CHARLES CITY COUNTY

ZONING ORDINANCE

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DIVISION I:

GENERAL

SECTION 1 - AUTHORITY, PURPOSE AND TITLE

1-1 AUTHORITY

In accordance with §15.2-2280 through §15.2-2327 of the Code of Virginia, as amended, the Board of Supervisors of Charles City County may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size 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:

1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;

2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;

3. 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; or,

4. The excavation or mining of soil or other natural resources.

1-2 PURPOSE

The purpose of this Zoning Ordinance is to promote the health, safety and general welfare of the public. To this end, this Ordinance is designed to:

1. Provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers;

2. Reduce or prevent congestion in the public streets;

3. Facilitate the creation of a convenient, attractive and harmonious community;

4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

5. Protect against destruction or encroachment upon historic areas;

6. 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. Encourage economic development activities that provide desirable employment and enlarge the tax base;

8. Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;

9. Protect surface water and ground water as defined in §62.1-255 of the Code of Virginia, as amended;

10. Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; and

11. 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 needs of the planning district within which the locality is situated.

This Ordinance is part of a long-range plan to guide and facilitate the orderly, beneficial growth of the community. In addition, these procedures are to protect the essential growth of the community and economic growth.

1-3 TITLE

This Ordinance is known and may be cited as the "Zoning Ordinance of Charles City County, Virginia".

1-4 DATE OF ENACTMENT

This amended Zoning Ordinance of Charles City County, Virginia, shall be effective on and after **March 28, 2006.** At the same time, the previously adopted Charles City County Zoning Ordinance is hereby repealed.

SECTION 2 - ADMINISTRATION AND INTERPRETATION

2-1 ZONING ADMINISTRATOR

The Zoning Administrator shall be the individual responsible for administering and enforcing this Ordinance. The Zoning Administrator is the representative of the governing body, and approval or disapproval by the Zoning Administrator shall constitute approval or disapproval as though the governing body gave it. Nevertheless, the decision of the Administrator is appealable to the Board of Zoning Appeals as set forth within this Ordinance, §28-3, Powers of the Board of Zoning Appeals.

2-2 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall perform duties as regards zoning in accordance with this Ordinance and applicable portions of the Code of Virginia, 1950, as amended. The Zoning Administrator shall have all necessary authority on behalf of the Board of Supervisors to administer and enforce this Ordinance. This authority shall include:

1. Ordering in writing the remedying of any condition found in violation of this Ordinance.

2. Insuring compliance with the Ordinance by bringing legal action including injunction, abatement or other appropriate action or proceeding.

3. In specific cases, making findings of fact and, with the concurrence of the County Attorney, conclusions of law regarding determinations of rights accruing under §15.2-2307 of the Code of Virginia, as amended.

4. Determining whether applications for building permits as required by the building code are in accord with the requirements of the Zoning Ordinance; no building permit shall be issued without certification that plans conform to applicable zoning regulations.

5. Determining whether applications for excavation or construction are in accord with the requirements of the Zoning Ordinance; no permit for excavation or construction shall be issued before the Zoning Administrator certifies that the plans, specification and intended use conform to the provisions of the Ordinance, except for permits under the Soil and Erosion Control Ordinance.

6. Granting of administrative variances for building setback requirements as set forth within this Ordinance, §28-1, Administrative Variance.

The Zoning Administrator shall maintain records of all official actions in the office of the Zoning Administrator.

2-3 TO CONSULT

In the performance of duties the Zoning Administrator may call for opinions or decisions, whether verbal or written, from other departments or agencies in considering details of any submitted zoning application. This authority by the Zoning Administrator shall have particular reference to the resident highway engineer and health officer.

2-4 ADDITIONAL AUTHORITY

In addition to the regulation herein contained concerning zoning, the Zoning Administrator may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this Ordinance.

2-5 RESPONSE TO REQUEST

The Zoning Administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. This 90-day period begins only after a complete application has been received and accepted.

2-6 TERM AND COMPENSATION

The Zoning Administrator who shall be appointed by the Board of Supervisors shall enforce this Ordinance. The Zoning Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

2-7 WORK IN PROGRESS

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, such construction must commence within six months after the permit was issued but not more than 30 days after this Ordinance becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

2-8 CONFLICTING ORDINANCES

All conflicting Ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed.

2-9 FILING

A certified copy of the foregoing Zoning Ordinance of Charles City County, Virginia, shall be filed in the office of the Zoning Administrator of Charles City County, and in the office of the Clerk of the Circuit Court of Charles City County, Virginia.

2-10 FEES

Fees shall be collected as allowed by §15.2-2286, A (6) of the Code of Virginia, as amended, to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

2-11 RULES OF CONSTRUCTION

1. General Construction of Language
   a. The headlines of the divisions, sections, and sub-sections of this Ordinance are intended as catchwords to indicate the contents thereof and shall not be deemed or taken to be titles of such sections, or any part thereof.

   b. The specific shall control the general.

   c. All words in the present tense include the future tense.

   d. All words in the singular number include the plural and the plural includes the singular.

   e. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

   f. The word “occupied” or “used” shall be considered to be followed by the words “or intended, arranged, or designed to be occupied or used” unless the natural construction of the wording indicates otherwise.

   g. The word “shall” is mandatory. The word “may” is permissive.

   h. The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

2. Terms Not Defined
   Where terms are not defined in this Ordinance, they shall have their ordinarily accepted meanings, within such context as they are used.

3. Measurement of Distance
   All distances specified in this Ordinance for the purpose of separating uses shall be measured in a horizontal plane from the closest property line of one use to the closest property line of the other use, and for the purpose of separating structures shall be measured in a horizontal plan from the closest point of one structure to the closest point of the other structure. Specified distances between a use and a residentially zoned district shall be measured in a horizontal plane from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

SECTION 3 - DEFINITIONS

3-1 GENERAL

The definitions in this section are applicable to the land use ordinances of Charles City County except where specific ordinances contain definitions that differ from these, in which case the specific definition shall control.

ABATTOIR: A slaughterhouse that processes in excess of 20 animal units per year. See definition of animal unit.

ACREAGE: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

ACCESSORY BUILDING: See Building, Accessory.

ACCESSORY STRUCTURE: See Structure, Accessory.

ADMINISTRATOR, THE: The Administrator is any appointed or elected official who is, by formal resolution, designated as the official charged with the enforcement of any land use ordinances by the governing body. He may serve with or without compensation as determined by the governing body.

ADULT BOOKSTORE: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET: A nightclub, bar, restaurant, or similar establishment that features live or film performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

AGENT: The representative of the governing body who has been appointed to serve as the agent of the Board in approving the subdivision plats.

AGRICULTURAL BUSINESS: See Business, Agricultural.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, forestry, gardening, aquaculture and the keeping of animals and fowl useful to man, including the processing and sale of products produced on land owned or leased by the processor, but excluding intensive agriculture, abattoirs, or other specifically defined uses.

AGRICULTURE, INTENSIVE: The raising of domestic or domesticated animals or poultry in structures or pens which, at any one time, hold more than 20 animal units as defined or the raising of more than 20 animal units of swine on any field or wooded lot.

AIRPORT: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft open to the public.

ALLEY: A permanent service way providing a secondary means of access to abutting properties.

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

ANIMAL UNITS: See schedule below.

TYPE OF FACILITY	EQUIVALENT OF 20 ANIMAL UNITS
Livestock	20 slaughter and feeder cattle
Livestock	50 swine each weighing over 55 pounds
Livestock	600 swine weighing less than 55 pounds
Livestock	10 horses
Livestock	200 sheep or lambs
Dairy	16 mature dairy cattle (whether milked or dry cows)
Poultry	1,100 turkeys
Poultry	2, 000 laying hens or broilers

For any animal not listed one animal unit equals 1,000 pounds of live weight.

APARTMENT: A design for a combination of two or more dwelling units, each with its own bathroom, in the same building.

AUTOMOBILE GRAVEYARD: Any lot or place, which is exposed to the weather, upon which more than five motor vehicles of any kind, incapable of being operated are placed, located or found.

BED AND BREAKFAST: See Boarding House, Inn, or Hotel/Motel.

BIOSOLIDS: A sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with Title 12, Agency 5, Chapter 585, Section 10 of the Virginia Administrative Code as amended.

BIOSOLIDS APPLICATION: Distribution of stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, assimilation or pollutant removal. Bulk disposal of stabilized sludge in a confined area, such as in landfills, is not land application. Sites approved for land application of biosolids are not to be considered to be treatment works.

BOARDING HOUSE: One building offering lodging accommodations to the general public, with or without meals. There shall be no more than a total of five (5) guest rooms. A boarding house shall be occupied by the owner or manager of the facility and shall be secondary to the use of the property as a residence. The external appearance and arrangement of such facility shall be of a form and character, which is compatible with the appearance and arrangement of other residential uses in the general area. All off street parking is to be screened from the view of adjacent homes. **(5/25/2010)**

BOAT LANDING/RAMP: A facility for securing and/or launching of watercraft.

BOAT YARD: A facility primarily used for marine construction, repair and overhaul, including incidental berthing facilities.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, goods or things not a part of the building.

BUILDING, ACCESSORY: A subordinate building customarily incidental to and located upon the same lot occupied by the main building. No such accessory building shall be used as a dwelling.

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 to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

BUILDING, INDUSTRIALIZED: See Industrialized Building.

BUILDING LINE: A line, usually fixed parallel to the lot line, beyond, which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the setback or yard line.

BUILDING, MAIN: The principal building on a lot, or the building or one of the principal buildings housing the principal use on the lot.

BUILDING, OFFICE: See Office Building.

BUSINESS, AGRICULTURAL: Any business that processes and sells agriculturally produced or seafood products, such as fruit packing, dairies, wool or cotton processing or similar uses, but excluding intensive agriculture, abattoirs, other specifically defined uses or any enterprise that employs more than five employees.

BUSINESS GARAGE: See Garage, Business.

BUSINESS, HISTORIC: Limited commercial and specialized manufacturing activities on or in proximity to designated local, state and/or federal historic sites where such activities are related to such historic sites. Such businesses are limited to restaurants; small retail shops; and the manufacture of items related to the period represented by the historic site provided there are no more than four employees involved in such manufacture. The external appearance and arrangement of such facility shall be of a form and character, which is compatible with the appearance and arrangement of the specific use that it serves.

BUSINESS, RETAIL: The display and sale of consumer merchandise to the ultimate user or the rendering of personal, professional or business services but excluding restaurants.

BUSINESS SERVICES FACILITY: A facility housing services that support the activity of other local businesses, such as clerical, employment, protective, personal services, or minor processing, including blueprint and copying services. Activities not included in this category are the printing of books

BUSINESS, WHOLESALE: The storage and sale of products or merchandise to or for someone other than the ultimate user.

CAMPER: See Recreational Vehicle.

CAMPGROUND: A plot of ground upon which two or more camp sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreational, educational or vacation purposes. Temporary shall be defined as no more than 22 days out of any 60-day period. To be classified as a campground a facility must be in operation for at least 20 days or more during a calendar year. Campground shall include but is not limited to a travel camp, recreation camp, family campground, camping resort, recreational vehicle park or similar activity. Accessory commercial uses, exclusively for the use of patrons of the campground, may be approved. Such uses may include: coin operated laundry, convenience store, entertainment center or restaurant and snack bar. No structure except screening fences or identification signs or athletic facility shall be closer than 50 feet to any residential lot line. The only permanent residential occupancy permitted shall be for the resident owner or manager or security officer and their immediate family members. Campground does not include a migrant labor camp or facility designed or allowing the use of recreational vehicles or manufactured vehicles as dwelling units.

CAMP SITE: Any plot of ground within a campground intended for the exclusive use of a camper with or without a tent, trailer, recreational vehicle, or other portable shelter and intended as temporary living quarters for recreational, educational or vacation purposes. A campsite shall in no circumstances be defined as a dwelling unit.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purpose, including mausoleums when operated in conjunction with and within the boundaries of such cemetery. Family cemeteries and church yard cemeteries are not subject to local regulations as provided by §57-26 of the Code of Virginia, as amended.

CENTRAL UTILITY SYSTEM: A system for provision of water, treatment of sewerage or distribution of electricity, telephone, cable television or similar services for more than four homes.

CLEARING: Any activity that removes the vegetative ground cover including but not limited to root mat removal and/or topsoil removal.

CLUB FACILITY: Building or facility used or operated by a club or organization that is not generally open to the public and is not primarily for profit. No structures other than screening fences can be closer than 50 feet to an adjacent property line.

CLUSTERING: A method of land development where the land is divided between lots on which improvements are made (including streets, active recreation areas and common improvements) and land on which no improvements are made, other than improvements secondary to any agricultural, including the raising of animals, or forestal use. (Residential use may not be such a secondary use.) The undeveloped land must be a part of the subdivision itself and owned by a homeowner's association or other entity with restrictive covenants to preclude future development, other than minor improvements if directly related to an agricultural or forestal use.

COMMERCIAL KENNEL: See Kennel, Commercial.

COMMERCIAL SUBDIVISION: A commercial subdivision shall include the subdivision or re-subdivision of land zoned as business or industrial. Examples of business or industrial zoning are B-1, B-2, B-3, M-1, M-2, and PD-IP. **(8/28/2012)**

COMMUNICATION TOWER: See Tower, Communication.

COMMUNICATIONS FACILITY: Any site that is designed and constructed primarily for the purpose of supporting and including one or more antennas or microwave dishes and including but not limited to telecommunications towers.

COMMUTER PARKING: An area that is maintained permanently for off-street parking that is not an accessory use.

COMPANY DWELLING: See Dwelling, Company.

CONDITIONAL USE: See Special Use Permit.

CONDOMINIUM: A building or group of buildings in which units are owned individually, and common areas and facilities are owned and maintained by an association of owners.

CONVENTION FACILITY: A facility designed to accommodate one hundred (100) or more persons and used for conventions, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on or off premise consumption.**(6/26/2012)**

COUNTY: Charles City County.

CUL-DE-SAC: A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

DAY CARE: A program for the care of an individual, for compensation, for less than 18 hours per day, excluding hospital care.

DAY CARE CENTER: A day care program other than in a family day home.

