

**ZONING ORDINANCE
TOWN OF RICHLANDS, VIRGINIA
2013**

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AUTHORITY

Whereas, by act of the General Assembly of Virginia as provided in Chapter 28, Article 8, Sections 15.1-486 through 15.1-498, Code of Virginia and amendments thereto, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

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

Therefore, be it ordained, by the governing body of the Town of Richlands, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Section 15.1-427, that the following be adopted as the zoning ordinance of the Town of Richlands, Virginia, together with the accompanying map. This ordinance has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; and (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger of congestion in travel and transportation or loss of life, health, or property from fire, flood, panic or other dangers.

ARTICLE I – DEFINITIONS

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

- 1-1. ABATTOIR: A commercial slaughterhouse.
- 1-2. ACCESSORY USE OR STRUCTURE: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 1-3. ACREAGE: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot or any recorded subdivision plat.
- 1-4. ADMINISTRATOR, THE: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
- 1-5. AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.
- 1-6. ALTERATION: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 1-7. APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 1-8. AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed. (Code of Virginia, 1938, p. 439; Michie Code 1942, Sec. 3030c).
- 1-9. BASEMENT: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 1-10. BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 1-11. BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
- 1-12. BUILDING, ACCESSORY: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.
- 1-13. BUILDING, HEIGHT OF: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 1-14. BUILDING, MAIN: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.
- 1-15. CELLAR: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 1-16. COMMISSION, THE: The Planning Commission of the Town of Richlands, Virginia.
- 1-17. DAIRY: A commercial establishment for the manufacture and sale of dairy products.

- 1-18. DISTRICT: Districts as referred to in the State Code, Section 15.1-498.
- 1-19. DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers.
- 1-20. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by more than one (1) family.
- 1-21. DWELLING, TWO-FAMILY: A structure arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.
- 1-22. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- 1-23. DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.
- 1-24. DUMP HEAP (TRASH PILE): Any area of one hundred (100) square feet or more lying within one thousand (1000) feet of a State highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 1-25. FAMILY: One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a board house, lodging house, tourist home or hotel.
- 1-26. FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
- 1-27. GARAGE, PRIVATE: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units.
- 1-28. GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 1-29. GENERAL STORE, COUNTRY: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 1-30. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 1-31. 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.
- 1-32. GOVERNING BODY: The Town Council of the Town of Richlands, Virginia.
- 1-33. GUEST ROOM: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.
- 1-34. HISTORICAL AREA: As indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.
- 1-35. HOG FARM: A farm where hogs are kept and fed primarily on garbage transported from other places.

- 1-36. HOME GARDEN: A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.
- 1-37. HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural conducted within a dwelling by the occupant.
- 1-38. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes, and homes for the aged may be “home occupations” if they comply with the definition herein.)
- 1-39. HOSPITAL, SPECIAL CARE: A special care hospital shall mean an institution rendering care primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts.
- 1-40. HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
- 1-41. JUNK YARD: The use of any area of land lying within one hundred (100) feet of a State highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term “junk yard” shall include the term “automobile graveyard” as defined in Chapter 304, Acts of 1938, Code of Virginia.
- 1-42. KENNEL: A place prepared to house, board, breed, handle, or otherwise keep or care of dogs for sale or in return for compensation.
- 1-43. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale and auctioned off.
- 1-44. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- 1-45. LOT, CORNER: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.
- 1-46. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- 1-47. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 1-48. LOT, INTERIOR: Any lot other than a corner lot.
- 1-49. LOT, WIDTH OF: The average horizontal distance between side lot lines.
- 1-50. LOT OF RECORD: A lot, which has been recorded in the Clerk’s Office of the Circuit Court.
- 1-51. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
- 1-52. MOBILE HOME: A mobile home is a single-family housing unit designed for transportation, after fabrication, on streets and highway on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembly operation,

location on jacks or permanent foundations, connection to utilities and the like. (See Travel Trailer, 1-76).

- 1-53. **MOBILE HOME PARK OR SUBDIVISION:** Any area of one acre or more designed to accommodate six (6) or more mobile homes intended for residential use where residence is in mobile homes exclusively.
- 1-54. **NONCONFORMING LOT:** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-55. **NONCONFORMING ACTIVITY:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-56. **NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-57. **OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the dedicated street right of way.
- 1-58. **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 hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 1-59. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly approved by the State Health Department, and subject to special regulations as herein set forth.
- 1-60. **REQUIRED OPEN SPACE:** Any space required in any front, side, or rear yard.
- 1-61. **RESTAURANT:** Any building in which for compensation, food, or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionary shops or refreshment stands.
- 1-62. **RETAIL STORES AND SHOPS:** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustration: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, house-hold appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.
- 1-63. **SAWMILL:** A sawmill located on a private property for the processing of timber.
- 1-64. **SETBACK:** The minimum distance by which any building or structure must be separated from the front lot line.
- 1-65. **SIGN:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

- 1-65-1. BUSINESS: A sign, which directs attention to a product, commodity or service available on the premises.
- 1-65-2 HOME OCCUPATION: A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.
- 1-65-3. GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
- 1-65-4. LOCATION. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- 1-65-5. DIRECTIONAL. A directional sign is one (one end of which may be pointed, or on which an arrow may be painted), indicating the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm, or business responsible for the erection of same.

- 1-66. SIGN STRUCTURE: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting a sign.
- 1-67. SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. Temporary signs shall conform in size and type to directional signs.
- 1-68. STORE: See Item 1-62, Retail Stores and shops.
- 1-69. STORY: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 1-70. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, an in which space not more than two-thirds (2/3) of the floor area is finished off for use.
- 1-71. STREET, ROAD: A public thoroughfare which afforded principal means of access to abutting property.
- 1-72. STREET LINE: The dividing line between a street or road right-of-way and the contiguous property.
- 1-73. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.
- 1-74. TOURIST COURT, AUTO COURT, MOTEL, AUTEL, CABINS, OR MOTOR LODGE: One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 1-75. TOURIST HOME: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.
- 1-76. TRAVEL TRAILER: A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.
- 1-77. USE, ACCESSORY: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 1-78. VARIANCE: A variance is 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 or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

- 1-79. **WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET:** Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 1-80 **YARD:** An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
 - 1-80-1. **FRONT.** An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
 - 1-80-2. **REAR.** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
 - 1-80-3. **SIDE.** An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.
- 1-81. **TOWNHOUSE PROJECT:** A land development project consisting of at least one Townhouse structure, and all open space and amenities thereon, if any.
 - 1-81-1. **TOWNHOUSE STRUCTURE:** A main structure consisting of at least three (3) but not more than eight (8) horizontally attached single-family dwelling units for the purpose of occupancy and ownership, designed and constructed so as to allow for the sale of individual dwellings, including the lot and appurtenances thereon.
 - 1-81-2. **TOWNHOUSE UNIT:** An individual attached single-family residence within a townhouse structure.
- 1-82 **APARTMENTS:** A suite of rooms designed as a residence and located in a building occupied by one or more independent households.

ARTICLE 1 – DISTRICTS

- 1-1. For purpose of this ordinance, the incorporated areas of the town of Richlands, Virginia, are hereby divided into the following districts:

Residential, Limited, R-1
Residential, General, R-2
Business, General B-2
Industrial, General M-1
Agricultural, General A-1
Conservation, Special C-1

The location and boundaries of these districts are shown on the zoning map of the Town of Richlands, Virginia.

ARTICLE 2 - RESIDENTIAL, LIMITED, DISTRICT R-1

Statement of Intent

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

2-1 USE REGULATIONS

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

- 2-1-1 Single-family dwellings (excluding manufactured or pre-fabricated housing)
- 2-1-2 Parks and playgrounds.
- 2-1-3 Off-street parking as required by this ordinance.
- 2-1-4 Garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building.
- 2-1-5 Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and/or maintenance, including water and sewerage facilities.
- 2-1-6 Business signs (non illuminated) only to advertise the sale or rent of the premises upon which erected, not to exceed four (4) square feet in area or four (4) feet in height.

2-2 AREA REGULATIONS

The minimum lot area for permitted uses shall be nine thousand three hundred and seventy-five (9,375) square feet or more, where both public water and sewer facilities are used. Where a lot is not served by either facility, see subdivision regulations.

2-3 SETBACK REGULATIONS

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

2-4 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be seventy-five (75) feet.

2-5 YARD REGULATIONS

2-5-1 SIDE - The minimum side yard for each main structure shall be fifteen (15) feet and The total width of the two required side yards shall be thirty (30) feet or more.

2-5-2 REAR - Each main structure shall have a rear yard of thirty (30) feet or more.

2-6 HEIGHT REGULATIONS

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

2-6-1 The height limit for dwellings may be increased up to forty-five feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

2-6-2 Belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

2-7 SPECIAL PROVISIONS FOR CORNER LOTS

2-7-1 Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

2-7-2 The side yard on the side facing the side street shall be thirty-five (35) feet or more for the main building.

2-7-3 For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet.

ARTICLE 3 - RESIDENTIAL, GENERAL, DISTRICT R-2

Statement of Intent

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

3-1. USE REGULATIONS

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

- 3-1-1. Single-family dwellings.
- 3-1-2. Two-family dwellings.
- 3-1-3. Multiple-family dwellings.
- 3-1-4. Rooming and boarding houses.
- 3-1-5. Tourist homes.
- 3-1-6. Schools.
- 3-1-7. Churches.
- 3-1-8. Rest homes.
- 3-1-9. General hospitals, with a conditional use permit.
- 3-1-10. Clubs and lodges.
- 3-1-11. Parks and playgrounds.
- 3-1-12. Professional offices.

