

TITLE XV: LAND USAGE

Chapter

- 150. BUILDINGS**
- 151. FLOODPLAINS**
- 152. TRAILERS AND TRAILER PARKS**
- 153. SUBDIVISIONS**
- 154. ZONING**

CHAPTER 150: BUILDINGS

Section

General Provisions

- 150.001 Fire limits
- 150.002 Height of signs, awnings, wires and the like above sidewalk

Building Inspector

- 150.015 Creation of office; appointment and term; position of Town Manager
- 150.016 Duties generally
- 150.017 Right of entry
- 150.018 Acting Building Inspector

Electrical Inspector

- 150.030 Creation of office; appointment and term; position of Town Manager
- 150.031 Duties generally
- 150.032 Right of entry
- 150.033 Correction of dangerous or unsafe condition
- 150.034 Inspection and approval of wiring

Miscellaneous Regulations

- 150.060 Setback lines
- 150.061 Prerequisites to erection of building to be used as garage, grist mill and the like
- 150.062 Use of shingle and the like roof
- 150.063 Standard flues and chimneys
- 150.064 Building in violation of subchapter

Building Code

- 150.075 When and where copies may be obtained
- 150.076 Fees for building permits

Charter reference:

Power of town to make and adopt a comprehensive plan, see Char. ' 2.4

Power of town to provide for safe and regular construction of houses and provide a Building Code, see Char. ' 2.4

Cross-reference:

Cellar doors or gratings in paved sidewalks, see ' 93.11

Noise during erection and the like of buildings, see ' 91.02

Placing building materials upon street and the like, see ' 93.16

Porticoes, porches and the like projecting into or upon sidewalk, see ' 93.10

Requirement that gates and doors upon sidewalks open inward, see ' 93.12

Use of sidewalks during erection and the like of building or wall, see ' 93.17

Statutory reference:

Authorizing town to make regulations concerning the building of houses in the town, see VA Code ' 15.2-2279

GENERAL PROVISIONS**' 150.001 FIRE LIMITS.**

The fire limits of the town shall be as provided by the Council by ordinance.

(Prior Code, ' 6-1)

Charter reference:

Power of town with reference to establishments and the like of fire limits, see Char. ' 2.4

' 150.002 HEIGHT OF SIGNS, AWNINGS, WIRES AND THE LIKE ABOVE SIDEWALK.

It shall be unlawful for any person to place, or permit the same to be placed, any sign, awning, wires or anything of like nature over the sidewalks lower than seven feet from the surface of the sidewalk.

(Prior Code, ' 6-2) (Ord. passed 12-18-1934) Penalty, see ' 10.99

BUILDING INSPECTOR**' 150.015 CREATION OF OFFICE; APPOINTMENT AND TERM; POSITION OF TOWN MANAGER.**

The office of Building Inspector is hereby created, and the executive official in charge shall be known as the Building Inspector. The Building Inspector shall be appointed by the Town Manager and shall hold office at the pleasure of the Town Manager; provided, however, that until otherwise provided by the Council, the Town Manager shall be the Building Inspector.

(Prior Code, ' 6-3)

' 150.016 DUTIES GENERALLY.

It shall be the duty of the Building Inspector to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures.

(Prior Code, ' 6-4)

' 150.017 RIGHT OF ENTRY.

The Building Inspector, in the discharge of his or her official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

(Prior Code, ' 6-5)

' 150.018 ACTING BUILDING INSPECTOR.

During temporary absence or disability of the Building Inspector, the Town Manager shall designate an acting Building Inspector.

(Prior Code, ' 6-6)

ELECTRICAL INSPECTOR

' 150.030 CREATION OF OFFICE; APPOINTMENT AND TERM; POSITION OF TOWN MANAGER.

(A) The office of Electrical Inspector is hereby created and the executive official in charge shall be known as the Electrical Inspector.

(B) The Electrical Inspector shall be appointed by the Town Manager and shall hold office at the pleasure of the Town Manager; provided, however, that until otherwise provided by the Council, the Town Manager shall be the Electrical Inspector.

(Prior Code, ' 6-7)

' 150.031 DUTIES GENERALLY.

It shall be the duty of the Electrical Inspector to enforce all laws relating to the installation, repair and removal of electrical wiring and appliances.

(Prior Code, ' 6-8)

' 150.032 RIGHT OF ENTRY.

The Electrical Inspector, in the discharge of his or her official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.
(Prior Code, ' 6-9)

' 150.033 CORRECTION OF DANGEROUS OR UNSAFE CONDITION.

(A) Whenever the installation of any wiring, devices and material is found by the Electrical Inspector to be in a dangerous or unsafe condition in the town the person owning, using or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition and have such work completed within 15 days, or any longer period specified by the Electrical Inspector in such notice.

(B) The Electrical Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring, devices and material so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by the Electrical Inspector.
(Prior Code, ' 6-10) Penalty, see ' 10.99

' 150.034 INSPECTION AND APPROVAL OF WIRING.

The Electrical Inspector shall inspect each wiring job within the town. No building or apparatus shall be connected to the town's electrical system until it has been approved by the Electrical Inspector.
(Prior Code, ' 6-11) (Ord. passed 8-21-1951)

MISCELLANEOUS REGULATIONS**' 150.060 SETBACK LINES.**

(A) All new buildings or improvements shall be placed on line with adjacent buildings; provided such adjacent buildings have a reasonable space between the building and the street.

(B) In such cases where the old buildings are not a sufficient distance from the street, then the Town Manager shall issue a permit granting petitioner a reasonable distance from the street, regardless of the position of the old building.
(Prior Code, ' 6-15) (Ord. passed 6-5-1939) Penalty, see ' 10.99

' 150.061 PREREQUISITES TO ERECTION OF BUILDING TO BE USED AS GARAGE, GRIST MILL AND THE LIKE.

(A) No building, either new or old, private or public, shall be used as a garage, grist mill, saw mill, planing mill or any other business of like or similar nature, without the approval of the Town Manager.

(B) In the event the Town Manager and the petitioner cannot come to an agreement, and the petitioner feels that the Town Manager=s requirements are unreasonable or such that he or she cannot comply with them, he or she may appeal to the Council and the appeal to the Council shall be made before the building is started.

(Prior Code, ' 6-16) (Ord. passed 6-5-1939) Penalty, see ' 10.99

' 150.062 USE OF SHINGLE AND THE LIKE ROOF.

No building permit shall be issued with reference to any building in the town where shingle or wood roof is to be used.

(Prior Code, ' 6-17) (Ord. passed 6-5-1939) Penalty, see ' 10.99

' 150.063 STANDARD FLUES AND CHIMNEYS.

All buildings in the town shall have standard flues and chimneys.

(Prior Code, ' 6-18) (Ord. passed 6-5-1939) Penalty, see ' 10.99

' 150.064 BUILDING IN VIOLATION OF SUBCHAPTER.

Any building erected in violation of this subchapter shall be a nuisance and shall be abated under the police power of the town.

(Prior Code, ' 6-19) (Ord. passed 6-5-1939)

BUILDING CODE

' 150.075 WHEN AND WHERE COPIES MAY BE OBTAINED.

Copies of the Building Code may be obtained at the office of the Town Manager during regular business hours.

(Prior Code, ' 6-21)

' 150.076 FEES FOR BUILDING PERMITS.

(A) No permit as required by the Building Code shall be issued until the fee prescribed in this section shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.

(B) For a permit for the construction or alteration of a building or structure, the fee shall be at such rate as may be provided by the Council by ordinance.

(C) Charge shall be made for a permit for the removal of a building or structure at the same rate.

(D) Permit will not be issued unless all real estate taxes are current.
(Prior Code, ' 6-22)

CHAPTER 151: FLOODPLAINS

Section

General Provisions

- 151.001 Purpose
- 151.002 Applicability
- 151.003 Compliance and liability
- 151.004 Abrogation and greater restrictions
- 151.005 Severability
- 151.006 Definitions

Establishment of Zoning Districts

- 151.020 Description of districts
- 151.021 District boundary changes
- 151.022 Interpretation of district boundaries
- 151.023 Submitting technical data

District Provisions

- 151.035 General provisions
- 151.036 General standards
- 151.037 Specific standards
- 151.038 Standards for the floodway district
- 151.039 Standards for the special floodplain district
- 151.040 Standards for approximated floodplain
- 151.041 Permitted uses in floodplain district
- 151.042 Design criteria for utilities and facilities
- 151.043 Standards for subdivision proposals

Variances

- 151.055 Factors to be considered

Existing Structures

151.070 Existing structures in floodplain district

151.999 Penalty

GENERAL PROVISIONS**' 151.001 PURPOSE.**

(A) This chapter is adopted pursuant to the authority granted to localities by VA Code ' 15.2-2280.

(B) 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:

(1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies;

(2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;

(3) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. passed - -)

' 151.002 APPLICABILITY.

This chapter shall apply to all lands within the jurisdiction of the town and identified as being flood-prone by the Federal Insurance Administration.

(Ord. passed - -)

' 151.003 COMPLIANCE AND LIABILITY.

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

(B) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Large floods may occur on rare occasions. Flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

(C) Records of actions associated with administering this chapter shall be kept on file and maintained by the Zoning Administrator.

(D) This chapter shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. passed - -)

' 151.004 ABROGATION AND GREATER RESTRICTIONS.

This chapter supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

(Ord. passed - -)

' 151.005 SEVERABILITY.

If any section, division, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this chapter. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this chapter are hereby declared to be severable.

(Ord. passed - -)

' 151.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The Federal Emergency Management Agency designated 100-year water surface elevation (plus one foot). The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this chapter, the 100-year flood or 1% annual chance flood.