DEVELOPER: An owner of property being subdivided, whether or not represented by an agent.

DISTRICT: An area within the County subject to uniform regulations governing the use of land within that area; i.e., a zoning.

DOG KENNEL: See Kennel, (Large, Residential, Small) Dog.

DRAWING: A sketch or plan of property, drawn to scale, without courses or distances.

DRIVE: Any right-of-way for ingress and egress serving four or less parcels within a minor subdivision or individual driveways serving single lots within a major subdivision. All drives serving two or more parcels must have a recorded road maintenance agreement substantially equal to Appendix A of the Subdivision Ordinance.

DUMP HEAP (TRASH PILE): Any area of 200 square feet or more where trash, garbage or other waste or scrap material is dumped or deposited without being covered by sanitary fill.

DWELLING: Any building (including a manufactured home), which is, designed for residential purposes, except hotels, boarding houses, motels, inns, or travel trailers.

DWELLING, ACCESSORY: A second dwelling unit either in or added to an existing Single-Family Detached Dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the Accessory Dwelling for cooking, eating, sanitation and sleeping. Such a dwelling is clearly incidental and subordinate to the main dwelling and is not more than 40% of the total finished floor area of all dwelling unit square footage, that is, Accessory Dwelling and Principal Dwelling.

Any Single-Family Dwelling which adds an Accessory Dwelling shall be deemed to remain a Single-Family Dwelling and shall be considered to be one (1) dwelling unit for the purpose of yard, lot coverage, and minimum lot size. The following apply:

a. An Accessory Dwelling shall be permitted only within the structure of the main dwelling or within a detached accessory building. Not more than one (1) Accessory Dwelling shall be permitted per single family dwelling.
b. In no case shall an Accessory Dwelling be more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms.
c. An Accessory Dwelling located in a detached accessory structure must meet the setbacks of a principal structure. **(3/27/2012)**

DWELLING, COMPANY: Limited to no more than two dwelling units for living quarters for proprietors, managers, watchmen, instructors, visitors, or custodians of the business. No more than 16 people in residence at one time.

DWELLING, MULTI-FAMILY: A building arranged or designed to be occupied by three or more families, the building having three or more dwelling units, each with its own bathroom. The external appearance and arrangement of such facility shall be of a form and character, which is compatible with the appearance and arrangement of other residential uses in the general area. Such use shall have direct access to a public road adequately sized and surfaced to accommodate the proposed traffic.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the building having one dwelling unit to include a recreational vehicle when occupied by the owner of a parcel while that owner is constructing a single family dwelling, not to exceed 18 months. It shall include Group Home as defined herein.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two families, the building having only two dwelling units, each with its own bathroom.

DWELLING UNIT: One or more rooms in a dwelling designed for living and

sleeping purposes, and having at least one kitchen.

EASEMENT: A grant by a property owner to another for the use of part or all of that property for a specific purpose or purposes.

ENGINEER: An engineer licensed by the Commonwealth of Virginia.

EROSION AND SEDIMENTATION (E & S) CONTROL PLAN: A document containing materials which describe proposed measures to be taken for the purpose of conserving soil and water resources of a unit or group of units or land. It may include appropriate maps, and appropriate soil and water plan inventory and management information with needed interpretation and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be treated to achieve the conservation objectives set forth in the Ordinance

EXCAVATING: Any digging, scooping or other methods of removing earth materials.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

FAMILY: One or more persons occupying a premise and living as a single housekeeping unit, as distinguished from an unrelated group occupying a boarding house, or hotel/motel or a commune.

FAMILY DAY HOME: A child care program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the providers own and any children who reside in the home, when at least one child receives care for compensation (§63.2-100 of the Code of Virginia, as amended).

FAMILY DIVISION: A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the current property owner as prescribed in the Code of Virginia §15.2-2244, as amended. For purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, grandchild, grandparent, parent, sibling, aunt, uncle, niece or nephew of the owner. Such division shall be subject to the following provisions:

1) Only one such division shall be allowed per immediate family member. The division shall not be made for the purpose of circumventing this subdivision ordinance.
2) Lots created under this section shall be titled in the name of the immediate family member for whom the division is made, and shall remain titled in said name for a period of no less than five (5) years, unless an exception is

granted by the Zoning Administrator because such lots become subject to an involuntary transfer such as foreclosure, death, divorce, judicial sale, bankruptcy, condemnation, or job relocation. A subsequent transfer to another member of the original grantor's immediate family would not be prohibited by this section, in which case only the remainder of the required holding period shall apply to the subsequent grantee.

3) If property is jointly owned, the proposed grantee must qualify as the immediate family member of all owners. An immediate family member of one spouse shall be deemed to be an immediate family member of the other spouse for the purposes of this section.

4) Each "Family Division" shall comply with the minimum lot area for residential use requirements as set forth within the zoning district in which the property is located.

5) All lots shall have "reasonable" right-of-way of 20 feet in width providing ingress and egress to a dedicated recorded public street or thoroughfare. "Reasonable" right-of-way shall not require a right-of-way that is more than that available to the parent tract.

6) Any such division shall be shown on a plat prepared by a certified professional engineer or land surveyor, and recorded with a deed. The plat shall be entitled "Family Division", and include language indicating who is involved and what the family relationship is; as well as the following owner's certificate with owner(s) and notary signatures:

   Owner's Certificate:
   This Family Division and plat are with the free consent and in accordance with the wishes of the undersigned owner(s). The undersigned owner(s) certifies that this is a bona fide Family Division under the provisions of the Charles City County Subdivision Ordinance and is not submitted for the purpose of circumventing the said ordinance. This Family Division is being made for the purpose of transferring a lot, by sale or gift to the Grantee, an immediate family member, and specifically the Grantor's _____. All lots created by this Family Division shall be held by the Grantee for whom the division is made for a period of no less than five (5) years from date of plat recordation.

7) All Family Divisions are to be approved by the Zoning Administrator prior to recordation. Submission requirements are to include an application, plat, and a deed. **(5/25/2010)**

FILLING: Any depositing or stockpiling of earth materials.

FORTUNE TELLER: Any person who, for compensation, shall pretend to tell fortunes or assume to act as a clairvoyant or to practice palmistry or phrenology.

FRONT: The front is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. For the purpose of determining setback requirements on corner lots, all sides of a lot adjacent to streets shall be considered front, and yards shall be provided as indicated under yards in this (definitions) section.

GARAGE, BUSINESS: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor driven vehicles.

GOLF COURSE: Any course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding miniature golf courses. Light business uses of a nature that are related to the use and on the premises are allowed. Such businesses may include, but are not limited to, restaurants; small retail shops; meeting facilities and associated on-site catering operations; and the manufacture of items related to the principal use provided there are no more than four employees involved in such manufacture; No structures other than privacy or screening fences can be closer than 50 feet to an adjacent property line; the only permanent residence permitted is for the resident owner, course manager and their immediate family.

GOVERNING BODY: The Board of Supervisors of Charles City County, Virginia.

GOVERNMENTAL ACTIVITY: Any or all of the services provided by this County to its citizens for the purpose of maintaining this County and shall include but shall not be limited to such services as constructing, repairing and maintaining roads, sewage facilities, supplying and treating water, street lights and construction, maintenance or use of public buildings.

GROUP HOME: A residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons in residence (§15.2-2291 of the Code of Virginia, as amended). For purpose of this definition, mental illness and development disability shall not include current illegal use of or addiction to a controlled substance as defined in §54.1-3401 of the Code of Virginia, as amended. Such residential facility is considered as a single-family residence and shall have the appearance of single-family residences with normal accessory structures.

GUEST ROOM: A room, which is intended, arranged or designed to be occupied by no more than four guests paying direct or indirect compensation therefore. Guest rooms may have cooking facilities.

HEALTH DEPARTMENT: The Commonwealth of Virginia Department of Health or an authorized official thereof.

HEALTH OFFICER (OR OFFICIAL): The Director of the Department of Health for Charles City County, Virginia.

HEIGHT: When referring to a structure, the distance measured from ground level to the highest point on the structure, even if said highest point is an antenna.

HIGHWAY ENGINEER: The resident engineer for Charles City County employed by the Virginia Department of Transportation.

HISTORIC BUSINESS: See Business, Historic.

HISTORICAL SHRINE: Any building or area that is listed on either the State or Federal Register of Historic Landmarks.

HOME BASED BUSINESS: An occupation except for business service facility, personal service facility and professional service facility conducted by persons residing on the premises. Such occupations may include the use of accessory structures or outside areas, to include but not limited to the service and repair of motorized vehicles and equipment, cabinet shops, machine shops, and contractors offices. Such uses must be generally compatible to the existing character of the surrounding area. No more than four (4) employees (resident or non-resident) shall be allowed to work on the premises at any one time on a regular basis. No equipment or process shall be allowed which creates noise, vibrations, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, phone, or television receivers off the premises. Outside storage of goods, products, equipment, or other materials associated are acceptable as long as it is screened from view of adjacent properties and roadways by a solid board fence and/or landscaping as approved by the Zoning Administrator. Storage does not include storage yard as defined in the Charles City County Zoning Ordinance. Not more than four (4) vehicles and/or pieces of equipment associated with a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers, chain saws, power hand tools, table, band or radial arm saws, and similar items shall not be included in this limitation. A greater number of vehicles and/or pieces of equipment may be allowed upon issuance of a special use permit by the Board of Supervisors. Any need for parking generated by the conduct of such Home Based Business shall be off the street. A Home Based Business shall not occupy more than 30% of the gross lot area up to a maximum of 20,000 total square feet. A greater area may be allowed upon issuance of a special use permit by the Board of Supervisors. The primary hours of operation for Home Based Business shall be limited to 7:00 am to 7:00 pm Monday through Saturday. Signage must meet standards for home occupation. **(3/27/2012)**

HOME OCCUPATION: An onsite business activity carried on solely by the resident(s) of a dwelling. This onsite business activity must be a clearly incidental and subordinate use of the residential dwelling or accessory

structure. The onsite business activity generates no exterior impacts such as storage, traffic, parking demand, noise, vibration, glare, odors or electrical interference. The residential appearance of the dwelling and the character of the neighborhood must be maintained. Not more than 25 percent of the floor area of the dwelling unit or 2,000 square feet if conducted in an accessory building shall be used in the conduct of the home occupation. **(3/27/2012)**

HOSPITAL: An institution rendering medical, surgical, or convalescent care that provides overnight stays for its patients, including nursing homes, or similar institutions licensed by the State Board of Health.

HOTEL/MOTEL: One or more guest rooms offering accommodations to the general public for compensation and with or without meals that are not a boarding house or an inn.

HOUSE OF WORSHIP: A facility that people regularly use to hold religious services, meetings and other similar activities, including accessory uses, such as cemeteries and day care facilities.

HUNT CLUB FACILITY: A facility used or operated by a club, organized to pursue game or other animals that may include facilities to house and care for dogs and/or a shooting range. Any such kennel or shooting range must comply with the applicable rules.

INDUSTRIALIZED BUILDING: A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building.

INDUSTRIAL SALES & SERVICE: The wholesaling, retailing or servicing of industrial equipment normally used by contractors or companies. **(10/28/2008)**

INN: One or more buildings operated as a unit offering lodging accommodations to the general public having no more than 14 guest rooms, with or without meals. An inn or the tract of land where it is located shall be occupied by the owner or manager of the facility and shall be secondary to the use of the property as a residence.

INTENSIVE AGRICULTURE: See Agriculture, Intensive.

JUNK YARD: The use of any area of land lying within 100 feet of a State highway or the use of more than 200 square feet of land area in any location for the storage, keeping, or abandonment of junk includes scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in §33.1-348 (b) (2) of the Code of Virginia, as amended.

JURISDICTION: The area or territory subject to the legislative control of the governing body.

KENNEL, COMMERCIAL: A facility for housing of dogs, cats, or other household pets where grooming, breeding, boarding, training, or selling of animals is conducted as a business. On-site burial is prohibited.

KENNEL (LARGE), DOG: Any building and/or premises used, designed or arranged for the boarding, breeding or care of 21 or more (but not more than 50) dogs, of at least four months of age, including the incidental sale thereof. Such facility must be at least 500 feet from any adjoining property line unless waived in writing by the adjoining property owner (in which case it may be no closer than 100 feet of the property line), and must be at least 100 feet from any well used for human consumption. The 50-dog limit (of at least four months of age) may be exceeded if a special use permit is issued for the kennel. For any kennel with more than 60 dogs (of at least four months of age), a waste management plan, which ensures sanitary handling of animal waste and prevents contamination or pollution of adjacent lands or water bodies shall first be submitted to and approved by the Zoning Administrator. Kennels located within a completely enclosed building shall not be subject to the setback requirements. Such building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

KENNEL (RESIDENTIAL), DOG: Any building and/or premises used, designed or arranged for the boarding, breeding or care of four or less dogs of at least four months of age, including the incidental sale thereof.

KENNEL (SMALL), DOG: Any building and/or premises used, designed or arranged for the boarding, breeding, or care of five or more (but not more than 20) dogs of at least four months of age, including the incidental sale thereof. Such facility must be at least 100 feet from any adjoining property line unless waived in writing by the adjoining property owner. Kennels located within a completely enclosed building shall not be subject to the setback requirements. Such building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

LAND DISTURBING ACTIVITY: Any land change which may result in soil erosion from water or wind and the movement of sediments into waters or into lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

LAND DISTURBING PERMIT: A permit issued by the County of Charles City for clearing, filling, excavating, grading, or transporting, or any combination thereof. This permit is issued by the Erosion and Sediment Control Program Administrator.

LANDING STRIP: Any area of land or water designed and set aside for the landing

and take-off of aircraft that is designed for intermittent use, not open to the public, is privately owned and is not within 1000 feet of any lot line owned by a different individual or entity.

LARGE LOT SUBDIVISION: A subdivision whose lots are all 20 acres or more. Large Lot Subdivisions shall only be permitted in Limited Residential Agricultural (A-20) zoning district. **(8/28/2012)**

LINE, ZERO: The line from which a setback is measured. This line will be the lot line, access right-of-way or easement edge (whether public or private, deeded or prescription) or street edge, which ever will give the greatest setback.

