

TOWN OF NARROWS

ZONING ORDINANCE

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CHAPTER 17

TOWN OF NARROWS ZONING ORDINANCE

AN ORDINANCE REPEALING CHAPTER 17, ZONING, AND CHAPTER 15, TRAILERS AND TRAILER PARKS OF THE CODE OF LAWS OF THE TOWN OF NARROWS, VIRGINIA, AND RE-ENACTING THE SAME AS SECTIONS 17-100 THROUGH 17-1200, FOR THE SUPPORT OF PROMOTING THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC.

ARTICLE 17-100 AUTHORITY AND ENACTMENT

SECTION 17-101 AUTHORITY TO ESTABLISH ZONING

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.1 Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia (1950) as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem suited to carry out the purpose of zoning, and in each district it may regulate the following:

- 17-101.01 The use of land, building, structures and other premises for agricultural, business, industrial, residential, flood plain, and other specific uses;
- 17-101.02 The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- 17-101.03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
- 17-101.04 The excavation or mining of soil or other natural resources.

Sec. 15.1-486

SECTION 17-102 ENACTMENT

Therefore, be it ordained by the Council of the Town of Narrows, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.1, Chapter 11, Article 8 of the Code of Virginia (1950) as amended, that the following be adopted as Chapter 17, titled "Zoning", of the Town of Narrows, Virginia.

ARTICLE 17-200

PURPOSES OF THE REGULATIONS

SECTION 17-201 PURPOSES

The Town of Narrows Planning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public, and accomplish the objectives of Section 15.1-427 of the Code of Virginia (1950) as amended, by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 7, Section 15.1-465, et. seq., of the Code of Virginia (1950) as amended, the purposes of these regulations are:

- 17-201.01 To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- 17-201.02 To reduce or prevent congestion in the public streets;
- 17-201.03 To facilitate the creation of a convenient, attractive, and harmonious community;
- 17-201.04 To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- 17-201.05 To protect against destruction of, or encroachment upon, historic areas;
- 17-201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
- 17-201.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.

Sec. 15.1-489

SECTION 17-202 NON-EXCLUSIONARY INTENT

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Narrows; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Narrows of economic, racial, religious, or ethnic groups.

ARTICLE 17-300

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

SECTION 17-301 GENERAL DEFINITIONS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied." All distances and areas refer to measurement in the horizontal plane. Any reference to this Chapter includes all amendments or supplements to the Chapter. Any reference to particular numbered sections or portions of the Code of Virginia (1950) as amended apply identically to those same sections as they may be subsequently renumbered or redesignated.

SECTION 17-302 SPECIFIC DEFINITIONS

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

- 17-302.01 **Abattoir.** A commercial slaughter house.
- 17-302.02 **Accessory Use or Building.** See Use, Accessory or Building, Accessory.
- 17-302.03 **Acreage.** A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 17-302.04 **Administrator, The.** The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the Narrows Town Council. He may serve with or without compensation as determined by the Town Council.
- 17-302.05 **Agriculture.** The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, and any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.
- 17-302.06 **Alley.** A platted service way providing a secondary means of access to abutting properties.
- 17-302.07 **Alteration.** Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

- 17-302.08 **Animal or Poultry Husbandry.** Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than five (5) dogs, cats, or other customary pet animals for non-commercial purposes.
- 17-302.09 **Animal Hospital or Clinic.** Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.
- 17-302.10 **Apartment.** A unit in a multi-family dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.
- 17-302.11 **Apartment Development.** A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 17-302.12 **Automobile Graveyard.** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.
- 17-302.13 **Automobile Service Station.** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or mechanical automobile washing.
- 17-302.14 **Basement.** A story having part but not less than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 17-302.15 **Bed and Breakfast.** A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) persons, unrelated to the owner or operator, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one (1) week in duration.
- 17-302.16 **Board.** The Board of Zoning Appeals as established under this Ordinance.
- 17-302.17 **Boarding House (Rooming House).** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 17-302.18 **Building.** Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, or property.
- 17-302.19 **Building, Accessory.** A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes without the granting of a special exception.

- 17-302.20 **Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Town of Narrows and as amended.
- 17-302.21 **Building, Height of.** The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 17-302.22 **Building Inspector.** The building official appointed by the Town Manager to administer and enforce the provisions of the Building Code, or his designated representative or agent.
- 17-302.23 **Building, Main.** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 17-302.24 **Campground.** Campground shall mean any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for camping; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation. All campgrounds shall comply with the Virginia Department of Health's "Campground Regulations".
- 17-302.24.1 **Carport, Prefabricated.** A metal prefabricated, fully assembled carport structure that is open on all sides (i.e., no walls). ¹
- 17-302.24.2 **Chicken.** A domestic fowl, *Gallus domesticus*. ²
- 17-302.25 **Child Care Center.** Any facility other than a Family Day Care Home, providing care, protection, and guidance to a group of children during only part of the day.
- 17-302.26 **Clerk.** The Clerk of the Circuit Court having jurisdiction in Giles County.
- 17-302.27 **Clinic.** A facility in which services provided by one or more physicians, dentists, or other health care providers take place on an outpatient basis.
- 17-302.27.1 **Commercial Use.** Any enterprise that requires a business license. Also, it should be compatible with the existing uses in the proximity of the district in which it is being considered.
- 17-302.28 **Commission, The.** The Town of Narrows Planning Commission.
- 17-302.29 **Community Center.** Community entertainment, recreation, or meeting place operated by a non-profit organization.
- 17-302.30 **Common Elements.** All portions of a cooperative other than the units.
- 17-302.31 **Conditional Zoning.** The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Council to accept the proffered conditions, the conditions proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.

¹ 02/17/2014: Definition added by Council action.

² 02/17/2014: Definition added by Council action.

- 17-302.32 **Condominium.** A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.
- 17-302.33 **Convenience Store.** A store designed for ease of access; which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, and magazines; and having a size which limits the volume and variety of items sold, and is utilized because single purchases may be made quickly. Gasoline, if offered for sale, is a secondary activity.
- 17-302.34 **Conversion Building.** A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 17-302.34.1 **Coop.** A building or enclosed structure that houses chickens and provides shelter from the elements and from predators.³
- 17-302.35 **Cooperative.** Real estate owned or leased by a cooperative organization.
- 17-302.36 **Cooperative Interest.** A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 17-302.37 **Cooperative Organization.** Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 17-302.38 **Cooperative Unit.** A physical portion of the cooperative designed for separate tenancy.
- 17-302.39 **Cottage Industry.** A small, non-polluting business or industry which is not located in a residence and which employs fewer than five (5) workers.
- 17-302.40 **Cul-de-Sac.** A circular turning area at the end of a dead-end street.
- 17-302.41 **Curb Grade.** The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 17-302.42 **Dairy.** A commercial establishment for the manufacture and sale of dairy products.
- 17-302.43 **Dairy Farm.** A livestock establishment where the production of milk is its primary purpose.
- 17-302.44 **Developer.** An owner of property being developed, whether or not represented by an agent.
- 17-302.45 **Development.** A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single-family or two-family residential dwelling units or buildings which are devoted to multi-family dwelling, commercial, recreational, or industrial use. The term "development " shall not be construed to include any property which will be devoted principally to agricultural production.
- 17-302.46 **District.** A section of the Town of Narrows within which the zoning regulations are uniform as referred to in the Code of Virginia, Section 15.1-486.
- 17-302.47 **Driveway.** Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.

³ 02/17/2014: Definition added by Council action.

- 17-302.48 **Dump Heap (Trash Pile).** Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 17-302.49 **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.
- 17-302.50 **Dwelling, Multi-Family.** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure.
- 17-302.51 **Dwelling, Single-Family.** A building designed for, or occupied exclusively by, one (1) family.
- 17-302.52 **Dwelling, Two-Family (Duplex).** A building designed for, or occupied exclusively by, two (2) families living independently of each other.
- 17-302.53 **Dwelling Unit.** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 17-302.54 **Easement.** A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.
- 17-302.55 **Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.
- 17-302.56 **Family Day Care Home.** Any private family home in which three (3) to nine (9) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.
- 17-302.57 **Family, Immediate Member of.** Any person who is a natural or legally defined off-spring, spouse, or parent of the owner.
- 17-302.58 **Floating Zone.** A district classification which is not "anchored" to a particular area on the initial zoning map but is available for any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.
- 17-302.59 **Flood.** A general temporary inundation of lands not normally covered by water that are used or usable by humankind. Concurrent mudslides shall be deemed to be included in this definition.

- 17-302.60 **Flood Hazard Area.** The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development's Flood Hazard Mapping or Rate Study Mapping as appropriate.
- 17-302.61 **Floodplain.** An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- 17-302.62 **Flood Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.
- 17-302.63 **Floodway.** The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood.
- 17-302.64 **Floor Area.** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 17-302.65 **Frontage.** The length of the property line of any lot or tract of land measured along a public street, road, or highway against which the land abuts.
- 17-302.66 **Garage Apartment.** A dwelling unit constructed in or above an existing private garage.
- 17-302.67 **Garage, Private.** Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.
- 17-302.68 **Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor-driven vehicles.
- 17-302.69 **Gardening.** Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 17-302.70 **Golf Course.** Any parcel of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 17-302.71 **Golf Driving Range.** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

- 17-302.72 **Governing Body.** The Town Council of Narrows, Virginia.
- 17-302.73 **Granny Cottage.** A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for family contact yet provide for the independence of the inhabitants of both units.
- 17-302.74 **Greenhouse.** A building with translucent sides which is artificially heated for the purpose of growing plants, trees and shrubs indoors.
- 17-302.75 **Group Home.** Any facility providing full-time care, maintenance, protection, and guidance to more than three (3) children separated from their parents or guardians.
- 17-302.76 **Guest Room.** A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.
- 17-302.77 **Hazardous Material.** Any chemical substance or material in a quantity or form which may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous materials include: explosives, gases (compressed, liquefied, or dissolved), flammable and combustible liquids, flammable solids or substances, oxidizing substances, poisonous and infectious substances, radioactive materials, and corrosives.
- 17-302.78 **Health/Fitness Club.** A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities requires membership in the club.
- 17-302.79 **Health Department.** The Giles County Health Department or its designated agent or representative.
- 17-302.80 **Heliport.** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- 17-302.81 **Heliport Hazard.** Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.
- 17-302.82 **Helistop.** A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- 17-302.82.1 **Hen.** A female chicken. ⁴
- 17-302.83 **Highway Engineer.** The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.
- 17-302.84 **Historical Area.** An officially designated area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. Such areas are recognized at the state, national, or local level.

⁴ 02/17/2014: Definition added by Council action.

17-302.85 **Hog Farm.** A farm where swine are raised commercially as the principal farm enterprise. 17-

302.86 **Hog Pen.** An enclosure for concentrated confinement or housing of swine.

17-302.87 **Home for Adults.** Any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

17-302.88 **Home Occupation.** An accessory use carried on by the occupant of a dwelling in connection with which there is no display, other than a than a professional name plate, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.

17-302.89 **Hospital.** An institution rendering medical, surgical, obstetrical, or convalescent care on an in-patient basis, including any institution licensed as a hospital by the State Hospital Board.

17-302.90 **Hospital, Special Care.** A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.

17-302.91 **Hotel.** A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel".

17-302.92 **Housing for the Elderly.** A multi-family structure, designed for the elderly or physically handicapped, in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten (10)) are occupied or designed for occupancy by:

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

For the purpose of this definition Handicapped Persons means any adult having an impairment which is expected to be of long, continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.

- 17-302.93 **Industrialized Building.** A combination of one or more sections or modules, subject to state 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 finished building. Manufactured homes defined in this section and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings.
- 17-302.94 **Inoperable Motor Vehicle.** A vehicle which does not display current State and Town registration plates or a valid State inspection.
- 17-302.95 **Junk Yard (Automobile Wrecking Yard).** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.
- 17-302.96 **Jurisdiction.** The area or territory subject to the legislative control of the Town of Narrows.
- 17-302.97 **Kennel.** Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals for commercial purposes is carried on.
- 17-302.98 **Land Use Plan.** The Land Use Plan of the Town of Narrows, as amended.
- 17-302.99 **Light Industry.** Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.
- 17-302.100 **Livestock.** Animals kept or raised for sale, use, or pleasure.
- 17-302.101 **Livestock Market.** A commercial establishment wherein livestock is collected for sale, sold, or auctioned.
- 17-302.102 **Loading Space.** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.
- 17-302.103 **Lot.** A numbered and measured portion or parcel of land separated from other portions or parcels by description in a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 17-302.104 **Lot Area.** The total horizontal area within the lot lines of a lot. No alley, public way, public land, or area proposed for future street purposes is included within the net area of the lot.

- 17-302.105 **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except as defined for mobile home subdivisions in Section 17-707-06.
- 17-302.106 **Lot Coverage.** The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 17-302.107 **Lot, Depth of.** The average horizontal distance between the front and rear lot lines.
- 17-302.108 **Lot, Double Frontage (Through).** An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 17-302.109 **Lot, Interior.** Any lot other than a corner lot.
- 17-302.110 **Lot of Record.** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of Giles County at the time of the adoption of this Ordinance.
- 17-302.111 **Lot, Width.** The horizontal distance between side lot lines measured at the setback line.
- 17-302.112 **Main Use.** The primary purpose for which land or a building is used.
- 17-302.113 **Manufacture and/or Manufacturing.** The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 17-302.114 **Manufactured Home.** A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the travel mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating air-conditioning, and electrical systems contained in the structure.(Section 36-85.11 of the Code of Virginia as amended).
- 17-302.114.1 **Medical Office.** Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. ⁵
- 17-302.115 **Mobile Unit.** A structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, subject to the Industrialized Building and Manufactured Home Safety Regulations, and designed to be used without a permanent foundation.
- 17-302.116 **Mobile/Manufactured Home Park.** The division of a lot, tract, or parcel of land into one or more lots, tracts, or parcels for the purpose, whether immediate or future of accommodating one or more mobile/manufactured homes exclusively, and where the stands are rented or leased.
- 17-302.117 **Mobile/Manufactured Home Stand.** A plot of ground within a mobile/manufactured home park designed to accommodate one mobile/manufactured home. A stand shall have a minimum area of three thousand four hundred (3400) square feet.

⁵ 02/17/2014: Definition added by Council action.

- 17-302.118 **Mobile/Manufactured Home Subdivision.** A development which has been created in accordance with the Town of Narrows Subdivision Ordinance. Each lot is designed to be individually owned and occupied by a mobile/manufactured home.
- 17-302.119 **Mobile/Manufactured Office Building.** A structure of one or more sections, manufactured off-site and transported to the point of use for installation or erection. The structure shall be subject to Federal and/or state regulations depending upon the specific manufactured structure classification as defined in this section. Mobile units and manufactured homes as defined herein may be considered mobile/manufactured office buildings for the purposes of this section. Mobile units and manufactured homes or mobile/manufactured office buildings are not permitted to be utilized as motel units in the Town.
- 17-302.120 **Modular Home.** A manufactured dwelling which is transported in two or more parts, is not built on a permanent chassis, is designed to be placed on a permanent foundation, and is subject to the state regulations regarding industrialized buildings.⁶
- 17-302.121 **Non-Conforming Lot.** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 17-302.122 **Non-Conforming Structure.** A structure existing at the time of building or a structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 17-302.123 **Non-Conforming Use of Land.** A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 17-302.124 **Non-Conforming Use of Structures.** The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 17-302.125 **Nursery.** A wholesale, retail or research facility including greenhouses, in which plants, trees and shrubs are raised for transplanting.
- 17-302.126 **Nursing Home.** Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and in-patient care of two or more non-related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.
- 17-302.127 **Off-Street Parking Area.** Space provided for vehicular parking outside the dedicated street right-of-way.

⁶ 03/15/2004: Motion by council to strike the last sentence reading, "For the purposes of this ordinance, a multi-section mobile/manufactured home may be considered a modular home."

- 17-302.128 **One Hundred Year Flood.** A flood that, on the average, is likely to occur once every 100 years.
- 17-302.128.1 **Outpatient Mental Health and Substance Abuse Center.** Establishments with medical staff providing outpatient services related to the diagnosis and treatment of mental health disorders, alcohol, and other substance abuse. These establishments may provide counseling and/or refer patients to more extensive treatment programs, if necessary. Included in this use type are outpatient alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers.⁷
- 17-302.129 **Parking Space.** An area consisting of a minimum of 10 x 20 feet.
- 17-302.130 **Parks, Playgrounds, and Outdoor Recreation Areas.** Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 17-302.131 **Patio.** A level, landscaped and/or surfaced area directly adjacent to a principal building.
- 17-302.132 **Pen.** A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen. Any enclosure containing a hog is a hog pen. (See 17-302-86.)
- 17-302.133 **Plat.** A drawing or map which has been reviewed and approved by the Town Council of the Town of Narrows which depicts a lot or lots which are the result of the subdivision of land. When used as a verb "plat" is synonymous with "subdivide".
- 17-302.134 **Prefabricated Building.** The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at- site construction.
- 17-302.135 **Professional.** A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with home occupation, the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.
- 17-302.136 **Professional Office.** An office whose use is characterized by the activities of one or more professionals as defined in 17-302-135 and who serve an average of one client or less per hour.
- 17-302.137 **Property.** Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 17-302.138 **Public Service or Storage Buildings.** Governmental facilities necessary for public health, safety, and welfare.
- 17-302.139 **Public Water and Sewage Systems.** A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving three (3) or more families which is properly licensed.

⁷ 02/17/2014: Definition added by Council action.

- 17-302.140 **Public Utilities.** Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 17-302.141 **Ramada.** A structure erected over a mobile/manufactured home for the purpose of providing shade or shelter.
- 17-302.142 **Recreational Vehicle.** A mobile unit, whether self-propelled or towed which is designed for temporary human habitation during travel, recreation, or vacation. This term includes motor homes, campers converted buses, and travel trailers.
- 17-602.143 **Recreational Vehicle Park.** Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.
- 17-302.144 **Required Open Space.** Any space required in any front, side, or rear yard.
- 17-302.145 **Residential Use.** Any place, building, or establishment used in whole or in part as a dwelling.
- 17-302.146 **Restaurant.** Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.
- 17-302.147 **Restaurant, Drive-In.** An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.
- 17-302.148 **Retail Stores and Shops.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, newsstand, food store, candy shop, milk dispensary, dry-goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, and beauty and barber shop.
- 17-302.149 **Right-of-Way.** The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.
- 17-302.150 **Right-of-Way Line.** The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.
- 17-302.150.1 **Rooster.** A male chicken usually kept for breeding.⁸
- 17-302.151 **Satellite Dish or Satellite Dish Antenna.** 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, and satellite microwave antennas.

