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**ZONING ORDINANCE
INTRODUCTION**

MECKLENBURG COUNTY, VIRGINIA

Whereas by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through Code of Virginia, § 15.2280 et seq, the governing body of any County 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, and in each district it may regulate, restrict, permit, prohibit and determine the following:

- (a) The use of land, building, structures and other premises for agricultural, residential, business, industrial, flood plain 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 open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- (d) The excavation or mining of soil or other natural resources. Therefore, be it ordained by the governing body of Mecklenburg County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.2-2280, that the following be adopted as the Zoning Ordinance of Mecklenburg County, Virginia together with the accompanying map. This ordinance has been designed to give reasonable consideration to each of the following purposes:
 - (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers;
 - (2) to reduce or prevent congestion in the public streets;

- (3) to facilitate the creation of a convenient, attractive and harmonious community;
- (4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- (5) to protect against destruction of an encroachment upon historic areas;
- (6) 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;
- (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; and
- (8) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the human environment; and
- (9) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; and
- (10) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future need of the planning district within which the locality is situated.

ARTICLE 1

DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future tense. Words in the singular include the plural, and the plural includes the singular. "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

- 1-1 ACCESSORY USE OR STRUCTURE OR BUILDING: A subordinate use or structure or building customarily incidental to, detached, and located upon the same lot occupied by the main use or structure or building. Accessory structures attached to the main building shall be considered part of the main building. No such accessory structure or building shall be used for housekeeping purposes.
- 1-2 ACREAGE: A parcel of land, regardless of area described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 1-3 ADMINISTRATOR: The representative of the governing body who has been appointed to serve the governing body in the enforcement of the zoning ordinance.
- 1-4 AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and poultry and including any agricultural industry or business.
- 1-5 ALLEY: A permanent service way providing a secondary means of access to abutting properties.
- 1-6 ALTERATION: Any change in the internal total floor area, use or architectural features, or in the external appearance of an existing structure.
- 1-7 APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 1-8 AUTOMOBILE SERVICE STATION: A building used or intended to be used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles to include the space and facilities for the installation of such commodities for motor vehicles, and in addition, the space for facilities for the storage, minor repair, and servicing of said vehicles, but not to include body repair, painting, rust proofing, and refining.

- 1-9 BARNYARD ANIMALS: Pigs, hogs, cows, sheep, goats, horses, mules, donkeys, poultry, or any other animal not in keeping with the general characteristics and intent of an R-1 or R-2 district by creating objectionable odors, health hazards, noise problems or causing a general nuisance to adjoining property owners.
- 1-10 BASEMENT: That portion of a building that is partially or completely below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business or dwelling purposes.
- 1-11 BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) up to fourteen (14) persons.
- 1-12 BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum yard requirements of this ordinance have been complied with.
- 1-13 BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. This includes all structures attached to the house.
- 1-14 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.
- 1-15 BUILDING, HEIGHT: 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 the main 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.
- 1-16 BUILDING, MAIN: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.
- 1-17 BUILDING SETBACK LINE: A line showing the minimum distance by which any structure must be separated from the front line, side and rear lines of a lot.
- 1-18 BULK STORAGE: A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc., usually stored in large quantities.

- 1-19 CAMPGROUND: Any area, place, parcel or tract of land on which three (3) or more campsites are intended for occupancy, or where facilities are maintained for accommodation of camping units for periods of overnight or longer, which are rented. Specifically excluded from this definition are summer camps, migrant labor camps, and manufactured home parks.
- 1-20 CAMPING UNIT: A tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home or any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel.
- 1-21 CELLAR: A story having more than one-half (1/2) of its height below grade and (which may not be occupied for dwelling or business purposes).
- 1-22 COMMISSION, THE: The Planning Commission of Mecklenburg County, Virginia.
- 1-23 CONDOMINIUM: Owners of single units of a multiple-unit structure with common elements.
- 1-24 DISTRICT: Districts as referred to in the Code of Virginia, § 15.2-2283.
- 1-25 DUMP HEAP (TRASH PILE): As defined by the Virginia Health Department, any area of one hundred (100) square feet or more lying within one thousand (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.
- 1-26 DWELLING: Any structure which is designed for use for residential purposes except hotels, boarding houses, lodging houses, apartments, and travel trailers.
- 1-27 DWELLING, EXISTING: For the purpose of Article 3-7 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.

- 1-28 DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by more than one (1) family.
- 1-29 DWELLING, SINGLE-FAMILY: A structure (having only one (1) dwelling unit) arranged or designed to be occupied by one (1) family.
- 1-30 DWELLING UNIT: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and including at least one (1) kitchen.
- 1-31 FAMILY: One (1) person, or a group of two (2) or more persons, living together and interrelated by bonds of consanguinity, marriage, or legal adoption occupying a dwelling unit, or part of a dwelling unit as a separate housekeeping unit with a common set of cooking facilities. The persons constituting a family may also include foster children and domestic servants. This shall also include that group homes of eight (8) or less persons be defined as a single family for physically handicapped, mentally ill, or mentally retarded or other developmentally disabled persons.
- 1-32 FRONTAGE: The shortest distance between the side lines of any lot measured along a line coinciding with, tangent to, or meeting at one point the street upon which the lot fronts.
- 1-33 FENCE: A barrier, usually made of posts and wire or boards, intended to prevent escape or intrusion or to mark a boundary. Trees, shrubbery, or other foliage do not constitute a fence under this definition.
- 1-34 FLOOD: A temporary inundation of normally dry land areas.
- 1-35 FLOOD FRINGE: That portion of the flood plain outside the floodway.
- 1-36 FLOOD PLAIN: (1) relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

- 1-37 FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
- 1-38 GARAGE, PRIVATE: Accessory building for private use. designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the main building. On a lot occupied by a multiple-unit dwelling. the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.
- 1-39 GARAGE, PUBLIC: A building or portion thereof accessible to the public, designed or used for servicing, repairing, equipping, renting, selling, or storing motor vehicles.
- 1-40 GENERAL STORE, COUNTRY: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale, but only as a secondary activity of a country general store.
- 1-41 GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but "excluding golf driving ranges as defined herein.
- 1-42 GOLF DRIVING RANGE: A limited area on which golfers do not walk, but on which they drive golf balls from a central driving tee.
- 1-43 GOVERNING BODY: The Board of Supervisors of Mecklenburg County, Virginia.
- 1-44 GUEST ROOM: A room which is intended, arranged, or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking.

- 1-45 HOME OCCUPATION: An occupation carried on by the resident of a dwelling as a secondary use in connection with which there is no display, no one is employed other than members of the family residing on the premises, and is conducted in the main building. Nothing shall be maintained on the premises to indicate from the exterior or the building that it is being used for any purpose other than a dwelling. Adequate off-street parking shall be provided based on the percentage of building used for business.
- 1-46 HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with 1-44).
- 1-47 HOSPITAL, SPECIAL CARE: A special care hospital is an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
- 1-48 HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (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.
- 1-49 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 three hundred (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 (45) days or more in any twelve (12) 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.
- 1-50 INTENSIVE LIVESTOCK FACILITY: (hereafter, "livestock facility"): A livestock operation with accessory uses or structures as defined below, which at anyone time has at least three hundred (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 (45) days or more in any twelve (12) 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.

1-51 INTENSIVE POULTRY FACILITY: (hereafter, "poultry facility"): A poultry operation with accessory uses or structures, as defined below, which at anyone time has at least three hundred (300) animals 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 (45) days or more in any twelve (12) 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.

<u>_TYPE OF FACILITY</u>	<u>EQUIVALENT OF 300 ANIMAL UNITS</u>
Livestock	300 slaughter & feeder cattle
Livestock	750 swine each weighing over 55 lbs.
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

1-52 JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

1-53 JUNK YARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of any automobile graveyard, which is any lot or place, motor vehicles of any kind, incapable of being operated, and the term shall include garbage dumps and sanitary fills.

1-54 KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for domestic animals for sale or in return for compensation.

- 1-55 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.
- 1-56 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.
- 1-57 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 facility is located.
- 1-58 LIVESTOCK, DAIRY AND POULTRY FACILITY, EXISTING: (Only for the purpose of determining residential setbacks in the agriculture district under Article 3-7.) 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.
- 1-59 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 this county.
- 1-60 LOT: A parcel of land occupied or to be occupied by a main structure of group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat or record or considered as a unit of property and described by metes and bounds.
- 1-61 LOT, CORNER: A lot abutting on two (2) or more streets at their intersection. The shortest side, fronting upon a street, shall be considered the front of the lot and the longest side, fronting upon a street, shall be considered the side of the lot.

- 1-62 LOT, DEPTH: The main horizontal distance between the front and rear lot lines.
- 1-63 LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 1-64 LOT, INTERIOR: Any lot other than a corner lot.
- 1-65 LOT OF RECORD: A lot which has been recorded in the Clerk's Office of the Circuit Court of Mecklenburg County.
- 1-66 LOT, WIDTH OF: The main horizontal distance between the side lot lines.
- 1-67 MAJOR RECREATIONAL EQUIPMENT: Major recreational equipment is defined as boats and/or boat trailers, travel trailers, pick-up campers on coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, etc., and cars or boxes used for transporting recreational equipment.
- 1-68 MANUFACTURED AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character or for use for a different purpose.
- 1-69 MANUFACTURED HOME: A structure subject to Federal Regulation, which is transportable in one (1) or more sections, is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three-hundred and twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.
- 1-70 MANUFACTURED HOME PARK: A single parcel of land on which three (3) or more manufactured home lots, tracts or parcels of land, corporately or privately owned, used or offered for use in whole or in part for consideration, for the parking of manufactured homes exclusively. Under no circumstances are lots in a manufactured home park to be sold unless in accordance with the County Subdivision Ordinance.

- 1-71 MODULAR (INDUSTRIALIZED) BUILDING: A combination of one (1) or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured offsite and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in the Code of Virginia § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this ordinance.
- 1-72 NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-73 NONCONFORMING LOT: A 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.
- 1-74 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.
- 1-75 OFFICE, BUSINESS: Any room, studio, suite, or building wherein the primary use is the conduct of a business or profession such as correspondence, research, editing, administration or analysis; or the conduct of business of a salesman, sales representatives or manufacturer's representatives, including real estate brokers and insurance agents.
- 1-76 OFFICE, PROFESSIONAL: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, dentists or physicians, but specifically excluding veterinarians.

- 1-77 OFF-STREET PARKING: Space provided for vehicular parking outside the dedicated street right-of-way.
- 1-78 PARKING SPACE: An area of not less than ten (10) feet wide by twenty (20) feet long for each motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of permitted vehicles.
- 1-79 PORCHES: An open, unenclosed stoop or unpaved terrace which may project into a front yard; porches which may be enclosed by removable windows or fixed canopies are not included in this definition.
- 1-80 PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board duly authorized to furnish, to the public under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sewage.
- 1-81 REQUIRED OPEN SPACE: Any space required in any front, side, or rear yard.
- 1-82 RENTAL STORES AND SHOPS: Buildings for display and sale of merchandise at retail value such as the following: drug store, newsstand, food store, candy shop, 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, beauty shop, etc.
- 1-83 SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.
- 1-84 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, which is visible beyond the boundaries of the parcel of land on which it is made.
- 1-85 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.
- 1-86 SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity, such as, but not limited to summer camps, horse shows auctions or sale of land, educational or religious events.

