City Council
Meeting Packet

January 5, 2016

AGENDA

Norton City Council

January 5, 2016

6:00 P.M.

1. Roll Call

2. Invocation – Rev. Roger Sloce

3. Pledge of Allegiance

4. Approval of Minutes

    1. Meeting of December 15, 2015

5. Audience for Visitors

6. Special Presentations

7. Public Hearings

A. An Ordinance Amending Chapter 26.1 of the City Code Related to the Zoning Ordinance and Zoning Map.

    1. Public Hearing
    2. Comments/Consideration by City Council

B. A Public Hearing to Consider Financial Encumbrances, for the General Operating Fund in the Amount of $372,893, for the Year Ending June 30, 2015.

    1. Public Hearing
    2. Consideration by City Council

8. New Business

A. Request from the Norton City Schools for a Supplemental Appropriation of $648,098 of Which Includes an Additional Local Appropriation of $30,992.

B. Confirmation of a Check(s)/Transfer(s) in Excess of $100,000.

C. Closed Meeting to Discuss Personnel as Per 2.2-3711 (A) (1) of the Code of Virginia, as Amended.

1. Nominations to the Board of Equalization for a One (1) Year Term to Expire on 12/31/16.

2. Appointment to the Norton Redevelopment & Housing Authority for a Four (4) Year Term, Currently Mr. Lynn Livingston, Whose Term Expires on 1/28/2016.

   To 1/28/2020

3. Appointment to the Ninth District Development Financing, Inc. for a Two (2) Year Term, Currently Mrs. Carol Caruso, Whose Term Expires on 1/31/16.

   To 1/31/2018

4. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term, Currently Mr. Bobby Cassell, Whose Term Expires on 1/31/16.

   To 1/31/2018

5. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term, Currently Mr. David Daniels, Whose Term Expires on 1/31/16.

   To 1/31/2018

6. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term, Currently Mr. Frank Gravely, Whose Term Expires on 1/31/16.

   To 1/31/2018

7. Appointment to the Norton Highway Safety Commission for a Two (2) Year Term, Currently Mr. James Lane, Whose Term Expires on 1/31/16.

   To 1/31/2018

8. Appointment to the Southwest Virginia Emergency Medical Service Council for a Three (3) Year Term, Currently Mr. Todd Lagow, Whose Term Expires on 1/31/16.

   To 1/31/2019

9. Appointment to the Norton Rescue Squad Board of Directors for a One (1) Year Term, Currently Mr. Mark Caruso, Whose Term Expires on 2/1/16.

   To 2/1/2018

10. Appointment to the Norton Rescue Squad Board of Directors for a One (1) Year Term, Currently Mr. Todd Lagow, Whose Term Expires on 2/1/16.

    To 2/1/2018

9. Comments by the City Manager, City Attorney, and City Council.

10. Adjournment.

The regularly scheduled meeting of the Norton City Council was held on Tuesday, December 15, 2015 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, Robert Fultz, Jr., William Mays, Joseph Fawbush and Dee Belcher

Also Present: Fred L. Ramey, Jr., City Manager and Bill Bradshaw, City Attorney

The invocation was given by the Reverend Freddie Powers and was followed by the pledge of allegiance led by Sergeant Greg Mays.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by the following vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt the minutes of the December 1, 2015 meeting as presented.

There was no response to the Mayor's call for visitors.

Ms. Tamara Greear of Thrower, Blanton, and Associates was present to give Council a synopsis of the City's audit for the year ending June 30, 2015. A copy of the audit was given to each Council member.

Ms. Greear advised that the City received a clean opinion and had implemented GASB 68 and GASB 71 which is related to pensions. She then proceeded to go over several categories with Council and advised if they had any questions, she would be glad to answer them.

During the synopsis, she advised they didn't have any significant or material concerns with internal controls. She had a few recommendations this year and the City was already implementing them.

Following a lengthy summation of the audit, Ms. Greear advised Council to monitor the City's legal debt margin because the reassessment could make a significant difference in the legal debt margin.

Council had no questions for Ms. Greear following her presentation.

Mayor Mays thanked Ms. Greear for tonight's audit report.

Mr. Ramey advised Council the City had $372,893 in General Operating Fund encumbrances for the year ending June 30, 2015. Upon Council's approval, he will advertise a public hearing.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush and passed by unanimous vote, Council authorized the City Manager to advertise a public hearing for financial encumbrances ending fiscal year 2014-2015.

Mr. Ramey advised that Winfred Collins, the City's Building Official, was present to give Council an update on the proposed Zoning Ordinance Modifications.

Mr. Collins, via a PowerPoint presentation, gave a brief presentation on the updating of the Zoning Ordinance and advised that the Planning Commission concurred with Council

to include the Lost Creek Property into the Recreation and Conservation Zone. A public hearing was held on November 12, 2015 and the Planning Commission determined the map and zoning ordinance were in compliance and moved to refer the Proposed Zoning Ordinance Amendment to City Council for the second public hearing.

There were no questions from Council on the Proposed Zoning Ordinance Update.

Upon a motion by Councilwoman Belcher, seconded by Councilman Fultz and passed by unanimous vote, Council authorized the City Manager to advertise a public hearing on the Proposed Zoning Ordinance Amendment.

Mr. Ramey, via a PowerPoint presentation, gave the background on the Memorandum of Understanding (MOU) with the Southwest Virginia Climbing Coalition (SVCC) and The Access Fund. He advised Mr. Brad Mathisen, President of the SVCC, was present to provide Council with an update on the status of the MOU.

Mr. Mathisen, via a PowerPoint presentation, gave Council an update on the SVCC's activities. He advised the SVCC had been working with the Breaks Interstate Park on a Climbing Management Plan and representatives of The Access Fund have made several visits to Flag Rock. Three climbing areas have been identified so far and the SVCC will focus on these areas in Phase II. The SVCC will continue to work with City Administration on a Risk Management Plan, to open identified rock climbing areas, to develop a plan to manage and maintain access trails to rock climbing areas, to develop and distribute rock climbing information, to urge volunteers to assist in maintenance of rock climbing areas. Mr. Mathisen advised he believes rock climbing is growing in Southwest Virginia and asked Council if they had any questions.

Council had no questions for Mr. Mathisen. Councilman Caruso thanked Mr. Mathisen for his work and his effort to increase the City's tourism venues.

In their packets, Council had information about possible modifications to Clear Creek Park to allow horses. Mr. Ramey advised Beth and Neil Walker were present tonight to discuss the information provided to Council.

Mrs. Walker, via a PowerPoint presentation, gave a proposed layout for a horse campground, potential revenue for City and local businesses, and possible concerns. Following a lengthy discussion, it was the consensus of Council for the Walkers to move forward on gathering more detailed information, costs, photos, map, and a master plan for the public and Council's consideration.

In their packets, Council had a request from the Commissioner of the Revenue for a 2015 personal property tax refund that was a duplicate assessment to HVT, Inc., as Trustee for HLT in the amount of $464.73.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous roll call vote, Council authorized a refund for the duplicate assessment of 2015 personal property taxes to HVT, Inc., as Trustee for HLT in the amount of $464.73.

In their packets, Council had one transfer to be confirmed. The transfer was to Norton City Schools in the amount of $200,000.00 to cover payroll expenditures.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher and passed by unanimous roll call vote, Council moved to confirm the one transfer as stated above.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended.

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to go back into open meeting.

Mayor Mays declared Council back in open meeting.

The Clerk polled each member of Council as to the Certification of Closed Meeting with each answering yes. The Clerk then read a Resolution of the Certification of Closed Meeting.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays – NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Mays opened the floor for nominations to the Appalachian Juvenile Commission for a two (2) year term.

Councilman Caruso nominated Chief James Lane.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Chief James Lane reappointed to the Appalachian Juvenile Commission for a two (2) year term to expire on November 30, 2017.

In comments from the City Manager, Mr. Ramey advised that:

A copy of the amended Fishing Ordinance was placed at Council's desk.

The latest Retail Sales Report was placed at Council's desk.

Downtown stripping is complete. The delay was to allow for a few of the downtown streets to be milled and paved.

Each Council member was provided a DVD regarding the recent walk to school event. These videos are currently playing on NMAC51.

Each year the City receives a calendar from Keep Southwest Virginia Beautiful and the City is featured on the month of March 2016.

The City was selected to be in another calendar from Redi-Rock International whose concrete blocks were used in the Safe Routes to School project. The City's project was featured on the month of March and was selected for the 2016 cover.

The Holiday Schedule is also provided at Council's desk.

There were no comments from the City Attorney.

In comments from Council:

Councilman Caruso advised Council needs to review the letter given to individuals that serve on boards as City representatives.

He would like to speak with a VDOT representative to discuss the ATV Ordinance.

He requested an update on the banner project for downtown.

Mr. Ramey advised three checks had been received for the banner project.

Councilman Caruso asked for an update on the playground at Norton Elementary and Middle School (NEMS).

Mr. Ramey advised the electrical is being moved from the pump house. The fence will be removed after completion of the electrical relocation and the City's portion of the project will be complete within the next two weeks.

Councilman Caruso advised Norton Rescue Squad will begin drawing down money on a monthly basis.

He wanted to remind Council of the Strategic Planning Meeting on January 9, 2016.

He advised he and Carol will be attending the 2016 Legislative Reception in Richmond.

Councilman Fultz asked if there was an appeals process with VDOT.

Mr. Ramey advised as long as VDOT is interpreting the information correctly that the General Assembly would be the next course of action.

Councilman Fultz advised he had been chosen for jury duty.

He advised that tonight's meeting was his last meeting as an appointed Council member and he wanted to thank Council for selecting him to serve.

Councilwoman Belcher advised she was impressed with tonight's presentations.

She advised she is still learning and she thinks more citizens should consider doing their civic duty.

Councilman Fawbush thanked Fred and Jeff for their budget work.

He thanked Councilman Fultz for serving during the appointment.

He is looking for bigger and better things in 2016. The City has had good planning and fiscal accountability.

Mayor Mays thanked City employees for their work and going above and beyond.

He thanked Council for their service and wished everyone a Merry Christmas.

There being no further business to come before Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA

_____

William Mays, Mayor

ATTEST:

_____

Clerk of Council

Employee Service Pins
January 5, 2015

10 Years

Steve McElroy – Public Works Department
Jason Boatright – Public Works Department
Bucky Culbertson – Police Department
Danny Hughes – Police Department
Jeff Rose – Public Works Department
Winfred Collins – Building & Zoning Department

15 Years

Jeff Shupe – Finance Department

25 Years

Carlos Fields – Public Works Department
Marie Muir – Registrar
Mike Lintz – Public Works Department
Becky Coffey – Clerk of Council

December 15, 2015

NOTICE OF PUBLIC HEARING

The City Council of the City of Norton, Virginia will hold a Public Hearing on Tuesday, January 5, 2015 at 6:00 PM in the Municipal Council Chambers located at 618 Virginia Avenue, N.W., Norton, Virginia. The purpose of the hearing is to receive public comments on proposed amendments to Chapter 26.1 of the City Code related to Zoning Ordinance and Zoning Map. A copy of the proposed ordinance will be available for inspection Monday through Friday between 8:30 A.M. and 5:00 P.M. in the City Manager's Office or available at www.nortonva.gov. All attendance and comments at the meeting are encouraged and welcome.

Fred L. Ramey, Jr.

City Manager

This institution is an equal opportunity provider and employer.

TO THE COALFIELD:

Please run in the Friday, December 18th and the Tuesday, December 29th editions of the Coalfield.

AN ORDINANCE
AMENDING AND RESTATING
CHAPTER 26.1 OF THE CITY CODE
RELATING TO ZONING

WHEREAS, Chapter 26.1 of the Code of the City of Norton deals with land use zoning within the City, and

WHEREAS, the enabling statutes passed by the General Assembly have been amended to address issues which have arisen since the enactment of the statutes which form the basis of the City's zoning ordinance, and

WHEREAS, the present zoning ordinance contains numerous provisions amending the provisions as originally adopted, and

WHEREAS, City Council believes it desirable to amend and restate the zoning ordinance in order to improve, modernize and confirm it to the most recent enabling legislation,

NOW, THEREFORE, be it ORDAINED as follows:

1. Chapter 26.1, ZONING, is hereby amended and restated to read in its entirety as follows:

   See Attached Exhibit A for Zoning Amendment

2. The effective date of this ordinance shall be thirty (30) days after its adoption.

ADOPTED this 5th day of January 2016.

CITY OF NORTON

_____
MAYOR

ATTEST:

_____
CLERK

EXHIBIT A

ARTICLE I. - GENERAL PROVISIONS

Sec. 26.1-1. - **Statement of purpose and intent.**

This chapter of the City of Norton Code shall be known as the City of Norton Zoning Ordinance and is enacted for the general purpose of promoting the health, safety and general welfare of the public and of furthering the objectives of the Virginia Local Planning Legislation. To these ends, the City of Norton Zoning Ordinance is designed to give reasonable consideration to each of the purposes established by title 15.2-2279-15.2-2283 of the Virginia Code, as amended:

(a) To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
(b) To reduce or prevent congestion in the public streets;
(c) To facilitate the creation of a convenient, attractive and harmonious community;
(d) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil
(e) defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
(f) To protect against destruction of or encroachment upon historic areas;
(g) To protect against the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;
(h) To encourage economic development activities that provide desirable employment and enlarge the tax base;
(i) To provide for the preservation of agricultural and forestal lands; and
(j) In addition to, but nevertheless consistent with the state-mandated purposes, to provide for the conservation of the renowned natural beauty of the City of Norton.

Sec. 26.1-2. - **Adoption of zoning map.**

The location and boundaries of the zoning districts established by this chapter shall be as shown upon a map entitled "Official Zoning Map, City of Norton Virginia," dated August , 2015, as amended, which is maintained by the Building/Zoning Department and is hereby made a part of this chapter. Such maps, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be referred to in this chapter as the "Official Zoning Map."

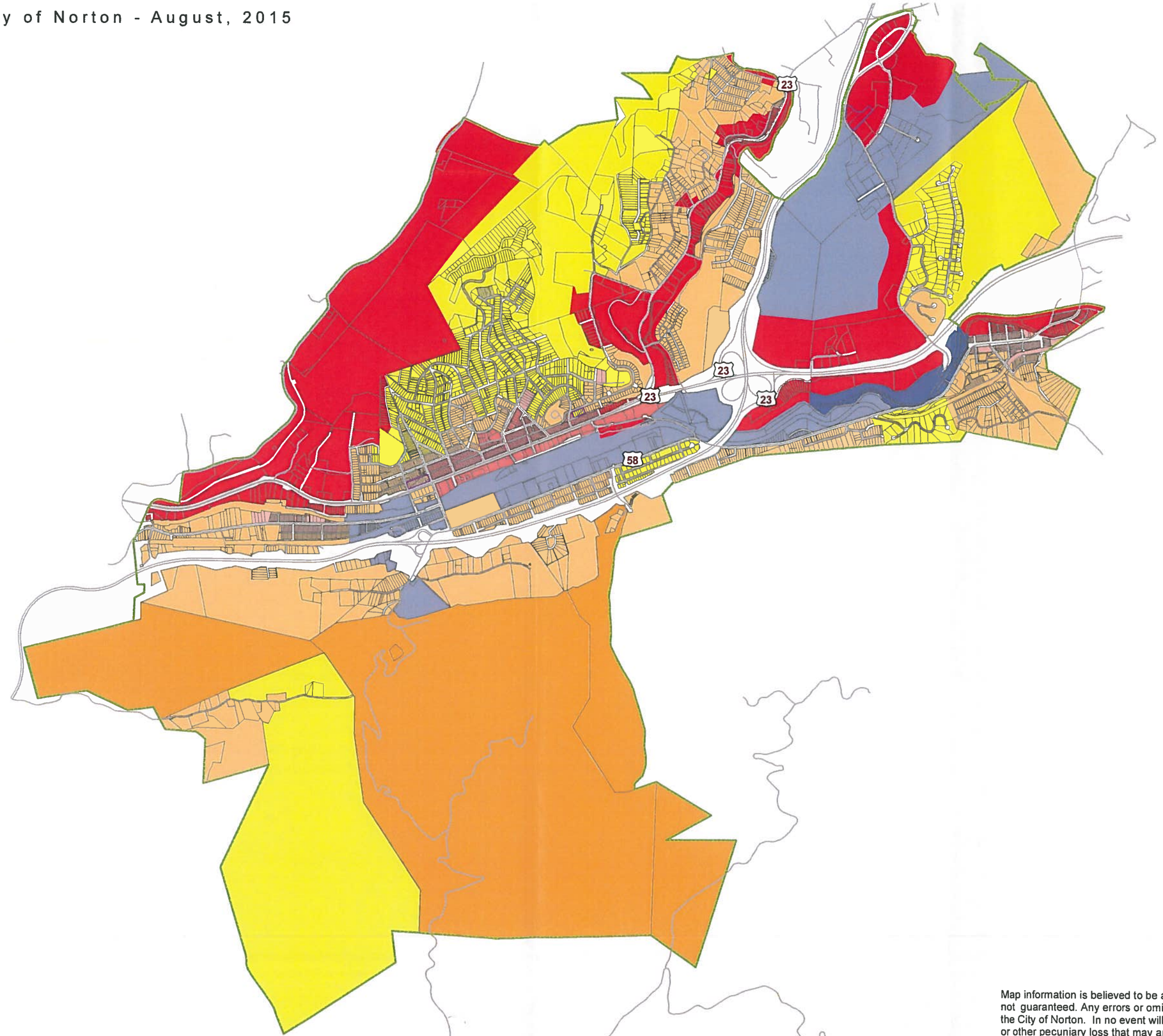
Upon the adoption of ordinances amending the Official Zoning Map, the City Clerk shall forward to the Building/Zoning Department attested copies of such ordinance. Upon receipt of these ordinances, the Building/Zoning Department shall amend the Official Zoning Map.