LIVESTOCK MARKET: A commercial establishment wherein livestock are collected for sale and auctioned off.

LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this Ordinance. In addition, it also has the following meaning when it is used in the Subdivision Ordinance:

a. **LOT:** A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings.

b. **LOT, CORNER:** A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

c. **LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.

d. **LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two streets.

e. **LOT, INTERIOR:** Any lot other than a corner lot.

f. **LOT OF RECORD:** A lot that has been recorded in the office of the Clerk of the appropriate Court.

g. **LOT, WIDTH OF:** The average horizontal distance between side lot lines.

LOT LINE: The boundary line of a lot.

LOUNGE: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing or entertainment is provided. This shall include the term bar, nightclub or similar establishments.

MAJOR SUBDIVISION: Any division of a parcel of land into a total of five (5) or more lots/parcels from a parent tract including the parent tract, for purpose of transfer of ownership or building development or which creates a new street or an extension of an existing street.

The term "major subdivision" shall include any subdivision of a total of more than four (4) lots, which is designed and developed as a single unit, regardless of the number of owners and/or subdividers involved, or the number of parcels or tracts of land encompassed, by the subdivision.

The term "major subdivision" shall also include any subdivision which initially contained a total of four (4) or fewer lots, but which is intended to become a subdivision of more than four lots at some future time through additions.

Any proposed subdivision which standing alone would qualify as a "minor subdivision", but which will adjoin an existing "minor subdivision" shall be classified as a "major subdivision" and shall meet all the requirements of this article pertaining thereto if the total number of lots in the two subdivisions exceeds four; and,

(1) Access to the proposed subdivision is through or adjoining to the existing "minor subdivision"; or,
(2) The two subdivisions have the same or similar names

Major subdivisions intended for residential development shall only be permitted in residential zoning districts (R-1, R-2). This requirement shall not apply to parcels created within a minor subdivision when subsequent divisions of the parent parcel or any part thereof cause subdivision to be defined a major subdivision. Residential zoning will be required for only the parcel or parcels being further subdivided. **(8/28/2012)**

MANUFACTURING, HEAVY: 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, to include fabrication and assembly.

MANUFACTURING, LIGHT: The processing, fabricating, assembling, treating and packaging of finished products or parts from previously prepared materials. Such process shall not include the conversion of basic raw materials such as ores, minerals, stone and crude oil into interim products, nor shall the process, materials to be used or final products to be manufactured present an immediate and unusual threat to surrounding land and property, the natural environment or public from either explosion, fire or other offensive conditions or hazards.

MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40

body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling; with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Reference: §36-85.3 and §36-85.11 of the Code of Virginia, as amended.)

MARINA: A facility primarily used for storing, fueling, berthing, securing and launching of watercraft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests, as well as incidental servicing and repairing.

MINING: The digging, extraction, processing or shipping of raw materials, not including agricultural and forestal products, from the earth, to include the erection and operation of necessary structures in support thereof such as processing plants and docks, piers or other loading facilities for either land or water borne transport. Accessory uses such as concrete and asphalt plants that are dependent upon the mining operation are allowed.

MINI-WAREHOUSE: A self-storage warehouse facility consisting of separate, individual and private self-contained units that are used to accommodate primarily individual households and general public, not intended for use by heavy commercial users and not involving frequent heavy trucking.

MINOR SUBDIVISION: A minor subdivision shall be the division, excluding commercial or large lot subdivisions, of three lots or less of any size out of a larger or parent tract, or the division of a tract into four lots or less without a residue. All lots in such a division shall face a public road or be served by a private access easement of at least 50 feet in width. **(8/28/2012)**

MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile homes that are in place as of the effective date of this ordinance shall be permitted to remain. No additional mobile homes (as opposed to manufactured or industrialized homes or buildings) shall be permitted in the County, nor shall mobile homes be permitted to be moved from one parcel to another within the County.

MOBILE HOME PARK: Any tract of land used or designed to accommodate two or more mobile homes.

MULTI-FAMILY DWELLING: See Dwelling, Multi-Family.

NONCONFORMING BUILDING OR STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of the Zoning Ordinance, or is designed or

intended for a use that does not conform to the use regulations of that Ordinance, for the district in which it is located, either at the effective date of that Ordinance or as a result of subsequent amendments to it.

NONCONFORMING LOT: An otherwise legal lot that does not conform to the minimum area or width requirements of the Zoning Ordinance for the district in which it is located either at the effective date of that Ordinance or as a result of subsequent amendments to it.

NONCONFORMING USES: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of the Zoning Ordinance for the district in which it is located, either at the effective date of that Ordinance or as a result of subsequent amendments to it.

NURSING HOME: See definition of hospital.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, government or like activity that may include certain ancillary services for office workers and the public, which may include a restaurant, coffee shop, personal services and small retail stores.

OFF-STREET PARKING: Space provided for vehicular parking outside the dedicated street right-of-way.

PARENT TRACT: Any lot/parcel created by subdivision exemption~~s~~ or was created prior to the adoption of the Subdivision Ordinance on May 22, 1967. **(8/28/2012)**

PARK: Areas open to the general public and reserved for recreational, educational or scenic purposes.

PEN: An enclosed area where feeding is done without any reliance on the natural growth of the land in that area, animals or fowl are kept for a total of 45 days or more in any 12 month period and wastes are collected.

PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, or any other legal entity.

PERSONAL SERVICES FACILITY: Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses; tailors; shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households

PLAT: A linear description of a piece or parcel of land by a certified engineer or land surveyor showing courses and distances and all other appropriate information.

PLAYGROUND: An outdoor area set aside for recreation and play, especially one having equipment such as seesaws and swings.

PORT: A facility for waterfront industrial uses related to marine activities, including docks, piers, wharves, bulkheads and servicing facilities for same; docks and areas for the receipt, storage and transshipment of waterborne commerce. All such uses shall be contiguous to a waterfront.

PREMISES: A lot, parcel, tract, or plot of land together with the building and structures thereon.

PRESERVE: An area set aside for the management of wildlife for either public or private use (i.e. hunting or fishing.)

PROFESSIONAL SERVICES FACILITY: A facility housing services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Department of Taxation may list in the Guidelines For Business, Professional and Occupational License Tax promulgated pursuant to §58.1-3701 and §58.1-3700.1 of the Virginia Code, as amended.

PROPERTY: Any tract, lot, parcel of land.

PUBLIC GARAGE: See Garage, Public.

PUBLIC OWNERSHIP: Owned and operated by Charles City County, the Commonwealth of Virginia, or the United States of America.

REAR: Opposite the front.

RECREATION, GENERAL: Any outdoor event, or one held in a temporary structure or tent, established for a limited duration with the intent to discontinue such event upon the expiration of the time period.

RECREATION, SPECIAL: Any outdoor event, or one held in a temporary structure or tent, established for a limited duration with the intent to discontinue such event upon the expiration of the time period, where there would be discharging of firearms or the use of any motorized equipment or vehicle. Excluded from this use type shall be events that are not open to the public and for which no fee is charged or in which shooting is minor and secondary, such as a field trial

RECREATIONAL FACILITY, PRIVATE: Facility open to the public for recreation and amusement. (i.e. miniature golf, batting cage, bowling alley, skating rink, billiards, pool room or a golf range without golf course.)

RECREATIONAL VEHICLE: A vehicle type portable structure, which can be towed, hauled or driven which is designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. Such vehicles may be lived in only on a temporary basis as set forth in Campground, unless part of a single-family dwelling.

REGISTERED: A registered, certified or licensed individual means licensed, registered or certified by the Commonwealth of Virginia.

RESTAURANT: Any building in which for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments, cafes, tearooms, taverns or refreshment stands.

RETAIL BUSINESS: See Business, Retail.

RETREAT CENTER: One or more buildings and/or facilities operated as a unit for educational, cultural or religious activities, which contain central facilities for the preparation and serving of food on-site, as well as recreational and/or social activities. Overnight use along with temporary living quarters is allowed; however, overnight use by any one individual is limited to no more than 45 days out of any 90-day period. Such facility may contain not more than two, single-family dwellings or one, two-family dwelling for staff of the facility. This includes, but is not limited to, summer or boarding camps. **(8/22/2006)**

RIGHT-OF-WAY: A public or private thoroughfare used, or intended to be used, for passage.

ROAD: See Street.

SAWMILL: A mill for the cutting or planing of timber other than a portable sawmill or planing mill located on private property for the processing of timbers cut only from that property or from property immediately adjacent thereto.

SCHOOL: A facility that provides a curriculum of elementary and secondary or higher academic instruction, including kindergartens, elementary schools, junior high schools and high schools and trade schools.

SETBACK: The minimum required horizontal distance between the zero line and the nearest front, side or rear line of the building (as the case may be) including terraces, or any projections attached to the building, excluding steps.

SHOOTING RANGE, OUTDOOR: The use of land for archery and the discharging of firearms, that is used on a regular (more than monthly) basis, for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and unstructured discharging of firearms on private property with the property owner's permission.

SIDE: Neither front nor rear.

SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

a. **BUSINESS:** A sign that directs attention to a product, commodity, service, use or activity available on the premises.

b. **DIRECTIONAL**: A directional sign is one (one end of which may be pointed, or on which an arrow may be painted), indicating the directions to which attention is called.

c. **LOCATION:** A sign that directs attention to the approximate location of a community, subdivision, individual or an establishment from which the advertised product may be obtained**. (3/27/2012)**

d. **ADVERTISING:** A sign that directs attention to a product, commodity, or service not necessarily available on the premises.

e. **HISTORICAL MARKER:** Any marker erected by a state or federal agency to commemorate an event or location of historical note.

f. **HOME OCCUPATION:** A sign directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

g. **TEMPORARY:** A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, political, auctions or sale of land. **(3/27/2012)**

h. **REAL ESTATE SIGN:** Any sign which is used to offer for sale, lease, or rent the property upon which the sign is placed. **(3/27/2012)**

SINGLE-FAMILY DWELLING: See Dwelling, Single-Family.

SKETCH: See Drawing.

SPECIAL USE: A use that requires a Special Use Permit.

SPECIAL USE PERMIT: A permit issued by the Board of Supervisors upon application by the landowner, licensee, leasee or agent. This will enable the permittee to carry on certain activities specified in these Ordinances so long as he does not violate the specific terms laid down by the Board of Supervisors. The Board may revoke this permit if the landowner permittee allows these terms to be violated or the property otherwise misused in such a way as to be inconsistent with the general purposes of these Ordinances.

SPECIFIED ANATOMICAL AREAS: As used herein, specified anatomical areas means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areole.

SPECIFIED SEXUAL ACTIVITIES: As herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts; or 2) sex acts normal or perverted, actual or simulated.

STORAGE YARD: An area used for the outdoor storage of supplies, goods for sale or lease, licensed motor vehicles, boats, mobile homes, and operational heavy construction/timber equipment, so long as no repair is permitted.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principle use.

STREET: Any road or street serving more than one parcel within a major subdivision.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, buildings, signs, fences, sidewalks, etc.

STRUCTURE, ACCESSORY: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. However, garages or other accessory structures attached to the main building shall be considered part of the main building.

SUBDIVIDE: To divide any tract, parcel, or lot of land into two or more

lots.

The term "subdivide" shall not include the division of land among the members of the family owning any such lands as provided by the Code of Virginia §15.2-2244, as amended. Refer to the definition of “Family Division”.

"Subdivide" shall not include the adjustment or relocation of a boundary line, including the transfer of land from one parcel to an adjoining parcel, so long as no new parcel is created and such adjustment is not to any interior boundary of any subdivision approved under this ordinance (and it predecessors) and no lot of any subdivision is reduced in size, except large lots may be reduced to 15 acres. The consolidation of two or more lots, whether within a subdivision or not, shall not be included in "to subdivide".

The term "subdivide" shall include the term "re-subdivision"; also, the partition of property by joint owners, whether acquired by devise, inheritance, joint purchase or otherwise, shall be included within the meaning of "subdivide". In the event of any re-subdivision of a parcel within any subdivision (including any residue) approved under this ordinance (and its predecessors), all of the parcels within that subdivision and their size will be considered to determine whether the re-subdivision is a major, minor or large lot subdivision. **(5/25/2010)**

SUBDIVIDER: An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning negotiating for, in representing, or executing the legal requirements of the subdivision.

SUBDIVISION, COMMERCIAL: See Commercial Subdivision.

SUBDIVISION, LARGE LOT: See Large Lot Subdivision.

SUBDIVISION, MAJOR: See Major Subdivision.

SUBDIVISION, MINOR: See Minor Subdivision.

SURVEY: See Drawing.

THEME PARK: Any recreational facility, or combination thereof, greater than 25 acres.

TOWER, COMMUNICATION: A structure used for transmitting or receiving communications and requiring FCC licenses.

TOWNHOUSE: A design for single-family dwellings in a row of at least three such units, each unit with its own separate entrance and separate roof and each unit separated from any other unit by one or more common fire resistant walls.

TRANSITIONAL HOUSING: A building/complex of buildings and/or structure(s) that houses an administrative office, temporary living quarters, congregate or individual kitchen/dining facilities; for rehabilitative or educational facilities. Services may include a defined program for operation and services for residents, minor medical care, counseling, training, transportation and similar services for the residents. Exclusive of resident staff, no individual will be allowed to remain in Transitional Housing in Charles City County for more than 6 months out of any 12 month period. **(7/24/2007)**

TRUCK TERMINAL: An area or building where trucks load and unload freight and such freight is assembled and/or stored for routing or reshipment. The terminal facility may include storage or parking areas for trucks, as well as facilities for servicing or repairing trucks associated with the terminal.

TWO-FAMILY DWELLING: See Dwelling, Two-Family.

USE, ACCESSORY: A subordinate use customarily incidental to the main use.