- 1-87 SPECIAL EXCEPTION\SPECIAL USE: A special use that is a use not permitted in a particular zoning district except by a special use permit granted under the provisions of the Zoning Ordinance. The terms special exceptional and special use permit are typically considered to be interchangeable. Both terms refer to the delegated power of the State to set aside certain categories of uses which are to be permitted only after being submitted to governmental scrutiny in each case in order to insure compliance with standards as designed to protect neighboring properties and the public. (Code of VA) The governing body shall be responsible for the granting, or refusal to grant, special exception permits (special use).
- 1-88 STORY: That portion of a building between the surface of any floor and the surface of the floor above it. If there be no floor above it, the space between the floor and the ceiling above it.
- 1-89 STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.
- 1-90 STREET: The principal means of access to any lot in a subdivision. The term street shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare used for a similar purpose.
- 1-91 STREET LINE: The dividing line between a street or road right-of-way and the contiguous property.
- 1-92 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the grounds or attachment to something having a permanent location on the ground.
- 1-93 STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed including outdoor advertising statuary.
- 1-94 TOURIST HOME/BED AND BREAKFAST: A dwelling in which overnight accommodations are provided or offered for two (2) or more but not greater than twelve (12) transient. When located in a Residential, R-1 Zone, the following additional conditions apply: A sign of not more than two (2) feet square advertising the use and approved by the Planning Commission. No more than five (5) rooms can be used for guests' quarters. The only meals served shall be breakfast and dinner for

- guests only. Off street parking of one (1) space per room, approved for this purpose, as long as the parking shall not be located in any required front yard and shall be effectively screened. The building(s) so used shall have the exterior appearance of a single family residence and normal residential accessory structures. Any additional requirements as set by the Board of Supervisors due to specific conditions of a particular application.
- 1-95 TOWNHOUSE: At least three (3) and not more than ten (10) attached single-family dwelling units, with each unit attached to the adjacent dwelling(s) by party walls and having lots, utilities, and other improvements designed to permit individual ownership of such lots and dwelling units.
- 1-96 TRAVEL TRAILER: A vehicular, portable structure built on a chassis as a temporary dwelling for travel, recreation, and vacation having body width not exceeding eight (8) feet.
- 1-97 TRUCK TERMINAL: An area, with or without structures, used for the parking, and maintenance of trucks and other equipment and vehicles necessary for such a business, as well as the temporary storage of commodities being hauled by the trucks.
- 1-98 USE: The purpose or activity for which land or buildings thereon is designed, arranged, or intended or for which it is occupied or maintained; the term "use" includes any manner of performance of such activity with respect to the performance standards of this ordinance.
- 1-99 VARIANCE: A variance is a relaxation of 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.

- 1-100 YARD: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- 1-101 YARD, FRONT: An open space on the same lot as a building between the front line of the building and the front lot or street line and extending across the full width of the lot.
- 1-102 YARD, REAR: An open, unoccupied space on the same lot as a building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- 1-103 YARD, SIDE: An open, unoccupied space on the same lot as a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.
- 1-104 Manufacture of Ethanol and associated Agricultural products: The manufacture production and support for the production of ethanol and associated agricultural products together with accessory uses including, but limited to bulk storage of grain, distillers grain, and other agricultural products; bulk storage of ethanol; business offices; private power-generating facilities; truck terminals; railroad switching and terminal facilities; railroad line-haul operation; and wholesale distribution and sales.

ARTICLE 2

DISTRICT AND ZONING MAP

2-1 DISTRICTS

For the purpose of this ordinance, the unincorporated area within Mecklenburg County, Virginia, as exists at the time of enactment of this ordinance, is hereby divided into districts, which are established as follows:

- Agricultural, District
- Agricultural, Low Density District
- Residential, District R-1
- Residential, District R-1A
- Residential, District R-2
- Residential, District R-2A
- Business, District B-1 Industry
- District M-1 Flood Plain
- District FP-1 Airport, District AP-1
- Agriculture Low Density, District A-1

2-2 ZONING DISTRICT MAP

The location and boundaries of zoning districts established in Mecklenburg County shall be shown on the Zoning District Map which may be amended. The same map, together with all notations, dimensions, designations, references, and other data shown thereon, is made a part of the ordinance. A certified official copy of the zoning district map, with all amendments indicated thereon, shall be on file in the office of the Zoning Administrator.

2-3 BOUNDARIES OF DISTRICTS

Where uncertainty exists as to the boundaries of the districts established in Article 2-1, as shown on the zoning district map, the following rules shall apply:

- (a) In cases where a boundary line is located within a street, road or highway right-of-way, it shall be deemed to be the centerline of the right-of-way.
- (b) In cases where a boundary line is indicated as following railroad lines, it shall be deemed as being midway between the main tracks.

- (c) In cases where a boundary line approximately follows a lot line or a municipal line, such lot line or municipal line shall be the boundary.
- (d) 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 center line at low water or at the limit of the jurisdiction, and, in the event of a change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- (e) Boundaries indicated as parallel to or extensions of features indicated in (a), (b), (c) or (d) above shall be so construed.

ARTICLE 3

AGRICULTURAL DISTRICT

STATEMENT OF INTENT

The intent of this district is to establish areas wherein the production of food and fiber is the primary activity. These activities contribute significantly to the County's well-being and, by this district, their continuation is enhanced and encouraged. The use of land in any manner which would tend to discourage or limit the production of food and fiber is contrary to the purpose of this district. To insure the intent of this district, this Article establishes the lowest density of development in the County. It is recognized that certain desirable areas of this rural district may logically be expected to develop residentially at low density. It should also be recognized that agricultural and forestry activities will produce sights, sounds and odors that are associated with normal agricultural production. These activities may be found offensive by some individuals but are to be expected.

3-1 Use Regulations

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

- (a) single family dwellings;
- (b) growing and harvesting of food and fiber, including the raising of livestock and poultry;
- (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 upon a building lot which is "grandfathered in" as a pre-existing lot.
 3. Was located upon a site in Mecklenburg County on or before November 24, 1992, and which location can be established by county tax records or county building permits.
- (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. Was located upon a site in Mecklenburg County on or before November 24, 1992, and which location can be established by county tax records or county building permits.

NOTE: USE REGULATIONS j THROUGH (dd) REQUIRE SPECIAL EXCEPTION PERMIT.

- (j) parks, country clubs, and recreation centers;
- (k) temporary sawmills, contractors, equipment storage yards;
- (l) manufactured home parks;
- (m) eating and/or drinking establishments with dancing or entertainment;
- (n) motels, boarding housing, tourist homes;
- (o) service stations;
- (p) general stores;

- (q) neighborhood businesses;
- (r) gift and antique shops;
- (s) light manufacturing operations;
- (t) beauty shops and barber shops;
- (u) campgrounds and travel trailer parks;
- (v) veterinary or dog or cat hospital, kennels;
- (w) funeral homes;
- (x) public and semi-public buildings;
- (y) facilities, activities and operations which are provided by a duly constituted unit of government;
- (z) Manufactured homes which do not satisfy all of that criteria of 3-1 (i) or the criteria of 3-1 (ii);
- (bb) radio and television stations and transmitters and communication towers and transmitters;
- (cc) private airstrips.
- (dd) 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.**

3-2 AREA REGULATIONS

The minimum lot area for a permitted use shall be thirty thousand (30,000) square feet, 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.

3-3 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 main 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

3-4 LOT REGULATIONS

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

3-5 HEIGHT RESTRICTIONS
Refer to Building Code.

3-6 SPECIAL PROVISIONS FOR CORNER LOTS
In addition to the yard regulations given in 3-3 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.

3-7 PROVISIONS FOR THE RIGHT TO FARM

- 3-7.1 Setbacks from Existing Dwelling:
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 District, three hundred (300) feet;
 - (b) **From an existing dwelling in an Agriculture 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 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 intensified livestock, dairy, and poultry structure.

3-7.3 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 (150) feet.
- (b) The setback for swine structures from property lines and public roadways shall be at least one thousand (1000) feet.

3-7.4 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 fifty (750) to eighteen hundred (1800) swine 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 incorporated towns, platted residential subdivisions, residentially zoned 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 setback of five (5) from municipal water source (intakes or wells).
- (e) All swine facilities shall have a setback of two (2) miles from a Town Boundary.
- (f) To prohibit the importation of out of state swine waste.
- (g) To require an Engineers Certificate for the construction of the lagoon before any waste is deposited in the lagoon.
- (h) All swine facilities shall have a setback of three (3) miles from the following:
 - (a) The centerline of the Meherrin River at it forms the Northern Boundary of Mecklenburg County.
 - (b) Any property either owned or with flowage easement by the US Army Corp 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.

3-7.5 CERTIFIED PLAT REQUIRED

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

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

- (a) In the 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 thirty (30) days of receipt of the development plan, or if the development plan does not meet the requirements of Sections 3 and 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 such Sections.
- (b) The development plan shall be based on the requirements of this chapter 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 3 of this chapter.
- (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 chapter of the 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 section (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 4.1 (a) 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.

3-9.1 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.

ARTICLE 3A

AGRICULTURAL LOW DENSITY DISTRICT

Statement of Intent

The intent of this District is to establish areas wherein the production of food and fiber is the primary activity as in the Agricultural District under this Zoning Ordinance. The purpose of this District shall be essentially the same as the purposes stated with respect to the Agricultural District pursuant to Article 3 of this Zoning Ordinance. Areas within the Agricultural Low Density District shall be those areas that have been identified as appropriate for possible industrial development within the reasonable future, based on location, topography, access, the planned expansion of public water and sewer facilities, and planned road improvements. An additional purpose of the Agricultural Low Density District shall be to preserve the agricultural and low density uses in the area pending the potential orderly transition of the area to industrial uses, without unduly restricting the rights of property owners within the District. The Agricultural Low Density District shall initially be limited to the area adjacent to the Town of South Hill and east of Interstate 85, and subject to future boundary adjustment pursuant to the Voluntary Settlement and Annexation Agreement between the Town of South Hill and the County of Mecklenburg dated as of December 13, 1999.

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.

ARTICLE 4

RESIDENTIAL: DISTRICT R-1

Statement of Intent

The intent of this district is to establish areas for density single-family detached housing and those few accessory, public and semi-public structures and uses which will be in accord with, and supportive of, such a settlement. High intensity developments, whether public, semi-public, commercial or industrial, are not in keeping with district. Areas of this district are not required to be served by public water and sewer lines, but should be in reasonable relationship to, and be an extension of, similar land uses of incorporated towns.

4-1 USE REGULATIONS

- (a) A building single-family dwellings, not including manufactured homes;
- (b) growing and harvesting of food and fiber, not including the keeping of livestock and poultry;
- (c) schools, parks, playgrounds, libraries, places of religious worship, country clubs, and noncommercial recreation center;
- (d) cemeteries;
- (e) accessory structures and uses excluding campers and travel trailers;
- (f) public utilities;
- (g) facilities, activities and operations which are provided by a duly constituted unit of government (special exception permit required);
- (h) off-street parking in accordance with Article 13 of this ordinance; and
- (i) signs in accordance with Article 12 of this ordinance;
- (j) tourist homes/bed and breakfasts (special exception permit required);

- (k) 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.**

4-2 AREA REGULATION

The minimum lot area for a permitted use shall be fifteen thousand (15,000) square feet if the lot is served by both central water and sewer; twenty-five thousand (25,000) square feet if the lot is served by either central water or sewer; or thirty thousand (30,000) square feet if the lot is served by neither central water nor sewer. The local health official may require a larger land area for the safe installation and operation of individual sewage treatment and waste water disposal systems and water supply walls.

4-3 YARD REGULATIONS

- (a) No part of any structure shall be located any closer than fifty (50) feet to any right-of-way which is fifty (50) feet or larger OR any closer than seventy-five (75) 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 five (5) feet to any side lot line.
- (d) No part of any main 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

4-4 LOT REGULATIONS

- (a) Every lot shall front at least thirty-five (35) feet on a dedicated and opened public street.
- (b) Every lot shall be at least one-hundred twenty-five (125) feet wide at the building setback line, if served by neither central water nor central sewer systems; one hundred (100) feet wide at the building setback line, if served by either central water or central sewer systems; seventy-five (75) feet wide at the building setback line if served by both central water and central sewer systems.

4-5 HEIGHT RESTRICTIONS

Refer to building code.

4-6 SPECIAL PROVISIONS FOR CORNER LOTS

In addition to the yard regulations given in Section 4-3 above, no main building or accessory building shall be located any closer than thirty-five (35) feet to the side of the lot abutting the side street.

