

**TOWN OF  
RICH CREEK**

**LAND  
DEVELOPMENT  
REGULATIONS**

**MAY 1988**

TOWN OF RICH CREEK  
LAND DEVELOPMENT REGULATIONS

INCLUDING  
THE  
TOWN ZONING ORDINANCE  
AND  
SUBDIVISION REGULATIONS

ADOPTED  
MAY, 1988

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ARTICLE 18-1

AUTHORITY AND ENACTMENT

18-101.00 Authority to Establish Zoning

18-102.00 Authority to Establish Subdivision  
Regulations

18-103.00 Enactment

ARTICLE 18-1

AUTHORITY AND ENACTMENT

18-101.00 AUTHORITY TO ESTABLISH ZONING

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

- 18-101.01 The use of land, buildings, structures, and other premises for agricultural, business, Industrial, residential, floodplain and other specific uses.
- 18-101.02 The size, height, area, bulk, location, erection. Construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
- 18-101.03 The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and in use.
- 18-101.04 The excavation or mining of soil or other natural resources.

#### 18-102.00 AUTHORITY TO ESTABLISH SUBDIVISION REGULATIONS

Whereas, by act of the General Assembly of Virginia as recorded in the code of Virginia, 1950, as amended, as Article 7, Section 15.1-465 through 15.1-485 requires the Council of Rich Creek, Virginia adopt regulations to assure the orderly subdivision of land and its development, to provide for the harmonious and economic development of the Town, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for the distribution or population and traffic which will tend to create conditions favorable to health, safety, convenience, and prosperity including reasonable regulations and provisions that apply to or provide:

- 18-102.01 For size, scale, and other plat details.
- 18-102.02 For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades, and drainage.
- 18-102.03 For adequate provisions for drainage and flood control and other public purposes, and for light and air.
- 18-102.04 For the extent to which and the manner in which streets shall be graded, graveled, or Otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed.
- 18-102.05 For the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or purposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or improvement, financed or to be financed in whole or part by private funds only if the owner or developer: (1) certifies to the Governing Body that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Governing Body a certified check or cash escrow in the amount of the estimated costs or construction or personal, corporate, or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for, and conditioned upon, the construction of such facilities, or a contract to the construction of such facilities and the contractors bond, with like surety, in like amount and so conditioned or furnishes to the Governing Body a bank or savings loan association's letter of credit on certain designated funds satisfactory to the Governing Body as to the bank or savings and loan association, the amount and the form;
- 18-102.06 For monuments of specific types to be installed establishing street and property lines.

- 18-102.07 That unless a plat be filed for recordation within six months after final approval thereof or such longer period as may be approved by the Governing Body such approval shall be withdrawn and the plat marked void and returned to the approving official.
- 18-102.08 For the administration and enforcement of such ordinance. Not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed in; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrators expense involved. All such charges heretofore made are hereby validated.
- 18-102.09 For payment by a sub divider or developer of land of his pro rata share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned pr controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Governing Body or a designated department or agency thereof shall have established a general sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Such regulations shall set forth and establish reasonable standards to determine the proportionate share of total estimated cost of ultimate sewer and drainage facilities required to adequately serve a related and common area, when and if full developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider or developer within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow and/or increased volume and velocity of storm water runoff to be actually caused by his subdivision or development bears to total estimated volume and velocity of such sewage and/or runoff from such area in its fully developed state. Each sewage payment received shall be expended only for the construction of those facilities for which the payments was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; provided, however, that in lieu of such payment the Governing Body may provide for the posting of a personal, corporate, or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement or such construction.
- 18-102.10 For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to any express requirements contained in the Code of Virginia. Only one such division shall be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.
- 18-102.11 For the partial or complete release of any bond, escrow, letter of credit, or other performance guarantee required by the Governing Body under this section within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the Governing Body notifies said subdivider or developer in writing if any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of said thirty (30) day period; provided, however, that the Governing Body shall not be required to release such bond, escrow, letter of credit, or other performance guarantee in an amount to exceed ninety (90) percent of the actual cost of the construction for which the bond was taken until such facilities have been completed and accepted by the Governing Body or State Agency. For the purposes of this subsection, a certificate or partial or final completion of such facilities from a duly licensed engineer or from a department or agency designated by the local government may be accepted without further inspection of such facilities.
- 18-103.00 ENACTMENT



Therefore, be in ordained by the Council of the Town of Rich Creek, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Title 15.1, Chapter 11, Articles 7 and 8 of the Code of Virginia, as amended that the following be adopted as the Land Development regulations of Town of Rich Creek, Virginia incorporating the Town of Rich Creek Zoning Ordinance, as amended and Subdivision Ordinance – Town of Rich Creek, Virginia, as amended.

## ARTICLE 18-2

### PURPOSES OF THE REGULATIONS

18-201.00 Purposes

18-202.00 Non-exclusionary Intent

## ARTICLE 18-2

### PURPOSES OF THE REGULATIONS

#### 18-201.00 PURPOSES

The Rich Creek Zoning Commission and Town Council have undertaken to achieve the delicate balance between the individual property rights of its citizens and the health, safety, and general welfare of the public and accomplish the objectives of section 15.1-427 by reasonable restrictions on those property rights. Further, to comply with the provisions of Article 7, Section 15.1-465, et. Seq. The purposes of these regulations are:

18-201.01 To provide for adequate light, air, convenience of access , and safety from fire, flood, and other dangers.

18-201.02 To reduce or prevent congestion in the public streets.

18-201.03 To facilitate the creation of a convenient, attractive, and harmonious community.

18-201.04 To expedite the provision of adequate police and fire protection, disaster evacuation , civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.

- 18-201.05 To protect against destruction of, or encroachment upon, historic areas.
- 18-201.06 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers.
- 18-201.07 To encourage economic development activities that provide desirable employment and enlarge the tax base.
- 18-201.08 To establish certain subdivision standards and procedures to assure the orderly subdivision of the land and its development for the Town of Rich Creek, Virginia.
- 18-201.09 The subdivision standards and procedures are part of a long-range plan to guide and facilitate the orderly and beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs where land and acreage become urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner.
- 18-202.00 NON EXCLUSIONARY INTENT

It is not the intent of these regulations to exclude and economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Rich Creel; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Rich Creek of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purpose outlined in section 18-201, herein.

ARTICLE 18-3

DEFINITIONS OF TERMS USED  
IN THIS ORDINANCE

18-301.0	General
18-302.0	Specific Definitions

## ARTICLE 18-3

### DEFINITIONS OF TERMS USED IN THIS ORDINANCE

#### 18-301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

#### 18-302.00 SPECIFIC DEFINITIONS

When used in this ordinance the following words and phrases shall have the meaning given in this section:

- 18-302.01 Abattoir. A commercial slaughter house.
- 18-302.02 Accessory Use or Building. See Use, Accessory or Building, Accessory.
- 18-302.03 Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 18-302.04 Administrator, The. The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official designated to the position by the Rich Creek Town Council. He may serve with or without compensation as determined by the Town Council.
- 18-302.05 Agriculture. The tilling of the soil, the raising of crops, the raising and keeping of animals and fowl, horticulture, forestry, and any agricultural industry or business, such as fruit packing plants, dairies or similar use, not including abattoir.
- 18-302.06 Alley. A platted service way providing a secondary means of access to abutting properties.

- 18-302.07 Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 18-302.08 Animal or Poultry Husbandry. Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than five (5) dogs, cats, or other customary pet animals for non-commercial purposes.
- 18-302.09 Animal Hospital or Clinic. Establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included in this definition.
- 18-302.10 Apartment. A unit in a multi-family dwelling providing living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.
- 18-302.11 Apartment Development. A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.
- 18-302.12 Automobile graveyard. Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.
- 18-302.13 Automobile Service Station. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automobile washing.
- 18-302.14 Basement. A story having part but no more than one-half (1/2) of its height below grade. A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 18-302.15 Bed and Breakfast. A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one week in duration.
- 18-302.16 Board. The board of Zoning Appeals as established under this Ordinance.
- 18-302.17 Boarding House (Rooming House). A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual room, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.
- 18-302.18 Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals or property.
- 18-302.19 Building, Accessory. A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes.

- 18-302.20 Building Code. The Virginia Uniform Statewide Building Code, as adopted by the Town of Rich Creek and as amended.
- 18-302.21 Building, Height of. The vertical distance measured from the level of the edge of the pavement opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and the ridge of a gable, hip, or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 18-302.22 Building Inspector. The building official for the town and the county who administers and enforces the provisions of the Building Code, or his designated representative or agent.
- 18-302.23 Building, Main. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 18-302.24 Campground. Campground shall mean any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for camping; and whether use of such accommodations is granted free of charge or for compensation.
- 18-302.25 Cellar. A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 18-302.26 Child Care Center. Any facility other than a Family Day Care Home, providing care, protection, and guidance to a group of children during only part of the day.
- 18-302.27 Clerk. The Clerk of the Circuit Court having jurisdiction in Giles County.
- 18-302.28 Clinic. A building in which services provided by one or more physicians, dentists, or other health care providers take place on an out-patient basis.
- 18-302.29 Commission, The. The Town of Rich Creek Zoning Commission.
- 18-302.30 Community Center. Community entertainment, recreation, or meeting place operated by a non-profit organization.
- 18-302.31 Common Elements. All portions of a cooperative other than the units.
- 18-302.32 Conditional Use. A use which may be allowed for a specific lot in a district if the use is listed as a Conditional Use for the district and if the Town Council, after a public hearing and a recommendation by the Zoning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use in the Town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.
- 18-302.33 Conditional Use Permit. A permit which indicates the conditions of use for specific lot in a district which has been approved for Conditional Use by the Town Council.
- 18-302.34 Conditional Zoning. The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Council to accept the proffered conditions, the conditions must give rise to the need for the conditions, have a reasonable relationship to the rezoning, the conditions must not include a cash contribution to the Town, and shall not include mandatory dedication for real property as stated in section 15.1-491.2 of the Code of Virginia.
- 18-302.35 Condominium. A dwelling unit in an apartment building or residential development which is individually owned, but in which the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.

- 18-302.36 Convenience Store. A store designed for ease of access which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, and magazines, whose size limits the volume and variety of items sold, and is utilized because single purchases may be made quickly. Gasoline, if offered for sale, is a secondary activity.
- 18-302.37 Conversion Building. A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the cooperative.
- 18-302.38 Cooperative. Real estate owned or leased by a cooperative organization.
- 18-302.39 Cooperative Interest. A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.
- 18-302.40 Cooperative Organization. Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.
- 18-302.41 Cooperative Unit. A physical portion of the Cooperative designed for separate tenancy.
- 18-302.42 Cottage Industry. A small, non-polluting business or industry which is not located in a residence and which employs five workers or fewer.
- 18-302.43 cul-de-sac. A circular turning area at the end of a dead end street.
- 18-302.44 Curb Grade. The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the Zoning Administrator shall establish such curb grade.
- 18-302.45 Developer. An owner of property being subdivided, whether or not represented by an agent.
- 18-302.46 Development. A tract of land developed or to be developed as a unit under single ownership or unified control which is to contain two or more single-family residential dwelling units or buildings which are devoted to multi-family dwelling, commercial, recreational, or industrial use. The term "development" shall not be construed to include any property which will be devoted principally to agricultural production.
- 18-302.47 District. A section of the Town of Rich Creek within which the zoning regulations are uniform are referred to in the Code of Virginia, Section 18.1-486.
- 18-302.48 Driveway. Any private way provided for the principal purpose of providing vehicular access to an off-street parking area or service in the case of drive-in type uses.
- 18-302.49 Dump Heap (Trash Pile). Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 18-302.50 Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.
- 18-302.51 Dwelling, Multi-Family. A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums or similar physical appearance, character, and structure.
- 18-302.52 Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.
- 18-302.53 Dwelling, Two-Family (duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other.



- 18-302.54 Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 18-302.55 Easement. A right granted by a property owner to another party for specific limited use of that land, such as a utility easement which allows use of private property for the installation and maintenance of utility lines and facilities.
- 18-302.56 Engineer, Civil. An engineer registered by the Commonwealth of Virginia.
- 18-302.57 Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined. Privet household workers employed and housed on the premises may be considered as included in the family occupying said premises.
- 18-302.58 Family Day Care Home. Any private home in which (3) to nine (9) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.
- 18-302.59 Family, Immediate Member of. Any person who is a natural or legally defined off-spring, spouse, or parent of the owner.
- 18-302.60 Floating Zone. A district classification which is not “anchored” to a particular area on the initial zoning map but is available for any parcel of the property with the following qualifications: the plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.
- 18-302.61 Flood. A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.
- 18-302.62 Flood Hazard Area. The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslide can be reasonably anticipated. These areas are defined by the Department of Housing and Urban Development’s flood Hazard Mapping or Rate Study Mapping as appropriate.
- 18-302.63 Floodplain. An area, usually a relatively flat or low land area adjoining a river, stream, or water course, which has been in the past, or can be reasonably expected in the future, to be covered temporarily by a flood.
- 18-302.64 Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.
- 18-302.65 Floodway. The channel of a river or other water course and the adjacent land areas required to carry and discharge the waters of the one-hundred (100) year flood.
- 18-302.66 Floor Area. The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water, or cooling towers, accessory off-street parking spaces, and accessory off-street loading berths.
- 18-302.67 Frontage. The Length of the property line of any lot, lots, or tract of land measured along a public street, road or highway against which that land abuts.
- 18-302.68 Garage Apartment. A dwelling unit constructed within or above and existing private garage.
- 18-302.69 Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot

occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 ½) times as many automobiles as there are dwelling units.

- 18-302.70 Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor-driven vehicles.
- 18-302.71 Gardening. Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, generally for the use and/or consumption by the occupants of the premises, but not including accessory structures used for the same purpose.
- 18-302.72 Gold Course. Any parcel 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.
- 18-302.73 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.
- 18-302.74 Governing Body. The Town Council of Rich Creek, Virginia.
- 18-302.75 Granny Cottage. A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.
- 18-302.76 Group Home. Any facility providing full-time care, maintenance, protection, and guidance to more than three (3) children separated from their parents or guardians.
- 18-302.77 Guest Room. A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.
- 18-302.78 Health/Fitness Club. A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities requires membership in the club.
- 18-302.79 Health Department. The Giles County Health Department or its Designated agent or its Designated agent of representative.
- 18-302.80 Heliport. A designated area where helicopters land and take off.
- 18-302.81 Highway Engineer. The official designated by the Virginia Department of Highways and Transportation to inspect subdivision streets and alleys, or other public ways.
- 18-302.82 Historical Area. An officially designated area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. Such areas are officially designated at the local, state, or national level.
- 18-302.83 Hog Farm. A farm where swine are raised commercially as the principal farm enterprise.
- 18-302.84 Hog Pen. An enclosure for concentrated confinement or housing of swine.
- 18-302.85 Home for Adults. Any facility other than Nursing Home, which meets the minimum requirements of the VA Uniform Statewide Building Code for such facilities, which also provides part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.
- 18-302.86 Home Occupation. An accessory use carried on by the occupant of a dwelling in connection with which there is no display, other than a professional name plate, no one is employed other than

immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.

- 18-302.87 Hospital. An institution rendering medical, surgical, obstetrical, or convalescent care, on an in-patient basis including an institution licensed as a hospital by the State Hospital Board.
- 18-302.88 Hospital, Special Care. A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 18-302.89 Hotel. A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers in which the length of stay is primarily less than one week in duration. The term "hotel" included the term "motel".
- 18-302.90 Housing for the Elderly. A multi-family structure, designed for the elderly or physically handicapped, as defined by the VA Uniform Statewide Building Code, in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number or dwelling units if less than ten (10) are occupied or designed for occupancy by:
- (a) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or over or is handicapped, or
  - (b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death.
  - (c) A single person who is 62 years of age or over or a non-elderly handicapped person between the ages of 18 and 62, or
  - (d) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being.
- For the purpose of this definition Handicapped Persons means any adult having an impairment which is expected to be of long continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.
- 18-302.91 Junk Yard (Automobile Wrecking Yard). A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded materials; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.
- 18-302.92 Jurisdiction. The area or territory subject to the legislative control of the Town of Rich Creek.
- 18-302.93 Kennel. Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals for commercial purposes is carried on.
- 18-302.94 Land Use Plan. The Land Use Plan of the Town of Rich Creek, as amended.
- 18-302.95 Light Industry. Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors.
- 18-302.96 Livestock. Animals kept or raised for sale, use, or pleasure.
- 18-302.97 Livestock Market. A commercial establishment wherein livestock is collected for sale, sold, or auctioned off.

- 18-302.98 Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading, of trucks and other carriers.
- 18-302.99 Lot. A numbered and measured portion or parcel of land separated from other portions or parcels by description in a record plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, or transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.
- 18-302.100 Lot Area. The total horizontal area within the lot lines of a lot. No alley, public way, or area purposed for future street purposes is included within the net area of the lot.
- 18-302.101 Lot, Corner. A lot abutting upon two (2) or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets, except as defined for mobile home subdivisions in Section 18-707.06.
- 18-302.102 Lot Coverage. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.
- 18-302.103 Lot, Depth of. The average horizontal distance between the front and rear lot lines.
- 18-302.104 Lot, Double Frontage (Through). An interior lot having frontage on two (2) streets as distinguished from a corner lot.
- 18-302.105 Lot, Interior. Any lot other than a corner lot.
- 18-302.106 Lot of Record. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of Giles County at the time of the adoption of this Ordinance.
- 18-302.107 Lot, Width. The average horizontal distance between side lot lines.
- 18-302.108 Main Use. The primary purpose for which land or a building is used.
- 18-302.109 Manufacture and/or Manufacturing. The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles of substances of different character, or for use for a different purpose.
- 18-302.110 Mobile Home. A structure, transportable in one or more sections and which is built on a permanent chassis for towing to the point of use and is designed to be used as a dwelling.
- 18-302.111 Mobile Home Park. The division of a lot, tract, or parcel of land into one or more lots, tracts, or parcels for the purpose, whether immediate or future of accommodating two or more mobile homes exclusively, and where the stands are rented or leased.
- 18-302.112 Mobile Home Stand. A plot of ground within a mobile home park designated to accommodate one mobile home. A stand shall have a minimum area of four thousand (4000) square feet.
- 18-302.113 Mobile Home Subdivision. A development which has been created in accordance with the Town of Rich Creek Subdivision Ordinance. Each lot is designed to be individually owned by a mobile home.
- 18-302.114 Modular Home. A manufactured dwelling which is transported in two or more parts, is not built on a permanent chassis, and whose design requires that it be placed on a permanent foundation. A double wide mobile home is not a modular home.
- 18-302.115 Non-Conforming Lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

- 18-302.116 Non-Conforming Use of Structures. The otherwise legal use of a building or structure that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 18-302.117 Non-Conforming Structure. A structure existing at the time of building or structure that does not conform to the lot coverage, height, yard, dimensions or other requirements or regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 18-302.118 Non-Conforming Use of Land. A use of land existing at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment, which does not conform with the regulations of the use district in which it is located.
- 18-302.119 Nursery. A wholesale, retail or research facility including greenhouses, in which plants, trees and shrubs are raised for transplanting.
- 18-302.120 Nursing Home. Any facility or any identifiable component of any facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and in-patient care of two or more non related individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries.
- 18-302.121 Off-Street Parking Area. Space provided for vehicular parking outside the dedicated street right-of-way.
- 18-302.122 One Hundred Year Flood. A flood that, on the average, is likely to occur once every 100 years.
- 18-302.123 Parking Space. An area consisting of a minimum of 10 x 20 feet.
- 18-302.124 Parks, Playgrounds, and Outdoor Recreation Areas. Land publicly or privately owned devoted to recreational pursuits, usually an open area reserved for outdoor activities such as play, hiking, exercise, or competitive sport not requiring structures for habitation.
- 18-302.125 Pen. A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed Pasture or range with an area in excess of one hundred (100) square feet for each small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen. Any enclosure containing a hog is a hog pen. (See 18-302.88)
- 18-302.126 Plat. A drawing or map which has been reviewed and approved by the Town Council of the Town of Rich Creek which depicts a lot or lots which are the result of the subdivision of land. When used as a verb "plat" is synonymous with "subdivide".
- 18-302.127 Prefabricated Building. The completely assembled and erected building or structure, including the service equipment, of which the structural parts consist of prefabricated individual units or subassemblies using ordinary or controlled materials; and in which the service equipment may be either prefabricated or at-site construction.
- 18-302.128 Professional. A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with "home occupation", the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.
- 18-302.129 Professional Office. An office whose use is characterized by the activities of one or more professionals as defined in 18-302.132 and who serves an average of one client or less per hour.