⁸ 02/17/2014: Definition added by Council action.

- 17-302.152 **Sawmill.** A mill or machine for the processing of timber into lumber.
- 17-302.153 **Setback.** The minimum distance from which any building structure must be separated from the front lot line.
- 17-302.154 **Setback Line.** A line generally parallel with and measured from the front lot line, defining the limits of a yard in which no building or structure may be located above ground.
- 17-302.155 **Sign.** (See 17-706.03)
- 17-302.156 **Site Plan.** A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.
- 17-302.157 **Special Exception.** A use which may be allowed for a specific lot in a district if the use is listed as a Special Exception for the district and if the Town Council, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.
- 17-302.158 **Special Exception Permit.** A permit which indicates the conditions of use for a specific lot in a district which has been approved for Special Exception by the Town Council.
- 17-302.159 **Story.** That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 17-302.160 **Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- 17-302.161 **Street.** The principal means of access to abutting properties.
- 17-302.162 **Street Centerline.** A line generally parallel to the right-of-way lines that equally divide the street right-of-way.
- 17-302.163 **Street, Half.** A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 17-302.164 **Street, Internal.** A private street providing access to lots within a development, but not including driveways.
- 17-302.165 **Street Line.** The dividing line between a street or road right-of-way and the contiguous property.

- 17-302.166 **Street, Major.** A heavily traveled thoroughfare or highway that carries a large volume of through traffic.
- 17-302.167 **Street, Other.** A street that is used primarily as a means of public access to the abutting properties.
- 17-302.168 **Street (Road).** Any public thoroughfare which affords the principal means of access to abutting property.
- 17-302.169 **Street, Service Drive.** A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 17-302.170 **Street Width.** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.
- 17-302.171 **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 17-302.172 **Studio.** A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance- exercise studios are included in this definition.
- 17-302.173 **Subdivider.** Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 17-302.174 **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" and, when appropriate, shall relate to the process of subdividing or to land being subdivided.
- (a) The term "to subdivide" does not include divisions of land into parcels of five acres or more not involving any new street or easement of access.
 - (b) The term "to subdivide" does not include the transfer of ownership of a lot, tract or parcel of land to the owner of adjacent land, except that the owner of land so transferred must comply with the provisions of the Town of Narrows Ordinance before any improvements are erected on the land so transferred.
- 17-302.175 **Surveyor.** A land surveyor certified by the Commonwealth of Virginia.
- 17-302.176 **Television and/or Radio Stations.** A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.

- 17-302.177 **Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge.** Building or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 17-302.178 **Tourist Home.** A dwelling where only lodging is provided for compensation for up to five (5) persons (in contrast to hotels and boarding houses) and open to transients.
- 17-302.178.1 **Tower, telecommunications / wireless.** Tower means antenna and supporting structures and buildings, including towers which intercept, broadcast, or receive radio, television, or communications signals of any nature, including cellular telephone, personal communications services (PCS), paging, specialized mobile radio (SMR) and/or enhanced specialized personal radio (ESMR) but excluding and excepting non-commercial citizens band, "ham" operations or other amateur radio operations.
- 17-302.179 **Townhouse Unit.** A single-family dwelling forming one of a group or series of four or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.
- 17-302.180 **Townhouse Development.** One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.
- 17-302.181 **Tree.** A woody perennial plant having a single main stem.
- 17-302.182 **Truck Terminal.** A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.
- 17-302.183 **Truck Stop.** A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.
- 17-302.184 **Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 17-302.185 **Variance.** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
- 17-302.186 **Wayside Stand, Roadside Stand, Wayside Market.** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.
- 17-302.187 **Wrecked Automobile.** Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.
- 17-302.188 **Yard.** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

- 17-302.189 **Yard, Front.** An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the front shall be considered as parallel to the street upon which the lot has its least dimension.
- 17-302.190 **Yard, Rear.** An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.
- 17-302.191 **Yard, Side.** An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

ARTICLE 17-400

ESTABLISHMENT OF DISTRICTS

SECTION 17-401

DIVISION OF THE TOWN OF NARROWS INTO DISTRICTS

For the purposes of this Ordinance, the Town of Narrows is divided into zoning districts named and described in the following sections. The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map.

SECTION 17-402

INCORPORATION OF THE ZONING MAP

The zoning map entitled the "Official Zoning Districts Map for the Town of Narrows, Virginia", dated March 11, 1991, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

SECTION 17-403

MAP AMENDMENT

If in accordance with the provisions of Article 17-800, herein, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Narrows Town Council together with a numerical entry referring to the application for the amendment, submitted in accordance with Article 17-800, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning Administrator and the date of the approval of the amendment by the Narrows Town Council. Amendments to this Ordinance, which involve matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Narrows Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the Town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

SECTION 17-404

REPLACEMENT OF THE OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map, or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 17-405
RULES FOR DETERMINING BOUNDARIES

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- 17-405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.
- 17-405.02 District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or right-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 17-405.03 Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Town Council in accordance with Section 17-802.04 of this Ordinance.
- 17-405.04 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- 17-405.05 Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- 17-405.06 If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary in accordance with Section 17-806.01 of this Ordinance.

ARTICLE 17-500

APPLICATION OF ZONING REGULATIONS

The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class of structure or land, except as hereinafter provided:

SECTION 17-501 USES

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

17-501.01 Permitted Uses.

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

17-501.02 Special Exception.

A Special Exception is one which may be allowed when the Narrows Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the Town and the public interest. Where a Special Exception is required for a given use in certain zone, a Zoning Permit will be issued by the Zoning Administrator after such Special Exception has been approved by the Town Council after recommendation from the Planning Commission.

SECTION 17-502 BUILDINGS

No building shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.

SECTION 17-503 LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding three (3) feet, and those authorized modifications described in Section 17-701.01.

**SECTION 17-504
GARDENING**

Gardening shall be exempt from zoning permit requirements in any district allowing residential uses provided that such gardening shall not be objectionable by reason of odor, dust, noise, pollution, soil erosion, sedimentation, or drainage.

**SECTION 17-505
PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE**

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

ARTICLE 17-600

USES IN DISTRICTS

The Town of Narrows is divided into the following districts:

SECTION 17-601

AGRICULTURAL/RESIDENTIAL DISTRICT AR-1

17-601.01 Intent of the Agricultural/Residential District.

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

17-601.02 Permitted Uses.

Within the Agricultural/Residential District AR-1 the following uses are permitted:

- 17-601.02-1 Wildlife areas or game refuges;
- 17-601.02-2 Flood control and watershed structures;
- 17-601.02-3 Timber production, forests
- 17-601.02-4 Fish hatcheries;
- 17-601.02-5 Nurseries, tree farms and greenhouses;
- 17-601.02-6 Cemeteries;
- 17-601.02-7 Parks, playgrounds, and outdoor recreation areas;
- 17-601.02-8 Agriculture provided that no storage of manure or other odor or dust producing substances shall be permitted. No poultry or livestock shall be penned within two hundred (200) feet of a lot with a residence on it;
- 17-601.02-9 Livestock sales;
- 17-601.02-10 Public utilities;
- 17-601.02-11 Public water and sewage systems;
- 17-601.02-12 Single-family dwellings.
- 17-601.02-13 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be closer than one hundred (100) feet to a lot with a residence;⁹

⁹ 02/17/2014: Distance changed from 50 feet to 100 feet by Council action.

- 17-601.02-14 Public Schools;
- 17-601.02-15 Public service or storage buildings;
- 17-601.02-16 Towers of less than 35 feet in height, measured from the ground.
- 17-601.02-17 Bed and breakfast. ¹⁰

17-601.03 Special Exceptions.

When, after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-601.03-1 Neighborhood retail stores or services;
- 17-601.03-2 Private seasonal camp or retreat;
- 17-601.03-3 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Department of Health of the Commonwealth of Virginia Governing Campgrounds are met;
- 17-601.03-4 Sawmill or commercial wood yard;
- 17-601.03-5 Quarry, gravel, shale, or sand operation;
- 17-601.03-6 Animal hospital;
- 17-601.03-7 Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence, except the residence of the owner;
- 17-601.03-8 Lodge or resort;
- 17-601.03-9 Motel;
- 17-601.03-10 Feed mill or seed and feed store;
- 17-601.03-11 Automobile service station;
- 17-601.03-12 Satellite dish as the primary structure on a single lot of record as provided for in Article 17-700.
- 17-601.03-13 Agriculture provided that no storage of manure or other odor or dust producing substances shall be permitted. No poultry or livestock shall be penned within two hundred (200) feet of a lot with a residence on it; ¹¹
- 17-601.03-14 Livestock production; ¹²

¹⁰ 02/17/2014: Added as a permitted use by Council action.

¹¹ 02/17/2014: Added as a special exception use by Council action.

¹² 02/17/2014: Added as a special exception use by Council action.

17-601.03-15 Dairy farms; ¹³

17-601.03-16 Poultry production; ¹⁴

17-601.03-17 Hog farm. A hog pen must be located at least five hundred (500) feet from the nearest residence, except that of the owner. ¹⁵

17-601.04 Accessory Uses.

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

17-601.04-1 Home occupations provided that the requirements of Article 17-700, Section 17-705 are met;

17-601.04-2 Living quarters in the main structure of persons employed on the premises;

17-601.04-3 No more than one (1) recreational vehicle, as defined in Article 17-300, Section 17-302.142, shall be stored within the required rear or side yard and shall not be occupied more than ten (10) days in a calendar year; ¹⁶

17-601.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

17-601.04-5 Signs as provided for in Article 17-700; 17-601.04-6

Parking as provided for in Article 17-700; 17-601.04-7 Satellite dish

as provided for in Article 17-700; 17-601.04-8 Swimming pool

associated with a private residence.

17-601.04-9 Granny cottage, as defined in Article 17-300, Section 17-302.73, provided setback and building separation requirements can be met. ¹⁷

SECTION 17-602 RESIDENTIAL LIMITED DISTRICT R-1

17-602.01 Intent of Residential Limited District R-1.

The intent of the R-1 residential district is to provide for low density residential development which is characterized by large lots and open space. This district is primarily designed to provide and encourage a safe and suitable environment for family life.

¹³ 02/17/2014: Added as a special exception use by Council action.

¹⁴ 02/17/2014: Added as a special exception use by Council action.

¹⁵ 02/17/2014: Added as a special exception use by Council action.

¹⁶ 02/17/2014: Modified by Council action to limit to one recreational vehicle, reference definition, and allow up to 10 days of occupancy per year.

¹⁷ 02/17/2014: Added as an accessory use by Council action.

17-602.02 Permitted Uses.

Within the Residential Limited District R-1 the following uses are permitted:

- 17-602.02-1 Single-family dwellings;
- 17-602.02-3 Public Schools;
- 17-602.02-4 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any residential lot; ¹⁸
- 17-602.02-5 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence. Swimming pools associated with private residences are exempt from this regulation; ¹⁹
- 17-602.02-6 Towers of less than 35 feet in height, measured from the ground.

17-602.03 Special Exceptions.

When, after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-602.03-1 Child care centers and family day care homes;
- 17-602.03-2 Public utilities;
- 17-602.03-3 Public water and sewage facilities;
- 17-602.03-4 Public service or storage buildings, as defined in Article 17-300, Section 17-302.138; ²⁰
- 17-602.03-5 Satellite dish as the primary structure on a single lot of record as provided for in Article 17-700;
- 17-602.03-6 Shared carport where two (2) adjoining parcels share a driveway. ²¹

17-602.04 Accessory Uses.

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

- 17-602.04-1 Home occupations provided that the requirements of Article 17-700, Section 17-705 are met;
- 17-602.04-2 Living quarters in the main structure of persons employed on the premises;

¹⁸ 02/17/2014: Distance changed from 50 feet to 100 feet by Council action.

¹⁹ 02/17/2014: Council action modified the second sentence to remove the word “public” and change the distance from 50 feet to 100 feet. The third sentence, exempting private residences, was added by the action.

²⁰ 02/17/2014: Council action removed the word “private” and added a reference to the definition.

²¹ 02/17/2014: Added as a special exception use by Council action.

17-602.04-3 No more than one (1) recreational vehicle, as defined in Article 17-300, Section 17-302.142, shall be stored within the required rear or side yard and shall not be occupied more than ten (10) days in a calendar year; ²²

17-602.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

17-602.04-5 Signs as provided for in Article 17-700; 17-602.04-6

Parking as provided for in Article 17-700; 17-602.04-7 Satellite dish

as provided for in Article 17-700; 17-602.04-8 Swimming pool

associated with a private residence.

17-602.04-9 Granny cottage, as defined in Article 17-300, Section 17-302.73, provided setback and building separation requirements can be met; ²³

17-602.04-10 Keeping of chickens, provided that the owner is in compliance with all the standards and requirements of Section 17-714. ²⁴

²²02/17/2014: Modified by Council action to limit to one recreational vehicle, reference definition, and allow up to 10 days of occupancy per year.

²³02/17/2014: Added as an accessory use by Council action.

²⁴02/17/2014: Added as an accessory use by Council action.

SECTION 17-603
GENERAL RESIDENTIAL DISTRICT R-

2 17-603.01 Intent of the General Residential District R-2.

The intent of the General Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods in accordance with the Town of Narrows Comprehensive Plan. The regulations for this district tend to protect against encroachment of commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

17-603.02 Permitted Uses.

Within General Residential District R-2 the following uses are permitted:

- 17-603.02-1 Single-family dwellings;
- 17-603.02-2 Two-family dwellings;
- 17-603.02-3 Public Schools;
- 17-603.02-4 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence; ²⁵
- 17-603.02-5 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence. Swimming pools associated with private residences are exempt from this regulation; ²⁶
- 17-603.02-6 Towers of less than 35 feet in height, measured from the ground.

17-603.03 Special Exceptions.

When, after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with the surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Narrows, the following uses may be permitted with appropriate conditions:

- 17-603.03-1 Child care centers and family day care homes;
- 17-603.03-2 Boarding houses; tourist homes; Bed and Breakfasts;
- 17-603.03-3 Public utilities;
- 17-603.03-4 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700.

²⁵ 02/17/2014: Distance changed from 50 feet to 100 feet by Council action.

²⁶ 02/17/2014: Council action modified the second sentence to remove the word “public” and change the distance from 50 feet to 100 feet. The third sentence, exempting private residences, was added by the action.

- 17-603.03-5 Professional offices and medical offices in structures similar in character with surrounding neighborhoods with signs as provided in Section 17-706.03-3; ²⁷
- 17-603.03-6 Public water and sewage facilities;
- 17-603.03-7 Public service or storage buildings, as defined in Article 17-300, Section 17-302.138; ²⁸
- 17-603.03-8 Manufactured homes²⁹;
- 17-603.03-9 Shared carport where two (2) adjoining parcels share a driveway. ³⁰
- 17-603.04 Accessory Uses.**

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

- 17-603.04-1 Home occupations provided that the requirements of Article 17-700, Section 17-705 are met;
- 17-603.04-2 Living quarters in main building of persons employed on the premises;
- 17-603.04-3 No more than one (1) recreational vehicle, as defined in Article 17-300, Section 17-302.142, shall be stored within the required rear or side yard and shall not be occupied more than ten (10) days in a calendar year; ³¹
- 17-603.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 17-603.04-5 Signs as provided for in Article 17-700; 17-
- 603.04-6 Parking as provided for in Article 17-700; 17-603.04-
- 7 Satellite dish as provided for in Article 17-700;
- 17-603.04-8 Swimming Pool associated with a private residence or multi-family development;
- 17-603.04-9 Granny cottage, as defined in Article 17-300, Section 17-302.73, provided setback and building separation requirements can be met; ³²
- 17-603.04-10 Keeping of chickens, provided that the owner is in compliance with all the standards and requirements of Section 17-714. ³³

²⁷02/17/2014: Council action deleted the term “clinics” and replaced with “medical offices”.

²⁸02/17/2014: Council action removed the word “private” and added a reference to the definition.

²⁹03/15/2004: Motion by council to add manufactured homes as a special exception in the General Residential (R-2) District.

³⁰02/17/2014: Added as a special exception use by Council action.

³¹02/17/2014: Modified by Council action to limit to one recreational vehicle, reference definition, and allow up to 10 days of occupancy per year.

³²02/17/2014: Added as an accessory use by Council action.

³³02/17/2014: Added as an accessory use by Council action.

SECTION 17-604
MEDIUM DENSITY RESIDENTIAL DISTRICT R-3

17-604.01 Intent of Medium Density Residential District R-3.

The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Town of Narrows Comprehensive Plan. The regulations for this district provide for development which is not completely residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.

17-604.02 Permitted Uses.

Within Medium Density Residential District R-3 the following uses are permitted:

- 17-604.02-1 Single-family dwellings;
- 17-604.02-2 Two-family dwellings;
- 17-604.02-3 Multi-family dwellings, apartments, townhouses (in accordance with Section 17-709 of this Ordinance), and condominiums;
- 17-604.02-4 Public Schools;
- 17-604.02-5 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence; ³⁴
- 17-604.02-6 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No swimming pool or structure shall be located closer than one hundred (100) feet from any lot containing a residence. Swimming pools associated with private residences are exempt from this regulation; ³⁵
- 17-604.02-7 Professional offices and medical offices in structures similar in character with surrounding neighborhoods with signs as provided in Section 17-706.03-3; ³⁶
- 17-604.02-8 Public water and sewage facilities;
- 17-604.02-9 Public service or storage buildings, as defined in Article 17-300, Section 17-302.138; ³⁷
- 17-604.02-10 Towers of less than 35 feet in height, measured from the ground.

17-604.03 Special Exceptions.

When, after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with the surroundings

³⁴02/17/2014: Distance changed from 50 feet to 100 feet by Council action.

³⁵02/17/2014: Council action modified the second sentence to remove the word “public” and change the distance from 50 feet to 100 feet. The third sentence, exempting private residences, was added by the action.

³⁶02/17/2014: Council action deleted the term “clinics” and replaced with “medical offices”.