4-7 FENCE RESTRICTIONS

The top of any fence shall not be more than eight (8) feet in height than the elevation of such property line. A fence of a greater height shall require a **Special Exception Permit**.

ARTICLE 4A

RESIDENTIAL; DISTRICT R-1A

Statement of Intent

The intent of this district is to encourage variety in housing types. Residential densities in this area will allow for relatively compact housing developments. Population density and height of buildings are low enough to be generally compatible with residential development of lower density in the same general neighborhood.

4A-1 USE REGULATIONS

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

- (a) single-family dwellings;
- (b) duplexes;
- (c) multi-family dwellings, the maximum number of which shall not exceed the restrictions imposed under Section 4A-2 hereof;
- (d) attached single-family dwellings (townhouses), but not more than ten (10) units per row or cluster;
- (e) schools, parks, playgrounds, libraries, places of religious worship; country clubs and recreational clubs;
- (f) facilities, activities, and operations which are provided by a duly constituted unit of government;
- (g) public utilities;
- (h) accessory structures and uses excluding campers and travel trailers;
- (i) cemeteries;
- (j) off street parking in accordance with Article 13 of this ordinance;
- (k) signs in accordance with Article 12 of this ordinance;

- (1) 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.**

4A-2 AREA REGULATIONS

Unless otherwise specified, the minimum lot area for a permitted use shall be fifteen thousand (15,000) square feet if the lot is served by both central water and sewer; twenty five thousand (25,000) square feet if the lot is served by either central water or sewer; or thirty thousand (30,000) square feet if the lot is served by neither central water nor sewer.

- (a) Tracts of land to be used for multiple-family development, including condominiums and townhouses served by water and sewer systems approved by the health official, shall have a width of one hundred (100) feet or more at the building setback line, a minimum road frontage on a state maintained roadway of fifty (50) feet, and
 - (1) A minimum gross tract area which is twenty thousand (20,000) square feet for the first unit and four thousand (4,000) square feet for each additional dwelling unit, unless approved in a **Special Exception Permit**, but in no case less than one (1) acre in size.
- (b)
 - (1) On property which **is not served** by a central sewer system, a maximum of four (4) dwelling units per acre shall be allowed.
 - (2) On property which **is served** by a central sewer system, a maximum of eight (8) dwelling units per acre shall be permitted without a **Special Exception Permit**, but subject to any other regulations (e.g., Health Department requirements) which may limit the maximum to a total less than eight (8).
 - (3) For property which **is served** by a central sewer system, a **Special Exception Permit** shall be required to permit more than eight (8) dwelling units per acre.

4A-3 YARD REGULATIONS

For all single-family dwellings and all multi-family dwellings, the following yard regulations apply:

- (a) No part of any structure shall be located any closer than thirty-five (35) feet to any right-of-way which is fifty (50) feet or larger OR any closer than sixty (60) 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 five (5) feet to any side lot line.
- (d) No part of any main structure shall be located any closer than twenty-five (25) 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

4A-4 LOT REGULATIONS

- (a) Every lot shall front at least thirty-five (35) feet on a dedicated and opened public street.
- (b) Every lot shall be at least seventy-five (75) feet wide at the building setback line if served by both central water and central sewer systems; one hundred (100) feet wide at the building setback line if served by either central water or central sewer systems; one hundred twenty-five (125) feet wide at the building setback line if served by neither central water or central sewer systems.

4A-5 HEIGHT REGULATIONS

Multi-family structures shall not exceed three (3) stories in height.

4A-6 SPECIAL PROVISIONS FOR CORNER LOTS

In addition to the yard regulations given in Section 4A-3 above, no main building or accessory building shall be located any closer than twenty-five (25) feet to the side of the lot abutting the side street.

4A-7 FENCE RESTRICTIONS

The top of any fence shall not be more than Eight (8) feet in height than the elevation of such property. A fence of a greater height shall require a **Special Exception Permit**.

ARTICLE 5

RESIDENTIAL: DISTRICT R-2

STATEMENT OF INTENT

The intent of this district is to establish areas accommodating a full range of housing types and life styles. Land is intended to be used for medium density housing. All types of housing, from single family detached to townhouses, and apartments, will be located in these areas. Areas developed at this density will require additional public, semi-public and private land uses to support and enhance the neighborhood. It is in the public interest to encourage development in this manner and simultaneously to protect the general welfare by ensuring such development is soundly designed and well laid out.

5-1 USE REGULATIONS

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

- (a) single-family dwelling;
- (b) multi-family dwellings;
- (c) manufactured homes which satisfy all of the following criteria: are a minimum of twelve (12) feet in width; are placed upon a permanent foundation, or are skirted with a suitable material; are placed upon an approved single lot;
- (d) growing and harvesting of food and fiber, not including the keeping of livestock and poultry;
- (e) non-commercial schools, parks, playgrounds, libraries places of religious worship, country clubs and recreation clubs;
- (f) cemeteries;
- (g) 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;

- (h) home occupations (**special exception permit required**);
- (i) rooming houses, boarding houses, and tourist homes;
- (j) rest homes (**special exception permit required**);
- (k) public utilities;
- (l) off-street parking, in accordance with Article 13 of this ordinance;
- (m) signs in accordance with Article 12 of this ordinance;
- (n) facilities, activities, and operations which are provided by a duly constituted unit of government (**special exception permit required**);
- (o) manufactured homes which do not satisfy all the criteria of 5-1 (c) hereof (**special exception permit required**);
- (p) hair salons and barber shops (**special exception permit required**);
- (q) 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.**

5-2 AREA REGULATIONS

Unless specified below, the minimum lot area for a permitted use shall be fifteen thousand (15,000) square feet if the lot is served both central water and sewer; twenty five thousand (25,000) square feet if the lot is served by either central water or sewer; or thirty thousand (30,000) square feet if the lot is served by neither central water nor sewer.

- (a) Tracts of land to be used for multiple-family development, including condominiums and town houses, served by water and sewer systems approved by the health official, shall have a frontage of one hundred (100) feet or more at the building setback line and minimum road frontage of thirty-five (35) feet, and a minimum gross tract area which is fifty (50) percent of the above required area for each dwelling unit more than one (1) in the case of townhouse type

- developments, a minimum lot size of fifteen hundred (1500) square feet, or two (2) times the building floor space, whichever is greater.
- (b) The local health official may require a larger land area for the safe installation and operation of individual sewage treatment and waste water disposal systems and water supply wells.

5-3 YARD REGULATIONS

For all single-family dwellings and all multi-family dwellings, the following yard regulations apply:

- (a) No part of any structure shall be located any closer than thirty-five (35) feet to any right-of-way which is fifty (50) feet or larger OR any closer than sixty (60) 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 five (5) feet to any side lot line.
- (d) No part of any main structure shall be located any closer than twenty-five (25) 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:
 - (1) 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.
 - (2) A setback of seven and one-half (7 1/2) feet on all lot lines shall apply to all lots in River Ridge Subdivision, LaCrosse District, except as noted in (f) (1) above.

5-4 LOT REGULATIONS

- (a) Every lot shall front for a least thirty-five (35) feet on a dedicated and opened public street.
- (b) Every lot shall be at least seventy-five (75) feet wide at the building setback line if served by both central water and central sewer systems; one hundred (100) feet wide at the building setback line if served by either central water or central sewer systems; one hundred twenty-five (125) feet wide at the building setback line if served by neither central water or central sewer systems.

5-4 HEIGHT REGULATIONS

Refer to building code.

5-5 SPECIAL PROVISIONS FOR CORNER LOTS

In addition to the yard regulations given in Section 5-3 above, no main building or accessory building shall be located any closer than twenty-five (25) feet to the side of the lot abutting the side street.

5-6 FENCE RESTRICTIONS

The top of any fence shall not be more than eight (8) feet in height than the elevation of such property line. A fence of a greater height shall require a **special exception permit**.

ARTICLE 5A

RURAL RESIDENTIAL: DISTRICT R-2A

Statement of Intent

The intent of this district is to provide for low density residential development while being protective of the County's rural character by preserving open space and productive farm and timber lands. This district is intended to provide for areas of residential development which will protect the general agricultural areas of the County from sprawling land consumptive residential development that often displaces substantial areas of high quality agricultural land for a small number of dwelling units. In accordance with this district, residential development in the rural residential will utilize larger acreage lots of parcels for single-family residential type development, referred to as "mini farms" by some people. This type of low density residential development will appeal to those desiring the control and restrictions normally associated with residentially zoned development coupled with larger tracts of land. Areas of this District shall be required to be serviced by private or public water and sewage.

5A-1 Use Regulations

- (a) A building single-family dwellings, not including manufactured homes.
- (b) Growing and harvesting of food and fiber, not including the keeping of livestock and poultry.
- (c) Parks, country clubs and non-commercial recreation centers.
- (d) Accessory structures and use excluding campers and travel trailers
- (e) Public utilities
- (f) Facilities, activities and operations which are provided by a duly constituted unit of government (**special exception required**).
- (g) Off street parking in accordance with Article 13 of this ordinance.
- (h) Signs in accordance with Article 12 of this ordinance.
- (i) Tourist homes, bed and breakfast (**special exception required**).
- (j) Keeping of horses for recreational purposes by the property owner only with required special conditions.
 - (1) The keeping of horses shall be the accessory to a single-family residential unit solely for the recreational purposes of the family living on the premises.
 - (2) The minimum parcel size for the keeping of horses shall be four (4) grassable acres on which two (2) horses may be kept. Additional horses may be kept at a ratio of one (1) horse for each additional two (2) grassable acres of land to a maximum of four (4) horses.
 - (3) A stable must be provided for the housing of all horses. Any stable or structure used for the keeping of horses shall meet the following setback requirements:
 - Street property line - one hundred fifty (150) feet from the right-of-way
 - Side property line - fifty (50) feet
 - Rear property line - sixty-five (65) Feet

- (4) All pastures, runs or similar areas used for horse keeping shall be surrounded by secure web fencing a minimum of six (6) feet in height or fencing of higher quality and maintained yearly. Fences shall not block any easements. No electric fencing will be allowed.
 - (5) Horses shall not be stabled, pastured or otherwise kept within one hundred fifty (150) feet of creeks, streams or lakes unless it can be proven to the satisfaction of the Zoning administrator that any runoff will be away from lakes, streams or creeks so that the public health will not be negatively impacted. In such case, a one hundred (100) feet buffer must be maintained.
 - (6) Manure or animal waste shall not be stored, stockpiled or permitted to accumulate on the residential property.
 - (7) Riding stables and the boarding of horses which are not owned by the resident family shall be prohibited. There will be no breeding or raising of horses allowed on the property.
 - (8) The Zoning Administrator retains the right to require removal of some or all off all the horses on the resident's property, if, at any time, the applicant violates the conditions set forth above.
- (k) 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.**

5A-2 Area Regulations

The minimum lot area for permitted use, together with its accessory uses shall be five (5) acres or more. For permitted uses utilizing individual wells and sewage disposal systems, the required area for any such use shall be approved by the health official. The Zoning Administrator may require a greater area if determined necessary.

5A-3 Yard Regulations

The following yard regulations apply:

- (a) No part of any dwelling shall be located any closer than seventy-five (75) 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 dwelling shall be located any closer than ten (10) feet to any side lot line.
- (c) No part of any accessory structure (storage building, garage or carport) shall be located any closer than ten (10) feet to any side lot line.
- (d) No part of any dwelling 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 for dwellings: no setback shall be required from any property line shared with property owned by the US Army Corp of Engineers for the Kerr Lake impoundment. A fifteen (15) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

5A-4 Lot Regulations

- (a) Every lot shall front at least one hundred twenty-five (125) feet on a dedicated and opened public road and fifty (50) feet if the lot fronts on a cul-de-sac.

(b) Every lot shall be at least three hundred (300) feet wide at the building setback line.

5A-5 Height Restrictions.

Refer to the building code.

5A-6 Special Provisions for corner lots.

