

# COUNTY OF CHARLOTTE

## APPENDIX A

### ZONING

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Adopted November 4, 2014

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**Article 1. General Provisions**

Sec. 1-1. Title.

This ordinance, and the official zoning map that is made part of it by reference, constitute Appendix A of the Charlotte County Code of Ordinances, and updates and amends the 1989 Zoning Ordinance as amended, and will be known, cited, and referred to as the Charlotte County Zoning Ordinance.

Sec. 1-2. Authority.

This ordinance is adopted pursuant to General Assembly authorization in Code of Virginia, § 15.2-2280 et seq.

Sec. 1-3. Intent.

The legislative intent of this ordinance is to promote the health, safety and general welfare of the public and implement the purposes of zoning as set forth in the Code of Virginia, as well as the comprehensive plan of Charlotte County.

Sec. 1-4. Applicability.

1-4-1. After the effective date established in Sec. 1-8, this ordinance applies uniformly to all buildings and structures erected, all uses of land, water or buildings established, and all structural alterations or relocations of existing buildings, except those areas determined by law to be under the sole and sovereign control of the United States of America or the Commonwealth of Virginia. Compliance is required with regard to any of these activities, subject to the enforcement and penalty provisions in Section 2-2.

1-4-2. All enlargements, additions, changes, and relocations of existing buildings and uses occurring after the effective date are subject to all regulations of this ordinance, except those areas determined by law to be under the sole and sovereign control of the United States of America or the Commonwealth of Virginia.

1-4-3. Legal existing buildings and uses at the time of the effective date which do not comply with this ordinance are subject to provisions of Article 11, Non-Conformities.

Sec. 1-5. Exemptions.

1-5-1. Electrical transmission lines.

Electrical transmission lines of 150 kV or more, approved by the State Corporation Commission, are deemed to have satisfied the requirements of this ordinance. In addition, the following utility uses are exempt from the provisions of this article: poles, wires, cables, conduits, vaults, laterals, pipes, valves, meters or any other similar equipment when used for the purpose of distributing service to individual customers within an approved or established service area. Telecommunications towers, plants, and substations are subject to this ordinance. See Section 10-9.

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1-5-2. Height of structures.

1-5-2.1. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of 70 feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over the height limit of the district.

1-5-2.2. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, water tank, barn, silo, farm building, television antennae and road aerials are exempt from height limits. Parapet walls, cornices, necessary mechanical apparatus, solar panels, and similar building projections may be up to four feet above the height of the building on which they rest, and may exceed the established height limit for the district by not more than four (4) feet.

1-5-2.3. A small wind turbine may, subject to the provisions of Sec. 10-10, serve an individual residence or agricultural operation in a residential or agricultural district and may be up to twice the maximum height limit within the district but its distance from the nearest lot line must be equal or greater than the highest point of the turbine.

1-5-3. Encroachment into setbacks and yards.

The following uses and structures are permitted within required setback areas and yards, subject to the limitations specified, provided that no such element is located closer than six (6) feet to any lot line.

1-5-3.1. Covered porches and decks may be located not more than 10 feet into any required setback or yard.

1-5-3.2. Balconies, chimneys, eaves, exterior stairs and similar architectural features may be located not more than six (6) feet into any required setback or yard.

Sec. 1-6. Unauthorized uses.

Any use not expressly permitted by-right or permitted by conditional use permit in a specific district is prohibited in that district, unless and until the zoning ordinance is amended in accord with the procedures set forth in Article 2.

Sec. 1-7. Vesting.

Vesting of existing or previously approved permits must be in accord with Code of Virginia §15.2-2307 and other Virginia law.

Sec. 1-8. Effective date.

The effective date of this ordinance shall be from the date of its original enactment on November 4, 2014, and each of its provisions shall be in force thereafter until amended or repealed.

Sec. 1-9. Severability.

If any section or provision of this ordinance is decided by the courts to be unconstitutional or invalid, such decision will not affect the validity of this ordinance as a whole or any part of it other than the part held to be unconstitutional or invalid.

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Sec. 1-10. Conflicting ordinances.

Whenever any section or provision of this ordinance imposes higher standards than are required in any other applicable county ordinance, the provision of this ordinance governs. Whenever any section or provision of any federal or state statute or other county ordinance or regulation imposes higher standards than are required by this ordinance, the provision of such statute, ordinance or regulation governs.

Sec. 1-11. Establishment of districts.

Charlotte County, Virginia, is hereby divided into the following districts:

1. GA - General Agricultural District
2. GR - General Residential District
3. VC - Village Center District
4. IA – Intensive Agricultural District
5. GI - General Industrial District

All zoning districts are shown on the county's official zoning map.

Sec. 1-12. Zoning map.

The boundaries of all zoning districts are hereby fixed and established as shown on the map entitled "Official Zoning Map, Charlotte County, Virginia." The Official Zoning Map is hereby adopted as a part of this ordinance as fully as if it were set out herein. A copy of the Official Zoning Map shall be maintained in the office of the zoning administrator. The zoning administrator will interpret boundaries of zoning districts in accordance with Sec. 2-1.

Sec. 1-13. Floodplain.

In all areas of the floodplain, the following requirements apply:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located a minimum of three (3) feet above the base flood elevation (BFE).

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6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

Sec. 1-14. Dam break inundation zones.

Pursuant to Code of Virginia §15.2-2295.2. Charlotte County requires a conditional use permit for the area of a development that is proposed within a mapped dam break inundation zone. Development in dam break inundation zone shall minimize any potential impacts on the spillway design flood standards required of the dam. New development plan must demonstrate that it does not alter the spillway design flood standards of the dam or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law. Charlotte County shall notify Southside Soil & Water Conservation District of any approved development plans within the Inundation Zones.

**Article 2. Administration**

Sec. 2-1. General administration.

This ordinance shall be administered and enforced by the zoning administrator, who shall be the person assigned by the county to carry out these duties. The zoning administrator has the authority to ensure compliance with this ordinance pursuant to Code of Virginia §15.2-2299, on behalf of the board of supervisors, including:

- 2-1-1. Ordering in writing the remedying of any condition found in violation of this ordinance.
- 2-1-2. Ensuring compliance with this ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Code of Virginia §15.2-2311, and Sec. 2-2 of this ordinance.
- 2-1-3. In specific cases, making findings of fact and, with concurrence of the county attorney, conclusions of law regarding determinations of rights accruing under Code of Virginia §15.2-2307 or §15.2-2311.C.
- 2-1-4. Granting a modification from any building setback requirement contained in this ordinance in accord with the provisions of this ordinance and Code of Virginia §15.2-2286.
- 2-1-5. The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.
- 2-1-6. The zoning administrator may establish reasonable additional administrative forms and procedures deemed necessary for the proper administration of this ordinance.
- 2-1-7. Such other powers as may be granted by the Code of Virginia.

Sec. 2-2. Violation and penalty.

- 2-2-1. Conformance with ordinance by all departments, officials and public employees.

No County employee or official having authority or responsibility under this ordinance shall render any written order, requirement, decision, determination, permit or approval, unless the land, building, structure, or use thereof that is the subject thereof complies with the requirements of this zoning ordinance. The County may change, modify or reverse, at any time, any written order, requirement, decision, determination, permit or approval that was obtained through malfeasance of the zoning administrator or other administrative officer, or through fraud. At any time, with the concurrence of the County Attorney, the County may modify any written order, requirement, decision, determination, permit or approval, as necessary to correct clerical errors.

- 2-2-2. Compliance with chapter.

The regulations set forth in this ordinance shall be considered the minimum requirements to protect public health, safety, comfort, prosperity and general welfare.

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2-2-3. Restraining, correcting or abating violations of ordinance.

Pursuant to VA Code 15.2-2208, any violation or attempted violation of this zoning ordinance, may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding.

2-2-4. Authority of the Zoning Administrator

Pursuant to Code of Virginia 15.2-2286(A)(4) and 15.2-2299, the zoning administrator shall have all necessary authority on behalf of the board to administer and enforce the zoning ordinance. The zoning administrator is also vested with all necessary authority on behalf of the board to administer and enforce conditions attached to a rezoning or amendment to a zoning map. His authority shall include:

- a) Ordering in writing the remedying of any condition found in violation of the ordinance;
- b) Insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding pursuant to Code of Virginia § 15.2-2286 subject to appeal pursuant to Code of Virginia § 15.2-2286; and
- c) In specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under Code of Virginia § 15.2-2307, or § 15.2-2311.C.
- d) Requiring a guarantee, satisfactory to the board, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the board, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part.
- e) Failure to meet all conditions attached to a rezoning or amendment to a zoning map shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

2-2-5. Violations—General.

2-2-5.1. The following persons are hereby declared to be subject to the enforcement provisions of this division:

- a) An owner of property determined to be in violation of this chapter or of any regulation adopted pursuant to this chapter found to exist on his property.
- b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates a provision of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building or land in violation of the provisions of this chapter.

2-2-5.2. The following conduct is hereby declared to be unlawful and subject to the enforcement provisions of this division:

- a) Violation of any provision of this chapter or of any regulation adopted pursuant to authority conferred by it.

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- b) Any building erected or improvements constructed contrary to any of the provisions of this chapter and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this chapter or contrary to any plan, permit, certificate, variance or approval issued under the provisions of this chapter.
- c) Failure to maintain improvements required under the terms of an approval granted under this chapter in a condition that ensures protection of the public safety and general welfare. It is the purpose of this section to ensure that those site improvements intended for benefit of the public or protection of adjacent properties, but not dedicated to public use or otherwise transferred to county ownership, are maintained in a condition that permits those intentions to be fulfilled.
- d) Procurement of any amendment or any required permit, certificate or approval through misrepresentation of any material fact.
- e) Initiating any land disturbing activity, or any activity for which a zoning permit is required, without obtaining all necessary approvals and permits.

2-2-6. Violations—Violation notice and correction order; appeals.

2-2-6.1. Written complaint. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written violation complaint with the zoning administrator, who must properly record such complaint, investigate it, and take appropriate action if warranted.

2-2-6.2. Except as otherwise specifically provided in this ordinance, the zoning administrator may, upon finding that an owner or any person is or has been engaging in conduct declared unlawful by this chapter, issue a violation notice and/or correction order directing such person to stop engaging in such conduct.

2-2-6.3. The issuance of a violation notice and/or correction order shall suspend the effect of any approval, permit, plan, variance or certificate previously issued that relates to the property or premises subject to the order until such time as the violation notice and/or correction order is withdrawn by the zoning administrator or is stayed by an appeal to the board of zoning appeals.

2-2-6.4. The zoning administrator may, if so specified in the violation notice and/or correction order, revoke any permit or certificate previously issued by him.

2-2-6.5. Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order to the board of zoning appeals, and that the decision shall be final if not appealed within the applicable time period. The appeal shall be taken by filing with the zoning administrator, and with the board of zoning appeals, a notice of appeal specifying the grounds thereof.

2-2-6.6. Where a violation notice and/or correction order is issued and such violation has not ceased within such reasonable time as the zoning administrator has specified, he shall institute such action as may be necessary to terminate the violation. The zoning administrator may initiate

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injunction, mandamus, abatement, criminal or civil warrant, or any other appropriate action to prevent, enjoin, abate or remove such violation of any provision of this chapter.

2-2-7. Violations—Criminal penalties.

Pursuant to VA Code 15.2-2286(A)(5), any person convicted of any violation of this chapter shall be subject to the following:

2-2-7.1. The person shall have committed a misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00).

2-2-7.2. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).

2-2-8. Remedies not exclusive.

The remedies provided for in this division are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Sec. 2-3. Types of permit applications.

This ordinance provides for the following types of permit applications for land use and development:

1. Zoning permit
2. Temporary use permit
3. Modification
4. Site plan
5. Public facilities review (“2232”)
6. Amendment to zoning ordinance or map
7. Conditional use permit.
8. Variance
9. Appeals
10. Development Review by Virginia Department of Transportation (“527” review)
11. Uses not provided for
12. Comprehensive plan amendment
13. Development permit
14. VDOT permits and review

Sec. 2-4. Application submission forms.

In order to pursue any type of development approval required by this ordinance, an application must be submitted to the zoning administrator, accompanied by the items specified in the county’s application submission requirements. Submission requirements include various qualitative and quantitative information items, as well as an application fee. All submission requirements are established by the board of supervisors and may be amended from time to time

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by the board through administrative action. The zoning administrator may waive any item on the application submission form except for the application fee if he determines that it is not pertinent or necessary to determining conformance with this ordinance. The zoning administrator may also require additional information if necessary to determine conformance with the requirements of this ordinance.

Sec. 2-5. Administrative fees.

The county intends for at least part of the cost of administering this ordinance to be borne by those responsible for development. Therefore, a fee schedule, prescribed by the board of supervisors and modified by it from time to time through administrative action, will apply to all permits, reviews, and processing required by this ordinance.

Sec. 2-6. Payment of delinquent taxes prior to filing a land use application.

Prior to, or in conjunction with, filing of an application for any type of land use permit provided for in this ordinance, the applicant must produce evidence that any delinquent county real estate taxes properly assessed against the subject property have been paid in full, in accordance with Code of Virginia § 15.2-2286 (B).

Sec. 2-7. Board of Zoning Appeals (BZA)

2-7-1. Board Members

2-7-1.1. A board of zoning appeals is hereby established, which shall consist of seven members appointed by the Circuit Court of Charlotte County. The BZA will serve with pay as set by the Board of Supervisors. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

2-7-1.2. One of the seven appointed members may be an active member of the Planning Commission. Otherwise, no member shall hold any other public office within Charlotte County.

2-7-1.3. Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, following a hearing that was held after at least 15 days' notice was provided.

2-7-1.4. Membership and organization of the BZA shall be in accordance with the provisions of Section 15.2-2308 of the Virginia Code. Additionally, the members of the board of zoning appeals shall comply with the requirements of the Virginia State and Local Government Conflict of Interests Act, set forth within Sections 2.2-3100 et seq. of the Virginia Code.

2-7-2. Powers of the Board of Zoning Appeals.

The BZA shall have the powers and duties referenced within Section 16.2-2309 of the Virginia Code. The board of zoning appeals, in appropriate cases and subject to appropriate conditions and safeguards, shall have the following powers and duties:

- (1) Administrative appeals. To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant hereto. The decision on such appeal shall be based on the board's judgment of whether the administrator or officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

- (2) Variances. To authorize upon appeal, or original application in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.
- (3) Boundaries. To decide, after notice and hearing, applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. The board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

## Sec. 2-8. Procedures for Review and Approval

### 2-8-1. Zoning permit.

2-8-1.1. No land, building or structure, or any use thereof, shall be established, constructed, reconstructed, enlarged, or altered except in accordance with the requirements of this zoning ordinance. No building permit, land disturbing permit, or other development approval shall be granted, and no use of any land, building or structure shall be authorized or changed, unless and until the zoning administrator verifies that the proposed use or development meets the requirements of this zoning ordinance. The zoning administrator's verification shall be made in writing, and shall be referred to as a zoning permit.

2-8-1.2. Applications for a zoning permit shall be made on forms provided by the county.

2-8-1.3. Each application for a zoning permit shall be accompanied by the following, in addition to any other items specified in the county's application submission form:

- a) A reference to a site development plan approved by the county for the development, with the specific date of approval; alternatively, for uses or developments for which no approved site plan is required or has been obtained: a drawing showing the dimensions of the structure and lot. The drawing shall clearly 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.
- b) The application shall identify the physical address, tax map identification number, and other information necessary to allow the zoning administrator to ascertain the identity and location of the property that is the subject of the application.
- c) The application shall describe the nature, general location and characteristics of the land, building, structure, or use(s) thereof that are the subject of the requested zoning permit.
- d) The zoning administrator may request any other information which the administrator may deem necessary for consideration of the application and for a determination of whether the land, building, structure or use thereof is in accordance with the requirements of the zoning ordinance.
- e) Upon a determination that the land, building, structure, or use thereof, that is the subject of the application complies with all applicable requirements of the zoning ordinance, the zoning administrator shall issue a zoning permit within seven days of such determination.

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- f) Upon a determination by the zoning administrator that a different or additional approval is required (conditional use permit, site plan, subdivision, etc.) the zoning administrator shall deny the zoning permit and shall instruct the applicant as to what procedures and approvals are necessary. Any approval requiring action of the board of supervisors, board of zoning appeals, or other governmental entity, may, upon receipt of payment of any additional fee(s) and application materials required of the applicant, be referred to the approving authority for consideration and action.
- g) An application fee as set forth by the county board of supervisors on the current fee schedule as adopted and updated administratively from time to time.

2-8-1.4. Validity. A zoning permit is valid for one year. If an applicant has not completed construction of the building, or commenced the proposed change of use after one year of receiving the permit, the permit is void and the applicant may re-apply.

2-8-2. Temporary use permit.

2-8-2.1. Permit and Application Requirements. A zoning permit for a temporary use is required for temporary uses permitted in individual zoning districts. Application for such permit shall be made at least one week prior to the date on which the permit is to take effect. The application shall be made on a form provided by the zoning administrator and shall include information about the proposed use, products to be sold, sign, and related licenses and permits.

2-8-2.2. Public Uses Excluded. Any use located on government-owned property which is approved by the County, shall not be considered a temporary use subject to these restrictions.