Official Zoning Map, City of Norton - August, 2015

Revised April 22, 2015

1" = 24000'

0 1,000 2,000 Feet



Legend

- City Boundary
- Parcel Boundaries
- Roads
- Zoning Conditional Use Permits
- R-A
- R-B
- R-CR
- B-1
- B-2
- B-3
- M-1
- M-2

Map information is believed to be accurate, but accuracy is not guaranteed. Any errors or omissions should be reported to the City of Norton. In no event will the City be liable for any damages or other pecuniary loss that may arise from the use of this data.

Sec. 26.1-3. - **Zones—Classifications.**

For the purpose of this chapter, the city is hereby divided, as shown on the zoning map, into nine (9) classes of zones designated as follows:

(a) R-A- A residence zone;

(b) R-B- B residence zone;

(c) B-1- Local business zone;

(d) B-2- Central business zone;

(e) B-3- General business zone;

(f) M-1- Light industrial zone;

(g) M-2- Heavy industrial zone;

(h) R-CR- Conservation and recreation zone;

(i) Floodway zone.

Sec. 26.1-4. - **Same—Boundaries.**

The boundaries of these zones are hereby established as they are shown on the zoning map. Unless otherwise indicated, the boundaries are lot lines, the centerlines of streets or alleys, railroad rights-of-way or the corporate limits. Questions concerning the exact locations of zone boundary lines shall be determined by the board of zoning appeals.

Sec. 26.1-5. - **Gender and number.**

Feminine or masculine pronouns shall be substituted for those of masculine form, and the plural shall be substituted for those of the singular number, in any place or places herein in which the context may require such substitution.

Sec. 26.1-6. - **Temporary zoning classifications.**

(a) All territory which may hereafter be incorporated into the city by boundary adjustment, annexation, or otherwise shall be construed as being temporarily classified in the city zoning district or districts which each parcel of property in such territory adjoins or abuts in the city at the time of its incorporation into the city. Should any parcel of property coming into the city adjoin or abut more than one (1) city zoning district at the time of its incorporation into the city, it shall be temporarily classified in the city zoning district that it adjoins or abuts that is most restrictive. Should any parcel of property in said territory not adjoin or abut an existing city zoning district, it shall temporarily be classified as being within the residential "A" zoning district.

(b) Within six (6) months of such territory coming within the jurisdiction of the city, such temporary zoning classifications will either be affirmed or such parcels of property shall be reclassified.

Secs. 26.1-7—26.1-9. - Reserved.

ARTICLE II.- DEFINITIONS

Sec. 26.1-10. **- Words and phrases.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a subordinate building or structure detached from but located on the same lot as the principal building or structure, the use of which is incidental and accessory to that of the principal building or structure.

Accessory use means a use that:

(a) Is clearly incidental to and customarily found in connection with a principal building, structure or use;
(b) Is subordinate to and serves a principal building, structure; or
(c) Is subordinate in area, extent, or purpose to the principal building, structure or use served;
(d) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building, structure or use served;
(e) Is located on the same lot as the principal building, structure or use served.

Alley means a passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Amusement arcade means a commercial building or part of a commercial building in which more than five (5) pinball machines, video games, or other similar player-operated amusement devices are maintained.

Approximated floodplain means that area of the floodplain where a detailed study has not been performed, but where 100-year floodplain boundary has been approximated by the city's Type 15 Flood Study.

Automobile wrecking yard means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for re-use or sale, shall constitute prima facie evidence of an automobile wrecking yard. An automobile wrecking yard is also considered a junkyard. (See definition of junkyard contained in this section.)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the Federal Emergency Management Agency designated one hundred (100)-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means any structure that has a roof that is supported by columns or walls.

Building height means the vertical distance to the level of the highest point of the roof surface, if the roof is flat or inclines not more than one (1) inch vertical in one (1) foot horizontal, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type, measured as follows:

(a) If the building joins the front property line or is not more than fifteen (15) feet distant therefrom, then measured at the center of the front wall of the building from the established grade from the curb; or if no grade has been officially established, from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the existing grade across the front of the building.

(b) If the building is more than fifteen (15) feet distant from the property line, then measured from the average level of the finished ground surface adjacent to the exterior walls of the building.

(c) Where the finished ground level is made by filling, such finished ground level shall not be deemed to be more than five (5) feet above the established grade of the sidewalk, or if no grade is established, more than five (5) feet above the existing grade of the street.

Building, main, means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot on which the same is situated. (See definition of principal building or structure contained in this section.)

Commercial use means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Construction office means a building or industrialized office building located on the development site wherein administrative, professional or clerical activities are performed that are directly related to the on-going development activities (See definition of development contained in this section).

Development means any manmade 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.

Disability means:

(a) The physical or mental impairment that substantially limits one (1) or more of the major life activities of such an individual;

(b) A record of such impairment; or

(c) Being regarded as having such an impairment.

Dwelling, multi-family, means a detached residential building containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including hotels, motels or group, row or townhouses.

Dwelling, one-family, means a detached building containing one (1) family dwelling unit but not including manufactured homes or mobile homes.

Dwelling, single-family, attached (group, row or townhouses), means a building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

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

Family means any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Family dwelling unit means a group of rooms including cooking accommodations occupied exclusively by one (1) or more persons living as a single, nonprofit housekeeping unit.

Flood or flooding means:

1. A general or temporary condition of partial or complete inundation of normally dry land areas from;
   (a) The overflow of inland or tidal waters; or,
   (b) The unusual and rapid accumulation or runoff of surface waters from any source.
   (c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsistence 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area, gross, means the sum of areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics or accessory buildings not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area to each floor level devoted to stairwells, elevator shafts and atriums.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly cheaper.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. 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,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either

(a) By an approved state program as determined by the Secretary of the Interior; or,
(b) Directly by the Secretary of the Interior in states without approved programs.

Garage, private, means an accessory building for only the storage of self-propelled vehicles, provided that such storage space does not exceed that required for three (3) vehicles plus one (1) additional vehicle for each family more than one (1) housed on the lot.

Hospital, unless otherwise specified, shall include sanatorium, preventorium, clinic and rest home and shall be limited to a place for the treatment or other care of human ailments.

Hotel means a building, or group of buildings, which contains ten (10) or more guest rooms designed or occupied as a temporary abiding place for individuals who are lodged, with our without meals, for compensation. Provision is not generally made for cooking in individual rooms or suites.

Industrialized building means a combination of one (1) or more sections or modules, subject to the Virginia Uniform Standards Building Code regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components to comprise a permanent finished building. All industrialized office buildings must display a registration seal issued by the Commonwealth of Virginia Department of Housing and Community Development in accordance with 13 VAC5-91-10-270 of the 2006 Virginia Industrialized Building Safety Regulations, as amended. Manufactured homes certified under the provisions of the Federal Manufactured Housing Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development shall not be considered industrialized office buildings. (See definition of temporary use contained in this section.)

Junkyard means an open area where wastes or used or secondhand materials are brought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. An automobile wrecking yard is also considered a junkyard. (See definition of automobile wrecking yard contained in this section.)

Kennel means an establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

Kennel, private, means any building or land designed or arranged for the care of dogs or cats belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.

Loading space and loading berth means a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lot means land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under the terms of this chapter, having its principal frontage on a street and having not less than the minimum area required by this chapter for a lot in the district in which it is situated.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area

other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site; bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development (see 24 CFR 3280 for legal definition). A manufactured home is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for longer than one hundred eighty (180) consecutive days. Categories of manufactured home dwellings are as follows:

(a) Conventional—A traditional single or multi-sectional manufactured home constructed after June 15, 1976, that meets or exceeds the Federal Manufactured Housing Construction and Safety Standards.
(b) Emergency—A conventional manufactured home used temporarily for the period of reconstruction or replacement of an uninhabited dwelling lost or destroyed by fire, flood, or act of God or used temporarily as housing relief to victims of a federally declared disaster.

Manufactured home park means a parcel of land under single or common ownership on which three (3) or more manufactured homes are located.

Mobile home means a transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to voluntary industry standards of the American National Standards (ANSI)—A119.1 Standards for Mobile Homes.

Modular home means a dwelling unit constructed on-site in accordance with the 2006 Virginia Uniform Statewide Building Code, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. (See definition of industrialized building in this section.)

Motel means a building or group of buildings containing rooming units, each of which maintains a separate entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises. (See definition of hotel contained within this section.)

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after February 16, 1977 and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

100-year flood means a flood that, on the average, is likely to occur once every one hundred (100) years [i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year].

Parking space means an all-weather surfaced area not in a street or alley and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

Principal building or structure means a building or structure in or on which the primary use of the lot or which the building or structure is located is conducted.

Principal use means the main use of land, buildings or structures as distinguished from a secondary or accessory use.

Recreational vehicle means 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 seasonal use.

Satellite antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Screening means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Setback means the distance between the right-of-way line of the street and the nearest line of the building.

Shallow flooding area means a special flood hazard area with base flood depths from one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Sign means a structure, display or device that is arranged, intended, or designed or used as an advertisement, announcement, identification, description or direction. (For further definition, refer to Chapter 21 of the City of Norton Code—Signs.)

Sign, accessory (refer to Chapter 21 of the City of Norton Code—Signs.)

Sign area (refer to Chapter 21 of the City of Norton Code—Signs.)

Sign, wall, (refer to Chapter 21 of the City of Norton Code—Signs.)

Special exception means a use permissible on appeal that would not be appropriate generally without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety or general welfare.

Special flood hazard area means the land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in Article IV, section 26.1-31-4 of this chapter.

Start of construction—For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L.—97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story means that portion of a building included between the surface of any flood and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine floor shall be counted as a story if it covers more than one-third of the distance from the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more. A basement shall be counted as a story if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

Street means a public or private thoroughfare, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

Structure means anything constructed or erected on the ground, or attached to the ground, including but not limited to fences, walls, manufactured homes, sheds, buildings and storage tanks.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvements means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commenced, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or
(b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Temporary use means a use located for a limited duration in a zoning district that permits such a use.

Trailer court means that area of land on which three (3) or more trailers or mobile homes being used for living purposes are parked.

Trailer mobile home means a vehicle used for living or sleeping purposes and standing or designed to stand on wheels or rigid supports. (See definition of manufactured homes and mobile homes contained in this section.)

Watercourse means any depression serving to give direction to a current of water, having a bed and well-defined banks, where the drainage area above the same is ten (10) acres or more in extent, provided that it shall, upon the rule of order of the planning commission, also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continual basis but may be intermittent resulting from surface runoff or rainfall.

Yard means an open space of uniform width or depth on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except for certain architectural features specified in section 26.1-13. In measuring a yard or setback distance the line of a building shall be deemed to be a line parallel to the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line, exclusive of the respective architectural features specified in section 26.1-13 as not to be considered in measuring yard dimensions or as being permitted to extend into any side or rear yard, respectively. The measurement shall be taken at right angles from the line of the building to the nearest lot line or to centerline of street.

Yard, front, means a clear unoccupied space on the same lot with a building, extending across the entire width of the lot and situated between the front line of the building and the front line of the lot.

Yard, rear, means a yard lying between the rear line of the lot and the nearest line of the building and extending across the full width of the lot.

Yard, side, means a yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.

ARTICLE III. - DISTRICT REGULATIONS

Sec. 26.1-11. - Uses—Generally.

In each zone, land and structures may be used only for purposes specified in sections 26.1-13 through 26.1-15.

(Ord. of 6-1-93)

Sec. 26.1-12. - Compliance with article.

In each zone, each structure hereafter erected or altered shall be provided with the yards specified, shall be on a lot of the area and width specified and shall not exceed the heights specified in this article. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

(Ord. of 6-1-93)

Sec. 26.1-13. - Residential districts.

26.1-13-1. A residence zone.

(a) *Purpose and intent.* The A residence zone is established to provide for one-family dwellings at a density not to exceed approximately six (6) dwelling units per acre; to allow other selected uses which are compatible with the residential character of the zone; and otherwise to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any A Residence Zone, as shown on the zoning map, the following uses shall be permitted:
   (1) Detached one-family dwellings;
   (2) Churches;
   (3) Schools offering general educational courses;
   (4) Libraries;
   (5) Gardens;
   (6) Nurseries;
   (7) Golf clubs;
   (8) Private clubs not conducted for profit;
   (9) Municipal recreational or water supply uses;
   (10)Accessory uses as set forth in section 26.1-40
   (11)Home occupations as set forth in section 26.1-43

(c) *Uses permissible on appeal.* In any A residence zone, as shown on the zoning map, the following uses, provided all structures incidental to such uses are located fifty (50) feet from any property lines, may be permissible on appeal:
  (1) Hospitals;
  (2) Convalescent homes;
  (3) Sanatoriums;
  (4) Philanthropic uses;
  (5) Public utilities;
  (6) General purpose farms;
  (7) Federal or state uses or municipal uses, except as provided in this section.

(d) *Prohibited uses.* In any A residence zone, as shown on the zoning map, all uses not specifically permitted in this section shall be prohibited.

(e) *Area, frontage and width regulations.*
  (1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty-five (35) feet.
  (2) Residential lot widths shall be measured on the front building line.
  (3) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.
  (4) In all A residence zones, as shown on the zoning map, the minimum area of any lot shall be seven thousand five hundred (7,500) square feet.
  (5) In all A residence zones, as shown on the zoning map, the minimum width of any lot shall be seventy-five (75) feet.

(f) *Setbacks.*
  (1) In all residential and industrial zones, as shown on the zoning map, there shall be a fifty-foot setback from primary highways; otherwise a twenty-five-foot setback of buildings and structures. Setbacks shall be measured from the street right-of-way.

(g) *Yards.*
  (1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.
  (2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.
  (3) In any zone of lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.
  (4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than four (4) feet.
  (5) In A residence zones, as shown on the zoning map, the minimum depth of the rear yard for all buildings, except unattached one-story buildings of accessory use, shall be twenty-five (25) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be five (5) feet.

(6) In all A residence zones, as shown on the zoning map, the minimum width of the side yard for all buildings, except unattached one-story building of accessory use, shall be ten (10) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be five (5) feet.

(h) *Height.*

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief, except that no building shall exceed fifty-five (55) feet or four (4) stories in any residential zone.

(4) In A residence zones, as shown on the zoning map, the maximum height for any building shall be thirty-five (35) feet, and no building may be more than two and one-half (2½) stories in height.

26.1-13-2. B residence zone.

(a) *Purpose and intent.* The B residence zone is established to provide for the mixture of one-family dwellings and manufactured homes on single lots at a density not to exceed approximately eight (8) dwelling units per acre; to allow attached, single-family dwellings and multi-family dwellings at a density not to exceed approximately seventeen (17) dwelling units per acre; to allow other selected uses which are compatible with the mixed residential character of this zone; and otherwise to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any B residence zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any use permitted in an A residence zone;

(2) Dwelling houses for not more than six (6) dwelling units in any one (1) detached building or attached group of buildings;

(3) Manufactured homes on single lots meeting the following requirements:

a. Compliance with section 26.1-12

b. No manufactured home below the minimum size of four hundred eighty (480) square feet of gross floor area will be allowed;

c. The manufactured home shall have the tow assembly and wheels removed and be mounted on and anchored to a permanent foundation in accordance with the provisions of the Virginia Uniform Statewide Building Code;

d. The manufactured home site shall have a storage area enclosed on all sides, having at least ninety (90) cubic feet and a minimum floor area of twenty (20) square feet and designed to store yard equipment and supplies; the storage area shall be a permanent structure and may be attached or detached from the principal structure. (See definition of structure contained in section 26.1-10.)

