

**Supervisors Order Book No. 16
(Adopted June 10, 1996)**

The following ordinance proposed at a regular meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building thereof on Monday, April 8, 1996, and having been duly advertised for adoption as provided by law, on motion by James D. East, seconded by Kathy H. Clements and carried, is hereby adopted.

AUTHORITY

WHEREAS, by act of the General Assembly of Virginia, as provided in Chapter 11, Article 8, Section 15.1-486 et seq., 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 manner, shape, and area as it may deem best suited to carry out the purpose 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, flood plain and other specific uses;
- (b) 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 uses;
- (d) the excavation or mining of soils or other natural resources.

Therefore, be it ordained by the Board of Supervisors of Patrick County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public, and of further accomplishing the objectives of Section 15.1-486, that the following be adopted as the zoning ordinance of Rich Creek Corporate Park (RCCP), Patrick County, Virginia together with the accompanying map. This ordinance has been designed to encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 1

DISTRICTS AND BOUNDARIES THEREOF

Section I. Applicability of Ordinance.

The boundaries of the territory within which this ordinance is to be effective shall be that certain tract or parcel of land which lies within the County of Patrick, Virginia, and which was acquired by the said County of Patrick by virtue of deed dated December 20, 1994, Sadie Martin, which deed is of record in the Clerk's Office of the Circuit Court of Patrick County, Virginia, in Deed Book 304 at Page 134, and by deed dated December 20, 1994, Jean W. Doss and Mary Frances Underwood, which deed is of record in the Clerk's Office of the Circuit Court of Patrick County, Virginia, in Deed Book 304 at Page 411, hereinafter referred to as "Rich Creek Corporate Park."

Section II. Districts Established and Enumerated.

In order to establish setback building lines, regulate and restrict the location, erection, construction, reconstruction, alterations, repair or use of buildings and other structures, their height, area and bulk, the percentage of the lot to be occupied by buildings or other structures, the size of yards, courts and other open spaces, and the trade, industry and other specific uses of the premises in such district, the Rich Creek Corporate Park is hereby designated as an "industrial district."

ARTICLE II

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. **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.
2. **BOARD OF ZONING APPEALS:** The Board as enacted by this ordinance.
3. **BUILDING CODE:** The building code of Patrick County, Virginia.
4. **BUILDING OFFICIAL:** The building official of Patrick County, Virginia.
5. **COUNTY ADMINISTRATOR:** The county administrator of Patrick County, Virginia.
6. **GOVERNING BODY:** The governing body of the County of Patrick, Virginia, the Patrick County Board of Supervisors.
7. **LOT:** For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. A lot may consist of :
 - a. A single lot of record;
 - b. A portion of a lot of record; or,
 - c. A combination of complete lots of record, and portions lots of record; provided that in case of division or combination, any residual lot or parcel created must meet the requirements of this ordinance.
8. **LOT MEASUREMENTS:**
 - a. Depth of a lot shall be considered to be the distance between the midpoints of the front and the rear lot lines.
 - b. Width of a lot shall be considered to be the distance between side lot lines measured across the rear of the required front yard.
9. **PARKING SPACE, OFF-STREET:** The standing storage space for one automobile plus the necessary driveway access space. The standing storage space shall be not less than nine (9) feet by twenty (20) feet.

ARTICLE III.

PROTECTIVE COVENANTS

Section I. Purpose

This Covenant is to establish restrictions covering the sale, development and use of property within the Rich Creek Corporate Park. These Covenants involve the Patrick County Board of Supervisors, hereinafter referred to as the COUNTY; the Patrick County Economic Development Corporation, hereinafter referred to as the EDC; and present and future developers or industries who own or will own land in the Corporate Park. Among the purposes of this Covenant are to delineate areas of responsibility for all involved parties; to provide the controls and improvements required for the orderly development of the Park; and to promote the sale and development of the property for the purpose of stimulating the economy and providing job opportunities for the citizens of the area.

Section II. Covenants

The following shall govern the sale, development and use of property within the Rich Creek Corporate Park.

Section III. Development Plan

A plan prepared for the Patrick County EDC, dated June 19, 1995, showing a general arrangement of plant sites, utility locations and access roads shall serve as a guide for the sale of sites and overall development of the park. The size and configuration of these sites may be altered by the County depending upon the specific needs and requirements of industries desiring to purchase and develop land within the Park. Any alteration in the plan shall include reservations for access roads and utility easements required to provide service to the remainder of the Park.