2-8-2.3. Signs. Notwithstanding other regulations governing signs in this ordinance, only one sign is permitted for each temporary use, which shall be displayed only during the period approved for the temporary use.

2-8-2.4. Revocation of Temporary Permit. The zoning administrator may revoke a temporary permit at any time subsequent to the failure of the owner or operator of the permitted use to observe all requirements of the law with respect to the maintenance and conduct of the use, and any conditions of the permit that were designated by the zoning administrator when issued. Upon receipt of notice of revocation of the permit, the property owner or operator of such activity shall cease operation of the activity immediately. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this ordinance.

2-8-2.5. Civic or Non-Profit Organization. The operation of a temporary use as defined in this ordinance by a civic or non-profit organization is exempt from the requirements of Section 2-8.2. Such organization or its members are also exempt from any other use restrictions when cookies, candy, baked goods or similar small items are sold on commercial properties.

2-8-3. Modification.

2-8-3.1. Purpose. In accord with § 15.2-2286 (4) of the Virginia Code, the zoning administrator may grant a modification from any provision contained in this ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of, or related to any building, structure, or improvements contained in this chapter, after setting forth in writing the reasons for finding that:

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- a) The strict application of this chapter would produce undue hardship;
- b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c) The authorization of the modification will not be of substantial detriment to adjacent property; and
- d) The character of the zoning district will not be changed by the granting of the modification.

The zoning administrator may issue a written decision on the application for modification with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this section, or the zoning administrator may forward the request for modification to the board of zoning appeals for action without making an administrative determination.

2-8-3.2. Notifications of adjoining property owners. Prior to granting a modification, the zoning administrator must give, or require the applicant to give, written notice to all adjoining property owners of the request for modification, giving them an opportunity to respond in writing within twenty-one (21) days of the notice.

2-8-3.3. Appeal to board of zoning appeals. The decision of the zoning administrator may be appealed to the board of zoning appeals, and decisions of the board of zoning appeals may be appealed to the circuit court, as provided by this ordinance. The board of zoning appeals shall review appeals of modifications using the procedures for variances as set forth in Sec. 2-8-8 of this ordinance. Decisions of the board of zoning appeals may be appealed to the circuit court as set forth in Sec. 2-8-9.

2-8-4. Site plan.

2-8-4.1. Site Plan required. A site plan is required for the following uses and must be obtained prior to obtaining a zoning permit and prior to the issuance of a building permit, in accord with Code of Virginia 15.2-2286(A)(8):

- a) Multi-family dwellings, town houses and all other dwellings except single family detached, individual manufactured dwellings, two-family, and accessory dwellings.
- b) All commercial and industrial uses, expansions, and changes in use in which construction of additional habitable space, new or expanded roadways or parking areas, or site development activities such as grading, utility installation is proposed or required.
- c) All conditional use permits.
- d) For any parking lot containing more than 10 spaces, any commercial parking lot, or any development in which motor vehicle parking space is to be used by more than one establishment.
- e) All public and/or semi-public buildings and other uses involving any structure that is required to be reviewed by the planning commission under Code of Virginia §15.2-2232.

2-8-4.2. Exceptions. No site plan is required for the following:

- a) Any use approved as a temporary use.
- b) The construction or location of any single-family detached dwelling on a lot on which not more than two dwellings are located or allowed.

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- c) The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.
- d) Any structure that is accessory to a single-family detached or two-family dwelling.
- e) Any agricultural activity except as otherwise provided in this ordinance.
- f) Any change in or expansion of a use provided that the change or expansion does not require additional parking under the provisions of this ordinance, and for which no additions, expansions or changes to the entrances to the site from the public road right-of-way are proposed by the developer or required by VDOT due to the proposed development activity.

2-8-4.3. Waivers.

The zoning administrator may waive the site plan approval requirement when all of the following conditions apply:

- a) No improvement would be required for the proposed use which might involve surety bonding under county ordinances or regulations.
- b) The proposal will not involve an increase in the intensity over the existing use with respect to entrances, travelways, parking or impact on neighboring lands.
- c) The proposal will result in not more than a twenty-five percent (25%) increase in either the gross floor area of the structure housing the use or in the outdoor area used.

2-8-4.4. Site plan procedures.

- a) Acceptance of a complete application. The zoning administrator must issue a written determination within 10 business days of receipt of the application as to whether it is complete in accordance with the submission requirements set forth by the county board of supervisors as adopted and updated administratively from time to time.
- b) Staff Review. Once a site plan has been accepted for review, the zoning administrator may request information, evaluation and opinion regarding the plan from other departments, divisions, agencies, officials or authorities of the county government; from officials, departments, or agencies of the Commonwealth of Virginia; or from other qualified persons as may from time to time be retained.
- c) If the zoning administrator finds that the site plan conforms to applicable ordinances, he must notify the applicant in writing that he has approved the plan. If the zoning administrator finds that the site plan does not conform with applicable ordinances and other law, he must notify the applicant in writing that he has disapproved the plan, specifying the causes for disapproval and the steps necessary to correct them. A newly submitted or a resubmitted site plan must be acted upon within 45 days of official acceptance, or it will be deemed to be approved unless the time limit has otherwise been extended in writing by the applicant or as a result of review by VDOT or other state agency or public authority authorized by state law pursuant to Code of Virginia, §15.2-2259.
- d) Any person aggrieved of any decision of the zoning administrator pursuant to this section may, may file an appeal in accord with Sec. 2-8-9.
- e) No public easement, right-of-way, or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the board of supervisors and evidence of such approval is shown on the instrument to be recorded.

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- f) Approval of a site plan in accordance with this ordinance shall expire 12 months after the date of approval unless building permits have been obtained for construction and a building foundation established or the use commenced within six months of the building permit issuance date.
- g) Extensions may be granted upon written request by the applicant to the zoning administrator, 45 days prior to lapse of approval. Any extension requires the extension of all bond and surety agreements. A six month extension may be granted at the discretion of the zoning administrator. Further extensions may be authorized only by board of supervisors' approval upon the applicant showing a good cause.
- h) No change, revision, or erasure may be made on any pending or final site plan nor on any accompanying data sheet where approval has been endorsed on the plat or sheets unless authorization for such changes is granted in writing by the approving body or the zoning administrator.
- i) Any approved site plan may be revised, provided the request for revision is filed and processed in the same manner as the original site development plan.

2-8-4.5. Required bonds and surety. Posting and release of bonds shall be in accordance with the procedures set forth in Sec. 4-11 of the Charlotte County Subdivision Ordinance.

2-8-5. Public facilities review (“2232”).

2-8-5.1. Conformance with comprehensive plan. In accord with the Code of Virginia, §15.2-2232, no street, park or other public area or public building or public structure, public utility, public building or public service corporation facility other than a railroad facility or an underground natural gas or underground electrical distribution facility of a public utility as defined in Code of Virginia, §56-265.1(b) within its certificated service territory, whether publicly or privately owned, may be constructed, established or authorized unless and until its general location or approximate location, character and extent has been submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan. Construction of streets and other public infrastructure that have been approved through the subdivision or site plan process for a private development is considered to be in conformance with the comprehensive plan for the purposes of this section.

2-8-5.2. Minor improvements are exempt. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval, unless involving a change in location or extent of a street or public area.

2-8-5.3. Review and approval procedures.

- a) Application. An applicant, whether a property owner or a government agency, must file an application for a public facilities review with the zoning administrator and must meet the applicable minimum submission requirements as prescribed for a zoning permit.
- b) Planning commission public hearing. In connection with any such determination, the planning commission may hold a public hearing, after notice as required by Code of Virginia §15.2-2204.

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- c) Planning commission findings. The planning commission shall communicate in writing its findings to the board of supervisors, indicating its reasons for approval or disapproval. Failure of the commission to act within 60 calendar days of submission of an application, unless such time is extended by the board, shall be deemed approval.
- d) Issuance of permit. The zoning administrator, on behalf of the planning commission, shall issue a permit following approval by the planning commission.
- e) Appeal to the board of supervisors. The owners or their agents may appeal the decision of the planning commission to the board within 10 days after the decision of the commission. The appeal shall be by written petition to the board setting forth the complete reasons for the appeal. The appeal must be heard by the board of supervisors within 60 calendar days of its filing. The board of supervisors may overrule the commission by a majority vote.

2-8-6. Zoning amendment.

2-8-6.1. Purpose. Pursuant to Code of Virginia, §15.2-2285, whenever the public necessity, convenience, general welfare, or good zoning practice requires, the board of supervisors may by ordinance amend, supplement, or change the zoning regulations set forth within this ordinance, the zoning district boundaries, or the zoning classifications of property.

2-8-6.2. Initiation by county. Any amendment may be initiated (i) by resolution of the board of supervisors; or (ii) by motion of the local planning commission. Any such resolution or motion by such board of supervisors or commission proposing the rezoning shall state the above public purposes therefore.

2-8-6.3. Initiation by owner. By petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, an application may be initiated proposing a zoning map amendment to change the zoning classification of property that is the subject of the application. The petition shall be addressed to the governing body. In the event the petition is not granted, the board of supervisors will not reconsider the same petition within a period of one year.

- a) As part of such petition, the applicant must provide the information necessary to review and act on the petition, as required by the county as set forth in an application submission form adopted by the board of supervisors administratively, which may be amended from time to time, including the application fee as set forth in the current fee schedule.
- b) Acceptance of application. The zoning administrator must issue a written determination within 10 business days of receipt of the application as to whether it is complete. If the application is not complete, the zoning administrator will identify for the applicant any deficiencies.
- c) As part of any such petition, a property owner may voluntarily proffer, in writing, reasonable conditions to be applied to the development of the property in addition to the regulations provided within the zoning ordinance for the zoning district in which the property is proposed to be classified. Proffered development conditions shall be submitted by the owner in advance of the required public hearings on the petition, so that the proffered conditions can be referenced in the advertisement of the public hearing.
- d) Proffered development conditions, and the board of supervisors' consideration and acceptance of such conditions, shall be in accordance with Sections 15.2-2296, and Sections 15.2-2297 through 15.2-2298, as may be applicable.

2-8-6.4. Decision period. All motions, resolutions or petitions for amendment to the zoning ordinance and/or zoning map shall be acted upon and a decision made within 12 months from the date of the first planning commission meeting following acceptance of a completed application, as determined by the zoning administrator. However, upon request of the applicant, or with the applicant's consent, the time for approval may be extended beyond such 12-month period.

2-8-6.5. Withdrawal of application. Any application filed pursuant to this division may be withdrawn at any time upon written request by the applicant. No action shall be required by the board or commission following withdrawal of a motion, resolution or petition for amendment to the zoning ordinance or map. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action.

2-8-6.6. Suspension of application. At any time during the review process, an applicant may request that the planning commission or board of supervisors suspend its review for a specified period of time not to exceed 60 days. If such request is granted, the timeline for county action will be extended for the same amount of time as the requested suspension. Any application that is suspended for greater than a total of 60 days as part of any particular application process shall be considered withdrawn. An applicant may withdraw an application at any time, by written notice to the zoning administrator. An application is deemed to be withdrawn upon receipt of such notice by the zoning administrator. Any application withdrawn for any reason must be resubmitted for review, and shall be subject anew to the applicable fees and the full time period for review.

2-8-6.7. Planning commission process. No zoning ordinance text or zoning map shall be amended or reenacted unless the board of supervisors has referred the proposed amendment or reenactment to the planning commission for its recommendations. Acceptance by the county of an application submitted by an owner in conjunction with the procedures set forth in this ordinance shall constitute referral of the requested amendment to the planning commission. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission, shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period.

2-8-6.8. Planning commission public hearing. The commission shall hold at least one public hearing on a proposed amendment of the zoning ordinance or zoning map, after notice as required by Section 15.2-2204 of the Virginia Code. The planning commission may make recommend appropriate changes in the proposed amendment as a result of the hearing. Upon the completion of its work, the commission shall present the proposed amendment to the board of supervisors, together with its recommendations and appropriate explanatory materials.

2-8-6.9. Board of Supervisors public hearing. Before approving and adopting any amendment of this zoning ordinance, or of the zoning map, the board of supervisors shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.2-2204 of the Virginia Code. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by § 15.2-2204. Following the public hearing, the board of supervisors may make appropriate changes or corrections in the proposed amendment.

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2-8-6.10. Joint public hearing. The board of supervisors and the planning commission may hold a joint public hearing following proper public notice under Code of Virginia § 15.2-2204.

2-8-6.11. Criteria for consideration. In considering requests or applications for text amendments or zoning map amendments to this ordinance, the planning commission and board of supervisors must consider, among other factors, whether:

- a) the rezoning is consistent with the purposes of zoning as set forth in Code of Virginia §15.2-2283 and the purposes and intent of this chapter.
- b) the rezoning would, if granted, further the public interest, and whether it conforms with the goals, objectives, and policies and other provisions and purposes of the comprehensive plan.
- c) the rezoning is justified by changed or changing conditions.

2-8-7. Conditional use permit.

2-8-7.1. Purpose. Conditional use permits may be granted to establish or construct only those uses or structures which are listed within the regulations of a given zoning district as being permissible by conditional use permit. In considering a conditional use permit, the commission may recommend and in granting a conditional use permit, the board of supervisors may impose reasonable conditions on the use of the property to protect the public health, safety and general welfare.

2-8-7.2. Initiation. An applicant must provide the information necessary to review and act on the petition, as required by the county as set forth in an application submission form adopted by the board of supervisors administratively, which may be amended from time to time, including the application fee as set forth in the current fee schedule.

2-8-7.3. Acceptance of application. The zoning administrator must issue a written determination within 10 business days of receipt of the application as to whether it is complete. If the application is not complete, the zoning administrator will identify for the applicant any deficiencies.

2-8-7.4. Planning commission review and action. After determining that an application is complete, the zoning administrator shall refer the application to the planning commission within 60 days of formal acceptance of the application. Applications for conditional use permits shall be processed in the same manner as for zoning amendments as provided for in Sec. 2-8-6. A conditional use permit may be submitted in conjunction with a zoning map amendment application. Before submitting its recommendation to the board of supervisors, the planning commission shall hold a public hearing which may be a joint public hearing with the board of supervisors, after notice as required by Code of Virginia § 15.2-2204. The planning commission shall then make its recommendation to the board of supervisors as to whether the application complies with the conditional use provisions in the particular district, the criteria in Sec. 2-8-7.6, and the comprehensive plan, including verification that the use is specifically authorized within the district, and whether it should be approved or denied and whether conditions should accompany any approval.

2-8-7.5. Board of supervisors review and action. The board of supervisors shall hold a public hearing, which may be a joint public hearing with the planning commission, after notice as required by Code of Virginia § 15.2-2204, and shall consider the recommendations of the commission before granting or denying approval of a conditional use permit.

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2-8-7.6. Criteria for consideration. In considering a conditional use permit application, the following factors must be considered. The applicant must address these factors in the statement of justification. The applicant may also include information on other relevant issues and the planning commission and board of supervisors may consider other relevant issues in evaluating the application.

- a) Whether the proposed use is consistent with the comprehensive plan.
- b) Whether the impacts of the proposed use on surrounding properties and public facilities, services, and infrastructure will be adequately mitigated so as to protect adjacent owners and the general public.
- c) The compatibility of the proposed use with other existing, planned, or proposed uses in the neighborhood, and adjacent parcels.
- d) The timing and phasing of the proposed development and the duration of the proposed use.
- e) Whether the proposed use will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, agricultural, archaeological or historic features.
- f) Whether the proposed use at the specified location will contribute to or promote the welfare of the public.
- g) Whether the proposed use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the comprehensive plan.
- h) The effect of the proposed use in enhancing affordable shelter opportunities for residents of the County.

2-8-7.7. Expiration. Unless otherwise provided in the conditions of approval, any conditional use permit will expire if the applicant does not obtain a building permit for the facility or otherwise commences the use within nine months of its issuance. The zoning administrator may grant an extension of up to three months upon written application and for good cause shown. Any request for an extension of more than three months requires a new application.

2-8-8. Variances.

2-8-8.1. Petitions for variances or interpretations of district map or boundaries may be made by any property owner, tenant, government official, department, board or bureau. Such petitions shall be made to the zoning administrator in accordance with the requirements of this chapter and the rules of the board of zoning appeals. The petition and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board of Zoning Appeals, who shall place the matter on the docket. A copy of the petition shall be sent to the planning commission which may send a recommendation to the BZA or appear as a party in the hearing. Once a petition has been considered by the BZA, the BZA shall not reconsider substantially the same petition within a period of one (1) year from the date the initial petition was filed with the zoning administrator.

2-8-8.2. The BZA shall fix a reasonable time for the hearing of the petition, give public notice thereof as required by Code of Virginia § 15.2-2204, as amended, as well as due notice to the parties in interest, and decide the same within sixty (60) days. Written notice shall be

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given by the board of zoning appeals at least five (5) days before the hearing to the owner or owners or their agent, of each parcel involved and to the owner or owners or their agents, of all abutting property and property immediately across the street or road from the property affected. When giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

2-8-8.3. Grant of variance. A variance may be granted where 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 the piece of property, or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant. No such variance shall be authorized by the BZA unless it finds:

- a) That the strict application of the ordinance would produce undue hardship;
- b) That the hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c) That the authorization of the 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; and
- d) That the condition or situation of the property concerned 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.