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

VEGETATIVE WASTE: A decomposable material generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree prunings, bark, limbs, roots, and stumps. **(10/24/2006)**

VEGETATIVE WASTE RECYCLING FACILITY: A facility for the combination of vegetative or processed animal waste, received from off-site properties, to create mulch or compost, including the temporary storage of such materials, such process to take not more than 12 months on average from receipt to disposal so that all materials will be processed and removed from the site within 12 months and managed to avoid creating a public nuisance. **(10/24/2006)**

VETERINARY HOSPITAL: A facility for the diagnosis and treatment of diseases and injuries of small and large animals. Boarding of animals not undergoing diagnosis or treatment is allowed as an accessory use.

WAREHOUSING: The storage, wholesaling, and distribution of manufactured products, supplies and equipment, including distribution centers.

WETLANDS: 1) An area that is inundated or saturated by surface water or groundwater at a frequency and duration to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated conditions. A wetland may be both vegetated and non-vegetated. Wetlands generally include swamps, marches, bogs and similar areas; 2) means vegetated and non-vegetated wetland as defined in §28.2-1300 of the Code of Virginia, as amended.

WETLANDS BOARD: A board created as provided in §28.2-1303 of the Code of Virginia, as amended.

WETLANDS MITIGATION BANK: An area of land on which wetlands are to be restored, created, enhanced or preserved for purposes of engaging in the sale, exchange or transfer of wetlands mitigation credits required by federal, state or local authorities to compensate for adverse impact to wetlands. This definition shall not include wetlands mitigation banks owned and controlled by the United States, the Commonwealth of Virginia, or Charles City County. **(8/22/2006)**

WHOLESALE BUSINESS: See Business, Wholesale.

YARD: The area within any setback.

ZERO LINE: See Line, Zero.

ZOO: A public park or large enclosure where live animals are kept for display, but excluding the display of agriculture animals when such display is secondary to agricultural uses. Light business uses of a nature that are related to the use and on the premises are allowed.

DIVISION II:

DISTRICT REGULATIONS

SECTION 4 - DISTRICTS

4-1 ENUMERATED TYPES AND MAP

For the purpose of this Ordinance, the unincorporated areas of Charles City County, Virginia, are hereby divided into the following districts as set forth on the attached Map.

Agricultural (A-1)
Residential (R-1)
Multi-Family Residential (R-2)
Business, General (B-1)
Business, Neighborhood (B-2)
Business, Tourist (B-3)
Industrial, Light (M-1)
Industrial, Heavy (M-2)
Planned Development-Industrial Park (PD-IP)
Limited Residential Agricultural (A-20) (8/28/2012)
Greenbelt (Reserved)

4-2 OFFICIAL ZONING MAP

The Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the County Administrator, and bearing the seal of the Board of Supervisors under the following words: "This is to certify that this is the Official Zoning Map of the County of Charles City, Virginia," together with the date of the adoption of the Ordinance. The current Zoning Map is hereby declared to be the Official Zoning Map.

If, in accordance with the provisions of this Ordinance and the Code of Virginia, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the Board of Supervisors has approved the amendment. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change has been made on said Map.

No changes of any nature shall be made in the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in the Nonconforming Uses section of this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Violation and Penalty section of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which

may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator who shall be the final authority as to current zoning status of the land and water areas, buildings and other structures in the County. In the event that the Official Zoning Map becomes damaged, lost or difficult to interpret because of the nature of number of changes and additions, the Board of Supervisors may by resolution adopt a new Official Zoning Map. The new Map may correct drafting or other errors or omissions in the prior Official Zoning Map. The new Map shall be identified by the signature of the Chairman of the Board of Supervisors attested by the County Administrator or Zoning Administrator and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map being replaced) as part of the Zoning Ordinance of Charles City County, Virginia."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption and amendment.

4-3 INTERPRETATION OF OFFICIAL ZONING MAP

Unless District boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following or being at right angles to property lines, the center lines of streets, highways, alleys, or railroad main track, such property lines, center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

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

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

4. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the actual location shall govern.

5. Unless areas are classified on the Official Zoning Map or classification can be established by the above rules, such areas shall be considered to be classified as Agricultural (A-1) until rezoned by the Board of Supervisors.

4-4 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be the minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure or land, and particularly, except as herein after provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations here specified for the district in which it is located.

2. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specifically permitted by this Ordinance.

3. No yard, parcel or lot existing at the time of passage of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yard, parcels or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 5 - AGRICULTURAL DISTRICT (A-1)

5-1 STATEMENT OF INTENT

This district is established to provide opportunities for a mixture of land uses that are considered necessary and beneficial to the residents and economy of the County. Agricultural and forestal uses remain the primary use in this district. Limited residential development will be allowed provided such development is designed to be compatible and blend with agricultural and forestal uses. Commercial and other types of uses that are related to and compatible with agricultural, forestal and residential uses, and the existing infrastructure, and that serve the needs of County residents and contribute to the overall economic well being of the County will also be permitted under certain conditions and with appropriate site development criteria. Certain limited commercial and specialized manufacturing activities will be permitted on or in proximity to designated local, state and/or federal historic sites where such activities are related to such historic sites. Mineral extraction and/or processing may be permitted with an appropriate Special Use Permit. Through or cross transit to other or different zones would be permitted.

5-2 PERMITTED USES

.1 Abattoir as defined, under the following conditions:

a. Process less than 450 animal units of poultry annually.

b. Operates under a grant of inspection from the United States Department of Agriculture or the Virginia Department of Agriculture and Consumer Affairs.

c. Maintains and implements a Sanitation Standard Operating Plan (SSOP) and a Hazard Analysis and Critical Control Point Plan (HACCP).

d. The external appearance and arrangement of such facility is compatible with appearance and arrangement of other uses in the general area.

e. Any structure to have a setback of not less than 200 feet from the exterior property line not owned by the same property owner.

f. Holding of live poultry not to exceed 24 hours.

g. Kill time is limited to 8 a.m. - 4 p.m., Monday thru Friday, excluding Holidays and weekends.**(4/24/2007)**

1. Agriculture

2. Agriculture, Intensive as defined, which meets the following requirements:
   a. Setbacks:
      i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).

      ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.

      iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.

   b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

   c. A nutrient management plan approved by the appropriate state and local agencies.

   d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.

3. Biosolids application per State laws and regulations.

4. Boarding house

5. Boat landing/ramp

6. Business, agricultural

7. Business, historic

8. Business services facility as defined and shall be subject to the following:
   a. No more than one building with not more than 2,000 square feet.

b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.

c. No outside storage shall be permitted except for required parking, loading and unloading.

d. No use shall be open to the public between 10:00 PM and 6:00 AM.

e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.

f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.

~~9. Campground~~ Move to §5-3 Special Use Permit (5/25/2010)

10. Cemetery

11. Central utility system, in conjunction with a right-of-way less than 30 feet in width.

12. Club facility\

13. Commuter parking

14. Day care

14.1Dwelling, Accessory (3/27/2012)

15. Dwelling, single-family

16. Dwelling, two-family

17. Family day home

17.2 Family Division (8/28/2012)

18. Golf course

19. Governmental activity

19.1 Home Based Business (3/27/2012)

20. Home occupation

21. Hospital

22. House of worship

23. Hunt club facility

~~24. Inn~~ Move to §5-3 Special Use Permit (5/25/2010)

25. Kennel (large), dog

26. Kennel (residential), dog

27. Kennel (small), dog

28. Landing strip

29. Livestock market

29.3 Minor Subdivision (8/28/2012)

30. Park

31. Personal services facility as defined and shall be subject to the following:
    a. No more than one building with not more than 2,000 square feet.

    b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.

    c. No outside storage shall be permitted except for required parking, loading and unloading.

    d. No use shall be open to the public between 10:00 PM. and 6:00 AM.
    e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.

    f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.

32. Playground

33. Preserve

34. Professional services facility as defined and shall be subject to the following:
    a. No more than one building with not more than 2,000 square feet.

b. No more than four persons are engaged in the production of finished goods produced for retail sale on the premises.

c. No outside storage shall be permitted except for required parking, loading and unloading.

d. No use shall be open to the public between 10:00 PM and 6:00 AM.

e. No use shall be permitted which the Uniform Statewide Building Code classifies as high hazard.

f. The external appearance and arrangement of such use shall be of a form and character, which is compatible with the appearance and arrangement of other uses typically allowed in the zoning district.

35. Recreation, general, at which less than 500 people are reasonably expected to attend. Where more than 500 but less than 2000 people are reasonably expected to attend, an entertainment permit is required. See the Entertainment Permit section of this ordinance.

36. Recreation, special, at which less than 51 people are reasonably expected to attend, except that an entertainment permit is required. See the Entertainment Permit section of this ordinance.

37. Retreat center

38. School

39. Tower, communication less than or equal to 50 feet in height.

40. Use, accessory

40.1 Vegetative Waste Recycling Facility as defined and where such facility is not less than 300 feet from any property line of someone other than the operator or owner of the facility. The use of a stump grinder or similar mechanical equipment is prohibited. **(10/24/2006)**

41. Veterinary hospital

42. Wetlands Mitigation Bank, as defined which meets the following requirements:

1. Wetlands mitigation bank permit issued by the County of Charles City which documents:

a. That all adjacent and adjoining landowners and residents within 1000 feet of the proposed wetlands bank have been advised by the applicant of the application, all hearing dates, the process for comment, and

protest and any other rights relating to any application to the United States Army Corps of Engineers and/or Virginia Department of Environmental Quality and provided by certified mail copies of any federal or state public hearing announcement for such wetlands bank a minimum of 21 days prior to such hearing.

b. Detrimental offsite effects, and where these effects may be present, those measures to be taken to minimize such effects;

c. That the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties.

d. Consistency with existing land use documents approved by the County Board of Supervisors such as Comprehensive Plan, Land Use Ordinances etc.

2. Install temporary signs at the boundary of the proposed bank identifying potential bank location prior to any Federal or State Public Hearing 21 days prior to that Public Hearing. These signs are to be visible from the public traveled way

3. Copies of all federal, state and local regulatory agencies permits and/or permit applications that are necessary for the development to occur in Charles City County are provided Charles City County.

The Wetlands mitigation bank shall be a minimum of 100 feet from any line of a lot owned by a different individual or entity unless waived in writing by the adjoining property owner or entity. **(8/22/2006)**

5-3 USES WITH SPECIAL USE PERMIT

.01 Campground (5/25/2010)

1. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

1.01 Dwelling, Single-family, or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3/27/2012)

1.02 Home Based Business, as defined, occupying more than 30% of the gross lot area or exceeding 20,000 square feet in area, and/or the allowance for five or more vehicles and/or pieces of equipment. (3/27/2012)

1.1 Inn (5/25/2010)

2. Kennel, commercial

3. Kennel (large), dog with more than 50 dogs

4. Mining

5. Recreation, general, at which more than 2000 people are reasonably anticipated.

6. Recreation, special, at which more than 50 people are reasonably expected to attend.

7. Shooting range, outdoor

8. Tower, communication greater than 50 feet in height.

8.1 Vegetative Waste Recycling Facility as defined that uses a stump grinder or other similar mechanical equipment, and includes the incidental sale of firewood. **(10/24/2006)**

9. Zoo**:** No structures other than screening fences can be closer that 50 feet to an adjacent property line; all off-street parking and loading areas shall be located at least 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

5-4 AREA REQUIREMENTS

1. Residential uses: all lots shall be a minimum of one acre per dwelling unit.

2. Non-residential uses: no minimum lot size, but all setbacks, as set forth below must be met.

5-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet, from any public street right-of-way. For lots without frontage on a public street, buildings shall be located a minimum of 100 feet from the "front" property line. **For such lots, any private drive or right of way will be included in the determination of any setback distance.** The front is often the first property line touched by the street or drive coming from a public street, but may be another property line if the shape or geography of the lot would make that other line a more appropriate front. **(4/22/2008)**

2. Agricultural stands: The front setback for temporary agricultural stands shall be 25 feet.

3. For a corner lot, the front shall be deemed to be the shortest side of the two sides fronting on streets.

5-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

5-7 YARD REQUIREMENTS

1. Side: The minimum side setback for each main structure shall be 25 feet.

2. Rear: All areas in the rear of the lot, based on the front setback being the front, not less than 50 feet from the rear lot line.

5-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 45 feet in height except that:

1. A public or semipublic building such as a school, church, library, or general hospital as well as a barn or silo used for agricultural purposes may be erected to a height of 100 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 45 feet.

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

5-9 OFF-STREET PARKING REQUIREMENTS

All parking required for General Agriculture District shall comply with the Off-Street Parking section of this Ordinance.

5-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

5-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Agricultural District shall comply with the Landscape, Screening and Buffer section of this Ordinance.

5-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Signs section of this Ordinance.

5-13 ACCESSORY USES AND STRUCTURES

1. No accessory building may be located closer than ten feet to any side or rear property line.

2. Any accessory building taller that the principle building must meet all the setback requirements of the principal building.

5-14 SPECIAL CONDITIONS

None.

5-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations

SECTION 6 - RESIDENTIAL DISTRICT (R-1)

6-1 STATEMENT OF INTENT

This district is designed for denser, suburban type residential development. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit activities of a commercial nature other than certain home occupations. To these ends permitted uses are limited basically to dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. This zone is limited to areas of the County in which Neighborhood residential development is encouraged, such as certain Development Centers set forth in the current Comprehensive Plan. Through or cross transit to other or different zones would not be permitted.

6-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Boarding house

3. Boat landing/ramp

4. Central utility system in conjunction with a right-of-way less than 30 feet in width.

5. Club facility

6. Commuter parking

7. Day care

8. Dwelling, single-family

9. Dwelling, two-family

10. Family day home

10.2 Family Division (8/28/2012)

11. Golf course

12. Governmental activity

13. Home occupation (3/27/2012)

14. House of worship

15. Kennel (residential), dog

15.2 Major Subdivision (8/28/2012)

15.3 Minor Subdivision (8/28/2012)

16. Parks

17. Playgrounds

18. Schools

19. Tower, communication less than or equal to 50 feet in height.

20. Use, accessory

6-3 USES WITH SPECIAL USE PERMIT

1. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

1.1 Dwelling, Accessory (3/27/2012)

1.2 Dwelling, Single-family or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3/27/2012)

~~**2. Home occupation exceeding 25 percent of the floor area of the residence.**~~ **(3/27/2012)**

6-4 AREA REQUIREMENTS

1. Dwelling, single-family:
   a. For lots served by central water and sewerage, the minimum lot area shall be 20,000 square feet.

   b. For lots that do not contain both central water and sewerage disposal, the minimum lot area shall be one acre.