In addition to the yard regulations given in 5A-3 above, no dwelling or accessory building shall be located any closer than thirty-five (35) feet to the side of the lot abutting the side street.

ARTICLE 6

BUSINESS: DISTRICT B-1

Statement of Intent

The intent of this district is to establish areas for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise or congregation of people and passenger vehicles.

6-1 USE REGULATIONS

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

- (a) any eating and/or entertainment establishment, retail establishment, wholesale establishment or personal service establishment, including those establishments designed for drive-in service;
- (b) automobile, truck, farm equipment, etc., sales, service and repair, including body or fender repair, vehicle upholstery shop. auto salvage yards and junk yards, so long as any major repair or storage of equipment, materials, damaged or junked vehicles are screened from public view and public highways.
- (c) commercial recreational uses, such as theaters, bowling alleys, miniature golf courses, go-cart tracks, raceways, roller or ice skating rinks.
- (d) bottling works, dyeing and cleaning works, linen or laundry services, plumbing and heating shops, sign shops, printing and engraving establishments, photographic processing, blue-printing, upholstering shops not involving furniture manufacturing or vehicle repair, tin smithing shops, tire sales and services including vulcanizing and recapping, but not manufacturing, appliance repairs, and general service establishments;

- (e) offices for doctors, dentists, realtors, lawyers, contractors, insurers, gas stations and/or convenience stores shall require a Special Exception Permit;
- (f) motels and hotels;
- (g) manufactured home, modular home, travel trailer and/or camper sales, display, and storage, provided that all units are in useable condition;
- (h) material storage yards where all side and rear yards are screened from public view;
- (i) public buildings and utilities;
- (j) semi-public buildings
- (k) home occupations;
- (l) accessory uses or structures or buildings;
- (m) facilities, activities and operations which are provided by a duly constituted unit of government.
- (n) off-street parking in accordance with Article 13 of this ordinance;
- (o) signs in accordance with Article 12 of this ordinance;
- (p) allow the operation of radio, television or communications towers and transmitters;
- (q) Residential living within a business is allowed providing that the residential area is located within the same structure as the business and is for the use of the owner or manager of that business. The residential area shall not be used as rental property and shall require a **Special Exception Permit.**

NOTE: All underlined item shown in this section require special exception permits.

6-2 AREA REQUIREMENTS

- (a) In areas served by central water and central sewer, there are no area requirements.
- (b) In areas not served by central water and central sewer, the minimum area shall be that area 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.

6-3 YARD REGULATIONS

- (a) No part of any building shall be located any closer than thirty (30) feet to any right-of-way which is fifty (50) feet or larger OR any closer than forty (40) feet to the centerline of any right-of-way which is less than fifty (50) feet.

- (b) No part of any building shall be located any closer than ten (10) feet to the side or rear lot line when the adjoining or adjacent property either
 - (1) is being used for residential purposes, or
 - (2) is zoned for any residential, agricultural or conservation zone.
- (c) There are no yard regulations for side and rear yards when the adjoining or adjacent property either
 - (1) is being used for commercial or industrial uses or
 - (2) is zoned for any commercial or industrial zone.
- (d) 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

6-4 HEIGHT REGULATIONS

Refer to building code.

6-5 SCREENING

Buildings and uses that are required to be screened from public view and public highways must meet screening standards. The screen shall be within one (1) foot of a common property line unless some greater or lesser distance is expressly provided for in the special exception permit, and the screen shall be either a solid masonry wall, a uniformly painted solid board fence, eight (8) feet in height or an evergreen hedge must be planted that will reach eight (8) feet in height. Special variations may be made in areas requiring natural air circulation, unobstructed view or other technical considerations necessary for proper equipment operation.

ARTICLE 7

INDUSTRIAL: DISTRICT M-1

Statement of Intent

The intent of this district is to establish areas in which industries are permitted. These industries are not compatible with residential, commercial or agricultural district. This district (a) encourages the continued use of land for industrial purpose, (b) creates new opportunities for industrial development and (c) prohibits residential, commercial or any other use of land which would substantially interfere with the continuation, expansion or development of industrial uses in the district. The limitations and regulations imposed on industrial uses are intended to foster development which is compatible with the community in which they are located.

7-1 USES

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

- (a) assembly of electrical appliances, electronic instruments and devices, radios and phonographs; also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders;
- (b) automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture shall be screened from public view;
- (c) blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers;

- (d) laboratories-pharmaceutical and/or medical;
- (e) manufacture, compounding, processing packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap toiletries and food products;
- (f) manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint;
- (g) manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns;
- (h) manufacture, production or processing of aluminum;
- (i) manufacture of musical instruments, toys, novelties and rubber and metal stamps;
- (j) building material sales yards, plumbing supplies storage;
- (k) coal and wood yards, lumber yards, feed and seed stores, chemical stores;
- (l) contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors;
- (m) cabinets, furniture and upholstery shops;
- (n) boat building;
- (o) monumental stone works;
- (p) wholesale businesses, storage warehouses;
- (q) truck terminals;
- (r) public airports & facilities;
- (s) sand and gravel operations, crushed stone operations; (**special exception permit required**)
- (t) mining operations;
- (u) bulk or petroleum storage;
- (v) permanent sawmills and planing mills;
- (w) brick manufacture;
- (x) junk storage and automobile graveyards;
- (y) manufacture of manufactured homes, modular homes, travel trailers, and the like;
- (z) public and semi-public buildings and structures;
 - (aa) utilities, electric generating facilities;
 - (bb) facilities, activities, and operations which are provided by a duly constituted unit of government (**special exception permit required**);

- (cc) sewage and waste treatment facilities and disposal sites (**special exception permit required**);
- (dd) dumps, landfills -non hazardous, non-radioactive materials and approved by the State Health Department, Board of Supervisors (**special exception permit required**);
- (ee) accessory buildings;
- (ff) tobacco sales and storage warehouses;
- (gg) off-street parking in accordance with Article 13 of this ordinance;
- (hh) signs in accordance with Article 12 of this ordinance;
- (ii) asphalt plants (**special exception permit required**);
- (jj) allow the operation of radio, television or communications towers and transmitters
- (kk) manufacture of ethanol and associated agricultural products (**special exceptions permit required**)

7-2 AREA REGULATIONS

- (a) In areas served by central water and central sewers, there are no area regulations.
- (b) In areas not served by central water and central sewers, there are no area regulations.
- (c) In areas not served by central water and central sewers, the minimum area shall be that area 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.

7-3 YARD REGULATIONS

- (a) No part of any building shall be located any closer than twenty-five (25) feet to any right-of-way which is (50) feet or larger OR any closer than fifty (50) feet to the centerline of any right-of-way which is less than fifty (50) feet.
- (b) No part of any building shall be located any closer than fifteen (15) feet to any side or rear lot line except there shall be a zero setback on the side and rear lot lines when the adjoining or adjacent property either:
 - (1) is being used for commercial or industrial uses or
 - (2) is zoned for any commercial or industrial use.

(c) 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) feet setback shall be required from any property line shared with property owned by Virginia/Dominion Power on the Lake Gaston impoundment.

7-4 HEIGHT REGULATIONS

Refer to building code.

7-5 SCREENING

Buildings and uses that are required to be screened from public view and public highways, must meet screening standards. The screen shall be within one (1) foot of a common property line unless some greater or lesser distance is expressly provided for in the special exception permit and the screen shall be either a solid masonry wall, a uniformly painted solid board fence, eight (8) feet in height or an evergreen hedge must be planted that will reach eight (8) feet in height. Special variations may be made in areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper equipment operation.

DISTRICT 8

FLOOD PLAIN DISTRICT; DISTRICT FP-1

ARTICLE 8-1

DEFINITIONS

1. Base Flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year.
2. Base Flood Elevation - The Federal Emergency Management Agency designated one hundred (100) -year water surface elevation.
3. Basement - Any area of the building having its floor sub-graded (below ground level) on all sides.
4. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
5. Development - Any man-made change to improve or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
6. Elevated Building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (post and piers).
7. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
8. Existing Manufactured Home Park or Subdivision - A manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of

the floodplain management regulations adopted by a community.

9. Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood or Flooding - (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.
11. Flood Insurance Rate Map (FIRM) - An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
12. Flood Insurance Study (FIS) - An examination, evaluation and determination of flood hazards and, if appropriated, corresponding waters surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
13. Floodplain of Flood-Prone Area - Any land area susceptible to being inundated by water from any source.

14. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway - The channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
16. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
17. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic Structure - Any structure that is
 1. listed individually in the National Register of Historic Places (listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an

approved state program as determined by the Secretary of the Interior or, directly by the Secretary of the Interior in states without approved programs.

19. Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
20. Manufactured home - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for the use with or without permanent foundation when attached to the required utilities. The term "manufactured utilities" does not include a recreational vehicle.
21. Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. New Construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on to after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
23. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

24. Recreational vehicle - a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.
25. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 8-3, Section 8.2 of this Ordinance.
26. Start of Construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of the permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
27. Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance rating purposes, it means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

28. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
29. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
30. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
31. Violation - Means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the evaluation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 8-2 GENERAL PROVISIONS

Section 8.1 - Purpose

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 8.2 - Applicability

- A. These provisions shall apply to all lands within the jurisdiction of Mecklenburg County and identified as being in the 100-year flood plain by the Federal Insurance Administration.

Section 8.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which applies to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and

bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.
- D. This ordinance shall not create liability on the part of Mecklenburg County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 8.4 - Abrogation and Greater Restrictions

This ordinance supercedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

Section 8.5 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 8.6 - Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Mecklenburg County shall be guilty of a misdemeanor and subject to penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article, may be declared by Mecklenburg County to be a public nuisance and abatable

Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

3. In the event any provision concerning a Floodplain District is declared inapplicable as result of any legislative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 8.2 - Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Mecklenburg County offices.

Section 8.3 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by Mecklenburg County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change,, approval must be obtained from the Federal Insurance Administration.

Section 8.4 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 8.5 - Submitting Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the Changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

ARTICLE 8-4 DISTRICT PROVISIONS

Section 8.1 - Permit and Application Requirements

A. Permit Requirements

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Mecklenburg County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement)
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

Section 8.2 - General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the

provisions of this ordinance, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 8.3 Specific Standards

In all special flood hazard areas where bases flood elevations have been provided in the Flood Insurance Study or generated according to Article 8, Section 8.7 (A), the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation.

B. Non- Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower two feet above the base flood elevation. Buildings located in all A, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door) or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. in the Coastal High Hazard District, follow the standards for elevation.
4. include, in Zones A, AO, and AE, measures to automatically equalize hydrostatic flood forces on walls allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - A. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - B. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - C. If a building has more than one enclosed area, each are must have openings to allow floodwaters to automatically enter and exit.
 - D. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - E. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

F. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreation Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all requirements in Article 8-5, paragraph A and B and Section 8.1, paragraph A.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:
 - a. the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation.
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
 - c. and be securely anchored to the adequately anchored foundation system to resist floatation, collapse and lateral movement.
3. All recreational vehicles placed on sites must either:
 - a. be on site for fewer than 180 consecutive days
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities

and security devices and has no permanently attached additions); or,

- c. meet all the requirements for manufactured homes in Article 8.4 Section D.

Section 8.4 Standards for the Floodway District

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.
- B. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies- with Mecklenburg County's endorsement - for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- C. If Article 8.4 Section 8.3 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 8.4.
- D. The placement of manufactured homes (mobile homes) is Prohibited, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Section 8.5 Standards for the Special Floodplain District

The following provisions shall apply with the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation

of the base flood more than one foot at any point within Mecklenburg County.

Development activities in Zones A, AE, and AH, on the Mecklenburg County's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the Mecklenburg County's endorsement - for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 8.6 Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County Administrator.