2-8-8.4. No variance shall be authorized except after notice and hearing. In authorizing a variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance.

2-8-8.5. No nonconforming use of neighborhood lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

2-8-8.6. Under no circumstance shall the BZA grant a variance to allow a use not permitted by this chapter in the district involved or to allow a use not permitted under state law.

2-8-8.7. If the BZA finds, after hearing, that the conditions above enumerated have been satisfied and the board further finds that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure, it may grant the variance. If, for any reason, any of the above findings cannot be made, the BZA shall deny the petition for a variance. The required findings must be made a part of the board's order.

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2-8-9. Appeals.

2-8-9.1. An appeal to the board of zoning appeals may be taken by any aggrieved person or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator or any administrative official in the administration or enforcement of this chapter. Such an appeal shall be taken within thirty (30) days, a notice of appeal specifying the grounds thereof.

2-8-9.2. Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal such notice or order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days.

2-8-9.3. The official whose action is appealed shall forthwith transmit to the BZA, all the papers constituting the records upon which the action appealed from was taken.

2-8-9.4. The BZA shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof pursuant to Code of Virginia § 15.2-2204, as well as due notice to the parties in interest and decide the same within sixty (60) days.

2-8-9.5. In reviewing the actions of administrative officials, the BZA may, so long as its action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the decision or determination appealed from a County official. The concurring vote of a majority of the members shall be necessary to reverse any order, requirement, decision or determination of a County official or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from this ordinance.

2-8-9.6. An appeal to the BZA from any action of an official taken pursuant to this chapter shall stay the effect of the action appealed from; provided, however, that an appeal shall not operate as a stay if the official performing such action certifies to the board that the public health or safety requires that the action remain in effect pending a decision on the appeal. If such a certification is made to the board, the person pursuing the appeal may contest the accuracy of the certification. The BZA shall in such case immediately hear and determine the question of whether the action appealed from should be stayed pending a decision on the merits of the appeal.

2-8-9.7. A person who is aggrieved by any decision of the BZA may appeal the decision to the Charlotte County Circuit Court within 30 days after the final decision of the board, in accordance with the procedure and requirements set forth within Section 15.2-2314 of the Virginia Code.

2-8-10. Development review by Virginia Department of Transportation (“527” review)

In accord with Code of Virginia, §15.2-2222.1 (B) and §15.2-2222.1 (C), the Virginia Department of Transportation (VDOT) must review any proposed rezoning, site plan or subdivision plat that substantially affects transportation on state-controlled highways as defined by VDOT. Specific submission requirements and procedures are promulgated by VDOT.

2-8-11. Uses not provided for.

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Only those uses specifically listed in each zoning district are permitted or permissible in that district. A person may submit an application to amend the zoning ordinance to add one or more uses to the use list, in accord with the procedures set forth in Sec. 2-8-6.

2-8-12. Comprehensive plan amendment.

2-8-12.1. Comprehensive plan amendments will be processed on an annual basis, with January 1 being the filing deadline. Comprehensive plan amendments shall be submitted to the zoning administrator. In general, a comprehensive plan amendment is required if:

- a) The request is for a zoning district other than that which is shown on the comprehensive plan; and/or when any portion of the request extends a comprehensive plan policy area boundary which is indicated as a definite location in the plan such as a road, ridge line, or drainage divide; and/or
- b) The density requested exceeds the density as depicted in the comprehensive plan, and/or
- c) Facilities and utilities such as schools, sewage treatment plants, community facilities, and the like are addressed in the plan and are to be eliminated and/or located elsewhere, or when they are to be added to a subject property other than as shown in the comprehensive plan.

2-8-12.2. Limits on comprehensive plan amendments. Comprehensive plan amendments for essentially the same request on the same property will be processed no more than once every two years from the date of final determination of the previous application.

2-8-12.3. Submission requirements for comprehensive plan amendments. An applicant must provide the information necessary to review and act on the requested amendment, as required by the county as set forth in an application submission form adopted by the board of supervisors administratively, which may be amended from time to time, including the application fee as set forth in the current fee schedule. The application shall include a statement of justification in which the applicant shall address one or more of the following:

- a) Change in Circumstances. There has been a significant change in surrounding land use since the original or latest comprehensive plan process.
- b) Goals. The goals of the comprehensive plan would be better met with the proposed modification, or better implemented if such amendments are adopted.
- c) Creative Concepts. Innovative approaches to land use not currently contemplated in the comprehensive plan.
- d) Oversights. The subject property was omitted, misinterpreted or mis-designated in the original or latest comprehensive plan process.
- e) Hardship. An applicant has a unique hardship, as defined in this ordinance, on the subject property not identified in the original or latest comprehensive plan process.

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Sec. 2-8-13. Development permits.

2-8-13.1. Erosion and sediment control.

Prior to conducting any land-disturbing activity, the person responsible for such activity must submit to the county for approval, an erosion and sediment control plan, in accordance with Chapter 42 of the Charlotte County Code of Ordinances, subject to the exemptions as set forth in Sec. 42-34 (e).

*[Reference: Virginia Administrative Code - Chapter 840 – Erosion and Sediment Control Regulations (9VAC25-840)]*

2-8-13.2. Stormwater

A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be approved by the Virginia Department of Environmental Quality (DEQ), or the authorized Virginia Stormwater Management Plan Authority approved by DEQ, prior to land disturbance, in accordance with 9VAC25-850, and 9VAC25-870.

*[Reference: Virginia Administrative Code Chapter 850 Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Chapter 870 Stormwater Management Program (VSMP) Permit Regulations (9VAC25-870)]*

2-8-13.3. Building permit.

Prior to commencing work to construct, enlarge, alter, repair, convert or demolish a building or structure, or a portion of a building or structure, a contractor or property owner must obtain a building permit from the county building inspector, in accordance with procedures and fees as established by the board of supervisors, and in accordance with the Virginia Uniform Statewide Building Code. A zoning permit must be obtained prior to receiving a building permit.

2-8-13.4. VDOT Review.

Commercial Entrance Review. Commercial entrances may be reviewed by VDOT. Reconstruction, relocation, commercial entrance consolidation, or upgrading, or a combination of these, may be required when any of the following occur:

- a) There is a change in commercial use by either the property owner or by a tenant.
- b) The property is subject of a site plan or subdivision plat review.

Driveway Permit. An approved driveway permit from VDOT is required prior to the installation of any residential or non-residential driveway connecting to a state maintained road.

### Article 3. General Agricultural District

Sec. 3-1. Intent.

The General Agricultural District is intended to provide for a wide range of uses compatible with the rural environment and the preservation of the agricultural economy, while prohibiting or limiting uses that might be objectionable or harmful to rural residents, and retaining the county's natural assets and quality of life.

Sec. 3-2. Area regulations.

The minimum lot area for permitted uses shall be three acres.

Sec. 3-3. Frontage regulations.

The minimum lot frontage shall be 275 feet at the setback line for lots fronting on an existing state road and 200 feet at the setback line for lots fronting on a newly constructed state road. For lots not fronting on a state road and served only by a private road, private driveway or access easement, no frontage requirement shall apply, provided that said lots shall not have a depth of more than three and one-half (3.5) times their width.

Sec. 3-4. Setback regulations.

All structures shall be at least 60 feet from any State maintained road right-of-way or 125 feet or more from the center line of any State maintained road, whichever is greater. All structures shall be 75 feet or more from the centerline of any privately maintained road in an approved residential subdivision.

Sec. 3-5. Yard regulations.

3-5-1 *Side*. The minimum side yard for each principal structure shall be at least 50 feet, and the total width of the two required side yards shall be at least 100 feet. Accessory structures shall be located at least 10 feet from the property line. All structures shall be at least 100 feet from the boundary of any General Residential or Village Center zoning district.

3-5-2 *Rear*. Each principal structure shall have a rear yard of at least 70 feet. Accessory structures shall have a rear yard of at least 10 feet.

Sec. 3-6. Height regulations.

The maximum height of any non-agricultural structure shall not exceed 50 feet.

Sec. 3-7. Use regulations for poultry operations.

3-7-1. Acreage requirements and setbacks.

3-7-1.1. Acreage requirements.

The minimum number of acres on which a confined animal feeding operation for poultry ("poultry operations") may be established shall be the larger of either the number of acres required by the waste management plan which has been approved pursuant to Section 3-7-3 herein or a minimum of 100 acres for the first 300 animal units, plus 10 acres for each additional 300 animal units or a portion thereof.

The minimum 100 acre area for any confined animal feeding operation for poultry must be

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contiguous. In addition, the operator must be able to demonstrate that he or she has a right to access between any additional required noncontiguous acres in such operation.

Confined animal feeding operations in operation as of the effective date of this amendment which do not have the minimum acreage required above, shall be considered nonconforming existing uses, administered in accordance with the provisions of Article 11.

3-7-1.2. Setbacks from existing dwellings.

Each poultry structure within a poultry operation shall be set back from all dwellings not owned by the operator and existing prior to the establishment of the operation as follows:

- a) From an existing dwelling in the Intensive Agriculture district, fifteen hundred (1,500) feet;
- b) From an existing dwelling in the General Agricultural district, two thousand (2,000) feet;

3-7-1.3 Setbacks of any new dwellings from existing confined animal feeding operations for livestock, dairy or poultry.

Each new dwelling not owned by the operator shall be set back from all existing livestock, dairy or poultry structures and operations as follows:

- a) From an existing livestock, dairy, or poultry structure in the Intensive Agriculture district, at least 1,500 feet;
- b) From an existing livestock, dairy, or poultry structure in the General Agricultural zoning district, at least 2,000 feet.

3-7-1.4. Setbacks from property lines and public roads.

The setback for poultry operation structures from property lines and public roadways shall be at least 1,000 feet.

3-7-1.5. Other setbacks.

- a) All poultry operation structures shall be set back at least 3,000 feet from mobile home parks; public schools; churches; county owned buildings; county, town and community recreation areas; public wells, public springs and public water intakes;
- b) All poultry operation structures shall be set back at least one (1) mile from platted residential subdivisions, village center and general residential districts; two (2) miles from incorporated towns.
- c) Land application of animal waste shall be set back at least 1,000 feet from any existing dwelling.

3-7-2. Poultry operation site plans.

3-7-2.1. A poultry operation operator or a potential operator shall file with the zoning administrator a site plan application in accordance with Sec. 10-22 which indicates the

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number, size and location of poultry structures planned for the subject parcel. When such plan has been approved by the zoning administrator and during the period in which it remains in effect, the planned structures shall be required to meet setbacks only from those dwellings and uses existing at the time the site plan is approved.

Sec. 3-7-2.2. The owner of an existing poultry operation that seeks to expand the operation shall submit a site plan application showing the entire parcels on which the operation is located and also showing the location of the existing and proposed poultry operation within the parcel or parcels.

Sec. 3-7-2.3. Each parcel for which a site plan has been approved by the zoning administrator shall display at its entrance a sign no smaller than two (2) square feet, or larger than four (4) square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words " Approved Poultry Operation Development Site."

3-7-3. State and federal permits and approvals required.

Every confined animal feeding operation, including poultry operations, shall obtain all required state and federal permits and approvals, in accordance with Code of Virginia § 62.1-44.17:1 (state permits for confined animal feeding operations), § 62.1-44.17:1.1 (poultry waste management program), and other applicable state and federal regulations.

Sec. 3-8. Permitted uses and conditional uses.

As set forth in the Use Matrix in Article 9.

**Article 4. General Residential District**

Sec. 4-1. Intent.

The General Residential District is intended to provide for flexible residential, public and semipublic land uses while safeguarding against such uses as might be objectionable in a residential neighborhood.

Sec. 4-2. Area regulations.

The minimum lot area within the General Residential District shall be one and one-half (1.5) acres, subject to the ability to provide adequate well and septic to all dwelling units on the lot.

Sec. 4-3. Setback regulations.

4-3-1. Front setback (minimum): 35 feet from any street right-of-way which is 50 feet or greater in width, or sixty (60) feet from the centerline of any street right-of-way.

4-3-2. Side setback (minimum): ten (10) feet.

4-3-3. Rear setback (minimum): twenty five (25) feet.

Sec. 4-4. Frontage regulations.

The minimum lot width at the setback line shall be fifty (50) feet.

Sec. 4-5. Height regulations.

Height (maximum): thirty five (35) feet, and up to forty five (45) feet by conditional use permit.

Sec. 4-6. Permitted and conditional uses.

As set forth in the Use Matrix in Article 9.

**(Article 5. reserved)**

**Article 6. Village Center District**

Sec. 6-1. Intent.

The Village Center District is intended to encourage cluster development of residential, commercial, and public uses to create a sense of place and convenient access to community services and shopping, and to create a sense of community identity. Walkability, a mix of uses, and street connectivity are all promoted within this zoning district.

Sec. 6-2. Area regulations.

The minimum lot area within the Village Center District shall be one (1) acre.

Sec. 6-3. Setback regulations.

6-3-1. Front setback (minimum): twenty five (25) feet

6-3-2. Side setback (minimum): ten (10) feet (25 feet minimum required when adjacent to a residential use)

6-3-3. Rear setback (minimum): ten (10) feet (twenty five (25) feet minimum required when adjacent to a residential use)

6-3-4. For areas with existing development, the minimum front setback may be determined by taking an average of the front setbacks for existing primary structures within five hundred (500) feet of the property and on the same street at the time of application submittal to the County.

Sec. 6-4. Frontage regulations.

The minimum lot width at the setback line shall be fifty (50) feet.

Sec. 6-5. Height regulations.

Height (maximum): 45 feet, and up to 65 feet allowed by conditional use permit.

Sec. 6-6. Permitted and conditional uses.

As set forth in the Use Matrix in Article 9.

**Article 7. Intensive Agricultural District**

Sec. 7-1. Intent.

The Intensive Agricultural District is intended to encourage economic development and to preserve farmland by providing for the viability of the county's agricultural sector by allowing for the orderly and responsible development of the confined animal feeding operations associated with the intensive livestock and dairy industries, as well as for poultry operations when those are desired by the owner operator. Intensive agricultural and forestry activities may at times produce noise, odors and other impacts that are not compatible with residential uses, and thus this district aims to limit such impacts, while acknowledging that those who dwell in this district must expect some of those impacts.

Sec. 7-2. Area regulations.

The minimum number of acres on which a confined animal feeding operation may be established shall be 100 acres for the first 300 animal units, plus 10 acres for each additional 300 animal units or a portion thereof.

The minimum 100 acre area for any confined animal feeding operation for poultry must be contiguous. In addition, the operator must be able to demonstrate that he or she has a right to access between any additional required noncontiguous acres in such operation.

Confined animal feeding operations in operation as of the effective date of this ordinance which do not have sufficient acres, as required above, shall be considered nonconforming existing uses, administered in accord with the provisions of Article 11.

Sec. 7-3. Setback regulations.

7-3-1. Setbacks from existing dwellings.

Each confined animal feeding operation structure shall be set back from all existing dwellings not owned by the operator as follows:

7-3-1-1. From an existing dwelling in the intensive agriculture district, at least 1,500 feet;

7-3-1-2. From an existing dwelling in an adjacent general agricultural zoning district, at least 2,000 feet;

7-3-2. Setbacks from existing confined animal feeding operations.

Each proposed dwelling not owned by the operator shall be set back from all existing confined animal feeding structures as follows:

7-3-2.1. From an existing confined animal feeding structure in the Intensive Agriculture district, at least 1,500 feet;

7-3-2.2. From an existing confined animal feeding structure in an adjacent General Agricultural zoning district, at least 1,500 feet.

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7-3-3. Setbacks from property lines and public roads.

The setback for intensive confined animal feeding structures for livestock and dairy from property lines and public roadways shall be at least 1,000 feet.

7-3-4. Setbacks from other uses.

7-3-4.1. All confined animal feeding structures shall be set back at least three thousand (3,000) feet from mobile home parks; public schools; churches; county owned buildings; county, town and community recreation areas; public wells, public springs and public water intakes;

7-3-4.2. All confined animal feeding structures shall be set back at least one (1) mile from platted residential subdivisions, village center and general residential districts; and two (2) miles from incorporated towns.

7-3-4.3. Land application of animal waste shall be set back at least 1,000 feet from any existing dwelling.

7-3-5. Setback for other permitted uses.

For permitted uses in the district other than confined animal feeding operations, the minimum front setback shall be 100 feet.

Sec. 7-4. Frontage and yard regulations.

For all permitted uses in the district, other than confined animal feeding operation, the frontage and yard requirements shall be:

Frontage minimum: 275 feet.

Side yard minimum: 50 feet on each side for principal structures; 10 feet for accessory structures. All structures shall be at least 100 feet from the boundary of any General Residential or Village Center zoning district.

Rear yard minimum: 70 feet for principal structures; 10 feet for accessory structures.

Sec. 7-5. Height regulations.

The maximum height of any non-agricultural structure shall not exceed 50 feet.

Sec. 7-6. Use regulations.

