

COUNTY OF CHARLOTTE

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(Articles 4, 5. reserved)

***Editor's note**-Printed herein is the zoning ordinance, as adopted by the board of supervisors on March 1, 1989. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of citation to state statutes as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference--alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; animals, ch. 14; buildings and building regulations, ch. 18; businesses, ch.22; cable communications, ch. 26; community development, ch. 30; manufactured homes and trailers, ch. 50; planning, ch. 54; schools, ch. 58.

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APPENDIX A-ZONING

ZONING ORDINANCE

CHARLOTTE COUNTY, VIRGINIA

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

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

Therefore, be it ordained by Charlotte County, Virginia, for the purpose of promoting the health, safety, convenience or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.1-486, that the following be adopted as the zoning ordinance of Charlotte County, Virginia, together with the zoning districts map. This ordinance has been designed:

- (a) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;
- (b) To reduce or prevent congestion in the public streets;
- (c) To facilitate the creation of a convenient, attractive, and harmonious community;
- (d) To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- (e) To protect against destruction of or encroachment upon historic areas;
- (f) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic, or other dangers; and
- (g) To encourage economic development activities that provide desirable employment and enlarge the tax base.

Sec. 1-1. [Enumeration.]

For the purpose of this ordinance, Charlotte County, Virginia, is hereby divided into following districts:

1. GA - general agricultural district.

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2. GR - general residential district.
3. VC - village center district.
4. GI - general industrial district.

ARTICLE 1. DISTRICTS

Section 1-2. Map information.

- 1.1 General agricultural districts are defined in green.
- 1.2 General residential districts will extend one-quarter mile outside the incorporated limits of a town and will be defined in red.
- 1.3 Village center districts will be one-quarter mile square and will be defined in blue.
- 1.4 General industrial districts will be defined in black.

ARTICLE 2. GENERAL AGRICULTURAL DISTRICT

Statement of Intent

The General Agricultural District is intended to provide maximum flexibility and freedom in the development of uses compatible with the rural environment while safeguarding against such uses as might be objectionable to most rural residents.

Section 2-1. Principal Permitted uses.

Agricultural

- Beekeeping
- Egg production
- Fish ponds
- Forest and game management
- Fruit and vegetable processing
- Grape growing
- Grazing
- Greenhouses
- Livestock raising
- Orchards
- Plant and tree nurseries
- Poultry hatcheries
- Poultry raising
- Raising grain, grass seed, or specialty crops
- Sheep raising
- Tobacco raising
- Vegetable raising

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Commercial

- Animal hospitals
- Auto repair and sales
- Convenience stores
- Farm equipment sale and service
- Feed and grain storage and sale
- Fertilizer storage and sale
- Gas and service station
- Home occupations, including guesthouse and bed-and-breakfast operations
- Horse stables
- Kennels
- Paddocks
- Sawmills
- Tobacco warehousing
- Turkey shoots
- Hardware stores
- Dry cleaners
- Laundries
- Pottery

Community Facilities

- Churches and cemeteries
- Clubs and lodges
- Colleges, including vocational and technical education centers
- Day care centers and kindergartens
- Duplex dwellings
- Equestrian trails
- Fire stations
- Hospitals
- Hunting lodges and preserves
- Museums
- Nature trails
- Nursing homes
- Parks and playgrounds
- Public utilities
- Rescue squad facilities
- Retirement homes and communities
- Schools
- Single-family dwellings including mobile-manufactured homes with permanent foundations (one dwelling per lot as defined in Section 16-43)
- Two or more single-family dwellings on a lot as defined in Section 16-43 for extended family of record land owner as defined in Section 16-25(a) and subject to minimum density requirement of Section 2-3.
- Parsonages, manses, and parish houses
- Funeral homes

(Mo. of 5-6-92; Ord. of 4-10-96)

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Section 2-2. Conditional uses.

Airports
Apartments and condominium dwellings
Auto or motorcycle racetracks
Auto paint and body shops
Building material yards
Camps, campgrounds, and travel trailer parks
Car washes
Concrete mixing plants
Construction equipment storage and service yards
Flea markets
Horse racing and livestock markets
Manufacturing operations
Meat packing
Mining
Mobile home parks (meeting all requirements of article 9 of this ordinance)
Motels
Oil and gas drilling
Research, development, sales, service, training, and repair businesses
Restaurants
Rock, sand, or gravel quarries
Slaughterhouses
Shopping centers
Substations, electric
Public amusement (billiard parlors, pool rooms, bowling alleys, dance halls)

Site Development Plan Section, Repealed: June 4, 2002

Two single-family dwellings on a lot as defined in Section 16-43 **Repealed: June 4, 2002**

Three or more single-family dwellings on a lot as defined in Section 16-43 subject to approval of a site development plan **Repealed: June 4, 2002**

Veterinary clinics

Woodyards

(Ord. of 4-10-96)

Section 2-3. Area regulations.

The minimum lot area for permitted uses shall be three acres. **Amended: November 5, 2002**

Section 2-4. Setback regulations.

Structures shall be 60 feet or more 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. Structures shall be 75 feet or more from the centerline of any privately maintained road in an approved residential subdivision. If the front of a structure does not face a road, the structure shall be at least 75 feet from the property line facing the front of the structure. These distances shall establish and be known as the setback line. Signs advertising sale or rent of premises may be erected up to the property line. **Amended: April 11, 2002**

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Section 2-5. Frontage regulations.

The minimum frontage for permitted uses shall be 275 feet at the setback line for lots fronting on a state or county road and not part of a platted subdivision. For lots not fronting on a state or county road and served only by a driveway held as a right-of-way through another parcel of land, no frontage requirement shall apply, provided that said lots shall not have a depth of more than three times their width. **Amended: November 5, 2002**

Section 2-6. Yard regulations.

2-6-1 *Side*. The minimum side yard for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more. **Amended: November 5, 2002**

2-6-2 *Rear*. Each main structure shall have a rear yard of 70 feet or more.

Section 2-7. Height regulations.

No limit.

Section 2-8. Special provisions for corner lots.

2-8-1 Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

2-8-2 The minimum side yard on the side facing the side street shall be 50 feet or more both [the] main and accessory building.

Section 2-9. Buffer zone areas.

2-9-1 Within any general agricultural district, all lands within 300 feet of any nonagricultural zoning district shall be considered a buffer zone area.

2-9-2 For any proposed use within a general agricultural district buffer zone area, the administrator may require that the use be authorized, subject to the issuance of a conditional use permit where the proposed use is determined potentially detrimental to uses in the adjoining nonagricultural district by virtue of noise, odor or other adverse environmental impacts.

2-9-3 A conditional use permit may be denied if, after due consideration, the proposed use is determined detrimental to uses in the adjoining nonagricultural district.

Section 2-10. Site development plan.

Repealed June 4, 2002

Section 2-11. Joined mobile homes.

