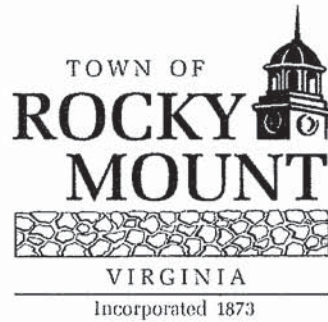


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TOWN COUNCIL
Steven C. Angle, *Mayor*

Posey W. Dillon Roger M. Seale
Jerry W. Greer, Sr. Robert W. Strickler
John H. Lester Gregory B. Walker

C. James Ervin, *Town Manager*
Matthew C. Hankins, *Assistant Town Manager*
& *Community Development Director*

MEMORANDUM

To: Mayor Angle & Members of Town Council
C. James Ervin, Town Manager

From: Matthew C. Hankins
Assistant Town Manager

Date: January 6, 2010

Re: Non-conforming lots and properties

Gentlemen:

Prior to the departure of the last Town Planner, your community development staff and planning commission were working to update Article 13 of the Zoning Ordinance regarding non-conformities.

Just as a refresher, non-conforming lots and uses are those that do not meet the requirements of the current zoning ordinance but which were exempt from meeting the requirements at the time the zoning ordinance passed.

The effort to update this article stalled in planning commission because of some ambiguous language in draft code, concern over requiring new setbacks and uncertainty over council's support for a review.

A related issue was brought to your attention during the September joint meeting with Planning Commission. This was principally the issue of the ability to rebuild a damaged structure on a non-conforming lot.

In the interim, staff would like to address the code and setbacks issues; specifically, addressing a property owner's ability to rebuild in the event of a disaster. Staff asks for your referral to Planning Commission for its consideration.