BASEMENT. Any area of the building having its floor sub-grade (below ground level) on all sides.

BOARD OF ZONING APPEALS. The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this chapter.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

FLOOD.

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waves;

(b) The unusual and rapid accumulation or runoff of surface water from any source; and

(c) Mud slides (i.e., mudflows) which are proximately caused by flooding as defined in division (1)(b) above of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in division (1)(a) above of this definition.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A **FIRM** that has been made available digitally is called a digital flood insurance rate map (DFIRM).

FLOOD INSURANCE STUDY (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

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

FLOODPLAIN or **FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source.

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

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

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the purposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic preservation programs which have been approved by the Secretary of the Interior; or

Richlands - Land Usage

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building=s **LOWEST FLOOR**; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. Part 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term **MANUFACTURED HOME** also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

MANUFACTURED HOME PARK/SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after April 4, 1983 and includes any subsequent improvements to such structures. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

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

SPECIAL FLOOD HAZARD AREA. The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in ' 151.021.

START OF CONSTRUCTION. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any other work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.

(2) The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in 44 C.F.R. " 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

(Ord. passed - -)

ESTABLISHMENT OF ZONING DISTRICTS

' 151.020 DESCRIPTION OF DISTRICTS.

(A) *Basis of districts.*

(1) The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the flood insurance study (FIS) and the flood insurance rate maps (FIRM) for the town prepared by the Federal Emergency Management Agency, dated February 18, 2011, and any subsequent revisions or amendments thereto.

(2) The boundaries of the special flood hazard area and floodplain districts are established as shown on the flood insurance rate map which is declared to be a part of this chapter and which shall be kept on file at the town offices.

(a) The floodway district is delineated, for purposes of this chapter, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 1 of the above-referenced flood insurance study and shown on the accompanying flood insurance rate map.

(b) The special floodplain district shall be those areas identified as an AE Zone on the maps accompanying the flood insurance study for which 100-year flood elevations have been provided.

(c) The approximated floodplain district shall be those areas identified as an A or A99 Zone on the maps accompanying the flood insurance study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood-prone Quadrangles and the like, then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses,

computations and the like shall be submitted in sufficient detail to allow a through review by the governing body.

(B) *Overlay concept.*

(1) 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.

(2) Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. passed - -)

' 151.021 DISTRICT BOUNDARY CHANGES.

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

(Ord. passed - -)

' 151.022 INTERPRETATION OF DISTRICT BOUNDARIES.

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board and to submit his or her own technical evidence if he or she so desires.

(Ord. passed - -)

' 151.023 SUBMITTING TECHNICAL DATA.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the

changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. passed - -)

DISTRICT PROVISIONS

' 151.035 GENERAL PROVISIONS.

(A) *Permit requirement.* All uses, activities and development occurring within any floodplain district, including placement of manufactured homes, 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 chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code (VA USBC) and the town subdivision regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch or any other drainage facility or system.

(B) *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream and the like within this jurisdiction a permit shall be obtained from the United States Corps of Engineers, the State Water Control Board and the State Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation) and the Federal Insurance Administration.

(C) *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (1) The elevation of the lowest floor (including basement);
- (2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed;
- (3) The elevation of the base flood at the site; and
- (4) Topographic information showing existing and proposed ground elevations.

(Ord. passed - -)

' 151.036 GENERAL STANDARDS.

(A) The following provisions shall apply to all permits.

(1) New construction and substantial improvements shall be according to the VA USBC and anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltrations of flood waters into the systems and discharges from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(B) In addition to divisions (A)(1) through (A)(8) above, in all special flood hazard areas, the additional provisions shall apply.

(1) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream and the like within this jurisdiction a permit shall be obtained from the United States Corps of Engineers, the State Department of Environmental Quality and the State Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Re creations (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administrator.

(2) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. passed - -)

' 151.037 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevations have been provided in the flood insurance study or generated according to ' 151.040, the following provisions shall apply.

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement and utilities, elevated a minimum of one foot above the base flood level.

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level. Buildings located in all A1-30, AE and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water-tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this division (B) are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Zoning Administrator.

(C) *Elevated buildings.* Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

(1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

(2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and

(3) (a) Include, in Zones A, AO, AE and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters.

(b) To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

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

2. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;

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

(D) Standards for manufactured homes and recreational vehicles.

(1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in " 151.035 through 151.043.

(2) All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

(c) Meet all the requirements for manufactured homes in " 151.035 through 151.043.

(Ord. passed - -)

' 151.038 STANDARDS FOR THE FLOODWAY DISTRICT.

The following provisions shall apply within the floodway district.

(A) (1) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses,

computations and the like shall be submitted in sufficient detail to allow a thorough review by the Zoning Official.

(2) Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies, with the town's endorsement, for a conditional flood insurance rate map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(B) If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of " 151.035 through 151.043.

(C) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation and encroachment standards are met.

(Ord. passed - -)

' 151.039 STANDARDS FOR THE SPECIAL FLOODPLAIN DISTRICT.

The following provisions shall apply within the special floodplain district.

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

(B) Development activities in Zones A1-30, AE and AH, on the town flood insurance rate map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the town's endorsement, for a conditional flood insurance rate map revision, and receives the approval of the Federal Emergency Management Agency.

(Ord. passed - -)

' 151.040 STANDARDS FOR APPROXIMATED FLOODPLAIN.

(A) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources

shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood-Prone Quadrangles and the like, then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks or hydrologic and hydraulic analyses. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough review by the Zoning Administrator.

(B) The Zoning Administrator reserves the right to require a hydrologic and hydraulic analyses for any development.

(C) When such base flood elevation data is utilized, the lowest floor shall be elevated a minimum of one foot above the base flood level. During the permitting process, the Zoning Administrator shall obtain:

(1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and

(2) If the structure has been flood-proofed in accordance with the requirements of this subchapter, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.
(Ord. passed - -)

' 151.041 PERMITTED USES IN FLOODPLAIN DISTRICT.

The following uses and activities are permitted provided that they are in compliance with the provisions that apply within the floodway district as specified in ' 151.038 or the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:

(A) Agricultural uses, such as general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;

(B) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas;

(C) Accessory residential uses, such as yard areas, gardens, play areas and pervious loading areas; and

(D) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips and the like.
(Ord. passed - -)

' 151.042 DESIGN CRITERIA FOR UTILITIES AND FACILITIES.

(A) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(B) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

(C) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(D) *Utilities.* All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

(E) *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. passed - -)

' 151.043 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage.

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

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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

(Ord. passed - -)

VARIANCES

' 151.055 FACTORS TO BE CONSIDERED.

(A) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

(1) (a) The danger to life and property due to increased flood heights or velocities caused by encroachments; and

(b) No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the 100-year flood elevation.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

(5) The importance of the services provided by the proposed facility to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of alternative locations not subject to flooding for the proposed use;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

(10) The safety of access by ordinary and emergency vehicles to the property in time of flood;

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;

Richlands - Land Usage

(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and

(13) Such other factors which are relevant to the purposes of this chapter.

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

(C) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:

- (1) Unacceptable or prohibited increases in flood heights;
- (2) Additional threats to public safety; and
- (3) Extraordinary public expense and will not:
 - (a) Create nuisances;
 - (b) Cause fraud or victimization of the public; or
 - (c) Conflict with local laws or ordinances.

(D) Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

(E) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation:

- (1) Increases the risks to life and property; and
- (2) Will result in increased premium rates for flood insurance.

(F) (1) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances.

(2) Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. passed - -)

EXISTING STRUCTURES

' 151.070 EXISTING STRUCTURES IN FLOODPLAIN DISTRICT.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions.

(A) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the 100-year flood elevation.

(B) Any modifications, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50% of its market value shall conform to the VA USBC.

(C) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with the provisions of this chapter and shall require the entire structure to conform to the VA USBC.

(Ord. passed - -)

' 151.999 PENALTY.

(A) Any person who fails to comply with any of the requirements or provisions of this chapter or directions of the Zoning Officer (Administrator) or any other authorized employee of the town shall be guilty of a misdemeanor of the first class and subject to the penalties therefore. Each day during which any such violation continues shall constitute a separate offense.

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

(Ord. passed - -)

CHAPTER 152: TRAILERS AND TRAILER PARKS

Section

General Provisions

- 152.01 Definitions
- 152.02 Compliance with chapter
- 152.03 Permit prerequisite to establishment and the like
- 152.04 Application for permit; generally
- 152.05 Application for permit; plan of trailer camp and the like

Specifications and Requirements

- 152.20 Location of trailers with reference to property line and the like
- 152.21 Minimum dimensions of trailer lot
- 152.22 Decal required

Responsibilities of Owners or Lessees

- 152.35 Regular inspection of water and sanitary facilities
 - 152.36 Collection and the like of garbage and the like
 - 152.37 Storage and the like of unsightly vehicles
 - 152.38 Regular cleaning, painting and the like of buildings
 - 152.39 Control of pet animals
 - 152.40 Report of acts of disorderly character
 - 152.41 Additional measures necessary for preservation of health, comfort and the like
-
- 152.99 Penalty

GENERAL PROVISIONS

' 152.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TRAILER. Any vehicle designed or used or maintained for use as a conveyance upon highways, so designed and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons.

TRAILER LOT. A unit of land used or intended to be used by one trailer, whether in a trailer park or not.

TRAILER PARK. Any site, lot, field or tract of land upon which is located one or more trailers, or is held out for the location of any trailer, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment for such park.
(Prior Code, ' 24-1) (Ord. passed 8-11-1959)

' 152.02 COMPLIANCE WITH CHAPTER.