7-6-1. Site plan required.

a. In the Intensive Agricultural district, an operator or a potential operator shall file with the zoning administrator a site plan which indicates the number, size and location of any confined animal feeding operation structures planned for the subject parcel, and which complies with the requirements of this district and with the provisions for site plans as set forth in Article 10.

b. Each parcel for which a site plan has been approved by the zoning administrator shall display at its entrance a sign no smaller than two (2) square feet, or larger than four (4) square feet, clearly visible

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from the nearest roadway, indicating that a site plan is in effect for the parcel and containing the words " Approved Intensive Agricultural Development Site."

Sec. 7-7. State and federal permits and approvals required.

Every confined animal feeding operation shall obtain all required state and federal permits and approvals, in accordance with Code of Virginia §62.1-44.17:1 (state permits for confined animal feeding operations), and other applicable state and federal regulations.

Sec. 7-8. Permitted uses and conditional uses.

As set forth within the Use Matrix in Article 9.

**Article 8. General Industrial District**

Sec. 8-1. Intent.

The General Industrial District is intended to provide areas to accommodate industries and industrial activity which will provide an economic benefit to Charlotte County and its citizens, and which will have a minimal effect on adjacent properties and land uses. The Regulations in this article provide for buffering from incompatible uses, but also encourage important employment centers to locate within this district.

Sec. 8-2. Area regulations.

The minimum lot area within the General Industrial District shall be one and one-half acres.

Sec. 8-3. Setback regulations.

- 8-3-1. Front setback (minimum): ten (10) feet
- 8-3-2. Side setback (minimum): ten (10) feet
- 8-3-3. Rear setback (minimum): ten (10) feet

Sec. 8-4. Frontage and yard regulations.

- 8-4-1. Lot Width. The minimum lot width at the setback line shall be 50 feet.
- 8-4-2. Lot Coverage. Buildings or groups of buildings including any accessory buildings may cover up to seventy (70) percent of the land area of the lot.

Sec. 8-5. Height regulations.

Height (maximum): sixty five (65) feet

Sec. 8-6. Requirements for permitted uses.

Each site of an industrial use shall be designed to screen permitted uses from adjacent zoning districts. This shall be accomplished through the use of landscaping along the edge of the industrial zoning district which provides year-round opaque screening, earth berms, masonry walls, or fences constructed of pressure-treated wood or other wood resistant to deterioration due to exposure to weather, moisture and insects, or a combination of two or more of these techniques.

Sec. 8-7. Permitted and conditional uses.

As set forth within the Use Matrix in Article 9.

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Article 9. Use Matrix

**B = By Right**

**C = Conditional Use Permit**

**T = Temporary Use Permit**

Use Types	Zoning Districts				
	General Agricultural	Intensive Agriculture	General Residential	Village Center	General Industrial
<b>Residential and Related Uses:</b>					
Accessory Buildings & Structures	B	B	B	B	B
Bed and Breakfast/ Boarding House	B		C	B	
Dwellings:					
Manufactured home (individual units, one home per residential lot)	B	B	B	B	
Multifamily	C		C	B	
Single Family attached	B		B	B	
Single Family detached	B	B	B	B	
Two-Family/ Duplex	B		B	B	
Family Day Home (1-5 children)	B	B	B	B	
Family Day Home (6-12 children)	B	C	C	B	
Farm Worker Housing	B	B	C	B	
Accessory Dwelling/ Guest House	B	B	B	B	
Home occupations	B	B	B	B	
Hunting Cabins	B				
Neighborhood swimming pools/ parks/ playgrounds	B		B	B	
Nursing Home/ Retirement Home/ Assisted Living Facility	C		C	B	
Residential Treatment Facility:					
1-8 Residents	B	B	B	B	
8+ Residents	C	C	C	C	
Temporary Family Healthcare Structure	T	T	T	T	

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Use Types	Zoning Districts				
	General Agricultural	Intensive Agriculture	General Residential	Village Center	General Industrial
<b>Non-Residential: General Agricultural Uses</b>					
Agriculture	B	B	B	B	
Commercial or Non-commercial Stable	B	B	C		
Deer Processing	B	B			B
Farm Sales	B	B	C	B	
Farm Stands	B	B	C	B	
Fishery	B	B			
Forestry	B	B	B		
Game Preserve	B	B			
Intensive Livestock CAFO		B			
Livestock Market	B	B			C
Intensive Poultry-CAFO	B	B			
Slaughterhouse	C				B
Small Wind Turbine	B	B	B	B	B
Temporary Sawmill	B	B	T	T	B
Wildlife Sanctuary	B	B	B		
Winery	B	B	B	B	B
<b>Non-Residential: General and Misc. Commercial</b>					
Airport	C				C
Amusement Enterprises (circus, carnival, etc.)	C				
Animal Boarding, Kennels or Shelters	B			C	B
Animal Hospital/ Vet Clinic, Animal Grooming	B		C	C	B
Art Gallery or Studio	B		C	B	B
Assembly, places of:					
Indoor (small) -- Meeting Hall, Private Club, House of Worship, Theater, etc.	B		B	B	
Outdoor-- Amphitheater, Stadium, etc.	C		C	C	
Large-- seating for more than 160 people or at least 6,400 SF gross floor area	C		C	C	

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Use Types	Zoning Districts				
	General Agricultural	Intensive Agriculture	General Residential	Village Center	General Industrial
Motor Vehicle Uses:					
Gas Station	C		C	C	B
Service & Repair	B		C	B	B
Parts & Equipment Sales	B	C		B	B
Rental/ Leasing/ Sales	B	C		B	B
Bakery	B			B	B
Banks & Financial Institutions	B		C	B	
Campground	C				
Car Wash	C		C	C	C
Cemetery	B		C	C	
Communications Facilities and Towers	C	C			C
Contractor or Tradesman's Shop	B	B		B	B
Daycare Facility	B		C	B	
Educational Facilities/ Schools	B		C	B	
Emergency Services	B		B	B	
Funeral Home	B		C	B	
Golf Course/ Driving Range	B		B		
Hospitals and clinics	B			B	
Hotels	C		C	B	
Library	B		B	B	
Microbrewery	B			B	B
Public Amusement (dance hall, bowling alley, etc.)	C			B	
Municipal/ Government Buildings	B			B	
Museum	B		C	B	
Offices:					
Business and Professional	C		C	B	
Medical	C		C	B	
Other Offices-- non-specified	C		C	B	
Racetrack	C				
Stormwater Management Facilities	B	B	B	B	B
Recreational Facilities (Indoor or Outdoor)	C	C	C	C	
Restaurants	B		C	B	
Utility Lines and Facilities (excluding towers)	B	B	B	B	B

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Use Types	Zoning Districts				
	General Agricultural	Intensive Agriculture	General Residential	Village Center	General Industrial
<b>Non-Residential Uses: Retail</b>					
Consumer Service Businesses	B			B	
Convenience Stores	C		C	C	
Farmer's Market	B	B	C	B	
Commercial Greenhouses/ Nurseries	B	B		B	B
Grocery Stores	C			B	C
Other Retail Stores-- Non-specified	C			B	B
<b>Non-Residential: Industrial</b>					
Assembly, Industrial	C				B
Salvage/ Dump					C
Beverage or Food Processing, packaging and bottling plants	C				B
Brewery and Bottling Facility	C				B
Concrete Mixing Plant	C				B
Construction Storage Yard	C				B
Industrial Equipment: service, repair and rental	C				B
Laboratory/ Research and Testing Facility	C				B
Manufacturing/ Processing	C				B
Open Storage Yard	C				B
Quarries, Mining & Drilling	C				
Sawmill	C				B
Self-Storage Facility	C				B
Warehouses	C				B
Welding or Machine Shop	C			C	B
Wholesale Establishments					B

**Article 10. Supplementary Regulations**

Sec. 10-1. Corner lots; flag lots.

- 10-1-1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. If the lot has equal frontage on two or more streets, the front is determined and shown on the subdivision plat or site plan by the prevailing building pattern or the prevailing lot pattern if the building pattern has not been established.
- 10-1-2. The side yard on the side facing the side street shall be at least 20 feet in depth for both the principal and accessory building.
- 10-1-3. No structure shall be built on the elongated or “stem” portion of a flag lot which is for access only. The front setback of such lots shall be measured from the point at which the “stem” portion joins the bulk portion of the lot.

Sec. 10-2. Limit on number of dwellings per lot.

Only one (1) dwelling unit is permitted per lot, except for multi-family dwellings, accessory dwellings, and farmworker housing, or as otherwise provided for in this ordinance.

Sec. 10-3. Accessory uses, structures, and dwellings.

- 10-3-1. Accessory uses and structures are limited to those listed in this section, and to any other use or structure the zoning administrator determines to be equivalent in scope, size and impact as those listed herein, and shall be in compliance with all other provisions of this ordinance.
- 10-3-2. Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and shall be in compliance with all other provisions of this ordinance.
- 10-3-3. Accessory structures must be located on the same lot as the principal use or structure.
- 10-3-4. Accessory structures must be included in the calculations for height, bulk and coverage required by this ordinance.
- 10-3-5. Except as otherwise permitted herein, no accessory use or structure may be located in a required setback.
- 10-3-6. No accessory use or structure may create a nuisance or hazard.
- 10-3-7. Home occupation uses must comply with the provisions of Sec. 10-12.
- 10-3-8. Except in the case of home occupations conducted within an accessory dwelling, accessory uses and structures must be operated and maintained under the same ownership as the principal use.
- 10-3-9. Accessory uses and structures that are normally associated with and subordinate to residential dwellings are permitted, including accessory dwellings as provided for in this ordinance, clotheslines, decks, patios, fences, walls, air handling units, pet houses, play equipment, pools, storage sheds and the like.

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- 10-3-10. Accessory dwellings used for family members, guests or as rental housing for paying tenants, are permitted in those zoning districts in which they are listed as a permitted or conditional use, subject to the following additional standards.
- 10-3-11. In the General Agriculture District, one accessory dwelling is permitted on any lot of three (3) acres or greater, provided that all other requirements are met, including water and wastewater facilities, setback requirements, and the like. No such accessory dwelling may exceed 1,200 square feet in total, above ground, floor area.
- 10-3-12. In the General Residential and Village Center Districts, one (1) accessory dwelling is permitted on any lot of 20,000 square feet or greater provided that all other requirements are met, including water and wastewater facilities, setback requirements, and the like. No such accessory dwelling may exceed 800 square feet in total, above ground, floor area.
- 10-3-13. All off-street parking requirements are met for all dwelling units on any parcel.
- 10-3-14. Accessory dwellings may be located in basement areas or within accessory structures such as garages.
- 10-3-15. No accessory dwelling may ever be subdivided from the lot on which it is located.
- 10-3-16. The owner of the property must reside in any principal dwelling that has an accessory dwelling unit.

Sec. 10-4.       Dumpsters (mobile refuse bins).

- 10-4-1. Mobile refuse bins for businesses, neighborhood or multi-family structures, must be located in the side or rear yards of the lot, or at the rear of the lot within the setback area.
- 10-4-2. Mobile refuse bins for businesses, neighborhood or multi-family structures, must be screened from the public right-of-way and contiguous property by a fence and/or opaque, evergreen vegetation, at least six (6) feet in height, or by an equivalent visual screen.

Sec. 10-5.       Outdoor lighting.

10-5-1. Purpose and intent.

The purpose of outdoor lighting regulations is to preserve the dark skies of Charlotte County by requiring full cutoff luminaires, to protect the general welfare by controlling the spillover of light onto adjacent properties, and to protect the public safety by preventing glare from outdoor luminaires. These regulations regulate the direction of light emitted from certain luminaires, and limit the intensity of light on certain adjacent properties.

10-5-2. Applicability.

Except as provided in Sec.10-4-5, these outdoor lighting regulations shall apply to each outdoor luminaire installed or replaced after the date of the adoption of these regulations, where such luminaire is: Associated with a use for which a zoning permit is required, and is equipped with a lamp which emits three thousand (3,000) or more maximum lumens.

10-5-3. Standards.

The following standards shall apply to each outdoor luminaire:

- 10-5-3.1. Each outdoor luminaire subject to these outdoor lighting regulations shall be a full cutoff luminaire.
- 10-5-3.2. Measurement of lumens.

For each outdoor luminaire subject to these outdoor lighting regulations, the maximum number of lumens emitted by such luminaire shall be determined from the information provided by the manufacturer of the lamp including, but not limited to, information on the lamp or on the lamp's packaging materials.

The following rated lamp wattages shall be deemed to emit three thousand (3,000) or more maximum lumens, unless the zoning administrator determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits less than three thousand (3,000) maximum lumens:

- a. Incandescent lamp: one hundred sixty (160) or more watts.
  - b. Quartz halogen lamp: one hundred sixty (160) or more watts.
  - c. Fluorescent lamp: thirty-five (35) or more watts.
  - d. Mercury vapor lamp: seventy-five (75) or more watts.
  - e. Metal halide lamp: forty (40) or more watts.
  - f. High pressure sodium lamp: forty-five (45) or more watts.
  - g. Low pressure sodium lamp: twenty-five (25) or more watts.
- 10-5-3.3. If a luminaire is equipped with more than one lamp, the lumens of the lamp with the highest maximum lumens shall determine the lumens emitted.
  - 10-5-3.4. All outdoor luminaires, regardless of the number of lumens, shall be arranged or shielded to reflect light away from adjoining residential properties.
  - 10-5-3.5. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standards spectral luminous efficiency curve adopted by the International Commission on Illumination. Within developments subject to the requirement of a zoning permit, all outdoor luminaires shall be of a type and size to provide sufficient illumination of a facility for its safe use, consistent with the recommended practices adopted by the Illuminating Engineering Society of North America for that facility.

10-5-4. Lighting for recreational facilities, outdoor.

An outdoor luminaire or system of outdoor luminaires required for an athletic facility may exceed the lumens standards to the minimum extent necessary to provide sufficient illumination of the facility for its safe use as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity.

10-5-5. Exemptions from outdoor lighting regulations.

The following outdoor lighting and related acts shall be exempt from the requirements of these regulations:

1. Lighting which is excluded from local regulation by state or federal law.
2. Construction, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within thirty (30) days of completion of the project, emergency or holiday for which the lighting was provided.
3. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.
4. Security lighting controlled by sensors and which provides illumination for fifteen (15) minutes or less.
5. The replacement of an inoperable lamp or component, which part of a luminaire that was installed prior to the date of adoption of this ordinance.
6. The replacement of a failed or damaged outdoor luminaire, which is one (1) of a matching group serving a common purpose.

Sec. 10-6. Signs.

10-6-1. Applicability.

The regulations set forth in this article or set forth elsewhere in this chapter and referred to in this article shall apply to all existing signs as well as to new signs and their alteration or modification. For the purposes of this article, changing the message or content of an approved marquee, or other approved changeable copy sign, shall not be deemed an alteration or modification of such sign.

10-6-2. Purpose.

The purpose of this article is to establish reasonable regulations pertaining to the time, place and manner in which outdoor signs and window signs may be erected and maintained, in order to:

1. Promote the general health, safety and welfare, including the creation of an attractive and harmonious environment;
2. Protect the public investment in the creation, maintenance, safety and appearance of its streets, highways and other public areas;
3. Protect and enhance the county's attractiveness to residents, tourists and other visitors as sources of economic development.

10-6-3. Interpretation—conflicting laws or regulations.

Where this article differs in any manner from the provisions of the current Virginia Uniform Statewide Building Code, other provisions of this Code or any other ordinance or regulation of the county, the ordinance, code or regulation imposing the greatest restriction upon the use of any sign shall control.

10-6-4. Building code compliance.

The structural components of a sign (including, without limitation, lighting fixtures) shall be constructed, installed and maintained in accordance with the requirements of the current Virginia Uniform Statewide Building Code.

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10-6-5. Permit requirements—generally.

- 10-6-5.1. No person shall erect, install, alter, modify, reface, re-hang or replace any sign within the county, without obtaining a permit pursuant to this article, provided that a permit shall not be required for the performance of regular maintenance.
- 10-6-5.2. The zoning administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this article.

10-6-6. Signs permitted in all districts without permits.

Regardless of the zoning district in which they are located, no permit shall be required for the following signs, if they are erected, installed, and maintained in accordance with applicable requirements of this article:

- 1. Signs not exceeding four (4) square feet in area which advertise for sale or rental the land or building upon which such signs are located. Such signs shall not be illuminated and shall not be more than four (4) feet in height.
- 2. Professional name plates or plaques, not exceeding one (1) square foot in area, affixed to the wall of a building.
- 3. Signs not over twenty-five (25) feet in area identifying municipal or governmental buildings and offices or buildings used for religious purposes, when erected upon the building or land upon which such building is located.
- 4. Commemorative plaques, historical markers, memorial signs, or monumental inscriptions. No such sign shall exceed fifteen (15) square feet.
- 5. Signs denoting the architect, engineer or contractor when placed at a construction site. Such signs shall not be illuminated and shall not exceed an area of sixteen (16) square feet, nor shall they remain standing after construction has been completed.
- 6. Traffic, utility, municipal, legal notice, directional, informational signs, railroad crossing signs, danger, safety, temporary or emergency signs and holiday decorations or signs/banners across a public right-of-way when erected, established or required by a public authority or by the Board of Supervisors.
- 7. Signs not exceeding six (6) square feet in area designating entrances, exits or conditions of use for parking lots (including, without limitation, any handicapped parking spaces), or providing similar, non-commercial information, when such signs are required by any public authority.
- 8. Subdivision or housing development signs, provided that such signs do not exceed six (6) feet in height and are less than twenty-five (25) square feet in area. No such sign shall contain information other than the name of the residential development.
- 9. On a property used for residential purposes, signs identifying a single-family dwelling, its occupant, or its location, or a home professional office (but not a home occupation) not exceeding one (1) square feet in area.
- 10. "No trespassing" signs, and similar signs posted for security or warning purposes, not exceeding one (1) square foot.
- 11. Political signs.
- 12. Flags flying from a flagpole.
- 13. Signs indicating the hours of operation for a business (other than a home occupation), where located in the window of a business and not in excess of two (2) square feet.
- 14. Official notices or advertisements posted according to statutory notice or other advertising requirements imposed by law by any public, local or state official, or court officer or any trustees under deeds of trust or other similar instruments.
- 15. One on-site sign not to exceed 10 square feet for Farm (Wayside) Stands.