When such base flood elevation data is utilized, the lowest flood shall be 2 feet above the base flood elevation. During the permitting process, the Zoning Administrator shall obtain:

1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
2. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

Section 8.7 STANDARDS FOR SUBDIVISION PROPOSALS

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

ARTICLE 8-5 VARIANCES: FACTORS TO BE CONSIDERED

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and considered the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increase flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- F. The importance of the services provided by the proposed facility to the community.
- G. The requirements of the facility for a waterfront location.
- H. The availability of alternative locations not subject to flooding for the proposed use.
- I. The compatibility of the proposed use with existing

development anticipated in the foreseeable future.

- J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

The Board Of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred 100-year flood elevation will increase the risks to life and property and will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE 8-6 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

ARTICLE 9

AIRPORT DISTRICT, DISTRICT AP-1

Statement of Intent

This district is established for the purpose of protecting human life, health and safety in the areas around airports. It is in the public interest to insure that airports and their environs are safely developed by reducing and prohibiting unnecessary land use conflicts. Thus, the purpose of this section is to regulate and restrict the height of structures and objects of natural growth and otherwise to regulate the use of property in the vicinity of the Mecklenburg-Brunswick County Regional Airport, the Lake Country Regional Airport and the Chase City Airport by creating certain airport zone within the Zoned districts and by defining the boundaries thereof by reference to the Mecklenburg-Brunswick County Regional Airport, the Lake Country Regional Airport and the Chase City Airport. The Airport District is intended to overlay other zoning districts and the provisions of this section are supplemental to the provisions of the various districts underlying the Airport District.

9-1 AIR ZONES

There are hereby created and established within the County certain zones which include all of the land lying within non-instrument runway approach zones, transitional zones, horizontal zones and conical zones, as said zones are herein defined. Such zones are made a part of this ordinance by reference.

- (a) Non-instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is one thousand

- (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (b) Instrument Runway Approach Zone -The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (c) Transitional Zones -These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones, for those portions of the instrument runway approach zones which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zones and at ninety (90) degree angles to the extended runway center line.
- (d) Horizontal Zone -The horizontal zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (e) Conical Zones - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet. The conical zone does not include the instrument runway approach zones and the transitional zones.

9-2 HEIGHT LIMITATIONS FOR AIR ZONES

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are here by established for each of the zones in question as follows:

- (a) Non-instrument Runway Approach Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
- (b) Instrument Runway Approach Zone - Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line.
- (c) Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty (150) feet above the airport elevation which is four hundred forty and five-tenths (440.5) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the instrument runway approach zone projects the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as instrument runway approach surface, and extending to a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway center line.
- (d) Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a height of five hundred ninety and five-tenths (590.5) feet above

mean sea level.

- (e) Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

When an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

9-3 USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering or aircraft intending to use the airport.

9-4 NONCONFORMING USE

- (a) The regulations prescribed by this Article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently pursued.
- (b) Notwithstanding the above provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the FAA to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of Mecklenburg County.

9-5 VARIANCES

Variances to the restrictions contained in this Article may be granted by the Board of Zoning Appeals in accordance with Article 14 of this Ordinance. Any variance authorized shall be so conditioned as to require the owner of the structure or tree in question, at his own expense, to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Board of Zoning Appeals, acting with the advice and recommendation of the FAA and/or the Airport Manager.

9-6 AIRPORT APPROACH RESTRICTED USE ZONE

- (a) There is hereby created an Airport Approach Restricted Use Zone. This zone is centered on the extended centerline of the runway beginning at each end of the primary surface and extending for a horizontal distance of ten thousand (10,000) feet. The width of the zone shall be two thousand (2,000) feet at the edge of the primary surface and shall taper uniformly to one thousand (1,000) feet at a distance of ten thousand (10,000) feet from the end of the primary surface.
- (b) Within this zone, no land, building nor any premise shall be constructed or used for any of the following uses, notwithstanding the fact that such uses may otherwise be permitted in the zoning district in which such land, building or premises are located:
 - (1) residential developments (boarding houses, multi-family buildings, manufactured home parks, subdivisions, etc.) having density of more than four (4) units per acre;
 - (2) school buildings;
 - (3) churches, synagogues or other places of worship;
 - (4) any recreational facility for the assembly of more than one hundred people;
 - (5) hospitals, homes for aged, nursing homes, etc; and
 - (6) motels and restaurants

9-6 INSTRUMENT APPROACH OBSTRUCTION CLEARANCE ZONES

The Mecklenburg - Brunswick Regional Airport zones are shown on Exhibit A as prepared by the Southside Planning District Commission and shall limit the height of structures in the defined zones to a maximum height in elevation of the structures or a maximum height above M.S.L., whichever is more restrictive.

- (a) Zone A - the maximum height of a structure shall be four hundred ninety-two (492) M.S.L. feet in elevation.
- (b) Zone B - the maximum height of a structure shall be five hundred ninety-two (592) M.S.L. feet in elevation.
- (c) Zone C - the maximum height of a structure shall be seven hundred seventeen (717) feet M.S.L. feet in elevation.

ARTICLE 10

NONCONFORMING USE

10-1 CONTINUATION

- (a) If, at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure of this ordinance, such manner of use or purpose may be continued as herein provided.
- (b) If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- (c) If any nonconforming use, structure, or activity is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- (d) Any nonconforming structure, lot or activity may only be changed to an even more limited use.
- (e) Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance shall not be considered nonconforming uses for purposes of this article.
- (f) Single family dwellings and manufactured homes are exempt.

10-2 PERMITS

- (a) All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.
- (b) The construction or use of a nonconforming building or land area for which a permit was legally issued prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

10-3 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.

10-4 EXPANSION OR ENLARGEMENT

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 NONCONFORMING LOTS

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used as long as the requirements regarding setbacks, side and rear yards are complied with. Any relaxation in such requirements must be approved by the Board of Zoning Appeals. For purposes of this Section, the addition of an adjacent lot or a portion thereof subsequent to the adoption of this ordinance shall not disqualify a lot of record as a nonconforming lot.

10-6 RESTORATION OR REPLACEMENT

- (a) If a nonconforming structure or a conforming structure devoted to 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 not exceed fifty (50) percent of the cost of reconstructing the entire structure, it may be repaired or restored, provided any such repair or restoration is started within six (6) months and completed within twelve (12) months from the date of partial destruction.
- (b) If the cost of restoration to its original condition shall exceed fifty (50) percent of the cost of reconstructing the entire structure, it may be repaired or restored only upon the issuance of a variance by the Board of Zoning Appeals in accordance with Article 14 of this ordinance.
- (c) In approving such a variance, the Board of Zoning Appeals shall consider the stated purpose for the establishing of the zoning district in which the structure is located, the uses of the area immediately surrounding the structure in question, particularly the nonconforming uses, and the hardship which would result from a denial of a variance. The variance shall include conditions as to the time within the repair or restoration must be

started and completed and may contain any other conditions regarding the repair and restoration which in the opinion of the Board of Zoning Appeals shall be necessary to carry out the intent of this section and the ordinance.

- (d) If a nonconforming activity is destroyed by more than fifty percent (50%), the said property owner shall have two (2) years from the date of being destroyed to procure a building permit for said activity's previous use. After that date, the property will have to be rezoned before a permit can be issued for said property's prior activity.
- (e) The cost of land or any factors other than the cost the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage.
- (f) The replacement of an existing manufactured home by a newer and/or improved model which will be placed in the exact location as the original manufactured home within thirty (30) days of the removal of the existing manufactured home may be approved by the Zoning Administrator if the following conditions are met: the new manufactured is to be fully underpinned; the adjoining property owners are notified in writing and given ten (10) days to respond. If none of the adjoining property owners respond negatively, then the Zoning Permit shall be granted with a payment of \$25.00. If there is any negative response to the replacement of the manufactured home, then a Special Exception Permit shall be required for the placement of the new manufactured home.

ARTICLE 11

GENERAL INFORMATION

11-1 ZONING PERMITS

- (a) Building or structures shall be started, repaired, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator and a building permit has been obtained from the building inspector's department.
- (b) The Planning Commission may request a review of the 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.
- (c) Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing, which shall show the size and shape of the parcel or land on which the proposed building is to be constructed, the location of any rights-of-way of any street or highway adjoining said parcel of land, the location of any required building lines, the exact sizes and locations on the lot of the structures and accessory structures then existing, the lines within which the proposed building or structure shall be erected, the existing and intended use of each structure or part thereof, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.
- (d) 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 (1) copy of the drawing shall be returned to the applicant with the permit. One (1) copy of the drawing will be left at the building inspector's office when the building permit is issued.

11-2 CERTIFICATE OF OCCUPANCY

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the administrator and the building inspector. Such a permit shall state that the building or the proposed use of land complies with the provisions of this ordinance.

A similar certificate shall be issued for the purpose of maintaining, reviewing, changing or extending a nonconforming use.

11-3 SPECIAL EXCEPTION PERMITS

- (a) Special exception permits may be issued for any of the uses for which a special exception permit is required by the provisions of this ordinance provided that the governing body, upon a recommendation by the Planning Commission and after a duly advertised Public Hearing and the notification of adjoining property owners in accordance with the Code of Virginia, § 15.2-2204 shall find that the use will not:
- (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
 - (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
 - (3) be in conflict with the purposes of the Mecklenburg County Comprehensive Plan. In granting any special exception permit, the governing body shall designate such conditions as it determines necessary to carry out the intent of this ordinance. The application for such a permit shall be accompanied by a fee as determined by the Board of Supervisors.
- (b) Construction or operation shall commence within one (1) year of the date of issuance or the permit becomes void.
- (c) No application for a special exception permit for the same lot shall be considered by the governing body within a period of one (1) year from its last consideration. This provision, however, shall not impair the right of the governing body to propose a special exception permit on its own motion.

11-4 USES NOT PROVIDED FOR

- (a) No use shall be permitted in any district established under this ordinance by implication (i.e. unless a use is specifically permitted in any district established under this ordinance) and an application is made by a property owner or his agent to the administrator for such use, the application shall be referred to the Planning Commission. The Planning Commission may hold a public hearing (in accordance with Article 18 of the ordinance) and shall recommend to the governing body, within ninety (90) days of the application, whether to
 - (a) amend this ordinance making the use applied for a permitted use in that district;
 - (b) amend this ordinance making the use applied for a permitted use with a special exception permit in that district;
 - (c) amend the ordinance by rezoning, thereby allowing the use; or
 - (d) deny the use in that district.
- (b) If, after ninety (90) days, no recommendation has been made, the failure to act shall constitute approval of the Planning Commission.

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 Planning Commission may recommend additional front yard setback for any new construction or for any structures altered or remodeled adjacent to the future right-of-way in order to preserve and protect the widening.

11-6 PARKING, STORAGE OR USE OR MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment shall be parked or stored on any lot in a residential district on that portion of the lot lying between the centerline of the street and the front of the structure provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

11-7 MANUFACTURED HOME PARKS

11-7a Continuation of Existing Parks

Any manufactured home park in operation at the time of the adoption of this ordinance may continue in operation.

11-7B Maximum Density

The total density of any manufactured home park shall not exceed seven (7) units per gross acre.

11-7c Maximum Lot Size

- (1) Area - The minimum area for individual manufactured home space shall be six thousand (6,000) square feet.
- (2) Width - The minimum average width for each manufactured home lot will be sixty-five (65) feet, except that for any manufactured home unit greater than fifteen (15) feet in width, the minimum average lot width shall be one (1) additional foot for every additional foot of width of the manufactured home.

11-7d Yard and Setback Requirements

- (1) Minimum distance between manufactured homes -No manufactured home shall be placed within fifteen (15) feet of another.
- (2) Yards abutting common areas - The distance from the line or corner of the manufactured home stand to a private access drive, a common parking area, a common walk or other common area shall be twenty-five (25) feet minimum. Patio, decks, carports and individual storage facilities shall be disregarded in determining yard widths.
- (3) Distance manufactured homes are to be located from park boundary and public streets -No manufactured home shall be placed a lesser distance from the manufactured home park boundary than the side yard width required in the zoning district in which the property adjoining such boundary lies. In no case shall any manufactured home be placed less than fifteen (15) feet from the manufactured home park boundary. The distance from the line or corner of the manufactured home stand shall be a minimum of thirty-five (35) feet from the public right-of-way.