³⁷02/17/2014: Council action removed the word “private” and added a reference to the definition.

uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Narrows, the following uses may be permitted with appropriate conditions:

- 17-604.03-1 Child care centers and family day care homes;
- 17-604.03-2 Boarding houses; tourist homes; Bed and Breakfasts;
- 17-604.03-3 General hospitals;
- 17-604.03-4 Public utilities;
- 17-604.03-5 Commercial operations which: (1) will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use; (2) will not be detrimental to the public welfare or injurious to property or improvements; (3) will not be in conflict with the intent of this district; and (4) will comply with all other provisions regulating such uses;
- 17-604.03-6 Foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;
- 17-604.03-7 Clubs, fraternities, lodges, and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;
- 17-604.03-8 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700;
- 17-604.03-9 Shared carport where two (2) adjoining parcels share a driveway. ³⁸

17-604.04 Accessory Uses.

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

- 17-604.04-1 Home occupations provided that the requirements of Article 17-700, Section 17-705 are met;
- 17-604.04-2 Living quarters in main building of persons employed on the premises;
- 17-604.04-3 No more than one (1) recreational vehicle, as defined in Article 17-300, Section 17-302.142, shall be stored within the required rear or side yard and shall not be occupied more than ten (10) days in a calendar year; ³⁹
- 17-604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 17-604.04-5 Signs as provided for in Article 17-700;
- 17-604.04-6 Parking as provided for in Article 17-700;
- 17-604.04-7 Satellite dish as provided for in Article 17-700;
- 17-604.04-8 Swimming Pool associated with a private residence or multi-family development;

³⁸02/17/2014: Added as a special exception use by Council action.

³⁹02/17/2014: Modified by Council action to limit to one recreational vehicle, reference definition, and allow up to 10 days of occupancy per year.

17-604.04-9 Granny cottage, as defined in Article 17-300, Section 17-302.73, provided setback and building separation requirements can be met; ⁴⁰

17-604.04-10 Keeping of chickens, provided that the owner is in compliance with all the standards and requirements of Section 17-714. ⁴¹

⁴⁰ 02/17/2014: Added as an accessory use by Council action.

⁴¹ 02/17/2014: Added as an accessory use by Council action.

SECTION 17-605
PLANNED DEVELOPMENT DISTRICT R-4

17-605.01 Intent of Planned Development District R-4.

17-605.01-1 The intent of the Planned Development District R-4 is to provide for larger scaled developments, development on difficult sites, clustering of residential dwelling units, to provide for neighborhoods with a variety of housing types and densities, and neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.

17-605.01-2 The R-4 Planned Development District is considered a "floating" zone and classification of a piece of property as R-4 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

17-605.02 Permitted Uses.

Within Planned Development District R-4 the following uses are permitted by right:

17-605.02-1 Single-family dwellings allowed under the provisions for R-2;

17-605.02-2 Planned developments as indicated in the intent section. No such development plan shall be approved prior to a review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows.

17-605.02-3 Public water and sewage facilities;

17-605.02-4 Public service or storage buildings, as defined in Article 17-300, Section 17-302.138; ⁴²

17-605.02-5 Towers of less than 35 feet in height, measured from the ground.

17-605.03 Special Exceptions.

When after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

17-605.03-1 Satellite dish as the primary structure on a single lot of record as provided for in Article 17-700.

17-605.03-2 Private storage buildings larger than 300 square feet;

17-605.03-3 Public utilities including major transmission lines.

⁴² 02/17/2014: Council action removed the word "private" and added a reference to the definition.

17-605.04 Accessory Uses.

17-605.04-1 In addition to the principal residential uses, other commercial or non-commercial service uses may be permitted provided: (a) that such uses are intended primarily to serve the needs of the project area residents; (b) that such uses are designed and located for the convenience of project area residents and to protect the character of the district; (c) that all subsequent changes in use shall be approved by the Planning Commission or its agent; (d) that all commercial uses shall not total more than ten (10) percent of the total project area; and (e) that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development has been completed.

17-605.04-2 Satellite dish as provided for in Article 17-700; 17-

605.04-3 Private storage building smaller than 300 square feet;

17-605.05 Uses Permitted by Approval.

The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.

17-605.06 Qualifying Requirements.

A tract or parcel of land may be considered for R-4 Planned Residential District Zoning only if it meets the following conditions:

17-605.06-1 Ownership Requirements. The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;

17-605.06-2 Availability of Public Utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer systems can be developed as part of the project;

17-605.06-3 Land Suitability. Rezoning land to R-4 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, non-conformity to town development plans, or other public health, welfare or safety objectives.

17-605.07 Site Design Requirements.

The following are the site design requirements for the R-4 Residential District:

17-605.07-1 Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre;

- 17-605.07-2 Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;
- 17-605.07-3 Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;
- 17-605.07-4 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;
- 17-605.07-5 Street Design. The street system within the project area shall be designed:
- (a) According to functional street purposes and projected traffic flow;
 - (b) To discourage through traffic;
 - (c) To assure safe and convenient sight distances;
 - (d) To complement the natural topography;
 - (e) In coordination with existing and planned streets; and
 - (f) To be constructed in accordance with the street requirements as found in Section 17-904.
- 17-605.07-6 Street Names and Signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;
- 17-605.07-7 Street Lighting. Street lighting shall be provided on all streets in the development;
- 17-605.07-8 Pedestrian Circulation. Provision shall be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;
- 17-605.07-9 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;

- 17-605.07-10 Water and Sewer. All planned Residential Districts shall be served by collective water and sewer systems as follows:
- (a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.
 - (b) Where a connection to existing public water or sewer systems is not feasible, the developer shall provide community water or sewer systems.
 - (c) Where space requirements are met and project design allows individual water and/or sewer systems may be permitted.
- 17-605.07-11 Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the town development plan;
- 17-605.07-12 Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- 17-605.07-13 Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storms drains or drainage ditches are required, or where an existing waterway or drainage way traverse the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the development;
- 17-605.07-14 Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other as may increase danger of health, life, property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 17-605.07-15 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;
- 17-605.07-16 Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- 17-605.07-17 Natural Amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents;
- 17-605.07-18 Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

17-605.08 Data to Accompany Application.

With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:

17-605.08-1 Mapping of the project at an accurate scale for the proposed development plan:

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

17-605.08-2 Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) Names and addresses of all adjacent property owners;
- (d) A statement of project development objectives and character to be achieved;
- (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- (g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;

- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Virginia Department of Highways and the Giles County Health Officer;
- (j) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
- (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

17-605.08-3 Application. Ten copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

17-605.08-4 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Narrows a check in the amount of one hundred dollars (\$100.00) plus one dollar (\$1.00) for each dwelling unit proposed on the development plan;

17-605.08-5 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development;

17-605.08-6 Preliminary Plan Approval.

- (a) Within sixty (60) days after the filing of the development plan, the Planning Commission shall report to Town Council one of the following:
 - Recommend approval of the plan as presented, or
 - Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
 - Recommend disapproval;
- (b) The Town Council shall give notice under Section 15.1-431 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;
- (c) If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the R-4 Planned Unit Development. If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.

17-605.09 Status of Approval.

No building permits shall be issued within the project area until the final development plan has been approved by the town under the procedures in the following sections.

17-605.10 Final Plan Application. ⁴³

Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator the original and ten (10) copies of a final development plan containing in final form, the information required in the preliminary plan, including but not limited to, final maps and documents specified above. In his or her discretion and for good cause, the Zoning Administrator can, upon receipt of a written application, extend for six (6) months the period for filing of the final development plan; if the preliminary development plan lapses under the provisions of this section, the zoning change shall be revoked and the zoning regulations applicable before the preliminary development plan was approved shall then be in effect.

17-605.10-1 If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase;

17-605.10-2 The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance provided modification does not involve any of the following and provided further that such modification does not exceed any of the limitations of this District's regulations:

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

17-605.10-3 The Planning Commission shall review the final development plan, and shall make a recommendation to the Town Council who shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of Court in whose office deeds are conveyed will record the final development plan in the manner provided for recording plats or subdivisions.

17-605.11 Subdivision Plat Requirements.

Final subdivision plats shall be submitted and recorded before the granting of building permits or before the sale of any lots. Subdivision plats may be submitted for portions of the project area in accordance with the phasing plan. Subdivision plats shall be in compliance with the Town of Narrows Subdivision Ordinance.

17-605.12 Plans and Specifications.

Two (2) blue or black line prints of the plans and specifications of all required physical improvements to be installed shall be prepared by a licensed engineer as certified by the Commonwealth of Virginia and shall be submitted to the Town Manager for review. The Town Manager shall approve or disapprove of the construction plans within forty-five (45) days of submission. If approved, one (1) copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing.

⁴³ 02/17/2014: Council action added 17-605.10 through 17-605.17 to provide additional details.

17-605.13 Maintenance of Common Property.

The developer shall create a property owners association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties.

17-605.14 Advertising and Sale.

The developer shall not advertise for sale or sell any tract or lot within the project area until an approved plat has been properly recorded. Prospective property owners shall be informed of the homeowners responsibility, the entire project area development plan, and the amount of officially approved water available to each lot in terms of Gallons Per Day.

17-605.15 Changes in Final Development.

No changes may be made in the approved final plan during the construction of the Planned Development except upon application to the Town Manager under the procedures provided below:

17-605.15-1 Minor changes in the location, setting, and character of buildings and structures may be authorized by the Town Manager if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this section may increase the cubic volume of any building or structure by more than ten (10) percent. Changes greater than ten (10) percent shall be referred back to the Planning Commission and the Town Council;

17-605.15-2 All other changes in use and rearrangement of lots, blocks, buildings, and tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan by the developer or any succeeding owner or agent must be authorized by the Town Council. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.

17-605.16 Development Schedule and Review.

The construction and provision of all facilities and improvements on common property, which are shown on the final development plan, must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development plan, the Zoning Administrator shall review all of the building permits issued for the Planned Development and examine the construction which has taken place on the site. If he or she shall find that the rate at which facilities and improvements on common property have been constructed and provided is not in accordance with the original development schedule, he or she shall forward this information to the Building Official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided.

17-605.17 Failure to Begin Development.

If no construction has begun or no use established in the Planned Development within one (1) year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion, and for good cause, the Town Council may, upon receipt of written application, extend for one (1) additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the Clerk of the Court shall file notice of revocation with the recorded subdivision plat. The zoning regulations applicable before the preliminary final development plan was approved shall then be in effect.

SECTION 17-606
MOBILE HOME DISTRICT MH-1

17-606.01 Intent of the Mobile Home District MH-1

The intent of the Mobile Home District MH-1 is to allow residential development in the form of mobile home parks and mobile home subdivisions.

Zoning Amendment Required for MH-1 District Classification. The MH-1 District is considered a "floating" zone and classification of a piece of property as MH-1 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a mobile home park or mobile home subdivision shown in Article 17-700 and the proposed use is compatible with adjacent land uses.

17-606.02 Permitted Uses.

Within Mobile Home District MH-1 the following uses are permitted:

17-606.02-1 Mobile home parks as provided for in Section 17-707; 17-

606.02-2 Mobile home subdivisions as provided for in Section 17-707;

17-606.02-3 Permanent buildings associated with mobile home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:

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

17-606.02-4 Towers less than 35 feet in height, measured from the ground.

17-606.03 Special Exceptions.

When after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Narrows, the following uses may be permitted with appropriate conditions:

17-606.03-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood.

17-606.03-2 Satellite dish as the primary structure on a single lot of record as provided for in Article 17-700.

17-606.04 Accessory Uses.

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

- 17-606.04-1 Living quarters in main structure of persons employed on the premises;
- 17-606.04-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work;
- 17-606.04-3 Signs as provided for in Article 17-700;
- 17-606.04-4 Parking as provided for in Article 17-700;
- 17-606.04-5 Satellite dish as provided for in Article 17-700.

**SECTION 17-607
CENTRAL BUSINESS DISTRICT B-**

1 17-607.01 Intent of the Central Business District B-1.

This district covers the portion of the town located in downtown Narrows which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setback. Uses in the District include retail sales, services, banks, restaurants, and other similar businesses. The intent of the District is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures.

Parking in Central Business District. The parking requirements as provided in Article 17-700 are not applicable except for residential uses for the B-1 District. On- street parking is allowed and off-street parking is provided in several public parking lots in the district. The provision of additional off-street parking by developers of property in this district is allowed.

17-607.02 Permitted Uses.

Within the Central Business District B-1 the following uses are permitted:

- 17-607.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;
- 17-607.02-2 Bakeries;
- 17-607.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;
- 17-607.02-4 One- or two-family dwellings but not including single-family and two-family developments;

- 17-607.02-5 Retail stores and shops;
- 17-607.02-6 Theaters, assembly halls, playhouses and dinner theaters;
- 17-607.02-7 Hotels;
- 17-607.02-8 Banks and loan and finance offices, including drive-in types;
- 17-607.02-9 Churches and other places of worship, and church school buildings;
- 17-607.02-10 Libraries;
- 17-607.02-11 Hospitals and clinics;
- 17-607.02-12 Funeral home and/or mortuaries;
- 17-607.02-13 Automobile service stations and public garages (with major repair in an enclosed building);
- 17-607.02-14 Clubs and lodges;
- 17-607.02-15 Automobile sales;
- 17-607.02-16 Lumber and building supply (with storage in an enclosed building);
- 17-607.02-17 Plumbing and electrical supply (with storage in an enclosed building);
- 17-607.02-17 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any such use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within fifty (50) feet of any Residential District;
- 17-607.02-19 Public utilities;
- 17-607.02-20 Public service and storage buildings;
- 17-607.02-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
- 17-607.02-22 Newspaper offices and printing shops;
- 17-607.02-23 Business and professional offices, and medical offices;⁴⁴
- 17-607.02-24 Greenhouses;
- 17-607.02-25 Police, fire, and rescue squad stations;
- 17-607.02-26 Post offices;
- 17-607.02-27 Bus stations and taxi stands;

⁴⁴ 02/17/2014: Council action deleted the term “clinics” and replaced with “medical offices”.

- 17-607.02-28 Radio and television broadcasting studios;
- 17-607.02-29 Public buildings and properties of a cultural, administrative, or service type;
- 17-607.02-30 Individual residential uses associated with a permitted use such as the residence of an entrepreneur;
- 17-607.02-31 Parking garages and parking lots; 17-
- 607.02-32 Business and vocational schools; 17-
- 607.02-33 Signs as provided in Article 17-700; 17-
- 607.02-34 Museums;
- 17-607.02-35 Picture frame manufacturing and assembling;
- 17-607.02-36 Studios;
- 17-607.02-37 Foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met;
- 17-607.02-38 Towers less than 35 feet in height, measured from the ground.

17-607.03 Special Exceptions.

When after review of an application and hearing thereon, in accordance with Article 17-607-8 herein, the Narrows Town Council finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-607.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;
- 17-607.03-2 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;
- 17-607.03-3 Wholesale business, storage warehouse, or processing not objectionable because of noise, or odors provided that any such use shall be at least fifty (50) feet from the nearest boundary of any Residential District;
- 17-607.03-4 Conversion of a single-family dwelling or a commercial building to a multi-family use;⁴⁵
- 17-607.03-5 Fabricating and welding of metal within a completely enclosed building;

⁴⁵ 02/17/2014: Council action added “or a commercial building”.

- 17-607.03-6 Open storage of machinery, materials, and supplies;
- 17-607.03-7 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700;
- 17-607.03-8 Recycling facilities;
- 17-607.03-9 Outpatient mental health and substance abuse center. ⁴⁶
- 17-607.04 Requirements for Permitted Uses and Special Exceptions in Central Business District B-1.**
- 17-607.04-1 Final grading and site finishing are required on all sites developed in the B-1 district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.
- 17-607.05 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 17-607.05-1 Living quarters in the main building of persons employed on the premises or renters;
- 17-607.05-2 Private parking garage;
- 17-607.05-3 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;
- 17-607.05-4 Signs as provided for in Article 17-700; 17-
- 607.05-5 Satellite dish as provided for in Article 17-700.

SECTION 17-608 GENERAL BUSINESS DISTRICT B-2

17-608.01 Intent of the General Business District B-2.

Generally, this district covers that portion of the town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, business offices, printing presses, restaurants and taverns, and garages and service stations.

17-608.02 Permitted Uses.

Within the General Business District B-2 the following uses are permitted:

- 17-608.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;
- 17-608.02-2 Bakeries;

⁴⁶ 02/17/2014: Added as a special exception use by Council action.

- 17-608.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;
- 17-608.02-4 One- or two-family dwellings but not including single-family, two-family developments;
- 17-608.02-5 Retail stores and shops;
- 17-608.02-6 Theaters, assembly halls, playhouses and dinner theaters;
- 17-608.02-7 Hotels;
- 17-608.02-8 Banks and loan and finance offices, including drive-in types;
- 17-608.02-9 Churches and other places of worship, and church school buildings;
- 17-608.02-10 Libraries;
- 17-608.02-11 Hospitals;
- 17-608.02-12 Funeral homes and/or mortuaries;
- 17-608.02-13 Automobile service stations and public garages (with major repair in an enclosed building);
- 17-608.02-14 Clubs and lodges;
- 17-608.02-15 Automobile sales;
- 17-608.02-16 Lumber and building supply (with storage in an enclosed building);
- 17-608.02-17 Plumbing and electrical supply (with storage in an enclosed building);
- 17-608.02-18 Carpenter, electrical, plumbing, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a, completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;
- 17-608.02-19 Public utilities;
- 17-608.02-20 Public service and storage buildings;
- 17-608.02-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
- 17-608.02-22 Newspaper offices and printing shops;
- 17-608.02-23 Business and professional offices, and medical offices;⁴⁷
- 17-608.02-24 Greenhouses;
- 17-608.02-25 Police, fire, and rescue squad stations;

⁴⁷ 02/17/2014: Council action deleted the term “clinics” and replaced with “medical offices”.

- 17-608.02-26 Post offices;
- 17-608.02-27 Bus stations and taxi stands;
- 17-608.02-28 Radio and television broadcasting studios;
- 17-608.02-29 Public buildings and properties of a cultural, administrative, or service type;
- 17-608.02-30 Individual residential uses associated with a permitted use such as the residence of an entrepreneur.
- 17-608.02-31 Parking garages and parking lots;
- 17-608.02-32 Business and vocational schools;
- 17-608.02-33 Signs as provided in Article 17-700;
- 17-608.02-34 Off-street parking as required by this Ordinance;
- 17-608.02-35 Museums;
- 17-608.02-36 Picture frame manufacturing and assembling;
- 17-608.02-37 Studios.
- 17-608.02-38 Foster homes or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes provided that licensing requirements are met;
- 17-608.02-39 Towers less than 35 feet in height, measured from the ground.