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10-6-7. Prohibited signs.

The following signs and sign characteristics are prohibited in all zoning districts, unless otherwise provided within this article:

1. Signs that violate state or federal law are prohibited, including, but not limited to:
  - (a) Signs that violate any law of the Commonwealth of Virginia related to outdoor advertising, including, but not limited to Virginia Code §§ 33.1-351 to 33.1-381, inclusive, and § 46.2-831, related to Virginia byways or scenic highways; or related to the state building or fire codes.
  - (b) Signs that violate any law of the United States related to the control of outdoor advertising, including, but not limited to 23 U.S.C. § 131.
2. Signs that create safety hazards or are contrary to the general welfare are prohibited, as follows:
  - (a) Any sign on public land or right-of-way, other than those erected at the direction of a public authority, or by an official of the state or county pursuant to statute or ordinance, and those otherwise authorized by this article.
  - (b) Any sign that creates a public safety hazard, as determined by the fire code official, the building code official, a law enforcement officer, or the zoning administrator including, without limitation: signs erected in a location so as to be unsafe or an obstruction to vehicular, bicycle or pedestrian traffic; a sign that prevents egress or ingress from a required door, window or fire escape; a sign that obstructs ventilation; or a sign that imitates an official traffic sign, signal or road name sign.

10-6-8. Maximum sign area.

Aggregate area limitations: The total area of all signs allowed on one (1) parcel shall not exceed the following, unless as otherwise approved by the zoning administrator:

Zoning District	Aggregate Sign Area Maximum
General Agriculture	75 square feet
Intensive Agriculture	75 square feet
General Residential	25 square feet
Village Center	75 square feet
General Industrial	150 square feet

10-6-9. Optional comprehensive signage plan.

- 10-6-9.1. For a proposed development subject to site plan review, a comprehensive signage plan that deviates from the maximum sign area may be submitted for such development or project. For the purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where

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the number, characteristics and/or locations of one (1) or more signs referenced within the plan do not comply with the requirements of this division.

- 10-6-9.2. Staff may approve a comprehensive signage plan, upon a determination that:
- (a) There is good cause for deviating from a strict application of the requirements of this division, and
  - (b) The comprehensive signage plan, as proposed, will serve the public purposes at least as well, or better, than the signage that would otherwise be permitted for the subject development.
- 10-6-9.3. Applications for approval of a comprehensive signage plan shall be accompanied by the required application fee, as set forth within the most recent fee schedule approved by the board of supervisors.
- 10-6-9.4. Each application for approval of a comprehensive signage plan shall include:
- (a) A written description of the type, size (dimensions), materials, and proposed location of each sign;
  - (b) A map or other written identification and description of all existing signs on the property comprising the proposed development;
  - (c) A written description (and illustration or photograph) of proposed lighting (for illuminated signs).

Sec. 10-7. Off-street parking and loading.

10-7-1. Intent.

The purpose of these regulations is to set forth off-street parking and loading requirements for permitted uses, in accordance with the intensity of such uses, and to provide adequate parking for the traveling public.

Off-street parking spaces shall be provided in accordance with the provisions of this division, at the time of construction, erection, alteration, enlargement or change in use of any building, structure or use. Thereafter, such spaces shall be maintained and kept available for such use, to the extent of the minimum number of spaces required hereunder, unless there is a change of use or floor area.

10-7-2. Surface requirements.

All off-street parking facilities shall be constructed of an improved surface of hard asphalt topping, or other surface resistant to erosion and acceptable to the building official, and shall be graded, drained and/or improved so as to properly dispose of all surface water, in accordance with sound engineering practices and standards. In no case shall drainage be authorized to cross sidewalks, and the owner of the parking facility shall be responsible for maintenance of drainage facilities and improvements.

10-7-3. Off-street parking areas.

No off-street parking area shall be located closer than three (3) feet to any side or rear property line.

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10-7-4. Off-street loading areas.

In addition to any required off-street parking spaces, there shall be provided adequate off-street space for loading and unloading vehicles owned or leased and regularly used in the operation of any commercial (business or industrial) use. In addition, when any such vehicles are to be parked on-site when not loading or unloading, there shall be provided adequate parking spaces to accommodate the maximum number of vehicles that may be reasonably expected to be parked on the site of such use at any one (1) time.

10-7-5. Public right-of-way.

Parking spaces must be designed and used in such a manner as to prevent cars parked in a driveway from encroaching into the public right-of-way.

Except for spaces serving single family and two-family dwellings, no parking space shall be designed that will require backing into a public street; however, parking spaces may be designed to allow backing into an alley.

10-7-6. Circulation aisles.

Where there is no parking adjacent to circulation aisles, minimum aisle width shall be twelve (12) feet for one-way travel aisles, and twenty (20) feet for two-way travel aisles. Where there is 90-degree parking adjacent to both sides of a circulation aisle, the aisle width shall be no less than twenty (20) feet.

10-7-7. Parking space dimensions.

The dimensions for each individual parking space shall conform to the following requirements:

Type of space	Min. Width	Hatched Apron	Min. Length
Parallel	8 feet	N/A	20 feet
Handicapped (car)	8 feet	5 feet	18 feet
Handicapped (van)	8 feet	8 feet	18 feet
Standard	8.5 feet	N/A	18 feet

10-7-8. ADA standards.

Off-street parking shall comply with the requirements of the Federal Americans with Disabilities Act, as applicable.

10-7-9. Parking lots—screening.

For the purposes of this section the term "parking lot" shall mean and refer only to a parking lot containing twenty (20) or more spaces.

10-7-9.1. A continuous landscaped buffer at least five (5) feet in width shall be established between the edge of a parking lot and the public right-of-way.

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10-7-9-2. A continuous landscaped buffer at least five (5) feet in width shall be established between the edge of a parking lot and an adjacent property, where there is no intervening public right-of-way.

Sec. 10-7-10. Parking matrix.

Use	Minimum Parking Space Requirements (GFA is gross floor area)
<b>Residential and Related Uses:</b>	
Bed and Breakfast/ Boarding House	One space per guest room
Dwellings:	
Multifamily	One and a half spaces per dwelling unit
Single Family attached	Two spaces per dwelling unit
Single Family detached	Two spaces per dwelling unit
Two-Family/ Duplex	Two spaces per dwelling unit
Family Day Home	Two spaces per dwelling unit
Guest House/ Accessory Dwelling	One space per unit
Nursing Home/ Retirement Home/ Assisted Living Facility	1 space per every two beds
Residential Treatment Facility:	Two spaces per dwelling unit
Temporary Family Healthcare Structure	One space per unit
<b>Non-Residential: General and Misc. Commercial</b>	
Assembly, places of	
Indoor-- Meeting Hall, Private Club, House of Worship, Theater, etc.	One space per every five fixed seats. In the case of no fixed seats, one space per 200 square feet of assembly space.
Outdoor-- Amphitheater, Stadium, etc.	One space per every five fixed seats
Gas/ Service/ Repair Station	One space per 400 square feet of GFA
Educational Facilities/ Schools	One space per classroom
Hospitals and clinics	One space for every two beds
Hotels	One space per guestroom

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Use	Minimum Parking Space Requirements (GFA is gross floor area)
Library	One space per 500 square feet of GFA
Public Amusement (dance hall, bowling alley, etc.)	One space per 4 persons allowed at maximum occupancy
Museum	One space per 4 persons allowed at maximum occupancy
Offices:	
Business and Professional	One space per 300 square feet of floor area (not including storage areas)
Medical	One space per 200 square feet of floor area
Other Offices-- non-specified	One space per 300 square feet of floor area (not including storage areas)
Restaurants	One space per 250 square feet of seating area
<b>Non-Residential Uses: Retail</b>	
Retail Uses	One space per 300 square feet of floor area (not including storage areas)
<b>Non-Residential: Industrial</b>	
Generally	One space per 300 square feet of GFA devoted to office space

10-7-11. Rules for computing the required number of parking spaces.

The number of required spaces shall be computed as follows:

1. "Floor area" shall mean gross floor area of the referenced use or structure, unless otherwise specified. Refer also to the definition of gross floor area.
2. Where fractional spaces result, the parking spaces required shall be computed to the nearest whole number.
3. The parking space requirements for a use not specifically mentioned in this chapter shall be the same as required for the most similar use mentioned.
4. When any lot or building is used for two (2) or more purposes, or contains two (2) or more types of spaces for which separate parking requirements are specified (e.g., areas with tables versus areas without tables; areas with service facilities versus areas without service facilities, etc.), the number of parking spaces required shall be the sum of the requirements for the various individual uses or areas, computed separately.

Sec. 10-8 Mobile homes (manufactured homes).

10-8-1. Only those mobile homes manufactured after July 15, 1976 may be set up or approved for occupancy.

10-8-2. Unoccupied mobile homes may not be stored on any lot, except in conjunction with a permitted mobile home sales operation.

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10-8-3. Water, sewer and electrical connections must be in place and functional before a certificate of occupancy may be issued for a mobile home.

10-8-4. A manufactured home that is permitted as a primary residential structure on an individual lot may not be used for accessory purposes, such as for storage.

10-8-5. Manufactured homes on individual lots must be placed on a permanent foundation with transportation tongue and axles removed, and subject to all other zoning and site development standards applicable to conventional, site-built single family dwellings. All other applicable manufactured housing regulations of the Virginia Uniform Statewide Building Code shall be met.

10-8-6. A manufactured home may not be attached to another manufactured home, recreational vehicle, or single-family dwelling.

10-8-7. Joined mobile homes, as distinguished from double wide, premanufactured mobile homes, are not permitted in the county.

Sec. 10-9. Telecommunications facilities.

10-9-1. Applicability.

10-9-1.1. District Height Limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than 50 feet in height.

10-9-1.2. Amateur Radio and Receive-Only Antennas. In accordance with Code of Virginia § 15.2-2293.1 this ordinance shall not govern any tower, or the installation of any antenna, that is (1) under 200 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for receive-only antennas for amateur radio station operation.

10-9-1.3. Existing Structures and Towers. The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other freestanding structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than 20 feet in height to said structure or tower and shall not require additional lighting pursuant to Federal Aviation Administration (FAA) or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

10-9-1.4. Approval of telecommunications facilities is subject to review by the planning commission under the provisions of Sec. 2-8-5.

10-9-2 General Requirements.

10-9-2.1. Principal or Accessory Use. For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

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10-9-2.2. Inventory of Existing Sites. Each applicant for an antenna and or tower shall provide to the zoning administrator an inventory of its existing facilities that are either within the locality or within three miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The zoning administrator may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the county, provided, however that the zoning administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

10-9-2.3. Design: Lighting. The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the charlotte county board of supervisors may waive any of these requirements if it determines that the purposes of this zoning ordinance are better served hereby.

- a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, nonreflective color with no logos.
- b) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure as to make the antenna and related equipment as visually unobtrusive as possible.
- d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the charlotte county board of supervisors shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- f) To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of no greater than 200 feet.
- g) Towers shall be designed to collapse within the lease area in case of structural failure.

Sec. 10-9-2.4. Height. No tower shall exceed 200 feet in height.

10-9-3. Federal requirements.

All towers must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.

10-9-4. Building codes.

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

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10-9-5. Information required.

Each applicant requesting a conditional use permit under this ordinance shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The board of supervisors may require other information necessary to assess compliance with this ordinance. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site.

The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary for the antenna to function as designed.

10-9-6. Factors considered in granting special use permits for new towers.

The applicant shall obtain a conditional use permit in accordance with Sec. 2-8-7 before erecting towers or antennas covered by this article. The zoning administrator shall consider the following factors in determining whether to issue a conditional use permit.

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of the uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress;
8. Consistency with the comprehensive plan and the purposes to be served by zoning;
9. Proximity to commercial or private airports.

10-9-7. Setbacks.

The following setback requirements shall apply to all towers and antennas for which a conditional use permit is required.

1. The tower must be set back from any off-site residential structure no less than 400 feet.
2. Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.
3. The tower must be set back from any primary road at least 400 feet.
4. The tower must be set back a minimum of 400 feet from any adjoining property owner.

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10-9-8. Security fencing.

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

10-9-9. Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible and may be used in whole or in part to provide the required screening.
3. Existing healthy trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities.

10-9-10. Local government access.

Owners of towers shall provide the county co-location opportunities as a community benefit to improve radio communication for county department and emergency services.

10-9-11. Require yearly report.

The owner of each such antenna or tower at its own cost shall submit a report to the zoning administrator upon the request of the zoning administrator. The report shall state the current user status of the tower, and any other relevant information required by the zoning administrator to ensure that the provisions of this ordinance are being met.

10-9-12. Review fees.

Any out of pocket costs incurred by the owner or applicant for review by a licensed engineer for providing any of the above required information shall be paid by the applicant.

Sec. 10-10. Small wind energy systems.

10-10-1. Purpose and applicability.

The purpose of these provisions is to regulate the placement, construction and modification of small wind energy systems (wind turbines) while promoting the safe, effective and efficient use of such systems and not unreasonably interfering with the development of independent renewable energy sources. The requirements set forth in this division shall govern the siting of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Virginia's net metering laws (Code Of Virginia §56-594), serve as an independent source of energy, or serve in a hybrid system.

10-10-2. Siting requirements.

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- 10-10-2.1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to conform the wind energy tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. A photo simulation may be required by the zoning administrator.
- 10-10-2.2. Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.
- 10-10-2.3. Small wind energy towers shall not have any signs, writing, or pictures that may be construed as advertising.
- 10-10-2.4. Small wind energy systems shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as severe windstorms.
- 10-10-2.5. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- 10-10-2.6. The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. This action shall not construe approval for net metering by the electric utility.
- 10-10-2.7. The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- 10-10-2.8. The wind energy tower height shall not exceed a maximum height of 65 feet on a parcel of less than five (5) acres, or a maximum height of 80 feet on a parcel of five (5) acres or more.
- 10-10-2.9. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet, as measured at the lowest point of the arc of the blades. The supporting wind energy tower shall also be enclosed with a 6-foot tall fence or the base of the wind energy tower shall not be climbable for a distance of 12 feet.
- 10-10-2.10. If the applicant is participating in the net metering program, the applicant shall meet the insurance coverage requirements set forth in 20 VAC 5-315-60.
- 10-10-2.11. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.
- 10-10-2.12. An average of not more than one (1) wind turbine tower is allowed per acre of any parcel.

10-10-3. State and Federal Requirements

- 10-10-3.1. Compliance with Virginia Uniform Statewide Building Code (USBC): Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the wind energy tower, base, and footings. An engineering analysis of the wind energy tower showing compliance with the USBC and certified by a licensed professional engineer shall also be submitted.
- 10-10-3.2. Compliance with FAA Regulations: Small wind energy systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 10-10-3.3. Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- 10-10-3.4. Compliance with Regulations Governing Energy Net Metering: Wind energy systems connected to the utility grid shall comply with 20 VAC 5-315: Regulations Governing Energy Net Metering.

10-10-4. Setbacks.

Small wind energy systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy system is located in addition to the following requirements. Small wind energy system structures shall be set back from all adjacent property lines a distance equal to at least 110 percent of the structure height, and a distance equal at least to 150 percent of the structure height from any dwelling inhabited by humans on neighboring property. No portion of a small wind energy system, including guy wire anchors, may extend closer than 10 feet to the property line.

10-10-5. Removal of defective or abandoned wind energy systems.

Any small wind energy system found to be unsafe by the building official shall be repaired by the owner to meet federal, state and local safety standards or be removed within six (6) months. Any small wind energy system that is not operated for a continuous period of 24 months shall be considered abandoned and the owner of the system shall remove the turbine within 90 days of receipt of notice from the zoning administrator instructing the owner to remove the abandoned system.

Sec. 10-11. Temporary uses.

10-11-1. Construction related temporary uses.

10-11-1.1. Temporary structures such as portable trailers used as sales offices, construction offices or storage trailers are permitted in conjunction with the construction of a building, residential development, or commercial construction project if they are located on the project site. A temporary zoning permit is required for such uses, provided that construction trailers must be at least 200 feet from any occupied residence and are subject to setback requirements of the applicable zoning district; each trailer must have a least two (2) on-site parking spaces; and the temporary permit shall be valid for a period not to exceed 24

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months, and such time period will be shown on the permit. If additional time for construction is requested by the applicant, the zoning administrator may extend the temporary permit for up to 24 months from the original date of issue.