Joined mobile homes, as distinguished from double wide premanufactured mobile homes, shall not be permitted in Charlotte County. **Amended: April 11, 2002**

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Section 2-12. Telecommunication towers and antennas.

2-12-1. Definitions.

Alternative tower structure. 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.

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

FAA - The Federal Aviation Administration.

FCC. The Federal Communication Commission.

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. Any structure that is designed and constructed primarily for the purpose of supporting one 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.

2-12-2. Use regulations.

2-12-2a. Applicability.

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, fifty (50) feet in height.

2. Amateur Radio and Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is (1) under 50 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.

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 twenty (20) feet in height to said structure or tower and shall not require additional lighting pursuant to 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.

2-12-2b. General Guidelines and Requirements.

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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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 special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, 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.

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 goals of this 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 may 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 199 feet.

g. Towers shall be designed to collapse within the lease area in case of structural failure.

2-12-3. Federal requirements.

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

2-12-4. Building codes.

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

2-12-5. Information required.

Each applicant requesting a special 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

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coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Charlotte County Board of Supervisors may require other information to be 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 midground, 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.

2-12-6. Factors considered in granting special use permits for new towers.

The applicant shall obtain a special use permit from the zoning administrator before erecting towers or antennas covered by this article. The zoning administrator shall consider the following factors in determining whether to issue a special use permit, although the zoning administrator may waive or reduce the burden on the applicant of one or more of these criteria if the zoning administrator concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Consistency with the comprehensive plan and the purposes to be served by zoning;
- i. Proximity to commercial or private airports.

2-12-7. Setbacks.

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the zoning administrator may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

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

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2-12-8. *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; provided, however, the zoning administrator may waive such requirements, as it deems appropriate.

2-12-9. *Landscaping.*

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, the zoning administrator may waive such requirements if the goals of this ordinance would be better served thereby.

a. 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.

b. In locations in which the zoning administrator finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the zoning administrator may determine the natural growth around the property perimeter may be sufficient buffer.

d. Existing 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. This provision may be waived by a governing body in a particular case.

2-12-10. *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.

2-12-11. *Require yearly report.*

The owner of each such antenna or tower shall submit a report to the zoning administrator once a year, no later than July 1. The report shall state the current user status of the tower.

2-12-12. *Review fees.*

Any out of pocket costs incurred for review by a licensed engineer of any of the above required information shall be paid by the applicant. **Amended: June 14, 2001**

Section 2-13. General mobile home regulations.

2-13-1 Only those mobile homes manufactured after July 15, 1976 may be set up or approved for occupancy. **Amended: November 5, 2002**

2-13-2 Unoccupied mobile homes may not be stored on a lot in this district. **Amended: November 5, 2002**

2-13-3 Water, sewer, and electrical connections must be in place and functional before a certificate of occupancy may be issued for a mobile home. **Amended: November 5, 2002**

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ARTICLE 3. GENERAL RESIDENTIAL DISTRICT

Statement of 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.

Section 3-1. Principal permitted uses.

- Churches
- Duplex dwellings
- Fire stations
- Golf Courses
- Home occupations
- Mobile homes (individual units, one home per residential lot)
- Neighborhood swimming pools
- Parks
- Public utilities
- Rescue squad facilities
- Schools
- Single-family dwellings (one dwelling per each residential lot)

Section 3-2. Conditional uses.

- Animal hospitals
- Apartments (subject to utility adequacy)
- Auto sales and service
- Banks and savings and loans
- College buildings
- Condominiums (subject to utility adequacy)
- Convenience stores (less than 5,000 square feet)
- Country clubs
- Hospitals and clinics
- Medical offices
- Mobile home parks (meeting all requirements of article 9 of this ordinance)
- Motels
- Multifamily housing (subject to utility adequacy)
- Nursing homes
- Professional offices
- Signs exceeding six square feet in area
- Townhouses (subject to utility adequacy)
- Funeral homes

Section 3-3. Area regulations.

3-3-1(a) The minimum lot area for single-family or duplex dwellings shall be one and one-half acres, plus 5,000 square feet for each additional dwelling unit under one roof for lots served by public water and sewer; however, the overall density shall not exceed six dwelling units per lot.

Amended: November 5, 2002

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(b) The minimum lot area for multifamily dwellings shall be 20,000 square feet, plus 2,000 square feet for each additional dwelling unit under one roof for lots served by public water and sewer, however, the overall density shall not exceed 12 dwelling units per net acre of land. Such multifamily dwelling units shall be provided with surface treated access roads and parking spaces.

3-3-2 For lots not served by public water and sewer, the required area for any such use shall be three acres and shall be approved by the health official. **Amended November 5, 2002**

Section 3-4. Setback regulations.

Setbacks shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

Section 3-5. Frontage regulations.

The minimum lot width at the setback line shall be 50 feet, plus ten feet for each additional dwelling unit more than one, up to 300 feet which shall be the maximum frontage required.

Section 3-6. Yard regulations.

3-6-1 *Side*. The minimum side yard for each main structure shall be seven feet or percent of lot width but not less than four feet.

3-6-2 *Rear*. Each main structure shall have a rear yard of 15 feet.

Section 3-7. Height regulations.

3-7-1 Structures may be erected up to 35 feet in height from grade except that:

3-7-2 The height limit for structures may be increased up to 45 feet and up to three stories, provided each side yard is seven feet, plus one foot of side yard for each additional foot of building height over 35 feet.

3-7-3 A public or semipublic 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 foot for each foot in height over 35 feet.

3-7-4 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, television antennae and road aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

Section 3-8. Special provisions for corner lots.

3-8-1 Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

3-8-2 The side yard on the side facing the side street shall be 20 feet or more for both [the] main and accessory building.

3-8-3 For subdivision[s] platted after the enactment of this ordinance, each corner shall have a minimum width at the setback line of 75 feet or more.

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Section 3-9. Joined mobile homes.

Joined mobile homes, as distinguished from double wide premanufactured mobile homes, shall not be permitted in Charlotte County. **Amended: April 11, 2002**

Section 3-10. General mobile home regulations.

3- 10-1 Only those mobile homes manufactured after July 15, 1976 may be set up or approved for occupancy.

3-10-2 Unoccupied mobile homes may not be stored on a lot in this district.

3-10-3 Water, sewer, and electrical connections must be in place and functional before a certificate of occupancy may be issued for a mobile home. **Amended: November 5, 2002**

(ARTICLES 4, 5. RESERVED)

ARTICLE 6. VILLAGE CENTER DISTRICT

Statement of Intent

The Village Center District is intended to encourage cluster development of residential, commercial, and public uses to provide rural residents with convenient access to community services and shopping, and to create a sense of community identity.

Section 6-1. Principal permitted uses.