17-608.03 Special Exceptions.

When after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-608.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;
- 17-608.03-2 Strip mall;
- 17-608.03-3 Athletic fields, stadiums, and arenas;
- 17-608.03-4 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;

- 17-608.03-5 Drive-in theaters provided all parts of such drive-in shall be distant at least two hundred (200) feet from any Residential District and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway;
- 17-608.03-6 Livestock market and sales pavilions;
- 17-608.03-7 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the "Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds" are met;
- 17-608.03-8 Shooting range or gallery;
- 17-608.03-9 Wholesale business, storage, processing or warehouse not objectionable because of noise or odors provided that any such use shall be at least fifty (50) feet from any Residential District;
- 17-608.03-10 Conversion of a single-family dwelling or a commercial building to a multi-family use;⁴⁸
- 17-608.03-11 Kennels and animal hospitals provided that any structure or premise used for such purposes shall be located at least two hundred (200) feet from any residential lot;
- 17-608.03-12 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least two hundred (200) feet from any residential lot;
- 17-608.03-13 Fabricating and welding of metal within a completely enclosed building;
- 17-608.03-14 Open storage of machinery, materials, and supplies;
- 17-608.03-15 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700;
- 17-608.03-16 Recycling facilities;
- 17-608.03-17 Single and two family developments and townhouse developments meeting the requirements of this ordinance;
- 17-608.03-18 Outpatient mental health and substance abuse center.⁴⁹

17-608.04 Requirements for Permitted and Special Exceptions in General Business District B-2.

- 17-608.04-1 Final grading and site finishing are required on the parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.

17-608.05 Accessory Uses.

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

- 17-608.05-1 Living quarters in the main building of persons employed on the premises;

⁴⁸02/17/2014: Council action added "or a commercial building".

⁴⁹02/17/2014: Added as a special exception use by Council action.

- 17-608.05-2 Private parking garages;
- 17-608.05-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 17-608.05-4 Mobile office building;
- 17-608.05-5 Signs as provided for in Article 17-700; 17-
- 608.05-6 Parking as provided for in Article 17-700; 17-608.05-
- 7 Satellite dish as provided for in Article 17-700.
- 17-608.05-8 Swimming pool associated with a private residence or multi-family development.

SECTION 17-609 LIGHT INDUSTRIAL DISTRICT M-1

17-609.01 Intent of Light Industrial District M-1.

The intent of the M-1 Industrial District is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M-1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semi-finished products from previously prepared material.

17-609.02 Permitted Uses.

Within the Light Industrial District the following uses are permitted:

- 17-609.02-1 Assembly of electrical appliances, electronic instruments and devices, and electrical parts.
- 17-609.02-2 Automobile assembling, painting, upholstering, repairing, re-building, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture;
- 17-609.02-3 Open storage of wrecked automobiles for reconditioning, body or fender work, repainting or repairing, up to twelve (12) in number;
- 17-609.02-4 Blacksmith shop, welding or machine shop; 17-
- 609.02-5 Laboratories-pharmaceutical and/or medical;
- 17-609.02-6 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries or food products;
- 17-609.02-7 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;

- 17-609.02-8 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- 17-609.02-9 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 17-609.02-10 Cabinets, furniture and upholstery shops;
- 17-609.02-11 Boat building;
- 17-609.02-12 Monumental stone works;
- 17-609.02-13 Public service or storage buildings;
- 17-609.02-14 Public utilities;
- 17-609.02-15 Public water and sewage systems;
- 17-609.02-16 Towers less than 35 feet in height, measured from the ground;
- 17-609.02-17 Animal hospital, kennels;
- 17-609.02-18 Wholesale businesses, storage warehouses.

17-609.03 Special Exceptions.

When, after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-609.03-1 Building material sales yards, plumbing supply sales and storage;
- 17-609.03-2 Coal and wood yards, lumber yards, feed and seed stores;
- 17-609.03-3 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
- 17-609.03-4 Truck terminal;
- 17-609.03-5 Truck stop;
- 17-609.03-6 Heliport;
- 17-609.03-7 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700.
- 17-609.03-8 Recycling facilities.
- 17-609.03-9 Commercial uses.
- 17-609.03-10 Towers of more than 35 feet may be permitted as a Special Exception following the review and approval of a site plan, in accordance with the provisions of 17-712.02.

17-609.04 Accessory Uses.

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

17-609.04-1 Living quarters in the main building;

17-609.04-2 Private parking garage;

17-609.04-3 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

17-609.04-4 Signs as provided for in Article 17-700; 17-

609.04-5 Parking as provided for in Article 17-700; 17-609.04-

6 Satellite dish as provided for in Article 17-700.

17-609.05 Requirements for Use.

17-609.05-1 In accordance with Section 17-802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;

17-609.05-2 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;

17-609.05-3 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen, on any side open to view from a public road, the operation of use.

SECTION 17-610 GENERAL INDUSTRIAL DISTRICT I-1

17-610.01 Intent of the General Industrial District I-1.

The primary purpose of this district is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and the continued use of land for industrial purposes; (b) prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the district; (c) encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; and (d) encourage industrial parks.

17-610.02 Permitted Uses.

Within the General Industrial District I-1 the following uses are permitted:

- 17-610.02-1 Assembly of electrical appliances, electronic instruments and devices, and electrical parts;
- 17-610.02-2 Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture;
- 17-610.02-3 Blacksmith shop, welding or machine shop;
- 17-610.02-4 Laboratories-pharmaceutical and/or medical;
- 17-610.02-5 Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, or food products;
- 17-610.02-6 Manufacture, compounding, processing, packaging, or treatment of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;
- 17-610.02-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;
- 17-610.02-8 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 17-610.02-9 Building material sales yards, plumbing supply sales and storage;
- 17-610.02-10 Coal and wood yards, lumber yards, feed and seed stores;
- 17-610.02-11 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
- 17-610.02-12 Cabinets, furniture and upholstery shops;
- 17-610.02-13 Boat building;
- 17-610.02-14 Monumental stone works;
- 17-610.02-15 Wholesale businesses, storage warehouses;
- 17-610.02-16 Sawmills and planing mills;
- 17-610.02-17 Brick manufacture;
- 17-610.02-18 Off-street parking as provided in Article 17-700;
- 17-610.02-19 Public service or storage buildings;
- 17-610.02-20 Public utilities;

- 17-610.02-21 Public water and sewage systems;
- 17-610.02-22 Signs as provided for in Article 17-700;
- 17-610.02-23 Towers less than 35 feet in height, measured from the ground.

17-610.03 Special Exceptions.

When after review of an application and hearing thereon, in accordance with Article 17-800 herein, the Narrows Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Narrows, the following uses may be permitted with appropriate conditions:

- 17-610.03-1 Manufacture or production of aluminum;
- 17-610.03-2 Recycling facilities;
- 17-610.03-3 Truck terminals;
- 17-610.03-4 Truck stops;
- 17-610.03-5 Heliport;
- 17-610.03-6 Sand and gravel operations;
- 17-610.03-7 Petroleum storage;
- 17-610.03-8 Junk yards and automobile graveyards in accordance with Article 17-700;
- 17-610.03-9 Manufacture, production, or processing of asphalt;
- 17-610.03-10 Satellite dish as the primary structure on single lot of record or mounted to the roof of a primary structure as provided for in Article 17-700;
- 17-610.03-11 Commercial uses;
- 17-610.03-12 Campground.

17-610.04 Accessory Uses.

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

- 17-610.04-1 Temporary buildings for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;
- 17-610.04-2 Signs as provided for in Article 17-700;
- 17-610.04-3 Parking as provided for in Article 17-700;
- 17-610.04-3 Satellite dish as provided for in Article 17-700.

17-610.05 Requirements for Permitted Uses in General Industrial District I-1.

17-610.05-1 In accordance with Section 17-802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required;

17-610.05-2 Final grading and site finishing are required on parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping shall be no taller than three (3) feet if located within fifty (50) feet from the corner of any intersecting street;

17-610.05-3 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen, on any side open to view from a public road, the operation of use.

**SECTION 17-611
FLOOD HAZARD DISTRICT FH-1**

17-611.01 Purpose of Flood Hazard District.

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, acting 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 areas subject to flooding; (c) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

17-611.02 Applicability.

These provisions shall apply to all lands within the jurisdiction of the Town of Narrows and identified as being flood-prone as stipulated in this Ordinance.

17-611.03 Compliance.

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provision of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

17-611.04 Abrogation and Greater Restrictions.

This Ordinance supersedes any ordinance 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.

17-611.05 Description of Districts.

17-611.05-1 Basis of Districts. The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for the Town of Narrows, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, dated February, 1978;

- (a) The Floodway District is delineated for purposes of this Ordinance, using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas included in this District are specifically defined in Table 3 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map;
- (b) The Flood-Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study, and as shown on the accompanying Flood Boundary and Floodway Map;
- (c) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles of elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map. In determining the necessary elevations for the purpose of this Ordinance, other sources of data may be used such as: (1) Corps of Engineers - Floodplain Information Reports; (2) U.S. Geological Survey - Flood Prone Quadrangles; (3) U.S.D.A., Soil Conservation Service - Flood Hazard Analyses; (4) Known high-water marks from past floods; (d) Tennessee Valley Authority Flood Reports; and (e) other sources.

17-611.05-2 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) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts, and those of any underlying districts, 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 discretion, the basic underlying district provisions shall remain applicable.

17-611.06 Official Zoning Map.

The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map which is declared to be a part of this Ordinance and which shall be kept on file at the Town Manager's office.

17-611.07 District Boundary Changes.

The delineation of any of the floodplain districts may be revised by the Council where natural or man-made changes have occurred, and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

17-611.08 Interpretation of District Boundaries.

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. 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.

17-611.09 District Provisions.

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Uniform Statewide Building Code and the Town of Narrows Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility of system. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within a municipality, approval shall be obtained from the State Water Control Board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to the State Water Control Board, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.

17-611.10 Floodway District.

In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.

17-611.10-1 Permitted Uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:

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

17-611.10-2 Special Exceptions. The following uses and activities may be permitted by Special Exception Permit provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance:

- (a) Structures except for mobile home accessories to the use and activities in Section A above;
- (b) 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;
- (c) Water-related uses and activities such as marinas, docks, wharfs, piers, etc.;
- (d) Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby);
- (e) Temporary uses such as circuses, carnivals, and similar activities;
- (f) 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;
- (g) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

17-611.11 Flood-Fringe and Approximated Floodplain Districts.

In the Flood-Fringe and Approximated Floodplain Districts, the development, and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Uniform Statewide Building Code and all other applicable codes and ordinances.

17-611.12 Special Exception and Variances: Additional Factors to be Satisfied.

In passing upon applications for Special Exception Permits and variances, the Town Council and the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following factors:

- 17-611.12-1 The danger to life and property due to increased flood heights or velocities caused by encroachments. No Special Exception Permit or variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood;
- 17-611.12-2 The danger that materials may be swept on to other lands or downstream to the injury of others;
- 17-611.12-3 The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- 17-611.12-4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- 17-611.12-5 The importance of the services provided by the proposed facility to the community;
- 17-611.12-6 The requirements of the facility for a water front location;
- 17-611.12-7 The availability of alternative locations not subject to flooding for the proposed use;
- 17-611.12-8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- 17-611.12-9 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- 17-611.12-10 The safety of access to the property in time of flood for ordinary and emergency vehicles;
- 17-611.12-11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

17-611.12-12 Such other factors which are relevant to the purposes of this Ordinance: the Town Council or the Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a Special Exception Permit or 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 protection and other related matters. Special Exception Permits and/or variances shall only be issued after the Town Council or 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; (d) create nuisances; (e) cause fraud or victimization of the public; or (f) conflict with local laws or ordinances. Special Exception Permits and/or variances shall only be issued after the Town Council or Board of Zoning Appeals has determined that the Special Exception Permit and/or variance will be the minimum reliefs to any hardship. The Town Council and the Board of Zoning Appeals shall notify the applicant for a Special Exception Permit and/or variance, in writing, that the issuance of a Special Exception Permit and/or 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 of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any Special Exception Permits or variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

17-611.13 Existing Structures in Floodplain Districts.

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:

- 17-611.13-1 Existing structures and/or uses located in the Floodway District, shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements);
- 17-611.13-2 Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible, and/or reasonable;
- 17-611.13-3 The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district to an extent or amount of fifty (50) percent of more of its market value, shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code;
- 17-611.13-4 Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

17-611.14 Flood Hazard Mitigation.

Within the Floodplain District as delineated, the following additional provisions shall be met:

- 17-611.14-1 All electric water heaters, electric furnaces, and other critical electrical installations shall be permitted only at elevations at or above the level of the one hundred (100) year flood;
- 17-611.14-2 Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters;
- 17-611.14-3 Adequate drainage shall be provided to minimize exposure to flood heights;
- 17-611.14-4 The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills flood or erosion protective facilities, and areas subject to special deed restrictions.

17-611.15 Severability.

In 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 which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

17-611.16 Municipal Liability.

The degree of flood protection, sought by the provisions of this Ordinance, is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Narrows or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Narrows or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE 17-700

USE REGULATIONS

SECTION 17-701 AREA REGULATIONS

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

17-701.01 Authorized Modifications of Yard Requirements.

The following modifications of the yard requirements are allowed:

- 17-701.01-1 An uncovered or covered porch or deck may project into a required front yard for a distance not exceeding five (5) feet;
- 17-701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;
- 17-701.01-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the median average of the existing setbacks on the existing developed lots;
- 17-701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

17-701.02 Special Provisions for Corner Lots.

- 17-701.02-1 Of the two (2) sides of a corner lot in residential districts, the front shall be deemed to be the shorter of the two sides fronting on streets, except in mobile home subdivisions where the front shall be the longer of the two sides. Of the two (2) sides of a corner lot in any non- residential district on which a building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the side of the lot on which the building or structure fronts and has its primary pedestrian access. Of the two (2) sides of a corner lot in any non-residential district on which no building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the longer of the two (2) sides fronting on streets;
- 17-701.02-2 The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings.

**FIGURE 1
LOT REGULATIONS BY DISTRICT
TOWN OF NARROWS ZONING**

District	Lot Size	Setback*	Frontage at Setback	Side Yard	Rear Yard	Height**	To Main Bldg.	Accessory Buildings/Structures ⁵⁰		Height
								Side Yard	Rear Yard	
AR-1	43,560 sq. ft.	35'	150'	2 yards 10' min/	25'	35'	35'	10'	25'	35'
R-1	21,780 sq. ft.	35'	100'	2 yards 10' min/	25'	35'	20'	10'	10'	20'
R-2	9,600 sq. ft.	35'	100'	2 yards 10' min/	25'	35'	20'	10'	10'	20'
R-3	5,000 sq. ft. (a)	35'	50' for SF 100' for Duplex	2 yards 10' min/	20'	48'	20'	5'	5'	20'
R-4	43,560 sq. ft.									
MH-1	43,560 sq. ft. MH Park Lot 3,800 sqft MHP—Requires Detailed Plan	35'	150'	15'	20'	35'	20'	20'	10'	15'
			15'	10'	10'	35'	5'	5'	5'	15'
B-1 ⁵¹	N/A	N/A	---(b)	---(b)	---(b)	48'	5'	5'(b)	5'(b)	20' ⁵²
B-2 ⁵³	5,000 sq. ft.	50'	25'(b)	---(b)	---(b)	35'	5'	5'(b)	5'(b)	20' ⁵⁴
M-1	43,560 sq. ft.	35'	150'	15'	25'	48'	20'	10'	15'	45'
I-1	43,560 sq. ft.	35'	150'	15'	25'	48'	20'	10'	15'	45'

(a) R-3 Lot Area add 3,000 square feet for each added unit in multi-family developments.

(b) Buildings used for residential use same requirements as R-2.

NOTE: For prefabricated carports, accessory to a residential dwelling, the separation distance to the main building shall be at least five (5) feet. The distance to a main building on an adjacent lot or parcel shall be at least five (5) feet. There shall be a setback of at least one (1) foot from the side property line for carport and canopy structures.⁵⁵

⁵⁰ 11/21/2011: Motion made by council to change “accessory building” to “accessory building/structure”.

⁵¹ 09/17/2007: Motion made by council to allow for front, rear, and side yard setbacks for main structure/accessory structure in B-1 zone to reflect those for R-2 zone when for a residential use.

⁵² 02/17/2014: Council action changed the maximum height of accessory buildings/structures in the B-1 zoning district from 10 feet to 20 feet.

⁵³ 09/17/2007: Motion made by council to allow for front, rear, and side yard setbacks for main structure/accessory structure in B-2 zone to reflect those for R-2 zone when for a residential use.

⁵⁴ 11/21/2011: Motion made by council to change height of accessory structure/building in B-2 zone from 10' to 20'.

⁵⁵ 02/17/2014: Note pertaining to prefabricated carports and associated separation distances and setbacks added by Council action.

* Add 10 feet for corner lots. Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

**The height limit for dwellings may be increased up to 48 feet and up to 3 stories provided each side yard is 20 feet, plus 1 foot or more of side yard for each additional foot of building height over 35 feet.

A public or semi-public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased 1 foot for each foot in height over 35 feet. Church spires, belfries, cupolas, municipal water towers, chimneys, flue, flagpoles, television antennae and radio aerials are exempt. Satellite dish antennas are not exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.

** Cont.

For buildings over 48 feet in height, approval shall be obtained from Town Council. Chimneys, flues cooling towers, flagpoles, radio communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to 4 feet above the height of the building on which the walls rest.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator shall require the area considered necessary by the Health Official. All uses within 500' of the public system are required to connect to the system.

All property located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a 10 foot side yard on the side or sides adjoining or adjacent to the residential district.

**SECTION 17-702
ADDITIONAL BUILDINGS ON A SINGLE LOT**

Additional single-family structures on a single lot.

17-702.01 Garage Apartments.

The addition of a single family structure including garage apartments or a mobile home on a lot located in a residential zone with an existing residential or non- residential structure may be permitted by Special Exception Permit under exceptional circumstances and for good cause.