No trailer park shall be operated in the town and no individual trailer parked on an individual lot not in such a trailer camp, except in accordance with this chapter.
(Prior Code, ' 24-2) Penalty, see ' 152.99

' 152.03 PERMIT PREREQUISITE TO ESTABLISHMENT AND THE LIKE.

No person shall establish a trailer park or park an individual trailer on an individual lot not a part of a trailer camp unless he or she shall first have obtained a permit therefor from the Town Council.
(Prior Code, ' 24-3) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.04 APPLICATION FOR PERMIT; GENERALLY.

Any person desiring a permit as required in ' 152.03 shall file an application therefor, with the Town Manager.
(Prior Code, ' 24-4)

' 152.05 APPLICATION FOR PERMIT; PLAN OF TRAILER CAMP AND THE LIKE.

Any person filing an application as provided in ' 152.04 shall first file with the Town Manager a complete plan of the proposed trailer park or individual lot. This plan shall be drawn to scale and clearly show the extent and area to be used. All proposed roadways and driveways shall be shown, as well as the location of all sanitary conveniences, laundry buildings and the plan for water supply and lighting.
(Prior Code, ' 24-5) (Ord. passed 8-11-1959)

SPECIFICATIONS AND REQUIREMENTS

' 152.20 LOCATION OF TRAILERS WITH REFERENCE TO PROPERTY LINE AND THE LIKE.

No trailer shall be located on any site, whether in a trailer camp or individual trailer lot not in a trailer camp, where there is less than five feet from the property line separating the park or individual from adjoining property, measuring from the nearest point of the trailer. No trailer park abutting on any public street shall locate any trailer beyond the established building line and in no case closer than 20 feet to such public street.

(Prior Code, ' 24-7) (Ord. passed 8-11-1959)

Statutory reference:

Regulation of trailer camps by State Board of Health, see VA Code Title 35.1

' 152.21 MINIMUM DIMENSIONS OF TRAILER LOT.

Each trailer lot shall be not less than 25 by 35 feet.

(Prior Code, ' 24-8) (Ord. passed 8-11-1959)

' 152.22 DECAL REQUIRED.

All persons owning a mobile home or manufactured home located within the boundaries of the town shall obtain a decal from the Town Hall, which decal must be installed on the mobile home no later than January 31 of each year. This requirement pertains to all mobile homes or manufactured homes, including those exempt from taxation by homestead exemption or other provisions of state law. Said decals shall be affixed to the mobile home or manufactured home in such a manner as to cause them to be easily visible for inspection.

(Ord. O-2013-05-01, passed 5-14-2013) Penalty, see ' 152.99

RESPONSIBILITIES OF OWNERS OR LESSEES

' 152.35 REGULAR INSPECTION OF WATER AND SANITARY FACILITIES.

It shall be the responsibility of the owner or lessee of a trailer camp or of an individual lot not in a trailer park upon which a trailer is parked to provide regular inspection of the water and sanitary facilities of such trailer camp or individual lot.

(Prior Code, ' 24-9) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.36 COLLECTION AND THE LIKE OF GARBAGE AND THE LIKE.

It shall be the responsibility of the owner or lessee of a trailer camp to provide for the regular, safe and adequate collection and removal of garbage and waste material from such trailer camp.

(Prior Code, ' 24-10) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.37 STORAGE AND THE LIKE OF UNSIGHTLY VEHICLES.

It shall be the responsibility of the owner or lessee of a trailer camp to prohibit the placing or storage of unsightly vehicles of any kind in such trailer camp.

(Prior Code, ' 24-11) (Ord. passed 8-11-1959) Penalty, see ' 152.99

Cross-reference:

Keeping inoperable automobiles in enclosed building, see ' 92.20

' 152.38 REGULAR CLEANING, PAINTING AND THE LIKE OF BUILDINGS.

It shall be the responsibility of the owner or lessee of a trailer camp to provide for the regular cleaning, painting, repairing and disinfecting of all buildings in such trailer camp.

(Prior Code, ' 24-12) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.39 CONTROL OF PET ANIMALS.

It shall be the responsibility of the owner or lessee of a trailer camp to cause each dog, cat or other pet animal in such trailer camp to be kept under control at all times.

(Prior Code, ' 24-13) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.40 REPORT OF ACTS OF DISORDERLY CHARACTER.

It shall be the responsibility of the owner or lessee of a trailer camp to report immediately to the Police Department all acts of a disorderly character committed by a person inside the trailer park.

(Prior Code, ' 24-14) (Ord. passed 8-11-1959) Penalty, see ' 152.99

' 152.41 ADDITIONAL MEASURES NECESSARY FOR PRESERVATION OF HEALTH, COMFORT AND THE LIKE.

In addition to the foregoing provisions of this subchapter, it shall be the responsibility of the owner or lessee of a trailer camp to take such other measures as may be deemed necessary by the town to preserve health, comfort and safety of all persons residing in the trailer park and the general public.

(Prior Code, ' 24-15) (Ord. passed 8-11-1959)

' 152.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be punished by a fine in an amount set by Council from time to time.
(Prior Code, ' 24-6)

(B) A summons may be issued for enforcement of ' 152.22 in the General District Court of the county for any violation of ' 152.22. Any person who violates the provisions of ' 152.22 shall be punished by a fine of not less than \$35 nor more than \$100 for a third or subsequent offense, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be \$25.
(Ord. passed 8-11-1959; Ord. O-2013-05-01, passed 5-14-2013)

CHAPTER 153: SUBDIVISIONS

Section

- 153.01 Width and grading of street and alley in new subdivision in town
- 153.02 Inspection and the like of plat prerequisite to sale of lots in new subdivision in town
- 153.03 Minimum cost of buildings and other requirements
- 153.04 Manner of laying out subdivisions outside of but close to town
- 153.05 Town water service to subdivisions outside of but close to town

Charter reference:

Subdivision control, see Char. ' 5.8

Subdivision regulation generally, see Char. ' 2.4

Editor=s note:

The ordinance here codified was adopted November 11, 1952, to be in force and effect after December 11, 1952.

Statutory reference:

Land subdivision and development, see VA Code " 15.2-2240 et seq.

' 153.01 WIDTH AND GRADING OF STREET AND ALLEY IN NEW SUBDIVISION IN TOWN.

(A) Where, in the town, in a new subdivision, lots, streets and alleys are to be laid out and lots sold for building purposes, the streets shall be not less than 50 feet in width and alleys not less than 15 feet.

(B) Such streets shall be graded by the promoter or developer before acceptance by the town and no street shall be of a steeper grade after all fills and grading has been done than 10%.
(Prior Code, ' 20-1) (Ord. passed 11-11-1952)

' 153.02 INSPECTION AND THE LIKE OF PLAT PREREQUISITE TO SALE OF LOTS IN NEW SUBDIVISION IN TOWN.

Where, in the town, in a new subdivision, lots, streets and alleys are to be laid out and lots sold for building purposes, all subdivision plats shall be presented to the Council for inspection and approval before any land or lots in such subdivision shall be sold.
(Prior Code, ' 20-2) (Ord. passed 11-11-1952)

' 153.03 MINIMUM COST OF BUILDINGS AND OTHER REQUIREMENTS.

The developer or promoter of any subdivision shall fix a minimum cost on the building to be erected in the subdivision, which minimum cost shall be concurred in by the Town Manager or some representative of the town. The minimum cost and other needed building requirements, such as setback and side lines, in any subdivision shall be incorporated in the deed for each lot or group of lots.

(Prior Code, ' 20-3) (Ord. passed 11-11-1952)

' 153.04 MANNER OF LAYING OUT SUBDIVISIONS OUTSIDE OF BUT CLOSE TO TOWN.

Any subdivision outside but in close proximity to the corporate limits of the town shall be laid out in an orderly fashion so that such sections may be served with police and fire protection with some degree of safety for men and equipment and for sewer service in the event such sections may be required to connect to the town=s sewer system.

(Prior Code, ' 20-4) (Ord. passed 11-11-1952)

' 153.05 TOWN WATER SERVICE TO SUBDIVISIONS OUTSIDE OF BUT CLOSE TO TOWN.

If with reference to a subdivision outside but in close proximity to corporate limits of the town water service from the town water system is desired, such service may be furnished by the town but only to the corporate limits nearest the locality to be served; provided, however, there is a sufficient number of customers to justify such extension on the part of the town and if the number does justify then the promoters or citizens whoever builds the later lines must build them of such size, depth, locations and other specifications as the town may require.