- 18-302.130 Property. Any tract, lot, parcel, or several of the same collected together for the purpose of subdividing.
- 18-302.131 Public Service or Storage Buildings. Governmental facilities necessary for public health, safety and welfare.
- 18-302.132 Public Water and Sewage Systems. A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving three (3) or more families which is properly licensed.
- 18-302.133 Public Utilities. Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.
- 18-302.134 Ramada. A structure erected over a mobile home for the purpose of providing shade or shelter.
- 18-302.135 Recreational Vehicle. A mobile unit, whether self-propelled or towed which is designed for temporary human habitation during travel, recreation, or vacation. This term includes motor homes, campers, converted buses, and travel trailers.
- 18-302.136 Recreational Vehicle Park. Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.
- 18-302.137 Required Open Space. Any space required in any front, side, or rear yard.
- 18-302.138 Residential Use. Any place, building, or establishment used in whole or in part as a dwelling.
- 18-302.139 Restaurant. Any building in which, for compensation, food or beverages are dispensed to persons not residing on the premises for consumption on the premises, including, among other establishments, cafes, delicatessens, or refreshment stands.
- 18-302.140 Restaurant, Drive-In. An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served may consume his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside or adjacent to the main building.
- 18-302.141 Retail Stores and Shops. Buildings for display and sale of merchandise at retail or for the rendering or personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustrations: drug store, newsstand, food store, candy shop, milk dispensary, dry-goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, and beauty and barber shop.
- 18-302.142 Right-of-Way. The land upon which a street, road, highway, or transportation route is located and the land adjacent to the pavement or developed thoroughfare which exceeds the width so that the thoroughfare may be widened, drainage provided, or utilities installed in the future.
- 18-302.143 Right-of-Way Line. The dividing line between a lot, tract, or parcel or land and a contiguous street, railroad, or public utility right-of-way.
- 18-302.144 Satellite Dish or Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.
- 18-302.145 Sawmill. A mill or machine for the processing of timber into lumber.
- 18-302.146 Setback. The minimum distance from which any building structure must be separated from the front lot line.

- 18-302.147 Setback Line. A line generally parallel with the measured from the front lot line, defining the limits of a yard in which no building or structure may be located above ground.
- 18-302.148 Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area and is excluded from this definition.
- 18-302.149 Sign Area. The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.
- 18-302.150 Sign, Business. A sign painted, electrical, or otherwise erected for the purpose of conveying information, knowledge, or ideas, to the public about a subject related to the premises upon which said sign is located.
- 18-302.151 Sign, Directional. A directional sign is one (one end which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called giving only the name of the firm or business responsible for the erection of the same and distance.
- 18-302.152 Sign, Locational. A sign which directs attention to the approximate location of an establishment from which an advertised product may be obtained.
- 18-302.153 Sign, Home Occupation. A professional name plate indicating the name of the professional, the business, or the service which is provided on the premises, which is no more than (1) square foot in area and is non-illuminated.
- 18-302.154 Sign, Outdoor Advertising. A structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.
- 18-302.155 Sign Structure. A structure, including the supports, uprights, bracing and framework be it single-faced, double-faced, V-type, or otherwise, which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 18-302.156 Sign Structure Facing. The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.
- 18-302.157 Sign, Temporary. Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than thirty (30) consecutive days.
- 18-302.158 Site Plan. A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.
- 18-302.159 Story. That portion of a building, other than the basement, included between the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 18-302.160 Story, Half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use.
- 18-302.161 Street. The principal means of access to abutting properties.
- 18-302.162 Street Centerline. A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

- 18-302.163 Street, Half. A street that does not meet the minimum right-of-way width requirements set forth or referenced in this Ordinance.
- 18-302.164 Street, Internal. A private street providing access to lots within a development. But not including driveways.
- 18-302.165 Street Line. The dividing line between a street or road right-of-way and the contiguous property.
- 18-302.166 Street, Major. A heavily traveled thoroughfare or highway that carries a large volume of through traffic.
- 18-302.167 Street, Other. A street that is used primarily as a means of public access to the abutting properties with anticipated traffic.
- 18-302.168 Street (Road). Any public thoroughfare which affords the principal means of access to abutting property.
- 18-302.169 Street, Service Drive. A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.
- 18-302.170 Street Width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, planting strips, and bikeways.
- 18-302.171 Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- 18-302.172 Studio. A room or rooms in a building or a building devoted to use by one or more professional artists, musicians, or dancers for individual or group practice or instruction. Dance-exercise studios are included in this definition.
- 18-302.173 Subdivider. Any individual, corporation or registered partnership owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their groups or another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.
- 18-302.174 Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or of building development. The term "subdivision" includes "resubdivision" and, when appropriate, shall relate to the process of subdividing or to land being subdivided.
- 18-302.175 Surveyor. A land surveyor certified by the Commonwealth of Virginia.
- 18-302.176 Television and/or Radio Stations. A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 18-302.177 Tourist Court, Auto Court, Motel, Hotel, Cabin, or Motor Lodge. Bulding or buildings containing individual sleeping rooms, designed for, or used temporarily by, automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 18-302.178 Tourist Home. A dwelling where only lodging is provided for compensation for up to five (5) persons ( in contrast to hotels and boarding houses) and open to transients.



- 18-302.179 Townhouse. A single-family dwelling forming one of a group or series of four or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another.
- 18-302.180 Townhouse Development. One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.
- 18-302.181 Truck Terminal. A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.
- 18-302.182 Truck Stop. A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.
- 18-302.183 Use, Accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 18-302.184 Variance. A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure, parking, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity's in the zoning division or district or adjoining zoning divisions or districts.
- 18-302.185 Wayside Stand, Roadside Stand, Wayside Market. Any structure or land used for the sale of agricultural or horticultural produce, livestock, or other merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.
- 18-302.186 Wrecked Automobile. Any automobile which has experienced exterior and/or interior damage to the extent that is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.
- 18-302.187 Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted,
- 18-302.188 Yard, Front. An open, unoccupied space, excluding steps, on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. On corner lots, the depth of the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 18-302.189 Yard, Rear. An open space, excluding steps, on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be the opposite end of the lot from the front yard.
- 18-302.190 Yard, Side. An open, unoccupied space, excluding steps, on the same lot with a main building, situated between the side line of the building and the adjacent side line if the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimensions.

ARTICLE 18-4

ESTABLISHMENT OF DISTRICTS

- |          |   |
|----------|---|
| 18-401.0 | Division of the Town of Rich Creek Into Districts |
| 18-402.0 | Incorporation of the Zoning Map                   |
| 18-403.0 | Map Amendment                                     |
| 18-404.0 | Replacement of the Official Zoning Map            |

## ARTICLE 18-4

## ESTABLISHMENT OF DISTRICTS

## 18-401.00 DIVISION OF THE TOWN OF RICH CREEK INTO DISTRICTS

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

## 18-402.00 INCORPORATION OF THE ZONING MAP

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

## 18-403.00 MAP AMENDMENT

If in accordance with the provisions of Article 18-8, herein, Changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Rich Creek Town Council together with a numerical entry

referring to the application for the amendment, submitted in accordance with Article 18-8, herein, which shall be kept as a public record by the Zoning Administrator. Said numerical entry shall state the reference number of the application in the records of the Zoning administrator and the date of the approval of the amendment by the Rich Creek Town Council. Amendments to this Ordinance, which involve matter portrayed on the Official Zoning Map, shall become effective immediately upon being entered onto the Official Zoning Map. The Town of Rich Creek Official Zoning Map, which shall be located in the office of the Zoning Administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the town. No changes of any nature shall be made in the Official Zoning Map except in accordance with the procedures set forth herein.

#### 18-404.00 REPLACEMENT OF THE OFFICIAL ZONING MAP.

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

#### 18-405.00 RULES FOR DETERMINING BOUNDARIES

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

- 18-405.01 Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys, the shorelines of reservoirs, or other bodies of water or civil boundaries, shall be construed to follow such lines.
- 18-405.02 District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or right-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 18-405.03 Where a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the Town Council in accordance with Section 18-802.04 of this Ordinance.
- 18-405.04 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- 18-405.05 Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- 18-405.06 If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the Official Zoning Map. In case of subsequent dispute, the matter shall be referred to the Board which shall determine the boundary in accordance with Section 18-806.01 of this Ordinance.

ARTICLE 18-5

APPLICATION OF ZONING REGULATIONS

18-501.00	Uses
18-502.00	Buildings
18-503.00	Lots and Yards
18-504.00	Gardening
18-505.00	Permits Issued Prior to Adoption of Ordinance
18-506.00	Final Grading and Site Finishing

## ARTICLE 18-5

### APPLICATION OF ZONING REGULATIONS

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

#### 18-501.00 USES

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

18-501.01 Permitted Uses. A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a Zoning Permit will be issued by the Zoning Administrator without a public hearing.

18-501.02 Conditional Use. A conditional use is one which may be allowed when the Rich Creek Town Council, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the Town and the public interest. Where the use is conditional, a Zoning Permit will be issued by the Zoning Administrator after such Conditional Use has been approved by the Town Council.

#### 18-502.00 BUILDINGS

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

#### 18-503.00 LOTS AND YARDS

No new lot or yard shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this Ordinance be altered, nor shall any building or structure, whether new or existing be moved, so that lot width, depth, or area requirements; front, side, or rear yard requirements; or inner or outer court requirements; or other requirements of this Ordinance are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be

open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet and those authorized modifications described in Section 18-701.01.

18-504.00            GARDENING

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

18-505.00            PERMITS ISSUED PRIOR TO ADOPTION OF ORDINANCE

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

18-506.00            FINAL GRADING AND SITE FINISHING

Final grading and site finishing shall take place for all new construction.

ARTICLE 18-6

USES IN DISTRICTS

18-601.00	Agricultural/Residential District AR-1
18-602.00	Residential Limited District R-1
18-603.00	Residential District R-2
18-604.00	Medium Density Residential District R-3
18-605.00	Mobile Home District R-4
18-606.00	Planned Development District R-5
18-607.00	Central Business District B-1
18-608.00	General Business District B-2
18-609.00	Planned Business District B-3
18-610.00	Light Industrial M-1
18-611.00	General Industrial I-1
18-612.00	Flood Hazard District FH-1

\*Copy of Chapter 24, Zoning, Ordinance Attached



ARTICLE 18-6

USES IN DISTRICTS

- 18-601.00 AGRICULTURAL / RESIDENTIAL DISTRICT AR-1
- 18-601.01 Intent of the Agricultural / Residential District. This district covers portions of the Town which are occupied by various open uses. The district is established for the specific purpose of facilitating existing and future agricultural operations, conservation of natural resources, and to provide for the orderly expansion of urban development.
- 18-601.02 Permitted Uses. Within the Agricultural / Residential District AR-1 the following uses are permitted.
- 18-601.02-1 Wildlife areas or game refuges;
- 18-601.02-2 Flood control and watershed structures;
- 18-601.02-3 Timber production, forests;
- 18-601.02-4 Fish hatcheries;
- 18-601.02-5 Nurseries, commercial and non-commercial or tree farms;
- 18-601.02-6 Cemeteries;
- 18-601.02-7 Parks, playgrounds, and outdoor recreation areas;
- 18-601.02-8 Agriculture provided that no storage of manure or other odor or dust producing substances shall be permitted. No poultry or livestock shall be penned within two hundred (200) feet of a lot with a residence on it;
- 18-601.02-9 Livestock production;
- 18-601.02-10 Dairy farms;
- 18-601.02-11 Poultry production;
- 18-601.02-12 Hog farms. A hog pen must be located at least five hundred (500) feet from the nearest residence, except that of the owner;
- 18-601.02-13 Single-family dwellings excluding residential developments;
- 18-601.02-14 Family day care homes; homes for adults; and child care centers;
- 18-601.02-15 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be closer than one hundred (100) feet to a lot with a residence;
- 18-601.05-16 Schools.
- 18-601.03 Conditional uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed uses is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Rich Creek, the following uses may be permitted with appropriate conditions:

- 18-601.03-1 Neighborhood retail stores or services;
- 18-601.03-2 Private seasonal camp or retreat;
- 18-601.03-3 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds are met;
- 18-601.03-4 Sawmill or commercial wood yard;
- 18-601.03-5 Quarry, gravel, shale, or sand operation;
- 18-601.03-6 Animal hospital;
- 18-601.03-7 Kennel. No kennel shall be closer than two hundred (200) feet of a lot with a residence, except the residence of the owner;
- 18-601.03-8 Lodge or resort;
- 18-601.03-9 Motel;
- 18-601.03-10 Feed mill or seed and feed store;
- 18-601.03-11 Automobile service station;
- 18-601.03-12 Mobile home, except that no mobile home subdivisions or mobile home parks are allowed;
- 18-601.03-13 Satellite dish as the primary structure on a single lot of record as provided for in Article 18-7;
- 18-601.03-14 Public utilities and major transmission lines;
- 18-601.03-15 Public water and sewage systems;
- 18-601.03-16 Livestock production, no storage of manure and no livestock penned within 200 feet of residence.
- 18-601.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 18-601.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
  - 18-601.04-2 Living quarters in the main structure of persons employed on the premises;
  - 18-601.04-3 Recreational vehicles shall be stored within the rear or side yard and shall be prohibited for occupancy;
  - 18-601.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 18-601.04-5 Signs are provided for in Article 18-7;
  - 18-601.04-6 Parking as provided for in Article 18-7.
  - 18-601.04-7 Satellite dish as provided for in Article 18-7.
  - 18-601.04-8 Residential swimming pool.
- 18-602.00 RESIDENTIAL LIMITED DISTRICT R-1

- 18-602.01 Intent of Residential Limited District R-1. Then intent of the R-1 residential district is to provide for low density residential development which is characterized by open space. This district is to provide and encourage a safe and suitable environment for family life.
- 18-602.02 Permitted Uses. Within the Residential Limited District R-1 the following uses are permitted;
- 18-602.02-1 Single-family dwellings;
- 18-602.02-2 Schools;
- 18-602.02-3 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any residential lot;
- 18-602.02-4 Parks, and playgrounds.
- 18-602.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
- 18-602.03-1 Family day care homes; homes for adults; and child care centers;
- 18-602.03-2 Public utilities and major transmission lines;
- 18-602.03-3 Public water and sewage facilities;
- 18-602.03-4 Public service and storage buildings;
- 18-602.03-5 Satellite dish as the primary structure on a single lot of record as provided for in Article 18-7;
- 18-602.03-6 Private storage building larger than 500 square feet.
- 18-602.03-7 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence.
- 18-602.03-8 Livestock Productions provided that there is no storage of manure or use of dust or odor producing substance. No livestock shall be penned within two hundred (200) feet of a lot with a residence on it;
- 18-602.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 18-602.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
- 18-602.04-2 Living quarters in the main structure of persons employed on the premises;
- 18-602.04-3 Recreational vehicles may be stored within the rear yard requirements, or appropriately screened and shall be prohibited from occupancy;
- 18-602.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 18-602.04-5 Signs as provided for in Article 18-7;
- 18-602.04-6 Parking as provided for in Article 18-7;
- 18-602.04-7 Satellite dish as provided for in Article 18-7;

- 18-602.04-8 Residential Swimming pool;
- 18-602.04-9 Private storage building smaller than 500 square feet.
- 18-603.00 RESIDENTIAL DISTRICT R-2
- 18-603.01 Intent of Residential District R-2. The intent of the R-2 residential district is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences.
- 18-603.02 Permitted Uses. Within Residential District R-2 the following uses are permitted:
- 18-603.02-1 Single-family dwellings;
- 18-603.02-2 Schools;
- 18-603.02-3 Churches and other places of worship with attendant educational, and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence;
- 18-603.02-4 Parks and playgrounds.
- 18-603.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
- 18-603.03-1 Family day care homes; homes for adults; and child care centers;
- 18-603.03-2 Public utilities and major transmission lines;
- 18-603.03-3 Public water and sewage facilities;
- 18-603.03-4 Bed and Breakfasts;
- 18-603.03-5 Public service and storage buildings;
- 18-603.03-6 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 18-7;
- 18-603.03-7 Private storage buildings larger than 300 square feet;
- 18-603.03-8 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence.
- 18-603.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
- 18-603.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
- 18-603.04-2 Living quarters in the main structure of persons employed on the premises;
- 18-603.04-3 Recreational vehicles may be stored within the rear yard requirements or appropriately screened, and shall be prohibited from occupancy;

- 18-603.04-4 Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;
- 18-603.04-5 Signs are provided for in Article 18-7;
- 18-603.04-6 Parking as provided for in Article 18-7;
- 18-603.04-7 Satellite dish as provided for in Article 18-7;
- 18-603.04-8 Residential Swimming pool;
- 18-603.04-9 Private storage building smaller than 500 square feet.
- 18-604.00 MEDIUM DENSITY RESIDENTIAL DISTRICT R-3
- 18-604.01 Intent of Medium Density Residential District R-3. The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Town of Rich Creek Comprehensive Plan. The regulations for this district provide for development which is not completely residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, larger concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.
- 18-604.02 Permitted Uses. Within Medium Density Residential District R-3 the following uses are permitted:
- 18-604.02-1 Single-family dwellings;
- 18-604.02-2 Two-family dwellings;
- 18-604.02-3 Multi-family dwellings, apartments, townhouses (in accordance with Section 18-709 of this Ordinance), and condominiums;
- 18-604.02-4 Schools;
- 18-604.02-5 Churches and other places of worship with attendant educational, and recreational facilities. No recreational facility shall be located closer than one hundred (100) feet from any lot containing a residence;
- 18-604.02-6 Parks and playgrounds.
- 18-604.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
- 18-604.03-1 Professional offices in structures similar in character with surrounding neighborhoods with signs as provided in Section 18-706.03-3;
- 18-604.03-2 Boarding houses; tourist homes; Bed and Breakfasts;
- 18-604.03-3 Family day care homes; homes for adults; and child care centers;
- 18-604.03-4 General hospitals; clinics;
- 18-604.03-5 Public utilities and major transmission lines;
- 18-604.03-6 Commercial operations which: (1) will not adversely affect the health or safety of persons residing in the neighborhood of the proposed use; (2) will not be detrimental to the public welfare or injurious to

property or improvements; (3) will not be in conflict with the intent of this district; and (4) will comply with all other provisions regulating such uses;

- 18-604.03-7 Group homes including serving the mentally retarded, developmentally disabled or others, rest homes, or nursing homes, provided that licensing requirements are met;
- 18-604.03-8 Clubs, fraternities, lodges, and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least fifty (50) feet from any other lot;
- 18-604.03-9 Commercial radio towers;
- 18-604.03-10 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 18-7.
- 18-604.03-11 Private storage buildings larger than 500 square feet;
- 18-604.03-12 Recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities. A non-residential swimming pool shall not be located closer than one hundred (100) feet from any lot containing a residence;
- 18-604.03-13 Public water and sewage facilities;
- 18-604.03-14 Public service or storage building.
- 18-604.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 18-604.04-1 Home occupations provided that the requirements of Article 18-7, Section 18-705 are met;
  - 18-604.04-2 Living quarters in main building of persons employed on the premises;
  - 18-604.04-3 Recreational vehicles may be stored within the rear yard requirements, or appropriately screened, and occupancy therein shall be prohibited;
  - 18-604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 18-604.04-5 Signs as provided for in Article 18-7;
  - 18-604.04-6 Parking as provided for in Article 18-7;
  - 18-604.04-7 Satellite dish as provided for in Article 18-7;
  - 18-604.04-8 Residential swimming pool;
  - 18-604.04-9 Private storage building smaller than 500 square feet.
- 18-605.00 MOBILE HOME DISTRICT R-4
  - 18-605.01-1 Intent of the mobile Home District R-4. Then intent of the Mobile Home District R-4 is to allow residential development in the form of mobile home parks and mobile home subdivisions.
  - 18-605.01-2 Zoning Amendment Required for R-4 District Classification. The R-4 District is considered a “floating” zone and classification of a piece of property as R-4 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a mobile home park or mobile home subdivision shown in Article 18-7 and the proposed use is compatible with adjacent land uses.
  - 18-605.02 Permitted Uses. Within Mobile Home District R-4 the following uses are permitted:

- 18-605.02-1 Mobile home parks as provided for in Section 18-707;
- 18-605.02-2 Mobile home subdivisions as provided for in Section 18-707;
- 18-605.02-3 Permanent buildings associated with mobile home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities, outdoor recreational facilities, or other service facilities may be permitted, provided that:
  - (a) Parking requirements for such facilities are met.
  - (b) Such uses are subordinate to the residential use and character of the park.
- 18-605.02-4 Parks and playgrounds.
- 18-605.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
  - 18-605.03-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood.
  - 18-605.03-2 Satellite dish as the primary structure on a single lot of record as provided for in Article 18-7;
  - 18-605.03-3 Private storage buildings larger than 500 square feet;
  - 18-605.03-4 Public water and sewage facilities;
  - 18-605.03-5 Public service or storage building;
  - 18-605.03-6 Public utilities and major transmission lines.
- 18-605.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:
  - 18-605.04-1 Living quarters in main structure or persons employed on the premises;
  - 18-605.04-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work;
  - 18-605.04-3 Signs as provided for in Article 18-7;
  - 18-605.04-4 Parking as provided for in Article 18-7;
  - 18-605.04-5 Satellite dish as provided for in Article 18-7;
  - 18-605.04-6 Residential swimming pool;
  - 18-605.04-7 Private storage building smaller than 500 square feet.
- 18-606.00 PLANNED DEVELOPMENT DISTRICT R-5
- 18-606.01 Intent of Planned Development District R-5.
  - 18-606.01-1 The intent of the Planned Development District R-5 is to provide for larger scaled development and clustering of single-family residential dwelling units through design innovation, to provide for a neighborhood with a variety of housing types and densities, neighborhood shopping facilities, schools,

parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities.