2. Dwelling, two-family:
   a. For lots served by central water and sewerage, the minimum lot area shall be 30,000 square feet.

   b. For lots that do not contain both central water and sewerage disposal, the

minimum lot area shall be 1½ acre.

3. Non-residential uses:
   a. The minimum lot area shall be 20,000 square feet, provided all setbacks, as set forth must be met.

6-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet from any public street right-of-way except that lots fronting on a street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 50 feet.

2. For lots without frontage on a public street, the "front" is often the first property line touched by the street or drive coming from a public street, but may be another property line if the shape or geography of the lot would make that other line a more appropriate front.

3. For a corner lot, the front shall be the shortest side of the two sides fronting on streets.

6-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

6-7 YARD REQUIREMENTS

1. Side: The minimum side yard setback for each main building shall be 15 feet. The minimum side yard requirement shall be increased for each building exceeding 30 feet in height. See sub-section 6-8 Height Requirements.

2. Rear: Each main building shall have a rear yard of 35 feet.

6-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 30 feet in height except that:

1. The height limit for dwellings or accessory buildings may be increased up to 45 feet provided that each side yard must increase one foot for each additional foot of building height over 30 feet.

2. A public or semipublic building such as a school, church or library may be erected to a height of 60 feet provided that required, side and rear yards shall be increased one foot for each foot in height over 30 feet.

3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flue,

flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

6-9 OFF-STREET PARKING REQUIREMENTS

All parking required for General Residential District shall comply with the Off-Street Parking section of this Ordinance.

6-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

6-11 LANDSCAPING REQUIREMENTS

Structures and uses within the General Residential District shall comply with the Landscape, Screening and Buffer section of this Ordinance.

6-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

6-13 ACCESSORY USES AND STRUCTURES

1. Accessory building permitted by this Ordinance shall be placed only in side and rear yards.

2. In no case shall any accessory building or use be located closer than ten feet to any property line. Driveways and utilities shall be exempt from this requirement.

6-14 SPECIAL CONDITIONS

None.

6-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 7 - MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

7-1 STATEMENT OF INTENT

This district is composed of higher density residential development in the form of multi-family dwellings, apartments and/or townhouses in areas appropriately located for such uses. These areas are on major thoroughfares in proximity to commercial areas and other centers of employment. Special regulations are needed to insure the general compatibility of this development with other residential development in the County and to afford the residents of these multi-family dwellings a living environment consistent with that enjoyed by other residents of this rural community. This zone is limited to areas of the County in which neighborhood residential development is encouraged, such as certain Development Centers set forth in the current Comprehensive Plan.

7-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Boarding house

3. Boat landing/ramp

4. Central utility system in conjunction with a right-of-way less than 30 feet in width

5. Club facility

6. Commuter parking

7. Day care

8. Dwelling, multi-family

9. Dwelling, two-family

10. Family day home

10.3 Family Division (8/28/2012)

11. Golf course

12. Government activity

13. Home occupation (3/27/2012)

14. Hospital

15. House of worship

16. Kennel (residential), dog

16.3 Major Subdivision (8/28/2012)

16.4 Minor Subdivision (8/28/2012)

17. Parks

18. Playgrounds

19. Schools

20. Tower, communication less than or equal to 50 feet in height.

21. Use, accessory

7-3 USES WITH SPECIAL USE PERMIT

.01 Dwelling, Single-family, or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3/27/2012)

~~1. Home occupation exceeding 25 percent of the floor area of the residence.~~ (3/27/2012)

7-4 AREA REQUIREMENTS

The minimum lot area shall be five acres.

7-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet from any public street right-of-way except that lots fronting on a street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 50 feet.

2. For lots without frontage on a public street, the "front" is often the first property line touched by the street or drive coming from a public street, but may be another property line if the shape or geography of the lot would make that other line a more appropriate front.

7-6 WIDTH REQUIREMENTS

1. All lots on which a multi-family development is located shall have a minimum

width at the setback line of 450 feet or an average lot width of that area proposed for residential development of 450 feet or greater.

2. All other permitted uses shall have a minimum width that is sufficient to meet all setback requirements.

7-7 YARD REQUIREMENTS

1. Buffers: A landscaped buffer area at least 50 feet in width shall be maintained surrounding all multi-family developments and no parking areas or structures shall be located within such 50 foot buffer area.

2. Side: 50 feet.

3. Rear: 50 feet

4. Building Separation: Detached buildings shall be located at least 20 feet apart.

5. In no case shall any accessory building or use be located closer than 20 feet to any property line.

7-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 35 feet in height except that:

1. Buildings may be erected to a height of 45 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

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

3. In no case shall any accessory building exceed 35 feet in height.

7-9 OFF-STREET PARKING REQUIREMENTS

All parking required for Multi-Family Residential District shall comply with the Off-Street Parking section of this Ordinance.

7-10 UTILITY REQUIREMENTS

1. Water and Sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

2. Laundry: Either a central laundry facility with sufficient area and equipment for the laundering and artificial drying of the laundry belonging to the occupants of the development on site or individual hookups for individual washing and drying machines shall be provided on site.
3. Television: Each building shall contain a single master television antenna or similar system, which shall serve all dwelling units within the building.

4. Trash Collection: A plan for the collection of trash and garbage shall be submitted to the Zoning Administrator for approval. If trash and garbage collection is provided through the location of steel dumpster containers or equivalent, they shall be located conveniently to the dwelling units; shall be screened from view by decorative masonry walls, shrubs and/or fences and shall be located on concrete pads with a sufficient strength rating to withstand the weight of a garbage disposal truck.

5. Recreation: Land area of at least 560 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for the use by residents of the development. Such areas shall be an integral part of the development and shall be at least one-half acre in size. Such area shall be at least 100 feet wide and have a grade of less than five percent and not contain sensitive features. Developments over 75 units in number shall provide recreational facilities including an in-ground residential swimming pool, two regulation doubles tennis courts, a tot-lot and playground. The developer may be permitted to substitute other recreational facilities as an equivalent alternative if deemed appropriate by the Zoning Administrator.

7-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Multi-Family Residential District shall comply with the Landscape, Screening and Buffer sections of this Ordinance.

7-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Sign section of this Ordinance.

7-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings permitted by this ordinance shall be placed only within side and rear yards.

2. All accessory uses shall be located at least 50 feet from the exterior boundary line of a Multi-Family Residential zoned district. Driveways and utilities shall be exempt from this requirement.

7-14 SPECIAL CONDITIONS

1. Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme, with variations in design to provide attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features, and individual dwelling unit design. Techniques to be considered are varying width of units, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights, changing the types of windows and shutters, doors, porches and the vertical or horizontal orientation of the facades singularly or in combination.

2. In order to prevent the development of long and monotonous buildings and ridge lines which serve to increase the sense of density and liken the development to a barracks, overall structure of attached townhouses shall consist of not more than eight dwelling units. In any structure of attached townhouses no more than two adjacent dwelling units shall have the same setback. Setbacks shall vary by at least four feet. No townhouse dwelling unit shall be less than 16 feet in width.

3. In order to maintain a rural environment in those areas of the County designated for multi-family residential developments, no timbering of lands shall commence until a plan of development (subdivision or site plan) has been approved by the Zoning Administrator.

4. Maximum gross density shall not exceed ten dwellings units per gross acre of development.

5. Adequate lighting measures shall be taken to protect the health, safety and welfare of the residents of the complex while insuring that the glare is not a nuisance to adjoining properties or roadways.

7-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other the Environmental and Site Plan Ordinances and regulations.

SECTION 8 - GENERAL BUSINESS DISTRICT (B-1)

8-1 STATEMENT OF INTENT

The purpose of this district is to provide sufficient land in appropriate locations for a wide variety of retail, service and public activities, generally serving large portions of the County and the region. General commercial development is encouraged to locate in appropriate Development Centers, at or near the intersections of major roads or other locations convenient to large populations. The clustering of commercial development is to be encouraged as opposed to scattered or strip development. Permitted uses do not include large warehouses or other facilities that require constant, heavy trucking, as opposed to stocking and delivery of light retail goods, or facilities which generate nuisance factors such as dust, odor or noise. Commercial uses should be developed in a manner that is compatible with surrounding land uses and road capacities, properly screened and provided with appropriate internal circulation patterns. Through or cross-transit to other or different zones would be permitted.

8-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Boat landing/ramp

3. Business, agriculture

4. Business, retail

5. Business services facility

6. Cemetery

7. Central utility system in conjunction with a right-of-way less than 30 feet in width.

8. Club facility

8.2 Commercial Subdivision (8/28/2012)

9. Commuter parking

9.1 Convention Facility (6/26/2012)

10. Day care

11. Day care center

12. Dwelling, single-family

12.2 Family Division (8/28/2012)

13. Garage, business

14. Golf course

15. Governmental activity

16. Home occupation

17. Hospital

18. Hotel/motel

19. House of worship

20. Inn

21. Kennel, commercial

22. Kennel (residential), dog

23. Landing strip

~~24. Lounge~~ **(Move to §8-3, Approved 12/19/2013)**

25. Mini-warehouse
    a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.

    b. All interior driveways shall be at least 26 feet wide when cubicles open into one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be "one way only" the widths shall be at least 26 feet wide. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot long single unit truck or moving van.

    c. Activity on site other than storage of customer's goods and wares shall be prohibited.

    d. Outdoor storage areas shall be used for the storage of motor vehicles, trailers,

boats, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties according to Landscaping, Screening and Buffers Section of this Ordinance.

e. Mini-warehouse developments shall not be accessible to the general public (excluding on site managers) between the hours of Midnight and 5:00 A.M.
f. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.

g. No door openings for a cubicle shall be constructed facing any residential use type.

26. Parks

27. Personal services facility

28. Playgrounds

29. Professional services facility

30. Recreational facility, private

31. Restaurant

32. Schools

33. Tower, communication less than or equal to 50 feet in height.

34. Use, accessory

35. Veterinary hospital

8-3 USES WITH SPECIAL USE PERMIT

1. Airport

2. Automobile graveyard

3. Business, wholesale

4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

4.1 Dwelling, Accessory (3/27/2012)

4.2 Dwelling, Single-family, or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3/27/2012)

4.3 Lounge (Approved 12/19/2013)

5. Marina

6. Theme park

7. Tower, communication greater than 50 feet in height.

8. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located at least 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

8-4 AREA REQUIREMENTS

1. Lots that are served by community water and sewer service, the minimum lot size shall be 20,000 square feet.

2. Lots that are not served by public or community water and sewer, the minimum lot size shall be one acre.

8-5 SETBACK REQUIREMENTS

Buildings shall be located a minimum of 100 feet from any public street right-of-way.

8-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

8-7 YARD REQUIREMENTS

1. Side: None required, except that the minimum side yard setback shall be 50 feet from any Agricultural, Residential or Multi-Family Residential Districts.

2. Rear: None required, except that the minimum side yard setback shall be 50 feet from any Agricultural, Residential or Multi-Family Residential Districts.

8-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 45 feet in height, except that:

1. Any building may be erected to a height of 60 feet provided that required setback shall be increased one foot for each foot in height over 45 feet.

2. Church spires, belfries, cupolas, monuments, water towers, chimneys, flue,

flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

3. Accessory buildings located less than 50 feet, but more than 25 feet from any Agricultural, Residential or Multi-Family Residential District shall be no more than one story high.

8-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the General Business District shall comply with the Off-Street Parking section of this Ordinance.

8-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

8-11 LANDSCAPING REQUIREMENTS

Structures and uses within the General Business District shall comply with the Landscape, Screening and Buffer section of this Ordinance.

8-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

8-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings meeting the setback requirements may be 45 feet in height.

2. Accessory buildings: No accessory building shall be located closer than 25 feet to any Agricultural, Residential or Multi-Family Residential District.

8-14 SPECIAL CONDITIONS

None.

8-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 9 - NEIGHBORHOOD BUSINESS DISTRICT (B-2)

9-1 STATEMENT OF INTENT

This district is designed to provide for the concentration of a limited range of retail and personal service operations needed to meet the daily convenience shopping and service needs of relatively small areas, primarily surrounding neighborhoods. This commercial development is encouraged to locate in Development Centers or near areas of significant neighborhood concentration. It is a district wherein all articles for sale, rent, display, storage or hire are kept within an enclosed building. In addition, the manufacture, compounding, processing or treatment of products is prohibited in this district unless it is clearly incidental and customarily sold at retail on the premises. This district is designed to exclude uses, operations and products that are objectionable because of odor, dust, smoke, noise, vibration or other similar causes. Site planning and screening shall be required to ensure that neighborhood businesses fit in and are compatible with surrounding existing and planned uses. Through or cross transit to other or different zones would be permitted.

9-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Boarding house

3. Boat landing/ramp

4. Business, retail

5. Business services facility

6. Cemetery

7. Central utility system in conjunction with a right-of-way less than 30 feet in width.

8. Club facility

8.1 Commercial Subdivision (8/2/2012)

9. Commuter parking

10. Day care

11. Day care center

12. Dwelling, single-family

12.1 Family Division (8/28/2012)

13. Governmental activity

13.1 Home Based Business (3/27/2012)

14. Home occupation

15. Hospital

16. Hotel/motel

17. House of worship

18. Inn

19. Kennel, commercial

20. Kennel (residential), dog

~~21. Lounge~~ **(Move to §9-3, Approved 12/19/2013)**

22. Parks

23. Personal services facility

24. Playgrounds

25. Professional services facility

26. Recreational facility, private

27. Restaurant

28. Schools

29. Tower, communication less than or equal to 50 feet in height.

30. Use, accessory

31. Veterinary hospital

9-3 USES WITH SPECIAL USE PERMIT

1. Business, agriculture

2. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

2.1 Dwelling, Accessory (3/27/2012)

2.2 Dwelling, Single-family, or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3//27/2012)

3. Garage, business

3.1 Home Based Business, as defined, occupying more than 30% of the gross lot area or exceeding 20,000 square feet in area, and/or the allowance for five or more vehicles and/or pieces of equipment. (3/27/2012)

3.2 Lounge (Approved 12/19/2013)

4. Marina

5. Theme park

6. Tower, communication greater than 50 feet in height.

7. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located at least 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

9-4 AREA REQUIREMENTS

1. Neighborhood Business District will not contain more than three acres. Zoning will not be granted within one mile of any other such district, unless such Neighborhood Business zoning is for the purpose of obtaining the three contiguous acres maximum and the development provides a unified plan for architecture, access and signage.