- 3-1-13. Home occupations, as defined, conducted by the occupant.
- 3-1-14. Mobile home Park, with a conditional use permit.
- 3-1-15. Off-street parking as required by this ordinance.
- 3-1-16. Accessory buildings permitted as defined, however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. No accessory building may be closer than five (5) feet to any property line.
- 3-1-17. Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and/or maintenance, including water and sewerage facilities.
- 3-1-18. Business signs.
- 3-1-19. Church bulletin boards and identification signs.
- 3-1-20. Directional signs.
- 3-1-21. Home occupation signs.
- 3-1-22. Townhouse projects.
- 3-1-23. COMMUNICATIONS TOWERS AND ANTENNAS. Each request for the location of a communication tower and antennas shall require (1) a public hearing to be held by the Richlands Town Council, with due notice thereof provided as to the proposed location or site; and (2) the issuance of a conditional use permit pursuant to Section 8-3 of the Town of Richlands Zoning Ordinance, which will contain, among other factors relative to height, the following requirements:
- (a) The proposed tower, as located, must meet all existing setback criteria.
 - (b) Towers must maintain a galvanized steel finish or, subject to FAA standards, maintain a neutral color so as to reduce visual obtrusiveness.
 - (c) Towers should not be artificially light, unless required by the FAA or other applicable authority. If lighting is required, the design chosen must cause the least disturbance to the surrounding views. If required by FAA, such lighting shall be of the “dual lighting” provisions as defined by the FAA (white during the day and red during night hours).
 - (d) Owners shall ensure that the tower has been constructed and maintain in compliance with standards contained in applicable state building codes and the standards for towers that are published by the Electronic Industries Association.

- (e) Applicant shall supply an engineering report by a licensed professional engineer under the regulations of the State of Virginia for such certifications certifying that the proposed tower is compatible for a minimum of four (4) uses.
- (f) The site must be secured by fencing not less than six (6) feet in height.
- (g) Any tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner, or the owner of the real property upon which the tower is located, shall remove the same within ninety (90) days of receipt of notice from the Town of Richlands.
- (h) All towers and other structures shall meet all safety and building codes of the State of Virginia.

3-2. AREA REGULATIONS

- 3-2-1. For lots containing or intended to contain a single permitted use served by public water and sewage disposal, the minimum lot area shall be six thousand two hundred and fifty (6,250) square feet.
- 3-2-2. For lots containing or intended to contain a single permitted use served by public water systems, but having individual sewage disposal, the minimum lot area shall be fifteen thousand (15,000) square feet.
- 3-2-3. For lots containing or intended to contain a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be twenty thousand (20,000) square feet.
- 3-2-4. For lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be: Two (2) units... Twelve thousand (12,000) square feet. Three (3) units...Fourteen thousand (14,000) square feet. For each additional unit above three (3) One thousand (1,000) square feet.
- 3-2-5. For lots containing or intended to contain more than a single permitted use served by public water systems but having individual sewage disposal systems, the minimum lot area shall be:
Two (2) units.... Sixteen thousand (16,000) square feet. Three (3) units...
Eighteen thousand (18,000) square feet. For each additional unit above three (3)...One thousand (1,000) square feet.
- 3-2-6. For lots containing or intended to contain more than a single permitted use served by individual water and sewage disposal systems, the minimum lot area shall be: Two (2) units....Twenty-two thousand (22,000) square feet. Three (3) units.... Twenty-four thousand (24,000) square feet. For each additional unit above three (3) ... One thousand (1,000) square feet.

- 3-2-7. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

3-3. SETBACK REGULATIONS

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

3-4. FRONTAGE REGULATIONS

For permitted uses the minimum lot width at the setback line shall be fifty (50) feet, and for each additional permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

3-5. YARD REGULATIONS

- 3-5-1 SIDE - The minimum side yard for each main structure shall be ten (10) feet and The total width of the two required side yards shall be twenty (20) feet or more.

- 3-5-2. REAR– Each main structure shall have a rear yard of twenty-five (25) feet or more.

3-6. HEIGHT REGULATIONS

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

- 3-6-1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 3-6-2. A public or semipublic building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 3-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 3-6-4. No accessory building which is within ten (1) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

3-7. SPECIAL PROVISIONS FOR CORNER LOTS

- 3-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 3-7-2. The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory building.
- 3-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

3-8. SPECIAL PROVISIONS FOR TOWNHOUSE PROJECTS

- 3-8-1. A zoning permit for a townhouse project shall be issued in accordance with Article 8 when the following requirements/criteria therefore have been satisfied:
 - a. Individual property lines shall run from the street through the center of the common party walls of attached interior units and continue to the rear lot line. The lots, utilities, and other improvements for each townhouse unit shall be designed to permit individual and separate ownership of each lot and dwelling unit thereon.
 - b. Setback requirements for townhouse structures shall conform to Section 3-3.
 - c. A lot occupied by a townhouse unit shall contain not less than two thousand (2000) square feet.
 - d. Lot frontage, measured at the setback line for individual townhouse units, shall have an average minimum width of twenty feet for a townhouse structure but in no case shall the frontage for a townhouse unit be less than sixteen feet. Lot width for end units shall be adequate to provide side and rear yards as required by Section 3-5.
 - e. Each townhouse unit shall have rear yard of no less than twenty-five feet.
 - f. Each townhouse structure shall have two side yards of not less than 10 feet each. In no case shall any two-townhouse structures be closer than twenty feet.
- 3-8-2. The facades of each unit of a townhouse structure shall be varied by changing front yard depth and utilizing variations in materials of design, so that no more than three abutting townhouse units have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.
- 3-8-3. Each townhouse unit shall have an unencumbered access from a dedicated public street.
- 3-8-4. Townhouse projects shall have provisions for at least two vehicular off-street parking spaces for each townhouse unit.

- 3-8-5. Townhouse units shall be separated by a common party wall designed to meet the fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended.
- 3-8-6. In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, the maintenance and upkeep of such areas and elements shall be provided for by an arrangement acceptable to the town and in compliance with this article or applicable state statutes.
- 3-8-7. In any townhouse project consisting of open space and amenities related to the project in such manner that the Condominium Act is applicable, the project shall conform with the requirements of that Act.
- 3-8-8. In any townhouse project consisting of open space and amenities related to the project in such manner that the Condominium Act is not applicable, the developer shall meet the following requirements:
- a. Establish a nonprofit entity according to the provisions of the Virginia Non-stock Corporation Act, section 13.1-203 through section 13.1-295 of the Code of Virginia, 1950, as amended, whose membership shall be all individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple to, and be responsible for the maintenance and upkeep of, such open space;
 - b. Hold title to and be responsible for such open space until such time as conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least seventy-five percent of the townhouse units have been sold; and
 - c. Provide proper agreements and covenants running with the land and in favor of the citizens of Richlands, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, that any assessments, charges, and cost of maintenance of the open space shall constitute a prorata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona-fide duly recorded first and second mortgages or deeds of trust on the townhouse lot. Covenants shall also prohibit the denuding, disturbing, or defacing of said open space without prior approval of the town council after recommendation by the planning commission.
 - d. Notify the Virginia Real Estate Commission in writing requesting their determination as to the applicability of the Condominium Act for all proposed townhouse projects involving open space and amenities, and provide the town's Zoning Administrator with its determination relative thereto.
- 3-8-9. All open space shown on the approved site plan is binding as to location and use proposed.

ARTICLE 5 – BUSINESS, GENERAL, DISTRICT B-2

Statement of Intent

Generally this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

5-1. USE REGULATIONS

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

- 5-1-1. Retail food stores.
- 5-1-2. Bakeries.
- 5-1-3. Drycleaners.
- 5-1-4. Laundries.
- 5-1-5. Wearing apparel stores.
- 5-1-6. Drug stores.
- 5-1-7. Barber and beauty shops.
- 5-1-8. Auto and home appliance services.
- 5-1-9. Theaters, assembly halls.
- 5-1-10. Hotels, motels.
- 5-1-11. Office buildings.
- 5-1-12. Churches.
- 5-1-13. Libraries.
- 5-1-14. Hospitals, general.
- 5-1-15. Funeral homes.
- 5-1-16. Service stations (with major repair under cover).

- 5-1-17. Clubs and lodges.
- 5-1-18. Auto sales and service.
- 5-1-19. Lumber and building supply (with storage under cover).
- 5-1-20. Plumbing and electrical supply (with storage under cover).
- 5-1-21. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.
- 5-1-22. Machinery sales and service.
- 5-1-23. Public utilities.
- 5-1-24. Off-street parking as required by this ordinance.
- 5-1-25. Public billiard parlors and poolrooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- 5-1-26. Business signs.
- 5-1-27. General advertising signs.
- 5-1-28. Locations signs.
- 5-1-29. Pawn Shops with a Conditional Use Permit required under Section 8-3.
- 5-1-30. Day Care with a Conditional Use Permit required under Section 8-3.
- 5-1-31. Apartments (shall not be allowed on the first street level floor of the building)

5-2. AREA REGULATIONS

- 5-2-1. None, except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

5-3. SETBACK REGULATIONS

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

5-4. FRONTAGE AND YARD REGULATIONS

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

5-5. HEIGHT REGULATIONS

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

5-5-1. The height limit for buildings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

5-5-2. A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

5-5-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

5-5-4. No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

ARTICLE 6 – INDUSTRIAL, GENERAL, DISTRICT M-1

Statement of Intent

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

6-1. USE REGULATIONS

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

- 6-1-1. Truck terminals.
- 6-1-2. Petroleum storage, underground.
- 6-1-3. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- 6-1-4. Automobile and/or mobile home assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, and tire retreading or recapping.
- 6-1-5. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- 6-1-6. Laboratories – pharmaceutical and/or medical.
- 6-1-7. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
- 6-1-8. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- 6-1-9. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- 6-1-10. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
- 6-1-11. Building material sales yards, plumbing supplies storage.

- 6-1-12. Coal and wood yards, lumber yards, feed and seed stores.
- 6-1-13. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- 6-1-14. Cabinets, furniture and upholstery shops.
- 6-1-15. Brick manufacture.
- 6-1-16. Monumental stone works.
- 6-1-17. Veterinary or dog or cat hospital, kennels.
- 6-1-18. Airports with conditional use permit.
- 6-1-19. Wholesale businesses, storage warehouses.
- 6-1-20. Off-street parking as required by this ordinance.
- 6-1-21. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 6-1-22. Business, location and general advertising signs.

6-2. REQUIREMENTS FOR PERMITTED USES

- 6-2-1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required.
- 6-2-2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
- 6-2-3. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.
- 6-2-4. Sufficient area shall be provided (a) to 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.

6-2-5. 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 or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge six (6) feet in height.

6-2-6. The administrator shall act on any application received within twenty (20) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional twenty (20) day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

6-3. AREA REGULATIONS

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

6-4. SETBACK REGULATIONS

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

6-5. FRONTAGE AND YARD REGULATIONS

For permitted uses the minimum space adjoining or adjacent to a residential district shall be ten (10) feet. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

6-6. HEIGHT REGULATIONS

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

6-7. COVERAGE REGULATIONS

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

ARTICLE 6-A – AGRICULTURAL, GENERAL, DISTRICT A-1

Section 6-A-1. Use.

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

- (a) Single family dwellings and Double-wide mobile homes
- (b) Multiple family dwellings, with site plan approval
- (c) Agriculture
- (d) Dairying and forestry
- (e) General farming
- (f) Parks and playgrounds
- (g) Churches
- (h) Professional offices (within occupant's dwelling)
- (i) Schools
- (j) Gift shops
- (k) Antique shops
- (l) General Stores, Country
- (m) Beauty shops
- (n) Barbershops
- (o) Motels with conditional use permit and site plan approval
- (p) Cemeteries
- (q) Home occupations, as defined, conducted by the occupant
- (r) Mobile homes situated in a mobile home park for which a conditional use permit has been issued as herein provided with site plan approval.
- (s) Public utility generating, booster or relay stations; transformer substations; transmission lines and towers; pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities; and water and sewer installations.

- (t) Child Care Center with conditional use permit and site plan approval
- (u) Off-street parking as required by this chapter.
- (v) Accessory uses as defined; provided, that garage or other accessory structures (e.g., carports, porches, and stoops) attached to the main building shall be considered part of the main building. No accessory building shall be closer than one foot to any property line, subject to Section 6-A-3(b), below, for setback from adjacent residential lot lines.
- (w) Business signs (Section 1-65-1)
- (x) Church bulletin boards and identification signs
- (y) Directional signs (Section 1-65-5)
- (z) Home occupation signs (Section 1-65-2)
- (aa) Golf driving range with conditional use permit as required under Section 8-3
- (bb) Camping (RV) Areas with conditional use permit as required under Section 8-3
- (cc) Camping (Tent) Areas with conditional use permit as required under Section 8-3
- (dd) Festival Area (musical stage) with conditional use permit as required under Section 8-3. Each festival event would require a zoning permit and a conditional use permit from Town Council. The permit is non-transferrable.
- (ee) Riding Stables with conditional use permit as required under Section 8-3
- (ff) Golf Course with conditional use permit as required under Section 8-3
- (gg) Fishing with conditional use permit as required under Section 8-3
- (hh) Canoeing with conditional use permit as required under Section 8-3

Note: All conditional use permits shall be required to provide:

- 1) Security lighting plan

- 2) Trash maintenance plan
- 3) Sanitary facility plan

Section 6-A-2. Area Requirements.

The minimum lot area for permitted uses in Agricultural District A-1 shall be twenty thousand square feet.

Section 6-A-3. Setback.

- (a) Structures in Agricultural District A-1 shall be thirty-five feet or more from any street right-of-way which is fifty feet or greater in width or sixty feet or more from the center line of any street right-of-way less than fifty feet in width; except, that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.
- (b) Structures other than residences, and restricted animal enclosures or pens shall be located no less than one hundred (100) feet from any adjacent residential lot line. This restriction does not apply to fences enclosing open pasture.

Section 6-A-4. Frontage.

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

Section 6-A-5. Yards.

- (a) Side. The minimum side yard for each main structure in Agricultural District A-1 shall be fifteen feet and the total width of the two required side yards shall be thirty feet or more.
- (b) Rear. Each main structure shall have a rear yard of thirty feet or more.

