Scott Farmer's Cooperative, then along said unnamed road to Solon Street, then along Solon Street to Margie Street, then along Margie Street to the southern property line of the Scott County School Board, then along said line to Bishop Drive, then along Bishop Drive to the extended centerline of the road that goes from Shoemaker Elementary School to Bishop Drive, then along said line to Jones Street, then along Jones Street to Kane Street, then along Kane Street to the Norfolk-Southern Railroad, then along the railroad to Margie Street, then along Margie Street to the eastern property line of Pal's of Gate City, then along said line to Little Moccasin Creek, then along the creek to Moccasin Street, then along Moccasin Street to the Norfolk-Southern Railroad, then along the railroad to Little

Moccasin Creek, then along the creek to Moccasin Avenue, then along Moccasin Avenue back to the beginning.

- (4) Beginning at the intersection of Jones and East Jackson Street, move West along East Jackson Street to the intersection of East Jackson Street and Red Hill Road, then North along Red Hill Road to the North border of 633 East Jackson Street, then move East along the North border of 633 East Jackson Street and continue along the border of the property lines of 663 East Jackson Street, 683 East Jackson Street and 729 East Jackson Street to Barker Subdivision Avenue, then along said road to Lynn Drive, then along Lynn Drive and its extended centerline to Aurora Street, then along Aurora Street to East Jackson Street, then along East Jackson Street to Broadwater Avenue then along said line to Gatewood Avenue, then along Gatewood Avenue to the rear property line of the Division of Motor Vehicles, then along said line and the rear property line of the post office to Jones Street, then along Jones Street back to the beginning.

Noted Changes:

- The inclusion of the property in question
 - The changing of unnamed road to Barker Subdivision Avenue
 - The changing of Benton Street to Aurora Street. (Amended 2/13/2001)
- (5) Beginning at the intersection of the Norfolk-Southern Railroad and Kane Street, then along the railroad to the corporation limits, then along the corporation limits to the extended centerline of Wilcox Avenue, then along Wilcox Avenue and its extended centerline to U.S.23-58-421, then along U.S. 23-58-421 to the extended centerline of an unnamed road platted east of Gateway Plaza, then along said line to the corporation limits, then along the corporation limits to U.S. 23-58-421, then along U.S. 23-58-421 to Kane Street, then along Kane Street back to the beginning.
- (i) Central Business District C-2:
 - (1) Beginning at the intersection of Fir Street and West Jackson Street, then along Fir Street to an unnamed street behind the Starnes Building, then along said street to Depot Street, then along Depot Street to Willow Street, then along Willow Street to Cemetery Street, then along Cemetery Street to West Jackson Street, then along West Jackson Street to the western property line of the lot housing Gillenwater and Associates, then along said line to Willow Street, then along Willow Street to the rear property line of 120 Cleveland Street, then along the rear property lines of 120 and 124 Cleveland Street to Walnut Street, then along Walnut Street to Woodland Street, then along Woodland Street to the rear property lines of Signet Bank, Scott Professional Building and the old post office to the eastern property line of the old post office, then along said line to East Jackson Street, then along East Jackson to Solon Street, then along Solon Street to an unnamed street behind Scott Farmer's Cooperative, then along said street to Kane Street, then along Kane Street to Water Street, then along Water Street back to the beginning.
 - (j) Industrial District M-1:
 - (1) Beginning at the intersection of West Barker Street and the Norfolk-Southern Railroad, then along the railroad to the western property line of Addington Oil

Company, then along said line to Park Street, then along Park Street to Water Street, then along Water Street to Moccasin Avenue, then along Moccasin Avenue to Little Moccasin Creek to the extended centerline of West Barker Street, then along West Barker Street back to the beginning.

SEVERABILITY

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

CONFLICTING ORDINANCES

- 24.15.5** All conflicting ordinances or parts thereof which are inconsistent with the provision of this ordinance are hereby repealed.

SEC. 24.16AMENDMENTS

- 24.16.1** The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:
- (a) That a property owner may petition the governing body to have their property rezoned by submitting their request in writing to the Administrator with payment by certified check in the amount of forty dollars (\$40.00) made payable to the Town of Gate City, for advertising and administration.
 - (b) That the Planning Commission and Town Council hold a public hearing where the parties of interest and citizens shall have an opportunity to be heard.
 - (c) That the public hearing notice shall specify the time and place of such hearing by publication once a week for two successive weeks in some newspaper having general circulation in the immediate area. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six (6) nor more than twenty-one (21) days after final publication. Where an amendment affects twenty-five (25) or less parcels of land, in addition to the requirements of the first two sentences, written notice shall be given at least five (5) days in advance of the hearing date to the owner or owners of each parcel involved, and to the owners of all abutting property, and property which may be situated across a street, right-of-way or other barrier from the property affected. Such notices shall be delivered by certified mail, the cost of which to be defrayed by the applicant. Where more than 25, but less than 500 parcels are involved, delivery by first class mail shall satisfy the requirements of this section.
 - (d) That no zoning amendment can be enacted unless the Town Council has referred the proposed amendment to the Planning Commission for a report. Failure of the Commission to report in 60 days after the first meeting of the Commission after the proposed amendment or reenactment has been referred to the Commission shall be deemed approval, unless such proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of such time period.
 - (e) That substantially the same amendment when disapproved will not be reconsidered for one year.