2. For individual lots served by community water and sewer service, the minimum lot size shall be 20,000 square feet.

3. For lots not served by both public or community water and sewer, the minimum lot size shall be one acre.

9-5 SETBACK REQUIREMENTS

Buildings shall be located no closer than 100 feet from a public street right-of-way.

9-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

9-7 YARD REQUIREMENTS

For lots adjoining or adjacent to an Agricultural, Residential or Multi-Family Residential Districts the minimum side yard shall be 50 feet and the minimum rear yard shall be 25 feet.

9-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 30 feet in height except that:

1. The height limit for buildings may be increased up to 45 feet provided there are two side yards for each permitted use, each of which is 15 feet or more, plus one foot or more of side yard for each additional foot of building height over 30 feet.

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

9-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Neighborhood Business District shall comply with the Off-Street Parking section of this Ordinance.

9-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

9-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Neighborhood Business section shall comply with the Landscape, Screening and Buffer section of this Ordinance.

9-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

9-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings: No accessory building may be located closer than ten feet to any side or rear property line. Any accessory building that is taller than the principal building must meet all the setbacks required of the principle building.

2. Any accessory building that is taller than the principal building must meet all the setbacks required of the principal building, but in no case shall any accessory building exceed 45 feet in height

9-14 SPECIAL CONDITIONS

None.

9-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 10 - TOURIST BUSINESS DISTRICT (B-3)

10-1 STATEMENT OF INTENT

This district is designed to provide locations that are not appropriate for General Business (B-1) zoning for tourist related commercial activities such as hotels, restaurants or recreational facilities. Such locations are typically associated with a unique geographic feature (such as a river) or historical site. All such locations and activities shall not be detrimental to the attraction. Through or cross transit to other or different zones would be permitted.

10-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Boarding house

3. Boat landing/ramp

4. Business, historic

5. Business, retail

6. Business services facility

7. Cemetery

8. Central utility system in conjunction with a right-of-way less than 30 feet in width.

9. Club facility

9.8 Commercial Subdivision (8/28/2012)

10. Commuter parking

10.1 Convention Facility (6/26/2012)

11. Daycare

12. Dwelling, single-family

12.3 Family Division (8/28/2014)

13. Golf course

14. Governmental activity

15. Home occupation

16. Hospital

17. Hotel/motel

18. House of worship

19. Inn

20. Kennel (residential), dog

~~21. Lounge~~ (Move to §10-3, Approved 12/19/2013)

22. Parks

23. Personal services facility

24. Playgrounds

25. Professional services facility

26. Restaurant

27. Schools

28. Towers, communication less than or equal to 50 feet in height.

29. Use, accessory

10-3 USES WITH SPECIAL USE PERMIT

1. Airport

2. Business, agriculture

3. Campground

4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

4.1 Dwelling, Accessory (3/27/2012)

4.2 Dwelling, Single-family, or Dwelling, Two-family where there is more than one separate dwelling structure on any one lot. (3/27/2012)

5. Landing strip

5.1 Lounge (Approved 12/19/2013)

6. Marina

7. Recreational facility, private

8. Theme park

9. Tower, communication greater than 50 feet in height.

10. Zoo: No structures other than screening fences can be closer than 50 feet to an adjacent property line; all off-street parking and loading areas shall be located not less than 25 feet from any property line and effectively screened from view by landscaping and supplemented if necessary by screening fences.

10-4 AREA REQUIREMENTS

1. Lots served by central water and sewer service, the minimum lot size shall be 20,000 square feet.

2. Lots not served by both public or community water and sewer, the minimum lot size shall be one acre.

10-5 SETBACK REQUIREMENTS

Buildings shall be located a minimum of 100 feet from any public street right-of-way.

10-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

10-7 YARD REQUIREMENTS

The minimum side and rear yard requirements adjacent to any Agriculture, Residential or Multi-Family Residential Districts shall be 50 feet, except where the adjoining property is owned by the same owner as the Tourist Business zoned parcel, in which case the side or rear yard shall be ten feet.

10-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 35 feet in height, except that:

1. The height limit for buildings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

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

10-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Tourist Business District shall comply with the Off-Street Parking section of this Ordinance.

10-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

10-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Tourist Business section shall comply with the Landscape, Screening and Buffer section of this Ordinance.

10-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with Sign section of this Ordinance.

10-13 ACCESSORY USES AND STRUCTURES

1. Accessory buildings located less than 50 feet, but more than 25 feet from any Agriculture, Residential or Multi-Family Residential District shall be no more than one story high. Accessory buildings meeting the setback requirements may be 35 feet in height.

2. Accessory buildings: No accessory building shall be located closer than 25 feet to any Agriculture, Residential or Multi-Family Residential District.

10-14 SPECIAL CONDITIONS

None.

10-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 11 - LIGHT INDUSTRIAL DISTRICT (M-1)

11-1 STATEMENT OF INTENT

The primary purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses on or near major thoroughfares or railroads in Regional Development Centers. Such manufacturing uses typically involve the use of raw materials produced elsewhere. The processing shall not include the conversion of basic raw materials such as ores, minerals, stone and crude oil into interim products, nor shall the processes, materials to be used, or final products to be manufactured present an immediate threat to surrounding land and property, the natural environment or public from either explosion, fire or other offensive conditions or hazards. These restrictions are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. Through or cross transit to other or different zones would be permitted.

11-2 PERMITTED USES

1. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

2. Agriculture, Intensive as defined, which meets the following requirements:
   a. Setbacks:
      i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).

      ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.

      iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.

   b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

c. A nutrient management plan approved by the appropriate state and local agencies.

d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.

3. Biosolids application per State laws and regulations.

4. Boat landing/ramp

5. Business, wholesale

6. Central utility system in conjunction with a right-of-way less than 30 feet in width.

6.3 Commercial Subdivision (8/28/2012)

7. Commuter parking

8. Dwelling, single-family specifically living quarters for a proprietor or manager and family located in the same building or upon the same lot as the place of occupation, or the living quarters for a watchman or custodian of an industrial establishment are allowed.

8.2 Family Subdivision (8/28/2012)

9. Garage, business

10. Governmental activity

11. Home occupation

11.1 Industrial Sales & Services (10/28/2008)

12. Landing strip

13. Livestock market

14. Manufacturing, light

15. Marina

16. Mini-warehouse
    a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.

    b. All interior driveways shall be at least 26 feet wide when cubicles open into one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be "one way only" the widths shall be at least 26 feet wide. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot long single unit truck or moving van.

    c. Activity on site other than storage of customer's goods and wares shall be prohibited.

    d. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, boats, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties according to Landscaping, Screening and Buffers Section of this Ordinance.

    e. Mini-warehouse developments shall not be accessible to the general public (excluding on site managers) between the hours of Midnight and 5:00 A.M.

    f. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.

    g. No door openings for a cubicle shall be constructed facing any residential use type.

17. Tower, communication less than or equal to 50 feet in height.

18. Use, accessory

18.1 Vegetative Waste Recycling Facility, as defined and where such facility is not less than 300 feet from any property line of someone other than the operator or owner of the facility. The use of a stump grinder or similar mechanical equipment is prohibited. **(10/24/2006)**

19. Warehousing

20. Wetlands Mitigation Bank, as defined which meets the following requirements:

1. Wetlands mitigation bank permit issued by the County of Charles City which documents:

a. That all adjacent and adjoining landowners and residents within 1000 feet of the proposed wetlands bank have been advised by the applicant of the application, all hearing dates, the process for comment, and protest and any other rights relating to any application to the United States Army Corps of Engineers and/or Virginia Department of Environmental Quality and provided by certified mail copies of any federal or state public hearing announcement for such wetlands bank a minimum of 21 days prior to such hearing.

b. Detrimental offsite effects, and where these effects may be present, those measures to be taken to minimize such effects;

c. That the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties.

d. Consistency with existing land use documents approved by the County Board of Supervisors such as Comprehensive Plan, Land Use Ordinances etc.

2. Install temporary signs at the boundary of the proposed bank identifying potential bank location prior to any Federal or State Public Hearing 21 days prior to that Public Hearing. These signs are to be visible from the public traveled way

3. Copies of all federal, state and local regulatory agencies permits and/or permit applications that are necessary for the development to occur in Charles City County are provided Charles City County.

The Wetlands mitigation bank shall be a minimum of 100 feet from any line of a lot owned by a different individual or entity unless waived in writing by the adjoining property owner or entity. **(8/22/2006)**

11-3 USES WITH SPECIAL USE PERMIT

1. Airport

2. Automobile graveyard

3. Boat yard

4. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

4.1 Dwelling, Accessory (3/27/2012)

5. Junk yard

6. Mining

7. Port

8. Storage yard shall be screened from adjacent parcels.

9. Tower, communications greater than 50 feet in height

10. Truck terminal

11. **Vegetative Waste Recycling Facility,** as defined that uses a stump grinder or other similar mechanical equipment, and includes the incidental sale of firewood. **(10/24/2006)**

11-4 AREA REQUIREMENTS

For permitted uses utilizing individual 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 considered necessary by the Health Official.

11-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet from any public street right-of-way except that lots fronting on a public street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 50 feet.

2. For a corner lot, the front shall be the shortest side of the two sides fronting on streets.

11-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

11-7 YARD REQUIREMENTS

1. When adjacent to any Agricultural, Residential, or Multi-Family Residential District, the side and rear yard regulations shall be the same as for the adjoining district.

2. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential district and (b) for off-street parking of vehicles incidental to the industry, its employees and clients.

11-8 HEIGHT REQUIREMENTS

1. Buildings may be erected up to a height of 50 feet.

2. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are allowed up to 75 feet.

3. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

11-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Light Industrial District shall comply with the Off-Street Parking section of this Ordinance.

11-10 UTILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

11-11 LANDSCAPING REQUIREMENTS

1. Structures and uses within the Light Industrial section shall comply with the Landscape, Screening and Buffer section of this Ordinance.

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

11-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the sign section of this Ordinance.

11-13 ACCESSORY USES AND STRUCTURES

1. Day care

2. Day care center

3. Parks

4. Playgrounds

5. Showroom and outlet sales facilities must occupy less than 25 percent of the total floor area.

6. Accessory buildings located less than 50 feet, but more than 25 feet from any Agricultural, Residential or Multi-Family Residential Districts shall be no more than one story high.

11-14 SPECIAL CONDITIONS

1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Zoning Administrator may refer these plans to the Planning Commission for recommendations. Modifications of the plans may be required.

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

11-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 12 - HEAVY INDUSTRIAL DISTRICT (M-2)

12-1 STATEMENT OF INTENT

Heavy Industrial District (M-2) is intended to provide certain areas within the County for the development of heavy industrial uses that are incompatible with residential uses because of dust, smoke, odor, vibration, noise, traffic and other activities that may create some nuisance. This district should not be allowed to locate in any area adjacent to significant residential development, and should usually be located in a Regional Development Center unless there is not sufficient land to accommodate the proposed development or the development is dependent on natural resources outside a Regional Development Center. Commercial uses that support or are compatible with such industrial uses would be allowed. Some retail sales, with a wholesale facility may be allowed. Through or cross transit to other or different zones would be permitted.

12-2 PERMITTED USES

1. Abattoir

2. Agriculture that meets Performance Standards, Conditions Applicable to Agriculture and Forestry in Certain Zones.

3. Agriculture, Intensive as defined, which meets the following requirements:
   a. Setbacks:
      i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).

      ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.

      iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.

   b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

c. A nutrient management plan approved by the appropriate state and local agencies.

d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.

4. Automobile graveyard

5. Biosolids application per State laws and regulations.

6. Boat landing/ramp

7. Boat yard

8. Business, wholesale

9. Central utility system in conjunction with a right-of-way less than 30 feet in width.

9.2 Commercial Subdivision (8/28/2012)

10. Commuter parking

11. Dwelling, single-family specifically living quarters for a proprietor or manager and family located in the same building or upon the same lot as the place of occupation, or the living quarters for a watchman or custodian of an industrial establishment are allowed.

11.2 Family Subdivision (8/28/2012)

12. Garage, business

13. Governmental activity

14. Home occupation

14.1 Industrial Sales & Service (10/28/2008)

15. Junk yard

16. Landing strip

17. Livestock market

18. Manufacturing, heavy

19. Manufacturing, light

20. Marina

21. Mining

22. Port

23. Sawmill

24. Storage yard

25. Tower, communication less than or equal to 100 feet in height.

26. Truck terminal

27. Use, accessory

27.1 Vegetative Waste Recycling Facility, as defined that uses a stump grinder or other similar mechanical equipment, and includes the incidental sale of firewood. **(10/24/2006)**

28. Warehousing

29. Wetlands Mitigation Bank, as defined which meets the following requirements:

1. Wetlands mitigation bank permit issued by the County of Charles City which documents:

   a. That all adjacent and adjoining landowners and residents within 1000 feet of the proposed wetlands bank have been advised by the applicant of the application, all hearing dates, the process for comment, and protest and any other rights relating to any application to the United States Army Corps of Engineers and/or Virginia Department of Environmental Quality and provided by certified mail copies of any federal or state public hearing announcement for such wetlands bank a minimum of 21 days prior to such hearing.

   b. Detrimental offsite effects, and where these effects may be present, those measures to be taken to minimize such effects;

   c. That the physical improvements associated with the proposed

development are compatible with existing or proposed development of record on adjacent properties.

d. Consistency with existing land use documents approved by the County Board of Supervisors such as Comprehensive Plan, Land Use Ordinances etc.