11-7e Manufactured Home Stand

- (1) Construction -Appropriate material, properly graded, placed and compacted, so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.
- (2) Gradient -There shall be zero (0) percent to five (5) percent longitudinal and adequate crown or cross-gradient for surface drainage.

11-7f Markers for Manufactured Home Lots

Every manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot, a number corresponding to a number of each lot as shown on the submitted plat plan.

11-7g Private Streets

- (1) General Requirements - The minimum lane or private street on which an individual manufactured home lot fronts shall be thirty (30) feet in width. In cases when private streets dead-end, there shall be constructed at each such dead-end a cul-de-sac with a minimum turning radius of fifty (50) feet. Street surfaces shall be six (6) inches in depth and be on stone, gravel, or other satisfactory material approved by Mecklenburg County. All private streets or lanes shall have unobstructed access to a public street or highway. Private street entrances to manufactured home parks from any public street shall conform to the current construction standards of the Virginia Department of Transportation.
- (2) Alignment and gradient - Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.
- (3) Intersections - Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two streets at one point shall be avoided.
- (4) Improvements - Street improvements shall extend continuously from the existing public street system to provide suitable access to the manufactured home lots and other important facilities on the property to provide adequate connections to existing or future streets at

the boundaries of the property and to provide convenient circulation of vehicles with origins or destinations on the property.

- (5) Grading - shall be for the full width of the street to provide suitable finish grades for pavement and any sidewalks with adequate surface drainage and convenient access to the manufactured home lot and other important facilities on the property.

11-7h Walks

Width alignment and gradient of walks, if constructed, shall be appropriate for safety, convenience and appearance, and shall be suitable for use by both pedestrians and for the circulation of small-wheeled vehicles such as baby carriages and service carts; and width of walks be at least four (4) feet for common walks with a grade of not more than five (5) percent.

- (1) Construction of walks shall be the same as for streets in curb and gutter and sub-grading; with pavement of some material approved by Mecklenburg County.

11-7i Water

An adequate supply of potable water approved by the health office shall be furnished from a public water supply system with supply outlets located on each manufactured home lot.

11-7j Sewage

In Each manufactured home park, all waste or waste water shall empty into an approved sewer system.

11-7k Garbage and Trash Disposal

- (a) Corrosion-resistant metal garbage cans or other non - combustible containers, with tight fitting covers, shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Each manufactured home lot shall have at least one (1) garbage can within twenty-five (25) feet of it. The cans shall be kept in sanitary condition as determined by inspection of the health officer. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- (b) Within each manufactured home park there shall be located a trash container(s) (i.e., green

box) which may be provided by Mecklenburg County (i.e., cannot be secured from any other provider), and which trash container must satisfy the following criteria:

- (1) The size thereof shall be determined by the County Administrator, to insure that the container(s) is/are of adequate size to serve all manufactured homes within the manufactured home park.
- (2) The location thereof must be at a site approved by the County Administrator, who shall determine that the site affords adequate access to the trash collection vehicles.
- (3) The site on which it is located shall be maintained in a clean and sanitary manner by the manufactured home park operator.

11-7l Storage Tanks

- (1) Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and national fire prevention code regulations.
- (2) Where oil hearting of a manufactured home is provided, a minimum two hundred fifty (250) gallon fuel storage facility shall be provided in each manufactured home lot in an inconspicuous location or manner. In lieu of this, a central storage facility may be constructed to serve the manufactured home park.

11-7m Playgrounds

Each manufactured home park shall provide at least one multiple-purpose playground of four thousand (4,000) square feet. Any additional multiple-purpose playground must have a minimum size of two thousand (2,000) square feet. The total amount of land area devoted to multiple-purpose playgrounds shall be a minimum of five (5) percent of the gross land area of the manufactured home park.

11-7n Certificate of Occupancy

No manufactured home or accessory structure shall be occupied in any manufactured home park until a certificate of occupancy and use shall have been issued by the administrator to the effect that the manufactured home park or the portion thereof for which such certificate is requested, in compliance with is ordinance. The administrator

shall not issue such certificate until after the same has been approved by the Planning Commission, health officer, building inspector and other agencies concerned.

11-7o Standards

Every manufactured home occupied as a dwelling unit located in the County after the date of the adoption of this ordinance shall meet the minimum standards for plumbing, heating and electrical systems as defined by the American Standards Association project A119.1 approved March 12, 1963, and revised periodically. Manufactured homes that display the official seal and register number of the Manufactured Home Manufacturers Association and the Trailer Coach Association will be considered to comply with the American standards Association standard A119.1. Manufactured homes that do not meet these minimum standards for plumbing, heating and electrical systems will not be issued a certificate of use and occupancy permit by the Zoning Administrator. The minimum standards for plumbing, heating and electrical systems as defined by the American Standards Association Project A119.1 (1963), as amended and revised periodically, are hereby made a part of and incorporated by reference into this ordinance.

11-7p Sale of Sites

No manufactured home sites shall be offered for sale of sold.

11-7q Open Spaces

The open space beneath each manufactured home shall be completely skirted with an appropriate and approved material in accordance with the requirements of the administrator.

11-8 CAMPGROUNDS AND TRAVEL TRAILER PARKS

11-8a Continuation of Existing Campgrounds and Parks

Any campground or travel trailer park in operation at the time of the adoption of this ordinance may continue in operation.

11-8b Minimum Size

The minimum size for each campground or travel trailer park shall be five (5) acres.

11-8c Maximum Density

The total density of a campground or travel trailer park shall not exceed twenty (20) units per gross acre and the net density on any one (1) particular acre shall not exceed twenty-five (25) units per any acre.

11-8d Lots Within Campgrounds and Travel Trailer Parks

- (1) The minimum lot size for a campsite or travel trailer lot shall be two thousand (2,000) square feet.
- (2) The minimum width for such a lot shall be twenty-five (25) feet.
- (3) No lot shall be offered for sale.
- (4) Every lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to a number of each lot as shown on the submitted and approved plat plan.

11-8e Health Department Standards

Every campground or travel trailer park shall comply with the rules and regulations of the Virginia Health Department. No occupancy permit for any campground or travel trailer park shall be issued by the Zoning Administrator until a permit shall have been issued by the Health Department.

11-8f Plat Plan Required

Any application for a zoning permit for a campground or travel trailer park shall be accompanied by three (3) sets of drawings showing area and dimension of the site; number, location and size of all lots within the site; location and width of roadways; street layouts and easements; location of all proposed structures; location of any water and sewer lines; source of water supply and sewage disposal. A zoning permit shall be granted only after the administrator has approved the Plat Plan.

ARTICLE 12

SIGN REGULATIONS

Statement of Intent

The purpose of the following sign requirements is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. It is intended to protect property values, create a more attractive economic business climate and enhance and protect the scenic and natural beauty of Mecklenburg County. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-ways, to provide more open space and to curb the deterioration of the natural environment and enhance community development.

12-1 GENERAL REQUIREMENTS

Notwithstanding any other section of this Article, to the contrary, the regulations set forth in this section shall govern signs.

- (a) No sign over twelve (12) square feet shall be erected, altered or relocated without a permit issued by the Zoning Administrator, except as otherwise provided herein. Where electrical permits are required, they shall be obtained from the Building Official.
- (b) The permit application shall be obtained from the Zoning Administrator.
- (c) Fees for sign permits shall be as fixed from time to time by the governing body.
- (d) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit approval by the Zoning Administrator or the Commission.

- (e) The height of signs shall be the vertical distance measured from the average finished grade ground elevation from where the sign is located to the highest point of the sign. The maximum allowable height of signs shall be as specified by the regulations established herein.
- (f) No sign, unless herein approved exempted, shall be erected, constructed or altered until a permit has been issued by Mecklenburg County.
- (g) No sign, other than a sign approved or installed by the Virginia Department of Transportation, shall be located within or over any public right-of-way.
- (h) On-site signs, to advertise a business, whether temporary or permanent shall be no taller than or above the ridgeline of any roof.
- (i) Off-site signs and monopole billboard signs may not be erected within one (1) mile of another off-site or monopole billboard sign.
- (j) Non-illuminated realty signs, not exceeding six (6) square feet in area or four (4) feet in height in all single family residential districts and thirty-two (32) square feet and six (6) feet in height in all multi-family, business and industrial zoning districts are limited to one (1) sign per parcel of land and displayed on the premises to which such sign refers.
- (k) No sign shall be installed, erected, or displayed on any recreational field to include, although not exclusively soccer, baseball, football and softball fields, so as to be observed from any main highway without prior approval from Mecklenburg County.

12-2 SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulations under this article but are not exempt from any other applicable regulation (Building Code, Virginia Department of Transportation Regulations).

- (a) Signs of a duly constituted governmental body, such as traffic signs, street or road signs, legal signs, historic markers, etc;
- (b) Memorial tablets or signs;
- (c) Signs required to be maintained by law or governmental order, rule, or regulation with a total surface area not exceeding ten (10) square feet;
- (d) Signs displayed for the direction of convenience of the public including signs which set forth the name of any public, charitable, educational or religious institution (up to

- twenty-four (24) square feet and located on premise), signs which identify rest rooms, location of public telephones, freight entrances, no trespassing and posted signs.
- (e) Signs directing traffic on private property, but bearing no advertising matter;
 - (f) Signs placed by a public utility showing the location of underground facilities; and
 - (g) Signs on a truck, bus, trailer or other vehicle, while in use in the normal course of business. This is not intended to permit the parking for display purposes of a vehicle to which signs are attached.
 - (h) Only one (1) non-illuminated realty sign that is no larger than twenty-four (24) inches by twenty-four (24) inches per parcel of land and displayed on the premises to which sign refers.

12-3 PROHIBITED SIGNS

No sign shall be constructed, erected, used, operated or maintained which:

- (a) Contains any imitation of an official traffic sign or signal;
- (b) Displays intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire, ambulance or rescue vehicles or for navigation purposes;
- (c) Is so located and illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from a normal approaching position of a vehicle at a distance of twenty-five (25) to three-hundred (300) feet;
- (d) Moves in any manner or contain banners, posters, pennants, ribbons, streamers, strings or light bulbs or other similarly moving devices;
- (e) Flashes or contains exposed gas filled or illuminated tubing such as neon; and
- (f) Abandoned signs in all districts (see 12-9(c))

12-4 TEMPORARY SIGNS

The following signs shall be permitted anywhere within the County and shall not require a permit:

- (a) Construction signs are permitted which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any products and signs

- announcing the character of the building, enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The signs shall be confined to the site of the construction projects and shall be removed within fourteen (14) days after the completion of the project.
- (b) Street banners, advertising a public entertainment or event, are permitted if specially approved by the Planning Commission and only for locations designated by the Planning Commission during and for fourteen (14) days before and fourteen (14) days after such event.
 - (c) All signs involving an election or its candidates are exempt, but they shall be removed within fourteen (14) days after the election for which they were made.
 - (d) Temporary signs as defined in Article 1 of this Ordinance, but they shall be removed within fourteen (14) days after the activity for which they advertise has taken place.
 - (e) Banners when used in conjunction with the opening of a new business or an establishment going out of business in any business or commercial district. The duration of such permit shall not exceed thirty (30) days and shall not exceed thirty-two (32) square feet.
 - (f) Banners when used to announce the grand opening and initiation of sales of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. Such banner shall not exceed forty (40) feet square feet. Such banners shall be removed within thirty (30) days concluding the grand opening.
 - (g) Signs attached directly to the interior or exterior of the windows of an establishment are permitted in business and commercial districts provided, that such signs shall not occupy more than twenty-five (25) percent of the total area of the window in which they are displayed and shall not be legible from any public road.