Agriculture, provided that no structure containing poultry or livestock and no storage of manure or odor- or dust-producing substance shall be located within the district

Antique and gift shops

Automobile service stations

Banks and savings and loan institutions

Barber and beauty shops

Churches, manses, parish houses and adjacent cemeteries

Day care centers

Drugstores

Emergency services

Food stores

Fraternal organizations

General convenience stores

Home occupations

Parks and playgrounds

Professional office buildings

Public utilities

Restaurants and fast food restaurants

Retail sales and service

Schools

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Signs, provided they not exceed six square feet in area
Single-family dwellings
Single mobile homes (one per residential lot)
Two-family dwellings (one per residential lot)
Vehicle sales and service
Bakeries

Section 6-2. Conditional uses.

(Reserved)

Section 6-3. Area regulations

The minimum lot area for permitted uses shall be one and one-half acres. **Amended: November 5, 2002**

Section 6-4. Setback regulations.

Setbacks shall be located 40 feet or more from the edge of any street right-of-way except for existing built-up streets that must conform to the existing pattern. This shall be known as the setback line.

Section 6-5. Frontage and yard regulations.

For permitted uses, the minimum side yard or rear (yard] adjoining or adjacent to a residential district shall be 25 feet, and off-street parking shall be in accordance with the provisions contained herein. Provisions must be made for loading and unloading commercial supplies and goods.

Section 6-6. Height regulations.

6-6-1 Buildings may be erected up to 65 feet in height from grade.

6-6-2 Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

Section 6-7. Requirements for permitted uses.

Before a zoning permit shall be issued or construction begun on any permitted use in this district, or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance and in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for their recommendation. Modification of the plans may be required.

Section 6-8. Joined mobile homes.

Joined mobile homes, as distinguished from double wide premanufactured mobile homes, shall not be permitted in Charlotte County. **Amended: April 11, 2002**

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Section 6-9. General mobile home regulations.

6-9-1 Only those mobile homes manufactured after July 15, 1976 may be set up or approved for occupancy. **Amended: November 5, 2002**

6-9-2 Unoccupied mobile homes may not be stored on a lot in this district. **Amended: November 5, 2002**

6-9-3 Water, sewer, and electrical connections must be in place and functional before a certificate of occupancy may be issued for a mobile home. **Amended: November 5, 2002**

ARTICLE 7. INTENSIVE AGRICULTURAL DISTRICT

Statement of Intent

It is the intent of this article of this zoning ordinance to encourage economic development and to preserve farmland by providing for the viability of Charlotte County's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industries. It should also be presumed that Agricultural and Forestry activities may at times produce some noise, odors and other effects, and certain level of tolerance for these effects must be expected of those who dwell in the district.

Section 7-1. Principal permitted uses.

Intensive Livestock facilities
Intensive Dairy facilities
Intensive Poultry facilities

Section 7-2. Definitions.

Livestock: includes all domestic or domesticated: bovine animals, including but not limited to cattle; equine animals, including but not limited to horses; ovine animals, including but not limited to sheep; porcine animals, including but not limited to hogs.

Intensive livestock facility, (hereafter, "livestock facility"): 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 below chart and that: 1. Such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and, 2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive dairy facility, (hereafter, "dairy facility"): A dairy operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and that: 1. Such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and, 2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive poultry facility, (hereafter, "poultry facility"): A poultry operation with accessory uses or structures, as defined below, which at any one time has at least 300 animal units as referenced in the below chart and that: 1. Such animals are or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve month period; and, 2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

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<u>Type of Facility</u>	<u>Equivalent of 300 animal units</u>
Livestock	300 slaughter and feed cattle
Livestock	750 swine each weighing over 55 pounds
<u>Livestock</u>	<u>3,000 swine each weighing less than 55 pounds</u>
Livestock	150 horses
Livestock	3,000 sheep or lambs
Dairy	200 mature dairy cattle (whether milked or dry cows)
Poultry	16,500 turkeys
Poultry	30,000 laying hens or broilers

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

Livestock raiser, dairy operator, poultry grower, (hereafter, "operator"): The owner or operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy, or poultry is located.

Existing dwelling: For the purpose of this section of the zoning 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 livestock, dairy or 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 livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of 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 livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator.

Existing livestock, dairy, poultry facility: (only for the purpose of determining residential setbacks in the Industrial Agricultural district under this Article.) A livestock, dairy, or 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 approval is sought for a dwelling or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

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.

Section 7-3. Acreage requirements and setbacks.

7-3-1. Acreage requirements.

The minimum number of acres on which an intensive livestock, dairy, or poultry facility may be established shall be the larger of either the number of acres required by the nutrient management plan and which has been approved pursuant to Section 7-5 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.

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All such acres for any one intensive facility need not be contiguous, if the operator owns or has the right to possession of all acres on which the facility shall be established. In addition, the operator shall be able to demonstrate that he or she has a right to access between any noncontiguous acres in such operation.

Intensive livestock, dairy or poultry facilities in operation as of the effective date of this amendment which do not have sufficient acres, as required above, shall be considered nonconforming existing uses and may continue to operate so long as the operation is not abandoned for as long as two years continuously.

7-3-2. Setbacks from existing dwellings.

Each livestock, dairy, or poultry structure shall be set back from all existing dwellings not owned by the operator as follows:

1. From an existing dwelling in the Industrial Agriculture district, fifteen hundred (1,500) feet;
2. From an existing dwelling in an adjacent general agricultural zoning district, two thousand (2,000) feet;

The set back requirements may be reduced by mutual consent of the owner of an intensive livestock, dairy, and poultry structure and the owner of an existing dwelling. Consent shall be evidenced by a notarized affidavit stating the agreed upon setback reduction and any and all proposed livestock, dairy, and poultry structures that are intended to be subject to the setback reduction. The notarized affidavit shall be filed with the zoning administrator.

7-3-3. Setbacks from existing livestock, dairy or poultry facilities.

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

1. From an existing livestock, dairy, or poultry structure in the Intensive Agriculture district, fifteen hundred (1,500) feet;
2. From an existing livestock, dairy, or poultry facility in an adjacent General Agricultural zoning district, two thousand (2,000) feet;

The setback requirements may be reduced by mutual consent of the owner of an intensive livestock, dairy, and poultry structure and the owner of an existing dwelling. Consent shall be evidenced by a notarized affidavit stating the agreed upon setback reduction and any and all proposed livestock, dairy, and poultry structures that are intended to be subject to the setback reduction. The notarized affidavit shall be filed with the zoning administrator.

7-3-4. Setbacks from property lines and public roads.

The setback for intensive livestock, dairy, poultry structures from property lines and public roadways shall be at least one thousand (1,000) feet.

7-3-5. Other setbacks.

1. All livestock, dairy, poultry 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; 1 mile from platted residential subdivisions, village center and general residential districts; 2 miles from incorporated towns.
2. Land application of animal waste shall be set back one thousand (1,000) feet from any existing dwelling.