(Prior Code, ' 20-5) (Ord. passed 11-11-1952)

CHAPTER 154: ZONING

Section

General Provisions

- 154.001 Authority
- 154.002 Definitions

Districts

- 154.015 Generally

Residential, Limited, District R-1

- 154.030 Statement of intent
- 154.031 Use regulations
- 154.032 Area regulations
- 154.033 Setback regulations
- 154.034 Frontage regulations
- 154.035 Yard regulations
- 154.036 Height regulations
- 154.037 Special provisions for corner lots

Residential, General, District R-2

- 154.050 Statement of intent
- 154.051 Use regulations
- 154.052 Area regulations
- 154.053 Setback regulations
- 154.054 Frontage regulations
- 154.055 Yard regulations
- 154.056 Height regulations
- 154.057 Special provisions for corner lots
- 154.058 Special provisions for townhouse projects

Business, General, District B-2

- 154.070 Statement of intent
- 154.071 Use regulations

Richlands - Land Usage

- 154.072 Area regulations
- 154.073 Setback regulations
- 154.074 Frontage and yard regulations
- 154.075 Height regulations

Business, Expanded General, District B-3

- 154.080 Statement of intent
- 154.081 Use regulations
- 154.082 Area regulations
- 154.083 Setback regulations
- 154.084 Frontage and yard regulations
- 154.085 Height regulations

Industrial, General, District M-1

- 154.090 Statement of intent
- 154.091 Use regulations
- 154.092 Requirements for permitted used
- 154.093 Area regulations
- 154.094 Setback regulations
- 154.095 Frontage and yard regulations
- 154.096 Height regulations
- 154.097 Coverage regulations

Agricultural, General, District, A-1

- 154.110 Use
- 154.111 Area requirements
- 154.112 Setback
- 154.113 Frontage
- 154.114 Yards
- 154.115 Height regulations
- 154.116 Special provisions for corner lots

Conservation, Special, District C-1

- 154.130 Intent
- 154.131 Use

Nonconforming Uses

- 154.145 Continuation
- 154.146 Permits
- 154.147 Repairs and maintenance
- 154.148 Changes in district boundaries
- 154.149 Expansion or enlargement
- 154.150 Nonconforming lots
- 154.151 Restoration or replacement

Zoning
Zoning Provisions

39

- 154.165 Zoning permits
- 154.166 Certificate of occupancy

- 154.167 Conditional use permit
- 154.168 Uses not provided for
- 154.169 Widening of highways and streets
- 154.170 Minimum off-street parking
- 154.171 Permanent mobile home parks
- 154.172 Special requirements relative to general advertising and business signs

Appeals

- 154.185 Board of Zoning Appeals
- 154.186 Powers of the Board of Zoning Appeals
- 154.187 Rules and regulations
- 154.188 Appeal to the Board of Zoning Appeals
- 154.189 Public hearing
- 154.190 Decision of Board of Zoning Appeals

Amendments, Administration and Interpretation

- 154.205 Amendments
- 154.206 Administration
- 154.207 Interpretation

- 154.999 Penalty

GENERAL PROVISIONS

' 154.001 AUTHORITY.

(A) Whereas, by act of the General Assembly of the state as provided in VA Code Title 15.2, Chapter 22, and amendments thereto, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this regulation, and in each district it may regulate, restrict, permit, prohibit and determine the following:

(1) The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential and other specific uses;

(2) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;

(3) 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; and

(4) The excavation or mining of soil or other natural resources.

(B) (1) Therefore, be it ordained, by the governing body of the town, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of VA Code ' 15.2-2200, that the following be adopted as the zoning ordinance of the town, together with the accompanying map.

(2) This chapter has been designed:

(a) To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;

(b) To reduce or prevent congestion in the public streets;

(c) To facilitate the creation of a convenient, attractive and harmonious community;

(d) To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

(e) To protect against destruction of or encroachment upon historic areas; and

(f) 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 of congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.

(Ord. passed 11-8-2005)

' 154.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

ABATTOIR. A commercial slaughterhouse.

ACCESSORY USE OR STRUCTURE. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

ACREAGE. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot or any recorded subdivision plat.

ADMINISTRATOR. The official charged with the enforcement of the zoning ordinance. He or she may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He or she may serve with or without compensation as determined by the governing body.

AGRICULTURE. The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.

ALTERATION. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

APARTMENT HOUSE. A building used or intended to be used as the residence of three or more families living independently of each other.

APARTMENTS. A suite of rooms designed as a residence and located in a building occupied by one or more independent households.

AUTOMOBILE GRAVEYARD. Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.
(VA Code, ' 33.1-348)

BASEMENT. A story having part but not more than one-half of its height below grade. A **BASEMENT** shall be counted 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.

BOARDING HOUSE. A building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.

BUILDING. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY. A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such **ACCESSORY STRUCTURE** shall be used for housekeeping purposes.

BUILDING, HEIGHT OF. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

BUILDING, MAIN. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

CELLAR. A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

COMMISSION. The Planning Commission of the Town of Richlands, Virginia.

DAIRY. A commercial establishment for the manufacture and sale of dairy products.

DISTRICT. Districts as referred to in the VA Code ' 15.2-2280.

DUMP HEAP (TRASH PILE). Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

DWELLING. Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments and automobile trailers.

DWELLING, MULTIPLE-FAMILY. A structure arranged or designed to be occupied by more than one family.

DWELLING, SINGLE-FAMILY. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, TWO-FAMILY. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

DWELLING UNIT. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

FAMILY. One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel.

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

GARAGE, PRIVATE. Accessory building designed or used for the storage of not more than three 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 times as many automobiles as there are dwelling units.

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

GENERAL STORE, COUNTRY. A single store, the ground floor area of which is 4,000 square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a ***COUNTRY GENERAL STORE.***

GOLF COURSE. Any golf course, 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.

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.

GOVERNING BODY. The Town Council of the Town of Richlands, Virginia.

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 therefor, but in which no provision is made for cooking. Dormitories are excluded.

HISTORICAL AREA. As indicated on the zoning map to which the provisions of the chapter apply for protection of a historical heritage.

HOG FARM. A farm where hogs are kept and fed primarily on garbage transported from other places.

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

HOME OCCUPATION. An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.

HOSPITAL. An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be home occupations if they comply with the definition herein.)

HOSPITAL, SPECIAL CARE. An institution rendering care primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts.

HOTEL. A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

JUNK YARD. The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk including scrap metals or other scrap materials. The term **JUNK YARD** shall include the term automobile graveyard as defined in VA Code, ' 33.1-348.

KENNEL. A place prepared to house, board, breed, handle or otherwise keep or care of dogs for sale or in return for compensation.

LIVESTOCK MARKET. A commercial establishment wherein livestock is collected for sale and auctioned off.

LOT. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER. A lot abutting on two 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.

LOT, DEPTH OF. The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two streets.

LOT, INTERIOR. Any lot other than a corner lot.

LOT OF RECORD. A lot, which has been recorded in the Clerk=s office of the Circuit Court.

LOT, WIDTH OF. The average horizontal distance between side lot lines.

MANUFACTURE and/or **MANUFACTURING.** The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

MOBILE HOME. A single-family housing unit designed for transportation, after fabrication, on streets and highway on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. See **TRAVEL TRAILER.**

MOBILE HOME PARK OR SUBDIVISION. Any area of one acre or more designed to accommodate six or more mobile homes intended for residential use where residence is in mobile homes exclusively.

NONCONFORMING ACTIVITY. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NONCONFORMING LOT. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to the ordinance.

NONCONFORMING STRUCTURE. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter, for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the ordinance.

OFF-STREET PARKING AREA. Space provided for vehicular parking outside the dedicated street right-of-way.

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 100 square feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a **PEN**.

PUBLIC WATER AND SEWER SYSTEMS. A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly approved by the State Health Department, and subject to special regulations as herein set forth.

REQUIRED OPEN SPACE. Any space required in any front, side or rear yard.

RESTAURANT. Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionary shops or refreshment stands.

RETAIL STORES AND SHOPS. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustration: drugstore, 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, barbershop and beauty shop.

SAWMILL. A sawmill located on a private property for the processing of timber.

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

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

(1) **BUSINESS.** A sign, which directs attention to a product, commodity or service available on the premises.

(2) **DIRECTIONAL.** A **DIRECTIONAL SIGN** is one (one end of which may be pointed, or on which an arrow may be painted), indicating the direction to which attention is called four square feet or less in area, giving the name only of the farm, or business responsible for the erection of same.

(3) **GENERAL ADVERTISING.** A sign which directs attention to a product, commodity or service not necessarily available on the premises.

(4) **HOME OCCUPATION.** A sign not exceeding four square feet in area 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.

(5) **LOCATION.** A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

SIGN STRUCTURE. Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

SIGN, TEMPORARY. A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. **TEMPORARY SIGNS** shall conform in size and type to directional signs.

STORE. See **RETAIL STORES AND SHOPS.**

STORY, HALF. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, an in which space not more than two-thirds of the floor area is finished off for use.

STORY. The portion of a building, other than the basement, included between the surface of any floor and the surface of the floor above it. If there be no floor above it, the space between the floor and the ceiling next above it.

STREET LINE. The dividing line between a street or road right-of-way and the contiguous property.

STREET, ROAD. A public thoroughfare which afforded principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs and the like.

TOURIST COURT, AUTO COURT, MOTEL, ATEL, CABINS or MOTOR LODGE. One or more 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.

TOURIST HOME. A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boarding houses) and open to transients.

TOWNHOUSE PROJECT. A land development project consisting of at least one townhouse structure, and all open space and amenities thereon, if any.

(1) **TOWNHOUSE STRUCTURE.** A main structure consisting of at least three but not more than eight horizontally attached single-family dwelling units for the purpose of occupancy and ownership, designed and constructed so as to allow for the sale of individual dwellings, including the lot and appurtenances thereon.

(2) **TOWNHOUSE UNIT.** An individual attached single-family residence within a townhouse structure.

TRAVEL TRAILER. A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.

USE, ACCESSORY. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

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 chapter would result in unnecessary and undue hardship. As used in this chapter, a **VARIANCE** is authorized only for height, area and size of structure 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.

WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET. Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his or her family on their farm.

YARD. An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(1) **FRONT.** An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

(2) **REAR.** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

(3) **SIDE.** An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

(Ord. passed 11-8-2005; Ord. passed 8-23-2011)

DISTRICTS

' 154.015 GENERALLY.

(A) For purpose of this chapter, the incorporated areas of the town are hereby divided into the following districts:

- (1) Residential, Limited, R-1;
- (2) Residential, General, R-2;
- (3) Business, General B-2;
- (4) Business, Expanded General B-3;
- (5) Industrial, General M-1;
- (6) Agricultural, General A-1; and
- (7) Conservation, Special C-1.

(B) The location and boundaries of these districts are shown on the zoning map of the town.
(Ord. passed 11-8-2005)

RESIDENTIAL, LIMITED, DISTRICT R-1**' 154.030 STATEMENT OF INTENT.**

This district is composed of certain quiet, low density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses, such as parks, and certain public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

(Ord. passed 11-8-2005)

' 154.031 USE REGULATIONS.

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

(A) Single-family dwellings (excluding manufactured or pre-fabricated housing);

(B) Parks and playgrounds;

(C) Off-street parking as required by this chapter;

(D) Garages or other accessory structures, such as carports, porches and stoops, attached to the main building, shall be considered part of the main building;

(E) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and/or maintenance, including water and sewerage facilities; and

(F) Business signs (non-illuminated) only to advertise the sale or rent of the premises upon which erected, not to exceed four square feet in area or four feet in height.

(Ord. passed 11-8-2005)

(G) Accessory buildings permitted as defined, however, garages or other accessory structures, such as carports, porches and stoops, attached to the main building, shall be considered part of the main building. No accessory building may be closer than ten (10) feet to any adjacent property. Any accessory building shall be of like or similar materials to the primary structure's current design and shall be constructed on a permanent foundation. No accessory building which is within fifteen (15) feet of any property line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.;

(Ord. passed 8-1-2017)

' 154.032 AREA REGULATIONS.

The minimum lot area for permitted uses shall be 9,375 square feet or more, where both public water and sewer facilities are used. Where a lot is not served by either facility, see subdivision regulations. (Ord. passed 11-8-2005)

' 154.033 SETBACK REGULATIONS.

Structures shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width, except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the setback line.

(Ord. passed 11-8-2005)

' 154.034 FRONTAGE REGULATIONS.

The minimum lot width at the setback line shall be 75 feet. (Ord. passed 11-8-2005)

' 154.035 YARD REGULATIONS.

(A) *Side*. The minimum side yard for each main structure shall be 15 feet and the total width of the two required side yards shall be 30 feet or more.

(B) *Rear*. Each main structure shall have a rear yard of 30 feet or more. (Ord. passed 11-8-2005)

' 154.036 HEIGHT REGULATIONS.

Buildings may be erected up to 35 feet in height from grade except that:

(A) The height limit for dwellings may be increased up to 45 feet and up to three stories, provided there are two side yards for each permitted use, each of which is 20 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet; and

(B) Belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Ord. passed 11-8-2005)

' 154.037 SPECIAL PROVISIONS FOR CORNER LOTS.

(A) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

(B) The side yard on the side facing the side street shall be 35 feet or more for the main building.

(C) For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 125 feet.

(Ord. passed 11-8-2005)

RESIDENTIAL, GENERAL, DISTRICT R-2

' 154.050 STATEMENT OF INTENT.

This district is composed of certain medium to high concentration of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environmental for family life composed of an adult population with some children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy and including institutions are permitted plus structures for commercial uses conforming to the pattern of the district. This residential district is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character, and, as such, should not be spotted with commercial and industrial uses.

(Ord. passed 11-8-2005)

' 154.051 USE REGULATIONS.

In Residential District R-2, structures to be erected or land to be used, shall be for one or more of the following uses:

- (A) Single-family dwellings;
- (B) Two-family dwellings;
- (C) Multiple-family dwellings;
- (D) Rooming and boarding houses;
- (E) Tourist homes;
- (F) Schools;

(G) Churches;

(H) Rest homes;

(I) General hospitals, with a conditional use permit;

(J) Clubs and lodges;

(K) Parks and playgrounds;

(L) Professional offices;

(M) Home occupations, as defined, conducted by the occupant;

(N) Mobile home park, with a conditional use permit;

(O) Off-street parking as required by this chapter;

(P) Accessory buildings permitted as defined, however, garages or other accessory structures, such as carports, porches and stoops, attached to the main building, shall be considered part of the main building). No accessory building may be closer than five feet to any property line;

(Q) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and/or maintenance, including water and sewerage facilities;

(R) Business signs;

(S) Church bulletin boards and identification signs;

(T) Directional signs;

(U) Home occupation signs;

(V) Townhouse projects; and

(W) Communications towers and antennas. Each request for the location of a communication tower and antennas shall require:

(1) A public hearing to be held by the Town Council, with due notice thereof provided as to the proposed location or site; and

(2) The issuance of a conditional use permit pursuant to ' 154.167, which will contain, among other factors relative to height, the following requirements:

- (a) The proposed tower, as located, must meet all existing setback criteria;
- (b) Towers must maintain a galvanized steel finish or, subject to FAA standards, maintain a neutral color so as to reduce visual obtrusiveness;
- (c) Towers should not be artificially light, unless required by the FAA or other applicable authority. If lighting is required, the design chosen must cause the least disturbance to the surrounding views. If required by FAA, such lighting shall be of the Adual lighting@ provisions as defined by the FAA (white during the day and red during night hours);
- (d) Owners shall ensure that the tower has been constructed and maintain in compliance with standards contained in applicable state building codes and the standards for towers that are published by the Electronic Industries Association;
- (e) The applicant shall supply an engineering report by a licensed professional engineer under the regulations of the state for such certifications certifying that the proposed tower is compatible for a minimum of four uses;
- (f) The site must be secured by fencing not less than six feet in height;
- (g) Any tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner, or the owner of the real property upon which the tower is located, shall remove the same within 90 days of receipt of notice from the town; and
- (h) All towers and other structures shall meet all Safety and Building Codes of the state.
(Ord. passed 11-8-2005)

' 154.052 AREA REGULATIONS.

- (A) For lots containing or intended to contain a single permitted use served by public water and sewage disposal, the minimum lot area shall be 6,250 square feet.
- (B) For lots containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be 15,000 square feet.
- (C) For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be 20,000 square feet.
- (D) For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be:

Richlands - Land Usage

2 units	12,000 square feet
2 units	14,000 square feet
For each additional unit above 3	1,000 square feet

(E) For lots containing or intended to contain more than a single permitted use served by public water systems but having individual sewage disposal systems, the minimum lot area shall be:

2 units	16,000 square feet
3 units	18,000 square feet
For each additional unit above 3	1,000 square feet

(F) For lots containing or intended to contain more than a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be:

2 units	22,000 square feet
3 units	24,000 square feet
For each additional unit above 3	1,000 square feet

(G) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

(Ord. passed 11-8-2005)

' 154.053 SETBACK REGULATIONS.

Structures shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width except that signs advertising sale or rent of property may be erected up to the property line. This shall be known as the setback line.

(Ord. passed 11-8-2005)

' 154.054 FRONTAGE REGULATIONS.

For permitted uses the minimum lot width at the setback line shall be 50 feet, and for each additional permitted use there shall be at least ten feet of additional lot width at the setback line.

(Ord. passed 11-8-2005)

' 154.055 YARD REGULATIONS.

(A) *Side.* The minimum side yard for each main structure shall be ten feet and the total width of the two required side yards shall be 20 feet or more.

(B) *Rear.* Each main structure shall have a rear yard of 25 feet or more.
(Ord. passed 11-8-2005)

' 154.056 HEIGHT REGULATIONS.

Buildings may be erected up to 35 feet in height from grade except that:

(A) The height limit for dwellings may be increased up to ten feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet;

(B) A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet;

(C) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest; and

(D) No accessory building which is within ten feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.
(Ord. passed 11-8-2005)

' 154.057 SPECIAL PROVISIONS FOR CORNER LOTS.

(A) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

(B) The side yard on the side facing the side street shall be 35 feet or more for both main and accessory building.

(C) For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 100 feet.
(Ord. passed 11-8-2005)

' 154.058 SPECIAL PROVISIONS FOR TOWNHOUSE PROJECTS.

(A) A zoning permit for a townhouse project shall be issued in accordance with " 154.165 through 154.172 when the following requirements/criteria therefore have been satisfied.

(1) Individual property lines shall run from the street through the center of the common party walls of attached interior units and continue to the rear lot line. The lots, utilities and other improvements for each townhouse unit shall be designed to permit individual and separate ownership of each lot and dwelling unit thereon.

(2) Setback requirements for townhouse structures shall conform to ' 154.053.

(3) A lot occupied by a townhouse unit shall contain not less than 2,000 square feet.

(4) Lot frontage, measured at the setback line for individual townhouse units, shall have an average minimum width of 20 feet for a townhouse structure but in no case shall the frontage for a townhouse unit be less than 16 feet. Lot width for end units shall be adequate to provide side and rear yards as required by ' 154.055.

(5) Each townhouse unit shall have rear yard of no less than 25 feet.

(6) Each townhouse structure shall have two side yards of not less than ten feet each. In no case shall any two townhouse structures be closer than 20 feet.

(B) The facades of each unit of a townhouse structure shall be varied by changing front yard depth and utilizing variations in materials of design, so that no more than three abutting townhouse units have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.

(C) Each townhouse unit shall have an unencumbered access from a dedicated public street.

(D) Townhouse projects shall have provisions for at least two vehicular off-street parking spaces for each townhouse unit.

(E) Townhouse units shall be separated by a common party wall designed to meet the fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended.

(F) In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, the maintenance and upkeep of such areas and elements shall be provided for by an arrangement acceptable to the town and in compliance with this section or applicable state statutes.

(G) In any townhouse project consisting of open space an amenities related to the project in such manner that the Condominium Act is applicable, the project shall conform with the requirements of that Act.