- 18-606.01-2 The R-5 Planned Development District is considered a “floating” zone and classification of a piece of property as R-5 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.
- 18-606.02 Permitted Uses. Within Planned Development District R-5 the following uses are permitted:
- 18-606.02-1 Single-family dwellings;
- 18-606.02-2 Two-family dwellings;
- 18-606.02-3 Multi-family dwellings, apartments, townhouses (as provided for in Section 18-709.06 of this Ordinance) and condominiums.
- 18-606.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
- 18-606.03-1 Satellite dish as the primary structure on a single lot of record as provided for in Article 18-7;
- 18-606.03-2 Private storage buildings larger than 500 square feet;
- 18-606.03-3 Public water and sewage facilities;
- 18-606.03-4 Public service or private storage buildings;
- 18-606.03-5 Public utilities including major transmission lines.
- 18-606.03-6 Livestock production provided that there is no storage of manure or use of dust producing substances. No livestock shall be penned within two hundred (200) feet of a lot with a residence on it;
- 18-606.04 Accessory Uses.
- 18-606.04-1 In the development of a PDD plan, in addition to residential uses, other commercial or non-commercial service uses may be permitted provided: (a) that such uses are intended primarily to serve the needs of the project area residents; (b) that such uses are designed and located for the convenience of project area residents and to protect the character of the district; (c) that all subsequent changes in use shall be approved by the Planning Commission or its agent; (d) that all commercial uses shall not total more than ten (10) percent of the total project area; and (e) that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development has been completed.
- 18-606.04-2 Satellite dish as provided for in Article 18-7;
- 18-606.04-3 Private storage building smaller than 500 square feet;
- 18-606.05 Uses Permitted by Approval. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.



- 18-606.06 Qualifying Requirements. A tract or parcel of land may be considered for R-5 Planned Residential District Zoning only if it meets the following conditions:
- 18-606.06-1 Ownership Requirements. The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;
- 18-606.06-2 Availability of Public Utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer systems can be developed as part of the project;
- 18-606.06-3 Land Suitability. Rezoning land to R-5 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area. Non-conformity to town development plans, or other public health, welfare or safety objectives.
- 18-606.07 Site Design Requirements. The following are the site design requirements for the R-5 Residential District:
- 18-606.07.1 Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre;
- 18-606.07-2 Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas;
- 18-606.07-3 Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;
- 18-606.07-4 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access;
- 18-606.07-5 Street Design. The street system within the project area shall be designed:
- (a) According to functional street purposes and projected traffic flow;
  - (b) To discourage through traffic;
  - (c) To assure safe and convenient sight distances;
  - (d) To complement the natural topography;
  - (e) In coordination with existing and planned streets; and
  - (f) To be constructed in accordance with the street requirements as found in Section 18-904.
- 18-606.07-6 Street Names and Signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;
- 18-606.07-7 Street Lighting. Street lighting shall be provided on all streets in the development;
- 18-606.07-8 Pedestrian Circulation. Provision shall be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.
- 18-606.07-9 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;

- 18-606.07-10 Water and Sewer. All planned Residential Districts shall be served by collective water and sewer systems as follows:
- (a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.
  - (b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.
  - (c) Where space requirements are met and project design allows individual water and/or sewer systems may be permitted.
- 18-606.07-11 Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the town development plan;
- 18-606.07-12 Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- 18-606.07-13 Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverses the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed;
- 18-606.07-14 Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 18-606.07-15 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies;
- 18-606.07-16 Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- 18-606.07-17 Natural Amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The site development plan shall be designed to maximize the use and enjoyment of natural amenities by project residents;
- 18-606.07-18 Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.
- 18-606.08 Data to Accompany Application. With the Planned Development District there shall be submitted a tentative, overall development plan which shall include:
- 18-606.08-1 Mapping of the project at an accurate scale for the proposed development plan:
- (a) Proposed land uses including residential types, commercial types, recreation and any other proposed use;
  - (b) Proposed street system including public and private right-of-way;
  - (c) Proposed parking areas and parking space delineation's;

- (d) Proposed plat showing subdivision lot lines;
- (e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- (f) Proposed drainage plan;
- (g) Proposed location of buildings, structures, and improvements;
- (h) Property lines of proposed common property;
- (i) Proposed pedestrian circulation system;
- (j) Proposed landscaping plan and proposed treatment of the project perimeter such as screening;
- (k) Relationships and tie-ins to adjacent property.

18-606.08-2 Supporting documentation to include the following minimum data:

- (a) A legal description of the project boundaries;
- (b) A statement of existing and proposed property owners;
- (c) Names and Addresses of all adjacent property owners;
- (d) A statement of project development objectives and character to be achieved;
- (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
- (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- (g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;
- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Virginia Department of Transportation and the Giles County Health Officer;
- (j) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
- (k) A statement or proposed temporary and permanent erosion and sedimentation control measures to be taken.

18-606.08-3 Application. Application for zoning meeting the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangements of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses;

18-606.08-4 Processing Fee. Before approval of the final plan application, the applicant shall remit to the Town of Rich Creek a check in the amount of the Town's costs of advertising and administration of the application;

- 18-606.08-5 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development;
- 18-606.08-6 Preliminary Plan Approval.
- (a) Within sixty (60) days after the filing of the preliminary development plan, the Planning Commission shall report to Town Council one of the following:
    - Recommend approval of the plan as presented, or
    - Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
    - Recommend disapproval;
  - (b) The Town Council shall give notice under Section 15.1-431 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;
  - (c) If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the R-5 Planned Unit Development. If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.
- 18-606.09 Status of Approval. No building permits shall be issued within the project area until the final development plan has been approved by the town under the procedures in the following sections.
- 18-606.10 Final Plan Application. Within six (6) months following the approval of the preliminary development plan, the applicant shall file with the Zoning Administrator the original plus ten (10) copies of a final development plan containing in final form, the information required in the preliminary plan, including but not limited to, final maps and documents specified above. In its discretion and for good cause, the Planning Commission may, upon receipt of a written application, extend for six (6) months the period for filing of the final development plan; if the preliminary development plan lapses under the provisions of this section, the zoning change shall be revoked and the zoning regulations applicable before the preliminary development plan was approved shall then be in effect.
- 18-606.10-1 Phasing Plan. If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase;
- 18-606.10-2 Compliance with Preliminary Plan. The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance providing modification does not involve any of the following and provided further than such modification does not exceed the limitations of this District's regulations:
- (a) Variation of the proposed residential density or intensity of use by more than ten (10) percent;
  - (b) Reduction of more than ten (10) percent of the area reserved for common open space;
  - (c) Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
  - (d) Increase of the total ground area covered by buildings by more than five (5) percent.
- 18-606.10-3 Final Plan approval. The Planning Commission shall review the final development plan, and make recommendations to the Town Council who will approve the final development if it is in substantial compliance with the preliminary development plan. The Clerk of the Court in whose office deeds are

conveyed will record the final development plan in the manner provided for recording plats or subdivisions.

- 18-606.11 Subdivision Plat Requirements. Final Plans shall be submitted and recorded as a subdivision before the granting of building permits or before the sale of any lots. Plans may be submitted for portions of the project area in accordance with an approved phasing plan. Preliminary and Final Plans shall be drawn in accordance with Article 18-9 Subdivision Regulations.
- 18-606.12 Maintenance of Common Property. The developer shall create a property owners association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties.
- 18-606.13 Advertising and Sale. The developer shall not advertise for sale or sell any tract or lot within the project area until an approved plat has been properly recorded. Prospective property owners shall be informed of the homeowners responsibility, the entire project area development plan, and that public water and sewer are or are not available;
- 18-606.14 Changes in Final Development. No changes may be made in the approved final plan during the construction of the Planned Development except upon application to the Zoning Administrator under the procedures provided below:
- (a) Minor changes in the location, setting, and character of buildings and structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this section may increase the cubic volume or any building or structure by more than ten (10) percent; (beyond 10% back to the Council),
  - (b) All other changes in use, and rearrangement of lots. Blocks , and building tracts, any changes in the provisions of common open spaces, and all other change sin the approved final plan by the developer or any succeeding owner, or agent must be made authorized by Town Council. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community;
- 18-606.15 Development Schedule and Review. The construction and provision of all facilities and improvements on common property, which are shown on the final development plan, must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan the Zoning Administrator shall review all of the building permits issued for the Planned Development and examine the construction which has taken place on the site. If he shall find that the rate at which facilities and improvements on common property have been constructed and provided, is not in accordance with the original development schedule, he shall forward this information to the Building Official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided;
- 18-606.16 Failure to Begin Development. If no construction has begun or no use established in the Planned Development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion, and for good cause, the Town Council may, upon receipt of written application, extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall file a notice of revocation with the recorded subdivision plat. The zoning regulations applicable before the preliminary final development plan was approved shall then be in effect.
- 18-607.00 CENTRAL BUSINESS DISTRICT B-1
- 18-607.01-1 Intent of the Central Business District B-1. This district covers the portion of the town located in downtown Rich Creek which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setback. Uses in the district include retail sales, services,

banks, restaurants, and other similar businesses. The intent of the District is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structures.

- 18-607.01-2 Parking in Central Business District. The parking requirements as provided in Article 18-7 are not applicable except for residential uses for the B-1 District. On-street parking is allowed and off-street parking is provided in several public parking lots in the district. The provision of additional off-street parking by developers of property in this district is allowed.
- 18-607.01-3 Location of Central Business District. The location of the Central Business District is shown on the following page.
- 18-607.02 Permitted Uses. Within the Central Business District B-1 the following uses are permitted:
  - 18-607.02-1 Department stores, variety stores, specialty shops, discount shops, and appliance stores;
  - 18-607.02-2 Bakeries;
  - 18-607.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;
  - 18-607.02-4 One- or two-family dwellings but not including single-family and two-family developments;
  - 18-607.02-5 Retail stores and shops;
  - 18-607.02-6 Theaters, assembly halls, playhouses and dinner theaters;
  - 18-607.02-7 Hotels and motels;
  - 18-607.02-8 Banks and loan finance offices, including drive-in types;
  - 18-607.02-9 Churches and other places of worship, and church school buildings;
  - 18-607.02-10 Libraries;
  - 18-607.02-11 Hospitals;
  - 18-607.02-12 Funeral home and/or mortuaries;
  - 18-607.02-13 Automobile service stations and public garages (with major repairs in an enclosed building);
  - 18-607.02-14 Clubs and lodges;
  - 18-607.02-15 Automobile sales;
  - 18-607.02-16 Lumber and building supply (with storage in an enclosed building);
  - 18-607.02-17 Plumbing and electrical supply (with storage in an enclosed building);
  - 18-607.02-18 Carpenter, heating, appliance, bicycle, water and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;
  - 18-607.02-19 Public utilities;
  - 18-607.02-20 Public service and storage buildings;
  - 18-607.02-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
  - 18-607.02-22 Newspaper offices and printing shops;

- 18-607.02-23 Business and professional offices;
- 18-607.02-24 Greenhouses;
- 18-607.02-25 Police, fire, and rescue squad stations;
- 18-607.02-26 Post offices;
- 18-607.02-27 Bus stations and taxi stands;
- 18-607.02-28 Radio and television broadcasting studios;
- 18-607.02-29 Public buildings and properties of a cultural, administrative, or service type;
- 18-607.02-30 Individual residential dwelling unit(s) within a commercial structure;
- 18-607.02-31 Parking garages and parking lots;
- 18-607.02-32 Business and vocational schools;
- 18-607.02-33 Signs as provided in Article 18-7;
- 18-607.02-34 Museums;
- 18-607.02-35 Picture frame manufacturing and assembling.
- 18-607.02-36 Studios;
- 18-607.02-37 Personal services.
  
- 18-607.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
  - 18-607.03-1 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement;
  - 18-607.03-2 Television and radio transmitting antennae;
  - 18-607.03-3 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;
  - 18-607.03-4 Wholesale business, storage warehouse, or processing not objectionable because of noise, or odors provided that any such use shall be at least fifty (50) feet from any Residential District;
  - 18-607.03-5 Conversion of a single-family dwelling to a multi-family use;
  - 18-607.03-6 Fabricating and welding of metal within a completely enclosed building;
  - 18-607.03-7 Open storage of machinery, materials, and supplies;
  - 18-607.03-8 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 18-7.
  
- 18-607.04 Requirements for Permitted Uses and Conditional uses in Central Business District B-1.

- 18-607.04-1 Final grading and site finishing are required within 90 days of occupancy on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three(3) feet within fifty (50) feet of the intersection of two roads.
- 18-607.05 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
- 18-607.05-1 Private parking garage less than 500 square feet;
- 18-607.05-2 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 18-607.05-3 Signs as provided for in Article 18-7;
- 18-607.05-4 Satellite dish as provided for in Article 18-7.
- 18-608.00 GENERAL BUSINESS DISTRICT B-2
- 18-608.01 Intent of the General Business District B-2. Generally, this district covers that portion of the town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.
- 18-608.02 Permitted Uses. Within the general Business District B-2 the following uses are permitted:
- 18-608.02-1 Department stores, variety stores, specialty shops, discount shops and appliance stores;
- 18-608.02-2 Bakeries;
- 18-608.02-3 Laundries, dry cleaning shops, and clothes dyeing establishments;
- 18-608.02-4 One- or two-family dwellings but not including single-family and two-family developments;
- 18-608.02-5 Retail stores and shops;
- 18-608.02-6 Theaters, assembly halls. Playhouses and dinner theaters;
- 18-608.02-7 Hotels and motels;
- 18-608.02-8 Banks and loan and finance offices, including drive-in types;
- 18-608.02-9 Churches and other places of worship, and church school buildings;
- 18-608.02-10 Libraries;
- 18-608.02-11 Hospitals;
- 18-608.02-12 Funeral homes and/or mortuaries;
- 18-608.02-13 Automobile service stations and public garages ( with major repair in an enclosed building);
- 18-608.02-14 Clubs and lodges;
- 18-608.02-15 Automobile sales;



- 18-608.02-16 Lumber and building supply (with storage in an enclosed building);
- 18-608.02-17 Plumbing and electrical supply ( with storage in an enclosed building);
- 18-608.02-18 Carpenter, heating, appliance, bicycle, watch and shoe repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a completely enclosed building an provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within one hundred (100) feet of any Residential District;
- 18-608.02-19 Public Utilities;
- 18-608.02-20 Public service and storage buildings;
- 18-608.02-21 Restaurants including dairy product stores and soda fountains, and drive-in restaurants;
- 18-608.02-22 Newspaper offices and printing shops;
- 18-608.02-23 Business and professional offices;
- 18-608.02-24 Greenhouses;
- 18-608.02-25 Police, fire, and rescue squad stations;
- 18-608.02-26 Post offices;
- 18-608.02-27 Bus stations and taxi stands;
- 18-608.02-28 Radio and television broadcasting studios;
- 18-608.02-29 Public buildings and properties of a cultural, administrative, or service type;
- 18-608.02-30 Individual residential dwelling unit(s) within a commercial structure;
- 18-608.02-31 Parking garages and parking lots;
- 18-608.02-32 Business and vocational schools;
- 18-608.02-33 Signs as provided in Article 18-7;
- 18-608.02-34 Off-street parking as required by this Ordinance;
- 18-608.02-35 Museums;
- 18-608.02-36 Picture frame manufacturing and assembling;
- 18-608.02-37 Studios;
- 18-608.02-38 Personal services.
- 18-608.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
  - 18-608.03-1 Public billiard parlors and pool rooms. Bowling alleys, dance halls, and similar forms of public amusement;

- 18-608.03-2 Television and radio transmitting antennae;
- 18-608.03-3 Athletic fields, stadiums, and arenas;
- 18-608.03-4 Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations;
- 18-608.03-5 Drive-in theaters provided all parts of such drive-in shall be distant at least two hundred (200) feet from any Residential District and provided that the screen shall be located as not to be visible from adjacent streets or highways and it shall be set back not less than two hundred (200) feet from established right-of-way of said street or highway;
- 18-608.03-6 Livestock market and sales pavilion;
- 18-608.03-7 Recreational developments including campgrounds and recreational vehicle parks with the minimum requirement that the “Rules and Regulations of the Board of Health of the Commonwealth of Virginia Governing Campgrounds” are met;
- 18-608.03-8 Shooting range or gallery;
- 18-608.03-9 Wholesale business, storage, processing or warehouse not objectionable because of noise or odors provided that any such use shall be at least fifty (50) feet from any Residential District;
- 18-608.03-10 Kennels and animal hospitals provided that any structure or premise used for such purposes shall be located at least two hundred (200) feet from any residential lot;
- 18-608.03-11 Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least two hundred (200) feet from any residential lot;
- 18-608.03-12 Fabricating and welding of metal within a completely enclosed building;
- 18-608.03-13 Open storage of machinery, materials, and supplies;
- 18-608.03-14 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure as provided for in Article 18-7;
- 18-608.03-15 Family day care homes, homes for adults and child day care centers.
- 18-608.04 Requirements for Permitted and Conditional Uses in General Business District B-2.
  - 18-608.04-1 Final grading and site finishing are required on the parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads.
- 18-608.05 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
  - 18-608.05-1 Private parking garages;
  - 18-608.05-2 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 18-608.05-3 Signs as provided for in Article 18-7;
  - 18-608.05-4 Parking as provided for in Article 18-7;
  - 18-608.05-5 Satellite dish as provided for in Article 18-7;
- 18-609.00 PLANNED BUSINESS DISTRICT B-3

- 18-609.01 Intent of the Planned Business District B-3. The B-3 Planned Business Zone is intended to permit the development of neighborhood business areas, under one ownership or control in those areas of the town where there are areas of sufficient size in heavily populated sections and where sanitary sewers, street access, and public water supply are adequately provided. Within this district the location of buildings, design of buildings, parking areas, and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general.
- 18-609.02 Permitted Uses. Within the Planned Business Zone, no building, structure, or premises shall be used and no building or structure shall be erected or altered until and unless the same has been approved by the Planning Commission and by Town Council in accordance with the provisions contained in Article 18-8, Section 18-802.00 and until and unless the following conditions have been complied with:
1. Uses permitted will be the same as those permitted in the B-2 Zone.
  2. There shall have been filed with the Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
    - (a) A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping, screening, and other necessary uses;
    - (b) Preliminary architectural plans for the proposed building or buildings;
    - (c) A description of the business operations proposed in sufficient detail to indicate the effects of those operations in producing excessive auto or traffic congestion or problems of noise, glare, odor, fire, or safety hazards, or other factors detrimental to the health, safety, and welfare of the area;
    - (d) Engineering or architectural plans for the handling of any of the problems of the type outlined in Item C above, including the handling of storm water and sewers and necessary plans for the controlling of smoke or other nuisances such as those enumerated under Item C above;
    - (e) Any other information the Planning Commission or Town Council may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.
- 18-609.03 Area Regulations. In this district the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-2 District.
- 18-609.03-1 There shall be a twenty five (25) foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the Planning Commission and by Town Council;
- 18-609.03-2 These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfares. Entrances to the property will be allowed from the arterial streets only.
- 18-609.04 Signs.
- 18-609.04-1 For each shopping center, one ground sign, the minimum distance of fifteen (15) from the street line indicating the name of the shopping center. In lieu of the shopping center name, the one sign may designate a business use or a combination of business uses within the center;

- 18-609.04-2 For each individual business; one sign attached to the building having a maximum area of one (1) square foot for each linear foot of building frontage occupied by a single permitted use; to a maximum of 24 square feet.
- 18-609.04-3 All other regulations of Article 18 Section 18-706.00 shall apply.
- 18-609.05 Satellite dish antennas.
- 18-609.05-1 Satellite dish is allowed as an accessory use as provided for in Article 18 Section 18-7.
- 18-609.05-2 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure is allowed by Conditional Use Permit as provided for in article 18 Section 18-7 and in Article 18 Section 18-8.
- 18-610.00 LIGHT INDUSTRIAL DISTRICT M-1
- 18-610.01 Intent of Light Industrial District M-1. The intent of the M-1 Industrial District is to accommodate industrial uses that provide desirable employment consistent with the goal of maintaining environmental quality. The M-1 District is to permit the manufacturing, compounding, processing, packaging, assembly, sales and/or treatment of finished or semi finished products from previously prepared material.
- 18-610.02 Permitted Uses. Within the Light Industrial District the following uses are permitted:
- 18-610.02-1 Assembly of electrical appliances, electronic instruments and electrical devices.
- 18-610.02-2 Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading, or recapping or battery manufacture;
- 18-610.02-3 Open storage of wrecked automobiles for reconditioning, body or fender work, repainting or repairing, up to ten (10) in number;
- 18-610.02-4 Blacksmith shop, welding or machine shop;
- 18-610.02-5 Laboratories-pharmaceutical and/or medical;
- 18-610.02-6 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;
- 18-610.02-7 Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yard, and paint;
- 18-610.02-8 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- 18-610.02-9 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;
- 18-610.02-10 Cabinets, furniture and upholstery shops;
- 18-610.02-11 Boat building;
- 18-610.02-12 Monumental stone works;