10-11-1.2. A manufactured home may be used as temporary housing during the construction of a conventional single family dwelling on the same lot where the dwelling is being constructed and for which a building permit has been issued, provided that the manufactured home shall be removed within 60 days of the expiration date of the temporary zoning permit or within 60 days of issuance of a certificate of occupancy for the permanent dwelling, whichever occurs first, and that the temporary permit shall be valid for a period of time that is expected to be sufficient for construction of the conventional dwelling. If additional time for construction is requested by the applicant, the zoning administrator may extend the temporary permit for up to 24 months from the original date of issue.

10-11-2. Temporary or seasonal sales.

Temporary sales of produce, meals, Christmas trees, fireworks, and other seasonal goods, are permitted upon approval of a temporary zoning permit issued by the zoning administrator, after determining that adequate provision is made for on-site parking, public safety, fire safety, sewage disposal, and other applicable health and safety concerns. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Such permit shall be valid for a period not to exceed 45 days, unless extended by the zoning administrator.

10-11-3. Special events.

10-11-3.1. A temporary zoning permit shall be required for special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time, such as carnival, circus, festival, fair, dog show, horse show, outdoor retail sales event, fireworks show, tent revival or similar meetings, and shall be issued for not more than 14 consecutive days, in any six month period.

10-11-3.2. No such activity shall be located closer than 300 feet to a residential use, unless the owner of the residential use grants and files express written permission in a form that can be reviewed and validated by with the zoning administrator.

10-11-3.3. Adequate provisions must be made for off-street parking, safe ingress and egress, refuse disposal, sanitary facilities as appropriate and approved by the zoning administrator.

10-11-3.4. Hours of operation are limited to the hours of 7:00 a.m. and 12:00 midnight.

10-11-3.5. The following special events are exempt from the requirements of this section and may occur without a temporary zoning permit. Exempt special events, however, shall remain subject to all other applicable provisions of this ordinance and the county laws and regulations, including, but not limited to standards governing noise control.

- a) Special events planned or reasonably expected to attract less than 100 persons at any one time.
- b) Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.

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- c) Any event sponsored in whole or in part by the county or another political subdivision of the Commonwealth of Virginia.
- d) Any organized special events conducted at sites or facilities typically intended, used, designed and approved for such events. Examples of such exempt activities include, but are not necessarily limited to sporting events conducted on courses or fields intended and used for such activities such as commercial stables or horse riding facilities; historic home museums and adjacent grounds, wedding services conducted at country inns, banquet facilities, reception halls, or similar facilities; craft beer tasting, wine tasting and wine or beer tasting dinners at Virginia farm wineries or wineries or breweries whose facilities are designed for such events; conferences and similar events in facilities designed for such use.

10-11-3.6. Any special event, parade or march held on state maintained highways shall require an approved Land Use Permit issued and reviewed by VDOT.

10-11-4. Temporary storage containers.

10-11-4.1. Portable On Demand Personal Storage Units must be located off-street for up to 60 days, and may not exceed 10 feet in height and 150 square feet in total area.

10-11-4.2. Shipping Containers, truck trailers, boxcars, or similar units shall not be used as a residence or for living or sleeping purposes, or to support a residential use, civic use, or in conjunction with a home occupation or home business, in any district.

10-11-5. Temporary family health care structures (in accordance Code of Virginia §15.2-2292.1).

10-11-5.1. The applicant shall provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the zoning administrator of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

10-11-5.2. Any temporary family health care structure is required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the State Department of Health.

10-11-5.3. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

10-11-5.4. Any temporary family health care structure shall be removed within sixty (60) days of the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

10-11-5.5. The zoning administrator may revoke the permit if the permit holder violates any provision of this section.

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10-11-6. Temporary worker housing.

10-11-6.1. Such housing is temporary, with a specified review period of no more than five (5) years from the date of approval, at which time the permit expires. It may be renewed by the zoning administrator for an additional five (5) year period if good cause is shown and no violations or conflicts with adjacent uses have been documented.

10-11-6.2. Occupants of such housing are limited to employees or contractors of the on-site business operation, and their families.

10-11-6.3. Housing units must meet building code requirements or be approved manufactured housing in accordance with Sec. 10-8, and shall not include recreational vehicles, tents, or other substandard housing.

10-11-6.4. Information submitted to the zoning administrator in the application to receive a zoning permit must include:

- a) A description of the nature of the use, including the total number of projected work force and population to occupy the housing, estimated duration of the use, total number of units, type of units.
- b) A site plan showing location of housing units, location of existing structures, ingress and egress from public roads, required off-street parking, refuse facilities, utilities including water supply and wastewater disposal facilities, location and design of proposed signs, fire protection, and required yards.

10-11-7. Sawmills.

10-11-7.1. Sawmills and related uses shall be setback 300 feet from all parcel boundaries.

10-11-7.2. Sawmills must have direct access to a state-maintained public road.

10-11-7.3. Hours of operation for a sawmill shall be limited to 6:00 a.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends.

10-11-7.4. No sawdust, slabs or shavings shall be deposited any closer than 200 feet of any public road and sawdust or wood chip piles shall not exceed 25 feet in height.

10-11-7.5. The site shall be screened to ensure a minimal visual impact on adjacent uses, including but not limited to, fencing, preservation of existing vegetation, and additional vegetation.

Sec. 10-12. Home occupations.

10-12-1 Home Occupations, generally

10-12-1.1. All home occupations must be conducted within the home or in an accessory structure on site. The owner of the home occupation use must reside on premises.

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10-12-1.2. Only family members residing on premises and not more than one (1) non-family employee may work on site; off-street parking is required for an employee if there is one.

10-12-1.3. Home occupations must be clearly incidental and subordinate to the residential use.

10-12-1.4. There may be no changes to the outside appearance of the building or premises used for the home occupation except that one (1) sign not to exceed four (4) square feet in size may be affixed to the structure.

10-12-1.5. Any outdoor storage areas must be no greater in land coverage than the footprint of the largest accessory structure, or not more than 25% of the area of the first floor of the dwelling, whichever is less.

10-12-1.6. Retail sales of items handcrafted on the premises or directly related to the home occupation are permitted provided that such sales are a minor component of the business, that the product does not require outdoor storage, and that traffic levels do not exceed those normally expected from single family residences.

10-12-1.7. Traffic generated shall not exceed that expected from a normal single family residential use.

10-12-1.8. Any equipment or process that creates noise, vibrations, glare, fumes, odors or electrical interference beyond the premises of the property, or within the dwelling or property boundaries, shall not be permitted.

10-12-2. Small rural home businesses.

10-12-2.1. The minimum parcel size for a small rural home business is three (3) acres.

10-12-2.2. Any family member residing on the premises may work on site.

10-12-2.3. For lots of more than three (3) acres, but less than five (5) acres, up to two (2) non-resident, non-family employees are permitted to work on the premises.

10-12-2.4. For lots of five (5) acres or more, up to five non-resident, non-family employees are permitted to work on the premises.

10-12-2.5. In addition to the principal dwelling unit, accessory structures may be used for the rural home business provided the rural home business is clearly incidental and subordinate to the use of the property for residential and/or agricultural purposes. The area of enclosed space in accessory buildings used for the business may not exceed twice the amount of the principal residential dwelling unit.

10-12-2.6. There shall be no change to the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of the small rural home business, other than one sign, which shall not exceed six (6) square feet in size.

10-12-2.7. Traffic generated by a small rural home business must not exceed volumes that would normally be expected from a residential or agricultural use.

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10-12-2.8. Retail sales of items handcrafted on the premises or directly related to the small rural home business are permitted provided that such sales are a minor component of the business, that the product does not require outdoor storage, and traffic levels do not exceed volumes that would normally be expected from a residential or agricultural use.

10-12-2.9. Any equipment or process that creates noise, vibrations, glare, fumes, odors or electrical interference beyond the premises of the property, or within the principal dwelling, shall not be permitted as the home occupation use.

10-12-2.10. Up to three (3) pieces of heavy equipment are permitted for the rural home business, plus one (1) additional piece of such equipment per non-family employee, but a total of not more than eight (8) pieces of such equipment are permitted in any case.

10-12-2.11. Outdoor storage areas must be limited and screened from view of the public right-of-way and from neighboring properties through the use of fencing, natural topography and/or vegetation.

Sec. 10-13. Assembly, place of, small.

10-13-1. The maximum floor area ratio (FAR) for all habitable structures on the site is 0.20 for small places of assembly, and 0.10 for large places of assembly. No place of assembly may exceed 15,000 square feet of gross floor area.

10-13-2. The establishment must have direct, safe access onto and from a paved public road.

10-13-3. All parking and loading areas must be visually screened from adjacent residential uses.

10-13-4. All non-security exterior lighting must be turned off by 12:00 midnight. All exterior lighting must use full cut-off fixtures and light shall not trespass onto any neighboring property.

10-13-5. Noise generation of a continuous nature shall not exceed 55 dBA as measured at the property line of the noise source. Noise generation of an impact nature shall not exceed 60 dBA as measured at the property line of the noise source. Temporary noise generated from power equipment such as lawn mowers is exempt from these standards.

10-13-6. Any associated recreational facilities or grounds shall be set back from all property lines at least 100 feet, and at least 200 feet from any existing residential dwelling.

Sec. 10-14. Bed and breakfast.

10-14-1. The owner or manager must provide full-time management of the establishment at all times when the facility is occupied by one or more guests.

10-14-2. The establishment may not contain restaurant facilities, but may provide food service only for transient, overnight guests, and for special events.

10-14-3. Up to eight (8) guest rooms may be provided for paying guests who stay for not more than 30 consecutive days.

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10-14-4. Special events such as weddings, receptions, and similar activities may be conducted for compensation for up to 100 guests provided the site has access to a public road, provides adequate off-street parking, noise levels do not exceed 55 dBA at all property boundaries, and the event is conducted between 7:00 a.m. and 12:00 midnight.

Sec. 10-15. Boardinghouse.

10-15-1. The owner or manager must provide full-time management of the establishment at all times when the facility is occupied by one or more guests.

10-15-2. The establishment may not contain restaurant facilities, but may provide food service for tenants only.

10-15-3. Up to eight (8) guest rooms may be provided for paying guests who book for at least 30 consecutive days.

Sec. 10-16. Campground.

10-16-1. The minimum parcel size or area of a parcel dedicated to the campground use may not be less than five (5) acres.

10-16-2. No structure or related athletic facility may be located within 100 feet of any property line.

10-16-3. No zoning permit shall be issued for such use until the applicant has furnished evidence that the proposed development meets all applicable state and local health requirements.

10-16-4. All sites must have access to a potable water supply and communal toilet and bathing facilities that meet local and state Health Department standards.

10-16-5. The establishment must have safe access to and from the public road.

10-16-6. All parking and loading areas must be visually screened from adjacent properties.

Sec. 10-17. Family Day Home with 6-12 children.

10-17-1. Family Day Homes for 6 to 12 children are permitted by-right in districts that permit single family dwelling units by-right, subject to meeting the performance standards below. A home occupation application is required and shall include a sketch plan depicting the entire lot to scale, setbacks, pathway to door of facility, drop off and pick-up locations, location of any permanent in-ground play equipment, the size and location of the required outdoor play area and required fence.

10-17-2. As required by Code of Virginia §15.2-2292, upon receipt of an application for a by-right Family Day Home for 6 – 12 children the zoning administrator shall send notice by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall issue the permit sought.

10-17-3. The Family Day Home shall comply with all requirements of the County and State Codes, including without limitation, obtaining a zoning permit, a building permit if applicable, and

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obtaining a State Family Day Home License in accordance with the Code of Virginia, as applicable.

- 10-17-4. If the proposed location of the Family Day Home is subject to covenants and restrictions of a homeowners association (HOA), then prior to the issuance of the zoning permit, the Family Day Home provider shall provide the zoning administrator with documentation whether or not the use is allowable under applicable covenants and restrictions.
- 10-17-5. The Family Day Home lot must be at least 6,000 square feet in size.
- 10-17-6. The applicant shall demonstrate availability of employee parking onsite or along the street.
- 10-17-7. Child drop off and pick up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the Family Day Home center in such a manner that children do not have to cross a street to enter or exit the Home.
- 10-17-8. There shall be no change in the outside appearance of the Family Day Home or lot nor other visible evidence of the conduct of a Family Day Home other than what may be required by the State Family Day Home License or other provisions in this zoning ordinance.
- 10-17-9. Seventy-five (75) square feet of outdoor play area must be provided on-site per child.
- 10-17-10. Fencing: Outdoor play area must be enclosed by a fence with a minimum height of four (4) feet.
- 10-17-11. Play Equipment Location: No play equipment shall be located within the required yard setbacks.
- 10-17-12. Pathway to Facility: There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up location to the entrance of the Family Day Home. The pathway shall be kept free of any snow or ice.
- Sec. 10-18. Farm stands (wayside stand).
  - 10-18-1. Farm stands may not exceed 500 square feet in floor area.
  - 10-18-2. Farm stands must meet the yard and setback requirements of the zoning district.
  - 10-18-3. Farm stands must have safe ingress and egress from a public road and adequate off-street parking shall be provided.
  - 10-18-4. One on-site sign not to exceed 10 square feet in area is permitted.
  - 10-18-5. Hours of operation are limited to 5:00 a.m. to 10:00 p.m.
- Sec. 10-19. Farmworker housing.
  - 10-19-1. The minimum lot area is 10 acres.
  - 10-19-2. Farmworker housing for agricultural (farm) employees and their families consisting of up to 36 beds in a group quarters or up to nine (9) Farmworker Dwelling Units are allowed in the General Agricultural District.

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- 10-19-3. All farmworker housing must comply with State and County regulations and permitting requirements which includes, but are not limited to, building construction, sewage disposal, and water supply, prior to occupancy of the housing units, and must also conform with Code of Virginia § 32.1-203 through 211.
- 10-19-4. The use of tents, recreational vehicles or other mobile camping equipment for agricultural farm employees is prohibited.
- 10-19-5. A farmworker housing structure may contain up to 36 beds in group quarters or up to 9 detached dwelling units designed for use by single families or households, or a combination of the two types, not to exceed a total capacity of 36 beds per site (one detached unit is considered the equivalent of four (4) beds). For farmworker housing complexes in group living quarters, such as barracks and bunkhouses, the minimum floor area used for sleeping purposes is 50 square feet for each occupant. At least one (1) parking space per unit or one (1) space per four (4) beds shall be provided.
- 10-19-6. All farmworker housing must be located on the site of the agricultural operation where the farmworkers are employed, and shall be located not less than 100 feet from barns, pens or other structures that house livestock or poultry, and be set back a minimum of 200 feet from the property line adjacent to any zoning district other than General Agriculture.
- 10-19-7. Farmworker housing shall be removed within 90 days (or converted to another approved use) if the agricultural employment upon which the need for the unit(s) is based is eliminated. This provision shall not apply if the zoning administrator is shown and determines that elimination of the agricultural use for no more than 24 months is related to the long-term functioning of the agricultural activities on the site(s) used to establish the housing need (e.g. crop rotation, replanting, or the like).
- Sec. 10-20. Farm winery.
- 10-20-1. Farm wineries must have direct access on a state-maintained public road and must provide safe ingress and egress.
- 10-20-2. All parking must be provided on-site and parking areas must be paved or use a dust-free surface.
- 10-20-3. The following shall be considered accessory uses permitted in conjunction with a farm winery licensed in accordance with Code of Virginia § 4.1-207 (5):
- 10-20-4. The production and harvesting of fruit and other agricultural products and the manufacturing of wine.
- 10-20-5. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the farm winery, which may include evening and weekend hours.
- 10-20-6. The direct sale and shipment of wine by common carrier to consumers in accordance with Code of Virginia Title 4.1, and regulations of the Alcoholic Beverage Control (ABC) Board.
- 10-20-7. The sale and shipment of wine to the ABC Board, licensed wholesalers, and out-of-state purchasers in accordance with Code of Virginia Title 4.1, regulations of the ABC Board and federal law.

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- 10-20-8. The storage, warehousing, and wholesaling of wine in accordance with Code of Virginia Title 4.1, regulations of the ABC Board, and federal law.
- 10-20-9. The sale and consumption of wine-related items that are incidental to the sale of wine.
- Sec. 10-21. Day care facility.
- 10-21-1. Licensing & Registration. A Day Care Facility shall comply with any and all requirements of the County and State Codes, including without limitation, obtaining a zoning permit, maintenance of a County Business License, and maintaining a State License in accordance with the Code of Virginia, as applicable.
- 10-21-2. The facility shall comply with all requirements of the Virginia Uniform Statewide Building Code.
- 10-21-3. Recreation Area. For Child Care. A minimum of 75 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. For the purpose of this section, usable outdoor recreation area shall be limited to:
- 10-21-3.1. The area not covered by buildings or required on-site parking spaces.
  - 10-21-3.2. The area outside the limits of the required front yard.
  - 10-21-3.3. Only that area which is developable for active outdoor recreation purposes.
  - 10-21-3.4. An area that occupies no more than 80 percent of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.
- 10-21-4. Fencing. A fence at least four (4) feet in height shall completely enclose any outdoor recreation area so that children or elderly users are safely contained inside and that all persons entering the recreation area are within direct line of sight from the center's classroom areas or from inside the building.
- 10-21-5. Play Equipment. No play equipment shall be located within the required yard setbacks.
- 10-21-6. Recreation Location. Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.
- 10-21-7. Parking. Parking areas shall be designed to enhance the safety of children and elderly as they arrive and depart the center. A designated arrival and departure zone shall be located adjacent to the center in such a manner that children and elderly do not have to cross vehicle travel aisles to enter or exit the center.
- Sec. 10-22. Site plan standards.
- 10-22-1. Reimbursement agreements. All improvements required by this section must be installed at the cost of the owner or applicant. Where cost sharing or reimbursement agreements between the county and the owner or applicant are requested and deemed appropriate by the county, such agreements must be formally entered into prior to final site plan approval, and are subject to review and acceptance by VDOT or the partnering agency where applicable.
- 10-22-2. Specifications. Where specifications have been established for streets and related facilities, or for other facilities and utilities, by the county, or by VDOT or other partnering agency, such specifications must be followed. The owner or applicant's performance bond will not be released

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until construction has been inspected and accepted by the authorized engineer or the zoning administrator, and by the VDOT or the partnering agency where applicable.