17-702.02 Additional Multi-family Structures or Additional Non-residential Main Structures on a Single Lot.

The addition of a multi-family structure to a lot which is located in a residential zone and which already contains multi-family structures, or the addition of another main building to such a lot, requires that all additional buildings conform to all open space requirements for the district in which the lot or tract is located and further conform to all other requirements, Town Codes and ordinances.

17-702.03 Temporary Building.

A temporary building may be used in conjunction with construction work only and may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

17-702.04 Granny Cottage.⁵⁶

As defined in Article 17-300, Section 17-302.73, these structures may be allowed on lots where the primary use is a single family residential structure, provided setback and building separation requirements can be met.

**SECTION 17-703
OFF-STREET PARKING**

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or Special Exception is established in accordance with this Ordinance.

17-703.01 General Requirements.

For the purpose of this Ordinance, the following general requirements shall be observed:

17-703.01-1 Parking spaces (minimum 10' x 20' each) for all dwellings and other uses shall be located on the same lot with the main buildings to be served;⁵⁷

17-703.01-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided that the center point of such space lies within six hundred (600) feet of the property line of such main use;

17-703.01-3 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same

⁵⁶02/17/2014: Granny cottage added by Council action.

⁵⁷02/17/2014: Minimum dimensions added by Council action.

time;

17-703.01-4 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;

17-703.01-5 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

17-703.01-6 Any new use established in an existing building after the effective date of this ordinance shall provide off-street parking which conforms to the requirements of this section.

17-703.01-7 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

17-703.02 Site Requirements.

All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

17-703.02-1 All such parking areas, except those serving one and two-family dwellings, shall be surfaced with concrete, asphalt, tar and gravel. Where concrete or asphalt is used, individual parking spaces shall be so marked. All parking areas shall be maintained in a dust-proof condition. A good stand of vegetative cover shall be maintained on the remainder of the lot;

17-703.02-2 Lighting facilities shall be so arranged that light is reflected away from adjacent properties;

17-703.02-3 The parking lot shall be adequately drained. Where a creation of a paved or sealed parking lot will likely cause storm water run-off due to grade conditions, review and approval by the Administrator is necessary before the improvement is to be made.

17-703.02-4 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:

- (a) Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage.
- (b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor three (3) feet to adjoining property lines. ⁵⁸
- (c) Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right-of-way line.

17-703.02-5 On-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty-two (22) feet between parking rows back-to-back shall be clear for

⁵⁸ 02/17/2014: Council action reduced the minimum distance between adjoining property lines and entrances/exits from 10 feet to 3 feet.

maneuvering into and out of parking spaces.

- 17-703.02-6 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two-thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, signs, and other permitted uses.

17-703.03 Parking Space Requirements for All Districts.

In all districts, except the Central Business District B-1, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.

- 17-703.03-1 In the Central Business District B-1, off- street parking shall be provided for any building whose primary use is residential.
- 17-703.03-2 Other uses in the Central Business District B-1 are exempt from off-street parking requirements.
- 17-703.03-3 Dwellings:

Land Use

Parking Requirements

- | | |
|---------------------------------------|---|
| a. Single, two family, townhouse | Two (2) spaces for each dwelling unit. |
| b. Multi-family | Two and a half (2 1/2) spaces per dwelling unit except for efficiency apartments for which two space per dwelling unit shall be provided. |
| c. Hotels, motels | One (1) space for each bedroom, plus one (1) additional space for each two (2) employees. |
| d. Mobile home parks and subdivisions | Two (2) spaces per mobile home. |
| e. Recreational vehicle parks | One (1) space for each travel trailer, motor home, or camper. |
| f. Boarding and rooming houses | One and one-half (1 1/2) spaces for each bedroom. One (1) space for each two (2) employees. |

17-703.03-4 Public Assembly:

Land Use

- a. Newly constructed churches and other places of worship
- b. Private clubs, lodges and fraternal or sororital buildings not providing overnight accommodations
- c. Theaters, auditoriums, coliseums stadiums, and similar places of places of assembly
- d. Schools, including kindergartens, play schools, and day care centers
- e. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements
- f. Bowling alleys
- g. Libraries; museums

Parking Requirements

- One (1) space for each four (4) seats in the main auditorium or sanctuary.
- One (1) space for each four (4) members.
- One (1) space for each four (4) seats seats, plus one (1) space per employee.
- One and one half (1 1/2) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges.
- One (1) space for each 200 square feet feet of floor area, plus one (1) space for each two (2) employees.
- Three (3) spaces for each alley, plus one (1) space for each (2) employees.
- One (1) space for each 500 square feet of floor area.

17-703.03-5 Health Facilities:

Land Use

- a. Hospitals and similar facilities
- b. Kennels and animal hospitals
- c. Medical, dental, and health offices and clinics
- d. Homes for adults and similar uses

Parking Requirements

- One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one space for each employee, on the maximum working shift.
- Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.

Land Use

Parking Requirements

a. Automobile repair establishments	One (1) space for each 180 square feet, plus one (1) space for each employee.
b. Food stores	One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the maximum shift.
c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments	One (1) space for each four (4) seats seats provided for patron use, plus one (1) space per employee on the maximum shift.
d. Office buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics	One (1) space for each 400 square feet of floor area, plus one (1) space per employee. ⁵⁹
e. General business, commercial or personal service establishments catering to the retail trade.	One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per employee. ⁶⁰
f. Governmental Offices	One (1) space for each 200 square feet of floor area plus, one (1) space for each employee.
g. Shopping Centers	One (1) space per 200 square feet of gross leasable area.
h. Furniture Stores	One (1) space for each 1,000 square feet of gross floor area.
i. Public utilities, such as telephone telephone exchanges and substations radio and TV stations, and electric power and gas substations	One (1) space for each employee on the maximum shift, plus three (3) spaces.
j. Mortuaries and funeral parlors	Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each employee.

⁵⁹12/17/2007: Motion made by council to change requirement from 1 space for each 200 square feet to 1 space for each 400 square feet.

⁶⁰02/17/2014: Council action corrected a prior typographical error by moving the word “employee” from the Land Use column to the Parking Requirements column for item (e).

Land Use

a. Manufacturing and establishments not catering to the retail trade

b. Wholesale establishments

Parking Requirements

One (1) space for each two (2) employees on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.

One (1) space for every fifty (50) square feet of customer service area, plus one (1) spaces for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

**SECTION 17-704
JUNK STORAGE AND AUTOMOBILE GRAVEYARDS**

Title 33.1, Chapter 6, Sections 344 through 348 of the Code of Virginia (1950) as amended, establish the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Town of Narrows Zoning Ordinance incorporates the provisions of the above-referenced sections of the State Code. Junk storage or automobile graveyards, meeting the following criteria, may be permitted by Special Exception Permit as provided for in Article 17-8.

17-704.01 Criteria for the Location of Junkyards or Automobile Graveyards. (See Sec's. 33.1-348 of the Code of Virginia.)

No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1000) feet of the nearest edge of the right-of-way of any interstate or primary highway, or within five hundred (500) feet of the nearest edge of the right-of-way of any other highway or street, except:

17-704.01-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway or street, or otherwise removed from sight;

17-704.01-2 Junkyards or automobile graveyards which are not visible from the main-traveled way of the highway or street.

17-704.02 Automobile Graveyards or Junkyards in Existence in Permitted Districts at the Time of Adoption.

Automobile graveyards or junkyards in existence where they are permitted at the time of adoption of this Ordinance, as amended, are considered as non-conforming uses (see Section 17-708.03), except that the screening requirements for each district shall apply.

SECTION 17-705 HOME OCCUPATIONS

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Administrator may request advice from the Planning Commission as appropriate.

17-705.01 Special Requirements.

Home occupation, where permitted, shall meet the following special requirements:

- 17-705.01-1 The applicant either shall be the owner of the property on which the home occupation is to be located, or shall be a tenant thereof. If the applicant is a tenant, he shall have written approval of the owner of the property;
- 17-705.01-2 The home occupation shall be operated only by the members of the family residing on the premises, and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;
- 17-705.01-3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;
- 17-705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in Section 17-706;
- 17-705.01-5 The building in which the home occupation is to be located shall be an existing structure ready for occupancy, and not a proposed structure.
- 17-705.01-6 The Town Officials, such as the building inspector, police, fire personnel, and others shall have the right and responsibility of inspection prior to the issuance of a home occupation permit.

17-705.02 Expiration.

A Certificate of Zoning Compliance for home occupations shall expire under the following conditions:

- 17-705.02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;
- 17-705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

SECTION 17-706 SIGNS

17-706.01 Intent.

The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of the Town of Narrows. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development. The ultimate purpose of the control of signs is to make them most useful to the public. This section is not intended to interfere with, abrogate, or annul any law of the State related to outdoor advertising. Where state restrictions are stricter, they shall control. No electronic changeable copy signs are to be allowed in residential zoning districts.⁶¹

17-706.02 General Requirements.

17-706.02-1 Except as provided in Section 706.05 below, no outdoor advertising, sign, or sign structure shall be installed without issuance of a Certificate of Zoning Compliance prior to such installation. Application for the Certificate of Zoning Compliance shall proceed in accordance with the specified procedures of Sections 17-802.02 or 17-802.03, as appropriate. Failure to adhere to the requirements of this Ordinance automatically cancels any such Certificate which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith;

17-706.02-2 In fulfillment of the site plan requirements under Sections 17-802.02 or 17-802.03 as appropriate, all applications for a Certificate of Zoning Compliance shall be accompanied by two (2) copies of plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support. The specifications shall include design and wind load engineering calculations;

17-706.02-3 Applications for a Certificate of Zoning Compliance shall be reviewed and decided as specified in Section 17-802.02 or 17-802.3 as appropriate, with the following specific provisions:

- (a) the Town of Narrows Building Inspector shall review and approve all sign plans and specifications prior to issuance of the Certificate of Zoning Compliance;
- (b) the application shall require the signature of the owner of the lot(s) in question, and of the tenant of such lot, if there be any tenant.

17-706.03 Maintenance and Removal of Signs.

17-706.03-1 All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Uniform Statewide Building Code or other sections of the Town Code;⁶²

17-706.03-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed, or relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction, abandonment, or notice from the Town.

⁶¹02/17/2014: Last sentence of intent statement added by Council action.

⁶²02/17/2014: Council action added "or other sections of the Town Code".

17-706.04 Signs That Do Not Require A Permit.

The following signs shall be allowed in all districts, and shall be exempt from permit requirements: 17-

706.04-1 Real estate signs advertising sale, rental, or lease of land or building(s), provided that:

- (a) In residential districts, real estate signs shall not be in excess of six (6) square feet;
- (b) In business districts, there shall be no sign in excess of thirty-two (32) square feet and no more than three (3) such signs on any single lot;
- (c) In industrial districts, there shall be no sign in excess of ninety (90) square feet and no more than three (3) such signs on any single lot;
- (d) Any real estate sign shall be removed within ten (10) days following transfer of title to the property advertised.

17-706.04-2 Directional signs in residential districts for parks and playgrounds and other permitted nonresidential uses, provided that such signs shall not exceed four (4) square feet in area.

17-706.04-3 Professional name plate, complying with standards listed in Table 7.1, indicating the name of the professional.⁶³

17-706.04-4 One sign or bulletin board, not exceeding thirty-two (32) square feet in area, indicating the name of an institution or civic association on premises of such facility;

17-706.04-5 Signs, not exceeding thirty-two (32) square feet each with a maximum number of three (3) such signs per lot, located on the premises relating to active construction projects;

17-706.04-6 Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other similar materials;

17-706.04-7 Traffic or other official public signs or notices posted or erected by or at the direction of a local, state, or federal governmental agency such as the Virginia Department of Transportation (VDOT), or a public utility company;

17-706.04-8 On-premise signs, not to exceed six (6) square feet each, displayed for direction or convenience of the public, such as those indicating restrooms, telephones, public entrances, freight entrances, and the like;

17-706.04-9 Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding one (1) square foot;

17-706.04-10 (This section was removed upon a motion by council made 06/21/2004.)

17-706.04-11 Political signs, not to exceed six (6) square feet in area, provided that such signs:

- (a) shall not be allowed longer than one hundred twenty (120) days; and
- (b) shall be removed by sign owner within five (5) days after the date of the election or event to which the sign makes reference, or if the owner fails to do so, by the Zoning Administrator at the owner's expense, five (5) days following registered notification of the owner.

⁶³ 06/21/2004: Motion by council to have Section 17-706.04-3 to reflect the standards set forth in Table 7.1.

- (c) Each political sign shall contain a complete message.

17-706.04-12 Paper temporary signs in show windows, not to exceed thirty-two (32) square feet;

17-706.04-13 No trespassing signs, without limitations on the number or placement, limited in area to two (2) square feet, each.

17-706.05 Signs Prohibited in all Districts.

The following signs are prohibited in all districts:

17-706.05-1 Any sign erected or painted upon a fence, tree, fire escape, or utility pole;

17-706.05-2 Any sign which uses the word "Stop" or "Danger" prominently displayed or which is a copy or imitation of official traffic control signs;

17-706.05-3 Any sign or illuminating device(s) for signage which causes glare onto any roadway, building or land other than the building or land on which the sign is necessary;

17-706.05-4 Any sign which is mobile or portable, except signs of thirty-two (32) square feet or less;

17-706.05-5 Any sign which is designed to and effectively does distract the attention of passing motorists on any highway by loud and blatant noises, by obstructing vision, or by employing externally visible mechanical movement or rotation;

17-706.05-6 Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard;

17-706.05-7 Any sign which obstructs any door opening or window used as a means of ingress or egress;

17-706.05-8 Any sign which violates any provision of federal or state law relating to outdoor advertising; 17-

706.05-9 Any sign which advertises a business which is no longer in operation at the site in question.

17-706.06 Signs Requiring Special Exception Approval.

The following signs shall require approval and permit issuance as Special Exceptions under the provisions of this Chapter. Grounds for such approval shall be based on whether the sign is viewed as appropriate to the proposed location in terms of scale, compatibility with surrounding land uses, traffic, and safety:

- (a) Electronic changeable copy signs are allowed only in Business zoning districts (i.e., B-1, B-2); ⁶⁴
- (b) Signs attached to or using balloons as a primary sign element.

17-706.07 Non-Conforming Signs.

All non-conforming signs in place at the time of adoption of this Chapter:

- (a) Shall not be increased, enlarged upon, expanded, or extended;

⁶⁴ 02/17/2014: Modified by Council action to indicate that electronic changeable copy signs “are allowed only in Business zoning districts (i.e., B-1, B-2)”.

- (b) Any damage shall be repaired within sixty (60) days or the billboard shall be removed;
- (c) Shall not be resumed for use after a discontinuance of twenty four (24) months;
- (d) Shall be removed under the following conditions:
 - (1) maintenance of the sign is not done such that the paper, paint, or other similar media are faded beyond recognition or otherwise rendered in such a state of disrepair that the original message is no longer effective for a continuous period of twenty four (24) months; or
 - (2) the face is not used for its intended purpose for a continuous period of 90 days following notification by the Town; or
 - (3) where the owner fails to remove the sign, the locality may upon thirty (30) days= notice, initiate action to have the sign removed and charge the owner with the removal costs.

17-706.08 Sign Regulations.

17-706.08-1 Changeable copy signs:

- (a) Shall be allowed as freestanding signs, as part of freestanding signs, or as wall signs if:
 - (1) they are encased or at a height such as not to be accessible to vandals; and
 - (2) they are securely and permanently anchored to the ground or the structure.
- (b) Electronic changeable copy signs are allowed only in Business zoning districts (i.e., B-1, B-2) and only through the Special Exception procedure (see Sec 17-706.06).⁶⁵

17-706.08-2 Sign Lighting.

- (a) Signs may be self-illuminating or illuminated from an exterior light.
- (b) Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory.

17-706.08-3 Sign Area and Height.

- (a) Calculation of Allowable Sign Area.
 - (1) For purposes of this Section, sign areas shall be measured so as to include the entire area within a continuous perimeter enclosing the extreme limits of each word, symbol, numeral, group of symbols or group of numerals where the symbols or numerals are meant to be read as a unit, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area.
 - (2) Only one side of a double-faced sign or canopy sign shall be included in the calculation of area where the sign faces are arranged to be viewed one at a time. Only two sides of a canopy sign shall be included in the calculation of area when the sign faces are arranged to be viewed two at a time.

⁶⁵ 02/17/2014: Modified by Council action to indicate that electronic changeable copy signs are allowed “only in Business zoning districts (i.e., B-1, B-2) and only through the Special Exception procedure (see Sec. 17-706.06)”.

(3) Only those signs which require a permit shall be considered in calculating allowable area of a sign.

(b) Distribution of Signage: where more than one business activity is located within a single building on an individual lot, maximum copy area is to be divided and distributed by the owner or manager among the several business activities within the building.

(c) Multiple frontages: where a lot fronts two different roads, the maximum copy area for signage may be doubled. The additional signage, however, is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both corner lots and double frontage (through) lots.

(d) Height: height of the sign is measured from elevation of road grade at the nearest point on the frontage road, to the top of the sign.

17-706.08-4 Sign Allowance. Table 7.1 shows the types of sign use, frontage requirements, maximum copy area, height and location for signs allowed in the Town of Narrows.

17-706.08-5 Freestanding Sign Regulations.

(a) Only one freestanding sign per lot or development shall be allowed, with the exception of lots with multiple frontage (see Sec. 17-706.08-3(c)).

(b) No part of the freestanding sign shall be extended beyond required sign setback.

17-706.08-6 Wall Signs, Suspended Signs, Roof Signs, and Projecting Signs.

(a) Degree of Projection.

(1) In the B-1 district, for any lot in which a building directly abuts the sidewalk at the front lot line, no wall, suspended, or projecting sign shall extend more than two-thirds (2/3) the width of the sidewalk. For all other lots in the B-1 district, subsection 2 below shall apply.

(2) In all districts except the B-1 district, no wall, suspended, or projecting sign shall extend more than eighteen (18) inches from the building to which it is attached, except for canopy signs, which may project no more than three (3) inches beyond the edge of the canopy.

(b) Upper Height of Sign. No part of any wall, suspended, or projecting sign shall project above the lowest point of the roof. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.

(c) Lower Height of Sign. No part of any wall, suspended, or projecting sign shall be any less than eight (8) feet above the ground directly beneath the sign.