- 18-610.02-13 Public service or storage buildings;
- 18-610.02-14 Public utilities;
- 18-610.02-15 Public water and sewage systems;
- 18-610.02-16 Radio transmission tower not exceeding two hundred twenty-five (225) feet in height shall not be lighted and shall conform in design and coloring to the environment and pursuant to plans and specifications approved by the Zoning Administrator and Building Inspector;
- 18-610.02-17 Animal hospital, kennels;
- 18-610.02-18 Wholesale businesses, storage warehouses.
- 18-610.03 Conditional Uses. When, after review of an application and hearing thereon, in accordance with Article 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
  - 18-610.03-1 Building material sales yards, plumbing supplies storage;
  - 18-610.03-2 Coal and wood yards, lumber yards, feed and seed stores;
  - 18-610.03-3 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
  - 18-610.03-4 Truck terminal;
  - 18-610.03-5 Truck stop;
  - 18-610.03-6 Satellite dish as the primary structure on a single lot of record or mounted to the roof of a primary structure is allowed by Conditional Use Permit as provided for in article 18 Section 18-7 and in Article 18 Section 18-8;
- 18-610.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
  - 18-610.04-1 Living quarters in the main building of persons employed on the premises;
  - 18-610.04-2 Private parking garage less than 500 square feet;
  - 18-610.04-3 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
  - 18-610.04-4 Signs as provided for in Article 18 Section 18-7;
  - 18-610.04-5 Parking as provided for in Article 18 Section 18-7;
  - 18-610.04-6 Satellite dish as provided for in Article 18 Section 18-7.
- 18-610.05 Requirements for Use.
  - 18-610.05-1 In accordance with Article 18 Section 18-802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these

plans to the Planning Commission for recommendation.  
required;

Modifications of the plans may be

18-610.05-2 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting street;

18-610.05-3 Sufficient area shall be provided to: (a) adequately screen permitted uses from adjacent business and residential districts; and (b) for off-street parking of vehicles incidental to the industry, its employees, and clients;

18-610.05-4 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen, on any side open to view from a public road, the operation of use;

18-611.00 GENERAL INDUSTRIAL DISTRICT I-1

18-610.01 Intent of the General Industrial District I-1. The primary purpose of this district is to establish an area where the primary use of land is for industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with residential, institutional, and commercial service establishments. The specific intent of this district is to: (a) encourage the construction of and the continued use of land for industrial purposes; (b) prohibit new residential and new commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation, or expansion of industrial type uses in the district; (c) encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; and (d) to encourage industrial parks.

18-610.02 Permitted Uses. Within the General Industrial District I-1 the following uses are permitted:

18-611.02-1 Assembly of electrical appliances, electronic instruments and devices. Also the manufacture of small electronic parts.

18-611.02-2 Automobile painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture;

18-611.02-3 Blacksmith shop, welding or machine shop;

18-611.02-4 Laboratories-pharmaceutical and/or medical;

18-611.02-5 Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

18-611.02-6 Manufacture, compounding, processing, packaging, or treatment of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint;

18-611.02-7 Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electrical or gas;

18-611.02-8 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

18-611.02-9 Building material sales yards, plumbing supplies storage;

18-611.02-10 Coal and wood yards, lumber yards, feed and seed stores

- 18-611.02-11 Contractor's equipment storage yards or plants, or rental of equipment commonly used by contractors;
- 18-611.02-12 Cabinets, furniture and upholstery shops;
- 18-611.02-13 Boat building;
- 18-611.02-14 Monumental stone works;
- 18-611.02-15 Wholesale businesses, storage warehouses;
- 18-611.02-16 Sawmills and planing mills
- 18-611.02-17 Block, brick and concrete block manufacture;
- 18-611.02-18 Off-street parking as provided in Article 18 Section 18-7;
- 18-611.02-19 Public service or storage buildings;
- 18-611.02-20 Public utilities and substations;
- 18-611.02-21 Public utility substations, public water and sewage systems;
- 18-611.02-22 Signs as provided in Article 18 Section 18-7;
- 18-611.02-23 Radio transmission tower not exceeding two hundred twenty-five (225) feet in height shall not be lighted and shall conform in design and coloring to the environment and pursuant to plans and specifications approved by the Zoning Administrator and Building Inspector.
- 18-611.03 Conditional Uses. When after review of an application and hearing thereon, accordance with Article 18 Section 18-8 herein, the Rich Creek Town Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Town of Rich Creek, the following uses may be permitted with appropriate conditions:
  - 18-611.03-1 Manufacture or production of aluminum;
  - 18-611.03-2 Airports; heliports;
  - 18-611.03-3 Truck terminals;
  - 18-611.03-4 Truck stops;
  - 18-611.03-5 Sand and gravel operations;
  - 18-611.03-6 Mining operations;
  - 18-611.03-7 Petroleum storage;
  - 18-611.03-8 Junk yards and automobile graveyards in accordance with the provisions of Article 18 Section 18-7;
  - 18-611.03-9 Manufacture, production, or processing of asphalt;
  - 18-611.03-10 Satellite dish as the primary structure on single lot of record or mounted to the roof of a primary structure as provided for in Article 18 Section 18-7.
- 18-611.04 Accessory Uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

- 18-611.04-1 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 18-611.04-2 Signs as provided for in Article 18 Section 18-7;
- 18-611.04-3 Satellite dish as provided for in Article 18 Section 18-7.
- 18-611.05 Requirements for Permitted Uses in General Industrial District I-1.
- 18-611.05-1 In accordance with Article 18 Section 18-802.02 a site plan is required before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use. The site plan shall be in sufficient detail to show the operations and processes and shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required:
- 18-611.05-2 Final grading and site finishing are required on parcels where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three (3) feet within fifty (50) feet of the intersection of two roads;
- 18-611.05-3 Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance which do not conform to the requirements of this Ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen, on any side open to view from a public road, the operation of use;
- 18-611.05-4 Parking as provided for in Article 18 Section 18-7.
- 18-612.00 FLOOD HAZARD DISTRICT FH-1

**ADOPTED SEPTEMBER 14, 2009**

**ORDINANCE 09-03 \*\*REVISED\*\***

**AN ORDINANCE AMENDING CHAPTER 24, ZONING, OF THE CODE OF THE TOWN OF RICH CREEK, FOR THE PURPOSE OF ADDING ARTICLE I, ARTICLE II, ARTICLE III, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, BY ESTABLISHING FLOOD PLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, BY PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR SPECIAL EXCEPTIONS AND VARIANCES TO THE TERMS OF THE ORDINANCES.**

**BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL, RICH CREEK, VIRGINIA, AS FOLLOWS:**

**ARTICLE I - GENERAL FLOOD PLAIN PROVISIONS**

**Section 1.1 - Purpose**

**The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds, for flood protection and relief, and the impairment of the tax base by:**



- A. regulating uses, activities, and development which acting alone or in combination with other existing or future uses, activities, and development will cause unacceptable increases in flood heights, velocities and frequencies
- B. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.
- D. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### **Section 1.2 -Applicability**

These provisions shall apply to all lands within the Jurisdiction of the Town of Rich Creek and identified as being flood prone as stipulated in this ordinance.

#### **Section 1.3 - Compliance**

- 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that 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 ordinance shall be kept on file and maintained by the Town Clerk.
- D. This ordinance shall not create liability on the part of Town of Rich Creek or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

#### Section 1.4 - Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town of Rich Creek shall be guilty of a misdemeanor and subject to the penalties therefore.

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

#### Section 1.5-Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

### ARTICLE II - ESTABLISHMENT OF ZONING DISTRICTS

#### Section 2.1 - Description of Districts

##### A. Basis of Districts

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 of Rich Creek prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 25, 2009, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.
2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

#### **B. Overlay Concept**

The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Zoning Map of the Town of Rich Creek, and as such the provisions for the flood plain districts shall serve as a supplement to the underlying district provisions.

2. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any under-lying district the more restrictive provisions and/or those pertaining j to the flood plain districts shall apply.
3. In the event any provisions concerning a Flood Plain District are declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

#### **Section 2.2 - Official Zoning Map**

The boundaries of the Flood Plain Districts are established as shown on the Flood Boundary and Floodway Map which is declared to be a part of this ordinance and which shall be kept on file at the Rich Creek Town office.

#### **Section 2.3 - District Boundary Changes**

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

#### **Section 2.4 - Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Giles County Building Inspector. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

#### **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 flood plain management requirements will be based upon current data.

#### **Section 2.5-Site Plans and Permit Applications**

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

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

### **ARTICLE III - DISTRICT PROVISIONS**

All uses, activities, and development occurring within any flood plain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the Rich Creek Subdivision regulations. Prior to the issuance of any such permit, the Giles County Building Inspector shall require all applications to include compliance with all applicable State and Federal laws.

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

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within a municipality, approval shall be obtained from the State Water Control Board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be

forwarded to both the State Water Control Board, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.

### Section 3.1 - General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. 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 requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. 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.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is

available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### Section 3.2 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study, 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, elevated no lower than to or above the base flood elevation.

- B. **Non-Residential 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 no lower than to or above the base flood elevation. Buildings located in all A and AE 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 subsection are satisfied.

- C. **Elevated Buildings**

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;

3. include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. 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.

### **Section 3.3 - Floodway District**

The following provisions shall apply within the Floodway District:

Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

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

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

The placement of any mobile home, except in an existing mobile home park or subdivision, within the Floodway District is specifically prohibited.

#### A. Permitted Uses

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment;

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

#### B. Uses Permitted by Special Exception

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

1. Structures except for mobile homes accessory to the uses and activities in Section A above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marines, docks, wharves, piers, etc.
4. Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby).
5. Temporary uses such as circuses, carnivals, and similar activities.



6. Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to pre-vent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
7. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

#### **Section 3.4 - Standards for the Special Floodplain District**

The following provisions shall apply within the Special Floodplain District:

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 A and AE on the Flood Rate Insurance 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 of Rich Creek.

Development activities in Zones A and AE on the Town of Rich Creek. Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the Town of Rich Creek's endorsement - for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

#### **Section 3.5-Standardsfor 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.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall elevated so that either
  - a. the lowest floor of the manufactured home is elevated no lower than to or above the base flood elevation; or

- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and
  - c. be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- 3. 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.

**Section 3.6-Standards for Subdivision Proposals**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**ARTICLE IV - SPECIAL EXCEPTIONS AND VARIANCES:**

**ADDITIONAL FACTORS TO BE SATISFIED**

In passing upon applications for Special Exceptions and Variances the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following factors:

- 1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for proposed use, development, or activity within the Floodway District that; will cause any Increase in flood levels during the one hundred (100) year flood.

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 flood plain management program for the area.
10. The safety of access to the property in time of flood of ordinary and emergency vehicles.

The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the time.

11. 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.
12. Such other factors which are relevant to the purposes of this Ordinance.

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

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

Special exceptions and/or variances shall only be issued after the Board of Zoning Appeals has determined that the special exception and/or variance will be the minimum relief to hardship.

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

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

#### ARTICLE V - EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS

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

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

#### ARTICLE VI - DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

- F. **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).
- G. **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.
- H. **Existing manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- I. **Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. **Flood or flooding**
1. A general or temporary condition of partial or complete inundation of normally dry land areas from
    - a. the overflow of inland or tidal waters; or,
    - b. the unusual and rapid accumulation or runoff of surface waters from any source.
  2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
  3. Mudflows which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- K. **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.

- L. **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.
- M. **Floodplain or flood-prone area** - Any land area susceptible to being inundated by water from any source.
- N. **Floodproofing** - 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.
- O. **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 a designated height.
  - P. **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.
- Q. **Highest Adjacent Grade** - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. **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 the Interior as meeting the requirements for individual listing on the National Register;
  - 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either

- a. by an approved state program as determined by the Secretary of the Interior; or,
  - b. directly by the Secretary of the Interior in states without approved programs.
- S. **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 Federal Code 44CFR §60.3.
- T. **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.
  - U. **Manufactured home park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- V. **New construction** - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which 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.
- W. **New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- X. **Recreational vehicle** - A vehicle which is
  - 1. built on a single chassis;
  - 2. 400 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.
- Y. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
- Z. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- AA. 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.
- Structure*, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- BB. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- CC. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or



2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**DD. 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.

**EE. Violation** - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

#### **Section 6.1-Severability**

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

#### **Section 6.2 Municipal Liability**

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

This Ordinance shall not create liability on the part of the Town of Rich Creek or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there-under.

Voting For  
David Lane

Brian Meadows

Stuart Helm

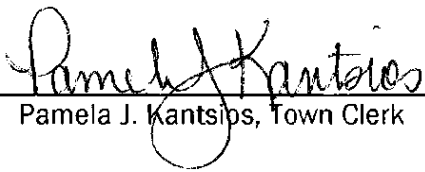
Joyce Crawford

Voting Against

A handwritten signature in black ink, appearing to read "Darlene French", written over a horizontal line.

Darlene French, Mayor

ATTEST:

  
Pamela J. Kantsios, Town Clerk

\*Attachment\*

ADOPTED 6-8-09

ORDINANCE 09-03

AN ORDINANCE AMENDING CHAPTER 24, ZONING, OF THE CODE OF THE TOWN OF RICH CREEK, FOR THE PURPOSE OF BRINGING IT INTO COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS, Title 44, Section 60.3. THIS ORDINANCE ESTABLISHED FLOOD PLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, BY PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR SPECIAL EXCEPTIONS AND VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL, RICH CREEK, VIRGINIA, AS FOLLOWS:

ARTICLE I - OENRAL FLOOD PLAIN PROVISIONS

Section 1.1 - Purpose

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds, for flood protection and relief, and the impairment of the tax base by:

- A . regulating uses, activities, and development which acting alone or in combination with other existing or future uses, activities, and development will cause unacceptable increases in flood heights, velocities and frequencies
- B. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage.
- D. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 - Applicability

These provisions shall apply to all lands within the Jurisdiction of the Town of Rich Creek and identified as being flood prone as stipulated in this ordinance.

Section 1.3 - Compliance

- 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply

that 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 ordinance shall be kept on file and maintained by the Town Clerk.
- D. This ordinance shall not create liability on the part of Town of Rich Creek or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### Section 1.6 - Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town of Rich Creek shall be guilty of a misdemeanor and subject to the penalties therefore.

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

#### Section 1.4 - Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

#### ARTICLE II - ESTABLISHMENT OF ZONING DISTRICTS

##### Section 2.1 - Description of Districts

#### Basis of Districts

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 of Rich Creek prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 25, 2009, as amended.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.
2. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

## B. Overlay Concept

1. The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Zoning Map of the Town of Rich Creek, and as such the provisions for the flood plain districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district the more restrictive provisions and/or those pertaining to the flood plain districts shall apply.
3. In the event any provisions concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

## Section 2.2 - Official Zoning Map

The boundaries of the Flood Plain Districts are established as shown on the Flood Boundary and Floodway Map which is declared to be a part of this ordinance and which shall be kept on file at the Rich Creek Town office.

## Section 2.3 - District Boundary Changes

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

## Section 2.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Giles County Building Inspector. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

## Section 2.4 - Site Plans and Permit Applications

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

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

## ARTICLE III - DISTRICT PROVISIONS

All uses, activities, and development occurring within any flood plain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the Rich Creek Subdivision regulations. Prior to the issuance of any such permit, the Giles County Building Inspector shall require all applications to include compliance with all applicable State and Federal laws.

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

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within a municipality, approval shall be obtained from the State Water Control Board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the State Water Control Board, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.

### Section 3.1 - Floodway District

The following provisions shall apply within the Floodway District:

Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

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

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

The placement of any mobile home, except in an existing mobile home park or subdivision, within the Floodway District is specifically prohibited.

#### A Permitted Uses

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment;

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

#### B. Uses Permitted by Special Exception

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

1. Structures except for mobile homes accessory to the uses and activities in Section A above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marines, docks, wharves, piers, etc.
4. Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).
5. Temporary uses such as circuses, carnivals, and similar activities.
6. Storage of materials and equipment, provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

7. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

### Section 3.1 - Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

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 A and AE on the Flood Rate Insurance 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 of Rich Creek.

Development activities in Zones A, AE, and AH, on the Town of Rich Creek. Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the Town of Rich Creek's endorsement - for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

### Section 3.2 - 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.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either
  - a. the lowest floor of the manufactured home is elevated no lower than 1 foot above the base flood elevation; or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
  - c. and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
3. 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.

ARTICLE IV - SPECIAL EXCEPTIONS AND VARIANCES:  
ADDITIONAL FACTORS TO BE SATISFIED

In passing upon applications for Special Exceptions and Variances the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for proposed use, development, or activity within the Floodway District that; will cause any Increase in flood levels during the one hundred (100) year flood.
  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 flood plain management program for the area
  10. The safety of access to the property in time of flood of ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the time.
11. 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.
  - 12.
  13. Such other factors which are relevant to the purposes of this Ordinance.

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

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

Special exceptions and/or variances shall only be issued after the Board of Zoning Appeals has determined that the special exception and/or variance will be the minimum reliefs to hardship.

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

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



## ARTICLE V - EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS

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

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

## ARTICLE VI - FLOOD HAZARD MITIGATION

Within the Flood Fringe District, the following additional provisions shall be met:

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

## ARTICLE VII - DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

- E. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. 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).
- G. 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.
- H. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- I. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Flood or flooding -
  1. A general or temporary condition of partial or complete inundation of normally dry land areas from
    - a. the overflow of inland or tidal waters; or,
    - b. the unusual and rapid accumulation or runoff of surface waters from any source.
  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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
  3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

- K. 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.
- L. 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.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Floodproofing - 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.
- O. 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 a designated height.
- P. 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.
- Q. Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. 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 the Interior as meeting the requirements for individual listing on the National Register;
  2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or,
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either

- a. by an approved state program as determined by the Secretary of the Interior; or,
  - b. directly by the Secretary of the Interior in states without approved programs.
  
- S. 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 Federal Code 44CFR §60.3.
  
- T. 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.
  
- U. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
  
- V. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which 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.
  
- W. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
  
- X. Recreational vehicle - A vehicle which is
  1. built on a single chassis;
  2. 400 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.

- Y. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
- Z. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- AA. 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.
- Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- BB. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- CC. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- DD. 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.

EE. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 7.1 - Severability

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

Section 7.2 Municipal Liability

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

This Ordinance shall not create liability on the part of the Town of Rich Creek or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there-under.

VOTING FOR:

VOTING AGAINST:

David Lane  
Brian Meadows  
Stuart Helm  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest:  
Pamela Kantzios  
CLERK

Dale J. [Signature]  
MAYOR

- 18-612.01 Purpose of Flood Hazard District. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by: (a) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies; (b) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (c) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and (d) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- 18-612.02 Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Rich Creek and identified as being flood-prone as stipulated in this Ordinance.
- 18-612.03 Compliance. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provision of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.
- 18-612.04 Abrogation and Greater Restrictions. This Ordinance supercedes any ordinance currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.
- 18-612.05 Description of Districts.
- 18-612.05-1 Basis of Districts. The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for the Town of Rich Creek, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, dated February, 1978;

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

18-612.05-2.1 Overlay Concept

- (a) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions;
- (b) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts, and those of any underlying districts, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply;
- (c) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

18-612.06 Official Zoning Map. The boundaries of the Floodplain Districts are established as shown on the Flood Boundary and Floodway Map which is declared to be a part of this Ordinance and which shall be kept on file at the Town Manager's office.

18-612.07 District Boundary Changes. The delineation of any of the floodplain districts may be revised by the Council where natural or man-made changes have occurred, and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

18-612.08 Interpretation of District Boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.