- 10-22-3. Street standards and modifications. All public streets and highway construction standards and geometric design standards must be in accordance with the VDOT design standards. Private street and travelway design standards must be in accordance with the subdivision ordinance, unless such geometric design standards are specifically modified by the board of supervisors upon recommendation of the zoning administrator. All new streets must be platted and constructed to meet the full width required by county ordinances and such construction is the sole responsibility of the applicant or subdivider.
- 10-22-4. Easements. Adequate area for easements must be provided for drainage and all utilities.
- 10-22-5. Drainage. Adequate drainage for the disposition of storm water both on site and off site must be provided in accordance with county ordinances, and where applicable, the standards of VDOT and other state law.
- 10-22-6. Erosion and sedimentation control. Provisions must be made for all necessary temporary and permanent erosion and sedimentation control measures, both on site and off site, in accordance with the county's erosion and sediment control regulations and state law.
- 10-22-7. Utilities. Adequate provision must be made by the applicant to construct all utilities, including water and wastewater facilities, required to service the development, both on site and off-site, in accordance with the subdivision ordinance and any other applicable state or federal requirements.
- 10-22-8. Insuring Performance of Improvements; Security. The provision and release of bonds shall be in accordance with the procedures set forth in Section 4-11 of the Charlotte County Subdivision Ordinance.

**Article 11 Nonconformities**

Sec. 11-1. Rights adhere to the land.

The nonconforming status of any nonconforming use, lot or structure shall adhere solely to the land, and not to the owner, tenant or other holder of any legal title to the property or the right of possession of such property.

Sec. 11-2. Nonconforming uses.

11-2-1. Definition. For the purposes of this chapter, the term "nonconforming use" shall mean a lawful principal use of a lot, existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with applicable use regulations of that district. A nonconforming use may have accessory uses; however, an accessory use shall not be eligible for "nonconforming use" status. A use that is casual, intermittent, or temporary on the effective date of this chapter shall not be eligible to be a nonconforming use.

11-2-2. Discontinuance or abandonment. If any nonconforming use is discontinued for a period of two (2) years, it shall lose its nonconforming status, and any further use shall conform to the provisions of this chapter. Cessation of a nonconforming use for a two-year period shall establish a presumption that such use has been discontinued. Continuation of a use which is accessory, ancillary or incidental use to the principal nonconforming use during the two-year period, without continuation of the principal nonconforming use itself, shall not operate to continue the principal nonconforming use.

11-2-3. Permitted changes. A nonconforming use may not be changed, altered, repaired, restored, replaced, relocated or expanded except as set forth within this section, and subject to all approvals required by law.

11-2-3.1. A nonconforming use may change to a conforming use.

11-2-3.2. A nonconforming use may change to a more restricted nonconforming use, upon approval by the zoning administrator for such a change. The zoning administrator's approval shall include a determination in writing that the proposed use is "more restricted" than the existing nonconforming use, and a copy of such determination shall be forwarded to the planning commission and the governing body. If the zoning administrator determines the proposed use is not "more restricted" than the existing nonconforming use, then the application for a change to a more restricted nonconforming use shall be denied. In determining whether a proposed use is a "more restricted" nonconforming use, the following factors, among others, shall be considered:

- (a) Whether the proposed use will change the size and scope of the existing use of the subject property, and the magnitude of such change; and
- (b) Whether the proposed use will increase the intensity of use of the subject property, including hours of operation, traffic, noise and similar impacts; and
- (c) Whether the proposed use will have a more or less detrimental effect than the existing nonconforming use upon conforming uses within the surrounding neighborhood.

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- 11-2-3.3. A nonconforming residential use, including a manufactured home, destroyed by casualty may be reestablished as it existed immediately prior to such casualty, so long as such use is reestablished within two (2) years following the date of destruction.

Sec. 11-3. Nonconforming lots.

11-3-1. Definition. For the purposes of this chapter, the term "nonconforming lot" shall mean a lawful lot of record as of November 5, 2002, that does not comply with the minimum applicable size or other lot requirements of that district.

11-3-2. Uses Allowed. Any lot of record, located within any zoning district, that is nonconforming as to required lot area, lot frontage, or any combination thereof, may be used for its current use or a more restricted use, as determined by the Zoning Administrator. All uses on nonconforming lots must conform to the required setbacks of the zoning district in which the lot is located.

11-3-3. Changes Allowed. Nonconforming lots may change as follows:

- (1) A nonconforming lot may be increased in lot size, lot width, or both, to make the lot less nonconforming;
- (2) Adjoining nonconforming lots may be combined to create a conforming lot.

Sec. 11-4. Nonconforming structures.

11-4-1. Definition. For the purposes of this chapter, the term "nonconforming structure" shall mean a lawful structure existing on the effective date of the zoning regulations applicable to the district in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other dimensional requirements applicable to structures within that zoning district.

11-4-2. Changes Allowed. A nonconforming structure may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provisions of this section, and subject to all approvals required by law.

11-4-2.1. A nonconforming structure may change to a conforming structure.

11-4-2.2. A nonconforming structure may be repaired, provided such repair constitutes only routine maintenance. Such repairs may include minor alterations, cosmetic modifications, interior renovations or similar changes; however, no expansion of the structure shall be allowed unless approved pursuant to Section 11-5.

11-4-3. Damage by casualty. A nonconforming structure damaged by casualty (as distinguished from ordinary wear and tear) may be restored in accordance with the following:

11-4-3.1. A nonconforming structure damaged by any casualty may be restored to its condition prior to the casualty, provided such restoration is begun within twelve (12) months of the date of the casualty and provided further that such restoration, once begun, is completed within twenty-four (24) months of the casualty.

11-4-3.2. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this section.

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- 11-4-3.3. Restoration of a nonconforming structure may include minor alterations, cosmetic modifications, interior renovations or similar changes; however, restoration of a nonconforming structure shall not include any expansion unless approved under the provisions set forth in Section 11-5.
- 11-4-3.4. Restoration may include changes that make the structure less nonconforming than it was prior to the casualty.

Sec. 11-5. Expansion of nonconforming structures.

Expansion of a nonconforming structure may be approved provided that: (i) yard, setback, screening and buffering, and height standards applicable to the proposed expansion are met; (ii) all applicable sign regulations are met, and (iii) such expansion does not exceed twenty-five (25) percent of the gross floor area of the existing structure. For any proposed expansion exceeding twenty-five (25) percent of the gross floor area of the existing structure, all development standards applicable to the property as a whole shall be met.

Sec. 11-6. Effect of widening of streets.

Per the Code of Virginia 15.2-2307, any landowner who conveys any land to the county or the Virginia Department of Transportation either voluntarily or under compulsion of eminent domain for the purpose of widening any street or highway, such loss of land will not affect any zoning, and the land so conveyed shall be included in the total square footage of parcel for the purpose of zoning and minimum square foot requirements of the code, so long as the total taking does not diminish the total area more than ten percent. In the event the taking is more, then the board of supervisors may in its own discretion include or exclude such footage.

## Article 12. 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.

*Abutting.* Contiguous. (See also “adjacent”)

*Access.* A physical connection to a lot or parcel via a street or roadway.

*Accessory Dwelling (Guest House).* A subordinate dwelling unit in a main building or accessory building for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

*Accessory building, structure or use.* A building, structure or use located upon the same lot as the principal use, building or structure, the use of which is incidental and subordinate to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures.

*Addition (to an existing building)* The enlargement of the usable space of a building, either by extending the footprint or by adding another level or partial level of floor space. (See also “alteration”)

*Adjacent.* Nearby, but not necessarily contiguous. “Immediately” adjacent, means very nearly but not quite contiguous.

*Adult Assisted Living.* (See Assisted Living Facility)

*Adult Day Care Center.* As defined in Code of Virginia § 63.2-100 as a facility which provides supplementary care and protection during part of the day only to four (4) or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage.

*Agriculture.* The tilling of soil, the raising of crops, horticulture, forestry, sod, viticulture, silviculture, aquaculture, apiculture, poultry and other fowl, horses and other livestock, including the keeping of animals customarily raised on farms. The term includes orchards and similar uses, but shall not include packing or processing plants, intensive or industrial agriculture as defined herein, wholesale or retail nurseries, livestock markets, slaughter houses, commercial greenhouses, wayside stands, the keeping of animals not customarily raised on farms, or processing of agricultural products, including sawmills.

*Agriculture, Intensive.* See Confined Animal Feeding Operation for poultry or livestock, as defined herein.

*Alley.* A public or private roadway that provide rear access to multiple properties.

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

*Amphitheater.* An open-air venue used for entertainment, performances and/or sports.

*Amusement Enterprises.* A mainly outdoor establishment offering games, rides and other such entertainments on a permanent, ongoing basis.

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*Ancillary.* Incidental and subordinate; accessory.

*Animal Boarding.* A place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed and watered in exchange for a fee.

*Animal shelter* means a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

*Animal Hospital/ Vet Clinic.* Establishment where treatment of animals is provided and no activity is conducted outside the main building.

*Antenna.* Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.

*Art Gallery.* A place where works of art are displayed for viewing or for sale on a regular, ongoing basis.

*Art Studio.* A place where works of art are created, and where viewing or sale may occur on a limited or intermittent basis as an accessory activity.

*Assembly, Place of, Large.* Any public or private space, located in an enclosed building, or on open ground or in a stadium, in which people gather for meetings, events, including clubs, lodges, religious worship, performances, and similar group functions with seating for more than 160 people or more than 6,400 square feet of gross floor area for indoor uses (seating area for outdoor uses).

*Assembly, Place of, Small.* Any public or private space, located in an enclosed building, or on open ground or in a stadium, in which people gather for meetings, events, including clubs, lodges, religious worship, performances, and similar group functions with seating for a maximum of 160 people and a maximum of 6,400 square feet of gross floor area for indoor uses (seating area for outdoor uses).

*Assembly, Industrial.* The act of attaching multiple separate parts to form larger, combined products for sale to consumers or businesses.

*Assisted Living Facility.* A place, establishment, or institution, operated for the maintenance or care of four (4) or more adults who are aged, infirm, or disabled and who are cared for in a primarily residential setting, in accordance with Code of Virginia § 63.2-100. The level of service provided for these adults shall include at least moderate assistance with the activities of daily living.

*Auto Salvage/Dump.* Any lot or place which is exposed to the weather and upon which garbage and refuse are intentionally deposited and/or more than five motor vehicles of any kind that are incapable of being operated, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable.

*Bakery.* A place where bread, cakes, cookies, and other baked foods are made or sold

*Basement.* The portion of a building partially or completely below grade.

*Bed and Breakfast Inn.* a building, or portion of a building, where lodging and meals are provided in return for compensation, on a temporary basis for transient guests for 14 or fewer days, in 12 or fewer guest rooms or suites.

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*Beverage or Food Processing.* The production of food or beverages for human consumption through canning, smoking, pressing, cooking, freezing, dehydrating, fermenting, milling, or other such processes, but not including the slaughter of live animals.

*Boarding house.* A building that is the primary residence of the owner, where, for compensation, lodging and meals are provided for at least five and up to 14 persons not related to the owner.

*Brewery and bottling facilities.* A place where beer or other malt liquors are produced and/or packaged (bottled).

*Buffer:* An area of land intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or from the roadway or to block noise or other nuisances.

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

*Building, accessory.* A subordinate building customarily incidental to and located upon the same lot occupied by the main building. An accessory building is not a dwelling and shall not be used for housekeeping purposes.

*Building, height of.* The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building or 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 or structures 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 or structure. (Also see tower height)

*Building, main.* The principal building 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.

*Building Permit.* An official certificate of permission issued by the County to a builder to construct, enlarge, or alter a building or structure.

*Building Setback.* The minimum (or maximum if designated as such) distance required between a building or use and a specified boundary line such as front, rear or side lot line, public or private right-of-way, travelway, easement, future street right-of-way, or centerline. The area between the setback line and the boundary line is required to remain free of structures and encroachments unless otherwise provided in this ordinance.

*By right.* A use or structure that is permitted without needing a zoning map amendment (rezoning) or a conditional use permit.

*Campground.* Land designed for or used to accommodate paying guests in tents designed for single families or non-motorized travel trailers owned by the guests.

*Camping trailer.* Any vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

*Car wash.* A building or area of land that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

*Cemetery.* Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. The following uses shall be included in the approval of a cemetery without further zoning approval being required: all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control. Mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas that are shown in a legislative approval for the specific cemetery obtained at the request of the owner shall not require additional local legislative approval provided such structures and uses are developed in accordance with the original local legislative approval. This subsection shall not supersede any permission required by an ordinance adopted pursuant to § 15.2-2306 relative to historic districts.

*Certificate of Occupancy.* An official certificate of permission issued by the County to the owner of a building or structure to begin active use and occupation of it.

*Change of Use.* When the activities on or within a building, structure or lot are changed from one use to another as defined or listed in this ordinance.

*Child Care Center.* (See Day Care facility)

*Child Day Program.* A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

*Church.* (See Assembly).

*Clinic.* Any institution, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the daytime care (out-patient basis) prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled. This term shall not include general hospitals, sanatorium, sanitarium, nursing home, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical schools and other related institutions and facilities.

*Commission, the.* The Charlotte County Planning Commission.

*Companion Animal.* Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

*Comprehensive Plan.* The Comprehensive Plan of Charlotte County, Virginia, prepared and adopted under the provisions of Code of Virginia § 15.2-2223.

*Condominium.* A system of separate ownership of individual units in a multiple unit building or development. All the owners have a right in common to use the common elements of the building or development with separate ownership confined to the individual units.

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*Confined Animal Feeding Operation (CAFO) for Livestock:* A livestock operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the chart below and that: (i) Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, (ii) Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Equivalent of 300 animal units:

300 cattle, other than mature dairy cows or veal calves  
750 swine each weighing over 55 pounds  
3,000 swine each weighing less than 55 pounds  
150 horses  
3,000 sheep or lambs  
200 mature dairy cows (whether milked or dry)

*Existing livestock facility:* (only for the purpose of determining residential setbacks under this Section.) A livestock or dairy facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling

*Livestock, structure:* Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock or dairy facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, and manure storage sites.

*Livestock raiser, operator* (hereafter, "operator"): The owner or operator of the intensive livestock or dairy CAFO or the land on which the livestock or dairy is located.

*Confined Animal Feeding Operation (CAFO) for Poultry.* A poultry operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units of poultry as referenced in the chart below and that: (i) Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and, (ii) Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Equivalent of 300 animal units:

16,500 turkeys  
30,000 laying hens or broilers

*Poultry structure:* Any building, structure, installation, storage container, or storage site used in the operations of a poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

*Poultry grower, (hereafter, "operator"):* The owner or operator of the poultry facility or the land on which the poultry facility is located.

*Existing dwelling:* For the purpose of this section of the ordinance either of the following shall constitute an existing dwelling:

a. A structure, designed for residential use, which is occupied on the date a completed application for a poultry facility building permit or other zoning approval is received by the office of the zoning administrator, or

b. A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or a building permit prior to the date on which a completed application for a poultry facility building permit or other zoning approval is received by the zoning administrator or which has been occupied for a three (3) year period of time within the five (5) years immediately preceding the date on which a completed application for a poultry facility building permit or other zoning approval is received by the zoning administrator.

*Existing poultry facility:* (only for the purpose of determining residential setbacks under this Section.) A poultry facility which has been in operation for a one (1) year period of time within the five (5) years immediately preceding the date on which zoning permit approval is sought for a dwelling.

*Consumer Service Business* (see personal service establishment)

*Day Care Facility.* An establishment which is licensed or approved to operate as a child care center or a senior citizen care center in the Commonwealth of Virginia. For child care uses, this includes enrolling children for whose care tuition, fees or other forms of compensation are charged and a child day program is offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location. (See Childcare and Family Day Home.

*Deer processing.* A place or establishment where dead deer are brought for processing.

*Density, Gross:* The number of dwelling units per gross acre of land on the site or lot.

*Density, Net:* The number of dwelling units per net acre of land (gross site or lot area less floodplain, steep slopes and other unbuildable areas).

*Detached.* Structures or buildings that are not physically connected by any structural components such as walls, roofs, overhangs, patios, or the like.

*Development.* A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

*Driveway.* A graded area, paved or unpaved, that provides an entry way for vehicle access to a lot.