17-706.08-7 Menu Boards.

(a) Menu Board signs shall be allowed only with drive-in establishments.

(b) The face of the menu board sign shall be directed away from any adjacent residential properties.

(c) Volumes associated with loudspeakers shall be such that nearby residents are not likely to be disturbed by excessive noise associated with order placing and order pickup.

17-706.08-8 Use of Multiple Sign Structure.

(a) While not required, it is recommended that a multiple sign be used where more than one business is

located on a lot. In all cases, only one freestanding sign per lot shall be allowed, regardless of the number of businesses per lot.

- (b) Any multiple sign structure shall use a unified design concept, such that signs within the structure shall in the Administrator's judgment have a substantially unified or harmonious appearance in color, style, size, shape, graphics, and illumination.

17-706.08-9 Unified Design Concept for Business Complexes.

- (a) A multiple sign structure meeting the requirements of Sec. 17-706.08-8 shall be used to fulfill the freestanding sign allowance for any business complex, if any freestanding sign is desired.
- (b) Size, height, location, material, and color of the sign and sign structure shall in the Administrator's judgment strongly relate to building and site design.

TABLE 7.1
Signs Allowed with Permit
by Zoning district and Maximum size (square feet)

SIGN TYPE	ZONING DISTRICT										
	AR-1	R-1	R-2	R-3	R-4	MH-1	B-1	B-2	B-3	M-1	I-1
Agricultural Product	32	32	32	32	32	32	32	32	32	32	32
Billboard	_____										
Business	_____						32	100	100	100	100
Construction	32	32	32	32	32	32	32	32	32	32	32
Development	48	48	48	48	48	48	48	48	48	48	48
General Advertising	_____							48	48	48	48
Home Occupation	2	2	2	2	2	2	2	2	2	2	2
Identification	20	20	20	20	20	20	32	32	32	32	32
Location/directional	4	4	4	4	4	4	8	8	8	12	12
Menu Board	_____						24	24	24	24	24
Office Complex	_____						32	96	96	96	96
Political signs	6	6	6	6	6	6	6	6	6	6	6
Professional Name Plate	6	2	2	2	6	2	6	6	6	6	6
Real Estate Directional	4	2	2	2	4	2	4	16	16	16	16
Real Estate	6	6	6	6	6	6	32	32	32	32	90
Shopping Center ^B	_____								150 ^C	150 ^C	150 ^C
Temporary Development	32	32	32	32	32	32	32	32	32	32	32
Portable	_____						8	32	32	32	32
Maximum Sign Area/lot	50	50	50	50	50	50	75	300	300	300	300

A- Note: no more than three (3) signs on any single lot

B- The intent is that shopping centers have a sign that is visually one unit

C- Plus 200 square feet for every 25,000 square feet of floor area

Table 7.1 (continued)⁶⁶
Signs Allowed with Permit
Height, Location, and Construction Type

SIGN TYPE	Maximum Height	Location from Right-Of-Way (ROW)	Construction Types Allowed
Agricultural Product	8 feet	On property line	Freestanding
Billboard	N/A	N/A	N/A
Business	25 feet ⁶⁷	15 feet from ROW	Freestanding
Construction	10 feet	15 feet from ROW	Freestanding
Development	8 feet	15 feet from ROW	Freestanding
General Advertising	12 feet	15 feet from ROW	Freestanding
Home Occupation	4 feet	On property line	Freestanding, wall, roof, suspended, projecting
Identification	8 feet	15 feet from ROW	Freestanding
Location/Directional	8 feet	On property line	Freestanding
Menu Board	8 feet	15 feet from ROW	Freestanding
Office Complex	15 feet	15 feet from ROW	Freestanding
Political Signs	4 feet	15 feet from ROW	Freestanding
Professional Name Plate	8 feet	15 feet from ROW	Attached to building
Real Estate Directional	4 feet	On property line	Freestanding
Real Estate	4 feet	On property line	Freestanding
Shopping Center	15 feet	15 feet from ROW	Freestanding
Temporary Development	8 feet	15 feet from ROW	Freestanding – may be in addition to freestanding development sign
Portable	8 feet	15 feet from ROW	Freestanding

⁶⁶ 06/21/2004: Motion by council to height, location, and construction type restrictions regarding signs.

⁶⁷ 02/17/2014: Council action increased the maximum height for a freestanding business sign from 15 feet to 25 feet.

17-706.09 Sign Definitions.⁶⁸

17-706.09-1 Sign construction types.

- (a) Canopy Sign – A sign which is painted on or attached directly to an architectural canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edge.
- (b) Freestanding Sign – A sign not attached to nor printed on a building but which is supported by upright structural members or by braces on or in the ground.
- (c) Portable Sign – A sign of more than 6 square feet designed to be transported with ease or designed to be transportable such as to permit its easy installation and removal. Such signs include but are not limited to signs with wheels, whether or not those wheels are removed; signs with chassis or support constructed without wheels; signs designed to be transported by trailer or wheeled conveyance; A- or T-frame signs; signs mounted on a vehicle for advertising purposes other than signs identifying the related business when the vehicle is being used for transport in the normal day-to-day operations of that business; menu and sandwich board signs; and searchlight stands.
- (d) Projecting Sign – A sign which is attached nominally perpendicular to a building, wall, roof, façade, canopy, marquee, or porch.
- (e) Roof Sign – A sign which is erected or constructed and maintained from the roof of a building.
- (f) Suspended Sign – A sign which is suspended nominally parallel from a building, wall, roof, façade, canopy, marquee, or porch by means of brackets, hooks, chains, or the like.
- (g) Temporary Sign – A sign made of durable or nondurable material which is intended for a limited period of display.
- (h) Wall Sign – A sign which is painted on or attached directly to an outside building wall, the face of which is parallel to the wall.

17-706.09-2 Sign Use Types.

- (a) Agricultural Product Sign – A temporary or permanent sign displayed on a farm to advertise agricultural produce available thereon.
- (b) Billboard Sign – A freestanding general advertising sign which has a copy area greater than fifty (50) square feet.
- (c) Business Sign – An on-premise sign which identifies a business and/or directs attention to a product, commodity, or service.
- (d) Construction Sign – A temporary sign for the purpose of advertising the use to be made of the building or structure and the businesses or firms developing the business or structure.
- (e) Development Sign – A permanent sign located at the entrance of a subdivision, housing development, farm, estate, or an industrial park, which displays the name of same.
- (f) General Advertising Sign – An off-premise sign which directs attention to a product, commodity, or service.

⁶⁸ 06/21/2004: Motion by council to add Section 17-706.09.

- (g) Home Occupation Sign – A sign directing attention to a product, commodity, or service available on the premises but which product, commodity, or service is clearly a secondary use of the dwelling.
- (h) Identification Sign – A permanent sign announcing the name of a church, school, park, historical site, or other public or quasi-public use.
- (i) Location/Directional Sign – An off-premise sign which directs attention to the approximate location of a public or private establishment by naming and giving direction to the establishment. Such a sign is not to be used for general advertising.
- (j) Menu Board Sign – A sign at the entrance lane of a drive-through establishment having a sound system associated with the sign for the purpose of placing an order to be picked up at the drive-through window.
- (k) Office Complex Sign – A group of business offices: (1) designed as a single group of offices or buildings whether or not in the same parcel; or (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or (3) connected by party walls to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous office grouping.
- (l) Professional Name Plate sign – A permanent wall sign announcing the name of a professional, business, or similar occupant, the total area of which does not exceed one (1) square foot.
- (m) Real Estate Directional Sign – A temporary off-premise sign for the purpose of directing the way to premises which are for sale, lease, or rent.
- (n) Real Estate Sign – A temporary on-premise sign for the purpose of advertising the sale or lease or the completion of the sale or lease of real estate when erected or displayed on the property.
- (o) Shopping Center Sign – A group of enterprises which is: (1) designed as a single group, whether or not on the same parcel; or (2) under one common ownership or management or has one common arrangements for the maintenance of buildings or grounds; or (3) connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous commercial area.
- (p) Temporary Development Sign – A temporary on-premise sign advertising a subdivision or housing development or sites in an industrial park.

17-706-.09-3 Types of Sign Copy.

- (a) Changeable Copy, Electronic – A sign whose message is continuously changed electronically through the use of lights.
- (b) Changeable Copy, Manual – A sign designed so that the characters or letters can be changed or rearranged manually without altering the underlying face or size of the sign.
- (c) Double-Faced Sign – A sign with two parallel, or nearly parallel, faces, which are placed back to back and are separated by not more than twenty four (24) inches.
- (d) Multiple Sign – A freestanding sign structure on which more than one single-faced or double-faced sign may be mounted within an overall frame.
- (e) Single-Faced Sign – A sign on which a message is displayed on one side thereof only.

17-706.10 Maintenance and Removal of Signs.

17-706.10-1 All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Uniform Statewide Building Code;

17-706.10-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed, or relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction or abandonment.

SECTION 17-707
MOBILE/MANUFACTURED HOMES

Any mobile/manufactured homes placed in the town of Narrows after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

17-707.01 Minimum Requirements for All Mobile Homes

- 17-707.01-1 All mobile/manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all mobile homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia and all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974;
- 17-707.01-2 All mobile/manufactured homes shall be completely skirted within sixty days; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials provided for in the Uniform Statewide Building Code;
- 17-707.01-3 All mobile/manufactured homes shall be supplied with public water and wastewater disposal;
- 17-707.01-4 All mobile/manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 vehicle spaces (each space containing a minimum of 180 square feet) for each mobile/manufactured home. Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.

17-707.02 Individual Mobile/Manufactured Homes.

- 17-707.02-1 It shall be unlawful to place or park a mobile/manufactured home or similar temporary structure on any property in the town, except in areas designated as mobile/manufactured home park or mobile/manufactured home subdivision areas. Any mobile/manufactured home in any other area that is removed may not be replaced, and in the event that any such home is replaced, it shall be a violation of this chapter.

17-707.03 Mobile/Manufactured Home Parks.

- 17-707.03-1 The location of a mobile/manufactured home park shall require a Certificate of Zoning Compliance issued by the Zoning Administrator.
- 17-707.03-2 Operators of mobile/manufactured home parks shall conform to the Uniform Statewide Building Code. The placement of individual mobile/manufactured homes shall require the issuance of a building permit.
- 17-707.03-3 All mobile/manufactured home parks for which permits are granted under this section will be subject to periodic inspection. Upon any infraction by the park the permit may be revoked by the Town of Narrows.

17-707.04 Applicants for mobile/manufactured home parks shall submit two copies of a site plan showing the following:

- 17-707.04-1 A vicinity map showing the location and area of the proposed park;
- 17-707.04-2 The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;

17-707.04-3 The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties;

17-707.04-4 The location and dimensions of all existing streets and street right-of-way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park;

17-707.04-5 The proposed layout, including internal streets with dimensions and such typical street cross sections and center line profiles as may be required in evaluating the street layout, water, sewer, drainage and utility lines, facilities and connections, with dimensions shown; location and dimensions of all mobile/manufactured homes standard parking spaces , management facilities, laundry facilities, recreation buildings and other permanent structures; location and nature of fire fighting facilities, including hydrants; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, fencing and screening, and natural features to be retained.

17-707.05 Mobile/Manufactured Home Park Design Requirements. All mobile/manufactured home parks shall meet the following requirements:

17-707.05-1 Area Requirements. For each mobile/manufactured home in a mobile /manufactured home park, a mobile/manufactured home stand shall be provided which is 3800 square feet of area or more which shall front on an existing road, street, or internal street.

17-707.05-2 Width and Length Requirements. Each mobile/manufactured home stand shall have a width of forty (40) feet or more and a length of ninety-five (95) feet or more. On all stands larger than the minimum, the ratio of length to width shall not exceed 2.2 to 1.0.

17-707.05-3 Distance Between Mobile/Manufactured Homes. Mobile/manufactured homes shall be arranged so as to provide a distance of twenty (20) feet or more between individual units.

17-707.05-4 Setback requirements. The setback from the right-of-way shall be fifteen (15) feet and from the rear stand line ten (10) feet.

17-707.05-5 Sanitation Facilities. It shall be the responsibility of the mobile/manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. The Giles County Public Service Authority will require and must approve a centralized collection arrangement to facilitate collection for the mobile/manufactured home park. ⁶⁹

17-707.05-6 Electrical Connections. Each mobile/manufactured home shall be provided with electrical outlets installed in accordance with the Uniform Statewide Building Code.

17-707.05-7 Internal Streets. An internal street shall be an all-weather surface roadway which is twenty (20) feet wide and established within a right-of-way thirty-six (36) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn around. These streets shall be maintained solely at the owner's expense, and will not be accepted by the Town of Narrows as public streets.

17-707.06 Mobile/Manufactured Home Accessory Structures. All mobile/manufactured accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

⁶⁹ 02/17/2014: Modified by Council action to reflect that the Giles County Public Service Authority is the entity responsible for collection of garbage from a centralized point in mobile/manufactured home parks in the Town.

- 17-707.06-1 All mobile/manufactured home accessory structures must meet the plumbing, electrical, construction and other applicable requirements of the Uniform Statewide Building Code;
- 17-707.06-2 Except in the case of an awning, ramada, or other shade structure, where a mobile/manufactured home accessory structure is attached to a mobile/manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the mobile/manufactured home unit, or such accessory structure shall be attached to the mobile/manufactured home unit in a substantial manner by means of a roof. All mobile/manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile/manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a mobile/manufactured home;
- 17-707.06-3 No mobile/manufactured home accessory structures, except ramadas, shall exceed the height of the mobile/manufactured home;
- 17-707.06-4 No mobile/manufactured home accessory structure shall be erected or constructed on any mobile/manufactured home lot or stand except as an accessory to a mobile/manufactured home.
- 17-707.06-5 The rear yard of each mobile/manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of mobile/manufactured home accessory structures.
- 17-707.06-6 For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile/manufactured home accessory structures.

17-707.07 Mobile/Manufactured Home Subdivisions.

- 17-707.07-1 Mobile/manufactured home subdivisions shall conform to the requirements of the Town of Narrows Subdivision Ordinance.
- 17-707.07-2 Minimum lot width for mobile/manufactured home subdivision lots is ninety (90) feet and minimum lot depth is sixty-six (66) feet.⁷⁰
- 17-707.07-3 The orientation of a mobile/manufactured home on a lot in a mobile/manufactured home subdivision shall have the side of the mobile/manufactured home with the longest dimension parallel to the street.

⁷⁰ 02/17/2014: Council action modified the parenthetical numeral associated with minimum lot depth to 66 to correct a previous typographical error.

SECTION 17-708 NON-CONFORMING LOTS, BUILDINGS, AND USES

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their survival, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

17-708.01 Lots of Record.

Where a lot of record at the time of enactment of this Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:

17-708.01-1 A single nonconforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that a minimum of 5 feet shall be left unoccupied by structures around the perimeter of the lot and the exterior wall of any structure located at the 5 foot line shall be constructed with a 1 hour fire rating. The distance between structures on a single lot shall be either 20 feet or 10 feet with 1 hour fire ratings for both structures.

17-708.01-2 In the event that a nonconforming lot of record is adjacent to one or more unimproved lots, owned by the same owner, such owner shall be required to combine the non-conforming lots so as to create a conforming lot to the greatest extent possible. Such combination of lots shall be noted on the Certificate of Zoning Compliance. Such Certificate of Zoning Compliance shall be recorded in the Office of the Clerk of the Circuit Court of Giles County, Virginia, and evidence of such recording shall be exhibited to the building official prior to issuance of a building permit. Prior to the issuance of a Certificate of Zoning Compliance for a non-conforming lot of record, the Zoning Administrator shall make reasonable inquiries to determine the applicability of this subsection.

17-708.01-3 An existing lot of record which supported a structure, may have a new structure, which meets building code, approved as a Special Exception.

17-708.02 Nonconforming Structures.

Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

17-708.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy-five (75) percent of its replacement cost at the time of the Building Official declaration;

17-708.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity;

17-708.02-3 Notwithstanding the provisions of Section 708.02-2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than

permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line;

17-708.02-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;

17-708.02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.

17-708.03 Nonconforming Uses of Land.

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

17-708.03-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;

17-708.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;

17-708.03-3 In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

17-708.03-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

17-708.04 Nonconforming Uses of Structure.

Where a lawful use involving an individual structure or structures in combination, exists at the time of enactment or amendment of this Ordinance, that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions;

17-708.04-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;

17-708.04-2 Should a structure or portion thereof containing a nonconforming use be destroyed by any means, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.

17-708.04-3 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy-five (75) percent of its replacement cost at the time of the Building Official declaration;

17-708.04-4 A nonconforming use of a structure may be extended to include uses of the entire structure, but shall not be extended to include either additional structures or land outside the structure;

17-708.04-5 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

17-708.04-6 A land owner or home owner with a valid nonconforming manufactured home, whether located in a mobile or manufactured home park or not, may remove such nonconforming manufactured home and replace with another comparable manufactured home that meets current HUD manufactured housing code. Comparable means that a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. Any such replacement home shall retain the valid nonconforming status of the prior home. Replacement of a mobile or manufactured home shall take place within 24 months from the time of disconnection of utilities to the original home. ⁷¹

SECTION 17-709 SPECIAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

Townhouse developments shall conform to the following regulations:

17-709.01 There shall be at least four (4) but no more than ten (10) townhouse units continuously connected. 17-

709.02 The minimum lot area for any townhouse unit shall be 2,250 square feet.

17-709.03 The minimum lot width for interior lots shall be twenty (20) feet; for corner lots, forty-five (45) feet; and for end lots within the interior of a block, thirty (30) feet.

17-709.04 The minimum gross floor area for townhouses shall be 900 square feet, exclusive of attics, garages, porches, decks, patios and basements more than fifty percent underground. The minimum patio size is 200 square feet.

17-709.05 For every townhouse unit within a development, a minimum of two (2) parking spaces shall be provided; however, the parking spaces must be located within one hundred feet of the townhouse unit.

17-709.06 The facade of townhouses in a group shall be varied by changed front yards or variations in materials or design. Units abutting each other should have a complementary but not identical facade or treatment of materials. No more than two abutting units shall have the same or essentially the same architectural treatment of facades and roof lines.