12-5 ILLUMINATED SIGNS

The following regulations apply to the illuminating of signs:

- (a) No temporary signs shall be illuminated;
- (b) The light from any illuminated signs shall be so shades, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas or to

operators or motor vehicles on public thoroughfares.

12-6 OPERATIONS EXEMPT

The following operations are not considered as creating a sign and are exempt from this article:

- (a) The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee or similar approved signs, which are specifically designed for the use of replaceable copy.
- (b) Painting, repainting, cleaning and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

12-7 SITING REGULATIONS

- (a) No permanent sign shall be located in any side or rear yard.
- (b) On-site signs may be approved by the Zoning Administrator with the following conditions: The sign is no larger than 4' x 8'; the sign is no higher than 16' from the ground. A zero setback shall be allowed.
- (c) Off-site signs which are located fifteen feet or more from the front property line shall require approval of the Zoning Administrator.
- (d) Off-site signs which are located less than fifteen (15) feet from the property line shall require approval of the Planning Commission.
- (e) All off-site signs to include monopole billboard signs shall not be erected within one (1) mile of another off-site or monopole billboard sign.
- (f) No off-site signs are allowed on scenic routes that are designated as such by the Virginia Department of Transportation to include Highway Forty-Seven and Highway Nine-O-Three.
- (g) No off-site monopole billboard may be higher than sixty (60) feet.
- (h) The Commission may approve an increase in sign area and height if unusual topography, vegetation or the distance from the road right-of-way would impose substantial hardship by making a sign otherwise permitted by the terms of this article ineffective and unreadable from vehicles or adjoining roadways.
- (i) When the nature of the individual project, size of the parcel being developed, in relationship to existing adjacent development would accommodate a sign of greater area or height.
- (j) In authorizing signs, the Commission shall limit

the area, height and location of such signs to that which, in its opinion, is reasonably in keeping with the provisions of this article.

- (k) Only one (1) monopole sign shall be allowed at the main entrance of a shopping center or a strip mall.

12-7 HOME OCCUPATION SIGNS

Home occupation signs will be permitted in the Zoning Districts as follows:

- (a) Agriculture and Residential Districts; signs shall not exceed eight (8) square feet.
- (b) Commercial and Industrial Districts; signs shall not exceed ten (10) square feet.

12-9 Maintenance, removal and non-conforming signs.

- (a) All signs and sign structures shall be kept in good repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the building code. All signs deemed unsafe must be repaired or brought into compliance with the provisions of the building code.
- (b) An on-site or off-site sign advertising a business that has moved or abandoned, signs advertising such business shall be removed within thirty (30) days following such abandonment.
- (c) Notwithstanding the requirement set forth in subsection (b) above, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of one (1) year or more. Upon expiration of the one (1) year period, any such abandoned sign shall be removed by the owner of the property on which the sign is located after notification to removed such sign. The Zoning Administrator shall make a reasonable attempt to notify the owner of the property to remove the sign.
- (d) Existing signs which do not conform to the specific provision of the Ordinance may be eligible for the designation "legal non-conforming" provided that:
 - (1) The Zoning Administrator determines such signs are properly maintained and do not in any way endanger the public;
 - (2) The sign was installed in conformance with valid permits or complied with all applicable laws on the date of adoption of this Ordinance;
 - (3) The business advertised is still in legal operation.

- (e) A legal non-conforming sign may lose designation if:
 - (1) The sign is relocated or replaced;
 - (2) The structure or size of the sign is altered in any way except toward compliance with the Ordinance. This does not refer to change of copy or normal maintenance.
- (f) The legal non-conforming sign is subject to all requirements of the code regarding safety, maintenance and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, it must be brought into conformance with the code or removed.

ARTICLE 13

OFF-STREET PARKING AND LOADING

Statement of Intent

The intent of this article is to require that adequate parking facilities be designed and constructed during the erection of new structures and modification of existing structures. Requiring off-street parking is deemed to be in the public interest in that off-street parking adds to the public convenience, improved traffic flow, promotes traffic safety, and complements the design of the County. This article applies to all other regulations contained within this ordinance and establishes standards for the design, location and maintenance of parking areas.

13-1 GENERAL REGULATIONS

- (a) No zoning permit for any building improvement, or use in any district shall be approved unless there is included with the plan for such a building, improvement or use, a plat plan showing the required space designated as an automobile parking area for off-street parking purposes, to be provided in connection with such building improvement or use, in accordance with the following schedule. No occupancy permit shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.
- (b) For the purpose of this article, one automobile parking space is defined to be an area ten (10) feet in width and having two hundred (200) square feet of area, exclusive of adequate interior, egress and ingress driveways.
- (c) All garage or other space allocated for the parking of vehicles, within buildings or in basements or in open space on the roofs of buildings, shall be considered part of the required off-street parking facilities and may be included as such in computing the area requirements outlined in schedule.

- (d) Spaces for handicapped parking shall be one (1) handicapped space for each fifty (50) parking spaces or part therein and shall be marked as such, or in accordance with state law, whichever is greater.

13-2 INTERPRETATION OF SPECIFIC REQUIREMENTS

- (a) The parking requirements above are in addition to space for storage of trucks or other vehicles used in connection with any use.
- (b) The parking requirements in this article do not limit special requirements which may be imposed with planned unit developments or special exceptions.
- (c) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- (d) Except as otherwise provided, the number of employees shall be figured on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- (e) The parking space requirements for a use not specifically listed in the following schedule shall be the same as for a listed use of similar parking demand.
- (f) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (g) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this Article for an increase in parking spaces of ten (10) percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces or less than ten (10) percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten (10) percent or more.

13-3 DESIGN STANDARDS

- (a) Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.
- (b) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.
- (c) Location and design of entrances and exits shall be in accord with the requirements of applicable regulations and standards. In general, there shall not be more than one (1) entrance and one (1) exit, or one (1) combined entrance and exit along anyone (1) street. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.
- (d) Interior drives shall be adequate to serve the arrangement of parking spaces.
- (e) Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
- (f) Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.
- (g) When off-street parking areas for ten (10) or more automobiles are located closer than fifty (50) feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous visual screen with a minimum height of six (6) feet shall be provided between the parking areas and the said lot in a residential district or upon which there is a dwelling. Such screen

shall be a solid masonry wall, a uniformly painted solid board fence or evergreen hedge eight (8) feet in height, except in areas requiring natural air circulation, unobstructed view or other technical consideration, unobstructed view or other technical consideration necessary for proper operation.

13-4 OFF-STREET PARKING SCHEDULE

Except as otherwise provided in this ordinance, when any building or structure is erected or structurally altered or any building or structure previously erected is converted, accessory off-street parking spaces shall be provided as follows:

<u>USE OR USE CATEGORY REQUIRED</u>	<u>OFF-STREET PARKING SPACES</u>
One family dwelling	1 per dwelling unit
Town house	2 per dwelling unit
Multiple-family dwelling	2 per dwelling unit
Church, temple, synagogue, or high school	1 per 4 seats of bench seating spaces (seats in main auditorium only)
Elementary, junior high or nursery school	1 per 10 seats in main assembly room or 2 per class room, whichever is greater
Public library, museum, art gallery or community center	10 per use plus 1 add'l space for each 300 square Feet of floor area, which-Is greater
Private clubs, fraternities, Sororities and lodge, with no Sleeping rooms	1 per 10 active members or 1 for each 6-square feet of floor area, whichever Is greater
Sanitarium, convalescent home, home for the aged or similar institutions	1 per 2 patient beds
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

Tourist court, motel, motor hotel, motor lodge or hotel	5 spaces plus 1 per sleeping room or suite
Rooming, boarding or lodging house	1 per 2 sleeping rooms
Hospital	2 per patient bed
Office or office building (other than medical), post office, studio	1 per 400 square feet of floor area
Medical Office or clinic	1 per 200 square feet of floor area, 10 spaces minimum for a clinic
Funeral home	1 per 50 square feet of floor area excluding storage work area, 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Retail store or personal service establishment and banks	1 per 200 square feet of floor area; for retail food stores over 4,000 square feet, 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment and automobile and boat sales service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service, 10 spaces minimum
Auditorium, theater, gymnasium, stadium, arena, convention hall or place of assembly	1 per 4 seats of seating spaces
Bowling alley	5 per lane
Food storage locker	1 per 200 square feet of customer service area
Amusement place, dance hall, skating rink, swimming pool, or planetarium	1 per 200 square feet of floor area (does not apply to accessory uses)
General service or repair Establishment, printing, Publishing, plumbing, Heating, broadcasting station	1 per 3 employees on Premises

Animal hospital 1 per 400 square feet of floor area; 4 spaces minimum

13-5 OFF-STREET LOADING REQUIREMENTS

(a) On the same premises with every building or structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided, and maintained on the lot, adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of the streets and alleys.

(b) Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square feet	Loading and Unloading Spaces Required
0 to 1,400	None
1,401 to 20,000	One space
20,001 to 100,000	One space, plus one space for each additional 20,000 square feet in excess of 20,000 square feet
100,001 to 500,000	Five spaces, plus one space for each additional 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen spaces, plus one space for each additional 80,000 square feet in excess of 500,000 square feet

ARTICLE 14

TELECOMMUNICATION ANTENNAS AND TOWERS

Statement of Intent

The purpose of this article is to establish general guidelines for the siting of towers and antennas.

14-1 DEFINITIONS

- (a) Alternative tower structure - shall mean 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.
- (b) Antenna - any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.
- (c) FAA - the Federal Aviation Administration.
- (d) FCC - the Federal Communications Commission.
- (e) 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 said highest point is an antenna.
- (f) Telecommunication Facility - any structure used for the purpose of supporting one or more antennas or microwave dishes, including self-supporting lattice towers, guy towers or monopole towers. The term included radio and television transmission towers, alternative antenna support structures such as buildings and rooftops and other existing support structures.

14-2 USE REGULATIONS

TELECOMMUNICATIONS TOWERS

The goals of this ordinance are to:

- (a) encourage the locations of towers in non-residential areas and minimize the total number of towers and tower sites throughout the community;
- (b) encourage strongly the joint use of new and existing tower sites;
- (c) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

- (d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas and;
- (e) to provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the County.

14-3 Applicability

District Height Limitations

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antenna that are installed at greater than fifty (50) feet in height.

14-3.1 Amateur Radio and Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna, that is

- (a) Under fifty (50) feet in height or is owned and operated by a federally-licensed amateur radio station operator, or is
- (b) Used exclusively for receive-only antennas.

14-3.2 Existing Structures and Towers

The placement of an antenna on an existing structure such as a building, sign, light pole, water tank or other free-standing non-residential structure or existing municipal, utility or commercially owned 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 provided, however, that such permitted use shall include the placements 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.

14-4 GENERAL GUIDELINES AND REQUIREMENTS

14-4.1 Principal or Accessory Use

Antenna and towers may be considered either principal or accessory uses when considering area requirements of a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the

dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels 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.

14-4.2 Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Planning and Zoning Department an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department is not, by sharing 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 governing authority, provided, however that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

14-4.3 Aesthetics; Lighting

The guidelines 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 Board of Supervisors may waive any of these requirements if it determines that the goals of the ordinance are better served thereby.

- (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, non-reflective 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 the built environment.
- (c) If an antenna is installed on a structure other than an tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so 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 governing authority 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 and existing sign structure.

14-4 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. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

14-5 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.

14-6 INFORMATION REQUIRED

Each applicant requesting a special use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to access compliance with this ordinance. Additionally, applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic

image of the proposed tower. The photograph, with the simulated image, shall include the foreground, the mid ground and the background of this site.

14-7.1 An engineering report certifying that the proposed tower is compatible for co-location with a minimum of three (3) similar users including the primary user, must be submitted by the applicant.

14-7.2 The applicant shall provide copies of their co-location policy.

14-7.3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antenna are no higher in elevation than necessary.

14-8 FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMITS FOR NEW TOWERS OR POLES.
The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one (1) or more of these criteria if the governing authority, concludes that the goals of this ordinance are better served thereby.