- 18-612.09 District Provisions. All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Code and the Town of Rich Creek Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, draining ditch, or any other draining facility of system. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within a municipality, approval shall be obtained from the State Water Control Board. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the State Water Control Board, the State Department of Intergovernmental Affairs, and the Federal Insurance Administration.
- 18-612.10 Floodway District. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.
- 18-612.10-1 Permitted Uses. In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:
- (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  - (b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas;
  - (c) Accessory residential uses such as yard areas, gardens, and play areas.
  - (d) Accessory industrial and commercial uses such as yard areas, previous parking and loading areas, airport land strips, etc.
- 18-612.10-2 Conditional Uses. The following uses and activities may be permitted by Conditional Use Permit provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance:
- (a) Structures except for mobile homes accessory to the use and activities in Section A above;
  - (b) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses;
  - (c) Water-related uses and activities such as marinas, docks, wharfs, piers, etc.;
  - (d) Extraction of sand, gravel, and other materials (where no increase in level of flooding or velocity is caused thereby);
  - (e) Temporary uses such as circuses, carnivals, and similar activities;

- (f) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning;
  - (g) Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.
- 18-612.11 Flood-Fringe and Approximated Floodplain Districts. In the Flood-Fringe and Approximated Floodplain Districts, the development, and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
- 18-612.12 Conditional Use and Variances Additional Factors to be Satisfied. In passing upon applications for Conditional Use Permits and variances, the Town Council and the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following factors:
- 18-612.12-1 The danger to life and property due to increased flood heights or velocities caused by encroachments. No Conditional Use Permit or variance shall be granted for any proposed use, development, or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood;
- 18-612.12-2 The danger that materials may be swept on to other lands or downstream to the injury of others;
- 18-612.12-3 The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- 18-612.12-4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- 18-612.12-5 The importance of the services provided by the proposed facility to the community;
- 18-612.12-6 The requirements of the facility for a water front location;
- 18-612.12-7 The availability of alternative locations not subject to flooding for the proposed use;
- 18-612.12-8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- 18-612.12-9 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- 18-612.12-10 The safety of access to the property in time of flood of ordinary and emergency vehicles;
- 18-612.12-11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

- 18-612-12.12 Such other factors which are relevant to the purposes of this Ordinance; the Town Council or the Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a Conditional Use Permit or variance, to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters. Conditional Use Permits and/or variances shall only be issued after the Town Council or Board of Zoning Appeals has determined that the granting of such will not result in:
- (a) unacceptable or prohibited increases in flood heights;
  - (b) additional threats to public safety; (c) extraordinary public expense; (d) create nuisances; (e) cause fraud or victimization of the public; or (f) conflict with local laws or ordinances. Conditional Use Permits and/or variances shall only be issued after the Town Council or Board of Zoning Appeals has determined that the Conditional Use Permit and/or variance will be the minimum reliefs to any hardship. The Town Council and the Board of Zoning appeals shall notify the applicant for a Conditional Use Permit and/or variance, in writing, that the issuance of a Condition Use Permit and/or variance to construct a structure below the one hundred (100) year flood elevation: (a) increases the risks to life and property; and (b) will result in increased premium rates for flood insurance. A record of the above notification, as well as all variance actions, including justification for their issuance, shall be maintained and any Conditional Use Permits or variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.
- 18-612.13 Existing Structures in Floodplain Districts. A structure, or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:
- 18-612.13-1 Existing structures and/or uses located in the Floodway District, shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements);
- 18-612.13-2 Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible, and/or reasonable;
- 18-612.13-3 The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code;
- 18-612.13-4 Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.
- 18-612.14 Flood Hazard Mitigation. Within the Floodplain District as delineated, the following additional provisions shall be met:
- 18-612.14-1 All electric water heaters, electric furnaces, and other critical electrical installations shall be permitted only at elevations at or above the level of the one hundred (100) year flood;
- 18-612.14-2 Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters;
- 18-612.14-3 Adequate drainage shall be provided to minimize exposure to flood heights;
- 18-612.14-4 The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district,

including information, but not limited to, the one hundred (100) year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills flood or erosion protective facilities, and areas subject to special deed restrictions.

18-612.15 Severability. In any sections, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

18-612.16 Municipal Liability. The degree of flood protection, sought by the provisions of this Ordinance, is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Pearisburg or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

## ARTICLE 18-7

### USE REGULATIONS

18-701.00	Area Regulations
18-702.00	Additional Buildings on a Single Lot
18-703.00	Off-Street Parking
18-704.00	Home Occupations
18-705.00	Signs
18-706.00	Mobile Homes
18-707.00	Non-Conforming Lots, Buildings, and Uses
18-708.00	Fences
18-709.00	Satellite Dish Antennas

18-701.00 AREA REGULATIONS

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

18-701.01 Authorized Modifications of Yard Requirements. The following modifications of the yard requirements are allowed:

18-701.01-1 An uncovered or covered porch may project into a required front yard for a distance not exceeding five (5) feet;

18-701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;

18-701.01-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots;

18-701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

18-701.02 Special Provisions for Corner Lots.

18-701.02-1 Of the two (2) sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets except in mobile home subdivisions;

18-701.02-2 The side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings;

18-701.02-3 For subdivisions platted after the enactment of this Ordinance, each corner lot shall have a minimum width at the setback line which is five (5) feet wider than the required minimum width at the setback line for non-corner lots in each district.

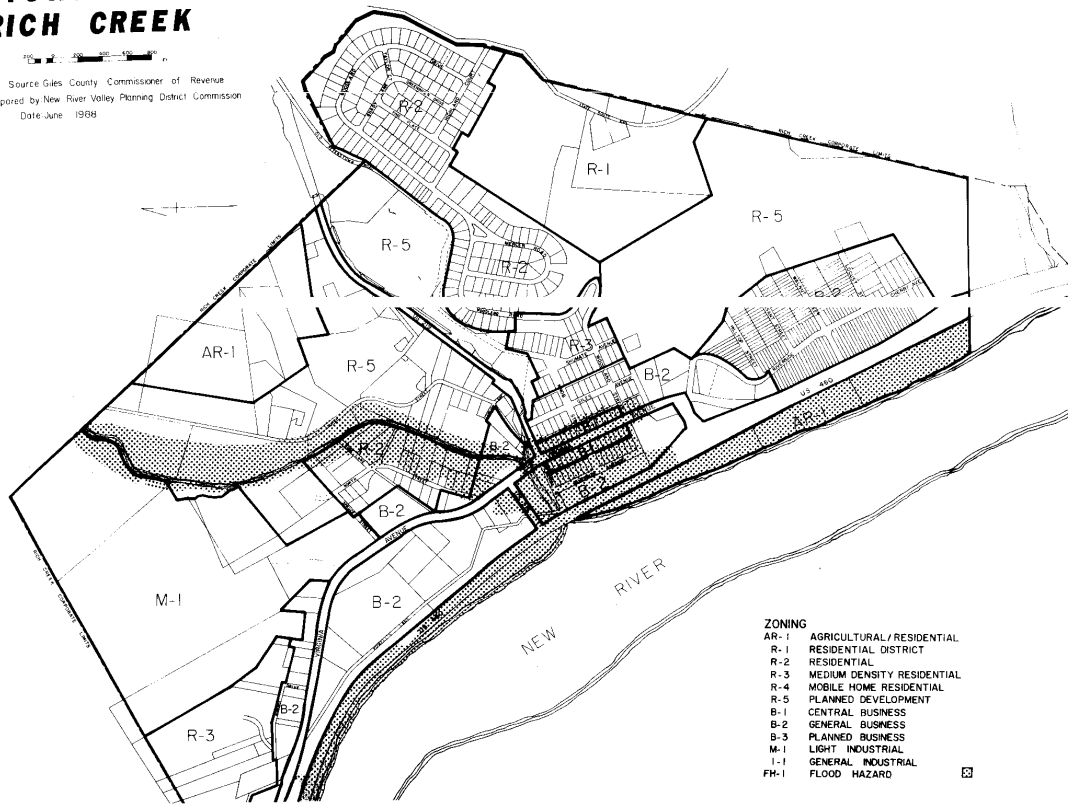
18-702.00 ADDITIONAL BUILDINGS ON A SINGLE LOT

Additional single-family structures on a single lot.

18-702.01 Additional single-family structure. An additional single family structure on a lot with may be permitted

# TOWN OF RICH CREEK

Source: Giles County Commissioner of Revenue  
 Prepared by New River Valley Planning District Commission  
 Date: June 1988



**ZONING**

AR-1	AGRICULTURAL / RESIDENTIAL
R-1	RESIDENTIAL DISTRICT
R-2	RESIDENTIAL
R-3	MEDIUM DENSITY RESIDENTIAL
R-4	MOBILE HOME RESIDENTIAL
R-5	PLANNED DEVELOPMENT
B-1	CENTRAL BUSINESS
B-2	GENERAL BUSINESS
B-3	PLANNED BUSINESS
M-1	LIGHT INDUSTRIAL
T-1	GENERAL INDUSTRIAL
FH-1	FLOOD HAZARD

TABLE 1 LOT REGULATIONS BY DISTRICT  
TOWN OF RICH CREEK ZONING

2 Utilities	1 Utility	No Utilities	Setback*	Frontage at Setback	Side Yard	Rear Yard	Accessory Buildings		Rear Yard	Height All buildings
							To main bldg	Side Yard		
14,520 sq ft	21,780 sq ft	43,560 sq ft	35'	100'	20'	35'	20'	10'	10'	35'
10,500 sq ft	14,520 sq ft	21,780 sq ft	30'	100'	10'	35'	20'	10'	10'	35'
6,900 sq ft	10,890 sq ft	21,780 sq ft	25'	50'	10'	20'	10'	10'	10'	35'
6,900 sq ft SF +3000 sq ft for each add. unit	10,890 sq ft a	21,780 sq ft a	30'	50' for SF 100' for Duplex	10'	20'	20'	10'	10'	35'
13,600 sq ft MH Subdivision	21,780 sq ft	43,560 sq ft -	20'	90'	10'	20'	20'	10'	10'	20'
6,800 sq ft MHP-----	Requires Detailed Plan-		15'	90'	10'	10'	20'	10'	10'	35'
----- R E Q U I R E S DETAILED PLAN-----										
6,000 sq ft	10,890 sq ft	21,780 sq ft	-----	-----	b	-----	10'	5'	10'	45'
6,000 sq ft	a	a	20'	50'	5' b	10'	10'	5'	10'	35'
21,780 sq ft	a	a	30'	100'	15'	10'	20'	10'	15'	35'
43,560 sq ft	a	a	30'	100'	15'	25'	20'	10'	15'	45'
43,560 sq ft	a	a	30'	100'	15'	25'	20'	10'	15'	45'

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

\*\* The height limit for dwellings may be increased up to 45 feet and up to 3 stories provided each side yard is about 20 feet, plus 1 foot or more of side yard for each additional foot of building height over 35 feet.

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

Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

For buildings over 45 feet in height, approval shall be obtained from the Town Council. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to 4 feet above the height of the building on which the walls rest.

- a. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator shall require the area considered necessary by the Health Official. All uses within 500' of the public system are required to connect to the system.
- b. Property located in a business district which adjoins any residential district or is separated from any residential district only by public street or way, shall have a 10 foot side yard on the side or sides adjoining or adjacent to the residential district.



by Conditional Use Permit under exceptional circumstances and for good cause.

18-702.02 Additional Multi-family Structures or Additional Non-residential Main Structures on a Single Lot. The addition of a multi-family structure to a lot already containing multi-family structures or the addition of another main building to a lot requires that all additional buildings conform to all open space requirements for the district in which the lot or tract is located and further conform to all other requirements, Town Codes and ordinances.

18-702.03 Temporary Building may be used in conjunction with construction work only and may be permitted in any district but shall be removed immediately upon completion or abandonment of construction.

#### 18-703.00 OFF-STREET PARKING AND LOADING

Off-street automobile storage or parking space, and truck loading zones shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance.

18-703.01 General Requirements. For the purpose of this Ordinance, the following general requirements are specified:

18-703.01-1 Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served;

18-703.01-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such main use;

18-703.01-3 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;

18-703.01-4 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;

18-703.01-5 Off-street parking existing at the effective date of this Ordinance in connection with the operating of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

18-703.01-6 New uses established in existing buildings after the effective date of this ordinance shall be exempted from the off-street provisions.

18-703.01-7 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

18-703.02 Site Requirements. All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

18-703.02-1 All such parking areas, except those serving one and two-family dwellings, shall be surfaced with concrete, asphalt, tar and gravel or other dustproof material. Where concrete or asphalt is used, individual parking spaces shall be so marked. All parking areas shall be maintained

in a dust-proof condition. A good stand of vegetative cover shall be maintained on the remainder of the lot;

- 18-703.02-2 Lighting facilities shall be so arranged that light is reflected away from adjacent properties;
- 18-703.02-3 The parking lot shall be adequately drained. Where a creation of a paved or graveled parking lot will likely cause storm water run-off due to grade conditions, review and approval by the Giles County Soil and Erosion Control Agent is necessary before the improvement is to be made.
- 18-703.02-4 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:
- (a) Access shall be provided by means of not more than two (2) driveways for the first 120 feet of frontage along any one (1) street and shall have not more than one (1) additional drive-way for each additional 150 feet of street frontage.
  - (b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor ten (10) feet to adjoining property lines.
  - (c) Access driveways shall not be closer than twenty (20) feet from adjacent driveways at any point from the edge of the pavement to the right-of-way line.
- 18-703.02-5 On-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty-two (22) feet between parking rows back-to-back shall be clear for maneuvering into and out of parking spaces.
- 18-703.02-6 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two-thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, and signs.
- 18-703.03 Parking Space Requirements for All Districts. In all districts, except the Central Business District B-1, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth.
- 18-703.03-1 In the Central Business District B-1, off-street parking shall be provided for any building whose primary use is residential.
- 18-703.03-2 Other uses in the Central Business District B-1 are exempt from off-street parking requirements.

## Requirements

### Land Use

#### 18-703.03-3 Dwellings:

- a. Single, two family, townhouse Two (2) spaces for each dwelling unit.
- b. Multi-family One and half (1 ½) spaces per dwelling unit except for efficiency apartments for which one (1) space per dwelling unit shall be provided.
- c. Hotels, motels One (1) space for each bedroom, plus one (1) additional space for each two (2) employees.
- d. Mobile home parks and subdivisions Two (2) spaces per mobile home.
- e. Recreational vehicle parks One (1) space for each travel, trailer, motor home, or camper.
- f. Boarding and rooming houses, dormitories One and one-half (1 ½) spaces for each bedroom. One (1) space for each two (2) employees.

#### 18-703.03-4 Public Assembly:

- a. Newly constructed churches and other places of worship One (1) space for each four (4) seats in the main auditorium or sanctuary.
- b. Private clubs, lodges and fraternal or sororal buildings not providing overnight accommodations One (1) space for each five (5) members.
- c. Theaters, auditoriums, coliseums, stadiums, and similar places of assembly One (1) space for each four (4) seats, plus one (1) space per employee.
- d. Schools, including kindergartens, playschools, and day care centers One (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges.
- e. Skating rings, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements. One (1) space for each 200 square feet of floor area, plus one (1) space for each two (2) employees.
- f. Bowling alleys Two (2) spaces for each alley, plus one (1) space for each two (2) employees.
- g. Libraries; museums One (1) space for each 500 square feet of floor area.

18-703.03-5 Health Facilities:

- a. Hospitals and similar facilities  
One (1) space for each two (2) beds, plus one (1) space for each staff doctor, plus one (1) space for each four (4) employees, on the maximum working shift.
- b. Kennels and animal hospitals  
Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- c. Medical, dental, and health offices and clinics  
Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- d. Homes for adults and similar uses  
One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.

18-703.03-6 Businesses:

- a. Automobile repair establishments  
Three (3) spaces for each 180 square feet, plus one (1) space for each employee.
- b. Food stores  
One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the average shift.
- c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments  
One (1) space for each four (4) seats provided for patron use, plus one (1) space per employee on the average shift.
- d. Office buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics  
One (1) space for each 180 square feet of ground floor area, plus one (1) space for each 500 square feet of upper floor space, plus one (1) space per employee.
- e. General business, commercial or personal service establishments catering to the retail trade.  
One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per employee.
- f. Governmental Offices  
One (1) space for each 180 square feet of ground floor area plus, one (1) space for each 500 square feet of upper floor area and one (1) space for each governmental vehicle, plus one (1) space per employee.
- g. Shopping Centers  
One (1) space per 200 square feet or gross leasable area.

- h. Furniture stores  
One (1) space for each 1,000 square feet of gross floor area.
- i. Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations  
One (1) space for each employee on the maximum shift, plus three (3) spaces for each TV or radio station.
- j. Mortuaries and funeral parlors  
Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each two (2) employees.

18-703.03-7 Industries:

- a. Manufacturing and industrial establishments not catering to the retail trade  
One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
- b. Wholesale establishments  
One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

18-703.04 Loading. Business and industrial uses requiring a loading or unloading space shall provide an off-street loading zone. Such loading zone shall be in addition to the required parking spaces and shall not block access to or from parking spaces on thoroughfares. This provision is not applicable in the B-1 Central Business District.

18-704.00 Home Occupations

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

- 18-704.01 Special Requirements. Home Occupation, where permitted, must meet the following special requirements:
  - 18-704.01-1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant;
  - 18-704.01-2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;
  - 18-704.01-3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;

- 18-704.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plate, as spelled out in Section 18-706.03-3;
- 18-704.01-5 Additional off-street parking may be required by the Zoning Administrator after review of the application;
- 18-704.01-6 The applicant for a home occupation permit shall present evidence that the Rich Creek fire Department has approved the structure for the proposed use.
- 18-704.01-7 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.
- 18-704.02 Expiration. A Zoning Permit for home occupations shall expire under the following conditions:
- 18-704.02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;
- 18-704.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.
- 18-704.02-3 Whenever the Town Council finds that the holder of the permit has violated the conditions of the permit or one (1) or more of the Special Requirements in Section 705.01.
- 18-705.00 Signs
- 18-705.01 Intent. The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of the Town of Rich Creek. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.
- 18-705.02 General Requirements.
- 18-705.02-1 Except as provided in Section 706.03 below no outdoor advertising, sign, or structure shall be erected without a Zoning Permit. Failure to adhere to the requirements of this Ordinance automatically cancels such permit and said structure shall be removed forthwith;
- 18-705.02-2 For the purpose of computing sign area only one side of a “V-Type” or double-faced sign shall be considered;
- 18-705.02-3 No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection; or in such a manner as to materially impede the view of the intersection of a road with a railroad grade crossing;
- 18-705.02-4 No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape;

- 18-705.02-5 No portion of any sign structure except official road markers, which shall adhere to the applicable state and local laws, shall be less than ten (10) feet above the level of an adjacent sidewalk or other pedestrian thoroughfare, no less than sixteen (16) feet above the level of an adjacent public driveway, alley or street;
- 18-705.02-6 All signs, whether permanent or temporary, shall comply with the applicable requirements of the Building Code;
- 18-705.02-7 All signs shall be located on a lot of record; no signs shall be located in the R.O.W.
- 18-705.02-8 In the event any sign is to be relocated, it shall be required that the owner of said sign obtain a new building permit;
- 18-705.02-9 All signs coming within the jurisdiction of State and Federal Laws along Interstate Highway and Federal-aid primary highway systems shall conform to said laws in lieu of any other sign regulations in this Ordinance;
- 18-705.02-10 All signs in existence at the time of the passage of this Ordinance, which do not conform to this Ordinance, shall be classified as nonconforming, but may be continued providing they are properly maintained during the life of such advertisement or advertising structure;
- 18-705.02-11 Informational signs of a public or quasi-public nature identifying or locating civic, educational, religious or cultural purposes, and signs drawing attention to public parking lots, rest rooms, or to other public convenience relating to such places or activities are permitted. Such signs shall not exceed an area of six (6) square feet, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than five (5) feet from the fronting highway. Nothing contained herein shall be construed to limit the effect of Section 706.02-10;
- 18-705.02-12 Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments. Such signs shall not exceed an area of two (2) square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law.
- 18-705.02-13 Permissible Signs in All Districts. The following signs are allowed in all districts and shall be exempt from permit requirements:
- 18-705.03-1 Real estate signs advertising sale, rental, or lease of the land or building upon which signs are located provided that:
- (a) In residential districts, real estate signs shall not be in excess of six (6) square feet;
  - (b) In business and industrial districts, there shall be no sign in excess of twenty-four (24) square feet and no more than two (2) such signs on any single lot;
- 18-705.03-2 Directional signs for parks and playgrounds and other permitted nonresidential uses, located in nonresidential areas provided that such signs shall not exceed ten (10) square feet in area.
- 18-705.03-3 Professional name plate indicating the name of the professional, the business, or service provided on the premises which is no more than one (1) square foot in area and is non-illuminated.
- 18-705.03-4 One sign or bulletin board indicating the name of the institution or civic association not exceeding fifty (50) square feet in area on premises of public or semipublic facilities;

- 18-705.03-5 Signs located on the premises relating to active construction projects;
- 18-705.03-6 Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other materials;
- 18-705.03-7 Traffic or other public signs or notices posted or erected by or at the direction of a governmental agency;
- 18-705.03-8 Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage;
- 18-705.03-9 One subdivision identification sign at the main entrance or entrances to the subdivision provided that such sign shall not exceed fifty (50) square feet, may be illuminated, shall be so designed as to be in the public interest, and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision;
- 18-705.03-10 Temporary signs, including political advertisements:
- (a) Not allowed longer than sixty (60) days; and
  - (b) Shall be removed by sign owner or sponsor within five (5) days after the date of the event or activity to which the sign makes reference, or if he fails to do so, by the Zoning Administrator at the owner's expense, five (5) days following registered notification of the owner.
  - (c) Not on telephone poles etc. as provided by town ordinance.
- 18-705.04 Signs as Permitted Uses. The following signs are permitted uses in the following districts without a public hearing:
- 18-705.04-1 Residential Districts. Within any residential district the following signs are allowed by permit:
- (a) One (1) sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed twenty-four (24) square feet per sign area, shall not be illuminated, shall be maintained at subdivider's expense, and shall be removed by subdivider one (1) year after its installation.
  - (b) Where multi-family dwellings are a permitted use, one (1) sign for identifying multi-family dwellings of more than six (6) units, provided that such sign shall be located only on premises of the multi-family dwellings, shall not exceed twenty-four (24) square feet, shall indicate nothing other than the name and/or address of the premises, and the name of the management, and may be illuminated only by indirect illumination.
  - (c) Directional signs for parks and playgrounds and other permitted nonresidential use, provided that such signs shall not exceed twenty-four (24) square feet in area, shall be not closer than ½ mile of the use, and shall not be illuminated.
- 18-705.04-2 Business and Industrial Districts. Within any business or industrial district, the following signs are allowed by permit:
- (a) Business signs in the central business district having a maximum aggregate area not to exceed twenty-four (24) square feet provided that no sign shall project more than two-thirds (2/3) of the width of the sidewalk beyond the face of the building, except



as provided for in the B-3 Planned Business District. One (1) sign shall be permitted per business.

- (b) Business signs in areas along 460 and Industrial Park along 219 shall not exceed one hundred fifty (150) square feet in area, except as permitted by conditional use permit.

- 18-705.05 Signs associated with Construction Projects. Temporary signs associated with construction projects are allowed by permit for a period of 120 days. Such signs may be mobile but must be removed at the end of construction.
- 18-705.06 Signs in excess of that which is allowed for the district. Such conditional uses may be allowed where, in the opinion of the Town Council, the sign and its scale is compatible with the surrounding uses.
- 18-705.07 Signs Prohibited in all Districts. The following signs are prohibited in all districts:
  - 18-705.07-1 Any sign erected or painted upon a fence, tree, fire escape, or utility pole;
  - 18-705.07-2 Any sign which uses the word “Stop” or “Danger” prominently displayed or which is a copy or imitation of official traffic control signs;
  - 18-705.07-3 Any sign which contains flashing or intermittent illumination;
  - 18-705.07-4 Any sign which is mobile, except temporary construction signs. Existing signs which are not in compliance with this ordinance shall have one (1) year from the date of this ordinance to comply with its provisions.
  - 18-705.07-5 Any sign which is designed to and effectively does distract the attention of passing motorists on any highway by loud and blatant noises or movable objects.
  - 18-705.07-6 Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard.
- 18-705.08 Maintenance and Removal of Signs:
  - 18-705.08-1 All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the Building Code;
  - 18-705.08-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed, or relocated at the owner’s expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction.
- 18-706.00 Mobile Homes

Any mobile homes placed in the Town of Rich Creek after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

- 18-706.00-1 All mobile homes shall meet the plumbing requirements and the electrical wiring and connection, construction, blocking, and anchoring requirements of the Virginia State Building Code and shall display the seal of a testing laboratory approved by the Commonwealth of Virginia;
- 18-706.00-2 All mobile homes shall be completely skirted; such that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the Building Official and Zoning Administrator;

- 18-706.00-3 All mobile homes shall be connected to the Town sewer system and water system in compliance with the regulations of the Town.
- 18-706.00-4 All mobile homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 car spaces (each space containing a minimum of 180 square feet) for each mobile home. Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.
- 18-706.00-5 All mobile homes to be used as a dwelling shall be equipped with sanitary facilities approved by the Giles County Health Department.
- 18-706.00-6 The occupants and owners of each mobile home used under this ordinance shall be responsible for keeping the premises in a clean and sanitary condition, and shall comply with all of the rules and regulations set forth in this Ordinance.
- 18-706.00-7 The lot beneath each mobile home shall be graded so that the ground is parallel with the floor of the mobile home.
- 18-706.01 Mobile Home Permit Required.
- 18-706.01-1 Temporary Permit. A temporary permit shall be obtained from the Zoning Administrator for the placement or occupancy of a mobile home park. This permit will entitle the owner of the land or the operator of the mobile home park or the applicant for the permit to place the mobile home on a lot in a designated Mobile Home Park. Such temporary permit will not extend beyond thirty (30) days after the date issued. During this time the Zoning Official and/or Building Official for Giles County will inspect the mobile home, its water connection, its sewage connection, its lot, and any or all of the premises that he may deem necessary to maintain proper living conditions.
- 18-706.01-2 Permanent Permit. A permanent permit will be issued upon the expiration of the temporary permit unless the landowner, the manager of the mobile home park, or the owner or occupant of the mobile home fails to comply with this Ordinance.
- 18-706.01-3 Information on Permit. The temporary and permanent permits shall contain the following information:
- (a) The name of the owner of the premises upon which the mobile home is located;
  - (b) The name of the tenant and owner of the mobile home;
  - (c) Type of mobile home, make, model, type of sanitary facilities, and type of support or foundation;
  - (d) The location of the premises and the anticipated period of time the mobile home will occupy the location described.
- 18-706.01-4 Any permit issued under the provisions of this section shall be deemed a personal privilege and no such permit shall be transferable.
- 18-706.02 Mobile Home Parks Requirements.
- 18-706.02-1 The location of a mobile home park shall require a Zoning Permit issued by the Zoning Administrator.
- 18-706.02-2 Operators of mobile home parks shall conform to the Virginia Uniform Statewide Building Code.

- 18-706.02-3 All mobile home parks for which permits are granted under this section will be subject to periodic inspection by an Official of the Town and the proper officials of the Giles County Health Department. These officials shall have the right, and they are hereby empowered, at any reasonable time, to enter upon the premises of any mobile home park to inspect the park and all mobile homes. Upon any infraction of the provisions of this Section, the permit for the mobile home park may be revoked by the Town of Rich Creek. The correction of any such infraction shall be the responsibility of the owner of the mobile home park and the owner and occupant of the mobile home.
- 18-706.03 Applicants for mobile home parks shall submit two (2) copies of a site plan showing the following:
- 18-706.03-1 A vicinity map showing the location and area of the proposed park;
- 18-706.03-2 The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;
- 18-706.03-3 The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties;
- 18-706.03-4 The location and dimensions of all existing streets and street right-of-way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park;
- 18-706.03-5 The proposed layout, including internal streets with dimensions and such typical street cross sections and center line profiles as may be required in evaluating the street layout, water, sewer, drainage and utility lines, facilities and connections, with dimensions shown; locations and dimensions of all mobile home stands and parking spaces, management facilities, laundry facilities, recreation buildings and other permanent structures; location and nature of fire fighting facilities, including hydrants; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, fencing and screening, and natural features to be retained.
- 18-706.04 Mobile Home Park Design Requirements. All mobile home parks shall meet the following requirements:
- 18-706.04-1 Area requirements. For each mobile home in a mobile home park, a mobile home stand shall be provided which is 4000 square feet of area or more with a minimum of forty (40) foot width which shall front on an existing road, street, or internal street.
- 18-706.04-2 Corners marked. All mobile home lots shall be clearly designated with markers at the corners so that they may be seen by the Zoning Administrator.
- 18-706.04-3 Distance between mobile homes. Mobile homes shall be arranged so as to provide a distance of twenty (20) feet or more between individual units.
- 18-706.04-4 Setback requirements. The setback from the right-of-way shall be twenty (20) feet and from the rear stand line (10) feet.
- 18-706.04-5 Sanitation facilities. It shall be the responsibility of the mobile home park owner to collect or cause to be collected and disposed of all trash and garbage. In areas where the Town of Rich Creek provides refuse collection service and the owner desires to utilize the same, the Town of Rich Creek must approve a centralized collection arrangement to facilitate refuse collection for the mobile home park. Town of Rich Creek refuse trucks will not travel on internal streets.

- 18-706.04-6 Electric connections. Each mobile home shall be provided with electrical outlets installed in accordance with the Virginia Uniform Statewide Building Code.
- 18-706.04-7 Internal streets. All internal street shall be properly graded and have a minimum of Twenty (20) feet pavement with an all weather surface and forty (40) foot right-of-way.
- 18-706.04-8 Buffer Zones. There shall be a minimum of one hundred (100) feet between a mobile home park boundary and any existing residential development. At the discretion of the Planning Commission, a natural barrier may be deemed to serve as a permanent barrier. Buffer zones thus created may be used for roadways, recreational or agricultural purposes.
- 18-706.04-9 Enlargement of Mobile Home Parks. No extension or enlargement of a mobile home park shall occur without approval of a site plan by the Town Council.
- 18-706.05 Mobile Home Accessory Structures. All mobile home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:
- 18-706.05-1 All mobile home accessory structures must meet the plumbing, electrical connection, wiring, construction, and other applicable requirements of the building Code. All utilities shall be underground.
- 18-706.05-2 Except in the case of an awning, ramada, or other shade structure, where a mobile home accessory structure is attached to the mobile home unit, a substantial part of on wall of the accessory structure shall be flush with part of the mobile home unit, or such accessory structure shall be attached to the mobile home unit in a substantial manner by means of a roof. All mobile home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile home accessory structure, except ramadas, shall be erected closer than ten (10) feet to a mobile home;
- 18-706.05-3 Mobile home accessory structures, except ramadas, shall not exceed the height of the mobile home;
- 18-706.05-4 No mobile home accessory structure shall be erected or constructed on any mobile home lot or stand except as an accessory to a mobile home.
- 18-706.05-5 The rear yard of each mobile home stand may be provided with a simple post clothesline which shall be exempt from setback and other requirements of mobile home accessory structures.
- 18-706.05-6 For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile home accessory structures.
- 18-706.06 Mobile Home Subdivision Requirements
- 18-706.06-1 Mobile home subdivisions shall conform to the requirements of the Town of Rich Creek Subdivision Ordinance.
- 18-706.06-2 Minimum lot width for mobile home subdivision lots is ninety (90) feet and minimum depth is one hundred (100) feet.
- 18-706.06-3 Ordinarily, the orientation of a mobile home on a lot in a mobile home subdivision shall have the side of the mobile home with the longest dimension parallel to the primary thorough fares.

18-706.07 Non-residential Uses of Mobile Homes

18-706.07-1 One or more mobile homes may be used temporarily as an office. Such use requires a permit from the Town Council specifying the time period for which the mobile home shall be used.

18-707.00 Non-Conforming Lots, Buildings, and Uses

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

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

18-707.01 Lots of Record. Where a lot of record at the time of enactment of this Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:

18-707.01-1 A single nonconforming lot of record at the time of enactment or amendment of this Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the Board, as outlined in Section 18-807.00 herein.

18-707.02 Nonconforming Structures. Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

18-707.02-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy-five (75) percent of its replacement cost at the time of the Building Official declaration.

18-707.02-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity;

18-707.02-3 Notwithstanding the provisions of Section 18-708.02-2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said addition shall extend no nearer the lot line than the existing building line;

18-707.02-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;

- 18-707-02-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.
- 18-707.03 Nonconforming Uses of Land. Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 18-707.03-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;
- 18-707.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;
- 18-707.03-3 In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;
- 18-707.03-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.
- 18-707.04 Nonconforming Uses of Structure. Where a lawful use involving an individual structure or structures in combination, exists at the time of enactment or amendment of this Ordinance, that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions;
- 18-707.04-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;
- 18-707.04-2 Should a structure or portion thereof containing a nonconforming use be destroyed by any means, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.
- 18-707.04-3 Any structure or portion thereof declared unsafe by the Building Inspector may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed seventy-five (75) percent of its replacement cost at the time of the Building Inspector declaration;
- 18-707.04-4 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structures;
- 18-707.04-5 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

- 18-708.00        Fences
- 18-708.01        No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;
- 18-708.02        In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (2) feet from the intersection of two street lines.

18-709.00        Satellite Dish Antennas

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

- 18-709.01        In any Residential District, ground mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted in the rear yard subject to the following criteria:
  - 18-709.01-1      All installations must comply with all accessory use, yard, and height requirements specified within the district.
  - 18-709.01-2      All installations shall be located to prevent obstruction of the antenna’s reception window from potential permitted development on adjoining properties.
  - 18-709.01-3      All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 18-709.02        In an Business District, ground mounted satellite dish antennas up to eighteen (18) feet in diameter may be permitted in the rear yard subject to the following criteria:
  - 18-709.02-1      All installations must comply with all accessory use, yard, and height requirements specified within the district.
  - 18-709.02-2      All installations shall be located to prevent obstruction of the antenna’s reception window from potential permitted development on adjoining properties.
  - 18-709.02-3      All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 18-709.03        In any Industrial District, ground mounted satellite dish antennas up to thirty-three (33) feet in diameter may be permitted in the rear yard subject to the following criteria:
  - 18-709.03-1      All installations must comply with all accessory use, yard, and height requirements specified within the district.
  - 18-709.03-2      All installations shall be located to prevent obstruction of the antenna’s reception window from potential permitted development on adjoining properties.
- 18-709.04        In any Residential District, roof mounted satellite dish antennas up to nine (9) feet in diameter may be permitted by Conditional Use Permit subject to the following criteria;

- 18-709.04-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 18-709.04-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- 18-709.05 In any Business District, roof mounted satellite dish antennas up to twelve (12) feet in diameter may be permitted by Conditional Use Permit subject to the following criteria:
- 18-709.05-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 18-709.05-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district; except that buildings within the Central Business District B-1 that are built up to this maximum height may be permitted a roof-top installation so long as the height of the antenna does not exceed twenty-five percent (25%) of the existing height of the building.
- 18-709.06 In any Industrial District, roof mounted satellite dish antennas up to twenty-four (24) feet in diameter may be permitted by Conditional Use Permit subject to the following criteria:
- 18-709.06-1 Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- 18-709.06-2 The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
- 18-709.07 In any Residential District, ground mounted satellite antennas up to twelve (12) feet in diameter as the primary structure on the lot may be permitted by Conditional Use Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:
- 18-709.07-1 All installations shall comply with the maximum height restrictions imposed on primary uses.
- 18-709.07-2 All installations shall be set back from all property lines a distance at least three (3) times the diameter of the satellite dish antenna.
- 18-709.08 In any Business District, ground mounted satellite dish antennas up to eighteen (18) feet in diameter as the primary structure on the lot may be permitted by Conditional Use Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:
- 18-709.08-1 All installations shall comply with the maximum height restrictions imposed on primary uses.
- 18-709.08-2 All installations shall be set back from all property lines a distance at least three (3) times the diameter of the satellite dish antenna.
- 18-709.09 In any Industrial District, ground mounted satellite dish antennas up to thirty-three (33) feet in diameter as the primary structure on the lot may be permitted by Conditional Use Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:



- 18-709.09-1 All installations shall comply with the maximum height restrictions imposed on primary uses.
- 18-709.09-2 All installations shall be set back from all property lines a distance at least two (2) times the diameter of the satellite dish antenna.

ARTICLE 18-8

ADMINISTRATION

18-801.00	Zoning Administrator
18-802.00	Zoning Permit Procedures
18-803.00	Certificate of Occupancy
18-804.00	Board of Zoning Appeals
18-805.00	Rules of Procedures
18-806.00	Powers and Duties of the Board of Zoning Appeals
18-807.00	Application for Variances
18-808.00	Procedures for Requesting a Hearing Before the Board of Zoning Appeals
18-809.00	Decision of Board of Zoning Appeals
18-810.00	Administration of the Subdivision Regulations

ARTICLE 18-8

ADMINISTRATION

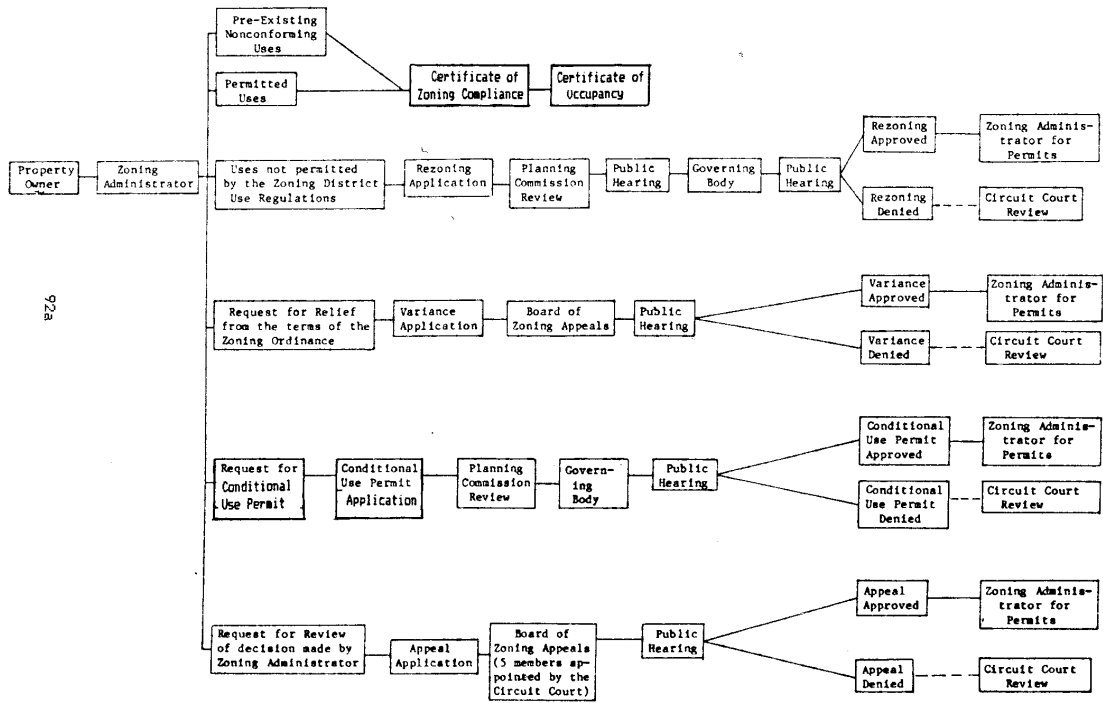
These regulations shall be administered in accordance with the provisions below.

- 18-801.00 Zoning Administrator
- 18-801.01 Appointment. The Zoning Administrator shall be appointed by the Town Council.
- 18-801.02 Powers and Duties Relating to Zoning. The Zoning Administrator is authorized and empowered on behalf of and in the name Rich Creek Town Council to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing Zoning Permits and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance. The Zoning Administrator shall have all necessary authority on behalf of the Rich Creek Town Council to administer and enforce this Ordinance, including the ordering, in writing, the remedy for any condition found in violation of this Ordinance, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances nor on Conditional Uses on which final action is reserved to the Board of Zoning Appeals or Governing Body.
- 18-801.03 Zoning Administration Process. Figure 1 outlines the administrative process to be followed under various provisions of this Ordinance.
- 18-802.00 Zoning and Building Permit Procedures.