17-709.07 An approved homeowner's association shall be required of all townhouse developments, with membership consisting of all the individual dwelling unit owners of the townhouse development. The charter of the association shall be subject to the approval of the Town Council.

17-709.08 The following setback and yards shall be kept:

17-709.08-1 The front setback shall be a minimum of twenty-five (25) feet; however, not more than two abutting units shall have the same front setback, with the setback variation to be a minimum of three (3) and not more than eight (8) feet. An entrance porch may extend five (5) feet from the front of the building into the front yard.

17-709.08-2 The rear yard shall be a minimum of thirty-five (35) feet.

17-709.08-3 The side yards shall be a minimum of twenty-five feet. The minimum distance between groupings of

⁷¹ 02/17/2014: Section 17-708.04-6 added by Council action.

townhouse units shall be twenty (20) feet. All townhouse units other than end dwellings shall occupy the full width of the lot.

17-709.08-4 Accessory buildings in Townhouse developments shall maintain a distance of ten (10) feet from the rear lot line; ten (10) feet from the side lot lines; and a forty (40) foot front setback.

17-709.09 Townhouse developments shall be designed and constructed to include fire wall resistance shall conform to the Virginia Statewide Building Code as adopted and amended by the Town of Narrows.

SECTION 17-710 FENCES

- 17-710.01 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;
- 17-710.02 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
- 17-710.03 In residential zoning districts, perimeter fencing located on the front side or in the front yard of a property shall be no more than four (4) feet in height, except in the case of corner lots. ⁷²
- 17-710.04 Fences around in-ground swimming pools shall be no more than six (6) feet in height above ground level. Fences around above-ground swimming pools shall be no more than six (6) feet in height above the top of the pool or its adjacent deck. ⁷³
- 17-710.05 Fences shall be set back at least five (5) feet from public street rights of way. ⁷⁴

SECTION 17-711 SATELLITE DISH ANTENNAS

Because of their size and shape, satellite dish antennas have the capacity to be obtrusive. The intent of this section is to promote compatibility between land uses and to maintain the character and appearance of the various neighborhoods through the regulation of satellite dish antennas greater than 3 feet in diameter.

- 17-711.01 In any Residential District, ground mounted satellite dish antennas greater than three (3) feet in diameter may be permitted in the rear yard subject to the following criteria.
- 17-711.01-1 All installations must comply with all accessory use, yard, and height requirements specified within the district.
- 17-711.01-2 All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 17-711.01-3 All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 17-711.02 In any Business District, ground mounted satellite dish antennas up to eighteen (18) feet in diameter may be permitted in the rear yard subject to the following criteria.
- 17-711.02-1 All installations must comply with all accessory use, yard, and height requirements specified within the district.
- 17-711.02-2 All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 17-711.02-3 All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

⁷²02/17/2014: Section 17-710.03 added by Council action.

⁷³02/17/2014: Section 17-710.04 added by Council action.

⁷⁴02/17/2014: Section 17-710.05 added by Council action.

- 17-711.03 In any Industrial District, ground-mounted satellite dish antennas up to thirty-three (33) feet in diameter may be permitted in the rear yard subject to the following criteria:
- 17-711.03-1 All installations must comply with the accessory use, yard, and height requirements specified within the district.
- 17-711.03-2 All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 17-711.04 In any Residential District, roof-mounted satellite dish antennas up to nine (9) feet in diameter may be permitted by Special Exception Permit subject to the following criteria:
- 17-711.04-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 17-711.04-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- 17-711.05 In any Business District, roof-mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted by Special Exception Permit subject to the following criteria:
- 17-711.05-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 17-711.05-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district; except that buildings within the Central Business District B-1 that are built up to this maximum height may be permitted a roof-top installation so long as the height of the antenna does not exceed twenty-five percent (25%) of the existing height of the building.
- 17-711.06 In any Industrial District, roof-mounted satellite dish antennas up to twenty-four (24) feet in diameter may be permitted by Special Exception Permit subject to the following criteria:
- 17-711.06-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 17-711.06-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- 17-711.07 In any Residential District, ground mounted satellite dish antennas greater than three (3) feet in diameter as the primary structure on the lot may be permitted by Special Exception Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:
- 17-711.07-1 All installations shall comply with the maximum height restrictions imposed on primary uses.
- 17-711.07-2 All installations shall be set back from all property lines a distance at least three (3) times the diameter of the satellite dish antenna.
- 17-711.08 In any Business District, ground-mounted satellite dish antennas up to eighteen (18) feet in diameter as the primary structure on the lot may be permitted by Special Exception Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:

17-711.08-1 All installations shall comply with the maximum height restrictions imposed on primary uses.

17-711.08-2 All installations shall be set back from all property lines a distance at least three (3) times the diameter of the satellite dish antenna.

17-711.09 In any Industrial District, ground-mounted satellite dish antennas up to thirty-three (33) feet in diameter as the primary structure on the lot may be permitted by Conditional Use Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:

17-711.09-1 All installations shall comply with the maximum height restrictions imposed upon primary uses.

17-711.09-2 All installations shall be set back from all property lines a distance at least two (2) times the diameter of the satellite dish antenna.

SECTION 17-712 TELECOMMUNICATIONS/WIRELESS TOWERS

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

17-712.01 Towers of less than 35 feet in height, measured from the ground, shall be considered permitted uses in all zoning districts.

17-712.02 Towers of 35 feet or more in height may be permitted as a Special Exception following the review and approval of a site plan, which in part, addresses the following provisions:

17-712.02.1 Need for Tower. As part of the application, unless the applicant is a provider of radio, television, or communication signals, an executed lease or letter of intent to locate on the proposed structure by a provider of such services shall be required. Prior to issuance of a building permit, a lease for space on the tower must be available and certified.

17-712.02.2 Tower Required. As part of the application, verifiable evidence shall be provided in writing showing the lack of antenna space on existing towers, buildings, or other structures suitable for antennae locations, or evidence of the unsuitability of existing tower locations for co-location. In addition, a listing of all other buildings, towers, or other structures considered and deemed unsuitable shall be provided along with the decision criteria. An engineering report certifying that the proposed facility will support a minimum of four (4) users without causing interference with radio, television, or communications of near by property owners. The applicant shall take steps to successfully eliminate any interference

17-712.02.3 Location. As part of the application, the applicant shall provide detailed information regarding the proposed facility's location, including; latitude, longitude, and proposed service area.

17-712.02.4 Notification. As part of the application, the applicant shall provide evidence that adjoining property owners and other residents of the Town have been contacted to discuss specifics of the proposed project prior to public hearings before the Planning Commission and Town Council.

17-712.02.5 Compliance with Federal Regulations. Documentary evidence that the proposed facility is in compliance with the requirements of the Federal Aviation Administration and the Federal Communications Commission.

17-712.02.6 Balloon Test. Prior to the initial public hearing on an application, the applicant shall conduct a "balloon" test or other demonstration to evidence the location and height of the proposed tower to be constructed for a period of 12 noon to 6 p.m. local time. Such notice shall be given directly to adjoining property owners, the Town Planning Commission, and Town Council. In addition, a notice shall be published at least one week prior to the demonstration giving the time and duration of the test, in a newspaper of general circulation. The Planning Commission reserves the right to require additional testing, under defined conditions, as part of the application

17-712.02.7 Security. The proposed tower and associated equipment shall be enclosed by a fence or other structure of not less than 8 foot in height.

17-712.02.8 Setback from property lines. The proposed tower location shall be such that the tower is located at least 125 per cent of its height from any adjoining property line. The Town Planning Commission may recommend that the Town Council establish additional setback requirements.

17-712.02.9 Visual Impact. The visual impact of the tower and associated facilities shall blend with the natural and built environment of the surrounding areas. Mitigating measures may be proposed such as architectural, landscaping, color, materials, or similar.

17-712.02.10 No Advertising. No advertising of any type shall be placed on the tower or accompanying facility.

17-712.02.11 Removal of the Tower. The owner of the tower shall dismantle the tower and all associated structures, if no functioning privately-owned telecommunication antennae is attached to the tower for a period of 21 consecutive months, and restore the site as nearly as possible to pre-existing site conditions. Surety acceptable to and securing the Town, must be posted at the time of tower approval, in the event the Town must remove the Tower upon abandonment. This surety shall be in an amount estimated sufficient to remove the tower, cables, fencing, support buildings, plus 25% to cover additional costs. The amount of the surety shall be reviewed every five years and may be increased periodically during the life of the tower.

17-712.02.12 Expiration of Permit. Any special exception authorized under this section shall expire if the tower is not constructed and service provided within 180 days of issuance by the Town. Provided however, the Town may grant an additional 180 days for completion of the project.

17-712.02.13 Site Specific Conditions. The Town Council may impose such other site specific conditions as it may determine as required to protect the health, safety, and public welfare.

17-712.02.14 Reporting Required. At the time of installation, and by January 30, of each succeeding year, the owner of the tower shall report to the Town Treasurer, all users of the tower by name, address, and other contact information; and their status as of January first of each year.

17-712.02.15 Cost of Review. Any out-of-pocket costs incurred for review by a licensed engineer for any of the information required above shall be paid by the applicant.⁷⁵

SECTION 17-713⁷⁶ SWIMMING POOLS

17-713.01 Swimming pools, which are an accessory use to a private residence or a multi-family development, shall not be placed or constructed in the front yards of such properties.

⁷⁵09/17/2007: Motion by council to add Section 17-712.02-15.

⁷⁶02/17/2014: Section 17-713 added by Council action.

SECTION 17-714⁷⁷
KEEPING OF CHICKENS

17-714.01 Intent.

The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. These regulations are to provide appropriate standards for the keeping of chickens within an urban residential environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the chickens.

17-714.02 General Standards.

Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if (i) the use is conducted at the applicant's place of residence, (ii) the use is conducted for personal household consumption only, and (iii) subject to the following conditions:

1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
4. No more than six chickens shall be allowed.
5. Adequate shelter, care and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the Town and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the Town.
6. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by the Town Manager or his designee.
7. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of one and one-half square foot per hen and an open run area containing a minimum of eight square feet per hen. Pens may be portable.
8. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
9. All pens shall be deemed accessory structures and shall comply with the setback requirements as provided in Section 17-701 herein, and shall be no closer than 20 feet from any adjacent principal structure, situated on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis. Neither the coop nor the pen shall exceed ten (10) feet in height.
10. All pens shall be located in the rear yard only.
11. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
12. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for

⁷⁷ 02/17/2014: Section 17-714 added by Council action.

composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.

13. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be prima facie evidence that such area is maintained in violation of this section.
14. A reasonable level of composting of chicken litter and waste on site is encouraged. Provision shall be made by the owner for the removal and disposal of chicken litter and waste. Such waste shall not create a nuisance or health hazard to adjoining property owners. The owner shall also be responsible for proper disposal of any dead chickens.
15. Disposal of litter, waste, and dead chickens on public land or in the sewage or stormwater collection system is strictly prohibited.
16. Residents who rent or lease a dwelling and wish to keep chickens on the property shall provide, along with a completed permit application, a letter signed by the owner of the property which identifies the property and indicates the owner's permission to keep chickens on the property.

17-714.03 Administration.

1. Persons wishing to keep chickens pursuant to this section must file an application with the Town Office. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will dwell along with a \$24.00 fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by the Town Manager or his designee, a permit will be issued. The permit shall be valid for one year. Each existing permit must be renewed annually in January by filing an application with the Town Office, along with payment of a \$24.00 renewal. The Town Manager or his designee shall make another inspection of the site, prior to the approval of the renewal application.
2. Any violations found may subject the owner to revocation of his or her permit and to penalties as provided in Section 17-1003 herein. Each day a violation continues shall constitute a separate offense.
3. The provisions of this section shall be enforced by the zoning administrator and such enforcement authority may be delegated by the administrator to other Town staff.
4. The keeping of chickens in the Agricultural/Residential (AR-1) District shall conform with the requirements of Section 17-601 herein, and shall not be subject to the provisions of Section 17-714.

17-714.04 Existing Use at Time of Enactment.

Notwithstanding the foregoing provisions of this section, places of residences where chickens (roosters not being permitted under any circumstances) are currently being kept at the time of enactment of this ordinance shall have a period of two years from such date of enactment to comply with the requirements herein. However, those eligible hereunder shall, within 90 days of adoption of this ordinance by the Town Council, declare and certify such existing use to the satisfaction of the Town and make application as required by Section 17-714.03.

SECTION 17-715⁷⁸
SEXUALLY ORIENTED BUSINESSES

17-715.01 Intent of Ordinance.

There is documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, contributing to increased crime and the downgrading of property values. It is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to blight and downgrading the quality of life in the adjacent area.

Through this ordinance, the Town seeks to accomplish the following: prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of blight.

It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of sexually oriented businesses as well as the health problems associated with such businesses.

It is not the intent of this ordinance to condone or legitimize the distribution of obscene materials, and the Town Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities in the Town of Narrows; and

Virginia Code Ann. §§15.2-926.2 grants authority to political subdivisions to enact laws regulating sexually oriented businesses.

17-715.02 Definitions.

ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas;" or

⁷⁸ 02/17/2014: Section 17-715 added by Council action.

(b) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" generate 20% or more of the business's income, or account for 20% or more of inventory, or occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- (a) persons who appear in a state of nudity or semi-nudity; or
- (b) live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- (d) persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT MOTEL means a hotel, motel or similar commercial establishment that:

- (a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
- (b) offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four (24) hours.

ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a

striptease for another person.

ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT means and includes any of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business; or
- (d) the relocation of any sexually oriented business; or
- (e) a sexually oriented business or premises on which the sexually oriented business is located.

LICENSED DAY-CARE CENTER means a facility licensed by the State of Virginia, whether situated within the County or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

LIVE THEATRICAL PERFORMANCE means a play, skit, opera, ballet, concert, comedy, or musical drama.

NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

NUDITY or a STATE OF NUDITY means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

PREMISES means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner and/or operator of the sexually oriented business;

SEMI-NUDE OR SEMI-NUDITY means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(a) physical contact in the form of wrestling or tumbling between persons of the opposite sex;
or

(b) activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

A principal business purpose exists if the services offered are intended to generate business income.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS means:

(a) the human male genitals in a discernibly turgid state, even if fully and opaquely covered;

(b) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

(a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) masturbation, actual or simulated; or

(d) excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

17-715.03 Special Exception Permit Required.

- 1) It shall be unlawful for any person to operate a sexually oriented business without a valid Special Exception Permit issued by the T o w n pursuant to this ordinance and under the other provisions of the Town of Narrows Zoning Ordinance applicable to the issuance of special exception permits;

17-715.04 Location Restrictions.

- 1) Sexually oriented businesses shall be permitted only by special exception permit in a B-1, B-2, M-1, or I-1 zoning district provided that:
 - (a) The sexually oriented business may not be operated within:
 - (i) 1,000 feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (ii) 1,000 feet of a public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior

colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;

(iii) 1,000 feet of a public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of a public recreation entity;

(iv) 200 feet of the property line of a lot used for residential purposes or a lot zoned for residential use; or

(v) 1,000 feet of another sexually oriented business.

(b) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

i) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center. The distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

2) A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant of a special exception permit, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, or public park within 1,000 feet, or of a residential use or district within 200 feet, of the sexually oriented business.

17-715.05 Required Provisions for Special Exception Permits.

In addition to any case-specific conditions that may be imposed by the Town Council, each special exception permit granted pursuant to this ordinance shall expressly require the following conditions:

- 1) No merchandise or activities of the establishment to be visible from a point outside the establishment.
- 2) The exterior portion of the sexually oriented business shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
- 3) The exterior portions of the establishment shall not be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - a) The establishment is a part of a commercial multi-unit center; and
 - b) The exterior portions of each individual unit in the commercial multi-unit center,

including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

- 4) Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
- 5) The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

17-715.06 Separability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

17-715.07 Permit May Be Required.

In addition to the requirements imposed in this ordinance, the Town may require a separate permit for sexually oriented businesses.

ARTICLE 17-800

ADMINISTRATION

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

SECTION 17-801 ZONING ADMINISTRATOR

17-801.01 Appointment.

The Zoning Administrator is hereby designated to be the Town Manager of the Town of Narrows. The Town Manager may delegate the zoning administrative duties to another individual who is employed by the Town. In all cases, final authority in matters so delegated shall remain with the Town Manager.

17-801.02 Powers and Duties Relating to Zoning.