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7-3-6. Certified plat required.

The owner of an intensive facility constructed or completed after the effective date of this Article shall file with the zoning administrator a plat or similar documentation showing the entire parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat or similar documentation, the owner shall submit a written statement, sworn to and subscribed to before a notary public, by which the owner certified to the zoning administrator that the intensive facility shown on the plat or similar documentation meets all applicable setback requirements of this ordinance.

Section 7-4. Facility development plans.

7-4-1. Livestock, dairy or poultry facility development plans.

a. In the Industrial Agricultural district, an operator or a potential operator shall file with the zoning administrator a development plan which indicates the number, size and location of livestock, dairy or poultry structures planned for the subject parcel. When such development plan has been approved by and filed with the zoning administrator and during the period in which it remains in effect, the planned structures shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The zoning administrator shall approve within 30 days of receipt of the development plan, or if the development plan does not meet the requirements of Sections 7-3 and 7-4, the zoning administrator shall return the development plan to the person who submitted it together with a written description of the portion(s) of the development plan that do not comply with said sections.

b. The development plan shall be in effect for a period of three (3) years from the date upon which the plan is filed.

c. The development plan shall be based on the requirements of this section and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and containing all of the data required as specified pursuant to Section 7-3.

d. The development plan on such parcel shall remain in force only so long as the structures proposed are constructed in accordance with the development plan. The development plan shall be transferable from the owner or operator to another owner or operator unless otherwise stated in the plan by the initial owner or operator.

e. The operator shall notify the zoning administrator in writing within thirty (30) days of placement into service of any structure indicated in his/her development plan.

f. Each parcel for which a development 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 "Certified Intensive Agricultural Development Site."

g. Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan or to submitting revised development plans at any time. The zoning administrator shall approve or deny the amended or revised development plan, following the standards set forth in Sec. 7-4 above, according to the terms of the zoning ordinance in effect at the time that the amendments or revisions are submitted to the zoning administrator.

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Section 7-5. Nutrient management plan.

7-5- 1. Nutrient Management Plan.

a. No intensive facility shall commence operation until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or by a person certified or employed by the Commonwealth as a nutrient management planner; said Nutrient Management Plan shall be filed with the zoning administrator.

b. If off-site disposal is part of the nutrient management plan, the operator shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination.

c. 1. The facility shall also provide for a site, with or without a permanent structure, for the storage of animal wastes, if required by the Commonwealth of Virginia, and meet all applicable standards of the Commonwealth.

2. Notwithstanding this, if an operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the zoning administrator, after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator; or, if there is a valid agreement for off-site disposal provided in this section, the zoning administrator may permit the storage site to be located on a parcel specified in the agreement for off-site disposal.

d. The nutrient management plan shall be reviewed and updated every three (3) years by an agent of the Virginia Department of Conservation and Recreation or by a person certified or employed by the Commonwealth as a nutrient management planner.

Section 7-6. Water source assessment plan.

7-6-1 Water source assessment plan

a. No intensive facility shall commence operation until a water source assessment plan for the proposed facility has been reviewed and approved by the Virginia Department of Health or by a person certified or employed for the purpose of reviewing such plans; said Water Source Assessment Plan shall be filed with the zoning administrator.

Section 7-7. Enforcement.

7-7-1. Enforcement.

(a) Officials responsible for compliance verification of Article 7 will have right of entry onto the property without notification for the purpose of inspection.

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Section 7-8. Limited exception to setback requirements for buildings in construction prior to adoption of ordinance.

The setback requirements of Section 7-3-2, Section 7-3-3, Section 7-3-4 and Section 7-3-5 shall not be required to be complied with if such buildings were (i) in construction and (ii) represented in nutrient management plans provided to the County Administrator, on a date prior to adoption of this Amendment to the Ordinance.

Adopted: October 9, 1996
Amended: August 13, 1998
Amended: December 16, 1999

ARTICLE 8. GENERAL INDUSTRIAL DISTRICT

Statement of 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 land uses.

Amended: August 17, 2004

Section 8-1. Principal permitted uses.

- Assembly plants
- Bulk oil storage
- Furniture manufacturing
- Heavy equipment or truck storage yards
- Heavy equipment sales and service
- Lumber and building supply yards
- Machine and welding shops
- Manufacturing plants
- Mobile home sales
- Prefabrication of homes or mobile homes
- Processing plants
- Sawmill
- Shoe manufacturing
- Warehouses
- Wholesale businesses
- Woodworking shops
- Industrial parks
- Plumbing and electrical supply

Section 8-2. Conditional uses.

- Airports
- Auto salvage yards

Amended: August 17, 2004, Amended: May 17, 2005

Section 8-3. Requirements for permitted uses.

8-3-1 Before a building permit shall be issued or construction commenced on any permitted use in this district, or a

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permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required.

8-3-2 Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge or sufficient density to screen from view at least six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. The exception does not include storing of any materials.

8-3-3 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet, and to within 50 feet from the corner of any intersecting streets.

8-3-4 Sufficient area shall be provided:

- a. To adequately screen permitted uses from adjacent business and residential districts; and
- b. For off-street parking of vehicles incidental to the industry, its employees and clients.

8-3-5 The administrator shall act on any application received within 30 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period.

Section 8-4. Area regulations.

The minimum lot area for permitted uses shall be one and one-half acres. **Amended: November 5, 2002**

Section 8-5. Setback regulations.

Setbacks shall be located ten feet or more from the edge of any right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the setback line.

Section 8-6. Frontage and yard regulations.

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

Section 8-7. Height regulations.

Buildings may be erected up to a height of 45 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

Section 8-7. Coverage regulations.

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

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ARTICLE 9. MOBILE HOME PARKS

Statement of Intent

[The intent of this article is] to permit the development of a single-family residential mobile home park(s) located in an appropriate residential environment and containing not less than three contiguous acres under one ownership or control in those areas of the county that are provided with approved sewage disposal plan and central water supply. The park shall have a minimum of 300 feet frontage on a state maintained roadway. The number of lots that shall be completed before the first occupancy shall be 12.

Section 9-1. Principal uses permitted.

9-1-1 Mobile homes which were manufactured after July 15, 1976 in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974. All mobile homes must also conform to the Building Officials and Code Administrators (BOCA) code and other codes as adopted by the county, including the BOCA Mobile Home Code. **Amended: November 5, 2002**

9-1-2 Swimming pools, recreational and athletic facilities, community buildings and other similar and related improvements for the common use of park occupants and their guests.

9-1-3 A coin-operated laundry and/or drying operation may be permitted for the sole use of park occupants.

Section 9-2. Accessory uses permitted.

[Permitted accessory uses are) accessory uses not otherwise prohibited, custom accessory and incidental to any permitted use.

Section 9-4. Other regulations.

9-3-1 *Area and density.* The overall density of any mobile home park shall not exceed six units per gross acre. For density purposes, all are" subject to flooding and other adverse topographic features making them unsuitable for residential use shall be excluded from computations. The minimum lot area for individual mobile homes shall be 7,000 square feet, and no mobile home shall occupy more than 25 percent of the area of the lot on which it is situated. The minimum width for each lot shall be 2.5 times the width of the mobile home, or 25 feet, whichever is greater. Minimum lot widths shall be measured at right angles to the long axis of the lot at the setback line or rear of the parking stand, whichever is less.

9-3-2 *Tiedowns.* All mobile home units must use and be secured with proper tiedown equipment.

9-3-3 *Crawl space.* Crawl space shall be at least 20 inches above grade to floor.

9-3-4 *Hitches.* All hitches will be concealed or removed.

9-3-5 *Base.* All mobile home bases must be covered with metal skirts, concrete blocks, ornamental wood, or stone.

9-3-6 *Open parks.* No park may be a "closed park" where entry is denied anyone who has not purchased his home from the dealer, park owner, or operator. No park may also serve as a general retail or wholesale and demonstration or storage area for mobile homes.

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9-3-7 *Storage of unoccupied mobile homes.* Unoccupied mobile homes may not be stored in a mobile home park.
Amended: November 5, 2002

9-3-8 *Utility connections in place.* Water, sewer, and electrical connections must be in place and functional before a certificate of occupancy may be issued for a mobile home. **Amended: November 5, 2002**

Section 9-4. Yard and setback requirements.

9-4-1 All mobile homes shall have a planted peripheral buffer strip a minimum of 50 feet in depth along park boundary lines with a screen of natural growth of a minimum height of eight feet.

9-4-2 All mobile homes shall be located at least 25 feet from any internal road or street measured from the closest exterior wall.

9-4-3 (The) setback (is) to be measured from any accessory structure.

Section 9-5. Minimum distance between mobile homes and other buildings.

No mobile home shall be placed within 25 feet of another mobile home or service building, except that with respect to mobile homes parked end-to-end, the distance between such mobile homes may be reduced to 20 feet.

Section 9-6. Patios.

Each mobile home lot shall provide an appropriately surfaced (i.e., concrete, gravel, slate, wood, decking, etc.) outdoor living space to supplement the limited interior space of a mobile home.

9-6-1 *Size.* The minimum size of each mobile home patio shall be 250 square feet.

9-6-2 *Location.* Every patio shall be convenient to the entrance of the mobile home, appropriately related to open areas of the lot and other facilities, adapted to terrain and natural features and related to anticipated mobile home models.

Section 9-7. Streets.

All streets shall be surface treated and at least 18 feet in width.

9-7-1 *Pavement width for streets.* Collector streets with no parking require 18 feet minimum.

9-7-2 *[Width and turning radius of streets.]* Common or cul-de-sac streets shall be at least 18 feet in width, and 50 feet turning radius.

Section 9-8. Vehicle parking.

Off-street parking shall be provided for the use of occupant at the minimum ratio of two car spaces for each mobile home. Each location off-street parking area shall have unobstructed access to a public street or common street and must be hard-surfaced or covered with gravel, and no parking space shall be more than 150 feet from the mobile home lot which it serves. On-street parking is prohibited.

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Section 9-9. Garbage disposal system.

An adequate and safe garbage disposal system meeting state health standards shall be provided in each park.

9-9-1 The storage, collection, and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

9-9-2 Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse racks shall be provided for all refuse containers.

9-9-3 Refuse and garbage shall be removed from the park at least twice each week.

Section 9-10. Utility plan.

All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park. Requirements include those set in Article 5, Section 16, of the Subdivision Ordinance.

Section 9-11. Ground markers for lots.

Lot comers shall be clearly defined by permanent ground markers corresponding to the approved plot plan.

Section 9-12. Plan for development.

In acting upon a site plan for a mobile home park, [the] procedure shall follow [the] subdivision regulations as required for subdividing land.

9-12-1 Preservation of topographic features, recreational facilities, with the objective of achieving maximum compatibility between the proposed mobile home park and the surrounding areas, shall be considered.

9-12-2 The planning commission shall review the uniformity of the proposed development recognizing the principles of uniform design, land use planning and landscape architecture. Any substantial deviation from the plans submitted and approved shall constitute a violation of the building permit authorizing construction and violation of this ordinance.

Section 9-13. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed, or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

Section 9-14. Joined mobile homes.

Joined mobile homes, as distinguished from double wide premanufactured mobile homes, shall not be permitted in Charlotte County. **Amended: April 11, 2002**

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ARTICLE 10. NONCONFORMING USES

Section 10-1. Continuation.

10-1-1 If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have 24 months within which to relocate in a permitted area.

10-1-2 If any change in title of [or] possession or renewal of a lease of any such lot structure occurs, the use existing may be continued.

10-1-3 If any nonconforming use (structure or activity) is discontinued for a period exceeding two years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

10-1-4 Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

Section 10-2. Permits.

The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one year, or such use of land established within 30 days after the effective date of this ordinance.

Section 10-3. Repairs and maintenance.

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

Section 10-4. Changes in district boundaries.

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

Section 10-5. Expansion or enlargement.

10-5-1 A nonconforming structure to be extended or enlarged shall conform with provisions of this ordinance.

10-5-2 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

10-5-3 A nonconforming use of property or a conforming use the requirements for which are changed by this ordinance, shall comply with the requirements of this ordinance before it is expanded or enlarged or additional buildings or structures may

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be constructed or added to carry out or support the nonconforming use, or the conforming use the requirements for which are changed by this ordinance, on the site. **Adopted: May 13, 1999**

Section 10-6. Nonconforming Lots

Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located and the owner of such lot does not own any other parcel or tract adjacent thereto, and said lot is within 80 percent of the required area and width, said lot may nevertheless be used for a single-family dwelling or for any other nondwelling use permitted in the district in which it is located, provided setbacks, side and rear yard requirements are met. A lot that is less than 80 percent of the required area or width may be used when the requirements of the Board of Zoning Appeals regarding setbacks, side and rear yards are met.

Section 10-7. Restoration or replacement.

10-7-1 If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed 50 percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

10-7-2 If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75 percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance. Nonconforming residential structures may be restored; however, any expansion of the original structure must conform to the requirements of this ordinance.

10-7-3 Where a conforming structure devoted to a nonconforming activity is damaged less than 50 percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than 75 percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

10-7-4 The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

10-7-5 A structure on a nonconforming lot may be replaced but shall not be enlarged or expanded without complying with the requirements of this ordinance. **Adopted: May 13, 1999**

ARTICLE 11. GENERAL PROVISIONS

Section 11-1. Zoning permits.