(H) In any townhouse project consisting of open space and amenities related to the project in such manner that the Condominium Act is not applicable, the developer shall meet the following requirements:

(1) Establish a nonprofit entity according to the provisions of the Virginia Non-stock Corporation Act, VA Code " 13.1-801 through 13.1-946, as amended, whose membership shall be all individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple to, and be responsible for the maintenance and upkeep of such open space;

(2) Hold title to and be responsible for such open space until such time as conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least 75% of the townhouse units have been sold;

(3) Provide proper agreements and covenants running with the land and in favor of the citizens of the town, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, that any assessments, charges and cost of maintenance of the open space shall constitute a prorata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second mortgages or deeds of trust on the townhouse lot. Covenants shall also prohibit the denuding, disturbing or defacing of said open space without prior approval of the Town Council after recommendation by the Planning Commission; and

(4) Notify the State Real Estate Commission in writing requesting their determination as to the applicability of the Condominium Act for all proposed townhouse projects involving open space and amenities, and provide the town=s Zoning Administrator with its determination relative thereto.

(I) All open space shown on the approved site plan is binding as to location and use proposed.
(Ord. passed 11-8-2005)

BUSINESS, GENERAL, DISTRICT B-2

' 154.070 STATEMENT OF INTENT.

Generally this district covers that portion of the community 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.
(Ord. passed 11-8-2005)

' 154.071 USE REGULATIONS.

In Business District B-2, structures to be erected or land to be used, shall be for one or more of the following uses:

- (A) Retail food stores;
- (B) Bakeries;
- (C) Drycleaners;
- (D) Laundries;
- (E) Wearing apparel stores;
- (F) Drug stores;
- (G) Barber and beauty shops;
- (H) Auto and home appliance services;
- (I) Theaters, assembly halls;
- (J) Hotels, motels;
- (K) Office buildings;
- (L) Churches;
- (M) Libraries;
- (N) Hospitals, general;
- (O) Funeral homes;
- (P) Service stations (with major repair under cover);
- (Q) Clubs and lodges;
- (R) Auto sales and service;
- (S) Lumber and building supply (with storage under cover);

(T) Plumbing and electrical supply (with storage under cover);

(U) Wholesale and processing not objectionable because of dust, noise or odors with a conditional use permit;

(V) Machinery sales and service;

(W) Public utilities;

(X) Off-street parking as required by this chapter;

(Y) Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the Commission submit a recommendation to them concerning such use applications. In approving any such application the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest;

(Z) Tattoo parlors and piercing parlors only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the Commission submit a recommendation to them concerning such use applications. In approving such application, the governing body may establish such special requirements and regulations as they deem necessary in the public interest.

(AA) Business signs;

(BB) General advertising signs;

(CC) Locations signs;

(DD) Pawn shops with a conditional use permit required under ' 154.167;

(EE) Day care centers with a conditional use permit required under ' 154.167; and/or

(FF) Apartments (shall not be allowed on the first street level floor of the building). (Ord. passed 11-8-2005; Ord. passed 8-12-2008; Ord. passed 11-11-2008; Ord. passed 8-23-2011; Ord. O-2014-01-02, passed 1-14-2014)

(GG) Fortune Teller/ Palmist. This shall include but not limited to fortune telling, palmistry, astrology, clairvoyance, and card reading. (Ord. O-2019-11-01 passed 11-12-2019)

(HH) Data Centers (shall not be allowed on the first street level floor of the building). This business use is for primarily “cloud based” storage or tech-based service/business to which the public does not require direct and frequent access. (Ord. O-2022-2-4 passed 2-8-2022)

' 154.072 AREA REGULATIONS.

(A) None, except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official.

(B) The Administrator may require a greater area if considered necessary by the Health Official.
(Ord. passed 11-8-2005)

' 154.073 SETBACK REGULATIONS.

Buildings shall be located 35 feet or more from the centerline of any street right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

(Ord. passed 11-8-2005)

' 154.074 FRONTAGE AND YARD REGULATIONS.

For permitted uses, the minimum space adjoining or adjacent to a residential district shall be ten feet and off-street parking shall be in accordance with the provisions contained herein.

(Ord. passed 11-8-2005)

' 154.075 HEIGHT REGULATIONS.

Buildings may be erected up to 35 feet in height from grade, except that:

(A) The height limit for buildings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet;

(B) A public or semipublic building such as a school, church, library or general hospital may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet;

(C) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest; and

(D) No accessory structure which is within ten feet of any party lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

(Ord. passed 11-8-2005)

BUSINESS, EXPANDED GENERAL, DISTRICT B-3**' 154.080 STATEMENT OF INTENT.**

Generally this district covers that portion of the community 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. Additionally, this district is created to allow for an expansion of general business applications within the Town, the location and establishment of which is not designated for location or use in existing District B-2. (Ord. passed 9-13-2022)

' 154.081 USE REGULATIONS.

In Business District B-3, structures to be erected or land to be used, shall be for all uses designated as allowable in District B-2, or for one or more of the following uses:

(A) Hospital, Special Care, with a conditional use permit.
(Ord. passed 9-13-2022)

' 154.082 AREA REGULATIONS.

(A) None, except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Town Health Official, or the Tazewell County Health Department.

(B) The Administrator may require a greater area if considered necessary by the Town Health Official, or the Tazewell County Health Department.
(Ord. passed 9-13-2022)

' 154.083 SETBACK REGULATIONS.

Buildings shall be located thirty-five (35) feet or more from the centerline of any street right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.
(Ord. passed 9-13-2022)

' 154.084 FRONTAGE AND YARD REGULATIONS.

For permitted uses, the minimum space adjoining or adjacent to a residential district shall be ten (10) feet and off-street parking shall be in accordance with the provisions contained herein.
(Ord. passed 9-13-2022)

' 154.085 HEIGHT REGULATIONS.

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

(A) The height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet;

(B) A public or semipublic building such as a school, church, library or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet;

(C) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest; and

(D) No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.
(Ord. passed 9-13-2022)

INDUSTRIAL, GENERAL, DISTRICT M-1**' 154.090 STATEMENT OF INTENT.**

The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.
(Ord. passed 11-8-2005)

' 154.091 USE REGULATIONS.

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

(A) Truck terminals;

(B) Petroleum storage, underground;

(C) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts;

(D) Automobile and/or mobile home assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling and tire retreading or recapping;

(E) Blacksmith shop, welding or machine shop, excluding punch presses exceeding 40 ton rated capacity and drop hammers;

(F) Laboratories; pharmaceutical and/or medical;

(G) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products;

(H) 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, rubber, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint;

(I) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

(J) Manufacture of musical instruments, toys, novelties and rubber and metal stamps;

(K) Building material sales yards, plumbing supplies storage;

(L) Coal and wood yards, lumber yards, feed and seed stores;

(M) Contractors= equipment storage yards or plants, or rental of equipment commonly used by contractors;

(N) Cabinets, furniture and upholstery shops;

(O) Brick manufacture;

(P) Monumental stone works;

(Q) Veterinary or dog or cat hospital, kennels;

(R) Airports with conditional use permit;

(S) Wholesale businesses, storage warehouses;

(T) Off-street parking as required by this chapter;

(U) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations; and

(V) Business, location and general advertising signs.
(Ord. passed 11-8-2005)

' 154.092 REQUIREMENTS FOR PERMITTED USED.

(A) Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.

(B) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by solid masonry wall, a uniformly painted solid board fence or evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

(C) (1) Landscaping may be required within any established or required front setback area.

(2) The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of any intersecting streets.

(D) Sufficient area shall be provided:

(1) To adequately screen permitted uses from adjacent business and residential districts; and

(2) For off-street parking of vehicles incidental to the industry, its employees and clients.

(E) Automobile graveyards and junkyards in existence at the time of the adoption of this chapter are to be considered as nonconforming uses. They shall be allowed up to three years after adoption of this chapter in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge six feet in height.

(F) The Administrator shall act on any application received within 20 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 20-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.

(Ord. passed 11-8-2005)

' 154.093 AREA REGULATIONS.

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area than that considered necessary by the Health Official.

(Ord. passed 11-8-2005)

' 154.094 SETBACK REGULATIONS.

Buildings shall be located 35 feet or more from the centerline of any street right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line. (Ord. passed 11-8-2005)

' 154.095 FRONTAGE AND YARD REGULATIONS.

For permitted uses, the minimum space adjoining or adjacent to a residential district shall be ten feet. The side yard of corner lots shall be 20 feet or more. Off-street parking shall be in accordance with the provisions contained herein.

(Ord. passed 11-8-2005)

' 154.096 HEIGHT REGULATIONS.

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

(Ord. passed 11-8-2005)

' 154.097 COVERAGE REGULATIONS.

Buildings or groups of buildings with their accessory buildings may cover up to 70% of the area of the lot.

(Ord. passed 11-8-2005)

AGRICULTURAL, GENERAL, DISTRICT, A-1**' 154.110 USE.**

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

- (1) Single-family dwellings and double-wide mobile homes;
- (2) Multiple-family dwellings, with site plan approval;
- (3) Agriculture;
- (4) Dairying and forestry;
- (5) General farming;
- (6) Parks and playgrounds;
- (7) Churches;
- (8) Professional offices (within occupant=s dwelling);

Richlands - Land Usage

- (9) Schools;
- (10) Gift shops;
- (11) Antique shops;
- (12) General stores, country;
- (13) Beauty shops;
- (14) Barbershops;
- (15) Motels with conditional use permit and site plan approval;
- (16) Cemeteries;
- (17) Home occupations, as defined, conducted by the occupant;
- (18) Mobile homes situated in a mobile home park for which a conditional use permit has been issued as herein provided with site plan approval;
- (19) Public utility generating, booster or relay stations; transformer substations; transmission lines and towers; pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities; and water and sewer installations;
- (20) Child care center with conditional use permit and site plan approval;
- (21) Off-street parking as required by this chapter;
- (22) Accessory uses as defined; provided, that garage or other accessory structures (e.g., carports, porches and stoops) attached to the main building shall be considered part of the main building. No accessory building shall be closer than one foot to any property line, subject to ' 154.112(B) for setback from adjacent residential lot lines;
- (23) Business signs (as defined in ' 154.002);
- (24) Church bulletin boards and identification signs;
- (25) Directional signs (as defined in ' 154.002);
- (26) Home occupation signs (as defined in ' 154.002);
- (27) Golf driving range with conditional use permit as required under ' 154.167;
- (28) Camping (RV) areas with conditional use permit as required under ' 154.167;

(29) Camping (tent) areas with conditional use permit as required under ' 154.167;

(30) Festival area (musical stage) with conditional use permit as required under ' 154.167. Each festival event would require a zoning permit and a conditional use permit from Town Council. The permit is non-transferrable;

(31) Riding stables with conditional use permit as required under ' 154.167;

(32) Golf course with conditional use permit as required under ' 154.167;

(33) Fishing with conditional use permit as required under ' 154.167; and

(34) Canoeing with conditional use permit as required under ' 154.167.