Zoning Permits shall be issued in accordance with the following provisions and procedures:

- 18-802.01 Issuance and Display. The Zoning Administrator shall issue a Zoning Permit for any permitted use or structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The Zoning Permit shall indicate whether the use is a permitted use, a Conditional Use, or a variance and shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.
- 18-802.02 Application Procedure for Permitted Use. Applications for a Zoning Permit shall be submitted to the Zoning Administrator according to the following provisions:
  - 18-802.02-1 An application for a Zoning Permit for a permitted use shall be accompanied by two (2) copies of an acceptable site plan with such reasonable information shown thereon as shall be required by the Zoning Administrator to determine compliance with the Zoning Ordinance. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; driveways; parking areas and such other information regarding abutting property as directly affects the application;

FIG  
 ZONING ADMINISTRATION PROCESS  
 TOWN OF RICH CREEK



- 18-802.02-2 Each application for a Zoning Permit, upon issuance of the permit, shall be accompanied by payment of a fee;
- 18-802.02-3 The Administrator shall act on any application received within forty-five (45) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a forty-five (45) 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.
- 18-802.02-4 If the proposed use or construction described in the application required by Section 18-802.02-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town of Rich Creek, including but not limited to the required:
- (1) Virginia Statewide Uniform Building Code
  - (2) Health Department approval of Septic Tank System
  - (3) Highway Department Entrance Permit
  - (4) Flood Insurance-Floodplain Ordinance
  - (5) Erosion and Sediment Control Ordinance Plan
  - (6) Superintendent of the Public Service Authority
- The Zoning Administrator shall sign and return one (1) copy of the site plan to the applicant and shall issue a Zoning Permit. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;
- 18-802.02-5 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the Zoning Administrator shall not issue a Zoning Permit, but shall return one (1) copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this Ordinance with which the submitted plan does not comply. The Zoning Administrator shall retain one copy of the site plan and one (1) copy of the refusal.
- 18-802.03 Application Procedures for Conditional Uses. Applications for a Conditional Use Permit for a Conditional Use shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for a recommendation to the Rich Creek Town Council. The Town Council will hold a public hearing and make a decision on the application. Applications for Zoning Permits for Conditional Uses must be submitted in accordance with the following procedures:
- 18-802.03-1 An application shall be accompanied by ten (10) copies of an acceptable site plan drawn in accordance with applicable provisions of Section 18-802.00 of this Ordinance, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; street names and street right-of-way lines; driveways; parking areas and such other information regarding abutting property as directly affects the application;

- 18-802.03-2 Each application for a Zoning Permit for a Conditional Use shall be accompanied by a payment of a fee as set forth in Article 18-10 to help defray the cost of publicizing and conducting the public hearing;
- 18-802.03-3 The application shall be sent to the Commission for review and recommendation, and said Commission shall have thirty (30) days within which to submit a report. If the Commission fails to submit a report within a thirty (30) day period, it shall be deemed to have approved the proposed Conditional Use;
- 18-802.03-4 The Town Council shall consider the proposed Conditional Use after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 18-15.1-431 of the Code of Virginia, 1950, as amended, and shall take action on the proposed Conditional Use within thirty (30) days from the date of the public hearing;
- 18-802.03-5 In evaluating the proposed Conditional Use the Town Council shall address the following concerns:
- (a) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;
  - (b) The current and future need for the proposed use in the Town of Rich Creek; and
  - (c) The character of the existing neighborhood and the effect of the proposed use on existing property values;
- 18-802.03-6 Conditions set forth in Article 18-802.03-5 for the various Conditional Uses are minimum. In approving a proposed Conditional Use the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Town Council;
- 18-802.03-7 If the Town Council approves the application for a Zoning Permit for a proposed Conditional Use, the Zoning Administrator shall issue a Conditional Use Permit, indicating the conditional nature of the use;
- 18-802.03-8 If the Town Council disapproves the application for a Zoning Permit for a proposed Conditional Use, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reason for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;
- 18-802.03-9 A property owner, or his appointed agent, shall not initiate action for a Conditional Use Permit relating to the same Conditional Use affecting the same parcel of land more often than once every twelve (12) months;
- 18-802.03-10 A Conditional Use Permit must be put into effect six (6) months after the date the permit is issued, unless otherwise provided in the permit itself;
- 18-802.03-11 A Conditional Use Permit may be revoked by the Town Council if the Council finds that the holder of the permit has violated the conditions of the permit or one (1) or more of the “additional requirements” in Section 18-802.03-6.

- 18-802.03-12 Renewal of a conditional use permit does not require a public hearing unless the original conditions in the permit are changed, however notice of the renewal will be shown on the agenda of the Town Council;
- 18-802.03-13 Upon change of ownership, any conditioned use permit for the property shall expire.
- 18-802.04 Application Procedures for Ordinance or Map Amendment. The Rich Creek Town Council may from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Governing Body or Planning Commission proposing the rezoning shall state the above public purposes therefore.
- 18-802.04-1 Applications for amendments initiated by any person, firm, or corporation owning the subject property shall be submitted in writing to the Zoning Administrator and shall be accompanied by two (2) copies of an acceptable site plan, where applicable, of the proposed amendment with such reasonable information shown thereon as shall be required by the Zoning Administrator. Where site plans are required, they shall show, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimension and the use of structures; easements (private and public) water courses, fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application. Proposals for amendments not initiated by either the Commission or the Town Council shall be accompanied by payment of a fee as set forth in Article 18-10;
- 18-802.04-2 The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended. The Commission shall then present the proposed amendment along with site plans and explanatory materials, where applicable, to the Town Council with its recommendations. If the Commission fails to submit its recommendations within thirty (30) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment;
- 18-802.04-3 The Rich Creek Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within thirty (30) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.1-431 of the Code of Virginia;
- 18-802.04-4 Any petition for an amendment may be withdrawn prior to action thereon by the Town Council at the discretion of the person, firm or corporation initiating such a request, upon written notice to the Zoning Administrator;
- 18-802.04-5 No more than one application for any amendment affecting a specific parcel of land may be initiated during any single twelve (12) month period.
- 18-802.05 Procedures for Proffering Conditions to Zoning District Regulations.
- 18-802.05-1 Intent. The intent of this section is to provide (pursuant to Sections 15.1-491.1 through 15.1-491.5 of the Code of Virginia, 1950, as amended) to the zoning district regulations or the zoning district map;
- 18-802.05-2 Pre-offer of Conditions. An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this Ordinance, as part of an amendment to the zoning district regulations or the zoning district map. The pre-offered conditions shall be in writing and shall be made prior to the public hearing before the Town Council. In addition:

- a. The rezoning itself must give rise to the need for the conditions.
- b. The conditions pre-offered shall have a reasonable relation to the rezoning.
- c. The conditions pre-offered shall not include a cash contribution to the Town.

18-802.05-3 Expiration. Any zoning permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the permit has issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

18-803.00 Certificate of Occupancy

Certificates of Occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

18-803.01 Certificate of Occupancy Required. A certificate of occupancy shall be required in advance of occupancy or use of:

18-803.01-1 A building hereafter erected;

18-803.01-2 A building hereafter altered so as to affect height or the side, front, or rear year dimensions;

18-803.01-3 A change of type of occupancy or use of any building or premises.

18-803.02 Issuance of Certificate of Occupancy. The Zoning Administrator shall sign and issue a Certificate of Occupancy, as stated on the application for such certificate and signed there to by the owner or his agent, is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted for the permit.

18-803.03 Denial of Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions as set forth herein.



## ARTICLE 18-9

### SUBDIVISION REGULATIONS

18-901.00	Subdivision Requirements
18-902.00	Statutory Provisions
18-903.00	Platting Required
18-904.00	General Requirements
18-905.00	Utility Requirements
18-906.00	Relation to Erosion and Sediment Control Laws
18-907.00	Plat Required-Approval Before Sale
18-908.00	Final Plat
18-909.00	Consideration of Final Plats
18-910.00	Lotline Revision
18-911.00	Vacation of Plat
18-912.00	Advertising Standards
18-913.00	Exceptions

- 18-804.00 Board of Zoning Appeals
- 18.804.01 Initial Appointment. The initial appointment of the Board shall be as follows: One (1) member for one (1) year; one (1) member for two (2) years; one (1) member for three years; one (1) member for four (4) years; and one (1) member for five (5) years.
- 18.804.02 Terms of Office. Appointments shall be for five years each. The Secretary of the Board of Appeals shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed.
- 18.804.03 Public Offices Held. No member shall hold nay public office except that one (1) member shall be a member of the Commission.
- 18.804.04 Compensation. Members of the Board may receive such compensation as may be authorized by the Governing Body.
- 18.804.05 Support. Within the limits of funds appropriated by the Governing Body, the Board of Appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- 18.804.06 Vacancies. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. Members shall be removable for cause by the circuit court upon written charges and after hearing held after at least fifteen (15) days notice.
- 18.805.00 Rules of Procedure

The Board shall observe the following procedures:

- 18-805.01 Said Board shall adopt rules in accordance with the provisions of this Ordinance and consistent with other ordinances of the Rich Creek and general laws of the Commonwealth for the conduct of its affairs.
- 18-805.02 Said Board shall elect a Chairman, Vice Chairman, and Secretary from its own membership who shall serve annual terms as such and may succeed themselves.
- 18-805.03 Said Board will keep a full public record of its proceedings and shall submit a report of its activities to the Town Council at least once each year.
- 18-805.04 All meetings of said Board shall be open to the public.
- 18-805.05 Any member of said Board shall be disqualified to act upon a matter before said Board with respect to property in which the member has an interest.
- 18-805.06 The meetings of said Board shall be held at the call of the Chairman and at such other times as a quorum of said Board may determine.
- 18-805.07 The Chairman, or in his absence the Vice Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.
- 18-805.08 A quorum shall be at least three (3) members.
- 18-805.09 A favorable vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which said Board is empowered.

18-806.00 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following duties and powers:

- 18-806.01 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Ordinance.
- 18-806.02 To authorize upon original application in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done as follows:
- 18-806.02-1 When a property owner can show that this property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property, thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance;
- 18-806.02-2 No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the Ordinance would produce undue hardship; (2) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variation;
- 18-806.02-3 No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended;
- 18-806.02-4 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 Ordinance;
- 18-806.02-5 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.

18-807.00 Application for Variances

Application for variances from this Ordinance may be made by property owner, tenant, governmental official, department, board, or bureau.

- 18-807.01 Application. Application shall be made to the Zoning Administrator. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); water courses; fences; road names and road right-of-way lines; and such other information regarding abutting property as directly affects the application. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board. The Zoning Administrator shall also

transmit a copy of the application and materials to the local commission which may send a recommendation to the Board within thirty (30) days or appear as a party at the hearing.

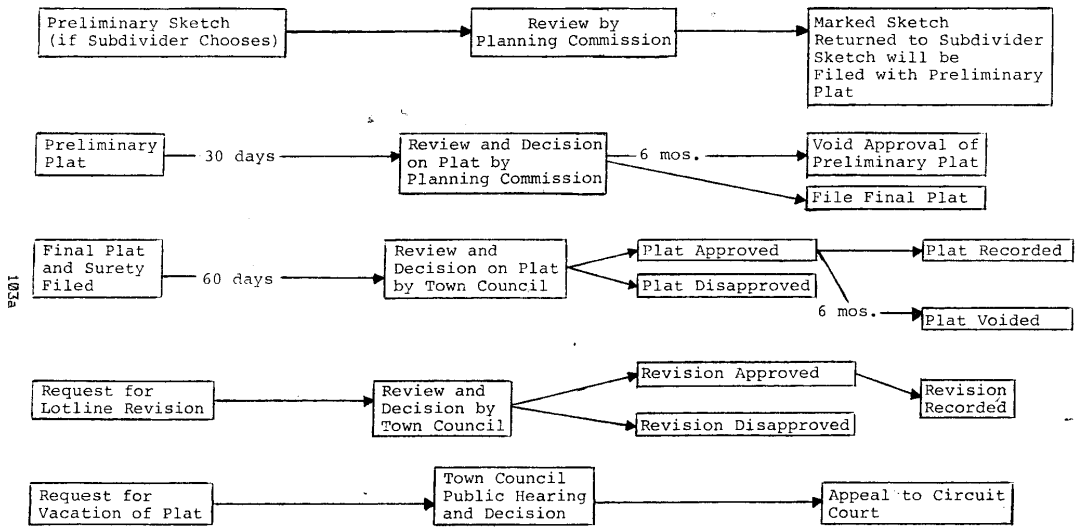
- 18-807.02 Hearing and Action. The secretary shall place the matter on the docket to be acted upon by the Board. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, 1950, as amended. The Board shall decide same within thirty (30) days from the date of such hearing.
- 18-807.03 Limitation of Hearings. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board relating to the same parcel of land more often than once every twelve (12) months without specific approval of the Board.
- 18-807.04 Withdrawal of Application. Any petition for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.
- 18-807.05 Fee. Each application for a variance shall be accompanied by payment of a fee set forth in Article 18-10 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.
- 18-808.00 PROCEDURE FOR REQUESTING A HEARING BEFORE THE BOARD OF ZONING APPEALS

Requests for a hearing before the Board of Zoning Appeals for an administrative review shall observe the following procedures:

- 18-808.01 An appeal to the Board may be taken by any person aggrieved by, or by an officer, department, board, or the Town of Rich Creek affected by a decision of the Zoning Administrator within thirty (30) days after the decision.
- 18-808.02 Applications for appeal shall be submitted to the Zoning Administrator who shall refer the application to the Board, such applications shall specify the grounds for appeal.
- 18-808.03 The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action being appealed was taken.
- 18-808.04 An appeal shall stay all proceedings in furtherance of the action being appealed unless the Zoning Administrator certifies to the Board that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a Court of Record, and on notice to the Zoning Administrator and for good cause shown.
- 18-808.05 The Board shall fix a reasonable time for the hearing of appeals; the Board shall consider appeals after notice and hearing as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, and decide the same within thirty (30) days from the date of such public hearing.
- 18-808.06 In exercising the powers granted the Board in Section 18-806.00 of this Ordinance, the said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Zoning Administrator, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a Zoning Permit.

- 18-808.07 Any application for appeal before the Board may be withdrawn prior to action hereon by said Board at the discretion of the person, firm, or corporation initiating such request upon written notice to the Secretary of said Board.
- 18-808.08 Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 18-10 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.
- 18-809.00 DECISION OF BOARD OF ZONING APPEALS
- 18-809.01 Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, board, or bureau of Rich Creek may present to the Circuit Court of Giles County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.
- 18-809.02 Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision being appealed, but the Court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.
- 18-809.03 The Board 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 of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision being appealed and shall be verified.
- 18-809.04 If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly, or in part, or may modify the decision brought up for review.
- 18-809.05 Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision being appealed.
- 18-810.00 ADMINISTRATION OF THE SUBDIVISION REGULATIONS
- 18-810.01 Subdivision Ordinance Administrator. The administrator shall be appointed by and shall serve at the pleasure of the Rich Creek Town Council which shall fix the compensation of the administrator.
- 18-810.02 Powers and Duties Relative to Subdivision Administration. The subdivision administrator is authorized and empowered on behalf of and in the name of the Rich Creek Town Council to administer and enforce the provisions set forth in Article 18-9 of these regulations, other pertinent provisions, and Section 15.1-465 et. seq., Code of Virginia, 1950, as amended. The administrator may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority, by the agent, shall have particular reference to the resident highway engineer and the health official.
- 18-810.03 Subdivision Administration Process. Figure 2 outlines the administrative process to be followed under the provisions of the Subdivision Regulations found in Article 18-9.

FIGURE 2  
 ADMINISTRATION OF SUBDIVISION REGULATIONS  
 TOWN OF RICH CREEK



103a

ARTICLE 18-9

SUBDIVISION REGULATIONS

18-901.00 SUBDIVISION REQUIREMENTS

Under the authority to establish subdivision regulations recorded in Article 18-1, Section 18-102, and the purposes outlined in Article 18-2 at Section 18-201.08 and 201.09, the regulations established herein constitute minimum requirements which shall apply to all subdivisions, except as hereinafter provided.

18-902.00 STATUTORY PROVISIONS

The following statutory provisions shall be effective in the Town of Rich Creek:

18-902.01 No person shall subdivide land without making a plat of such subdivision, recording it in the office of the Circuit Court of Giles County and without fully complying with the provisions of this article.

18-902.02 No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the local the Rich Creek Town Council or its duly authorized agent and by the commissions, Governing Bodies, or agents, as the case may be, of each county or municipality having a subdivision ordinance, in which any part of the land lies.

18-902.03 No person shall sell or transfer any land of a subdivision before such plat has been duly recorded as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto or bona fide divisions in accordance with the authority referenced in Article 18-1, Section 18-102.10.

18-902.04 Any person violating the foregoing provisions of this section shall be subject to a fine of not more than five hundred dollars for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

18-902.05 No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until such plat has been approved as required herein; and the penalties provided by Section 17-59 of the Code of Virginia shall apply to any failure to comply with the provisions of this subsection.

18-903.00 PLATTING REQUIRED

Whenever the owner or proprietor of any tract of land within the Town of Rich Creek desires to subdivide the same, he shall submit a plat of the proposed subdivision to Rich Creek through the designated administrator. The administrative process for the "Subdivision Regulations-Town of Rich Creek" are found in Article 18-8, Section 18-810. No such plat of a subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the administrator in accordance with the regulations set forth in this Ordinance. No lot shall be sold in any such subdivision before the plat shall have been recorded in the office of the Clerk of Court of Giles County, Virginia.

18-903.01 Draw and Certify. Every subdivision plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate.

- 18-903.02 No One Exempt. No person shall subdivide any tract of land that is located within the Town of Rich Creek, except in conformity with the provisions of this Ordinance and the applicable provisions of the Code of Virginia, 1950 as amended.
- 18-903.03 Mutual Responsibility. There is a mutual responsibility between the subdivider and the Town of Rich Creek to divide the land so as to improve the general use patterns of the land being subdivided.
- 18-903.04 Land must be Suitable. The Town Council shall not approve the subdivision of land if from adequate investigation conducted by the public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- 18-903.05 Improvements. All required improvements shall be installed by the subdivider at his cost. Specifications and requirements set forth in this regulation shall be followed. The subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate official:
- 18-903.05-1 The subdivider or developer shall pay a pro rate share of the cost of providing reasonable and necessary sewerage and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development; provided, however, that no such payment shall be required until such time as the Town Council or a designated department or agency thereof shall have established a general sewer and drainage improvement program for an area having related and common sewer and drainage conditions and within which the land owned or controlled by the subdivider or developer is located. Each such payment received shall be expended only for the construction of those facilities for which the payment was required, and until so expended shall be held in an interest-bearing account for the benefit of the subdivider or developer; in lieu of such payment other methods of performance guarantee satisfactory to the Governing Body shall be posted conditioned on payment at the commencement of such construction.
- 18-903.05-2 Necessary Changes. No change, erasure or revision shall be made on any final plat, nor on accompanying data sheets after approval by the Town Council has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing on behalf of the Council.
- 18-903.06 Private Contracts. This regulation bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this Ordinance calls for more restrictive standards than are required by private contract, the provisions of this Ordinance shall control.

18-904.00 GENERAL REQUIREMENTS

The general specifications and requirements set forth in this section shall be followed:

- 18-904.01 Lot Size. Lot size shall be in accordance with the lot requirement for the zoning district in which the subdivision is to be located as prescribed in Article 18-7 of the Land Development Regulation.
- 18-904.02 Lot Shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to the topography, and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage by adding area which would be unusable for normal purposes.



- 18-904.03 Lot Side Lines. Side lines of lots shall be approximately at right angles, or radial to the street line.
- 18-904.04 Lot Shall Abut on a Street Dedicated to Public Use. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not fifty (50) feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of said roads or streets to a width of fifty (50) feet.
- 18-904.05 Remnants. Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of a homeowners association rather than allowed to remain as unusable parcels.
- 18-904.06 Block Length. The maximum length of blocks shall be twelve hundred (1200) feet, and the minimum length of blocks upon which lots have frontage shall be five hundred (500) feet.
- 18-904.07 Block Width. Blocks should be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property, in which case the agent may approve a single tier of lots of minimum depth.
- 18-904.08 Block Orientation. Where a proposed subdivision adjoins a major road, the Town may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.
- 18-904.09 Street Design and Standards.
- 18-904.09-1 For all residential subdivisions, all streets shall be constructed in accordance with Virginia Department of Transportation road standards;
- 18-904.09-2 All street and alleys shall be graded to their full width to the cross section and grade approved by the Town Council with embankment slopes lying outside the right-of-way;
- 18-904.09-3 The subdivider shall construct and surface all platted streets.
- 18-904.10 Street Alignment and Layout. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Town, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than sixty (60) degrees, unless approved by the administrator.
- 18-904.11 Alleys. Alleys should be avoided whenever possible, if permitted the right-of-way will be not less than 20 feet.
- 18-904.12 Cul De Sacs. Streets designed to have one end permanently closed must be terminated by a turn-around of not less than 100 feet in diameter.
- 18-904.13 Reserve Strips. There shall be no reserve strips controlling access to public streets.