11-1-1 No building or structure shall be started, reconstructed, enlarged, or altered to an extent requiring a building permit until a zoning permit has been obtained from the administrator, subject to the requirements of section 11-1-2. The application form used for a building permit shall serve as an application form for a zoning permit and shall contain a certification that requirements of the zoning ordinance have been met. A change in activity not requiring a building permit shall require separate application for zoning permit. No plat of a building lot can be recorded in the clerk's office until a zoning permit has been issued. In a General Agricultural District, no building permit is required for an agricultural building costing less than \$10,000 to construct. **Amended: August 10, 2000**

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11-1-2 Each application or a zoning permit shall be accompanied by two copies of a drawing showing [the] dimensions of the structure and lot. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

11-1-3 If, in the administrator's judgment, the proposed construction constitutes a permitted use for the district in which the construction lies, the zoning permit shall be issued in conjunction with the building permit, at an additional fee to be determined by the supervisors. The administrator may refer any application for a zoning permit to the Planning Commission. The commission may request a review of any zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

11-1-4 If the proposed construction constitutes a conditional use for the district in which the construction or use lies, the application for a zoning permit shall be referred to the Planning Commission, which shall meet within 30 days to consider the application. A public hearing shall be held in relation to the application after notification of adjacent landowners by certified mail, return receipt requested, and notice of the public hearing is published in a newspaper of general circulation in the county at least seven days before the public hearing, to hear public comment on the conditional use permit application. The commission shall transmit a recommendation in writing based on its consideration of the application to the governing body within 30 days of its consideration. The governing body shall approve or deny the application. **Amended: December 2, 1997**

Section 11-2. Certificate of occupancy.

No land may be used or occupied and no building structurally altered or erected shall be used or changed in use until a certificate of occupancy has been issued by the administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

Section 11-3. Conditional use permit.

Where required by this ordinance the location of certain permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. The permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance. These conditions may include, but not be limited to, parking, screening, setbacks, area, hours of operation, illumination, noise level, pollution control and control of odors, control of traffic and public safety.

Section 11-4. Uses not provided for.

If in any district established under this ordinance, a use compatible with the district is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator must refer the application to the Planning Commission which shall make its recommendations to the governing body within 60 days. If the recommendation of the planning commission is approved by the governing body, the ordinance shall be interpreted to list the use as a permitted use in that district.

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Section 11-5. Widening of highways and streets.

Whenever there shall be plans in existence approved by either the Virginia Department of Transportation or by the governing body for the widening of any street or highway the commission may recommend additional front yard setbacks for any new construction or any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening. For 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 may in its own discretion include or exclude such footage.

Section 11-6. Minimum off-street parking.

11-6-1 There shall be provided at the time of erection of any main building or at the time any main building is enlarged, or the initiated land use or at the time any land use is expanded, minimum off-street space with adequate provision for entrance and exit by standard sized automobiles as follows:

11-6-2 In all residential districts there shall be provided on the lot space for the parking of two automobiles for each dwelling unit in a new building and two parking spaces on the lot for each dwelling unit added to the existing building.

11-6-3 Tourist homes, motels, rooming [houses], lodging[houses] or boardinghouses shall provide on the premises, one parking space for each accommodation. Fraternity or sorority houses [shall provide] one parking space for each two beds.

11-6-4 For churches, theaters, general auditoriums, stadiums, sports arenas and other similar places of assembly, at least one parking space [shall be provided] for every five fixed seats provided.

11-6-5 Restaurants, nightclub[s], dance halls, cafe[s] or similar business[es], recreation or amusement establishment [s], community centers, assembly or exhibition hall[s] (without seats), clubs, lodges or similar organizations [shall provide] one parking space for each 200 square feet of floor area. [A] library, museum, art gallery or other similar use [shall provide] one parking space for each 300 square feet of floor area.

11-6-6 Hospitals, sanitoriums, convalescent homes, homes for the aged or similar institutions [shall provide] at least one parking space for each two beds, including infants' cribs and children's beds.

11-6-7 Medical office, at least ten parking spaces [shall be provided]. Five additional parking spaces shall be furnished for each doctor or technician using same office, in excess of one doctor or technician. Dental, optometrist, veterinarian, or chiropractor office [shall provide] at least-seven parking spaces.-Five additional parking spaces shall be furnished for each dentist, optometrist, veterinarian, chiropractor or technician using same office, in excess of one dentist, optometrist, veterinarian, chiropractor or technician.

11-6-8 Other business and professional offices, studios, bank and similar uses, one parking space for each 300 square feet of floor area.

11-6-9 Bowling alleys [shall provide] two parking spaces for each alley. Billiard parlors [shall provide] two parking spaces for each billiard table, to include coin operated tables. Putting greens, miniature golf course or any similar land use [shall provide] one parking space for each 500 square feet of such land use. Driving ranges [shall provide] two parking spaces per tee.

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11-6-10 Grocery, drug, department, sundry and variety stores and similar businesses [shall provide] one parking space for each 100 square feet, excluding storage space. Furniture and appliance stores, hardware stores, wholesale businesses, machinery or equipment sales and service, repair and service shops, printing, plumbing businesses or similar businesses [shall provide] one parking space for each 400 square feet.

11-6-11 Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, processing plant, warehouse or similar establishments [shall provide] one parking space for each two employees on the maximum working shift, plus space to accommodate expected customers and all trucks and other vehicles used in connection therewith.

11-6-12 At any time that the use of a building or land use is changed to a use which requires more parking spaces than required before the change, the owner or operator shall provide the number of parking spaces as required by this ordinance for such use.

11-6-13 The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

11-6-14 A shopping center, described as any lot or parcel of land, not less than two acres in area, and containing three or more individual establishments developed by an individual, partnership, firm or corporation for commercial retail sales area and parking shall provide within the shopping center, one parking space for each 250 square feet of total floor area.

11-6-15 All parking required herein shall be located on the same lot with the building or use, or may be located on an adjacent lot (with conditional use permit), except that where an increase of spaces is required by a change or enlargement of use, the additional required spaces may be located not to exceed 300 feet from the building or use served. Every parcel of land hereafter serving as a parking area shall be surfaced with concrete, asphalt or a minimum of four-inch stone base surface or surface treatment, except in the case of one- or two-family dwellings or churches, in which case the parking area may be surfaced with gravel or stone. It shall be accessible and have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

Section 11-7. Temporary mobile home parks.

11-7-1 Conditional use permits for temporary mobile home parks in any district may be issued by the governing body, within any zoning district subject to the following conditions:

11-7-2 That the location of a temporary mobile home park is necessary for the housing of construction workers employed on an industrial or construction project.

11-7-3 That the request is filed by or certified to by the State Department of Highways [Transportation] or the builder as being essential to the construction.

11-7-4 That a minimum area of 2,000 square feet be provided for each space.

11-7-5 That sanitary facilities conform to the State Health Department's "Trailer Camp Sanitation" requirements.