Section IV. District Use Regulations

Any use other than the following uses are permitted in the "industrial district":

1. Dwelling, single or multiple, including trailers or any other structure, shelter or other which is used in any way for residential occupancy, except the residence of caretaker or watchman.
2. Acetylene gas manufacture
3. Acid manufacture
4. Ammonia, bleaching powder or chlorine manufacture
5. Asphalt manufacture or refining
6. Brick, tile or terra cotta manufacture
7. Cellophane manufacture
8. Cement, lime, plaster manufacture
9. Creosote manufacturing or treatment plants
10. Distillation of bones, coal, petroleum, refuse, grain, tar and wood
11. Drive-in theaters

12. Explosives, ammunition, fireworks, gun powder manufacture
13. Fat rendering, production of fats and oils from animal or vegetable products by boiling or distillations.
14. Fertilizer, or any other product involving the use of dusty or granular products, unless the manufacturing process and the transfer of ingredients is carried on under cover or is so screened that the emanation of dust beyond the industrial district is prohibited.
15. Forging plants
16. Garbage, offal, and animal reductions or processing
17. Glue and size manufacturing
18. Linseed oil, shellac, turpentine, manufacture or refining
19. Nitrogenous tankage, fish meal, or manufacture of any fertilizer material carrying an objectionable odor.
20. Oilcloth or linoleum manufacture
21. Ore reduction
22. Automobile storage for wrecking, dismantling or junking cars for salvaging parts
23. Junkyard or shop for purchase, sale, handling, bailing, or storage of scrap paper, scrap metals, scrap rubber, broken bottles or rags, wherein the conduct of which establishment these materials are on the premises, except where:
 - a. The waste consists entirely of scrap metals from industrial plants, created by stamping, punching, milling, lathing, screw machinery, or like manufacturing process, but not by the wear or deterioration of finished products; and
 - b. Storage of materials in enclosed buildings
24. Any use or trade which, though properly and safely operated with ordinary care and according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke dust or vibration or noise which substantially interferes with other uses of property permitted in the district or adjacent districts; provided, that nothing in this section shall be construed to exclude from this district any of the following:
 - a. Railroads and their tracks, yards, terminals, etc.
 - b. Public utilities and their:
 - Power plants
 - Electric substations
 - Transformers
 - Gas plants, gas holders
 - Sewage disposal plants
 - Pumping stations
 - Water supply installation
 - Transportation facilities
 - Shops
 - Accessories and appurtenances
 - Incinerators
 - Sanitary landfills

25. **Billboards**
26. **Mobile Home Sales**
27. **Mini Warehouses**
28. **Repair Garages (unless associated with maintenance or industrial railing stock)**
29. **Residential Use of any kind**

Section V. Plans, Buildings, Additions

All structures shall consist of approved brick, masonry or metal materials, which shall conform to all applicable provisions of the Uniform Statewide Building Code. Because of the industrial use and projected development density of the park, the area is designated "fire limits". Therefore, all construction and structures shall conform to the specific requirements of the Uniform Statewide Building Code covering construction within fire limits. Prior to construction, the developer/purchaser shall present to the EDC a site plan including a set of architectural and landscaping plans and a rendering of the proposed facility for approval of exterior architectural design and landscaping. If agreement cannot be reached between the developer/purchaser and the EDC, the County shall have the final power of approval of proposed exterior architectural design and landscaping plans.

- (1) A site plan showing the proposed development use of each site shall be prepared by a licensed architect for the purchaser and/or developer and submitted to the County's Building Official and the EDC for review and approval, prior to the start of grading or construction on the site. The plan shall include a contour map showing existing and proposed elevations of site, access roads, entrances, parking areas, landscaping, utilities, storm drains, fencing, walls and any other pertinent information affecting the development and use of the property.
- (2) **Additions.** Building additions shall be designed to reflect the existing building in scale, height, materials, window treatment, signage, and color.
- (3) **Landscape Screening.** Storage areas, approved incinerators, storage tanks, and maintenance facilities shall either be housed in closed buildings or otherwise screened. Such screening would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible.
- (4) **Fencing.** All site fencing shall be of a permanent material and compatible with the material used on the exterior building walls of buildings. Fencing within the front yard is strictly prohibited.

Section VI. Setback of Structures

All structures shall be set back a distance of 40 feet from the front property line, 30 feet from either side line, and 30 feet from the rear line.

Section VII. Signs

All signs shall be limited to ground signs, defined as any sign supported by uprights or braces placed in or upon the ground and not attached to a building. All such signs shall be erected, altered and maintained as follows:

- (1) One sign shall be required on each site having a maximum total sign area of 750 square feet and minimum area of 48 sq. ft.