2. Install temporary signs at the boundary of the proposed bank identifying potential bank location prior to any Federal or State Public Hearing 21 days prior to that Public Hearing. These signs are to be visible from the public traveled way

3. Copies of all federal, state and local regulatory agencies permits and/or permit applications that are necessary for the development to occur in Charles City County are provided Charles City County.

The Wetlands mitigation bank shall be a minimum of 100 feet from any line of a lot owned by a different individual or entity unless waived in writing by the adjoining property owner or entity. **(8/22/2006)**

12-3 USES WITH SPECIAL USE PERMIT

1. Airport

2. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

2.1 Dwelling, Accessory (3/27/2012)

3. Tower, communications greater than 100 feet in height.

12-4 AREA REQUIREMENTS

For permitted uses utilizing individual 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 considered necessary by the Health Official.

12-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet from any public street right-of-way except that lots fronting on a street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 50 feet.

2. For a corner lot, the front shall be the shortest side of the two sides fronting on streets.

12-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

12-7 YARD REQUIREMENTS

For permitted uses the minimum side yard adjoining or adjacent to any zoning district, except Light Industrial, shall be 50 feet. The side yard of corner lots shall be 50 feet.

Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district, and for off-street parking of vehicles incidental to the industry, its employees and clients.

12-8 HEIGHT REQUIREMENTS

1. Buildings may be erected up to a height of 100 feet.

2. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation.

3. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

12-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Light Industrial District shall comply with the Off-Street Parking section of this Ordinance.

12-10 UILITY REQUIREMENTS

Water and sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

12-11 LANDSCAPING REQUIREMENTS

1. Structures and uses within the Heavy Industrial section shall comply with the Landscape, Screening and Buffer section of this Ordinance.

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

12-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Sign section of this Ordinance.

12-13 ACCESSORY USES AND STRUCTURES

1. Day care

2. Day care center

3. Parks

4. Playgrounds

5. Showroom and outlet sales facilities must occupy less than 25 percent of the total floor area.

6. Accessory buildings located less than 50 feet, but more than 25 feet from any Agricultural, Residential or Multi-Family Residential Districts shall be no more than one story high.

12-14 SPECIAL CONDITIONS

1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Zoning Administrator may refer these plans to the Planning Commission for recommendations. Modifications of the plans may be required.

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

3. Automobile graveyards and junkyards: Because of the tendency for such yards to promote the breeding of vermin, no such operation shall be permitted closer than 300 feet from any established residential area. Storage between the street and surrounding property and such fence or wall is expressly prohibited.

12-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 13 - PLANNED DEVELOPMENT-INDUSTRIAL PARK DISTRICT (PD-IP)

13-1 STATEMENT OF INTENT

The Planned Development-Industrial Park District (PD-IP) is established to provide opportunities for light and medium intensity industrial activities, warehousing and distribution centers, and office/research buildings in a comprehensively designed and managed setting. The PD-IP District will enable the clustering of industrial, warehousing and office uses into a park like setting thereby blending in with the rural atmosphere prevalent and desired in the County, and making delivery of services more cost effective. The PD-IP District is designed to:

- ✓ increase the flexibility of design and development;
- ✓ ensure the compatible operation of productive activities and community growth;
- ✓ provide development sites for small, medium and large-sized industrial firms;
- ✓ provide location opportunities for industries with high growth which are likely to be attracted to the County;
- ✓ assist the County by attracting new employment opportunities;
- ✓ expand the fiscal capacity of the County by broadening the tax base;
- ✓ contribute positively to community appearance; and,
- ✓ respect the natural rural environment.

13-2 PERMITTED USES

The PD-IP Zoning District permits uses that carry on processes within completely enclosed buildings. Any structure to be erected or land to be used shall be for one or more of the following uses provide that there are no inherent hazards associated with such uses and further provide that no nuisance may occur from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibrations, glare, flashes or objectionable effluent and electrical interference which may adversely affect or impair the normal use of any other property.

1. Business service facilities

2. Business, wholesale

2.2 Commercial Subdivision (8/28/2012)

2.9 Family Subdivision (8/28/2012)

3. Garage, Business
   a. All work to be within an enclosed facility.

   b. No more than five vehicles stored outside.

c. All vehicles stored outside are to be operable.

4. Governmental activity

4.1 **Industrial Sales & Service**, provided that tall work, other than limited incidental work, must be done within a completely enclosed building, and outside storage is permitted so long as such storage ia screened from view from public roads. **(10/28/2008)**

5. Manufacturing, light

6. Mini-warehouse
   a. All storage buildings shall face the center of the property. All circulation on-site shall be designed to be internal; no aisles shall be placed between a building and a property line unless only one building is proposed on site.

   b. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be "one way only" the widths shall be at least 26 feet wide. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot long single unit truck or moving van.

   c. Activity on site other than storage of customers' goods and wares shall be prohibited.

   d. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, boats, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties according to section 24 of this article.

   e. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of 12:00 p.m. (midnight) and 5:00 a.m.

   f. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.

   g. No door openings for a cubicle shall be constructed facing any residential use type.

7. Professional service facilities

8. Use, accessory

9. Warehousing

13-3 USES WITH SPECIAL USE PERMIT

None

13-4 AREA REQUIREMENTS

There is no minimum area requirement for lots within planned development industrial parks serviced by public utilities.

13-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum 100 feet from any public street right-of-way except that lots fronting on a public street or right-of-way entirely within the subdivision of which the lot is a part, shall be a minimum of 35 feet.

2. The minimum setback shall be as 35 feet.

3. Outside storage of raw materials, work in progress and finished goods shall not be permitted between the building setback and any public vehicular right-of-way. All outside storage areas shall be screened from public view.

13-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

13-7 YARD REQUIREMENTS

1. Side yard: ten feet

2. Total of both side yards: 35 feet

3. Rear yard: 35 feet

4. Side and rear yards adjacent to residential districts: 50 feet

13-8 HEIGHT REQUIREMENTS

1. The maximum height of all buildings excluding chimneys, flues, cooling towers, flagpoles, and communications towers shall be 50 feet.

2. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are allowed up to 75 feet.

3. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

13-9 OFF-STREET PARKING REQUIREMENTS

All parking required for the Planned Development-Industrial Park District shall comply with the Off-Street Parking section of this Ordinance. In addition, the following standards shall apply:

1. Parking shall be provided in accordance with the following standards related to space utilization:
   a. Warehousing: one space per 1,000 square feet of gross floor area

   b. Manufacturing: one space per 500 square feet of gross floor area

   c. Office: one space per 200 square feet of gross floor area

2. Storage and parking areas shall be located 25 feet from property lines adjacent to areas zoned residential.

3. No parking shall be located in the required 35-foot front yard setback.

4. Parking areas shall be located no closer than ten feet to any side or rear property line.

5. The number of required parking spaces constructed can be waived if the applicant can demonstrate to the Zoning Administrator that the Off-Street Parking section requires the installation of more parking spaces than are needed by a specific business or industry. Waivers can only be granted by the Zoning Administrator if a land area on the lot large enough to accommodate the difference in the number of parking spaces installed versus parking spaces required is left vacant. These additional spaces shall be constructed within 45 days of written notice by the Zoning Administrator if, in the Administrator's opinion based upon observed parking demand, they become necessary.

13-10 UTILITY REQUIREMENTS

Water and Sewer: The developer shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities. The Zoning Administrator may require a greater area if considered necessary by health officials.

13-11 LANDSCAPING REQUIREMENTS

1. Structures and uses within the Planned Development Industrial Park section shall

comply with the landscape standards set forth in the Landscape, Screening and Buffer section of this Ordinance.

2. Landscaping information shall be included on the plan. Landscaping should be provided for climate control (for example, shade trees to shield buildings and parked automobiles from the summer sun and evergreens to serve as windbreaks from winter winds), to accent and compliment buildings, at entrances deserving special landscape treatment and as buffers to minimize the effect of any adverse impacts of nuisance on adjacent properties.

3. Screening and buffering plan must be submitted for the approval of the Zoning Administrator prior to the issuance of a building permit.

13-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Sign section of this Ordinance.

13-13 ACCESSORY USES AND STRUCTURES

1. Cafeterias for employees of the permitted use in which it is located.

2. Day care

3. Day care center

4. Dwelling, company

5. Factory outlets and retailing provided the use is clearly incidental to the permitted use and products sold originated at the site.

6. Garages and storage buildings.

7. Outside storage to be screened and no more than 25% of footprint of building is allowed.

8. Parks

9. Playground

10. Radio and/or signal transmission towers less that 75 feet in height above ground level, located in the rear or side yard.

13-14 SPECIAL CONDITIONS

1. Before a building permit shall be issued or construction commenced on any

permitted use in this district, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The Zoning Administrator may refer these plans to the Planning Commission for recommendation.

2. The maximum lot coverage of buildings shall not exceed 60 percent. The maximum lot coverage shall be determined by dividing the gross land area within a lot into the portion of the lot covered by the ground floor of all buildings.

3. An erosion and sediment control plan shall accompany each submission.

4. The Zoning Administrator shall act on any complete permit application reviewed within 20 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 20-day period. Failure on the part of the Zoning Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

5. Lighting information shall be included on the plan. Lighting shall be installed in parking areas and along walkways if nighttime operations are anticipated. Lighting shall be directed downward or upward in order to minimize shining into adjacent windows or onto streets and driveways to avoid interfering with or distracting driver vision.

13-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 14 – LIMITED RESIDENTIAL AGRICULTURAL (A-20) DISTRICT (8/28/2012)

~~AGRICULTURAL - FORESTAL DISTRICT (A-F)~~ Renamed 8/28/2012
~~(Board of Supervisors adopted Section 14 to Zoning Ordinance on 6/26/2007)~~

14-1 STATEMENT OF INTENT

~~This district is established to maintain rural areas outside of designated development centers, to promote farming and forestry operations, and, where appropriate, to promote clustering that allows for farming and forestry operations as a way to maintain rural character.~~

This district is established to maintain rural areas outside of designated development centers and neighborhood service areas, and to promote farming and forestry operations in conjunction with restricted residential uses. (8/28/2012)

These operations are essential to maintaining Charles City County's economy and rural character and are considered necessary and beneficial to the residents of the County. Agricultural and forestal uses are the primary uses in this district. Limited residential development will be allowed provided such development is ancillary to a primary farming or forestry operation and is so designed to be compatible and blend with these uses. Commercial and other limited uses directly related to and compatible with agriculture and forestry operations are also allowed under certain conditions and with appropriate site development criteria. Activities that are resource dependent and associated with such activities such as historic sites and mining are also allowed provided they blend with the rural character of the area. Through or cross transit to other zones are allowed.

14-2 PERMITTED USES

1. Abattoir

2. Agriculture

3. Agriculture, Intensive as defined, which meets the following requirements:
    a. Setbacks:
        i. Swine structures or pens: 500 feet from any existing dwelling not owned by the farmer; any existing commercial establishment; any church, school, public property or public highway; 500 feet from any exterior property line (this 500 feet setback from exterior property lines for swine can be reduced to 250 feet with a signed and recorded waiver by the adjoining property owner).

        ii. Other intensive agriculture will be 500 feet, except that setbacks from exterior property lines will be one-third of those set out above.

iii. Waste applications: 200 feet from any occupied dwelling; 100 feet from any wells or springs utilized for private or public water; and 25 feet (if incorporated) or 100 feet (for surface application) from any public road or exterior property line.

b. A waste disposal plan approved by the appropriate state and local agencies that includes, at a minimum, an anaerobic treatment system (or equivalent) that allows for separate spreading of liquids and solids and which reduces offensive odors to the maximum extent reasonably possible, except that swine operations that are not within a pen or structure would be exempt from this requirement.

c. A nutrient management plan approved by the appropriate state and local agencies.

d. For the purpose of this section, expansion of an operating intensive agriculture facility shall be based upon the dwellings, wells, and commercial establishments, which existed at the time of the original construction of that facility's pens or structures.

4. Biosolids application per State laws and regulations

5. Boat landing/ramp

6. Business, agricultural

7. Business, historic

~~8. Club facility~~ **Delete use. (8/28/2012**

8.10 Dwelling, Accessory (8/28/2012)

9. Dwelling, single-family

10. Dwelling, two-family

10.0 Family Division (8/28/2012)

10.1 Home Based Business (3/27/2012)

11. Home occupation

12. Hunt Club Facility

13. Kennel, (large), dog

14. Kennel (residential), dog

15. Kennel (small), dog

16. Landing strip

16.3 Large Lot Subdivision (8/28/2012)

17. Livestock market

18. Preserve

19. Recreation, general, at which less than 500 people are reasonably expected to attend. Where more than 500 but less than 2000 people are reasonably expected to attend, an entertainment permit is required. See the Entertainment Permit section of this ordinance.

20. Recreation, special, at which less than 51 people are reasonably expected to attend, expect that an entertainment permit is required. See the Entertainment Permit section of this ordinance.

21. Tower, communication less than or equal to 50 feet in height.

22. Use, accessory

14-3 USES WITH SPECIAL USE PERMIT

1. Central utility system in conjunction with a right-of-way greater than or equal to 30 feet in width.

~~1.1 Dwelling, Accessory (3/27/2012)~~ Delete use. (8/28/2012)

1.2 Home Based Business, as defined, occupying more than 30% of the gross lot area or exceeding 20,000 square feet in area, and/or the allowance for five or more vehicles and/or pieces of equipment. (3/27/2012)

2. Kennel, commercial

3. Kennel (large), dog with more than 50 dogs

4. Mining

5. Recreation, general, at which more than 2,000 people are reasonably anticipated.

6. Recreation, special, at which more than 50 people are reasonably expected to

attend.

7. Shooting range, outdoor

8. Tower, communication greater than 50 feet in height

9. Veterinary hospital

14-4 AREA REQUIREMENTS

1. Residential uses: all lots shall be a minimum of twenty acres per dwelling unit.

2. Non-residential uses: no minimum lot size, but all setbacks, as set forth below must be met.

14-5 SETBACK REQUIREMENTS

1. Buildings shall be located a minimum of 100 feet, from any public street right-of-way. For lots without frontage on a public street, buildings shall be located a minimum of 100 feet from the "front" property line. The front is often the first property line touched by the street or drive coming from a public street, but may be another property line if the shape or geography of the lot would make that other line a more appropriate front.