11-7-6 That the period for operating such temporary park shall concur with the anticipated period of the construction. Applications for renewal may be submitted if more time is required to complete the project. However, such renewal applications must be filed at least 90 days prior to the expiration of the original temporary use permit.

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11-7-7 Bond. The governing body, in granting such a conditional use permit, may require the posting of a bond to insure that the temporary mobile home park will be removed and the site left in good order at the expiration of the permit.

11-7-8 The governing body shall establish such additional requirements as are in the best interest of the public.

Section 11-8. Use, occupancy and construction.

Every building hereafter erected, reconstructed, invested, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one principal building or use on one lot unless specifically provided for in this chapter.

Amended: August 1, 2000

ARTICLE 12. PROVISIONS FOR APPEAL*

Section 12-1. Board of Zoning Appeals.

12-1-1 A board consisting of seven members shall be appointed by the Circuit Court of Charlotte County. The board will serve with pay as set by the supervisors in addition to traveling expenses. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

12-1-2 The term of office shall be for five years, except that of the first seven members appointed, one shall serve for five years, one for four years, one for three years, two for two years, two for one year. One of the seven appointed members shall be an active member of the Planning Commission.

12-1-3 Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after hearing held after at least 15 days' notice.

12-1-4 Any member of the board shall be disqualified to act upon a matter before the b(with respect to property-in which the- member has an interest.

12-1-5 The board shall choose annually its own chairman and vice-chairman, who shall in the absence of the chairman.

Section 12-2. Powers of the Board of Zoning Appeals.

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

12-2-1 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance.

12-2-2 To authorize, upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

12-2-3 When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the

*State law reference Board of Zoning Appeals, Code of Virginia, § 15.1-494 et seq.

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ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

12-2-4 No such variance shall be authorized by the board unless it finds:

- (a) That the strict application of the ordinance would produce undue hardship;
- (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (c) That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district shall not be changed by the granting of the variance.

12-2-5 No such variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.1-431.

12-2-6 No variance shall be authorized unless the board finds that the condition or situation of the purpose concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

12-2-7 In authorizing a variance the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Section 12-3. Rules and regulations.

12-3-1 The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

12-3-2 The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.

12-3-3 The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

12-3-4 The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

12-3-5 All meetings of the board shall be open to the public.

12-3-6 A quorum shall be at least four members.

12-3-7 A favorable vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

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Section 12-4. Appeal to the Board of Zoning Appeals.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance. Such appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

Section 12-5. Appeal procedure.

12-5-1 Appeals shall be mailed to the Board of Zoning Appeals in care of the zoning administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department, or agency concerned, if any.

12-5-2 Appeals requiring an advertised public hearing shall be accompanied by a fee for [of] \$300.00, payable to the Treasurer at the time of application. **Amended: April 6, 2004**

Section 12-6. Public hearing.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within 60 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer 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 the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

Section 12-7. Decision of Board of Zoning Appeals.

12-7-1 Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county, may present to the Circuit Court of Charlotte County a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

12-7-2 Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

12-7-3 The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

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12-7-4 If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12-7-5 Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. If the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the board may request that the court hear the matter on the question of whether the appeal was frivolous.

ARTICLE 13. VIOLATION AND PENALTY

Section 13-1. [Conformance with ordinance by all departments, officials and public employees.]

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

Section 13-2. [Restraining, correcting or abating violations of ordinance.]

Any violation or attempted violation of this ordinance or any part may be restrained, corrected, or abated as the case may be by injunction or other appropriate proceeding.

State law reference---Similar provisions, Code of Virginia, § 15.1-499.

ARTICLE 14. AMENDMENTS

Section 14-1. [Required conditions.]

The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:

14-1-1 That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

14-1-2 When a proposed amendment of the zoning ordinance involves a change in the zoning classification of 25 or less parcels of land, in addition to publication once a week for two successive weeks in some newspaper having general circulation, written notice by certified or registered mail of the last known address five days before the hearing to the owner or owners, their agents, or the occupant of each parcel involved and to the owners, their agents, or the occupant, of all abutting property, and property immediately across the street or road is required. Such notice shall specify the time and place of hearing. After enactment of any such plan, ordinance, or amendment, further application thereof shall not be required.

14-1-3 Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the Planning Commission for a report. Action shall be taken by the governing body only after a report has

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been received from the planning commission, unless a period of 60 days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

14-1-4 Property owners may petition the governing body to amend, supplement, change, modify, or repeal the provisions of this ordinance by notifying the administrator.

14-1-5 Petitions to rezone sponsored by property owners requiring an advertised public hearing shall be accompanied by a certified check for \$100.00, payable to the Treasurer.

14-1-6 All parcels recorded, and all subdivisions approved, prior to the effective date of changes to this ordinance will be subject to the local ordinances in effect on the date of recordation. An approved subdivision is a subdivision that has been approved by the governing body of the county. Any new division of property will be subject to current ordinances.

Amended: November 5, 2002

ARTICLE 15. ADMINISTRATION AND INTERPRETATION

Section 15-1. (Enforcement; compensation of enforcing officer.)

This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

Section 15-2. (Changes in plans or construction.)

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within 30 days after this ordinance becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

Section 15-3. Interpretation.

Unless the boundary lines are fixed by dimensions or otherwise clearly shown or described and where uncertainty exists with respect to boundaries in any of the aforesaid districts, then the zoning map attached hereto and incorporated by reference shall control, with the following rules to apply:

a. Where district boundaries are indicated as approximately following or being at right angles to the centerlines of street, highways, alley, or railroad main tracks, such centerlines or lines at right angles to such centerlines shall be construed to be such boundaries as the case may be.

b. Where a district boundary is indicated to follow a river, creek, or branch or other body of water, such boundary shall be construed to follow the centerline at low water, or at the limit of the jurisdiction; in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

c. If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

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Section 15-4. Effective date.

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

Section 15-5. Severability.

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

Section 15-6. Conflicting ordinances.

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

ARTICLE 16. DEFINITIONS

Sections 16-1-16-79. [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.

16- 1. *Abattoir.* A commercial slaughterhouse.

16-2. *Accessory use or structure.* A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building, but not attached to the main building. Attached structures shall be considered part of the main building.

16-3. *Acreage.* A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

16-4. *Administrator, the.* The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

16-5. *Alteration.* Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

16-6. *Animal units.* See Article 7-2

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16-7. *Area*. That portion of a parcel of land which the owner or developer demonstrates is usable by the inhabitants or future inhabitants of said parcel. Excessive slopes and floodplains may be deemed unusable.

16-8. *Automobile graveyard*. Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

State law reference-Automobile graveyards, Code of Virginia, §§ 15.1-28, 33.1-348.

16-9. *Basement*. A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

16-10. *Boardinghouse*. A building where, for compensation, lodging and meals provided for at least five and up to 14 persons.

16-11. *Building*. Any structure having a roof supported by columns or walls, for housing or enclosure of persons, animals, or chattels.