- (2) Signs may be placed within the prescribed front yard setback provided the sign is located a minimum of twenty (20) feet from the right-of-way line of any street or roadway.
- (3) The maximum height of signs shall be ten (10) feet, measured from ground level at the sign location
- (4) Signs shall be erected so as not to obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air ingress or egress for any room or building as provided by law.

Section VIII. Re-Subdivision of Property by Future Owner

After a parcel of land has been sold to a business or industry, the future owner may subdivide the property for an acceptable industry or business use after submitting said future use for approval by the County. Such use must conform with the restrictive covenants applying to the original tract (as outlined on page 6, Article IV).

Section IX. Development Conditions

A purchaser of a site shall begin construction of an approved structure of structures, within thirty-six (36) months from the date of the deed and shall proceed with the construction with due diligence until completed. Failure of the purchaser to begin construction within thirty-six (36) months, shall constitute a breach of contract, and the purchaser will, upon written request by the County or EDC, reconvey the site to the County or EDC at the original price. It is the specific intent of the county to exclude from the Park speculators or persons or corporations who do not intend, within a thirty-six (36) month period, to construct or start construction of industrial improvements. The only exception to this requirement is the EDC.

All conveyances shall be subject to the conditions set forth in these covenants and shall be subject to other stipulations by the County as to easements and rights-of-way. Such conditions shall be specified in a deed of conveyance by the County on each site and, shall be specified in any contract between the County and purchaser or occupant of land within the Park. Breach of these stipulations shall constitute sufficient reason for the County to curtail or discontinue any utility or other service supplied by the County or Town of Stuart, or to institute action for compliance before a court of proper jurisdiction. In the event, that the County prevails in any action filed in court to enforce any of the covenants contained herein then the owner, its successors and assigns, shall be liable to the County for its costs and attorneys fees incurred to prosecute said action.

Article IV

OFF-STREET PARKING AND LOADING SPACE

Section I. General Requirements.

- (1) Off-street parking space shall be provided in accordance with the conditions and requirements of this section in this district.
- (2) Each application for a building permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the building official to determine whether or not the requirements of this ordinance are met. All entrances and exits shall be approved by the county administrator or his designated agent.
- (3) All commercial off-street parking areas containing three or more spaces shall be so arranged that egress to the street or alley is by forward motion of the vehicle.

- (4) The certificate of occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the building official until the provisions of this section are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.
- (5) The off-street parking space required by this section shall be used for active vehicular parking only.
- (6) If the parking space required by this section cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on another lot separated therefrom by not more than four hundred (400) feet; provided, however, that such space must be in the same ownership or lease as the principal use and that such space, or other space comparable in meeting requirements of this ordinance, is continued as off-street parking for the principal use as long as the principal use is conducted.
- (7) No portion of any street right-of-way or public parking facility shall be considered as fulfilling or partially fulfilling area requirements for off-street parking space required by the terms of this ordinance.
- (8) Handicapped parking and access, shall be constructed on each site to conform to the current Americans With Disabilities Act.

Section II. Specification.

For each business located in the industrial district, one space shall be provided for each vehicle used directly in the conduct of such use, plus one additional space for every four employees of the establishment.

Section III. Off-Street Loading.

Off-street loading space shall be provided by subject to the following regulations. Each space shall have access to an alley or, if no alley adjoins the lot, it shall have access to a street. Each space shall be not less than fifteen (15) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height and clearance.

- (1) On every lot on which any industrial use is conducted, at least one(1) off-street loading space shall be provided, and for buildings over fifty (50) feet in width, one (1) space shall be provided for each additional fifty (50) feet of building width or portion thereof, unless otherwise provided by means of customer or employee parking space on the same premises.
- (2) On every lot on which any commercial or industrial use is conducted requiring the regular use of delivery or transport trucks for the receipt or delivery of goods, as an incidental part of such use, sufficient space for the activities of such trucks shall be provided entirely on the premises.

It is the intent of these conditions, restrictions, and limitations to ensure that industrial and commercial areas will be maintained as an attractive quality oriented, uncongested business environment; to preserve, so far as practical the natural beauty of the area; to guard against the erection thereon of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious and appealing appearance and function; to secure and maintain proper setbacks from streets, and adequate free spaces between structures, and in general to provide adequately for RCCP to be a quality business and industrial park.

ARTICLE V

OTHER PROVISIONS
(incorporated herein by reference)

The provisions set forth in Articles V-IX of the zoning ordinance for Goose Point Recreational Area of Philpott Lake, Patrick County, Virginia, heretofore adopted by the governing body on November 11, 1974, shall be and are hereby incorporated into this ordinance by reference, as fully as if such articles were forth word for word. The effective date of this ordinance shall be from and after its passage and legal application as provisions shall be in force thereafter until repealed.