Section 6-A-6. Height Regulations.

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

- (a) The height limit for dwellings may be increased up to forty-five feet and up to three stories provided there are two side yards for each permitted use, each of which is fifteen feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five feet.
- (b) A public or semi-public building such as a school, church, library or general hospital may be erect to a height of sixty feet from grade; provided, that required

front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

- (c) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (d) No accessory building which is within twenty feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

Section 6-A-7. Special Provisions for Corner Lots.

- (a) Of the two sides of a corner lot in Agricultural District A-1, the front shall be deemed to be the shortest of the two sides fronting on streets.
- (b) The minimum side yard on the side facing the side street shall be thirty-five feet for both main and accessory buildings.
- (c) For subdivisions platted after the enactment of this Article each corner lot shall have a minimum width at the setback line of one hundred twenty-five feet.

ARTICLE 6-C – CONSERVATION, SPECIAL, DISTRICT C-1

Section 6-C-1. Intent.

This District is intended to protect environmentally sensitive areas and flood plains.

Section 6-C-2. Use.

The following uses will be permitted subject to the regulation of this ordinance:

- (a) Agriculture

ARTICLE 7 – NONCONFORMING USES

7-1. CONTINUATION

- 7-1-1. If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have twenty-four (24) months within which to relocate in a permitted area.
- 7-1-2. If any change in title of possession, or renewal of a lease of any such lot or structure occurs; the use existing may be continued.
- 7-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding one (1) year, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- 7-1-4. Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 7-1-5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

7-2. PERMITS

- 7-2-1. All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.
- 7-2-2. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

7-3. REPAIRS AND MAINTENANCE

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

7-4. CHANGES IN DISTRICT BOUNDARIES

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

7-5. EXPANSION OR ENLARGEMENT

7-5-1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

7-5-2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

7-6. NONCONFORMING LOTS

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

7-7. RESTORATION OR REPLACEMENT

7-7-1. If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50%) percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

7-7-2. If a nonconforming structure is removed, destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75%) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

7-7-3. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75%) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided that any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

7-7-4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

ARTICLE 8 – GENERAL PROVISIONS

8-1. ZONING PERMITS

- 8-1-1. Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.
- 8-1-2. The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- 8-1-3. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

8-2. CERTIFICATE OF OCCUPANCY

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

8-3. CONDITIONAL USE PERMIT

Where permitted by this ordinance the location of hotels, motels, mobile home parks, placement of single-wide mobile homes on private lots, tracts/parcels of land in accordance with Section 8-7-2 of the Town of Richlands Zoning Ordinance, commercial amusement parks, hospitals, airports, borrow pits, hog farms, sanitary fill method garbage and refuse sites, pawn shops, day care and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance.

8-4. USES NOT PROVIDED FOR

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

8-5. WIDENING OF HIGHWAYS AND STREETS

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

8-6. MINIMUM OFF-STREET PARKING

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

8-6-1. In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.

8-6-2. OMIT

8-6-3. For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.

8-6-4. For hospitals, at least one (1) parking space for each two (2) beds' capacity, including infants' cribs and children's beds.

8-6-5. For medical and dental clinics, at least ten (10) parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.

8-6-6. For tourist courts, apartments and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment motels at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20).

8-6-7. For mortuaries and liquor stores, at least thirty (30) parking spaces.

- 8-6-8. For retail stores selling direct to the public, one (1) parking space for each one thousand (1000) square feet of retail floor space in the building.
- 8-6-9. Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one (1) parking space for each one thousand (1000) square feet of business floor space in the building.
- 8-6-10. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Every parcel of land hereafter used as a public parking area shall be surfaced with asphalt or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

8-7. PERMANENT MOBILE HOME PARKS

A “mobile home park” shall mean any site, parcel or tract of land which consists of a sufficient area, as hereinafter delineated, as will accommodate at least six (6) mobile homes.

- 8-7-1. No mobile home park shall be operated in the town and no individual mobile home parked on a lot or site not in such mobile home park except in accordance with this ordinance.
- 8-7-2. No person shall establish a mobile home park or park an individual mobile home on a lot or site not in such mobile home park unless he shall first have obtained a permit therefore from the Town Council. The criteria and guidelines to be considered by the Town Council relating to placement of single-wide mobile homes on private lots, tracts/parcels of land are:
 - (1) Full compliance with Sections 3-2-4, 3-2-5, 3-2-6, 8-7-8, 8-7-9, and 8-7-10 (as amended) of the Town of Richlands Zoning Ordinance.
 - (2) The actual record owner (or owner’s agent) of the lot, tract or parcel of land must personally apply in writing to the Town Manager/Zoning Administrator and provide the documentation required by Section 8-7-3 of this Ordinance.
 - (3) The conditional use permit shall not be transferable, via either conveyance, assignment or testamentary documents.
 - (4) All town real estate taxes on the property must be current prior to consideration of the application by the Town Council.
 - (5) Areas of town defined as either historic or business districts shall not be considered hereunder, regardless of their zoning designations.

- (6) Following issuance of a conditional use permit for placement, the applicant may be afforded a thirty (30) day extension to comply with the provisions of Section 8-7-8 of this Ordinance.
- (7) The provisions of Article 9 of this ordinance shall not be available to an unsuccessful applicant whose request for a placement permit has been denied by either the Zoning Administrator or Town Council. An aggrieved applicant may, however, file a petition with the Tazewell County Circuit Court Clerk, within 30 days after the final decision of the Town Council, seeking judicial review thereof.

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

- 8-7-3. Any person desiring a permit as required in Section 8-7-2 shall file an application therefore with the town manager, also filing there with a complete plan of the proposed mobile home park or individual site. This plan shall be drawn to scale and clearly show the extent and area to be used. All proposed roadways and driveways shall be shown, as well as the location of all sanitary conveniences, laundry buildings, and the plan for water supply and lighting.
- 8-7-4. The location of mobile home parks shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit issued by the town council. Operators of such mobile home parks shall comply with the following provisions:
 - (A) Each mobile home must have a minimum of fifty (50) feet road frontage when located on a private lot or site.
 - (B) The main private drive leading into and throughout a mobile home park must be paved and have a minimum width of twenty-five (25) feet. Side street, individual driveways and sidewalks must be, at a minimum, graveled. The main private drive must be paved before placing the first mobile home in a mobile home park. An extension may be granted, however, due to inclement weather or emergencies by appearing thereon, in person, before the town council, and obtaining approval therefore.
 - (C) For each twelve (12) foot wide mobile home, located in a mobile home park, there shall be provided three thousand (3,000) square feet of area with minimum space size of at least thirty (30) feet by one hundred (100) feet.
 - (D) For each fourteen (14) foot wide mobile home located in a mobile home park there shall be provided three thousand five hundred (3,500) square feet of area with minimum space size of at least thirty-five (35) feet by one hundred (100) feet.

- (E) Parking spaces for mobile homes shall be arranged so as to provide a distance of fifteen (15) feet or more between individual units, but in no case closer than five (5) feet to the individual lot line of the mobile home space, or ten (10) feet from adjoining private property lines.
 - (F) The owner of a mobile home park must furnish the Town of Richlands, through its manager, and each individual tenant, with a copy of the park's rules and regulations.
 - (G) The mobile home park must be designed to have ample and sufficient lighting during non-daylight hours.
 - (H) The name of the mobile home park must be displayed near the entrance of the main private drive of the park.
 - (I) Each mobile home space within a mobile home park must be numbered on the plat or map submitted to and approved by the Zoning Administrator. Numbers shall be assigned to lot spaces by the mobile home park owner. Spaces shall be consecutively numbered with odd and even numbers on opposite sides of any access road. Each mobile home within a mobile home park must be numbered. The park owner shall be responsible for assigning numbers to the units which will correspond with the space/lot number. The number shall be a minimum of three (3) inches in height, of contrasting color to the individual unit, and positioned upon the portion thereof closest to the nearest access road. The mobile home park owner must provide at least one space per mobile home for off-street parking.
 - (J) The manager, owner, or person designated to be in control of a mobile home park must maintain good housekeeping throughout the park, i.e., the park must be kept neat and clean in appearance at all times. No debris shall be allowed to accumulate; grass and lawns should be kept neat and trim. The park should be landscaped and pleasing to the eye.
 - (K) It shall be the responsibility of the owner of a mobile home park to prohibit the placing or storage of unsightly vehicles of any kind in such park.
- 8-7-5. Each mobile home space shall be provided with individual water and sewer connections to a public system.
- 8-7-6. Each mobile home unit must be assessed the current rates for water, sewer, and garbage collection.
- 8-7-7. Each mobile home space shall be provided with electrical outlets installed in accordance with the National Electrical Code.

- 8-7-8. All mobile homes located on a private lot/site or in a mobile home park must be underpinned. Any mobile home not currently underpinned at the time of the adoption of this ordinance may remain as such; however, should a mobile home move out, any unit, when reoccupying the space, must be underpinned. Any mobile home placed upon a private lot/site, after the adoption of this ordinance, shall also be underpinned.
- 8-7-9. When any mobile home, presently located on a private lot/site, and not in a mobile home park, is removed from the premises, no other mobile home may be relocated there unless and until the requirements of this ordinance are complied with.
- 8-7-10. Any mobile home moved into or locating within the Town of Richlands after the adoption of this ordinance shall comply with R-2 requirements, and also have a minimum road frontage width of fifty (50) feet. Where a single-wide mobile home is to be placed on a lot/tract on which there is presently a permitted use having at least fifty (50) feet of road frontage, the individual single-wide mobile home shall not be required to have fifty (50) feet of road frontage but the provisions of Section 3-4 of this Ordinance shall apply.
- 8-7-11. The town council may provide by ordinance additional rules and regulations with regard to size of parks, width of streets within parks, and any other rules and regulations necessary to carry out the intent of this ordinance; including, but not limited to, the establishment of time limitations for required actions and the granting of extensions or variances relative to any of the provisions of this Ordinance.
- 8-7-12. OMIT
- 8-7-13. OMIT
- 8-7-14. OMIT
- 8-8. **SPECIAL REQUIREMENTS RELATIVE TO GENERAL ADVERTISING AND BUSINESS SIGNS**