(c) *Permissible uses.* In any B residence zone, as shown on the zone map, the following uses may be permissible on appeal:

(1) Any use permissible on appeal in an A residence zone;

(2) Group housing projects and larger apartment houses;

(3) Manufactured home park, provided that:

a. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, no manufactured home site shall be designed for direct access to a street outside the boundaries of the manufactured home park, and the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable city specifications and ordinances. All manufactured home sites shall abut interior streets within the manufactured home park;

b. The topography of the site is such as to facilitate rapid drainage and adequate drainage facilities are provided;

c. Each manufactured home site shall be at least three thousand five hundred (3,500) square feet in land area for manufactured homes up to fifteen (15) feet wide and four thousand five hundred (4,500) square feet in land area for manufactured homes fifteen (15) feet or more wide;

d. Each manufactured home site shall be at least thirty-five (35) feet wide for manufactured homes up to fifteen (15) feet wide and forty-five (45) feet wide for manufactured homes fifteen (15) feet or more wide.

e. In addition to the area and dimension requirements of subsections (3)c. and d. above, the manufactured home park shall include an area equal to ten (10) percent of the total park area or one (1) acre, whichever is greater, exclusive of buffer yards required by subsection (3)f. and road rights-of-way, for community recreation and open space;

f. Manufactured home sites and structures shall be set back at least fifty (50) feet from any abutting rights-of-way and at least thirty (30) feet from any other abutting property line.

g. No manufactured home below the minimum size of four hundred eighty (480) square feet of gross floor area will be allowed. The manufactured home shall have the tow assembly and wheels removed and be mounted on and anchored to a permanent foundation in accordance with the provisions of the Virginia Uniform Standards Building Code.

h. No manufactured home shall be located closer than twenty (20) feet to any other manufactured home or service building, and no part of a manufactured home shall extend closer than ten (10) feet to the boundaries of the individual manufactured home site;

i. Off-street parking spaces for automobiles shall be provided in the ratio of two (2) spaces per manufactured home in locations convenient to individual manufactured home or groups of manufactured homes;

j. In a residential zone, accessory signs, in addition to internal directional signs, shall be limited to one (1) flat or detached, nonilluminated or indirectly illuminated sign, with sign area limited to ten (10) square feet and sign height not exceeding ten (10) feet;

k. Proper provision shall be made for public water supply, sanitary sewers, electrical connections, fire protection, refuse collection, laundry, management and maintenance facilities. Each manufactured home must be connected to the public water and sanitary sewer systems. Water and sanitary facilities are subject to approval by the city health department;

l. The manufactured home park shall comply with all provisions of this chapter and with other state and local laws and regulations.

(d) *Prohibited uses.* In any B residence zone, as shown on the zoning map, all uses not specifically permitted in this section are prohibited.

(e) Area, frontage and width regulations.

(1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty-five (35) feet.

(2) Residential lot widths shall be measured on the front building line.

(3) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.

(4) In all B residence zones, as shown on the zoning map, the minimum area of any lot shall be five thousand (5,000) square feet, to which shall be added two thousand (2,000) square feet for each family dwelling unit more than one (1) in the same building.

(5) In all B residence zones, as shown on the zoning map, the minimum width of any lot shall be fifty (50) feet, to which shall be added ten (10) feet for each family dwelling unit more than one (1) in the same building.

(f) Setbacks.

(1) In all residential and industrial zones as shown on the zoning map, there shall be a fifty-foot setback from primary highways; otherwise a twenty-five-foot setback of buildings and structures. Setbacks shall be measured from the street right-of-way.

(g) Yards.

(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.

(2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.

(3) In any zone of lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.

(4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than four (4) feet.

(5) In all B residence zones, as shown on the zoning map, the minimum depth of the rear yard for all buildings, except unattached one-story buildings of accessory use, shall be twenty-five (25) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be five (5) feet.

(6) In all B residence zones, as shown on the zoning map, the minimum width of the side yards for all buildings, except unattached one-story buildings of accessory use, shall be seven (7) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be five (5) feet.

(h) *Height*.

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief, except that no building shall exceed fifty-five (55) feet or four (4) stories in any residential zone.

(4) In all B residence zones, as shown on the zoning map, the maximum height for any building shall by forty (40) feet, and no building may be more than three (3) stories in height.

Sec. 26.1-14. - Commercial districts.

26.1-14-1. Local business zone.

(a) Purpose and intent. The local business zone is established to provide for the mixture of one-family dwellings and manufactured homes on single lots, higher density attached, single-family dwellings and multifamily dwellings, neighborhood commercial uses such as grocery stores and filling stations, and other selected uses which are compatible with the mixed residential and commercial character of this zone, in a manner such that they can function as transitional land uses between higher intensity uses and residential uses; and otherwise to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any local business zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any use permitted or permissible on appeal in a B residence zone except manufactured home parks;

(2) Apartment houses;

(3) Grocery stores and drugstores;

(4) Theaters;

(5) Meat and fruit markets;

(6) Filling stations, provided bulk storage of inflammables is underground;

(7) Automobile parking;

(8) Barbershops and beauty parlors;

(9) Offices;

(10) Hotels and motels;

(11) Shoe and shoe repair shops.

(c) *Permissible uses.* In any local business zone, as shown on the zoning map, the following uses may be permissible on appeal:

(1) Laundries and dry cleaning;
(2) Manufactured home parks in accordance with the standards for the manufactured home parks in the B residence zone;
(3) Any retail business similar to those listed in this subsection which is established for the convenience of the neighboring residents.
(4) Industrialized office buildings as set forth in section 26.1-46
(5) Industrialized office buildings for temporary use as set forth in section 26.1-47

(d) *Prohibited uses.* In any local business zone, as shown on the zoning map, the following uses shall be prohibited:
(1) Major auto repairs and automobile graveyards;
(2) Manufacturing;
(3) Any use detrimental to a neighborhood.

(e) *Area, frontage and width regulations.*
(1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty-five (35) feet.
(2) Residential lot widths shall be measured on the front building line.
(3) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.
(4) No minimum lot sizes are prescribed for lots used for business and industry. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the normal operations of the enterprise.
(5) In all business zones, as shown on the zoning map, the minimum area of any lot for dwellings shall be five thousand (5,000) square feet to which shall be added five hundred (500) square feet for each family dwelling unit more than one (1) in the same building.
(6) In all business zones, as shown on the zoning map, the minimum width for any lot for dwellings shall be fifty (50) feet.

(f) *Setbacks.*
(1) In all business zones, as shown on the zoning map, there shall be no setback, unless the building is in the same block front as a residential zone and then the setback shall be twenty-five (25) feet.

(g) *Yards.*
(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.
(2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.
(3) In any zone of lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.

(4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than four (4) feet.

(5) In all business zones, as shown on the zoning map, the minimum depth of the rear yard for all dwellings shall be the same as that required for rear yards in B residence zones.

(6) In all business zones, as shown on the zoning map, the minimum width of the side yard for all dwellings shall be the same as that required for the side yards in B residence zones.

(h) *Height.*

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief, except that no building shall exceed fifty-five (55) feet or four (4) stories in any residential zone.

(4) In all local business zones, as shown on the zoning map, the maximum height for any building shall be forty (40) feet, and no building may be more than three (3) stories in height.

26.1-14-2. Central business zone.

(a) Purpose and intent. The central business zone is located primarily in the downtown Park Avenue area and is established to provide for a full range of retail commercial and service uses; to allow for higher density residential and other selected uses which are compatible with the commercial character of the zone; and otherwise to implement the stated purpose and intent of this zoning chapter.

(b) Permitted uses. In any central business zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any use permitted or permissible on appeal in the B residence zone or local business zone, except manufactured home parks, industrialized office buildings and industrialized office buildings for temporary use;

(2) Automobile parking lots and parking garages;

(3) Automobile sales and service;

(4) Banks;

(5) Business and professional offices and office buildings;

(6) Stores and shops for retail sale in completely enclosed buildings of food, drugs, liquor, general merchandise, apparel, furniture, appliances, art, antiques, books, stationery, sporting goods and similar sales establishments;

(7) Amusement places, billiard parlors or bowling alleys, meeting places and theaters, except open-air drive-in theaters, in a completely enclosed building;

(8) Barbershops, beauty parlors, chiropody, massage or similar personal service shops or uses;

(9) Business or professional schools;
(10) Clothing and costume rental stores;
(11) Employment agencies;
(12) Filling stations, provided bulk storage of inflammables is underground;
(13) Funeral homes;
(14) Hotels and motels;
(15) Laboratories, medical and dental;
(16) Manufacture, repair and service of jewelry, art objects, art needlework, watches and fine instruments, optical, dental and medical equipment and similar products where the ratio of value to weight is high;
(17) Printing, publishing and engraving establishments, including blueprinting and photostating;
(18) Radio and television stations and studios or recording studios, but not towers more than one hundred twenty-five (125) feet in height;
(19) Repair and maintenance of business machines and office equipment;
(20) Valet service shops, including shoe repairs, minor repair of garments, cleaning and pressing services, and laundry pickup services;
(21) Wholesale display and sales of merchandise, but not warehousing.

(c) *Permissible uses.* In any central business zone, as shown on the zoning map, the following uses may be permissible on appeal: manufacturing incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operatives are employed in such manufacturing.
(d) *Prohibited uses.* In any central business zone, as shown on the zoning map, all uses not specifically permitted in this section shall be prohibited.
(e) *Special exceptions.* The city council may grant a special exception permit only to participants in the city downtown improvement program and may impose such conditions relating to the use as it may deem necessary in the public interest, to ensure compliance with standards designed to protect commercial properties in the downtown storefront improvement area.
(1) To modify the setback regulations as pertains to the south side of Park Avenue as set forth in section 14-2(f).
(2) To grant special use exceptions for sidewalk encroachments by awnings, facades and similar improvements, by special license permit;
(3) Such special use exceptions shall not be granted if they would have an adverse impact on surrounding property;
(4) Such special use exceptions shall be granted only if in harmony and necessary or desirable in view of the special circumstances of the city's downtown storefront improvement program and the city's comprehensive plan;
(5) The city council may require a guaranty or bond to ensure the conditions imposed are being and will continue to be complied with;
(6) No special exception shall be granted except after notice and hearing of intention to do so has been published for two (2) successive weeks in a newspaper of general circulation in the city, specifying the time and place of hearing, at which persons affected may appear and

present their views, not less than six (6) and not more than twenty-one (21) days after the second advertisement in such newspaper;

(7) The city council shall seek the advice and recommendation of the downtown storefront committee prior to granting a special exception.

(f) Area, frontage and width regulations.

(1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty- five (35) feet.

(2) Residential lot widths shall be measured on the front building line.

(3) (3)One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.

(4) No minimum lot sizes are prescribed for lots used for business and industry. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the normal operations of the enterprise.

(5) In all business zones, as shown on the zoning map, the minimum area of any lot for dwellings shall be five thousand (5,000) square feet to which shall be added five hundred (500) square feet for each family dwelling unit more than one (1) in the same building.

(6) In all business zones, as shown on the zoning map, the minimum width for any lot for dwellings shall be fifty (50) feet.

(g) Setbacks.

(1) In all business zones, as shown on the zoning map, there shall be no setback, unless the building is in the same block front as a residential zone and then the setbacks shall be twenty-five (25) feet.

(2) On the south side of Park Avenue in the central and general business zones there shall be a twelve-foot setback from the street right-of-way.

(h) Yards.

(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.

(2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.

(3) In any zone of lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.

(4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than four (4) feet.

(5) In all business zones, as shown on the zoning map, the minimum depth of the rear yard for all dwellings shall be the same as that required for rear yards in B residence zones.

(6) In all business zones, as shown on the zoning map, the minimum width of the side yard for all dwellings shall be the same as that required for the side yards in B residence zones.

(i) Height.

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor

does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limits.

(3) Churches, schools, hospitals, sanatoriums and other buildings may be built to a greater height than permitted in the zone if approved by the fire chief, except that no building shall exceed fifty-five (55) feet or four (4) stories in any residential zone.

(4) In all general and central business zones and industrial zones, as shown on the zoning map, maximum height for buildings is not limited except that heights above four (4) stories shall be subject to approval of the fire chief.

26.1-14-3. General business zone.

(a) *Purpose and intent.* The general business zone is established to provide locations on heavily traveled collector and arterial highways for a full range of retail commercial, service and office uses, as well as higher density residential developments which are oriented to the automobile, require large land areas and good access and do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade; and otherwise to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any general business zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any use permitted or permissible on appeal in a central business zone;

(2) Auto repair shops and other motor vehicular services;

(3) Places of amusement and assembly;

(4) Any retail or wholesale business or service not specifically restricted or prohibited in this section.

(c) *Permissible uses.* In any general business zone, as shown on the zoning map, the following uses may be permissible on appeal:

(1) Industrialized office buildings as set forth, in section 26.1-46

(2) Industrialized office buildings for temporary use as set forth in section 26.1-47

(d) *Prohibited uses.* In any general business zone, as shown on the zoning map, the following uses shall be prohibited:

(1) Manufacture or refining of ammonia; bleaching powder; chlorine; asphalt; brick; terra cotta; tile or pottery (except in handicrafts); cement; gypsum; lime; plaster of paris; coke; creosote; dextrin; glucose; starch; dye; explosives and fireworks;,fertilizer; fuel gas or illuminating gas in excess of one thousand (1,000) cubic feet per day except in a municipal or public service plant; gelatin or glue or size from fish or animal refuse or offal; hair; hydrochloric, nitric, picric, sulfuric and sulphurous acid; lampblack, linoleum or oil cloth; matches; pyroxylin or articles thereof; rubber or treatment thereof involving offensive odor, tar, turpentine or varnish;

(2) Storage of explosives or fireworks in excess of five hundred (500) pounds, storage of fuel gas or illuminating gas in excess of ten thousand (10,000) cubic feet except in a municipal or

public service plant, and the storage of pyroxylin or articles thereof in excess of five hundred (500) pounds;

(3) Blast furnaces;

(4) Coalyards, junkyards or woodyards;

(5) Distillation of bones, coal, wood or tar or manufacture of any of their products;

(6) Drop forges;

(7) Fat, grease, lard or tallow manufacturing, refining or rendering;

(8) Flour mills or grist mills;

(9) Hot rolling mills;

(10) Incineration, reduction of dumpings of dead animals, garbage, offal or refuse, except by the city or the agents of the city or when accumulated and consumed on the same premises without the emission of odor;

(11) Lumberyards and mills;

(12) Production or refining of petroleum or other inflammable liquids and the storage of raw hides or skins;

(13) Slaughtering or eviscerating plants or stockyards;

(14) Tanning, curing or storage of raw hides or skins;

(15) Any other use detrimental to a neighborhood because of odor, smoke, dust, fumes, fire, vibration or hazardous because of danger of fire or explosion.

(e) Area, frontage and width regulations.

(1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty-five (35) feet.

(2) Residential lot widths shall be measured on the front building line.

(3) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.

(4) No minimum lot sizes are prescribed for lots used for business and industry. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the normal operations of the enterprise.

(5) In all business zones, as shown on the zoning map, the minimum area of any lot for dwellings shall be five thousand (5,000) square feet to which shall be added five hundred (500) square feet for each family dwelling unit more than one (1) in the same building.

(6) In all business zones, as shown on the zoning map, the minimum width for any lot for dwellings shall be fifty (50) feet.

(f) *Setbacks.*

(1) In all business zones, as shown on the zoning map, there shall be no setback, unless the building is in the same block front as a residential zone and then the setback shall be twenty-five (25) feet.

(2) On the south side of Park Avenue in the central and general business zones there shall be a twelve-foot setback from the street right-of-way.

(g) *Yards.*

(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.

(2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.

(3) In any zone of lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.

(4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than four (4) feet.

(5) In all business zones, as shown on the zoning map, the minimum depth of the rear yard for all dwellings shall be the same as that required for rear yards in B residence zones.

(6) In all business zones, as shown on the zoning map, the minimum width of the side yard for all dwelling shall be the same as that required for the side yards in B residence zones.

(h) *Height.*

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief, except that no building shall exceed fifty-five (55) feet or four (4) stories in any residential zone.

(4) In all general and central business zones and industrial zones, as shown on the zoning map, maximum height for buildings is not limited except that heights above four (4) stories shall be subject to approval of the fire chief.

Sec. 26.1-15. - Industrial districts.

26.1-15-1. Light industrial zone.