- (a) Height of the proposed tower or pole;
- (b) Proximity of the tower or pole to residential structure 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 or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress;
- (h) Co-location policy;
- (i) Language of the lease agreement;
- (j) Consistency with the Comprehensive Plan and the purposes to be served by zoning; and
- (k) Availability of suitable existing towers and other structures as discussed below.

14-9 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can

accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development is presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

14-10 SETBACKS

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

- (a) Towers must be set back a distance equal to 200% of the height of the tower from any off-site residential structure and in no case less than four hundred (400) feet.
- (b) Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

14-11 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, that the governing authority may waive such requirements, as it deems appropriate.

14-12 LANDSCAPING

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

- (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens 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 compound.
- (b) In locations where 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, natural growth around the property perimeter may be sufficient buffer.

14-13 LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the County co-location opportunities without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the co-location requirement of 18-7.1.

14-14 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the County may require the landowner to have it removed.

14-15 REVIEW FEES

The following fees shall be paid:

Thirty-five hundred dollars (\$3,500.00) or actual billing from consultant, which ever is greater, for communications tower review. (See 19-2(e)also.)

ARTICLE 15

ADULT ENTERTAINMENT FACILITIES

Statement of Intent

The purpose of this article is to establish general guidelines for adult entertainment facilities.

15-1 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) ADULT BOOK STORE: An establishment having as its primary business, book, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "sexual activities" or "anatomical areas".
- (b) ADULT ENTERTAINMENT ESTABLISHMENT: Any regulated use such as an adult book store, adult mini-motion picture theater, adult motion picture theater, cabaret, massage parlor, or tattoo/body piercing parlor.
- (c) ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by a emphasis on matter depicting, describing or related to "sexual activities" or "anatomical areas" for observation by patrons.
- (d) ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of more than fifty (50) persons used for presenting material distinguished or characterized by a emphasis on matter depicting, describing or related to "sexual activities" or "anatomical areas " for observation by patrons.
- (e) CABARET: An adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting "anatomical areas" or performing "sexual activities".
- (f) MASSAGE PARLOR: Any place where manipulation of body tissues for remedial or hygienic purposes, or any other purpose is conducted and the owners and employees do not currently hold a valid physiotherapy license.

- (g) TATTOO/BODY PIERCING PARLOR: Any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other similar substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

15-2 USE REGULATIONS

The goal of this ordinance is to allow Adult Entertainment Facilities, with a **Special Exception Permit**, in the Business, B-1 Zones only with the following setback requirements:

- (a) a minimum of three hundred (300) feet from any property with a residential structure or residentially zoned property; however, a greater setback may be required if circumstances necessitate an additional setback distance;
- (b) a minimum of one thousand (1,000) feet from any property owned by a church, or on which a church or other place of worship has been constructed; public or private school; another adult entertainment establishment; however, a greater setback may be required if circumstances necessitate an additional setback distance.

15-3 SIGNS

- (a) Maximum Number of Signs: There shall be no more than one (1) on-site sign which can be seen from any public right-of-way and which advertises the adult entertainment. The sign shall not exceed a 4' x 8' area and shall be attached to the building.
- (b) Sign Content: The sign shall display only alphanumeric characters and symbols, and shall not display pictures, silhouettes or other representations of a human body or part thereof.
- (c) Prior Sign Approval Required: The proposed content, shape, size and location of the proposed sign shall be included in the requisite preliminary site plan, and approval thereof must be secured from the Board of Supervisors, as part of the Special Exception Permit, before any such sign may be put in place.

15-4 LIGHTING

Lighting of the area immediately adjacent to the building, and of the parking lot, shall be afforded by sodium vapor bulbs, at least one thousand (1,000) watts and providing a minimum of seventeen (17) foot candles of light at the ground level.

ARTICLE 16

PROVISIONS FOR APPEAL

16-1 BOARD OF ZONING APPEALS (referred to in this article as the 'board'.) (Cf. Code of Virginia, § 15.2-2308)

- (a) A board consisting of seven (7) or five (5) residents of Mecklenburg County shall be appointed by the Circuit Court of Mecklenburg County, Virginia. The Board shall serve without pay other than for traveling expenses. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- (b) The term of office shall be for five (5) years except that the original appointments shall be made so that the term of at least one (1) member shall expire each year.
- (c) Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- (d) Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least fifteen (15) days' notice.
- (e) The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members.

16-2 POWERS OF THE BOARD

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

- (a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration of enforcement of this article or any ordinance adopted pursuant thereto.
- (b) To authorize upon appeal or original application in specific cases such variance as defined in § 15.2-2201 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:
 - 1. 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 ordinance, or where by reason of exceptional topographic condition 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.

- (2) Variance shall be authorized by the board when it determines:
 - (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 that the character of the district will not be changed by the granting of the variance.
- (3) Variance shall be authorized only after a hearing advertised according to the Code of Virginia, § 15.2-2204 shall have been held.
- (4) No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
- (5) In authorizing a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

- (c) In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
- (d) No application for a variance for the same lot shall be considered by the board within a period of one (1) year from its last consideration.

16-3 RULES AND REGULATIONS

- (a) The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth.
- (b) 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.
- (c) The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- (d) 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. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body of bodies at least one each year.
- (e) All meetings of the board shall be open to the public.
- (f) A quorum shall be a majority of its members.
- (g) A favorable vote of the majority of the members present shall be necessary to reverse any order, requirements, 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.

16-4 APPEAL TO THE BOARD

An appeal to the board may be taken by any person aggrieved or by an office, department, board or bureau of the County affected by any decision of the administrator. Such an appeal shall be taken, within thirty (30) days after the decision appealed from, by filing with the administrator and with the board a notice of appeal specifying the grounds thereof. The 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 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 on notice to the administrator and for good cause shown.

16-5 APPEAL PROCEDURE

- (a) A copy of the appeal shall be mailed to:
 - (1) board in care of the administrator;
 - (2) secretary of the Planning Commission; and
 - (3) the individual, official, department or agency concerned, if any.
- (b) Appeals shall be accompanied by a certified check in the amount to be determined by the Board of Supervisors, payable to the Treasurer, Mecklenburg County, Virginia.

16-6 PUBLIC HEARING

The board shall fix a reasonable time for a public hearing of an application or appeal, give public notice thereof in accordance with the Code of Virginia, § 15.2-2204, and decide the same within ninety (90) days.

16-7 DECISION OF BOARD

- (a) Any person or persons jointly or severally aggrieved by any decision of the board, or any aggrieved taxpayer or any officer, department, board, or bureau of the County, may present to the Circuit Court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
- (b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board 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 (10) 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.
- (c) The board 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.

- (d) 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 law, which shall constitute a part of the proceedings upon which the termination of the Court shall be made, the Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (e) 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.

ARTICLE 17

VIOLATION AND PENALTY

- 17-1 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. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.
- 17-2 Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined a minimum of ten dollars (\$10.00) (Code of Virginia, § 15.2-2296 (a) (5)). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

ARTICLE 18

AMENDMENTS

18-1 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, subject to the following:

- (a) A public hearing shall be held for proposed amendments in accordance with the Code of Virginia, § 15.2-2204.
- (b) 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 been received from the Planning Commission, or after ninety (90) days from its referral to the Planning Commission, whichever first occurs.

18-2 Any amendment may be initiated by any of the following by:

- (a) Resolution of the governing body.
- (b) Motion of the Planning Commission.
- (c) Petition of the owner, contract purchaser with the owner's written consent or the owner's agent therefore, of the subject property, to the governing body to have their property rezoned by submitting their request in writing, accompanied by a payment of the requisite fee.
- (d) After proper public hearing, the Planning Commission shall make its recommendation to the Board of Supervisors, who will act upon the applicant's request.

18-3 CONDITIONAL ZONING

(a) Purpose of Conditional Zoning

The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zoning ordinance district regulations are not adequate. In such instances, reasonable conditions voluntarily proffered by the owner for the protection of the Community (which conditions are not generally applicable to other land similarly zoned) when considered

with existing zoning ordinance district regulations, should cause the requested rezoning to be compatible with existing zoning and uses in the area.

(b) Approval of Conditions as Part of the Rezoning Amendment to the Zoning Map.

- (1) The owner shall, if he elects to obtain conditional zoning, voluntarily proffer in writing such conditions as he deems appropriate at the time of filing an application to rezone the property or before the Commission makes its recommendation to the Board of Supervisors.
- (2) The Board of Supervisors may consider additional proffers, deletions and/or amendments to all such conditions provided same have been voluntarily proffered in writing prior to the public hearing at which the Board of Supervisors renders its decision thereon.

(c) Permitted Conditions to be Considered as Part of a Rezoning Amendment to the Zoning Map.

The Board of Supervisors may approve reasonable conditions provided that the following criteria are met:

1. The rezoning itself must give rise to the need for the conditions.
2. All conditions shall have a reasonable relation to the rezoning.
3. Such conditions shall not include a cash contribution to the county.
4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Mecklenburg County Subdivision Ordinance.
5. Such conditions shall not include payment for construction of off-site improvements except those sewerage, water or drainage facilities otherwise provided for in the Mecklenburg County Subdivision Ordinance.
6. No condition shall be proffered that is not related to the physical development or physical operation of the property.
7. All conditions shall be in conformity with the Mecklenburg County Comprehensive Plan.
8. The provisions of the Ordinance shall not be used for the purpose of discrimination in housing.

(d) Records of Conditional Zoning

1. The zoning map shall show, by appropriate symbol, the existence of conditions attaching to the zoning on the map.
2. The Zoning Administrator shall maintain a Conditional Zoning Index, which Index shall be available in the Planning Director's Office for public inspection during regular office hours. The Index shall provide ready access to the Ordinance creating such conditions in addition to the regulations provided for in a particular zoning district or zone.

(e) Enforcement and Guarantees

In order to insure that the intent and purpose of conditional zoning approved in accordance with this section, the Zoning Administrator or his agent shall be vested with all the necessary authority on behalf of the Board of Supervisors to administer and enforce conditions attached to a rezoning or amendment to the zoning map including:

- i. The ordering in writing of the remedy of any noncompliance with the conditions;
- ii. Requiring a guarantee satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part.
- iii. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy or building permits, as may be appropriate.

ARTICLE 19

ADMINISTRATION AND INTERPRETATION

19-1 ADMINISTRATION

- (a) 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.
- (b) Nothing contained herein shall require any change in the plans of 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 thirty (30) days after this ordinance become effective and be completed within a period of one (1) year after construction is initiated. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.
- (c) The Zoning Administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance.
- (d) In the execution of his office, the Zoning Administrator shall have the authority to administer the Mecklenburg County Zoning Ordinance in accordance with the provisions of the Code of Virginia.
- (f) The Zoning Administrator shall provide support and assistance, as required, to the County Building Official and the Executive Director of the County Industrial Development Authority.
- (g) He shall answer questions about zoning and receive reports of zoning violations.
- (h) He shall receive and forward applications for appeals, variances, amendments, special exception permits, etc. to the Governing Body, Planning Commission or the Board of Zoning Appeals.
- (i) Inspect construction permits to insure that ordinance standards are met.
- (j) Maintain updated copies of the Zoning Map and the ordinance test.

19-2 FEES

The following fees shall be paid:

- (a) Three hundred twenty-five dollars (\$325.00) for a rezoning application.
- (b) Three hundred twenty-five dollars (\$325.00) for a special exception permit.
- (c) Three hundred twenty-five dollars (\$325.00) for a variance application.
- (d) One hundred dollars (\$100.00) for an appeal application.
- (e) Thirty-five hundred dollars (\$3,500.00) or actual billing from consultant, which ever is greater, for communications tower review.
- (f) Fifteen dollars (\$15.00) for a zoning permit.

19-3 EFFECTIVE DATE

The effective date of this ordinance shall be June 1, 1990 and its provisions shall remain in force thereafter until repealed or amended.

19-4 SEVERABILITY

The provisions of this ordinance or their application to any person or circumstances which are held invalid shall not affect the validity of other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications.