

## Ag Low Density Setbacks

### 3A-1 USE REGULATIONS

A building or land shall be used only for the following purposes:

- (a) single family dwelling
- (b) growing and harvesting of food and fiber, including the raising of livestock and poultry,
  - (aa) livestock and/or fowl feed lot operations
- (c) Accessory structures and uses including campers and travel trailers conditioned upon there being an approved septic and well system installed prior to issuance of a building permit.
- (d) Home occupations
- (e) Public utilities
- (f) Off-street parking in accordance with Article 13 of this ordinance.
- (g) Signs in accordance with Article 12 of this ordinance
- (h) Schools, playgrounds, libraries, places of religious worship, cemeteries.
- (i) A manufactured home which is twelve (12) feet in width or wider and which, in addition, satisfies all of the following criteria:
  - 1. Is either placed upon a permanent foundation or is skirted with a suitable material;  
AND
  - 2. Is either placed upon a building lot which satisfies the minimum lot size per County Zoning Ordinance or is placed or is placed upon a building lot which is "grandfathered in" as a pre-existing lot; AND
  - 3. If the tongue is bolted to the frame, then from which the tongue has been removed; if instead the tongue is welded to the frame, then on which the tongue has been underpinned and obscured from public view.
- (ii) A manufactured home which is either eight (8) or ten (10) feet in width, and which satisfies all of the following criteria:
  - 1. Is either placed upon a permanent foundation or is skirted with a suitable material; AND
  - 2. Is either placed upon a building lot which satisfies the minimum lot size per County Zoning Ordinance or is placed upon a building lot which is "grandfathered in" as a pre-existing lot; AND
  - 3. If the tongue is bolted to the frame,

then from which the tongue has been removed; if instead, the tongue is welded to the frame, then on which the tongue has been underpinned and obscured from public view; AND

4. Was located upon a site in Mecklenburg County on or before November 24, 1992 and which can location can be established by County tax records, or County building permits.

(j) open space uses

(k) Preserves and conservation areas.

NOTE: USE REGULATIONS (l) THROUGH (o) REQUIRE SPECIAL EXCEPTION PERMIT

(l) temporary sawmills

(m) public and semi-public buildings

(n) facilities, activities and operations which are provided by a duly constituted unit of government

(o) The placement of a second single family dwelling on the same parcel of land shall require that the parcel be a minimum of two (2) acres in size and requiring a **special exception permit. In addition to the parcel size and a special exception permit, the distance between the dwellings shall be a minimum of thirty (30) feet.**

### 3A-2 AREA REGULATIONS

The minimum lot area for a permitted use shall be two (2) acres, or any larger area if required by the health official for the safe installation and operation of an individual sewage treatment and waste water disposal system and water supply well.

### 3A-3 YARD REGULATIONS

The following yard regulations apply:

(a) No part of any structure shall be located any closer than seventy-five (75) feet to any right-of-way which is fifty (50) feet or larger or any closer than one hundred (100) feet to the centerline of any right-of-way which is less than fifty (50) feet.

(b) No part of any main structure shall be located any closer than ten (10) feet to any side lot line.

(c) No part of any accessory structure shall be located any closer than ten (10) feet to any side lot lines.

(d) No part of any man structure shall be located any closer than thirty (30) feet to any rear lot

- line.
- (e) No part of any accessory structure shall be located any closer than five (5) feet to any rear lot line.
  
  - (f) Exception to the setback requirements: No setback shall be required from any property line shared with property owned by the Army Corp of Engineers for the Kerr Lake impoundments. A fifteen (15) foot setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

#### 3A-4 LOT REGULATIONS

- (a) Every lot shall front for at least thirty-five (35) feet on a dedicated an opened public road.
- (b) Every lot shall be at least one-hundred twenty-five (125) feet wide at the building setback line.

#### 3A-5 HEIGHT RESTRICTIONS

Refer to building code.

#### 3A-6 SPECIAL PROVISIONS FOR CORNER LOTS

In addition to the yard regulations given in 3A-3 above, no main or accessory building shall be located any closer than thirty-five (35) feet to the side of the lot abutting the side street.

#### 3A-7 PROVISIONS FOR THE RIGHT TO FARM

##### 3.7.1 Setbacks from Existing Dwellings

Each livestock, (**except swine**), dairy, or poultry structure shall be set back from all existing dwellings not owned by the operator as follows

1. (a) From an existing dwelling in the Agriculture Low Density District, three hundred (300) feet;
- (b) **From an existing dwelling in an Agriculture Low Density District, a swine structure designed for between three (300) hundred and seven hundred twenty (720) animal units (seven hundred fifty (750) to eighteen hundred (1800) swine each weighing over fifty-five (55) pounds), one half mile (2640 feet) plus an additional five hundred (500) feet for each**

**additional three hundred sixty (360) animal units or increment thereof.**

2. (a) From an existing dwelling in an adjacent zoning district, six hundred (600) feet:
- (b) The operator may reduce the above six hundred (600) feet setback to four hundred (400) feet if he/she plants a ten (10) feet wide vegetative screen that will grow to at least six (6) feet in height in two (2) years unless there is a natural barrier that meets the height and width requirements.
- (c) **From an existing dwelling in an adjacent zoning district, a swine structure designed for between three hundred (300) and seven hundred twenty (720) animal units (seven hundred fifty (750) to eighteen hundred (1800) swine each weighing over fifty five (55) pounds), one half mile (2640 feet) plus an additional five hundred (500) feet for each additional three hundred sixty (360) animal units or increments thereof.**

The setback requirements of this section shall not apply to a member of the immediate family as defined as any person who is natural or legally defined offspring, spouse, grandchild, grandparent or parent of the owner of an intensive livestock, dairy and poultry structure.

### 3A-7.3 SETBACKS FROM PROPERTY LINES AND PUBLIC ROADS

1. (a) The setback for intensive livestock, (**except swine**), dairy, poultry structures from property lines and public roadways shall be at least one hundred fifty (150) feet.
- (b) **The setback for swine structures from property lines and public roadways shall be at least one thousand (1000) feet.**

### 3A-7.4 OTHER SETBACKS

1. (a) All livestock (**except swine**), dairy, poultry structures shall be setback at least (1000) feet from incorporated towns; platted residential subdivisions; residentially zoned districts; mobile home parks; public schools, churches; county owned buildings, county, town and community recreation areas, public wells; public springs and public water intakes.
- (b) The operator may reduce the above one thousand (1000) feet setback to eight hundred (800) feet if he/she plants a ten (10) feet wide vegetative screen that will grow top at

least six (6) feet in height in two (2) years unless there is a natural barrier that meets the height and width requirements.

- (c) All swine structures designed for between three hundred (300) and seven hundred twenty (720) animal units (seven hundred twenty (720) animal units seven hundred fifty (750) to eighteen hundred (1800) wine each weighing over fifty-five (55) pounds) shall be setback at least one half mile (2640 feet) plus an additional five hundred (500) feet for each additional three hundred sixty (360) animal units or increments thereof from any incorporated town; platted residential subdivisions; residentially zoned districts; mobile home parks; public schools; churches; county owned buildings, county, town and community recreation areas; public wells, public springs and public water intakes.
- (d) All swine facilities shall have a set back five miles from a municipal water source (intakes or wells).
- (e) All swine facilities shall have a setback of two (2) miles from a Town Boundary.
- (f) All swine facilities shall have a setback of three (3) miles from the following:
  - a. The centerline of the Meherrin River as it forms the Northern Boundary of Mecklenburg County.
  - b. Any property either owned or with flowage easement by the US Army Corps of Engineers in connection with Buggs Island Reservoir.
  - c. Any property either owned or with flood easement by North Carolina Power in connection with the Lake Gaston Reservoir.

### 3A-7.5 CERTIFIED PLAT REQUIRED

The owner of an intensive facility constructed or completed after the effective date of this Ordinance 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 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.

3A-8.1 LIVESTOCK, DAIRY OR POULTRY FACILITY DEVELOPMENT PLANS:

- (a) In the Agricultural Low Density District, and operator or a potential operator shall file with the zoning administrator a development plan with 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 plans 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 this Ordinance, the zoning administrator shall return the development plan to the person who submitted it, together with a written description of the portions(s) of the development plan that do not comply with this Ordinance.
- (b) The development plan shall be based on the requirements of this Ordinance 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 3A-7.5 above.
- (c) The development plan shall remain in force only so long as the structures proposed are constructed in accordance with the development plan and are placed in service as described below.
- (d) At least one-third (1/3) of the number of head of livestock or dairy animals, subject to this ordinance or one (1) poultry structure indicated in the development plan must be placed into service within thirty-six (36) months of the date on which the development plan is approved by the zoning administrator, unless at least one-third (1/3) of the number of livestock, dairy or one (1) such poultry structure is already in service on the subject parcel at the time the development plan is filed.
- (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) In the event an operator fails to build the proposed structure or have in place the minimum number of head required in the above subsection (d) or fails to obtain building permits for any of the structures indicated in his development plan within the prescribed five (5) year period, the zoning administrator shall revoke the development plan. All future development plans of the structure on the subject parcel shall conform to the requirements of this chapter.
  - (g) 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 Agricultural Development Site."
  - (h) 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 the amended or revised development plan, following the standards set forth in this Ordinance, according to the terms of the zoning ordinance in effect at the time that the amendments or revisions are submitted to the zoning administrator.

#### 3A-9.1 NUTRIENT MANAGEMENT PLAN:

The Commonwealth of Virginia may require a nutrient management plan (NMP) for an intensive livestock operation. If an NMP is required, the Commonwealth of Virginia will have regulatory responsibility. For additional information, contact the Virginia Department of Conservation and Recreation or Virginia Cooperative Extension.