(B) (1) All conditional use permits shall be required to provide:

(a) Security lighting plan;

(b) Trash maintenance plan; and

(c) Sanitary facility plan.

(2) Each festival event would require a zoning permit and a conditional use permit from the Town Council. The permit is non-transferrable.

(Ord. passed 11-8-2005; Ord. passed 11-9-2010)

' 154.111 AREA REQUIREMENTS.

The minimum lot area for permitted uses in Agricultural District A-1 shall be 20,000 square feet.
(Ord. passed 11-8-2005)

' 154.112 SETBACK.

(A) Structures in Agricultural District A-1 shall be 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the centerline of any street right-of-way less than 50 feet in width; except, that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

(B) Structures other than residences, and restricted animal enclosures or pens shall be located no less than 100 feet from any adjacent residential lot line. This restriction does not apply to fences enclosing open pasture.

(Ord. passed 11-8-2005)

' 154.113 FRONTAGE.

The minimum frontage for permitted uses in Agricultural District A-1 shall be 100 feet at the setback line.

(Ord. passed 11-8-2005)

' 154.114 YARDS.

(A) *Side.* The minimum side yard for each main structure in Agricultural District A-1 shall be 15 feet and the total width of the two required side yards shall be 30 feet or more.

(B) *Rear.* Each main structure shall have a rear yard of 30 feet or more.

(Ord. passed 11-8-2005)

' 154.115 HEIGHT REGULATIONS.

Buildings in Agricultural District A-1 may be erected up to 35 feet in height, except that:

(A) The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is 15 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet;

(B) A public or semipublic building such as a school, church, library or general hospital may be erect to a height of 60 feet from grade; provided, that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet;

(C) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest; and

(D) No accessory building which is within 20 feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

(Ord. passed 11-8-2005)

' 154.116 SPECIAL PROVISIONS FOR CORNER LOTS.

(A) Of the two sides of a corner lot in Agricultural District A-1, the front shall be deemed to be the shortest of the two sides fronting on streets.

(B) The minimum side yard on the side facing the side street shall be 35 feet for both main and accessory buildings.

(C) For subdivisions platted after the enactment of this subchapter each corner lot shall have a minimum width at the setback line of 125 feet.
(Ord. passed 11-8-2005)

CONSERVATION, SPECIAL, DISTRICT C-1

' 154.130 INTENT.

This district is intended to protect environmentally sensitive areas and floodplains.
(Ord. passed 11-8-2005)

' 154.131 USE.

The following uses will be permitted subject to the regulation of this chapter: agriculture.
(Ord. passed 11-8-2005)

NONCONFORMING USES

' 154.145 CONTINUATION.

(A) If at the time of enactment of this chapter, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have 24 months within which to relocate in a permitted area.

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

(C) If any nonconforming use (structure or activity) is discontinued for a period exceeding one year, after the enactment of this chapter, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.

(D) Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

(E) Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of this chapter are excluded.

(Ord. passed 11-8-2005)

' 154.146 PERMITS.

(A) All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within 60 days after the adoption of this chapter. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

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

(Ord. passed 11-8-2005)

' 154.147 REPAIRS AND MAINTENANCE.

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

(Ord. passed 11-8-2005)

' 154.148 CHANGES IN DISTRICT BOUNDARIES.

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

(Ord. passed 11-8-2005)

' 154.149 EXPANSION OR ENLARGEMENT.

(A) A nonconforming structure to be extended or enlarged shall conform with the provisions of this chapter.

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

(Ord. passed 11-8-2005)

' 154.150 NONCONFORMING LOTS.

Any lot of record at the time of the adoption of this chapter which is less in area or width than the minimum required by this chapter may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

(Ord. passed 11-8-2005)

' 154.151 RESTORATION OR REPLACEMENT.

(A) If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed 50% of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this chapter.

(B) If a nonconforming structure is removed, destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75% of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this chapter.

(C) Where a conforming structure devoted to a nonconforming activity is damaged less than 50% of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75% of the cost of reconstructing the entire structure, either may be repaired or restored, provided that any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

(D) The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

(Ord. passed 11-8-2005)

ZONING PROVISIONS**' 154.165 ZONING PERMITS.**

(A) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the Administrator.

(B) The Commission may request a review of the zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

(C) Each application for a zoning permit shall be accompanied by three copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter a permit shall be issued to the applicant by the Administrator. One copy of the drawing shall be returned to the applicant with the permit.

(Ord. passed 11-8-2005)

' 154.166 CERTIFICATE OF OCCUPANCY.

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter.

(Ord. passed 11-8-2005)

' 154.167 CONDITIONAL USE PERMIT.

Where permitted by this chapter, the location of hotels, motels, mobile home parks, placement of single-wide mobile homes on private lots, tracts/parcels of land in accordance with ' 154.171(C), commercial amusement parks, hospitals, airports, borrow pits, hog farms, sanitary fill method garbage and refuse sites, pawn shops, day care and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this chapter.

(Ord. passed 11-8-2005; Ord. passed 9-12-2006)

' 154.168 USES NOT PROVIDED FOR.

If in any district established under this chapter, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission, which shall make its recommendations to the governing body within 30 days. If the recommendation of the Planning Commission is approved by the governing body, the chapter shall be amended to list the use as a permitted use in that district, henceforth.

(Ord. passed 11-8-2005)

' 154.169 WIDENING OF HIGHWAYS AND STREETS.

Whenever there shall be plans in existence, approved by either the State Department of Highways or by the governing body for the widening of any street or highway the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening.

(Ord. passed 11-8-2005)

' 154.170 MINIMUM OFF-STREET PARKING.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

(A) In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building or each dwelling unit added in the case of the enlargement of an existing building;

(B) For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in said building;

(C) For hospitals, at least one parking space for each two beds= capacity, including infants= cribs and children=s beds;

(D) For medical and dental clinics, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists;

(E) For tourist courts, apartments and apartment motels, at least one parking space for each individual sleeping or living unit. For hotels and apartment motels at least one parking space for each two sleeping rooms, up to and including the first 20 sleeping rooms, and one parking space for each three sleeping rooms over 20;

(F) For mortuaries and liquor stores, at least 30 parking spaces;

(G) For retail stores selling direct to the public, one parking space for each 1,000 square feet of retail floor space in the building;

(H) Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one parking space for each 1,000 square feet of business floor space in the building; and

(I) Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as 600 feet. Every parcel of land hereafter used as a public parking area shall be surfaced with asphalt or concrete. It shall have appropriate guards where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

(Ord. passed 11-8-2005)

' 154.171 PERMANENT MOBILE HOME PARKS.

(A) A **MOBILE HOME PARK** shall mean any site, parcel or tract of land which consists of a sufficient area, as hereinafter delineated, as will accommodate at least six mobile homes.

(B) No mobile home park shall be operated in the town and no individual mobile home parked on a lot or site not in such mobile home park except in accordance with this chapter.

(C) (1) No person shall establish a mobile home park or park an individual mobile home on a lot or site not in such mobile home park unless he or she shall first have obtained a permit therefore from the Town Council. The criteria and guidelines to be considered by the Town Council relating to placement of single-wide mobile homes on private lots, tracts/parcels of land are:

(a) Full compliance with " 154.052(D), (E), (F) and divisions (I), (J) and (K) below;

(b) The actual record owner (or owner=s agent) of the lot, tract or parcel of land must personally apply in writing to the Town Manager/Zoning Administrator and provide the documentation required by division (D) below;

(c) The conditional use permit shall not be transferable, via either conveyance, assignment or testamentary documents;

(d) All town real estate taxes on the property must be current prior to consideration of the application by the Town Council;

(e) Areas of town defined as either historic or business districts shall not be considered hereunder, regardless of their zoning designations;

(f) Following issuance of a conditional use permit for placement, the applicant may be afforded a 30-day extension to comply with the provisions of division (H) below; and

(g) The provisions of " 154.185 through 154.190 shall not be available to an unsuccessful applicant whose request for a placement permit has been denied by either the Zoning Administrator or

Town Council. An aggrieved applicant may, however, file a petition with the County Circuit Court Clerk, within 30 days after the final decision of the Town Council, seeking judicial review thereof.

(2) Because of the urgent need for criteria to be in place regarding the placement of single-wide mobile homes on private lots, tracts/parcels of land, an emergency is deemed to exist.

(D) Any person desiring a permit as required in division (C) above shall file an application therefore with the Town Manager, also filing there with a complete plan of the proposed mobile home park or individual site. This plan shall be drawn to scale and clearly show the extent and area to be used. All proposed roadways and driveways shall be shown, as well as the location of all sanitary conveniences, laundry buildings and the plan for water supply and lighting.

(E) (1) The location of mobile home parks shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit issued by the Town Council.