(a) *Purpose and intent.* The light industrial zone is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this zone shall operate to minimize the impact of noise, smoke, glare and other environmental pollutants on uses within the zone and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the zone will be those which provide services and supplies primarily to industrial companies, those which engage in wholesale operations, and those which are associated with warehouse establishments. The light industrial zone is also established to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any light industrial zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any retail or wholesale business or service permitted in a general business zone, except dwellings other than that of watchmen and caretakers, industrialized office building and industrialized office buildings for temporary use;

(2) The manufacture, storage or handling of products that are not dangerous or offensive because of odor, dust, fire, explosion or other reasons and which employ processes or equipment that do not produce objectionable noise, vibration, glare, smoke, gas, waste or the like. Permitted uses are generally wholesale and retail trade, service industries, and light industries that manufacture, process, store and distribute goods and materials and are in general dependent on raw materials refined elsewhere;

(3) Laboratories, freight stations, railroad yards, utility yards, shops and other installations; blacksmith and welding shops; coalyards and woodyards; flour or grist mills; lumberyards or mills; and brick, terra cotta or tile manufacture.

(c) *Permissible uses.* In any light industrial zone, as shown on the zoning map, the following uses may be permissible on appeal:

(1) Industrialized office buildings as set forth in section 26.1-46

(2) Industrialized office buildings for temporary use as set forth in section 26.1-47

(d) *Prohibited uses.* In any light industrial zone, as shown on the zoning map, the following uses shall be prohibited:

(1) Manufacture or refining of ammonia; bleaching powder; chlorine; asphalt; cement; gypsum; lime; plaster of paris; coke; creosote; dextrin; glucose; starch; dye, explosives and fireworks; fertilizer; fuel gas or illuminating gas in excess of one thousand (1,000) cubic feet per day except in a municipal or public service plant; gelatin, glue or size from fish or animal refuse or offal; hair; hydrochloric, nitric, picric, sulfuric or sulphurous acid; lampblack, linoleum or oil cloth; matches; pyroxylin or articles thereof; rubber or treatment thereof involving offensive odor, tar, turpentine and varnish;

(2) Storage of explosives or fireworks in excess of five hundred (500) pounds, storage of fuel gas or illuminating gas in excess of ten thousand (10,000) cubic feet except in a municipal or public service plant, and the storage of pyroxylin or articles thereof in excess of five hundred (500) pounds;

(3) Blast furnaces;

(4) Distillation of bones, coal, wood or tar or manufacture of any of their products;

(5) Drop forges;

(6) Fat, grease, lard or tallow manufacturing, refining or rendering;

(7) Incineration, reduction of dumpings of dead animals, garbage, offal or refuse, except by the city or the agents of the city or when accumulated and consumed on the same premises without the emission of odor;

(8) Production or refining of petroleum or other inflammable liquids and the storage of raw hides or skins;

(9) Slaughtering or eviscerating plants or stockyards;

(10) Tanning, curing or storage of raw hides or skins;

(11) Any other use detrimental to a neighborhood because of odor, smoke, dust, fumes, fire, vibration or hazardous because of danger of fire or explosion.

(12) Home occupations as set forth in section 26.1-43

(e) *Area, frontage and width regulations.*

(1) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.

(2) No minimum lot sizes are prescribed for lots used for business and industry. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the normal operations of the enterprise.

(f) *Setbacks.*

(1) In all residential and industrial zones as shown on the zoning map there shall be a fifty-foot setback from primary highways; otherwise a twenty-five-foot setback of buildings and structures. Setbacks shall be measured from the street right-of-way.

(g) *Yards.*

(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yards.

(h) *Height.*

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief.

(4) In all general and central business zones and industrial zones, as shown on the zoning map, maximum height for buildings is not limited except that heights above four (4) stories shall be subject to approval of the fire chief.

26.1-15-2. Heavy industrial zone.

(a) *Purpose and intent.* The heavy industrial zone is established to provide areas for heavy industrial activities where the uses may require that some noise, vibration and other environmental pollutants must be tolerated, and where the traffic to and from the zone may be intensive. This zone is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required by a regional economy. The heavy industrial zone is also established to implement the stated purpose and intent of this zoning chapter.

(b) *Permitted uses.* In any heavy industrial zone, as shown on the zoning map, the following uses shall be permitted:

(1) Any use permitted in a light industrial zone and not specifically prohibited in this section;

(2) Industrial operations for the manufacture, compounding, processing, packaging or treatment of chemicals, petroleum, coal and allied products; clay, stone, and glass products; food and beverages, metal and metal products, textiles, fibers and bedding; wood and paper

products, rubber and paint products and any similar industrial uses which are not likely to create any offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences and are not in conflict with any state law or provision of this Code or other ordinance.

(c) *Permissible uses.* In a heavy industrial zone, as shown on the zoning map, the following uses may be permissible on appeal:

(1) Manufacture or refining of ammonia; bleaching powder; chlorine; cement; gypsum; lime; plaster of paris; coke; creosote; dextrin; glucose; starch; dye; explosives and fireworks; fertilizer; fuel gas or illuminating gas in excess of one thousand (1,000) cubic feet per day except in a municipal or public service plant; gelatin, glue or size from fish or animal refuse or offal; hair; hydrochloric; nitric, picric, sulfuric and sulphurous acid; lampblack, linoleum or oil cloth; matches, pyroxylin or articles thereof; rubber or treatment thereof involving offensive odor, tar, turpentine or varnish;

(2) Storage of explosives and fireworks in excess of five hundred (500) pounds, storage of fuel gas or illuminating gas in excess of ten thousand (10,000) cubic feet except in a municipal or public service plant, and the storage of pyroxylin or articles thereof in excess of five hundred (500) pounds (all such storage must comply with the NFPA Life Safety Code, as amended);

(3) Blast furnaces;

(4) Distillation of bones, coal, wood or tar or manufacture of any of their products;

(5) Drop forges;

(6) Fat, grease, lard or tallow manufacturing, refining or rendering;

(7) Incineration, reduction of dumpings of dead animals, garbage, offal or refuse, except by the city or the agents of the city or when accumulated and consumed on the same premises without the emission of odor;

(8) Slaughtering or eviscerating plants or stockyards;

(9) Tanning, curing or storage of raw hides or skins;

(10) Any other use detrimental to a neighborhood because of odor, smoke, dust, fumes, fire, vibration or hazardous because of danger of fire or explosion.

(d) *Prohibited uses.* In any heavy industrial zone, as shown on the zoning map, the following uses shall be prohibited:

(1) Dwellings;

(2) Junkyards.

(3) Home occupations as set forth in section 26.1-43

(e) *Area, frontage and width regulations.*

(1) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.

(2) No minimum lot sizes are prescribed for lots used for business and industry. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for the normal operations of the enterprise.

(f) *Setbacks.*

(1) In all residential and industrial zones as shown on the zoning map, there shall be a fifty-foot setback from primary highways; otherwise a twenty-five-foot setback of buildings and structures. Setbacks shall be measured from the street right-of-way.

(g) *Yards.*

(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yards.

(h) *Height.*

(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

(3) Churches, schools, hospitals, sanatoriums and other public and semipublic buildings may be built to a greater height than permitted in the zone if approved by the fire chief.

(4) In all general and central business zones and industrial zones, as shown on the zoning map, maximum height for buildings is not limited except that heights above four (4) stories shall be subject to approval of the fire chief.

Sec. 26.1-16. - R-CR conservation and recreation zone.

(a) *Purpose and intent.* The R-CR zone is established to protect environmentally sensitive areas of the city that also have significant value for passive and active recreational activities. Permitted uses within this zone encourage the most appropriate conservation/recreation activities for these areas: however, some forms of development are allowed under prescribed criteria.

(b) *Permitted uses.* In the R-CR zone as shown of the zoning map, the following uses shall be permitted.

(1) Public parks.

(2) Public activities related to the preservation and conservation of natural and/or historical resources.

(3) Agriculture and agricultural production, including raising crops, forestry, horticulture and gardening.

(4) Public uses.

(5) Single-family detached dwellings.

(6) Home occupations as set forth in section 26.1-43

(7) Municipal uses and structures.

(8) Accessory uses as set forth in section 26.1- 40

(c) *Uses permissible on appeal.* In any R-CR zone, as shown on the zoning map, the following uses, provided all structures incidental to such uses are located fifty (50) feet from property lines, may be permissible on appeal:

(1) Club houses for private clubs.

(2) Private campgrounds.

(3) Golf courses and driving ranges.
(4) Bed and breakfast facilities.
(5) Residential subdivisions as set forth in the subdivision ordinance.

(d) *Prohibited uses.* In any R-CR zone, as shown on the zoning map, all uses not specifically permitted in this section shall be prohibited.

(e) *Area, frontage and width regulations.*
(1) No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least thirty-five (35) feet.
(2) Residential lots widths shall be measured on the front building line.
(3) One (1) building and its accessory buildings may be erected on any lot of record which at the time this chapter is adopted is separately owned.
(4) In all R-CR zones, as shown on the zoning map, the minimum area of any lot shall be eighty seven thousand one hundred twenty (87,120) square feet.
(5) In all R-CR zones, as shown on the zoning map, the minimum width of any lot shall be two hundred (200) feet.

(f) *Setbacks.*
(1) In the R-CR zone, as shown on the zoning map, there shall be a fifty-foot setback from highways. Setbacks shall be measured from the street right-of-way.

(g) *Yards.*
(1) Steps or stoops not exceeding twenty-four (24) square feet in area, eaves, cornices, window sills and belt courses may project into any required yard.
(2) On lots occupied by dwellings, not more than thirty (30) percent of the rear yard may be occupied by one-story buildings of accessory use.
(3) In the R-CR zone for lots less than one hundred (100) feet deep, the rear yard may be reduced one (1) percent for each foot that the depth of the lot is less than one hundred (100) feet.
(4) For each foot by which a lot of official record at the time of the enactment of this chapter is less than the minimum width required under this chapter, two (2) inches may be deducted from each side yard; provided, that no side yard shall be less than ten (10) feet.
(5) In R-CR zones, as shown on the zoning map, the minimum depth of the rear yard for all buildings, except unattached one-story buildings of accessory use, shall be fifty (50) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be ten (10) feet.
(6) In all R-CR zones, as shown on the zoning map, the minimum width of the side yard for all buildings, except unattached one-story buildings of accessory use, shall be fifty (50) feet; and for unattached one-story buildings of accessory use, unless there is a party wall, it shall be ten (10) feet.

(h) *Height.*
(1) In measuring height, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(2) Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.
(3) In R-CR zones, as shown on the zoning map, the maximum height for any building shall be thirty-five (35) feet, and no building may be more than two and one-half (2½) stories in height.

Secs. 26.1-17—26.1-30. - Reserved

ARTICLE IV. - SPECIAL PUBLIC INTEREST REGULATIONS

Sec. 26.1-31. - Floodplains.

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2-2280. 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; and,
(d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

26.1-31-1. Abrogation and greater restrictions. This article supersedes any ordinances currently in effect in flood-prone areas; however, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

26.1-31-2. Application of article. The provisions of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this article and the municipality's need to minimize the hazardous conditions and property damage resulting from flooding occurrences. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable. Records of actions associated with administering this chapter shall be kept on file and maintained by the city building inspector.

26.1-31-3. Warning and disclaimer of liability.

(a) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes,

such as ice jams and bridge openings obstructed by debris. This article does not imply that areas outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damage.

(b) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes such as channel siltation, ice jams, and bridge openings restricted by debris. This article shall not create a liability on the city or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made there-under.

26.1-31-4-1. Land subject to flood.

(a) The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for the City of Norton and Wise County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 18, 2011, and any subsequent revisions or amendments thereto.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the City of Norton offices.

(1) The Floodway District is delineated, for purposes of this ordinance, 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 at any point. The areas included in this District are specifically defined in Table 6 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

In applying the provisions of this article, floodway zones shall be defined as those areas where a floodway has been delineated by the city's flood insurance study. Those areas include:

a. Guest River;
b. Clear Creek:
c. Benges Branch;
d. Bear Creek;
e. Powell River.

(2) The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided.

(3) The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood

profiles or elevations are provided, but the one hundred (100) year floodplain boundary has been approximated. These areas delineated as approximated floodplain include:

a. Bear Creek;
b. Unnamed tributary to Benges Branch.
c. Along small streams and watercourses, land lying within fifty (50) feet of the top of the bank of the channel unless the developer demonstrates to the satisfaction of the city engineer and the planning commission that the property in question is free from the danger of flooding.

(4) The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

(b) Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. 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.

(c) All uses, activities, and development occurring within the land subject to flood shall be undertaken only upon the issuance of a zoning and/or building permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the subdivision regulations, set out in this volume as Appendix A. Prior to the issuance of any such permit, the building inspector shall require all applications to include compliance with all applicable state and federal laws. Prior to the issuance of any such permit, the building inspector shall review all sites to assure they are reasonably safe from flooding.

(d) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(e) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc. within the municipality, approval shall be obtained from the Division of Soil and Water Conservation of the Virginia Department of Conservation and Recreation. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the Division of Soil and Water Conservation of the Virginia Department of Conservation and Recreation, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.

(f) A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(g) The delineation of any of the Floodplain Districts may be revised by the City of Norton 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.

26.1-31-4-2. Overlay Concept.

(a) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
(b) If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
(c) In the event 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.

26.1-31-5. Floodways established. In the floodway, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering practice that the proposed encroachment would not result in any increase in the one hundred (100) year flood elevation.

26.1-31-6. Permitted uses in floodways. In floodways the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zone, are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment which would result in an increase in the flood levels of the base flood:

(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, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas;
(c) Residential uses such as yard areas, gardens, play areas and parking areas;
    (1) Industrial and commercial uses such as yard areas, parking and loading areas, airport landing strips, etc.

26.1-31-7. Uses permitted by conditional use permit.

(a) The following uses and activities may be permitted with a conditional use permit provided that they are in compliance with the provisions of the underlying district, are not prohibited by any other ordinance, and would not result in an increase in the flood levels of the base flood:
    (1) Small temporary structures generally considered necessary for the activities in section 26.1-31
    (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses;

(3) Water related uses and activities such as marinas, docks, wharves, piers, etc., if designed to minimize impact on and damage from flooding;
(4) Extraction of sand, gravel and other materials;
(5) Temporary uses such as circuses, carnivals, and similar activities;
(6) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

(b) All uses, activities, and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in this and in all other applicable codes and ordinances and regulations.

26.1-31-8. Requirements for uses in the floodway.

(a) No permit shall be issued for the construction or erection of any structure (temporary or permanent) including railroads, streets, bridges, and utility lines or for any development (temporary or permanent) within the floodway zone until the plans for such construction of the development have been submitted to the planning commission and approval is given in writing for such construction or development.
(b) In the review of the plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of the floodway zone is to prevent encroachment into the floodway which will increase flood heights or endanger life or property:
(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purposes and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plat submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by riprap, vegetative cover, and/or bulkheading.
(2) Any development shall be in harmony with and not detrimental to the development permitted in the adjoining zones.
(3) Any permitted structure or the filling of land shall be designed, placed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow, and so far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjacent structures.
(4) No new structure for human habitation, including manufactured homes and cabins, shall be permitted within any floodway zones. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
(5) The provisions of this chapter regarding nonconforming uses shall apply, provided that no nonconforming uses or structures located within the floodway zone shall be enlarged or

expanded but may be modified, altered or repaired to incorporate floodproofing measures, provided such measures do not increase the level of the 100-year flood.

(6) The following shall not be placed or caused to be placed in any designated floodway: fences except two-wire fences, dams, embankments, levees, dikes, abutments, fill bridge culverts, buildings, structures or matter in, along, across or projecting into the floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the detriment of life or property.

(7) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. 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 planning commission and building inspector.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies with the City of Norton's endorsement for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(8) If section 26.1-31-8 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 26.1-31-11.

(c) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Large floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as channel siltation, ice jams, and bridge openings restricted by debris. This article shall not create a liability on the city or any officer or employee thereof for any administrative decision lawfully made thereunder.

26.1-31-9. Special Floodplain District Requirements.

(a) In the special floodplain district, 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 floodproofing and related provisions contained in this and all other applicable codes and ordinances.

(b) Any development permitted shall be in harmony with and not detrimental to the development permitted in the adjoining zones.

(c) Any permitted structure or the filling of land shall be designed, placed, and constructed on the property so as to offer the minimum obstruction to and effect of the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the

direction of the floodflow, and so far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjacent structures.

(d) The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as channel siltation, ice jams, and bridge openings restricted by debris. This article shall not create a liability on the city or on any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(e) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1—30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Norton.

(f) Development activities in Zones A1—30, AE, and AH, on the City of Norton's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies—with the City of Norton's endorsement—for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

26.1-31-10. Approximated floodplain district

(a) In the approximated floodplain district 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 floodproofing and related provisions contained in this and all other applicable codes and ordinances.

(b) For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain 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 through review by the governing body.

(c) Any development permitted shall be in harmony with and not detrimental to the development permitted in the adjoining zones.

(d) Any permitted structure or the filling of land shall be designed, placed, and constructed on the property so as to offer the minimum obstruction to and effect of the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the

direction of the floodflow, and so far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjacent structures.

26.1-31-11. Shallow Flooding District. The following provisions shall apply within the Shallow Flooding District:

(a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly cheaper.

(b) All new construction and substantial improvements of non-residential structures shall
   (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
   (2) Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

26.1-31-12. Standards for Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

26.1-31-13. Floodproofing requirements.

(a) In order to prevent excess damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all new construction and to construction of substantial improvements to existing structures occurring in those areas subject to flooding:
   (1) *Basements and lowest floors.* All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated to or above

the base flood elevation. All new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water, and components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by building inspector.

(2) *Fill.* If fill is used to raise the finish surface of the lowest floor above the base flood elevation:

a. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifty (50) feet beyond the building line from all points. For nonresidential structures, fill shall be placed to provide access acceptable for the intended use. At grade, access with fill extending laterally fifteen (15) feet beyond the building line shall be provided to a minimum of twenty-five (25) percent of the perimeter of a nonresidential structure.

b. Fill shall consist of soil or rock materials only. Material from sanitary landfills shall not be permitted.

c. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.

d. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the building inspector.

e. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

(3) *Placement of buildings, structures, manufactured homes, and recreational vehicles.*

a. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

b. Manufactured homes. Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Recreational vehicles. Recreational vehicles placed on sites shall either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use (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);

2. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in section 26.1-31-13(a)(3)b. above.

(4) *Anchoring.*

a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse and lateral movement, thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

b. All air ducts, large pipes and storage tanks located at or below the base flood elevation shall be firmly anchored to resist flotation.

c. All manufactured homes and any additions thereto shall be anchored to resist flotation, collapse, and lateral movement. Methods of anchoring may include but not be limited to over-the-top and frame ties to ground anchors. Specifically:

1. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured homes, with two (2) additional ties per side at intermediate locations and manufactured homes more than fifty (50) feet long shall require four (4) additional ties per side.
2. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes more than fifty (50) feet long requiring four (4) additional ties per side.
3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(5) *New construction and substantial improvements.* In order to prevent excessive damage to buildings, structures, or utilities due to flooding, the following restrictions shall apply to all new construction and to all substantial improvements to existing buildings or structures located in areas subject to flood:

a. The location of electrical equipment, circuits, and installed electrical appliances in a manner which will ensure that such are not subject to flooding from the 100-year flood;

b. The use of construction materials and techniques to resist wall or foundation rupture or collapse caused by water pressure or floating debris;

c. The use of paints, membranes, or mortars to reduce seepage of water through walls;

d. The installation of valves or controls on sanitary sewer lines which will permit the drains to be automatically closed to prevent the backup of sewage into buildings or structures;

e. The use of construction materials that are resistant to damage resulting from inundation by water;

f. All new or replacement water supply systems, sanitary sewer systems, gas distribution systems, electrical distribution systems, and all attendant facilities, whether public or private, proposed to be located in areas subject to flood shall be elevated or floodproofed to a height at or above the level of the 100-year flood.

g. In Zones A, AO, AE, and A1—30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

2. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(6) *Existing structures in floodplain areas.* A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

a. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
b. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
c. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

26.1-31-14. Site plan requirements. The building inspector shall require the following specific information to be included as part of an application for a building permit for new construction or substantial improvements to existing structures within areas subject to flood. Copies of all federal and state permits are required for construction of the facilities shown on the building permit.

(a) For structures to be elevated to secure a flood elevation at or above the level of the 100-year flood:
   (1) A site plan showing the boundaries of the property and the location and size of the proposed structure.
   (2) Topographic information showing existing ground elevations, proposed ground elevations, flood elevation certified by a registered professional engineer or architect.
   (3) Plans showing the method of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, erosions, protection measures, etc., when required by the building inspector. These plans shall be prepared by a registered professional engineer or architect.

(4) Detailed plans showing the methods used to protect utilities (including sewer, water, gas, telephone, electric, etc.) from flooding to an elevation at or above the level of the 100-year flood.

(b) For structures to be floodproofed to an elevation at or above the level of the 100-year flood (nonresidential structures only):

(1) A site plan showing the boundaries of the property and the location and size of the proposed structure.

(2) Topographic information showing existing ground elevations, proposed ground elevations, lowest floor elevations, floodproofing limits, certified by a registered professional engineer, architect or land surveyor.

(3) Detailed plans of floodproofing measures prepared by a registered professional engineer or architect certifying that the structure, together with attendant utility and sanitary facilities, is designed so that:

a. Below the elevation of the level of the 100-year flood the structure is watertight with walls substantially impermeable to the passage of water;

b. The structure will withstand the hydrostatic, hydrodynamic, buoyant, impact or other forces resulting from the flood depths, velocities, pressures, debris and other factors associated with the 100-year flood conditions at the site.

c. Whenever a developer proposes to offset the effects of development in the floodway, or intends to alter or relocate a watercourse anywhere else in the land subject to flood, the developer shall notify in writing by certified mail to all adjacent communities and the state water control board of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notifications to the federal insurance administrator. The developer shall also assure the city in writing, that the flood-carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

Secs. 26.1-32—26.1-39. - Reserved.

ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 26.1-40. - Accessory uses.

26.1-40-1. General. Accessory buildings, structures or uses are permitted in any zoning district, unless qualified below, but only in connection with, incidental to, and on the same lot with a principal building structure or use which is permitted within such district.

26.1-40-2. Permitted accessory uses. Accessory buildings, structures, and uses shall include, but are not limited to, the following buildings, structures or uses; provided that such buildings, structures or uses shall be in accordance with the definitions of accessory use and accessory building or structure contained in section 26.1-10.

(a) Amusement machines, limit of five (5), including pinball machines, video games, or other similar player-operated devices but only accessory to legally conforming eating establishments, hotels

and motels, bowling alleys, skating facilities, billiard establishments, indoor theaters and other establishments offering indoor games of skill, but not including amusement arcades, located in the central business or the general business zones; legally conforming indoor theaters or hotels and motels located in the local business zone; and legally conforming golf clubs, private clubs not conducted for profit and churches located in the A residence, B residence or local business zones.

(b) Antenna structures other than satellite antennas (refer to paragraph (aa) below).

(c) Barns and any other structures that are customarily incidental to an agricultural use (refer to paragraph (y) and section 26.1-40-3(f) below).

(d) Carports.

(e) Coal sheds.

(f) Construction offices that accompany on-going development activities. (See definition of development contained in section 26.1-10.) Construction offices shall be removed from any development site not more than ninety (90) days after the development activity ceases.

(g) Doghouses, runs, pens, rabbit hutches, cages and other similar structures including private kennels housing no more than four (4) dogs, which are six (6) months of age or older, as defined in section 26.1-10; for the housing of commonly accepted pets, but not including kennels as defined in section 26.1-10

(h) Fallout shelters.

(i) Garages, private.

(j) Garage and yard sales.

(k) Gardening and garden sheds.

(l) Guest house or rooms for guests in an owner-occupied principal building or building accessory to an owner-occupied principal building, but only in the A residence zone, B residence zone or local business zone and provided that the gross floor area used for housing guests in either an accessory or principal building does not exceed twenty (20) percent of the gross floor area of the principal building. The purpose of a guest house or rooms for guests shall be for the occasional housing of guests, and not as rental units or for permanent occupancy as housekeeping units. An accessory building used to house guests shall meet all applicable building code requirements that pertain to dwellings.

(m) Motor vehicle fuel storage tanks installed underground in business and industrial zones and in residential zones when accessory to a use other than a dwelling.

(n) Parking and loading spaces, off-street, as regulated by section 26.1-42; however a garage or parking area for not more than three (3) passenger vehicles plus one (1) commercial vehicle shall be permitted when accessory to a one-family dwelling in any zoning district.

(o) Parking of one (1) commercial vehicle per dwelling unit in a residential zone or the local business zone subject to the following limitations.

(1) No garbage truck, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement mixer truck, wreckers with a gross weight of twelve thousand (12,000) pounds or more, commercial passenger buses, or similar such vehicles or equipment shall be parked as an accessory to a dwelling in the aforementioned zones.

(2) Any commercial vehicle parked as an accessory to a dwelling unit in any zone shall be owned and/or operated only by the occupant of the dwelling at which it is parked.

(p) Porches, gazebos and similar structures.

(q) Recreation, storage and service structures in a manufactured home park or trailer court.

(r) Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation in any commercial zone.

(s) Signs for advertising the lease, sale or use of a lot or building on which placed and not exceeding a total area of twelve (12) square feet, provided that on a lot occupied by a dwelling there may be for each family housed no more than one (1) sign with a total area of not more than two (2) square feet that may indicate the occupants' name, address, and business, for example J. Smith—Accountant. Home occupation signs shall be installed in accordance with section 21-21(a) of the City of Norton Code. All other signs are permitted only in accordance with Chapter 21.

(t) Statues, arbors, trellises, clotheslines, barbecue stoves, flagpoles, fences, walls, hedges, gates and gateposts located so as not to obstruct the normal observation of traffic.

(u) Storage, outside, in residential and local business zones; to include a compost pile, provided such storage is located in the rear yard, is screened from view from the first story window of any neighboring dwelling, and the total area for such outside storage does not occupy more than one hundred (100) square feet. Outside storage on lots within either the general business, central business, light industrial or heavy industrial zones is permitted provided that the storage is screened from view from the first story window of any abutting dwelling located in a residential or local business zone.

(v) Storage structures, provided however, that structures on lots within the general business, central business, light industrial or heavy industrial zones shall be screened from view from the first story window of any abutting dwelling located in a residential or local business zone.

(w) Swimming pool and bathhouse, private.

(x) Tennis, basketball or volleyball court, and similar private outdoor recreation uses.

(y) Wayside stands, subject to the following limitations:

(1) Shall be for the purpose of selling agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For purpose of this chapter, plants which are balled and burlapped shall not be considered as growing on the same property.

(2) Shall be permitted only in the A residence, B residence or local business zones on a lot containing at least twenty thousand (20,000) square feet.

(3) Structure shall not exceed two hundred (200) square feet in gross floor area.

(4) Shall be permitted only during crop-growing season, and such structure shall be removed except during such season.

(5) Shall not be subject to the limitations set forth in section 26.1-40-3, but shall be located a minimum distance of ten (10) feet from any lot line.

(6) Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.

(7) Not withstanding the provisions of section 26.1-40-2(18), a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area.

(z) Farm animals (such as cows, pigs, hogs, goats, sheep, and other livestock, horses, mules, and other equine, chickens and other fowl, and similar utilitarian animals) may accompany permitted general purpose farms that engage primarily in the commercial soil-development cultivation or agricultural crop production and/or in the raising of livestock in accordance with Chapter 4 of the City of Norton Code—Animals and Fowl, but shall not be permitted as an accessory use except as follows:

(1) Horses and other domesticated equine shall be permitted as accessory uses to a residential principal use in residential zones on lots of two (2) acres or greater in size, at the rate of one (1) such animal per acre over one (1).

(aa) Satellite antenna. The size and location of any such antenna shall comply with all of the following requirements:

(1) A satellite antenna may be located in a residential district when it complies with the following conditions:

a. It is permanently ground mounted.
b. It is not located in the front yard.
c. It complies with the yard requirements of the underlying zone for accessory structures and uses.
d. It does not exceed fifteen (15) feet in height above the existing grade.
e. Only one (1) satellite antenna shall be permitted per lot.
f. The satellite antenna shall be used for private, non-commercial purposes.
g. Installation shall take place only after a building permit has been obtained.
h. Satellite antennas with a diameter measuring less than forty (40) inches may be installed in a manner consistent with a typical television antenna.
i. Roof-mounted satellite antennas are permitted in conjunction with hospitals, convalescent homes; sanatoriums; federal, state, or municipal uses; group housing projects and larger apartment houses when installed in accordance with section 26.1-40-2(aa)(2)c.

(2) A satellite antenna may be located in a business or industrial zone when it complies with the following conditions:

a. Ground mounted antennas shall be permitted when installed permanently and in accordance with the yard height, and other limiting requirements of the underlying zone for accessory structures.
b. All ground mounted satellite antennas exceeding twelve (12) feet in diameter shall be screened from any adjoining residentially zoned property. Such screening can be waived if the antenna is set back a distance at least five (5) times its diameter from the residentially zoned parcel.
c. Roof mounted antennas shall be permitted, provided, however, that the diameter of the antenna does not exceed thirty-three (33) percent of the existing height of the building.

26.1-40-3. Accessory use limitations—General.

(a) No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

(b) Accessory structures shall be allowed only in the rear or side yards of residentially zoned parcels. Accessory structures may be located in the front, rear or side yards of commercially or industrially zoned parcels, but not in a required front setback area or in a manner that obstructs the normal observation of traffic.

(c) The aggregate gross floor area of all structures accessory to a single-family detached or attached dwelling shall not exceed thirty (30) percent of the gross floor area of the principal structure, provided that every lot of record with a principal structure shall be entitled to an aggregate of five hundred sixty-three (563) square feet of gross floor area for all accessory structures. All other accessory structures shall not exceed thirty (30) percent of the gross floor area of the principal structure on the lot.

(d) Structures or uses accessory to single-family detached or attached dwellings, shall not exceed a height of fifteen feet. Satellite antennas shall conform to section 26.1-40-2(aa) above. All other accessory uses and structures shall not exceed the height of the principal structure on the lot.

(e) Accessory structures and uses in either the rear or side yard of a residentially zoned parcel shall be set back a minimum of five (5) feet from the rear or side property line, unless there is a common party wall. An accessory structure or use located on a corner lot shall be set back a minimum of twenty-five (25) feet from the side property line adjacent to the side street.

(f) The following regulations shall also apply to the location of structures for the housing of animals:

  (1) Barns and other structures used in connection with agriculture, including structures for the keeping, confining or sheltering of any poultry or livestock, except horses or ponies, shall be located no closer than one hundred (100) feet to any lot line.

  (2) Barns and other structures used for the confining or sheltering of horses or ponies shall be located no closer than fifty (50) feet to any front or side lot line nor closer than twenty feet to a rear lot line.

  (3) Doghouses, runs, pens, rabbit, hutches, cages, lofts, hives shall conform to paragraph (e) above.

(g) Nothing contained in subsections (b) or (e) of this section 26.1-40-3 shall be deemed to apply to fences in front yards more than four (4) feet in height or to fences in side or rear yards not more than eight (8) feet in height, or to hedges not located so as to obstruct the normal observation of traffic.

Sec. 26.1-41. - Group housing projects.

(a) In the case of a housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least three (3) acres, which is not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual buildings in such housing project, the application of such requirements

to such housing project shall be done by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood and will ensure a density of land use no higher and a standard of open space at least as high as required by this chapter in the district in which the proposed project is to be located.

(b) In no case shall the board of zoning appeals authorize a project without prior approval of the planning commission or a use or a building height prohibited in the district in which the housing project is to be located.

Sec. 26.1-42. - Off-street parking and loading.

(a) Parking regulations.

(1) *Requirements.* Except as otherwise provided in this section, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, or any building or structure hereafter erected is converted for uses listed in column 1 of the chart set out in this subsection, when uses are located in the districts listed in column 2, accessory off-street parking spaces shall be provided as required in column 3 or as required in subsequent parts of this subsection (a).

Use category	*Location Spaces*	*Required per measuring unit*
a. One-Family dwelling	All districts	2 per dwelling unit
b. Manufactured Home	All districts	2 per unit
c. Two-Family dwelling	All districts	1½ per dwelling unit
d. Multiple-family dwelling	All districts	1½ per dwelling unit
e. Place of worship, auditorium or place of assembly	All districts	1 per 10 seats
f. Theater, gymnasium, stadium	All districts	1 per 10 seats or seating spaces or convention hall
g. Hotel, motel, transient lodging	All districts	1 per sleeping room or suite
h. Private club, fraternity, sorority and lodge	All districts	1 per 5 active members or 1 per sleeping room
i. Housing for elderly	All districts	1 per 2 dwelling units
j. Sanitarium, convalescent home, home for	All districts	1 per 5 patient beds

aged and group home		
k. Hospital	All districts	1 per patient bed
l. Office, office building or studio	All districts	1 per 400 s.f. of floor area
m. Clinic, medical, dental offices	All districts	1 per 200 s.f. of floor area
n. Funeral home	All districts	1 per 4 parlor or chapel seats
o. Restaurant or other establishment for consumption of food or beverage	All districts	1 per 100 s.f. of floor area
p. Retail store	All districts	1 per 200 s.f. of floor area
q. Financial institutions, bank and S & L	All districts	1 per 200 s.f. + necessary stacking space 4 vehicles
r. General service or repair, establishment, printing, publishing, plumbing, heating	All districts	1 per 3 employees on premises
s. Manufacturing or industrial establishment, research/testing laboratory, bottling plant, wholesale warehouse or similar establishment	All districts	1 per 2 employees on maximum working shift, plus space for loading and storage of vehicles used in connection with industry

(2) *Interpretation of the chart.*

a. The use regulations for each district are not affected by the arrangement of uses in the chart.

b. Floor area as used in the chart shall be as defined in this section.

c. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

d. The parking space requirements for a use not specifically listed in the chart shall be the same as for the listed use of similar characteristics of parking demand generation.

e. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or a premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

f. Whenever a building constructed after the date of this section is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, designated use or change of use or otherwise, to create a need for an increase of ten (10) percent

or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(3) *Handicap parking requirements.* The following standard shall be used to establish the requirements for handicapped parking spaces for all uses in business, manufacturing and multifamily districts where there are required at least ten (10) parking spaces.

Total Parking Spaces	*Number of Required Handicapped Spaces*
10—25	1
26—50	2
51—75	3
76—100	4
Over 100	1 additional per 50 spaces

Handicapped spaces shall be located as close as possible to a building's primary entrance or divided among accessible entrances, if existing. For hotels and motels, handicapped spaces may be divided among alternative entrances and may be located close to specially fitted handicap sleeping rooms if they exist. Handicapped spaces shall be in accordance with state department of transportation standards, clearly marked with pavement marking and posted signs, and shall have ramp access to the access point of the building.

(4) *Joint use and off-site facilities.*

a. All parking spaces required by this section shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, or such buildings or uses are located in the central business district the required spaces may be located and maintained no more than six hundred (600) feet from the building served.

b. Up to fifty (50) percent of the parking spaces required for (i) theaters, public auditoriums, bowling alleys, dance hall, nightclubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church auditorium may be provided and used jointly by (ii) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (i); provided, however, that written agreement thereto is properly executed and filed as specified in subsection (4)c. below.

c. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby ensuring their retention for such purposes shall be properly drawn and executed by the parties concerned approved as to form by the city attorney, and filed with the application on a building permit.

(5) *Design standards.*

a. As defined in this section, an off-street parking space is an all-weather surfaced area not in a street or alley and having dimensions in accordance with the state department of transportation standards, exclusive of traffic aisles and driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by an all-weather surfaced driveway not less than twenty-two (22) feet in width which affords satisfactory ingress and egress for automobiles. Aisles between parking spaces shall be a minimum of not less than twenty-two (22) feet in width for two-way traffic and eleven (11) feet for one-way traffic.

b. Entrances or exits for all parking facilities shall comply with existing ordinances of the city.

c. Screening, in the form of a solid fence or shrubbery, shall be required to protect neighboring residences from all parking lots hereafter constructed to contain ten (10) or more spaces.

d. Parking spaces may be reduced two (2) feet in length if the adjoining walkway width or landscaped island width perpendicular to the parking space is increased by two (2) feet.

(6) *Employee parking lots.* Where parking lots of seventy-five (75) spaces or more are used primarily for long-term employee parking for office or industrial uses, the parking space dimensions may be reduced to eight (8) feet in width and sixteen and one-half (16.5) feet in depth. The land area gained by this action shall be added to the landscaped area of the building site. A site plan showing the revised parking layout shall be submitted to the city zoning administrator who shall have the authority to approve the revised parking plan.

(7) *Stacking space standards.* Various types of retail and service commercial activities are utilizing drive-through facilities to conduct daily business operations. The following standards shall be used to provide space for the temporary storage of vehicles waiting to use drive-through services:

a. Financial institutions. Space for four (4) vehicles behind each window or drive-through position;

b. Fast-food restaurants. Space for two (2) vehicle spaces between the order board and pick-up window and five (5) spaces behind the order board;

c. All other businesses using drive-through facilities. Space for three (3) vehicles behind each window or drive-through position.

A vehicle space shall be eighteen (18) feet in length and nine (9) feet in width and shall be physically separated from driveways serving parking spaces to avoid traffic congestion within the parking lot.

(b) Off-street loading regulations.

(1) *Requirements.* Except as otherwise provided in this section, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, or any building is hereafter converted for the uses listed in column 1 of the chart set out in this subsection, when such buildings contain the floor areas specified in column 2, accessory off-street loading spaces shall be provided as required in column 3 or as required in subsequent parts of this subsection (b).

Use or uses	Floor areas	Loading Spaces
a. Retail store, department store,restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment	0—15,000	1
	15,000—25,000	2
	25,000—50,000	3
	Over 50,000	1 additional per 50,000
b. Apartment building, hotel	Per 150 dwelling units	1
c. Office or office building, hospital or similar institution, places of public assembly	20,000-50,000	1
	Over 50,000	1 additional per 100,000
d. Funeral home or mortuary	Up to 10,000	2
	Over 10,000	1 additional per 10,000

(2) *Mixed uses in one building.* Where a building is used for more than one (1) use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, the aggregate floor area used is provided as if the entire building were used for that in the building for which the most spaces are required.

(3) Design standards.

a. As defined in this section, a loading space is a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by forty-five (45) feet and a vertical clearance of at least fourteen (14) feet.

b. Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and vertical clearance reduced to eight (8) feet.

(c) *Exceptions in the central business zone (B-2).* Recognizing the need for greater flexibility in the central business zone because of existing buildings and limited capability to provide prime parking spaces, the following exceptions apply:

(1) Any existing building in which floor space is not increased more than ten (10) percent is exempt from this section.

(2) Any existing building that is torn down and rebuilt and the floor space is not increased more than ten (10) percent is exempt from this section.

(3) Any building that has excess off-street parking, as per the requirements of this section, may use the excess spaces for any floor space expansion.

Sec. 26.1-43. - Home occupations.

(a) Home occupations shall be permitted as specified in the district regulations and subject to the standards and conditions of this section.
(b) All home occupations must comply with all city, state or federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations. All home occupations must be properly licensed in accordance with the business, professional and occupational licensing provisions of the City of Norton Code.

26.1-43-1. Intent. In order to provide peace, quiet and domestic tranquility within all residential neighborhoods within the city, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas; and to permit residents of the city a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income; and to establish criteria and development standards for home occupations conducted in all dwelling units, manufactured homes or mobile homes, the Norton City Council adopts the following provisions:

26.1-43-2. Definition. A home occupation is an accessory use that is a lawful occupation, profession or activity that is clearly a customary, incidental and secondary use conducted within a residential dwelling unit (for purpose of section 26.1-43 only, the term dwelling unit also includes single-family attached or multifamily units, manufactured homes or mobile homes) by a member or members of the family who occupy the dwelling, and that does not alter the exterior of the property or affect the residential character of either the dwelling or the neighborhood.

26.1-43-3. Performance criteria.

(a) Applications for a home occupation permit shall be evaluated and investigations conducted using the following criteria, which shall be incorporated as minimum conditions of approval.
    (1) A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than twenty (20) percent of the gross floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation. Gross floor area of a dwelling unit, in this instance, shall include the floor area of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable attic space.
    (2) On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.
    (3) The operation of any wholesale business, unless it is conducted entirely by mail, and does not involve the sale, shipment or delivery of merchandise on the premises, is prohibited.
    (4) A member or members of the family permanently residing on the premises as well as additional persons who do not reside permanently on the premises may be employed in the home occupation; however, not more than one (1) person not residing permanently on the premises may work on the premises at any given time.

(5) A home occupation shall not be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.

(6) No more than four (4) people may avail themselves of the services provided by the home occupation use at a given dwelling unit at any given moment in time. Home occupations that attract customers, clients, or students to the premises for sales or services shall not be allowed in multi-family dwelling units.

(7) No more than one (1) home occupation shall be permitted within any single dwelling unit.

(8) A home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory structures or garages, attached or detached, provided that the gross floor area used for such uses does not exceed twenty (20) percent of the gross floor area of the principal building. No home occupation or storage of any goods, materials or products connected with a home occupation shall be allowed out-of-doors on the property or in accessory trailers. Samples of goods sold or job-related materials may be carried in vehicles used for business purposes.

(9) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building. There shall be no display of products visible in any manner from the outside of the principal building.

(10) There shall be no deliveries to or from a home occupation with a commercial vehicle having a gross vehicle weight of more than fourteen thousand (14,000) pounds. Generally, delivery and pick up of materials and commodities to and from the premises by a commercial vehicle should not exceed two (2) trips per week.

(11) No materials which decompose by detonation shall be allowed in conjunction with a home occupation.

(12) Electrical, mechanical or other equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that creates noise, vibration, smoke, dust, odors, or heat not normally associated with residential uses and that is detectable beyond the property lines or beyond the walls of the dwelling if the unit is part of a single-family attached or multifamily structure shall be prohibited. The judgment of the building official shall be considered decisive and final in this matter unless formally appealed to the building board of appeals within thirty (30) days of the building official's written determination. Mechanical equipment used for purely domestic or hobby purposes is not prohibited.

(13) There shall be no signs present on the property except for one (1) sign with a total area of not more than two (2) square feet that may indicate the occupants' name, address, and business, for example J. Smith—Accountant. Home occupation signs shall be installed in accordance with section 21-21(a) of the City of Norton Code. All other signs are permitted only in accordance with Chapter 21.

(14) The use shall not require additional off-street parking spaces for clients or customers of the home occupation. On-street parking of customers' or clients' vehicles should not create safety hazards or unusual congestion. The occupant may park one (1) commercially licensed vehicle used in the business either off or on-street overnight (refer also to section 26.1-42).

(15)The home occupation should not generate significantly greater traffic volumes than would normally be expected in a particular zoning district in which the home occupation is conducted.

(16)No home occupation shall cause an increase in the demand for city services funded from the general fund of the annual budget such as garbage collection, street cleaning, etc. that exceed the average for residences in the immediate neighborhood.

26.1-43-4. Persons with disabilities.

(a) *Procedure.* Persons with demonstrated disabilities may be permitted special consideration by the city manager or his designee. The applicant may request in writing a waiver of a portion of all of one (1) or more of the foregoing requirements. This special request shall be considered by the city manager or his designee within thirty (30) calendar days of the date the application is filed.

(b) *Notification.* A permit shall not be issued until all adjacent property owners are notified of the request by the city manager or his designee in writing by first class mail.

(c) *Objection.* If no person notified of the permit request objects in writing within ten (10) calendar days of the notice, the city manager or his designee may approve the permit without a hearing.

(d) *Appeal.* If one (1) or more persons notified of the permit objects within ten (10) calendar days of the notice, the city manager or his designee shall refer the permit to the board of zoning appeals for public hearing. Likewise, a negative determination may be appealed by the permit applicant to the board of zoning appeals for a public hearing. The board of zoning appeals shall hear and decide the determination of the city manager or his designee in accordance with section 26.1-61 of this chapter and section 15.1-495 of the Code of Virginia.

26.1-43-5. Nonconforming home occupations. A nonconforming home occupation is one which was lawfully established and maintained prior to the effective date of this section but is no longer allowed because of the application of this section or any amendment hereto.

26.1-43-6. Procedure for obtaining a home occupation permit.

(a) *Application.* Application for a home occupation permit shall be made to the city manager or his designee on a form provided by the city and shall be accompanied by the prevailing filing fee as established by city council. This request shall be considered by the city manager or his designee within thirty (30) calendar days of the date the application is filed.

(b) *Notification.* A permit shall not be issued until all adjacent property owners are notified by the city manager or his designee of the request in writing by first class mail.

(c) *Objection.* If no person notified of the permit request objects in writing within ten (10) calendar days of the notice, the city manager or his designee may approve the permit without a hearing.

(d) *Appeal.* If one (1) or more persons notified of the permit objects within ten (10) calendar days of the notice, the city manager or his designee shall refer the permit to the board of zoning appeals for public hearing. Likewise, a negative determination may be appealed by the permit applicant to the board of zoning appeals for a public hearing. The board of zoning appeals shall

hear and decide the determination of the city manager or his designee in accordance with section 26.1-61 of this chapter and section 15.1-495 of the Code of Virginia.

(e) *Scope.* In cases where the city manager or his designee considers the application not within the scope of section 26.1-43-4, the application will be denied.

(f) *Time limit.* All home occupation permits shall be valid for a period of one (1) year from the initial date of approval.

(g) *Voiding of permit.* The city manager or his designee may void any home occupation permit for noncompliance with the criteria set forth in this section. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void and said use shall be terminated.

(h) *Appeals.* The decision of the city manager or his designee concerning approval or revocation shall be final unless a written appeal is filed with the board of zoning appeals within thirty (30) calendar days of the decision. An appeal must be filed in accordance with section 26.1-61 of this chapter and section 15.1-495 of the Code of Virginia.

(i) *Inspection.* Home occupation applicants shall permit a reasonable inspection of the premises by the city manager or his designee to determine compliance with this section. Home occupations may be field-checked annually by city staff to determine compliance.

(j) Home occupation permits may be renewed annually provided there have not been any violations of the provisions of this chapter. Requests for renewals shall be submitted to the city manager or his designee in writing, accompanied by the prevailing renewal fee, as established by city council resolution, one (1) month prior to the expiration of the permit.

Sec. 26.1-44. - Manufactured homes.

26.1-44-1. Emergency manufactured homes.

The city manager or his designee may authorize the emergency use of a manufactured home in the following situations:

(a) Where the building official has certified to the city manager or his designee that the permanent dwelling on the lot has been lost or destroyed by fire, flood, or act of God and is, as a result, uninhabitable. An emergency manufactured home may be authorized in the A residence, B residence, or local business zones, subject to the following limitations:

(1) The manufactured home shall be occupied solely by the family who inhabited the uninhabitable dwelling and shall be situated on the same lot.

(2) The manufactured home shall be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete, but in no case longer than twelve (12) months. A one-time extension for up to twelve (12) additional months may be authorized by the city manager or his designee if substantial construction has occurred during the first twelve-month period.

(3) The manufactured home shall meet the setback and yard requirements of the district in which it is located.

(4) The manufactured home shall be anchored and stabilized in accordance with the provisions of the Virginia Uniform Statewide Building Code.

(b) Where the President of the United States has declared a federal disaster, the city manager may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their regular home. In such cases, all zoning and building code requirements shall be waived, in favor of FEMA standards. The period for temporary placement of manufactured homes shall be twelve (12) months, unless FEMA authorizes an extension of an additional twelve (12) months. Placement beyond twenty-four (24) months may be permitted to provide decent, safe and sanitary housing upon favorable review by the board of zoning appeals in accordance with section 26.1-61 of this chapter and section 15.1-495 of the Code of Virginia.

Sec. 26.1-45. - Mobile homes and trailer mobile homes.

For a mobile home or trailer mobile home as defined by section 26.1-10, the following provisions shall apply:

(1) The city recognizes that the Manufactured Home Construction Safety Standards, promulgated by the U.S. Department of Housing and Urban Development, are quality standards that assure a safe and decent unit for living purposes and that prior to June 15, 1976, no equivalent standards existed. Accordingly, it is the intent of this section to prohibit additional mobile homes and trailer mobile homes within the city, after the effective date of this subsection.

(2) The city further recognizes that prior to the enactment of this section, certain mobile homes and trailer mobile homes existed within the city. These homes may continue to exist if located in a trailer court established before the effective date of this section. If these homes are not already located in a trailer court, they may be transferred to a trailer court conforming as a result of the enactment of this section. The transfer of a mobile home or trailer mobile home to a trailer court must occur within twelve (12) months from the date this section is enacted. No mobile homes or trailer mobile homes that are located outside of the city prior to the enactment of this section shall be permitted to be transferred into a trailer court located within the corporate limits. No mobile homes or trailer mobile homes may be transferred to a manufactured home park established after the effective date of this subsection.

(3) Nonconforming mobile homes or trailer mobile homes are subject to discontinuance in accordance with section 26.1-51

Sec. 26.1-46. - Industrialized office buildings.

(a) Industrialized office buildings shall be permitted as specified in the district regulations and subject to the standards and conditions of this section.

(1) No industrialized office building below the minimum size of three hundred twenty (320) square feet of gross floor area shall be allowed;

(2) The industrialized office building shall have the tow assembly and wheels removed and be mounted on, and anchored to, a permanent foundation in accordance with the Virginia Uniform Statewide Building Code;

(3) The industrialized office building must be covered with an exterior material customarily used on conventional site built structures to the satisfaction of the city manager or his designee. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
(4) The roof must be constructed of shingles or other materials customarily used for conventional site built structures to the satisfaction of the city manager or his designee. The roof must be pitched to the satisfaction of the city manager or his designee.

Sec. 26.1-47. - Industrialized office buildings for temporary use.

(a) Industrialized office buildings for temporary use shall be permitted as specified in the district regulations and subject to the standards and conditions of this section.
(1) The industrialized office building for temporary use shall not be placed on the site for more than six (6) consecutive months in any one-year period.
(2) The industrialized office building for temporary use must be anchored in accordance with the Virginia Uniform Statewide Building Code.
(3) This section shall not apply to construction offices that accompany on-going development activities.

Sec. 26.1-48. - Telecommunication towers and structures regulations

The purpose of this article is to establish guidelines for the citing of wireless, cellular, television and radio telecommunications towers and antennas. The goals of this article are:

(1) To limit the location of towers to nonresidential areas;
(2) To minimize the number of towers in the community to those necessary to provide adequate service to the users within the City of Norton;
(3) To encourage the joint use of new and existing tower sites among service providers;
(4) To locate towers in areas where adverse impacts on the community are minimized.

26.1-48-1. Applicability. These standards shall apply to all new and replacement towers and antennas within the City of Norton that exceed one hundred twenty-five (125) feet in height. Towers that are one hundred twenty-five (125) feet or less are regulated in the current city zoning ordinance as adopted on June 1, 1993.

26.1-48-2. Exemptions.

(a) Local, state, and federal government facilities and structures including private structures proposed for placement on governmentally owned property.
(b) Towers and antennas that are one hundred twenty-five (125) feet or less in height.

26.1-48-3. Principal and accessory use. A tower and/or antenna is considered a principal or primary use if located on any lot of land as the sole structure, and is considered an accessory use if located on a lot which is shared with a different existing primary use or existing structure. An existing use or structure on

the same lot shall not preclude the installation of towers or antennas on such lot. For purposes of determining whether the installation of a tower or antenna complies with the district regulations, the dimensions of the entire lot shall control. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

26.1-48-4. Co-location.

(a) In addition to all applicable building and safety codes, all towers shall be designed to accommodate the co-location of wireless cellular communications antennas according to the following:
  (1) Towers one hundred fifty (150) feet or less in height, the structure and fenced compound shall be designed to accommodate at least four (4) providers.
  (2) Towers that exceed one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least six (6) providers when completed to its maximum allowable height.

(b) No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the City of Norton that no existing tower can accommodate the applicant's proposed antenna. Factors to be included in making the determination of whether or not co-location is viable include the following:
  (1) That no existing towers are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
  (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
  (4) That the applicant's proposed antenna would cause interference with the antenna(s) on the existing towers or structures, or vice versa.
  (5) That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  (6) That the applicant adequately demonstrates that there are other limiting factors that render the existing towers and structures unsuitable.

26.1-48-5. Aesthetics.

(a) Towers and/or antennas may be required, subject to any applicable standards of the FAA, to be painted a neutral color so as to reduce visual obtrusiveness.
(b) At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
(c) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.
(d) No signage or other identifying markings of a commercial nature, except those manufacturers markings and/or signage on the tower or tower equipment, shall be permitted upon any tower.

(e) Existing mature tree growth and natural land forms around the site shall be preserved to the maximum extent possible.
(f) Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the tower compound.
(g) No tower shall be permitted on any lot or parcel of land, regardless of the zoning, on the south side of U.S. Route 23. This provision is intended to preserve and protect the view shed of the Flag Rock Recreational Area and the Jefferson National Forest.

26.1-48-6. Setbacks, separation, and fencing.

(a) Towers shall be set back a distance equal to one-third (1/3) of the height of the tower from its center to any public right-of-way or property line of the lot containing the tower.
(b) Towers must be located a minimum distance of two (2) times the height of the tower from any residentially zoned property.
(c) All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall be constructed of chain link, wood, or other approved alternative.

26.1-48-7. Federal requirements, building code compliance.

(a) All towers and antennas must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate these items.
(b) To insure the structural integrity of the towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

26.1-48-8. Permitted uses. If it is adequately demonstrated that co-location is not possible for a given geographic placement area, the following uses are permitted:

Constructing a new tower, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the following zoning districts:

(M-1) Light industrial zone.

(M-2) Heavy industrial zone.

26.1-48-9. Uses permissible on appeal. If it is adequately demonstrated that co-location is not possible for a given geographic placement area, the following uses are permissible on appeal:

Constructing a new tower, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the following zoning district:

(B-3) General business zone.

26.1-48-10. Prohibited zones. The placement of towers and antennas as described in this article is prohibited in any residential zone, the central business zone, and the local business zone.

26.1-48-11. Removal of abandoned towers and antennas. Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such tower or antenna shall remove the same within ninety (90) days of receipt of the notice from the zoning administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all fence and fence footers, underground cables, and supporting buildings and structures.

26.1-48-12. Change of ownership. Upon the transfer of ownership of any tower, the tower owner shall notify the City of Norton of the transaction in writing within thirty (30) days.

26.1-48-13. Exceptions—Stealth towers. Stealth towers shall be considered a permitted use in the (M1) light industrial zone and the (M2) heavy industrial zone. Stealth towers shall be considered a use permissible on appeal in all other city zoning districts except those zones located on the south side of U.S. Route 23.

In considering stealth tower requests as a use permissible on appeal, the board of appeals will consider the size of the tower, the exact "stealth" application, and the concerns expressed, if any, of citizens and/or businesses within the requested area of use. In addition the board of appeals will consider any impairment to scenic views and visual quality in making their decision.

26.1-48-14. Definitions.

Antenna. Any exterior apparatus designed for wireless cellular telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Height. The distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Stealth tower. A tower or antenna camouflaged in such a way as to minimize its visibility.

Tower. Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmissions towers, microwave towers, wireless cellular communications towers, and other similar structures.

Secs. 26.1-49—26.1-50. - Reserved

ARTICLE VI. - NONCONFORMITIES

Sec. 26.1-51. - Nonconformities generally.

(a) Types.
  (1) *Nonconforming use.* The otherwise legal use of a building, structure, mobile home, trailer mobile home, trailer court or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.
  (2) *Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the zone in which it is located either at the effective date of this chapter or as a result of subsequent amendments to the chapter.
  (3) *Nonconforming structure.* An otherwise legal building, structure, mobile home or trailer mobile home that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

26.1-51-1. Nonconforming use defined. The term nonconforming use shall mean any use, lot or structure that was lawful on the date of enactment of this chapter, or amendment thereto, which has been continued although otherwise rendered unlawful by such enactment or amendment. Any use, lot or structure that was unlawful on the date of enactment of this chapter, or amendment thereto, shall remain unlawful and shall not be a nonconforming use.

26.1-51-2. Rights adhere to the land. The nonconforming status of any nonconforming use shall adhere solely to the use of the land, and not to the owner, tenant, or other holder of any legal title to the property or the right to make use thereof.

26.1-51-3. Accessory uses.

(a) A use that is accessory or incidental to a permitted principal use cannot be made the basis for a nonconforming principal use.
(b) No use, including signage, accessory to a principal nonconforming use shall continue after such principal use ceases or terminates, except as may be approved under section 26.1-51-7.

26.1-51-4. Continuation of nonconforming uses. A nonconforming use may continue as it existed when it became nonconforming. A nonconforming use shall not be changed, altered, repaired, restored, replaced, relocated or expanded in any manner, including the addition of new accessory or incidental uses, except as provided for in this article.

26.1-51-5. Discontinuance or abandonment of a nonconforming use.

(a) If any nonconforming use is discontinued for a continuous period of two (2) years or more, except for provisions of section 26.1-51-8, or is changed to or replaced by a conforming use, it shall lose its nonconforming status, and any further use shall conform to the provisions of this chapter.

(b) Operation of only an accessory or incidental use to the principal nonconforming use during the two-year period shall not operate to continue the principal nonconforming use.

26.1-51-6. Permitted changes of nonconforming uses. A nonconforming use may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provisions of this section, and subject to the appropriate approvals, including building permits approval and zoning approval as required by section 26.1-53-1 of this chapter.

(a) A nonconforming use may change to a conforming use.
(b) A nonconforming use may change to a more restricted nonconforming use, as set forth in section 26.1-51-7 of this chapter. Nonconforming signage must change in accordance with section 21-3.1 of the City of Norton Code—Signs.
(c) A nonconforming use may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming. Unsafe nonconforming uses such as underground fuel storage tanks, private sewage disposal systems, and parking lots may be restored or replaced. Nonconforming signage may be repaired in accordance with section 21-3.1 of the City of Norton Code—Signs.
(d) A nonconforming use damaged by casualty (as distinguished from ordinary wear and tear) may be restored in accordance with the provisions of section 26.1-51-8 of this chapter.
(e) Minor alterations, cosmetic modifications, interior renovations and similar non-structural changes for nonconforming uses may be permitted subject to the following standards:
    (1) Such changes shall not increase the land area occupied by any aspect of the nonconforming use, and shall not increase the gross floor area of any nonconforming structure; and,
    (2) Such construction shall meet all current zoning chapter requirements for the zoning district in which the nonconforming use is located.
(f) A nonconforming use may expand only in accordance with the provisions of section 26.1-51-9 of this chapter.
(g) No structure used as a part of a nonconforming use shall be moved to any other lot or within the lot on which it exists unless such lot is properly zoned to permit the use.

26.1-51-7. Change of a nonconforming use to a more restricted nonconforming use.

(a) A nonconforming use may change to a more restricted nonconforming use, upon issuance by the city manager or his designee of a written approval for such a change. The approval shall include a determination that the proposed use is more restricted than the existing nonconforming use. If the city manager or his designee determines the proposed use is not more restricted than the existing nonconforming use, the application shall be denied. An appeal from such a determination may be forwarded to the board of zoning appeals as provided by section 26.1-61 of this chapter and section 15.2-2309 of the Code of Virginia.
(b) In determining whether a proposed use is a more restricted nonconforming use, the following factors, among others, shall be considered:
    (1) Whether the proposed use will change the size, type and scope of the existing use; and

(2) Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, noise, and similar visual impacts; and
(3) Whether the proposed use will have a more or less detrimental effect on conforming uses in the neighborhood.

(c) Upon the issuance of an approval to change to a more restricted nonconforming use, the procedures, as set forth in section 26.1-53-1 of this chapter, shall be followed.

26.1-51-8. Restoration of a nonconforming use damaged by casualty.

(a) A nonconforming use that is damaged by any casualty to an extent less than fifty (50) percent of its assessed value at the time of the casualty according to the records maintained by the commissioner of revenue, exclusive of foundations, may be restored to its condition prior to the casualty, provided such restoration is begun within twelve (12) months of the date of the casualty and completed within twenty-four (24) months of the date of the casualty.
(b) Such restoration shall not include any minor alterations, cosmetic modifications, interior renovations or similar changes unless approved under the provisions of section 26.1-51-6(e) of this chapter, nor shall such restoration include any expansion unless approved under the provisions of section 26.1-51-9 of this chapter. Such restoration may include changes that make the use less nonconforming than it was prior to the casualty.
(c) A nonconforming use that is damaged by any casualty to an extent more than fifty (50) percent of its assessed value at the time of the casualty according to the records maintained by the commissioner of revenue, exclusive of foundations, shall not be restored except as follows:
(1) As a conforming use.
(2) If the use is as a single-family detached or attached dwelling, restoration shall be permitted, provided such restoration is begun within twelve (12) months of the date of the casualty and completed within twenty-four (24) months of the date of the casualty, so as to occupy the same space that it occupied prior to such destruction or damage. In no instance shall such structure be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work.
(d) For all structures restoration of a nonconforming structure shall require approval as set forth in section 26.1-53-1 of this chapter.

26.1-51-9. Expansion of nonconforming uses. A nonconforming use occupying an existing structure may expand only in accordance with the following provisions:

(a) An existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in accordance with section 26.1-51-8, above or by changing the use of the structure to a use permitted in the district in which it is located.
(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this chapter or amendment thereto, provided that current off-street parking standards shall be adhered to upon such extension, but such use shall not be extended to occupy any land outside such building, except as provided for above and in paragraph (d) below.

(c) Nonconforming structures occupied by, or used as a part of, a conforming use may be expanded, provided any expansion meets all current zoning regulations including off-street parking requirements for the zoning district in which the structure is located.
(d) New or expanded structures and uses such as sheds, garages, swimming pools, the keeping of animals and outside storage accessory to nonconforming detached or attached single-family dwellings, may be permitted subject to the provisions of section 26.1-40 of this chapter.

26.1-51-10. Use of nonconforming lots.

(a) Any unimproved lot of record, located in any zone, that is nonconforming as to the lot area or lot width, or lot depth, or combination thereof, required in the zoning district in which the lot is located may be used for any permitted use or use permitted on appeal in such zoning district, provided all other standards of the zoning district are met.
(b) Nonconforming lots may change as follows:
    (1) A nonconforming lot may be increased in lot size, lot width, or both, to make the lot less nonconforming.
    (2) The boundaries of a lot that is nonconforming as to lot size or lot width, or both, may be adjusted along with the boundaries of any contiguous conforming lot, provided such adjustment does not make the lot more nonconforming. A boundary adjustment between two (2) nonconforming lots, or among three (3) or more nonconforming lots, shall be permitted provided that no new lot is created, and that lot width along the front setback line is not decreased to less than the minimum required within the respective zoning district as set for in this chapter.
    (3) When a nonconforming lot is changed as set forth in subsections (a) and (b), and when two (2) or more nonconforming lots are assembled to create a conforming lot, a plat of subdivision shall first be filed and approved in accordance with law.

26.1-51-11. Junkyards and automobile wrecking yards. Notwithstanding any other provision of this chapter, all nonconforming junkyards and automobile wrecking yards, as defined in section 26.1-10 shall maintain a twenty-foot setback from all property lines, and shall be screened from the view of the first story window of any abutting dwelling located in a residential or local business zone.

26.1-51-12. Mobile homes, trailer mobile homes and trailer courts.

(a) The city recognizes that prior to the enactment of this section certain mobile homes and trailer mobile homes existed within the city. These homes may continue to exist if located in a trailer court established before the effective date of this section. If these homes are not already located in a trailer court, they may be transferred to a trailer court from a site within the city where the home has become nonconforming as a result of the enactment of this section. The transfer of a mobile home or trailer mobile home to a trailer court must occur within twelve (12) months from the date this section is enacted. No mobile homes or trailer mobile homes that are located outside of the city prior to the enactment of this section shall be permitted to be transferred into a trailer court located within the corporate limits. No mobile homes or trailer

mobile homes may be transferred to a manufactured home park established after the effective date of this section.

(b) Any mobile home or trailer mobile home remaining outside of a trailer court after the expiration of the twelve-month transfer period defined in subsection (a) above shall, upon enactment of this section, be nonconforming and consequently subject to discontinuance, in accordance with section 26.1-51

(c) With the exception of the transfer opportunity defined in subsections (a) and (b) above, no mobile home or trailer mobile home may be replaced by another mobile home or trailer mobile home.

(d) For purposes of determining whether a right to continue a nonconforming trailer court is lost pursuant to this section, all of the manufactured homes, mobile homes, trailer mobile homes, operations and activities maintained within a trailer court are generally considered as a whole. For example, the failure to lease one manufactured home, mobile home or trailer mobile home site for two (2) years shall not result in a loss of right to rent that space so long as the trailer court as a whole is continuously operated.

(e) To avoid undue hardship, nothing in this section shall be deemed to require a trailer court that has operated continuously as a whole prior to the enactment of this section to conform to the requirements contained within section 26.1-13-2(c)(3).

ARTICLE VII. - ADMINISTRATION AND ENFORCEMENT

Sec. 26.1-52. - Amendments.

26.1-52-1. Planning commission—Powers and duties generally. The city council does hereby adopt, assume and place into effect for the city the powers, limitations and procedures with reference to its planning commission as set forth in §§ 15.2-2212 to 15.2-2222 of the Code of Virginia.

26.1-52.2. Applications

(a) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the City may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:

(1) Resolution of the City Council, or;
(2) Motion of the Planning Commission, or;
(3) Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the proposed zoning map amendment.

Any petition submitted shall be in writing and shall be addressed to City Council.

(b) The Administrator shall establish and maintain the amendment application materials. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. These application materials shall, at a minimum, include any information the Administrator deems necessary for the Planning Commission and City Council to adequately evaluate the amendment request. In the event that approval of a feature or features of the application for zoning amendment by a state

agency is necessary, the Administrator shall forward the zoning amendment application within ten (10) business days of receipt of a completed application to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of Code of Virginia 15.2-2222.1. The application for rezoning shall not be referred to the planning commission until the review by the state agency or agencies is complete.

(c) The Administrator shall not accept any amendment application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the Board of Zoning Appeals. If a variance is granted, the Administrator shall thereafter accept the amendment application for the consideration of the Commission and Board.

(d) If the Council denies any amendment application submitted for its review, or the application is withdrawn after Council consideration, the City shall not consider substantially the same application for the same property within one (1) year of the Council action. The Administrator shall have the authority to determine whether new applications submitted within this one-year period are substantially the same. In making any such determination the Administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.

(e) Prior to the initiation of an application for a special exception, variance, rezoning, or other land use permit, or prior to the issuance of final approval, the applicant shall produce satisfactory evidence that any delinquent real estate taxes owed, which have been properly assessed against the subject property, have been paid.

26.1-52.3. Commission study and action.

(a) All proposed amendments to the Zoning Ordinance shall be referred by the City Council to the Planning Commission for study and recommendation. The Commission shall study proposals to determine:

(1) Whether the proposed amendment conforms to the general guidelines and policies contained in the Town comprehensive plan.

(2) The relationship of the proposed amendment to the purposes of the general planning program of the City, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.

(3) The need and justification for the change.

(4) When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.

(b) Prior to making any recommendation to the City Council on a proposed amendment to the Zoning Ordinance, the Commission shall advertise and hold a public hearing in accord with the provisions of Code of Virginia § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant.

(c) The Commission shall review the proposed amendment and report its findings and recommendations to the City Council along with any appropriate explanatory materials within one hundred (100) days after the first Planning Commission meeting after the proposed Zoning Ordinance amendment is referred to the Commission. Failure of the Commission to

report to the City Council shall be deemed a recommendation of approval. If the Commission does not report within the prescribed time, the Council may act on the amendment without the recommendation of the Commission.

(d) Any recommendation of the Commission shall be deemed advisory, and shall not be binding on the City.

26.1-52.4. Council study and action.

(a) Before enacting any proposed amendment to the Zoning Ordinance, the City Council shall hold a public hearing as required by [Code of Virginia] § 15.2-2204, with public notice as required by Code of Virginia §§ 15.2-2204 and 15.2-2285, as amended. The City Council may hold a joint public hearing with the Planning Commission. The cost of all public advertisements shall be the responsibility of the applicant. After holding this hearing, the City Council may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by [Code of Virginia] § 15.2-2204.

(b) The City Clerk shall transmit to the Administrator official notice of any City Council action modifying the Zoning Ordinance. The Administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the Zoning Ordinance map. The City Clerk shall have the responsibility to make any necessary and appropriate changes to the Zoning Ordinance text.

(c) Failure by the City Council to take action on the Planning Commission's recommendation within six (6) months after the Planning Commission's action or failure to act shall be considered a denial of a request.

26.1-52.5. Posting of property; requirements; exemptions.

(a) Notwithstanding any advertising requirements imposed by Virginia Code §§ 15.2-2204 and 15.2-2285, the public notice process for every proposed map amendment shall require posted public notice on the property proposed for review.

(b) At least fifteen (15) days prior to the Commission's public hearing on the pending application, the Administrator shall erect on the subject property signs indicating the change proposed, and the date, time, and place of the public hearing. Failure to do so shall result in the cancellation or continuation of the scheduled public hearing. The applicant shall be responsible for all advertising costs associated with the public hearing, including a one hundred dollar ($100.00) posting fee. Alternatively, the applicant may post the property, using signs provided by the Zoning Administrator, and not be subject to the posting fee.

(c) The Administrator shall determine the number of signs required; however, there shall be at least one (1) sign posted along each public right-of-way abutting the property. At least one (1) sign shall be posted every three hundred (300) feet along any single right-of-way. All signs must be clearly visible from the adjacent right-of-way. For properties that lack any public right-of-way, all required signs shall be posted along at least two (2) property lines, as determined by the Administrator.

(d) The applicant shall have the responsibility to determine and provide the structural elements necessary to erect the sign on the property.

(e) All public hearing signs posted shall be removed from the property by the applicant within two (2) days after the Commission's public hearing.

(f) The following exemptions shall apply to the provisions of this Section:

(1) The posting of property shall not be required for any action initiated by a resolution of the Council if the action encompasses more than twenty-six (26) parcels of land.

The temporary absence of any posted sign, due to vandalism or climatic conditions, shall not violate the intent of this Section or invalidate any action by the Commission or the Council.

Sec. 26.1-53. - Enforcement.

26.1-53-1. Enforcement of chapter; building permits; certificates of occupancy.

(a) This chapter shall be enforced by the city building inspector. No land or structure shall be changed in use and no structure shall be erected, altered or moved until the inspector has issued a building permit and structures are in conformity with this chapter. No land or structure hereafter erected, moved or altered in its use shall be used until the building inspector has issued a certificate of occupancy stating that such land or structure is found to be in conformity with the provisions of this chapter.

(b) All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the city building inspector showing, with dimensions, the lot lines, the building, the location of buildings on the, lot and such other information as may be necessary to provide for the enforcement of this chapter, including if necessary a boundary survey and a staking of the lot by a competent surveyor and complete construction plans if these are required for a proper decision on an application. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the city building inspector and a duplicate copy shall be kept at the building site at all times during construction.

(c) Any person granted permission to locate a manufactured home on a single lot will be required to purchase a building permit based on fair market value of the manufactured home at the time of the application. The manufactured home and necessary utility connections to serve the same must be inspected by the building official and meet minimum building, plumbing, electrical, fire and any other applicable codes as required by the city.

26.1-53-2. Penalty for violation. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof before the civil and police justice of the city, shall be fined not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00) if the offense is not willful, and in every case one hundred dollars ($100.00) for each day after the first day that such violation continues.

26.1-53-3. Restraining, etc., violations of chapter. Any violation or attempted violation of this chapter, or of any regulation adopted hereunder, may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding.

26.1-53-4. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Norton to be a public nuisance and

abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

State law reference— Similar provisions, Code of Virginia, 15.2-2286,15.2-2208,15.2-2209

Secs. 26.1-54—26.1-60. - Reserved.

ARTICLE VIII. - BOARD OF ZONING APPEALS

Sec. 26.1-61. - Board of zoning appeals generally.

(a)*Establishment.*

(1) The board of zoning appeals consisting of five (5) members who are residents of the city, and pursuant to § 15.2-2308 of the Code of Virginia, shall continue as appointed by the circuit court of the city. The board shall serve without pay. Appointments for vacancies occurring otherwise than by expiration of term shall, in all cases, be for the unexpired term. Members may be reappointed to succeed themselves. The board secretary shall notify the court at least thirty (30) days in advance of the expiration of any term and shall also notify the court if a vacancy occurs.
(2) The term of office shall be for five (5) years; except that original appointments shall be made for such terms that the term of one (1) member shall expire each year. One (1) of the five (5) appointed members may be an active member of the planning commission.
(3) Any board member may be removed for malfeasance in office or for other just cause by the court which appointed him after hearing held after at least fifteen (15) days' notice.
(4) 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 an interest.
(5) The board shall choose annually its own chairman and, in his absence, an acting chairman; the city zoning administrator shall act as the secretary of the board. These officers may succeed themselves.

(b) *Meetings.*

(1) The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
(2) The meetings of the board shall be held at the call of its chairman and at such times as the board may determine.
(3) The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
(4) All meetings of the board shall be open to the public.
(5) 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.
(6) A quorum shall be at least three (3) members.

(7) A favorable vote of three (3) 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.

(c) *Powers and duties.*

(1) *Administrative appeal.* To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto. No such appeal shall be heard except after notice and hearing as provided by § 15.2-2204 of the Code of Virginia.

(2) *Variance.*

a. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of this chapter shall be observed and substantial justice done, as follows:

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 this chapter, or where by reason of exceptional topographic conditions 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 this chapter would effectively prohibit or unreasonably restrict the use of the property or where the board if 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 this chapter.

b. No such variance shall be authorized by the board unless it finds:
   1. That the strict application of this chapter would produce undue hardship.
   2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
   3. That the authorization of such variance will not be substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

c. No such variance shall be authorized except after notice and hearing as required by § 15.2-2204 of the Code of Virginia.

d. 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 this chapter.

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

(3) *Variances: Factors to be considered for floodplain management.* Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases 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.

While the granting of variances generally is limited to a lot size less than one-half (½) acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half (½) acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning 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 historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted 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.

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.

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 increases 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.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing and signed by the building official, 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) will result in increased premium rates for flood insurance.

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 that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(4) *Special exception (use permissible on appeal).*

a. To hear and decide upon applications for such special exceptions (uses permissible on appeal) as may be specifically authorized by the City of Norton Zoning Chapter. Applications for special exceptions (uses permissible on appeal) may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the city manager or his designee in accordance with the rules adopted by the board. The board may impose such conditions regarding the location, character and other features of the proposed structure of use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the

conditions imposed are being and will continue to be complied with. No such special exception (use permissible on appeal) will be granted except after notice and hearing as provided by § 15.1-431 of the Code of Virginia.

b. Prior to making a decision on any special exception (use permissible on appeal), the board shall request, receive and consider a report thereon from the planning commission. The report shall state, among other things as the commission may decide, the effect, if any, of the application upon the policies and directives contained in the city's adopted comprehensive plan.

c. If an application for a special exception is denied by the board, no application shall be considered by the board of zoning appeals within one (1) year of the final action of the board upon a prior application covering any of the same lot, parcel or portion thereof.

(5) *Interpretation of district boundaries.* To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by § 15.2-2204 of the Code of Virginia, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by ordinance.

(d) *Procedural requirements.*

(1) An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision, or from any order, requirement, decision or determination made by any administrative officer in the administration or enforcement of this chapter or any ordinance adopted pursuant thereto. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the city manager or his designee, and with the board, a notice of appeal specifying the grounds thereof. The city manager or his designee shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the city manager or his designee 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 city manager or his designee and for good cause shown.

(2) The board shall fix a reasonable time for the hearing of an application or appeal, give notice thereof as well as due notice to the parties in interest and decide the same within ninety (90) days.

(3) In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any special exception

(use permissible on appeal) or variance from this chapter. The board shall keep minutes of its proceedings and other public official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(4) Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of this chapter, by suit filed within fifteen (15) days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

(e) *Court appeal.*

(1) Any person 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 city, may present to the circuit or corporation court of the city a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

(2) 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.

(3) 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 other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) If, upon the hearing, it shall appear to the court that testimony is necessary for their 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.

(5) 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. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

ARTICLE IX. - CONDITIONAL ZONING

Sec. 26.1-71. - Purpose.

Where competing and incompatible uses conflict, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize and compensate for effects of change. It is the purpose of this section to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zoning ordinance district regulations are not adequate. In order to do so, this section shall provide a zoning method as authorized under §15.2-2296, Code of Virginia 1950, as amended, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though said conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner or operation.

Sec. 26.1-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator shall mean the Zoning Administrator of the City of Norton.

Proffered conditions shall mean voluntarily offered conditions, and shall include written statements, development plans, profiles, elevations, and/or other demonstrative materials.

Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 26.1-73. - Proffer in writing.

As a part of a petition for rezoning or amendment of the zoning district map, the owner or owners of the property may, at the time of filing the petition or by such later date as the planning commission shall establish in its rules and regulations, but in any event before the planning commission makes its recommendation to the city council, voluntarily proffer in writing such reasonable conditions, in addition to the regulations provided for the zoning district or districts as herein set forth, as he deems appropriate for the particular case; provided that:

(1) The rezoning itself must give rise for the need for the conditions;
(2) Such conditions shall have a reasonable relation to the rezoning;
(3) Such conditions shall not include a cash contribution to the city;

(4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the subdivision ordinance;
(5) Such conditions shall not include payment for or construction of off-site improvements except those provided for in the subdivision ordinance;
(6) No condition shall be proffered that is not related development or physical operation of the property;
(7) All such conditions shall be in conformity with the comprehensive plan;
(8) The provisions of this section shall not be used for the discrimination in housing; and
(9) The provisions of this section shall not allow any rezoning to be performed which would not otherwise be allowed under this chapter.

Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner or owners of the subject property: "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."

Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Sec. 26.1-74. - Review and revision of proffered conditions.

Additional conditions or modified conditions may be proffered in writing by the applicant not less than twenty-one (21) days prior to the time at which the planning commission makes recommendation to the city council, unless the planning commission:

(1) Specifically waives such time period; and
(2) Specifically establishes such greater or lesser time period as it deems reasonable.

Should additional conditions be proffered by the applicant at the time of the public hearing before the city council, which conditions were not addressed at the public hearing before the planning commission, or if the proffered conditions are modified beyond the scope of any conditions considered at the public hearing before the planning commission, the application shall be the subject of a second public hearing before both the planning commission and the city council, which hearing may be either separately or jointly held.

Sec. 26.1-75. - Annotation of zoning district map.

The zoning district map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. Such

conditions shall become a part of the zoning regulations applicable to the property in question, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning district map, and such conditions shall be in addition to the specific regulations set forth in this article for the zoning district in question.

Sec. 26.1-76. - Enforcement of conditions.

The administrator shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to such rezoning or amendment to the zoning district map, including: (a) the ordering in writing of the remedy of any noncompliance with such conditions; (b) the bringing of legal action to insure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and (c) requiring a guarantee, satisfactory to the city council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the city council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Provided, further, that failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

Sec. 26.1-77. - Conformity of development plans.

Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any city official in the absence of said substantial conformity.

Sec. 26.1-78. - Change of approved conditions.

Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. If the amendment concerns an approved site plan, such application shall include the submission requirements for a site plan set forth in this chapter, except that the zoning administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the site plan amendment application. Such amendment shall be the subject of public hearing on accordance with the requirements for a new application.

Sec. 26.1-79. - Review of the administrator's decision.

Any zoning applicant who is aggrieved by the decision of the administrator pursuant to the provisions of section 26.1-76 above may petition the city council for the review of the decision of the administrator.

Sec. 26.1-80. - Reconsideration, one year limitation.

Whenever a petition requesting an amendment, supplement, or change has been denied by the city council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial

Sec. 26.1-81. - Relation to other laws.

The provisions contained in this section shall be considered separate from, supplemental to, and additional to the provisions contained elsewhere in this chapter or elsewhere in the Code of the City of Norton. Nothing contained in this section shall be construed as excusing compliance with all other applicable provisions of this chapter or the Code of the City of Norton.

Secs. 26.1-62—26.1-70. - Reserved.

December 15, 2015

NOTICE OF PUBLIC HEARING

The City Council of the City of Norton, Virginia will hold a public hearing on Tuesday, January 5, 2015 at 6:00 p.m. in the Municipal Council Chambers located at 618 Virginia Avenue, N.W., Norton, Virginia. The purpose of the hearing is to consider financial encumbrances for the year ended June 30, 2015 in the amount of $372,893 for the General Operating Fund. A detailed listing of the encumbrances will be available for inspection Monday through Friday between 8:30 A.M. and 5:00 P.M. in the City Manager's Office or available at www.nortonva.gov. All attendance and comments at the meeting are encouraged and welcome.

Fred L. Ramey, Jr.

City Manager

This institution is an equal opportunity provider and employer.

TO THE COALFIELD:

Please run in the Friday, December 18th and the Tuesday, December 29th editions of the Coalfield.

SCHOOL BOARD
Sherry Adams, Chairperson
Mark Leonard, Vice-Chairperson
Carol Caruso
April Fletcher
Joseph Stallard

NORTON CITY SCHOOLS
Providing a World Class Education for World Changing Students

DIVISION SUPERINTENDENT
Keith Perrigan, Ed.D.
kperrigan@nortoncityschools.org
Phone 276.679.2330
Fax 276.679.4315

December 15, 2015

Mr. Fred L. Ramey, Jr.
City Manager
618 Virginia Ave., NW
Norton, VA 24273

Re: 2015-2016 Supplemental Appropriation Request

Mr. Ramey:

The Norton City School Board requests a supplemental appropriation in the following amounts:

Fund 001-General Operating Fund	
2014-2015 audited surplus -	$153,992
($30,992 in local revenue and $123,000 state revenue, with $37,131 in encumbrances)	
State funding of Security Grant	$76,025
Additional Erate funding	$91,960
Region 7 Consortium payments	$81,500
Additional Title I funding	$55,414
Math and Science Grant	$19,505
Total supplemental appropriation request General Operating Fund	**$478,396**
($30,992 in local funding)	
Fund 006 - Textbook Fund	
Ending Balance, June 30, 2015	$26,518
Total supplemental appropriation request Textbook Fund	**$26,518**
Fund 008 – Retiree Health Fund	
Ending Balance, June 30, 2015	$83,124
Retiree payments	$60,060
Total supplemental appropriation request Retiree Health Fund	**$143,184**
Total supplemental appropriation request all funds	**$648,098**

Please contact me if additional information is needed.

Sincerely,

Keith Perrigan, Ed.D.
Superintendent

92

.1-30-2015

Norton Industrial Development Authority $122,004.25
November 2015 Draw Request

4-001-081000-5604

V-496

138350

CITY OF NORTON
GENERAL OPERATING FUND
NORTON, VA 24273

THE FIRST BANK & TRUST
NORTON, VA

68-446 514
10

********One Hundred Twenty-Two Thousand Four Dollars and Twenty-Five Cents**********

PAY TO THE ORDER OF:

Norton Industrial Develpment Authority

DATE	AMOUNT
11-30-2015	$122,004.25

AUTHORIZED SIGNATURE

Details on Back. Security Features Included

⑈138350⑈ ⑆051404464⑆ 10000234 6⑈