16-12. *Building, accessory*. A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

16-13. *Building, height of*. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

16-14. *Building, main*. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

16-15. *Church*. A structure originally designed for worship and normal church function, not to include converted residential structures.

16-16. *Commission, the*. The Charlotte County Planning Commission.

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16-17. *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.

16-18. *District*. Districts as referred to in Code of Virginia, § 15.1-486.

16-19. *Dump heap (trash pile)*. Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

16-20. *Dwelling*. Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and mobile homes.

16-21. *Dwelling, multifamily*. A structure arranged or designed to be occupied by more than one family.

16-22. *Dwelling, single-family*. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

16-23. *Dwelling, two-family*. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

16-24. *Dwelling unit*. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

16-25. *Family*. One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home or hotel.

16-25(a). *Extended family*. The natural or legally defined offspring, spouse, grandchild, grandparent, or parent of the record landowner.

16-26. *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 herein.

16-27. *Garage, private*. Accessory building designed or used for the storage of not more than three 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 1 ½ times as many automobiles as there are dwelling units.

16-28. *Garage, public*. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

16-29. *Gasoline service station*. An area of land, including structures thereon, or any building or part thereof, or any devices used for the sale and direct delivery to motor vehicles of motor fuel.

16-30. *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 herein.

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16-31. *Golf driving range.* A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

16-32. *Governing body.* Board of Supervisors, Charlotte County.

16-33. *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.

16-34. *Hard surface.* Six inches stone and four inches blacktop (asphalt) or concrete.

16-35. *Home occupation.* An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and where no one is employed other than members of the family residing on the premises, such as dressmaking, millers, hairdressing and manicuring, preserving and home cooking, provided that not more than the equivalent of the area of one floor shall be used for such occupation and no display of products made shall be visible from the street.

16-36. *Hospital.* An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding veterinary and hospitals specializing in the care and treatment of mental illnesses, narcotic addicts or alcoholics, unwed mothers and those about to become mothers out of wedlock.

16-37. *Hospital, special care.* A special care hospital shall mean an institution rendering care primarily for mental or feebleminded patients, alcoholics or drug addicts.

16-38. *Hotel.* A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

16-39. *Junkyard.* The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Code of Virginia, §§ 33.1-348.

16-40. *Kennel.* A place to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.

16-41. *Livestock market.* A commercial establishment wherein livestock is collected for sale and auctioned off.

16-42. *Lodge.* The local chapter or hall of a fraternal organization, not including college fraternities.

16-43. *Lot.* A parcel of land conveyed by deed, devised by will, or passing pursuant to the law of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Office of the Clerk of the Circuit Court of Charlotte County, Virginia; for the purposes of this definition, the Charlotte County Tax Map may be used to identify lots. Lot separated by pre-existing secondary or primary highways are considered to be separate lots for purposes of this ordinance.

16-44. *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 shortest of the two sides fronting on streets.

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16-45. *Lot, depth of.* The average horizontal distance between the front and rear lot lines.

16-46. *Lot, double frontage.* An interior lot having frontage on two streets.

16-47. *Lot, interior.* Any lot other than a corner lot.

16-48. *Lot of record.* A lot which has been recorded in the clerk's office of the circuit court.

16-49. *Lot, width of.* The average horizontal distance between side lot lines.

16-50. *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, or for use for a different purpose.

16-51. *Mobile home.* A mobile home is a single-family dwelling originally designed as a living unit and also designed for transportation, after fabrication, on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. The term "mobile home" does not include travel trailers, nor does it include modular or manufactured housing.

16-52. *Mobile home park.* Any area of three acres or more designed to accommodate 12 or more mobile homes intended for immediate residential use where residence is in mobile homes exclusively. A mobile home park may include a rental office but may not include mobile home sales.

16-53. *Nonconforming activity.* The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

16-54. *Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

16-55. *Nonconforming structure.* An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

16-56. *Off-street parking area.* Space provided for vehicular parking outside the dedicated street right-of-way.

16-57. *Public water and sewer systems.* A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

16-58. *Required open space.* Any space required in any front, side, or rear yard.

16-59. *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.

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16-60. *Restaurant, drive-in.* An establishment from which, for compensation, food or beverages are dispensed for consumption within automobiles or on informal facilities on the premises.

16-61. *Retail stores and shops.* Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumberyards), such as the following, which will serve as illustrations: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.

16-62. *Roominghouse.* A house which provides sleeping quarters but not kitchen facilities for one or more persons outside of the immediate family.

16-63. *Sawmill.* A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

16-64. *Schools:*

16-64-1 *Day and kindergarten.* Facility for care and/or instruction of children of preschool age.

16-64-2 *Elementary, intermediate, secondary and college.* Educational institutions offering instruction between the grades of one and 12 or as defined by the State Department of Education.

16-64-3 *Trade or vocation.* Facility where instruction is given in business, industrial, and cultural arts, other than that normally provided in colleges and secondary schools.

16-65. *Setback.* The minimum distance by which any building or structure must be separated from the front lot line.

16-66. *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.

16-66-1 *Business.* A sign which directs attention to a product, commodity, or service available on the premises.

16-66-2 *Directional.* A directional sign is one (one end of which may be pointed, or on which an arrow may be painted), indicating the direction to which attention is called four square feet or less in area, giving the name only of the farm, or business responsible for the erection of same.

16-66-3 *General advertising.* A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

16-66-4 *Home occupation.* A sign not exceeding four square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

16-66-5 *Location.* A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

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16-66-6 *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.

16-66-7 *Sign, temporary*. A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, or auctions or sale of land. Temporary signs shall conform in size and type to directional signs.

16-67. *Store*. See item 16-61, *Retail stores and shops*.

16-68. *Street, road*. A public thoroughfare which affords principal means of access abutting property.

16-69. *Street line*. The dividing line between a street or road right-of-way and contiguous property.

16-70. *Structure*. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings and signs.

16-71. *Surface treated*. Six inches crushed stone base and tar and gravel treatment.

16-72. *Tourist court, auto court, motel, hotel, cabins, or motor lodge*. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

16-73. *Tourist home*. A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boardinghouses) and open to transients.

16-74. *Transmission line, electrical*. Any electrical line other than those supported by single poles normally used for the distribution of electrical power and/or those in excess of 50 feet in height.

16-75. *Travel trailer*. A mobile unit less than 29 feet in length and less than 4,600 pounds in weight which is designed for human habitation, but not used for permanent residence. No appendage such as a tongue, stoop, or awning shall be used in computing length.

16-76. *Use, accessory*. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

16-77. *Variance*. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

16-78. *Wayside stand, roadside stand, wayside market*. Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

16-79. *Yard*. An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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16-79-1 *Front*. An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

16-79-2 *Rear*. An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

16-79-3 *Side*. An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

(Ord. of 4-10-96, §§ 16-25, 16-43)