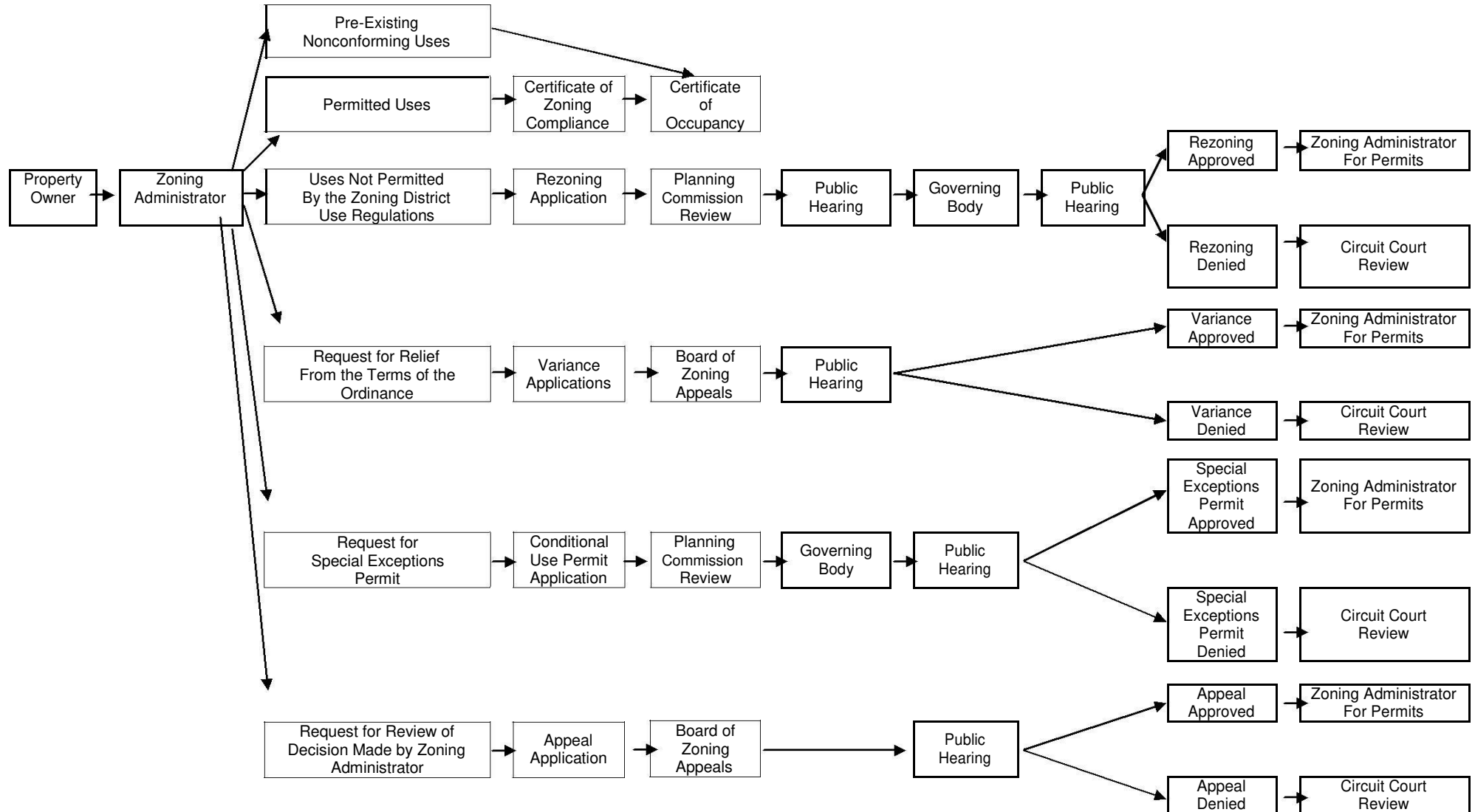
The Zoning Administrator is authorized and empowered on behalf of and in the name of the Narrows Town Council to administer and enforce the provisions set forth herein. These powers include receiving applications for permits issued pursuant to this Chapter; inspecting premises; and issuing Zoning Permits, Certificates of Occupancy, and all other permits and licenses referenced in this Chapter, in cases in which such application shows that the proposed activity is in compliance with the provisions of this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the Narrows Town Council to administer and enforce this Chapter, including the ordering, in writing, the remedy for any condition found in violation of this Chapter, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Chapter. The Zoning Administrator does not have the authority to take final action on applications or matters for which final action is reserved to the Board of Zoning Appeals or Narrows Town Council, such as those involving variances or Special Exceptions or other conditional uses.

17-801.03 Zoning Administration Process.

Figure 2 outlines the administrative process to be followed under various provisions of this Chapter. Specific provisions for administering these provisions are contained in the text of this Chapter.

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**FIGURE 2 - ZONING ADMINISTRATION PROCESS
TOWN OF NARROWS**



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SECTION 17-802

CERTIFICATE OF ZONING COMPLIANCE PROCEDURES

17-802.01 Issuance and Display of the Certificate of Zoning Compliance.

The Zoning Administrator shall issue a Certificate of Zoning Compliance for any permitted use or any structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. A Certificate of Zoning Compliance shall also be required for any use allowed by the granting of a Special Exception or a variance. Such Certificate shall be in addition to the Special Exception permit required (see Sec. 802.03) or the resolution granting the variance (see Sec. 807), and such Certificate shall be issued only after the granting of the Special Exception or variance. The Certificate of Zoning Compliance shall indicate whether the use is a permitted use, a Special Exception, or a variance. If the Certificate is issued pursuant to a project involving construction or reconstruction of a structure, the Certificate shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

17-802.02 Application Procedure for Permitted Use.

Applications for a Certificate of Zoning Compliance shall be submitted to the Zoning Administrator according to the following provisions:

- 17-802.02-1 An application for a Certificate of Zoning Compliance for a permitted use shall be submitted at the time of application for a building permit; or, in cases where no building permit is required, at the time of a request for utility service. The application shall be accompanied by two (2) copies of a site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator to determine compliance with this Chapter. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;
- 17-802.02-2 Each application for a Certificate of Zoning Compliance shall be accompanied by payment of the specified fee;
- 17-802.02-3 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.
- 17-802.02-4 If the proposed use or construction described in the application required by Section 17-802.02-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Narrows, including but not limited to the required:

- (1) Health Department approval of individual sewage disposal system;
- (2) Highway Department Entrance Permit;
- (3) Flood Insurance - Floodplain Ordinance;
- (4) Erosion and Sediment Control Ordinance Plan;
- (5) Virginia Statewide Uniform Building Code; then the Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue the Certificate of Zoning Compliance. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

17-802.02-5 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Certificate of Zoning Compliance, but shall return one (1) copy of the site plan to the applicant along with a written and signed refusal. Such refusal shall state the reasons for refusal and shall cite the portions of this Chapter with which the submitted plan does not comply.

The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal.

17-802.02A Application Procedure for Non-Conforming Uses.

Applications for a non-conforming use permit shall be obtained by the owner of any non-conforming use, structure, or other non-conforming situation within six (6) months of the adoption of this amendment to the ordinance.

17-802.03 Application Procedures for Special Exceptions.

Applications for a Special Exception Permit for a special exception shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for appropriate action as specified in this Section. Applications for Special Exception Permits shall be submitted in accordance with the following procedures:

17-802.03-1 An application shall be accompanied by two (2) copies of a site plan drawn in accordance with applicable provisions of Section 17-802.00 of this Chapter, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;

17-802.03-2 Each application for a Special Exception Permit shall be accompanied by payment of a fee as set forth in Article 17-500 to help defray the cost of publicizing and conducting the public hearing. A conspicuous sign shall be placed on the property for 30 days prior to the public hearing to alert the public of the action being requested;

17-802.03-3 The application shall be sent to the Planning Commission for review and recommendation, and said Commission shall have sixty (60) days within which to submit a report recommending approval or denial of the application. If the Commission fails to submit a report within a sixty (60) day period, it shall be deemed to have approved the proposed special exception;

17-802.03-4 The Town Council shall consider the proposed Special Exception after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 17-15.1-431 of the Code of Virginia (1950) as amended, and shall take action on the proposed special exception within thirty (30) days from the date of the public hearing. If so desired by mutual agreement between the Planning Commission and the Town Council, a joint public hearing may be held under the provisions of Sec. 15.1-431 of the Code of Virginia (1950) as amended;

17-802.03-5 In evaluating the proposed Special Exception, the Planning Commission and the Town Council shall consider the following concerns:

- (a) The character of the existing neighborhood and the compatibility of the proposed use on adjacent and nearby properties;
- (b) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;
- (c) The current and future need for the proposed use in the Town of Narrows; and
- (d) The effect of the proposed use on neighborhood property values;
- (e) The relationship of the proposed use to the Town of Narrows Comprehensive Plan;

17-802.03-6 Additional Requirements.

In approving a proposed Special Exception the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Town Council;

17-802.03-7 If the Town Council approves the application for a proposed Special Exception, the Zoning Administrator shall issue a Special Exception Permit, indicating the conditional nature of the use;

17-802.03-8 If the Town Council disapproves the application for a proposed Special Exception, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;

17-802.03-9 A property owner, or his appointed agent, shall not initiate action for a Special Exception Permit for the same special exception affecting the same parcel of land more often than once every twelve (12) months;

17-802.03-10 A Special Exception Permit shall be put into effect six (6) months after the date the Permit is issued, or else the Permit shall become void, unless otherwise provided in the permit itself.

17-802.03-11 If a Special Exception Permit specifies a life span or expiration date for the Permit, renewal of such Permit shall not require a public hearing unless the original conditions in the permit are changed; however, the Town Council shall consider such renewal at a regular or called meeting, and notice of the renewal shall be shown on the agenda of the Town Council;

17-802.04 Application Procedures for Amendment to Zoning Text or Zoning Map (Rezoning).

The Narrows Town Council may from time to time amend this Chapter or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state which of the above public purposes is intended by the proposed amendment.

17-802.04-1 Applications for amendments may be initiated: (a) by resolution of the Narrows Town Council; (b) by recommendation of the Planning Commission; or (c) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the subject property. Such resolution, recommendation, or petition shall be submitted in writing to the Zoning Administrator. In the case of a new petition, a conspicuous sign shall be placed on the property for 30 days prior to the public hearing to alert the public of the action being requested.

17-802.04-2 The Zoning Administrator shall present the application to the Planning Commission as soon as is practicable after such application is received. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia (1950) as amended.

The Commission shall then present the proposed amendment along with appropriate explanatory materials to the Town Council with its recommendations. If the Commission fails to submit its recommendations within sixty (60) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment;

17-802.04-3 The Narrows Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment within thirty five (35) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.1-431 of the Code of Virginia;

17-802.04-4 Any application for an amendment may be withdrawn without prejudice prior to action thereon by the Town Council at the discretion of the person, firm, corporation, or public body initiating such a request, upon written notice to the Zoning Administrator;

17-802.04-5 No more than one application for the same or substantially the same amendment affecting a specific parcel of land shall be initiated during any twelve (12) month period.

17-802.05 Procedures for Proffering Conditions to Zoning District Regulations.

17-802.05-1 Intent. The intent of this section is to provide (pursuant to Sections 15.1-491.1 through 15.1-491.6 of the Code of Virginia (1950) as amended) for conditional zoning whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

17-802.05-2 Proffer of Conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this Chapter, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Town Council. In addition, all of the following conditions shall be met:

- (a) the rezoning itself must give rise to the need for the conditions;
- (b) the conditions proffered shall have a reasonable relation to the rezoning;
- (c) the conditions proffered shall not include a cash contribution to the Town;
- (d) the conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities, not provided for under any concurrent subdivision of the property;
- (e) the conditions shall not include payment for or construction of off-site improvements, other than any which may be required under a concurrent subdivision of the property;
- (f) no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (g) all such conditions shall be in conformity with the Town of Narrows Comprehensive Plan.

17-802.05-3 Effect of Proffered Conditions Upon Acceptance. Once proffered and accepted as part of an amendment to this Chapter, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive revision of this Chapter.

SECTION 17-803 CERTIFICATE OF OCCUPANCY

Certificates of Occupancy shall be issued by the Building Official in accordance with the following provisions:

17-803.01 Certificate of Occupancy Required.

A certificate of Occupancy shall be required in advance of occupancy or use of:

- 17-803.01-1 A building hereafter erected;
- 17-803.01-2 A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;
- 17-803.01-3 A change of type of occupancy or use of any building or premises.

17-803.02 Issuance of Certificate of Occupancy.

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

**SECTION 17-804
BOARD OF ZONING APPEALS -- ORGANIZATION AND PURPOSE**

The Board of Zoning Appeals shall consist of five (5) members who shall be appointed by the Circuit Court of Giles County.

17-804.01 Terms of Office.

Appointments shall be for five (5) years each. The Secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.

17-804.02 Public Offices Held.

No member shall hold any public office in the Town of Narrows except that one (1) member may be a member of the Planning Commission.

17-804.03 Compensation.

Members of the Board may receive such compensation as may be authorized by the Town Council.

17-804.04 Support.

Within the limits of funds appropriated by the Town Council, the Board of Appeals may employ or contract for secretaries, clerks, legal council, consultants, and other technical and clerical services.

17-804.05 Vacancies.

Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the Circuit Court upon written charges and after hearing held after at least fifteen (15) days' notice.

17-804.06 Rules of Procedure.

The Board shall adopt rules in accordance with the provisions of this Chapter and consistent with other ordinances of the Town of Narrows and general laws of the Commonwealth for the conduct of its affairs.

17-804.07 Officers.

The Board shall elect a Chairman and Vice Chairman from its own membership who shall serve annual terms as such and may succeed themselves. The Board shall also elect a Secretary, who may be one of its members or may be a qualified individual who is not a member of the Board.

17-804.08 Public Records and Reports.

The Board will keep a full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year. All meetings of said Board shall be open to the public.

17-804.09 Conflict of Interest.

Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has a financial interest or in which the action would financially benefit him.

17-804.10 Time of Meetings.

The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.

17-804.11 Witness.

The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.

17-804.12 Members Needed for Quorum or Action.

A quorum shall be at least three (3) members. A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which said Board is empowered.

17-804.13 Powers and Duties of the Board of Zoning Appeals.

17-804.13-1 Board Authorized to Hear and Decide Appeals. The Board is authorized 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. Any appeal from a decision of the Zoning Administrator shall require notice and public hearing as provided in Sec. 15.1-431 of the Code of Virginia (1950) as amended.

17-804.13-2 Board Authorized to Decide on Variances. The Board is authorized to hear and decide on any request for such variance from the terms of the 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 the Chapter shall be observed and substantial justice done. The procedure for hearing and deciding upon such request is as contained in the following Section.

SECTION 17-805 VARIANCES

17-805.01 Variance Procedures

The Board of Zoning Appeals is hereby authorized to grant a variance upon application for a given property from the appropriate property owner, tenant, governmental official, department, board, or bureau. To authorize such variance, the Board shall find that all of the following specific conditions are met before granting the variance request:

- 17-805.01-1 The property owner shall show that this property was acquired in good faith, and that 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 that by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Chapter would effectively prohibit or unreasonably restrict the use of the property; or that the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Chapter;
- 17-805.01-2 The strict application of the Chapter would produce undue hardship, and such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- 17-805.01-3 The authorization of such variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance;
- 17-805.01-4 The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Chapter;
- 17-805.01-5 The purpose for which the variance is sought does not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

17-805.02 Public Hearing Required.

No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended.

17-805.03 Board May Require Conditions, Bond.

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

17-805.04 Application.

Application shall be made to the Zoning Administrator. The application shall be accompanied by three (3) copies of an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also transmit a copy of the application and materials to the local commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.

A conspicuous sign shall be placed on the property for 30 days prior to the public hearing to alert the public of the action being requested.

17-805.05 Hearing and Action.

The Secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia (1950) as amended. The Board shall decide same within thirty (30) days from the date of such hearing.

17-805.06 Limitation of Hearings.

Limitation of A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.

17-805.07 Withdrawal of Application.

Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.

17-805.08 Fee.

Each application for a variance shall be accompanied by payment of a fee set forth in Article 17-900 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

SECTION 17-806
PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS

Requests for a hearing before the Board of Zoning Appeals for a review of any administrative decision pursuant to Sec. 17-804.13-1 shall observe the following procedures:

- 17-806.01 An appeal to the Board may be filed by any person aggrieved by, or by an officer, department, board, or agency of the Town of Narrows affected by, any decision of the Zoning Administrator within thirty (30) days after the decision.
- 17-806.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board. Such applications shall specify the decision being appealed and the grounds for appeal.
- 17-806.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- 17-806.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.
- 17-806.05 The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by Section 15.1-431 of the Code of Virginia (1950) as amended, and decide the same within thirty (30) days from the date of such public hearing.
- 17-806.06 In exercising the powers granted to the Board in this Chapter, the said Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Certificate of Zoning Compliance.
- 17-806.07 Any application for appeal before the Board may be withdrawn without prejudice, prior to action thereon by said Board, at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.
- 17-806.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 17-9 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded minus any expenditures which have been made for publicizing or conducting the public hearing at the time the notice is received.

SECTION 17-807
DECISION OF BOARD OF ZONING APPEALS

- 17-807.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or agency of the Town of Narrows with an interest in the matter, may present to the Circuit Court of Giles County a petition specifying the grounds on which they are so aggrieved. Such petition shall be filed within thirty (30) days after the filing of the decision in the office of the Board.
- 17-807.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved'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 being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- 17-807.03 The Board shall not be required to return the original papers acted upon by it; it shall be sufficient to return certified or sworn copies thereof of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed, and shall be verified.
- 17-807.04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.
- 17-807.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.

ARTICLE 17-900

SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

SECTION 17-901 FEES RELATED TO ZONING

The following fees shall apply for applications relating to zoning regulations.

17-901.01 Each application for a Certificate of Zoning Compliance shall be accompanied by payment of a fee of fifteen dollars (\$15.00). ⁷⁹

17-901.02 Each application for a hearing before the Board for an administrative review or a variance or a special exception permit shall be accompanied by payment of a fee of one hundred dollars (\$100.00) plus costs associated with providing notice for the hearing. ⁸⁰

SECTION 17-902 FEES RELATED TO AMENDMENTS

Each application for an amendment to the zoning text or the zoning map (rezoning) shall be accompanied by payment of a fee of two hundred dollars (\$200.00).

SECTION 17-903 RETURN OF FEES

No portion of any fee payment shall be returned to any applicant under any circumstances, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, that portion of any fee payment which is proportional to the cost of notice and conduct of public hearing shall be returned.

⁷⁹02/17/2014: Modified by Council action.

⁸⁰02/17/2014: Modified by Council action to add special exception permit applications and require payment of costs associated with providing notice for hearings.

ARTICLE 17-1000

VIOLATIONS AND PENALTIES

SECTION 17-1001 VIOLATIONS

All departments, officials, and public employees of the Town of Narrows which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Chapter. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of these regulations. Any such permit, if issued in conflict with the provisions of these regulations shall be null and void.

SECTION 17-1002 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

SECTION 17-1003 PENALTIES

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined an amount not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

ARTICLE 17-1100

LEGAL STATUS PROVISIONS

SECTION 17-1101 CONFLICT WITH OTHER LAWS

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

SECTION 17-1102 VALIDITY

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

SECTION 17-1103 REPEALED RESOLUTIONS AND ORDINANCES

These regulations are a comprehensive enactment of all of the resolutions and ordinances of the Narrows Town Council relating to zoning regulations. All prior ordinances affecting zoning and subdivision regulations are hereby repealed.

SECTION 17-1104 EFFECTIVE DATE

These regulations shall take effect and be in force immediately upon adoption by the Narrows Town Council. A certified copy of the foregoing Zoning Chapter of the Town of Narrows shall be filed in the office of the Administrator and in the office of the Clerk of the Circuit Court, Giles County, Virginia.

ARTICLE 17-1200 MAPS

SECTION 17-1201 MAP

Figure 3 illustrates the location of the zoning districts as established upon the adoption of this amendment to the Town Zoning Ordinance. The Zoning Administrator must be consulted for official determination of the actual property zoning.

SECTION 17-1202 OFFICIAL ZONING MAP

The Official Zoning Map shall be kept up-to-date in a timely manner by the Zoning Administrator.

FIGURE 3
TOWN OF NARROWS ZONING MAP