- 24.16.2** In addition to the above, the governing body may initiate an amendment or amendments to this ordinance. This shall be accomplished by a resolution of the Town Council and shall state the public purpose therefore.
- 24.16.3** The Planning Commission may by motion petition the governing body to amend this ordinance. Such motion shall state the public purpose to be accomplished and shall be accompanied by a report as to the proposed amendment. With the concurrence of the Town Council, the Planning Commission shall hold a public hearing in accordance with the provisions of this section.

SEC. 24.17.....FLOODPLAIN ZONING

- 24.17.1** The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
- (a) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
 - (b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
 - (c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.
 - (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- 24.17.2** These provisions shall apply to all lands within the incorporated areas of the Town of Gate City, Virginia and identified as being in the 100-year floodplain by the Federal Insurance Administration.
- 24.17.3** No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this section and any other applicable sections which apply to uses within the jurisdiction of this ordinance.
- 24.17.4** The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or that land uses permitted within such districts will be free from flooding or flood damages.
- 24.17.5** These provisions shall not create liability on the part of the Town of Gate City, Virginia or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- 24.17.6** These provisions supersede any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than contained herein.
- 24.17.7** If any section, subsection, paragraph, sentence, clause, or phrase herein be declared

invalid for any reason whatever, such decision shall not affect the remaining provisions. The remaining portions shall remain in full force and effect; and for this purpose, the provisions are hereby declared to be severable.

- 24.17.8** Any person who fails to comply with any of the requirements or provisions herein or directions of the Zoning Administrator or any other authorized employee of Gate City, Virginia shall be guilty of a misdemeanor and subject to a fine as set forth in Section 24.14 of this ordinance.

ESTABLISHMENT OF ZONING DISTRICTS

- 24.17.9** The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100)-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Town of Gate City, Virginia prepared by the U.S. Department of Housing and Urban Development, dated September 1978, as amended.

- (a) The Floodway District is delineated, for the purposes herein, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the Flood Insurance Study as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map effective date March 15, 1979.
- (b) The Flood-Fringe District shall be that area of the one hundred (100)-year floodplain not included in the Floodway District. The basis for the outermost boundary of the District shall be the one hundred (100)-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.
- (c) The Approximated Floodplain District shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, one hundred (100)-year flood elevations and floodway information from other federal, state, or other acceptable source shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of date, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Gate City Zoning Administrator.

- 24.17.10** The Floodplain Districts described above shall be overlays to any underlying districts as shown on the Official Comprehensive Zoning Ordinance Map of Gate City,

Virginia, if and when such an Official Comprehensive Zoning Ordinance Map is adopted, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

- 24.17.11** Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- 24.17.12** In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
- 24.17.13** The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Town of Gate City offices.
- 24.17.14** The delineation of any of the Floodplain Districts may be revised by the Gate City Town Council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- 24.17.15** Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator or his designee. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

DISTRICT PROVISIONS

- 24.17.16** All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions herein and with all other sections, applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Gate City Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- 24.17.17** Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

24.17.18 All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (a) For structures to be elevated, the elevation of the lowest floor (including basement).
- (b) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- (c) The elevation of the one hundred (100)-year flood.
- (d) Topographic information showing existing and proposed ground elevations.

24.17.19 Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

24.17.20 Recreational vehicles placed on sites shall either:

- (a) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or;
- (b) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in section 24.17.19 above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

24.17.21 In the Floodway District no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100)-year flood elevation.

PERMITTED USES IN THE FLOODWAY DISTRICT

24.17.22 The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- (a) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (b) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- (c) Accessory residential uses, such as yard areas, gardens, play areas, and previous loading areas.

- (d) Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.

- 24.17.23** In the Flood-Fringe and Approximated Flood Districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
- 24.17.24** Within the Approximated Floodplain District, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one foot at any one point. The engineering principle-equal reduction of conveyance shall be used to make the determination of increased flood heights.
- 24.17.25** Within the floodway area delineation by the applicant, the provisions of Section 24.17.21 shall apply.
- 24.17.26** All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- 24.17.27** All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- 24.17.28** All storm drainage facilities shall be designed to convey the flow of surface waters without damage to person or property. The system shall ensure drainage away from buildings and onsite waste disposal sites. The Gate City Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- 24.17.29** All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- 24.17.30** Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.
- 24.17.31** Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100)-year flood elevation.
- 24.17.32** Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than

fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

- 24.17.33** The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code.

SEC. 24.18.....EFFECTIVE DATE

- 24.18.1** Sections 24.1, and 24.13 through 24.18, inclusive, of this zoning ordinance of the Town of Gate City, Virginia, shall be effective at and after 12:01 A.M., November 1, 1991.
- 24.18.2** Sections 24.2 through 24.12, inclusive, and 24.15.3 Paragraph (D) through (J) of this zoning ordinance of the Town of Gate City, Virginia, shall be made effective at and after 12:01 A.M., March 1, 1993.

Unofficial Partial Index to the Zoning Ordinance

This Index is **not authorized** by the Town of Gate City or any agent of the town working in any official capacity. Its goal is to simplify finding some of the topics covered in the Zoning Ordinance, but it is not guaranteed to be either a complete reference or free from error. For important decisions, reading the entire ordinance is recommended.

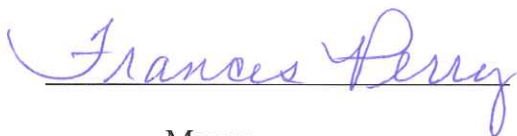
USE AT YOUR OWN RISK.

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This ordinance shall be effective on or after the 12TH day of
NOVEMBER, 2013.

Town of Gate City, Virginia



Mayor



Town Clerk