- 18-904.14 Street Names. Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary and final plats, and shall be approved by the Town. Names of existing streets shall not be changed except by specific approval.
- 18-904.15 Street Identification Signs. Street identification signs of an approved design shall be installed at all intersections.
- 18-904.16 Monuments. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by this regulation are clearly visible for inspection and use. Such monuments shall be inspected and approved by the administrator before any improvements are accepted:
- 18-904.16-1 Location-Concrete or other Approved Permanent Materials. Concrete or other approved permanent material monuments four (4) inches in diameter or square, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and appoints of curve in each street. The top of the monument shall be set flush with the finished grade;
- 18-904.16-2 Location-Iron Pipe or other Approved Permanent Materials. All other lot corners shall be marked with approved permanent material or iron pipe not less than three-fourths (3/4) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four (4) inches deep in the rock into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.
- 18-904.17 Reservation of Land for Public Purposes. The Town may require subdividers of residential subdivision to set aside land for parks, playgrounds, schools, libraries, municipal buildings, and similar public and semipublic uses, subject to the following regulations:
- 18-904.17-1 Subdividers shall not be required to dedicate land for parks or playgrounds, exclusive of street and drainage reservations, without reimbursement by the Governing Body. Where land is required in excess of this amount, the reimbursement by the Governing Body shall be based on a proportionate share of the (1) cost of raw land; (2) cost of improvements, including interests or investments; (3) development costs; plus (4) not more than ten (10) percent profit on the total of such costs;
- 18-904.17-2 Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. The amount of reimbursement shall be determined as in 18-904.17-1. They shall not be required to hold land longer than eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on his final plat, by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserve land, and may sell such lots, after the expiration date of the reservation, by lot number, without filing an amended plat;
- 18-904.17-3 The Council shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision;
- 18-904.17-4 Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

- 18-905.00 UTILITY REQUIREMENTS
- 18-905.01 Plans and Specifications for Utility Fixtures and Systems to be Submitted for Approval. If the owners of any such subdivision desire to construct in, on, or under any streets or alleys located in such subdivision any gas, water, sewer, or electric light or power works, pipes, wires, fixtures, or systems, they shall present plans or specifications therefore to the Governing Body of the Town of Rich Creek or its authorized agent for approval. The Governing Body shall have sixty (60) days in which to approve or disapprove the same. In event of the failure of the Governing Body, or its agent, to act within such period, such plans and specifications may be submitted, after ten days notice to the Town, to the judge of the Circuit Court having jurisdiction within Town for approval or disapproval, and approval thereof shall, for all purposes of this article, be treated and considered as the approval of the Town. All Utilities shall be underground.
- 18-905.02 Septic Tanks. The Governing Body shall not approve any subdivision where sanitary sewers are not provided unless it shall receive in writing from the Health Department, a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks, and that they will not, so far as can be determined, create hazards to public health, and that approval by the Governing Body is only with the understanding that where septic tanks are to be installed, they must be approved on an individual basis by the Health Department.
- 18-905.03 Public Water and/or Sewer. Where public water and/or sewer is available, the service shall be extended to all lots within a subdivision by the developer.
- 18-905.04 Private Water and/or Sewer. Where public water and/or sewer is not available, nothing in this regulation shall prevent the installation of privately owned water distribution systems or sewage collection and treatment facilities, provided, however, that any such installations must meet all of the requirements of the State Water Control Board, the State Health Department, and any other State or local regulations having authority over such installations.
- 18-905.05 Fire Protection. Fire hydrants shall be installed according to the specifications of the Public Service Authority where water supply is available.
- 18-905.06 Flood Control and Drainage. If any portion of the proposed subdivision is determined by the agent to be in the 100 year floodplain, the subdivider shall provide the necessary information to demonstrate that the presence of the 100 year floodplain was considered in the layout of the subdivision. The subdivider shall also provide the plans for meeting the statewide stormwater management criteria, or alternate criteria adopted by the Town Council. The Flood Control and Drainage information shall include a property certified engineer's statement that such improvements, when properly installed will be adequate to meet the criteria as applied to the proposed development.
- 18-905.07 Utility Easements. The Town may require easements for drainage through adjoining property be provided by the subdivider. Easements of not less than ten (10) feet in width shall be provided for water, sewer, power lines, and other utilities to serve the subdivision when required.
- 18-905.08 Town not Obligated to Pay for Grading, Paving, etc. Nothing herein shall be construed as creating an obligation upon the Town of Rich Creek to pay for grading or paving, or for sidewalks, sewers, water systems, curb and gutter improvements, or other construction.

18-906.00 RELATION TO EROSION AND SEDIMENT CONTROL LAWS

The General Assembly has determined that the lands and waters comprising the watersheds of the State are great natural resources which are being adversely affected by the rapid shift in land use from agricultural to nonagricultural uses. The General Assembly found it necessary to establish and implement the Virginia Erosion and Sediment Control law to control erosion and sedimentation from land-disturbing activities.

18-906.01 Subdivision Development Included as Land-disturbing Activity. The Code of Virginia includes the term subdivision development along with activities disturbing 10,000 or more square feet of land for commercial or noncommercial uses.

18-906.02 Erosion and Sedimentation Plan Required. At the time of filing the preliminary plat, an erosion and sedimentation control plan will also be filed (see 18-904.02-9) in accordance with the Giles County Erosion and Sediment Control Ordinance and the provisions of the Virginia Erosion and Sediment Control Handbook.

18-907.00 PLAT REQUIRED—APPROVAL BEFORE SALE

Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the administrator for the approval of the subdivision by submitting ten (10) copies of a preliminary plat including the lot, street, and utility layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded:

18-907.01 Preliminary Sketch. The subdivider may, if he so chooses, submit to the administrator a preliminary sketch of the proposed subdivision prior to his preparing detailed preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans, in general, are in accordance with the requirements of this Ordinance. Upon submission of any such preliminary sketch, it shall be studied and the subdivider advised where it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes and any such marked sketch shall be returned to the Council with the preliminary plat. The preliminary sketch shall be as follows:

18-907.01-1 It shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to an appropriate scale i.e., two hundred (200) feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds, and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

18-907.02 Preliminary Plat. The subdivider shall present to the administrator ten (10) copies of a preliminary layout at an appropriate scale i.e. one (1) inch equal to 100 feet. The preliminary plat shall include the following information:

18-907.02-1 Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of sheets, north point, and scale;

18-907.02-2 Location of proposed subdivision by an inset map at a scale of not less than one inch equal to 2000 feet showing adjoining roads, their names and number, towns, subdivisions, and other landmarks;

18-907.02-3 The boundary survey or existing survey of record provided such survey shows a closure with an accuracy of not less than one in twenty-five hundred; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract, and adjoining such boundaries;

- 18-907.02-4 All existing, platted, and proposed streets, their names, numbers, and widths, existing utility or other easements, public areas, and parking spaces; culverts, drains, and water courses, their names and other pertinent data;
- 18-907.02-5 All parcels of land to be dedicated for public use and the conditions of such dedication;
- 18-907.02-6 Topography at an appropriate interval;
- 18-907.02-7 Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets together with proposed grad lines connecting therewith;
- 18-907.02-8 Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply;
- 18-907.02-9 Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required, (see 18-906.02);
- 18-907.02-10 Procedure. The Planning Commission shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the Land Development Code. The subdivider shall then be advised in writing within thirty (30) days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made, and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Planning Commission shall require bona fide estimate of the cost of improvements to be furnished by the subdivider;
- 18-907.02-11 No Guarantee. Approval by the Town Planning Commission or administrator of the preliminary plat does not constitute guarantee of approval of the final plat;
- 18-907.02-12 Six Months Limit. The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the administrator a final subdivision plat in accordance with this section. Failure to do so shall make preliminary approval null and void. The administrator may, on written request by the subdivider, grant an extension of this time limit.

18-908.00 FINAL PLAT

Ten (10) copies and the original of the final plat shall be submitted to the Planning Commission. The original of the subdivision plat submitted for final approval by the Town Council and subsequent recording shall be clearly and legibly drawn in ink upon stable based material at an appropriate scale, i.e., one hundred (100) feet to the inch on sheets not exceeding 18 inches by 24 inches in size and meeting the other standards of the Virginia Library Board Classification: 440-01-137.6. When a subdivision cannot be platted on sheets of this size, it is suggested that it be platted in sections, numbering the section numerically, as Section 1, 2, etc., of subdivision.

18-908.01 Plat should contain at least the following information:

- 18-908.01-1 Name of subdivision, town, county, owner, north point, scale of drawing, and number of sheets. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A space containing the Certificate of Approval, (see Appendix A), shall be provided for the use of the approving authority;

- 18-908.01-2 Location of proposed subdivision by an insert map, at a scale of not less than 1 inch equals 2000 feet, indicating adjoining roads, their names and numbers, towns, subdivisions, and other landmarks;
- 18-908.01-3 A boundary survey with an error of closure within the limits of one (1) in five thousand (5,000) related to the true meridian and showing the location of all monuments and their type of material. The survey may be related to the State Plan Coordinate grid, if the Coordinates of two (2) adjacent corners of the subdivision are shown;
- 18-908.01-4 A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, which shall be signed by the owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer.
- 18-908.01-5 When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat;
- 18-908.01-6 The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites, or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers, and widths; existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes, and underground conduits including their size and type; water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries;
- 18-908.01-7 All dimensions shown shall meet the standards published by the State Board of Licensing;
- 18-908.01-8 The data of all curves along the street frontages shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord, and chord bearings;
- 18-908.01-9 A professional engineer or surveyor shall certify that all required facilities are designed and built to the requisite standards (see Appendix A).
- 18-909.00 CONSIDERATION OF FINAL PLATS
- 18-909.01 The Town Council shall act on proposed final plats within thirty (30) days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reasons therefore. The specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat;
- 18-909.01-1 If the Town Council fails to act on the proposed plat within thirty (30) days after it has been officially submitted for approval, the subdivider, after ten (10) days written notice to the Town Council may petition the Circuit Court of Giles County to decide whether the plat should or should not be approved. The Court shall hear the matter and make and enter such order with respect thereto as it deems proper;
- 18-909.01-2 If the Town Council disapproves a plat and the subdivider contends that such disapproval was not properly based on the Ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Circuit Court having jurisdiction of such land, and the Court shall and determine the case as soon as possible, provided that his appeal is filed with the Circuit Court within thirty (30) days of the written disapproval by the Town Council;

- 18-909.01-3      The subdivider shall have not more than six (6) months after receiving final approval to file the subdivision plat for recordation. If a plat is not filed for recordation within the time limit such approval shall be withdrawn and the plat marked void and returned;
  
- 18-909.01-4      Before the acceptance of dedication for public use of any right-of-way located within any subdivision which has been constructed or proposed to be constructed within the subdivision, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system, or other improvement financed or to be financed in whole or in part by private funds the owner or developer must: (1) certify to the Town Council that the construction costs have been paid to the person constructing such facilities; or (2) furnish to the Town Council a certified check, letter of credit, cash escrow, or contract for construction in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the Governing Body, in an amount sufficient for and conditioned upon the construction of such facilities;
  
- 18-909.01-5      Should the Town have accepted the dedication of a road for public use and such road is not acceptable into the State Highway System due to factors other than its quality of struction, the Town may require the subdivider or developer to furnish a maintenance and indemnifying bond or letter of credit with surety satisfactory to the Town Council, in an amount sufficient for, and conditioned upon, the maintenance of such road until such time as it is accepted into the State Highway System;
  
- 18-909.01-6      Recordation. The recordation of such plat with all necessary approvals shall operate to transfer, in fee simple, to the Town of Rich Creek such portion of the premises platted as is on such plat set apart for streets, alleys, or other public use and to transfer to the Town any easement indicated on such plat to create public right of passage over the same.
  
- 18-909.01-7      Conditions. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this Ordinance, and has made satisfactory arrangements for performance bonds, the satisfaction of the agent. Approval of final plat shall be written by the agent on the face thereof.

18-910.00      LOTLINE REVISIONS

A lotline on an existing parcel may be revised as long as the revision will not be in conflict with any provisions of the Town of Rich Creek Land Development Regulations.

- 18-901.01      Procedure. The property owner or proprietor of a tract of land in Rich Creek shall file a plat meeting the requirements of 18-908.00. The Town Council shall review the proposed revision and consideration will follow the process outlined in 18-909.00.

18-911.00      VACATION OF PLAT

A plat may be vacated by Ordinance of the Governing Body of the Town of Rich Creek in which the land shown on the plat or part thereof to be vacated lies, on motion one of its members, or on application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by 15.1-431. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of the Ordinance is to be considered. An appeal from the adoption of the Ordinance may be filed within thirty days with the Circuit Court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon such appeal, the court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation shall be recorded in the clerk's office of the court in which the plat is recorded.

18-911.01 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

(a) By instrument in writing agreeing to said vacation signed by all the owners of lots shown on said plat and also signed on behalf of the Governing Body of the town in which the land shown on the plat or part thereof to be vacated lies for the purposes of showing the approval of such vacation by the Governing Body. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which said plat is recorded; (b) By Ordinance of the Town of Rich Creek Council on motion of one of its members or on application of any interested person. Such Ordinance shall not be adopted until after notice has been given as required by Section 15.1-431. Said notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the Governing Body at which the adoption of the Ordinance will be voted upon. Any person may appear at said meeting for the purpose of objecting to the adoption of the Ordinance. An appeal from the adoption of the Ordinance may be filed within thirty days with the Circuit Court having jurisdiction over the land shown on the plat or part thereof to be vacated. Upon such appeal the Court may nullify the Ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the Ordinance is filed within the time provided or if the Ordinance is upheld on appeal, a certified copy of the Ordinance of vacation shall be recorded in the clerk's office of any court in which the plat is recorded.

18-912.00 ADVERTISING STANDARDS

18-912.01 A subdivider, when advertising a subdivided tract of land for sale, shall be specific as to whether or not officially approved water and sewage facilities are available.

18-913.00 EXCEPTIONS

Where the subdivider can show that provision of these standards would cause unnecessary hardship if strictly adhered to, and where because of topographical or other conditions peculiar to the site, in the opinion of the Town a departure may be made without destroying the intent of such provisions, the Town Council may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Town Council with the reasoning, on which the departure was justified, set forth.



ARTICLE 18-10

SCHEDULE OF FEES (Amended 7/9/07)

18-1001.00	Fees Related to Zoning
18-1002.00	Fees Related to Amendments
18-1003.00	Fees Related to Subdivisions
18-1004.00	Return of Fees

ARTICLE 18-10

SCHEDULE OF FEES

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

18-1001.00 FEES RELATED TO ZONING

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

18-1001.01 Each applicant for a Zoning Permit shall be responsible for the direct costs incurred by the Town in responding to the request, whether approved or disapproved. The fees shall be paid within 30 days of receipt of a bill from the Town.

18-1001.02 Each applicant for a hearing before the Board for an administrative review or a variance shall be responsible for the direct costs involved in the hearing.

18-1002.00 FEES RELATED TO AMENDMENTS

Each applicant for an amendment shall be responsible for the direct costs of the Town.

18-1003.00 FEES RELATED TO SUBDIVISIONS

The following fees shall apply for applications relating to subdivision regulations:

18-1003.01 There shall be no fee for submission of a preliminary sketch.

18-1003.02 Submission of a preliminary plat shall obligate the developer for the direct costs incurred by the Town in reviewing the Plat not to exceed 150 dollars.

18-1003.03 Submission of a final plat shall require no fee unless there are substantial changes between the preliminary plat and the final plat.

18-1003.04 The fee for a request for vacation of a plat shall be the direct costs incurred by the Town directly related to the request.

ADOPTED: July 9, 2007

ORDINANCE NO. 07-02

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 18-10 OF THE LAND DEVELOPMENT REGULATIONS FOR THE TOWN OF RICH CREEK, AS AMENDED, FOR THE PURPOSE OF CHANGING THE FEES.

BE IT ORDAINED by the Town Council of the Town of Rich Creek, Virginia, as follows:

#### ARTICLE 18-10

#### SCHEDULE OF FEES

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

##### 18-1001.0 FEES RELATED TO ZONING

The following fees shall apply for applications relating to zoning regulations. All fees are non-refundable whether the request is approved or disapproved.

18-1001.01 Each applicant for a Zoning Permit shall be responsible for the direct cost incurred by the Town in responding to the request. A minimum fee of ten dollars (\$10.00) is due when applications are submitted. Additional cost shall be paid within thirty (30) days of receipt of a bill from the Town.

18-1001.02 Each applicant for a hearing before the Board or Commission for an administrative review or a variance shall be responsible for the direct cost involved in the hearing. A minimum fee of two hundred dollars (\$200.00) is due when the review or variance is requested. Additional cost shall be paid within thirty (30) days of receipt of a bill from the Town.

##### 18-1002.0 FEES RELATED TO AMENDMENTS

Each applicant for an amendment shall be responsible for the direct cost of the Town. A minimum fee of ten dollars (\$10.00) is due when the amendment is requested.

#### 18-1003.0 FEES RELATED TO SUBDIVISIONS

The following fees shall apply for applications relating to subdivision regulations:

18-1003.01 There shall be no fee for submission of a preliminary sketch.

18-1003.02 Submission of a preliminary plat shall obligate the developer for the direct cost incurred by the Town in reviewing the plat not to be less than two hundred dollars (\$200.00).

18-1003.03 Submission of a final plat shall require a fee unless there are substantial changes between the preliminary plat and the final plat.

18-1003.04 The fee for a request for vacation of a plat shall be the direct cost incurred by the Town directly related to the request.

ARTICLE 18-11

VIOLATION AND PENALTY

18-1101.00	Violation
18-1102.00	Complaints Regarding Violations
18-1103.00	Penalties

18-1101.00 VIOLATION

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

18-1102.00 COMPLAINTS REGARDING VIOLATIONS

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

18-1103.00 PENALITES

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to five hundred dollars (\$500.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

ARTICLE 18-12

LEGAL STATUS PROVISIONS

18-1201.00	Conflict with other Laws
18-1202.00	Validity
18-1203.00	Repealed Resolutions and Ordinances
18-1204.00	Effective Date

ARTICLE 18-12

LEGAL STATUS PROVISIONS

18-1201.00 CONFLICT WITH OTHER LAWS

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

18-1202.00 VALIDITY

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

18-1203.00 REPEALED RESOLUTIONS AND ORDINANCES

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

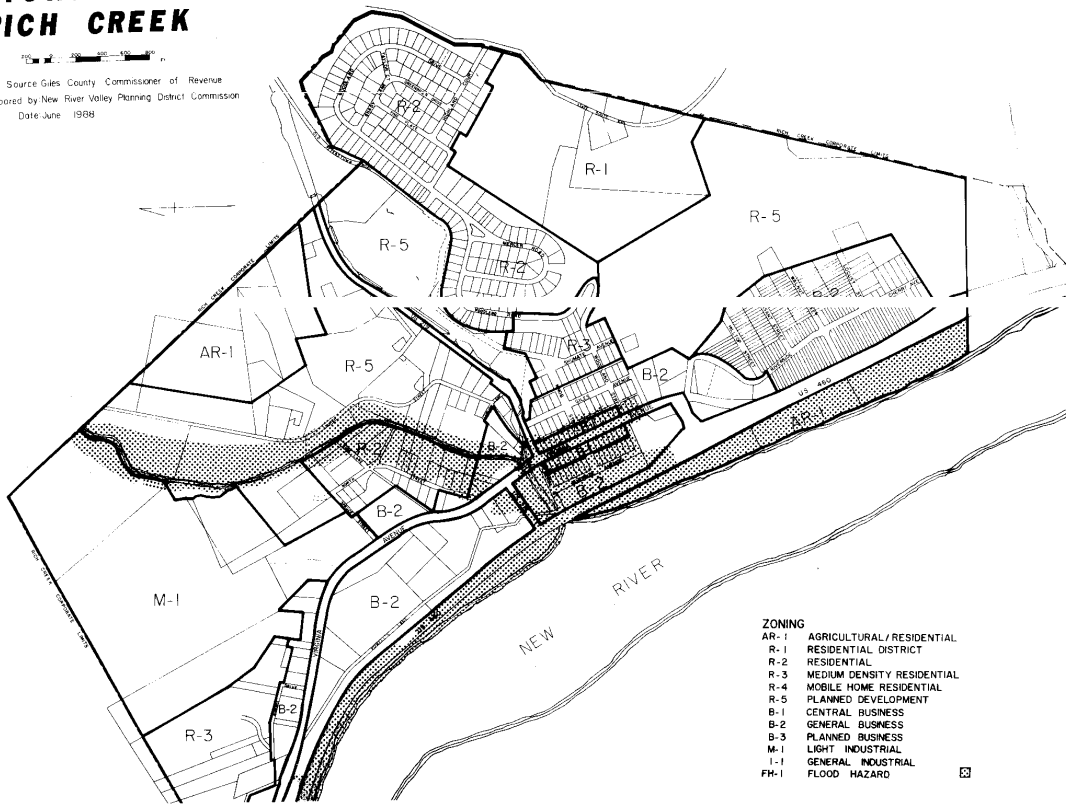
18-1204.00 EFFECTIVE DATE

These regulations shall take effect and be in force from and after May 5, 1988. A certified copy of the foregoing Land Development Regulations Ordinance of the Town of Rich Creek shall be filed in the office of the Administrator and in the office of the Clerk of the Circuit Court, Giles County, Virginia.



# TOWN OF RICH CREEK

Source: Giles County Commissioner of Revenue  
 Prepared by New River Valley Planning District Commission  
 Date: June 1988



**ZONING**

AR-1	AGRICULTURAL / RESIDENTIAL
R-1	RESIDENTIAL DISTRICT
R-2	RESIDENTIAL
R-3	MEDIUM DENSITY RESIDENTIAL
R-4	MOBILE HOME RESIDENTIAL
R-5	PLANNED DEVELOPMENT
B-1	CENTRAL BUSINESS
B-2	GENERAL BUSINESS
B-3	PLANNED BUSINESS
M-1	LIGHT INDUSTRIAL
T-1	GENERAL INDUSTRIAL
FH-1	FLOOD HAZARD