(2) Operators of such mobile home parks shall comply with the following provisions.

(a) Each mobile home must have a minimum of 50 feet road frontage when located on a private lot or site.

(b) The main private drive leading into and throughout a mobile home park must be paved and have a minimum width of 25 feet. Side street, individual driveways and sidewalks must be, at a minimum, graveled. The main private drive must be paved before placing the first mobile home in a mobile home park. An extension may be granted, however, due to inclement weather or emergencies by appearing thereon, in person, before the Town Council, and obtaining approval therefor.

(c) For each 12-foot wide mobile home, located in a mobile home park, there shall be provided 3,000 square feet of area with minimum space size of at least 30 feet by 100 feet.

(d) For each 14-foot wide mobile home located in a mobile home park there shall be provided 3,500 square feet of area with minimum space size of at least 35 feet by 100 feet.

(e) Parking spaces for mobile homes shall be arranged so as to provide a distance of 15 feet or more between individual units, but in no case closer than five feet to the individual lot line of the mobile home space, or ten feet from adjoining private property lines.

(f) The owner of a mobile home park must furnish the town, through its manager, and each individual tenant, with a copy of the park's rules and regulations.

(g) The mobile home park must be designed to have ample and sufficient lighting during non-daylight hours.

(h) The name of the mobile home park must be displayed near the entrance of the main private drive of the park.

Richlands - Land Usage

(i) Each mobile home space within a mobile home park must be numbered on the plat or map submitted to and approved by the Zoning Administrator. Numbers shall be assigned to lot spaces by the mobile home park owner. Spaces shall be consecutively numbered with odd and even numbers on opposite sides of any access road. Each mobile home within a mobile home park must be numbered. The park owner shall be responsible for assigning numbers to the units which will correspond with the space/lot number. The number shall be a minimum of three inches in height, of contrasting color to the individual unit, and positioned upon the portion thereof closest to the nearest access road. The mobile home park owner must provide at least one space per mobile home for off-street parking.

(j) The manager, owner or person designated to be in control of a mobile home park must maintain good housekeeping throughout the park, i.e., the park must be kept neat and clean in appearance at all times. No debris shall be allowed to accumulate; grass and lawns should be kept neat and trim. The park should be landscaped and pleasing to the eye.

(k) It shall be the responsibility of the owner of a mobile home park to prohibit the placing or storage of unsightly vehicles of any kind in such park.

(F) Each mobile home space shall be provided with individual water and sewer connections to a public system.

(G) Each mobile home unit must be assessed the current rates for water, sewer and garbage collection.

(H) Each mobile home space shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(I) All mobile homes located on a private lot/site or in a mobile home park must be underpinned. Any mobile home not currently underpinned at the time of the adoption of this chapter may remain as such; however, should a mobile home move out, any unit, when reoccupying the space, must be underpinned. Any mobile home placed upon a private lot/site, after the adoption of this chapter, shall also be underpinned.

(J) When any mobile home, presently located on a private lot/site, and not in a mobile home park, is removed from the premises, no other mobile home may be relocated there unless and until the requirements of this chapter are complied with.

(K) Any mobile home moved into or locating within the town after the adoption of this chapter shall comply with R-2 requirements, and also have a minimum road frontage width of 50 feet. Where a single-wide mobile home is to be placed on a lot/tract on which there is presently a permitted use having at least 50 feet of road frontage, the individual single-wide mobile home shall not be required to have 50 feet of road frontage but the provisions of ' 154.054 shall apply.

(L) The Town Council may provide by ordinance additional rules and regulations with regard to size of parks, width of streets within parks, and any other rules and regulations necessary to carry out the intent of this chapter, including, but not limited to, the establishment of time limitations for required actions and the granting of extensions or variances relative to any of the provisions of this chapter.
(Ord. passed 11-8-2005; Ord. passed 9-12-2006)

' 154.172 SPECIAL REQUIREMENTS RELATIVE TO GENERAL ADVERTISING AND BUSINESS SIGNS.

(A) An applicant for a zoning permit pursuant to ' 154.165 or the placement of a general advertising sign in accordance with " 154.071(AA) and 154.091(V) shall, in addition thereto, be required to obtain a conditional use permit as set forth in ' 154.167.

(B) The Zoning Administrator, upon receipt of such application, shall, prior to issuing a zoning permit, refer the request to the Town Planning Commission for its recommendations to the Town Council. The Planning Commission shall investigate the size and proposed location of the proposed general advertising sign, taking into consideration good zoning practices compatible with the objectives of the zoning regulations, and other factors, including public safety, aesthetics, as well as spiritual, physical and monetary values.

(1) Upon receipt of the recommendation of the Planning Commission, the Town Council shall, after consideration of the foregoing factors, make an independent determination as to whether the zoning and conditional use permits should be granted and, if so, the conditions under which they should. In arriving at their determination, the Town Council intends, through the exercise of its police power, to ensure that the most appropriate use of land is made while, at the same time, not arbitrarily depriving the owner of the beneficial use thereof.

(2) Notwithstanding the foregoing, there is hereby prohibited within the corporate limits of the town, the placement and erection of stacked or Adouble-decker@ types of general advertising and business signs.
(Ord. passed 11-8-2005) Penalty, see ' 154.999

APPEALS

' 154.185 BOARD OF ZONING APPEALS.

(A) (1) A Board consisting of five members shall be appointed by the Town Council.

(2) The Board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing.

(3) Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(B) The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for two years and one for one year. One of the five appointed members shall be an active member of the Planning Commission.

(C) Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

(D) Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

(E) The Board shall choose annually its own Chairperson, Vice Chairperson and Secretary. The Vice Chairperson shall act in the absence of the Chairperson.

(Ord. passed 11-8-2005)

' 154.186 POWERS OF THE BOARD OF ZONING APPEALS.

Boards of Zoning Appeals shall have the following powers and duties:

(A) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto; and

(B) To authorize upon appeal in specific cases 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, as follows.

(1) When a property owner can show that his or her property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the enactment of the chapter, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.

(2) No such variance shall be authorized by the Board unless it finds:

(a) That the strict application of the chapter would produce undue hardship;

(b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

(c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

(3) No such variance shall be authorized except after notice and hearing as required by VA Code ' 15.2-2204, as amended.

(4) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter.

(5) 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.

(Ord. passed 11-8-2005)

' 154.187 RULES AND REGULATIONS.

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

(B) The meeting of the Board shall be held at the call of its Chairperson or at such times as a quorum of the Board may determine.

(C) The Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

(D) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(E) All meetings of the Board shall be open to the public.

(F) A quorum shall be at least three members.

(G) A favorable vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

(Ord. passed 11-8-2005)

' 154.188 APPEAL TO THE BOARD OF ZONING APPEALS.

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

(B) *Appeal procedure.*

(1) Appeals shall be mailed to the Board of Zoning Appeals care of the Zoning Administrator, and a copy of the appeal mailed to the Secretary of the Planning Commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

(2) Appeals requiring an advertised public hearing shall be accompanied by a certified check for an amount set by Council from time to time payable to the town.

(Ord. passed 11-8-2005)

' 154.189 PUBLIC HEARING.

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within 60 days. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the application any matter upon which it is required to pass under the chapter or to effect any variance from the regulations. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The Chairperson of the Board, or in his or her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses.

(Ord. passed 11-8-2005)

' 154.190 DECISION OF BOARD OF ZONING APPEALS.

(A) Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the county or municipality, may present to the Circuit or Corporation Court of the county or city a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the Board.

(B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(C) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions there as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(D) 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 or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(E) Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.
(Ord. passed 11-8-2005)

AMENDMENTS, ADMINISTRATION AND INTERPRETATION**' 154.205 AMENDMENTS.**

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the governing body; provided:

(A) That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard;

(B) Notice shall be given of the time and place of such hearings by publication in at least two issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than ten days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required; and

(C) Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the Planning Commission for a report. Action shall be taken by the governing body only after a report has been received from the Planning Commission, unless a period of 30 days has elapsed after date of referral to the Commission, after which time it may be assumed the Commission has approved the change or amendment.

(Ord. passed 11-8-2005)

' 154.206 ADMINISTRATION.

(A) This chapter shall be enforced by the Administrator who shall be appointed by the governing body. The Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

(B) 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 chapter. However, such construction must commence within 30 days after this chapter becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

(Ord. passed 11-8-2005)

' 154.207 INTERPRETATION.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

(A) *Centerlines.* Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracks, such centerlines shall be construed to be such boundaries, as the case may be.

(B) *Bodies of water.* Where a district boundary is indicated to follow a river, creek or 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.

(C) *Distance, angle, curvature description or other means.* If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

(D) *Temporary application of chapter to properties coming into the territorial jurisdiction of the Town Council by annexation, boundary adjustment or otherwise.*

(1) In case properties come into the corporate limits and become subject to the territorial jurisdiction of the Town Council by annexation, boundary adjustment or otherwise, the regulations applying to the R-2 Residential District shall be construed to apply to all such new territory/properties pending orderly amendment of this chapter to designate/classify the appropriate new zoning applicable thereto.

(2) Individuals who desire to locate any type of manufactured housing on properties which became incorporated into the town by virtue of the boundary adjustment order entered by the County Circuit Court (Case No. CL05-195) on November 7, 2005 shall be required to obtain, in addition to a zoning permit and certificate of occupancy, a conditional use permit from the Town Council, which may impose such conditions upon the issuance thereof as it may deem necessary.
(Ord. passed 11-8-2005; Ord. passed 3-11-2008)

' 154.999 PENALTY.

(A) All departments, officials and public employees of this jurisdiction 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, building or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

(B) Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined an amount set by Council from time to time. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.
(Ord. passed 11-8-2005)