An applicant for a zoning permit pursuant to Section 8-1 hereof or the placement of a general advertising sign in accordance with Sections 5-1-27 and 6-1-22 hereof shall, in addition thereto, be required to obtain a conditional use permit as set forth in Section 8-3 hereof.

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

- 8-8-1: Upon receipt of the recommendation of the Planning Commission, the Richlands Town Council shall, after consideration of the foregoing factors, make an independent determination as to whether the zoning and conditional use permits should be granted and, if so, the conditions under which they should. In arriving at their determination, the Richlands Town Council intends, through the exercise of its police power, to ensure that the most appropriate use of land is made while, at the same time, not arbitrarily depriving the owner of the beneficial use thereof.
- 8-8-2: Notwithstanding the foregoing, there is hereby prohibited within the corporate limits of the Town of Richlands, the placement and erection of stacked or “double-decker” types of general advertising and business signs.

ARTICLE 9 - PROVISIONS FOR APPEAL

9-1. BOARD OF ZONING APPEALS

- 9-1-1. A board consisting of five (5) members shall be appointed by the Town Council. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 9-1-2. The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for two years, and one for one year. One of the five appointed members shall be an active member of the planning commission.
- 9-1-3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 9-1-4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- 9-1-5. The board shall choose annually its own chairman, vice chairman, and secretary. The vice chairman shall act in the absence of the chairman.

9-2. POWERS OF THE BOARD OF ZONING APPEALS

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

- 9-2-1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- 9-2-2. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

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

No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

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.

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.

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.

9-3. RULES AND REGULATIONS

- 9-3-1. The board of zoning appeals shall adopt such rules and regulations, as it may consider necessary.
- 9-3-2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.
- 9-3-3. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- 9-3-4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 9-3-5. All meetings of the board shall be open to the public.
- 9-3-6. A quorum shall be at least three (3) members.
- 9-3-7. A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

9-4. APPEAL TO THE BOARD OF ZONING APPEALS

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

9-5. APPEAL PROCEDURE

9-5-1. Appeals shall be mailed to the board of zoning appeals care of the zoning administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

9-5-2. Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty (\$20.00) dollars payable to the Town of Richlands.

9-6. PUBLIC HEARING

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

9-7. DECISION OF BOARD OF ZONING APPEALS

9-7-1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the county or municipality, may present to the circuit or corporation court of the county or city a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

- 9-7-2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- 9-7-3. The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions there as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 9-7-4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- 9-7-5. Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

ARTICLE 10 – VIOLATION AND PENALTY

- 10-1. All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, building or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.

- 10-2. Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

ARTICLE 11 - AMENDMENTS

- 11-1. The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body; provided:
 - 11-1-1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.
 - 11-1-2. Notice shall be given of the time and place of such hearings by publication in at least two issues of some newspaper having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than ten days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.
 - 11-1-3. Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of thirty (30) days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

ARTICLE 12 – ADMINISTRATION AND INTERPRETATION

- 12-1. This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 12-2. 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, such construction must commence within thirty (30) days after this ordinance becomes effective. 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.
- 12-3. INTERPRETATION
- Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- 12-3-1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines shall be construed to be such boundaries, as the case may be.
- 12-3-2. Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 12-3-3. If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

12-3-4. TEMPORARY APPLICATION OF TOWN OF RICHLANDS ZONING ORDINANCE TO PROPERTIES COMING INTO THE TERRITORIAL JURISDICTION OF THE RICHLANDS TOWN COUNCIL BY ANNEXATION, BOUNDARY ADJUSTMENT, OR OTHERWISE.

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

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

12-4. EFFECTIVE DATE

The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

12-5. SEVERABILITY

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

12-6. CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

12-7. This zoning ordinance of the Town of Richlands, Virginia, shall be effective at and after 12:01 a.m., July 13, 1971.

12-8. A certified copy of the foregoing zoning ordinance of the Town of Richlands, Virginia, shall be filed in the office of the zoning administrator of Richlands, and in the office of the clerk of the Circuit Court of Tazewell County, Virginia.

¹ Ordinance adopted by unanimous vote of the Richlands Town Council on November 8, 2005 and recorded in the Town Council minute book.