*Dumpster* (see mobile refuse bin)

*Dwelling or Dwelling Unit.* A building or structure, or any portion thereof, providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Dwelling, accessory.* A dwelling located on the same lot as a principal dwelling, but subordinate in size, use, and location, which is an independent living facility with provision for living, sleeping, eating, cooking and sanitation, for family members, non-paying guests, or may be rented on a long-term basis.

*Dwelling, duplex.* (See Dwelling, two-family).

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*Dwelling, manufactured home.* A structure subject to federal regulation, which is transportable in one or more sections, which in the traveling mode is eight feet or more in width and 40 feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. This does not include recreational vehicles.

*Dwelling, multifamily.* A building consisting of three or more dwelling units separated by floors or party walls with no openings.

*Dwelling, single-family.* A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

*Dwelling, two-family.* A structure arranged or designed to be occupied by two families, the structure having only two dwelling units separated by floors or party walls with no openings.

*Easement.* A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

*Educational Facility.* (See Schools).

*Family* An individual; or two (2) or more persons related by blood, marriage, adoption, or guardianship, and/or not more than two (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit.

*Family Day Home* Any child day program offered in the residence of the provider or the home of any of the children in care for six to 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for whose care tuition, fees or other forms of compensation is charged. Family day homes with 1-5 children, exclusive of the provider's own children and any children who reside in the home shall be treated as residential occupancy by a single family.

*Farmers' Market.* A place where locally grown produce and goods are sold on a temporary or seasonal basis to the general public, not including wholesale or bulk sales to commercial enterprises or the sale of crafts, household items, or other nonagricultural items.

*Farm Sales.* The sale of agricultural products, value-added products and/or accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located.

*Farm Stands.* The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Charlotte County, but not on the lot on which the farm stand is located.

*Farm Winery.* An establishment:

- i. located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume; or
- ii. located in the county with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume.

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- iii. As used in this definition, the term owner or lessee shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term “farm” as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the county. A minimum of 51 percent of the fresh fruits or agricultural products used at the Virginia Farm Winery for the production of wine shall be grown or produced on the farm or at the winery and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown outside the Commonwealth. Accessory uses at a Virginia Farm Winery may include: commercial wineries, wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced on-site are sold. The area for wine-tasting and accessory food sales shall not exceed 25 percent of the area of the structures at a Virginia Farm Winery.

*Farmworker.* A person who works full or part-time (24 hours or more per week) in the service of a bona fide commercial agricultural operation(s), as defined and permitted by this ordinance.

*Farmworker housing.* Permanent housing structures that conform to Virginia Unified Statewide Building Code requirements, for accommodating seasonal farm workers and their immediate families. Such structures are further subject to the provisions of Code of Virginia § 32.1-203 through 211.

*Farm Operator Residence (see Residence for Farm Operator)*

*Financial Institution.* A business in which customers frequent the site for purposes of buying and selling securities, obtaining loans, depositing and withdrawing money, and the like.

*Floor area, gross.* The sum of the total horizontal areas of the several floors of a building from the interior face of exterior walls, or from the centerline of a wall separating two buildings. Gross Floor Area shall include basements, enclosed porches and atriums, elevator shafts and stairwells at each story. The following are excluded from Gross Floor Area: cellars, outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures above or below grade; rooftop mechanical structures; penthouses enclosing only mechanical equipment; any space where the floor-to-ceiling height is less than six and a half (6.5) feet, floor space not used for human habitation; and enclosed or structural walkways designed and used exclusively for pedestrian access between buildings and/or parking structures. The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each 10 feet of height or fraction thereof as being equal to one (1) floor.

*Floor area ratio (FAR).* The ratio of the total amount of gross floor area on a lot, to the total land area of the lot.

*Food processing.* (See “beverage or food processing”)

*Frontage.* The minimum width of a lot measured from one side lot line to the other along a straight line parallel to the street or if curved, parallel to the tangent to the curve of the street, 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 in this ordinance.

*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 a half (1.5) times as many automobiles as there are dwelling units.

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*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.

*Gas Station.* Buildings and premises where the primary use is the supply and dispensing of retail motor fuels, lubricants, batteries, tires, motor vehicle accessories, and/or light maintenance activities, performed within an enclosed building, such as engine tune-ups, lubrication, and minor or emergency repairs. This definition does not include heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work.

*Golf course.* Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customarily thereto, but excluding golf driving ranges as defined in this ordinance.

*Golf driving range.* A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

*Governing body.* Board of Supervisors, Charlotte County.

*Grade.* The slope of the ground surface on a lot, typically expressed as a percentage of 90 degrees from parallel to the ground.

*Gross Floor Area (GFA).* See Floor Area, Gross.

*Group home:* a residential facility in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. A "residential facility" means any group home or other residential facility for which the Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority pursuant to the Virginia Code. For the purposes of this ordinance a group home shall be treated as residential occupancy by a single family per Virginia Code § 15.2-2291. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401, as amended.

*Guestroom.* 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.

*Helicopter Landing Pad.* A place properly graded, marked, and hard surfaced for helicopters to land and depart safely, in accord with any conditions related to compliance with applicable regulations of the Federal Aviation Administration.

*Home Business:* Same as Home Occupation, except that a home business may have up to three full-time equivalent employees who do not reside in the dwelling in addition to any family employees who reside on the premises.

*Home occupation.* An accessory use to a dwelling, in which the occupation or activity is clearly incidental and secondary to use of the premises as a dwelling, and which is carried wholly or in part within a main building or accessory building by a member of the family who resides on the premises, and where services are performed in such a way that visits to the premises by members of the public are infrequent and that the character and intensity of the use is compatible with the quiet nature of residential neighborhoods.

*Hospital.* Any institution, place, building, or agency, whether or not licensed or required to be licensed by

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the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the overnight care (in-patient basis), prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of ten (10) or more non-related mentally or physically sick or injured persons, or for the care of ten (10) or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including but not limited to general hospitals, sanatorium, sanitarium, nursing home, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or non-profit, and whether privately owned or operated by a local government unit. This term shall not include a physician's office, medical clinics, first aid station for emergency medical or surgical treatment, medical laboratory.

*Hotel or Motel.* One or more buildings containing a total of 13 or more individual sleeping rooms, designed for or used for 30 or fewer consecutive days during a year for automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

*Hunting Cabin.* A dwelling unit used only for temporary and seasonal use, by the owner or by tenants, only for the purpose of providing shelter for hunting activities. Such units are clearly subordinate to principal dwellings.

*Junk.* old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

*Junkyard.* An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills

*Kennel.* Any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

*Land Coverage.* The amount of the surface area of a lot that is covered with buildings or structures; expressed as a percentage of the total lot area.

*Library.* Public or private institution for the collection, storage, and loaning, but not sale or rental, of books, audio and video recordings, and other informational materials.

*Livestock, intensive* includes all domestic or domesticated bovine, ovine, equine, and porcine animals that are kept in facilities defined under "confined animal feeding operation for livestock".

*Livestock (non-intensive)* includes cervidae animals (deer); caprae animals (goats); fish or shellfish in aquaculture facilities; enclosed rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals, intensive livestock as defined herein, and poultry.

*Livestock market.* A commercial establishment wherein livestock is collected for sale and auctioned off.

*Lot.* A parcel of land either shown on a plat of record within the land records of the Circuit Court of Charlotte County, or described by metes and bounds or other legal description within a deed of records.

*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 a street.

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*Lot, depth of.* The average horizontal distance between the front and rear lot lines.

*Lot, double frontage.* An interior lot having frontage on two streets.

*Lot, flag.* A lot that is in compliance with the minimum requirements for lot area but does not meet the required frontage at the setback line, due to being configured with a narrow panhandle, flag, or pipestem providing access to the bulk of the lot, which is located behind the bulk of one or more other lots or parcels.

*Lot, interior.* Any lot other than a corner lot.

*Lot of record.* A lot whose boundaries are described within a plat or deed recorded in the Office of the Clerk of the Circuit Court of Charlotte County.

*Lot, width of.* The average horizontal distance between the side lot lines.

*Lumen.* A unit of luminous flux, a measure of the total "amount" of visible light in a defined beam or angle, emitted by a source.

*Luminaire.* A complete lighting unit, consisting of one or more lamps (bulbs or tubes that emit light), along with the socket and other parts that hold the lamp in place and protect it, wiring that connects the lamp to a power source, and a reflector that helps direct and distribute the light, sometimes referred to as a lighting "fixture".

*Luminaire, full cut off.* A luminaire from which no light is emitted above horizontal, and light dispersion or direct glare does not exceed 2.5 percent at an angle of 90-degrees above nadir (perpendicular to the ground surface), applied to all angles around the luminaire.

*Manufacture and/or manufacturing.* The processing and/or converting of raw, unfinished material, or products, or either of them, into articles or substances of different character.

*Manufactured home, or Mobile home.* A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

*Microbrewery.* A facility for the production and packaging of beer and/or other malt beverages for distribution retail or wholesale on or off premises with a maximum capacity of not more than 15,000 barrels per year (31 gallons per barrel), and which may include as an accessory use a restaurant not to exceed more than 25 percent of the total floor area of the principal use.

*Mobile home (see Manufactured home).*

*Mobile Refuse Bin.* A metal container holding trash, garbage, or recyclables on a temporary basis for later pickup by a solid waste removal truck.

*Motor vehicle graveyard.* Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this

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subdivision shall begin with the first day that the vehicle is placed on the subject property. See also “Auto Salvage/Dump”.

*Motor Vehicle Salvage/ Dump.* (See "motor vehicle graveyard.")

*Motor home.* Any private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

*Museum.* An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

*Nursing Home.* Any facility or any identifiable component of any facility licensed pursuant to Code of Virginia § 32.1-123 in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

*Office.* A building, room or group of rooms used for conducting the clerical and management functions of a business, profession, service, or government. For the purpose of this ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.

*Off-street parking area.* Space provided for vehicular parking outside the dedicated street right-of-way.

*Parcel of land:* A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the offices of the clerk of the circuit court of Charlotte County, Virginia.

*Parking lot.* An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. For the purposes of this ordinance, parking lots are defined as any area used for the display or parking of any and all types of vehicles, boats, farm machinery, lawn and garden equipment, or heavy construction equipment, whether or not these items are for sale or lease, including, but not limited to, parking and display areas for automobile dealerships and service stations. For the purposes of parking lot landscaping, the term "parking lot" shall mean and refer only to a parking lot containing 20 or more spaces.

*Personal Service Establishment or Store:* Establishments primarily engaged in the repair, care, maintenance or customizing of personal property that is worn or carried about the person, or is a physical component of the person, such as the following which will serve as illustration: hair salons, shoe repair, opticians, and similar places of business. Personal Service Establishments do not include dry cleaning plants, or linen or diaper service establishments, but may include activities defined under the term Retail Store.

*Pet.* (see Companion Animal).

*Place of Assembly* (see Assembly, Place of, indoor; Assembly, Place of, outdoor).

*Plat, plat of subdivision.* The schematic representation of land divided or to be divided and information in accordance with the provisions of Code of Virginia §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

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*Plat of record.* A plat of subdivision approved by the County, recorded in the land records of the Circuit Court of Charlotte County.

*Poultry:* Any domestic fowl and game birds raised in captivity, including but not limited to chickens, turkeys, ducks, or geese, raised for meat, eggs, feathers or other purposes. (*Intensive poultry is defined under "confined animal feeding operation for poultry."*)

*Public Use.* Any land use or facility owned and operated by the County, or by an agency of the Commonwealth of Virginia, or the United States government.

*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 municipality or county and properly licensed by the State Corporation Commission, and subject to special regulations as set forth in this ordinance. Also see Code of Virginia §§15.2-2126, 15.2-2127 and §§15.2-2149 through 15.2-2151.

*Racetrack.* A facility for racing animals such as horses or dogs and which may or may not have seating structures for audiences.

*Recreational Facility.* A commercial sports or amusement facility open to the general public for a fee, including but not limited to:

Indoor: Any facilities such as billiard tables, pinball machines, bowling, video games, roller rinks, ice rink, swimming pools, bingo parlors, hard or soft courts, and the like, but not including amusement rides or regular live entertainment. Fewer than four (4) video games or pinball machines shall be deemed an accessory use to a retail commercial establishment or restaurant.

Outdoor: Any facility for non-motor-vehicle-based activities such as golf driving range, miniature golf, batting and pitching cages, hard or soft courts, pony rides, swimming pools, water slides, ice rink, and the like, but not including amusement rides or regular live entertainment.

*Required open space.* Any space required in any front, side or rear yard.

*Residence for Farm Operator.* A dwelling unit located on a lot used for agricultural purposes and occupied by the person assigned to operate and manage the farming activities.

*Residential Treatment Facility.* A place which provides intensive and highly structured mental health, substance abuse, or neurobehavioral service, or services for co-occurring disorders in a residential setting, other than an inpatient service.

*Restaurant.* Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

*Retail stores.* Buildings for display and sale of merchandise at retail and/or for the rendering of personal services for individual consumers, for use and consumption by the purchaser, not for resale. Examples to serve as illustrations include drugstore, food store, candy shop, milk dispensary, dry goods and notions store, antique store, gift shop, hardware store, appliance store, furniture store, florist, and hair salon.

*Rooming house.* (See Boardinghouse)

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*Sawmill (or chipmill):* An operation consisting of machinery and equipment used for the purpose of sawing logs into lumber, either finished or unfinished, which may include planing, milling or other processing of wood into lumber and may include pertinent processing and storage areas for raw materials and/or finished wood products.

*Sawmill, Permanent:* A sawmill which is intended to remain on same lot or parcel of land with logs, or other raw material to be processed, brought to the site from other locations.

*Sawmill, temporary.* A portable sawmill for the processing of timber cut only from that property or from property immediately adjacent thereto.

*Schools:*

*Day and kindergarten.* Facility for care and/or instruction of children of preschool age.

*Elementary, intermediate, and secondary* Institutions offering instruction between the grades of one (1) and 12 or as defined by the State Department of Education.

*Trade or vocation.* Facility where instruction is given in business, industrial, and cultural arts, other than that normally provided in colleges and secondary schools.

*College or University.* Facility where advanced, post secondary instruction is provided, in liberal arts, science or professional studies, which may include undergraduate and/or graduate level curricula, and may include on-site housing for full-time students.

*Service Station.* (See Gas Station)

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

*Shop.* (See Retail Stores)

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

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

*Sign, temporary.* A sign applying to a seasonal or other brief activity permitted by the zoning district regulations.

*Site plan.* The proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the zoning or subdivision ordinance to which the proposed development or subdivision is subject.

*Slaughterhouse.* A facility where animals are killed and processed into meat products. (Also see “deer processing”)

*Store.* See Retail Store.

*Street, road.* A public thoroughfare which affords the principal means of vehicle access to abutting property.

*Street, road, private.* A private thoroughfare which affords the principal means of vehicle access to abutting property.

*Street line.* The front boundary of a lot.

*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.

*Substantial damage.* Damage of any origin, sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure as it existed before the damage occurred.

*Substantial improvement.* Any repair, reconstruction, rehabilitation, addition, alteration or improvement to a structure, or the cumulative total of such activities over a five (5) -year period, the cost of which equals or exceeds 50 percent of the market value of the structure immediately prior to the issuance of the building permit.

*Temporary family health care structure.* A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two (2) occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one (1) or more activities of daily living as defined in Code of Virginia § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Virginia Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

*Tower, communications.* Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

*Tower height.* When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

*Tower structure, alternative.* Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Use, accessory.* A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

*Utilities, utility facilities.* Facilities for the generation, production, storage, transmission or distribution for sale of electric energy, natural or manufactured gas (other than in enclosed portable containers), geothermal resources for sale for heat, light or power, or for the furnishing of telephone service, sewerage facilities or water supply. (See also Code of Virginia § 56-265.1)

*Charlotte County Zoning Ordinance*

*Variance.* A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when (i) the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and (ii) the need for the deviation would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. The term “variance” shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.

*VDOT.* Virginia Department of Transportation.

*Virginia Farm Winery.* (See Farm Winery)

*Viticulture.* The cultivation or culture of grapes especially for wine making.

*Warehouse:* A building used primarily for the storage of goods and materials.

*Wholesale establishment.* A business and its premises where the principal activity is the sales of goods in bulk to distributors for the purpose of resale, and where direct sales to the general public are limited.

*Wildlife Sanctuary (Game Preserve).* Land that is largely undisturbed with no improvements other than unpaved paths, for the purpose of providing sanctuary for indigenous species of wildlife.

*Wind Energy System, Small (Wind Turbine, small).* A facility at which wind is converted to another form of energy and used on the lot on which the facility is located, solely for the owners or operators on that lot.

*Winery, farm.* (See Farm Winery)

*Yard.* An open space on a lot unoccupied and unobstructed from the ground upward, defined by the required setback requirements of this ordinance, except as otherwise provided herein.

*Front yard.* An open space on the same lot as a building between the front setback line and the front lot or street line, and extending across the full width of the lot.

*Rear yard.* An open, unoccupied space on the same lot as a building between the rear setback line and the rear line of the lot and extending the full width of the lot.

*Side yard.* An open, unoccupied space on the same lot as a building between the side setback line the side line of the lot, and extending from the front yard line to the rear yard line.