2. Agricultural stands: The front setback for temporary agricultural stands shall be 25 feet.

3. For a corner lot, the front shall be deemed to be the shortest side of the two sides fronting on streets.

14-6 WIDTH REQUIREMENTS

The minimum width for permitted uses is that width which is sufficient to meet all setback requirements.

14-7 YARD REQUIREMENTS

1. Side: The minimum side setback for each main structure shall be 25 feet.

2. Rear: All areas in the rear of the lot, based on the front setback being the front, not less than 50 feet from the rear lot line.

14-8 HEIGHT REQUIREMENTS

Buildings may be erected up to 45 feet in height except that:

1. Barn or silo used for agricultural purposes may be erected to a height of 100 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 45 feet.

2. Cupolas, monuments, water towers, chimneys, flue, flagpoles, television antennae, grain elevators and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

14-9 OFF-STREET PARKING REQUIREMENTS

All parking required for Agricultural-Forestry District shall comply with the Off-Street Parking section of this Ordinance.

14-10 UTILITY REQUIREMENTS

Water and sewer: The owner shall receive the approval of the Department of Health relative to the provision of a potable water supply and adequate sewage disposal facilities.

14-11 LANDSCAPING REQUIREMENTS

Structures and uses within the Agricultural-Forestry District shall comply with the Landscape, Screening and Buffer section of this Ordinance, except for agricultural and forestry structures.

14-12 SIGNAGE REQUIREMENTS

All signage permitted in this section must comply with the Signs section of this Ordinance.

14-13 ACCESSORY USES AND STRUCTURES

1. No accessory building may be located closer than ten feet to any side or rear property line.

2. Any accessory building taller that the principle building must meet all the setback requirements of the principal building.

14-14 SPECIAL CONDITIONS

None.

14-15 ENVIRONMENTAL AND SITE PLAN REQUIREMENTS

All uses and structures shall comply with all other Environmental and Site Plan Ordinances and regulations.

SECTION 15 – RESERVED

DIVISION III:

STANDARDS APPLYING TO ALL USES

SECTION 16 - SIGNS (Section 16 amended 3/27/2012)

No sign shall be erected, and no existing sign may be painted, repainted, rehung, replaced or maintained, except as follows:

16-1 PERMITTED SIGNS

1. As many business, advertising, location, subdivision or home signs as needed, other than home occupation signs, may be erected upon a premise, provided the total area of the signs does not exceed 100 square feet and no one sign exceeds 50 square feet in area. No sign shall be over 25 feet in height.

2. Any home occupation is allowed one home occupation sign, with an area of eight square feet or less, directing attention to a product, commodity or service available on the property occupied by the person offering such product, commodity or service.

3. A person may erect five offsite directional signs. No such sign shall be over six square feet in area and eight feet in height.

4. ~~Temporary signs applying to a seasonal or other brief activity such as, but not limited to, real estate transaction, summer camps, political, or auctions with an area of six square feet or less may be erected provided these temporary signs are removed immediately upon completion of the event.~~ **(3/27/2012)**

4. **As many temporary signs announcing a campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization, auction, or political nature may be erected on the premise where such campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization, auction, or political nature is to take place provided the total area of the signs does not exceed 100 square feet and no one sign exceeds 50 square feet in area. All such signs must be erected no more than 60 days prior to the campaign, drive, or event and shall be removed within seven days after completion of the campaign, drive or event. (3/27/2012)**

5. **Temporary signs erected off premises announcing a campaign, drive, or event of a civic, philanthropic, educational, historical, religious organization auction, or political nature shall not exceed thirty two square feet in area. All such signs must be erected no more than 60 days prior to the campaign, drive, or event and shall be removed within seven days after completion of the campaign, drive or event. (3/27/2012)**

6. **Real estate sign(s) advertising any single family detached, attached or multiple family dwelling unit shall not exceed a total of six square**

feet. All such signs shall be removed within seven days after completion of the activity. (3/27/2012)

7. Any real estate signs advertising any commercial or industrial property, may be erected on the premises of any residential or agricultural property containing a minimum of ten (10) acres shall not exceed a total area of thirty-two square feet. All such signs shall be removed within seven days after completion of the sale. (3/27/2012)

8. Historical markers and signs for Charles City County historical shrines not over 20 square feet in area.

9. "No hunting", "No fishing" and "No trespassing" signs, not over six square feet in area, and conservation and fire protection signs are exempt from this ordinance. Such signs may be located on trees or, with the permission of the owner, utility poles.

10. Advertising signs on a vehicle are exempt. This is not to be interpreted as allowing vehicles to be parked for display purposes in a district where such signs are not allowed.

11. Signs attached to machinery or equipment, which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that such signs refer exclusively to products or services offered on the premises.

12. On-premises signs which are not legible from a public right-of-way.

13. Business signs attached to or a part of any structure whose primary purpose is other than displaying a sign, such as buildings and gas canopies, provided that the sign will not extend past the structure itself.

16-2 SIGN GEOMETRY

1. Sign area shall be measured within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless such supports or uprights are designed as an integral part of the display for the purpose of illustration or attraction. **If the sign is located on a decorative fence or wall, the fence or wall shall not be included in the sign area. (3/27/2012)**

2. Where a sign consists of two parallel faces which are back to back and located not more than 24 inches from each other, only one side of such sign shall be used in computing the area; otherwise the area of the sign shall be the sum of the areas of all the sign faces. The area of a cylindrical sign shall be computed by

multiplying one-half the circumference by the height of the sign.

3. The height of signs shall be the vertical distance measured from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principle entrance to the principle structure on the lot, whichever is lower.

16-3 SIGN STANDARDS

1. 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.

2. No sign may be installed which by reason of position, shape or color or illumination may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device, or which creates a traffic hazard by the obstruction of view at an intersection.

3. No sign, whether permanent or temporary, shall be attached to trees, utility poles or other supporting structures, unless specifically authorized by the owner.

4. All signs shall be maintained in good condition and appearance and shall be removed from the premises when they can no longer be repaired.

5. A sign, including its supporting structure or brackets, shall be removed by the owner or lessee of the premises upon which the sign is located when the entity which it advertises is no longer on the premises or in operation. Such sign, if not removed within 180 days from the termination of occupancy by such business shall be considered to be in violation of this chapter, and the Zoning Administrator may cause the abandoned sign to be removed at the owner's expense.

6. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas.

7. Flashing or oscillating lights or lighting will not be allowed, except for temporary events while the event is in process.

SECTION 17 - LANDSCAPING, SCREENING AND BUFFERS

17-1 GENERALLY

1. A landscaping plan shall be submitted for review and approval for development or redevelopment activities. Such activities could include the expansion of a structure or use; the creation of new parking areas; or the enlargement of existing parking areas by more than four additional parking spaces.

2. A screening plan shall be submitted for review and approval for development and redevelopment activities within business, residential and industrial districts. This plan will be designed to screen the uses of the most intensive use district from the adjoining least intensive use district and public streets.

17-2 EXCEPTIONS

1. Individually developed single-family residences. (A landscaping plan is required for the development of a residential subdivision.)

2. Additions to or accessory buildings of single-family residences;

3. Any construction necessitated by the destruction by fire, calamity, storm or other accidental means of less than 50 percent of pre-existing improvements;

4. Interior and facade improvements made to a structure not requiring any exterior enlargement thereof

17-3 MINIMUM LANDSCAPING STANDARDS

Landscaping shall consist of at least a five feet wide landscaped area, along the street right-of-way, in business and residential districts and at least a ten feet wide landscaped area, along the street right-of-way, in the industrial districts. These areas are exclusive of the area required for sidewalks, utility easements, rights-of-way, or parking.

17-4 MINIMUM SCREENING STANDARDS

1. Screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination, to the reasonable satisfaction of the agent.

2. Where only vegetative screening is provided, the screening strip shall not be less than five feet wide in the business and ten feet wide in the industrial districts. Vegetative screening may consist of a double staggered row of evergreen trees planted 15 feet on center, or a double staggered row of evergreen shrubs planted ten feet on center. The agent may approve alternate methods of vegetative screening. Where a fence or a wall is provided, it shall be a minimum of six feet

in height and plantings shall be required at intervals along the fence or wall.

3. Public utilities and signs requiring natural air, circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storage of any materials.

17-5 WAIVERS

In lieu of planting new materials, existing trees and vegetation may satisfy landscaping and screening requirements, subject to the Administrator's approval. Upon review of the site and/or site plan, the Administrator may reduce or suspend any of the requirements of this section, if the site presents special circumstances whereby the strict compliance of this Ordinance will produce an undue hardship or if the spirit of the Ordinance has been met and deviation has been deemed to be in the best interest of the County.

17-6 APPROVAL PERIOD AND REVISIONS

1. All landscaping shall be planted and maintained according to established planting and maintenance procedures using good quality plant materials. The required plant materials may be chosen from a recommended species list provided by the Administrator. Plant materials not listed may be substituted for suggested plant material if the agent expressly approves such substitution.

2. Approval of landscaping and screening plan under the provisions of this article is valid for a period of one year; however, if said plan is part of approved site plan in accordance with the Zoning Ordinance or an approved subdivision plan, then approval is extended for same period as the site or subdivision plan.

3. Requested changes or revisions to approved landscaping and screening plans may be authorized in writing by the agent as long as said revisions do not, in the agent's opinion, substantially effect terms of the original approval. Otherwise, the agent may require a new plan be prepared and submitted for review in accordance with the provisions of this article.

4. All landscaping and screening required by this article shall be installed at the cost of the developer or property owner. The owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat appearance and shall be kept free from refuse and debris.

5. All landscaping and screening features shown on the approved plan must be adequately maintained and kept in effect in order for approved plan to remain valid and not become a violation of the Zoning Ordinance.

17-7 PLANS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT

No building permit shall be issued by Charles City County until the applicant provides to the Building Official an approved plans required by this Section.

17-8 OCCUPANCY PERMIT

A permanent certificate of occupancy for such development will not be issued until the landscaping and/or screening required has been completed. A temporary occupancy permit may be issued with respect to the development, if, in the opinion of the Administrator, landscaping and/or screening has been delayed for reasons beyond the control of the developer, such as weather and other causes.

SECTION 18 - OFF-STREET PARKING

18-1 INTENT

There shall be provided at the time of erection of any main building or at the time any building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles.

18-2 GENERAL REQUIREMENTS

1. Parking space(s) shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as 400 feet.

2. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that all of the requirements of this section are met and a written agreement is filed with the permit application that will require installation of the full number of spaces if required by the Administrator.

3. The number of required parking spaces constructed can be waived by the Administrator if the applicant can demonstrate that the parking requirements of Table 18-A require the installation of more parking spaces than are needed by a specific business or industry and these additional spaces shall be constructed within 45 days of written notice by the Administrator if, in his opinion based upon observed parking demand they become necessary.

4. The number of parking spaces reserved for the disabled shall comply with the federal regulations promulgated pursuant to the Americans with Disabilities Act and with the Virginia Uniform Statewide Building Code.

18-3 DESIGN STANDARDS

1. A plan showing off-street parking shall be submitted and approved by the Administrator before a permit is issued for the construction or use of the building, structure or facility being considered. This plan shall show the location and shall accurately designate the number of required spaces, their size, access aisles, driveways, landscaping required, and their relation to the plan.

2. Each parking space shall be directly accessible from the street or an alley or from an aisle or driveway leading to a street or alley. Access aisles and driveways shall be of sufficient size to permit convenient ingress and egress. Each space shall be accessible without driving over or through any other parking space. No parking space or loading space shall be located in such manner as to block entry or exit to a building, and in this respect a clearance

shall be provided adjacent to an entrance or exit door equal to the width of the door or three feet, whichever is the greater.

3. Each parking space shall be a minimum of 180 square feet, with minimum dimensions of nine feet by 20 feet.

4. When the calculation of the minimum number of required parking spaces results in something other than a whole number, the minimum required number of parking spaces shall be rounded off to the closest whole number.

5. Parking areas for commercial multi-family or industrial uses shall be stabilized with gravel, stone, asphalt, or concrete. Parking areas shall be appropriate graded where needed as determined by the Administrator.

6. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises if reasonably possible.

7. Off-street parking area shall be set back a minimum of five feet from all rear, side and front property lines.

18-4 OFF-STREET LOADING REQUIREMENTS

Off street loading spaces commercial and industrial uses shall be provided, based on frequency of deliveries, types of delivery vehicles, nature of the business, product delivered, or other factors relating to the use of the property, as determined by the Administrator.

TABLE 18-A MINIMUM PARKING REQUIREMENTS

Day Care Centers, Family Day Homes, Group Homes	One space for each full-time employee and one per vehicle maintained on the site; plus an off-street drop-off/pick-up area sized to accommodate the demands of the projected enrollment and located so that clients do not have to cross traffic areas and conflicts with traffic flow in adjacent streets are avoided.
Hospitals	One space per every two beds, plus one per vehicle maintained on the premises.
Dwelling, Single-family or Multi-Family	One and one-half spaces per dwelling unit containing less than two bedrooms, two spaces per each dwelling unit containing two or more bedrooms.
Hotel/Motel, Inn, Boarding House	One space for each sleeping room, plus one for each 400 square foot of public meeting area and restaurant space.
Manufacturing, Business and Office Uses	Four spaces for 1000 square foot of gross floor area used as office/sales area plus, one space per 1000 square foot or gross floor area used for storage plus, one space per 500 square foot of gross floor area used for manufacturing plus, one space per vehicle maintained on the premises.
Lounge, Restaurant	One space per every 50 square foot of floor area for public use or one space per every four seats, whichever is the greater.
Garage (public)	Three spaces per each service bay plus, one space per each employee plus, one space per vehicle maintained on the premises.
Abattoir, Automobile Graveyard, Junkyard	One space per employee on the largest shift plus, one space per vehicle maintained on the premises.
High School	One space per employee on the maximum shift plus, one space per five students at capacity plus, off-street drop-off/pick-up area.
Elementary and Middle School	Two and one-half spaces per classroom; one per 50 students at capacity plus, off street drop-off/pick-up area.
Off-street Drop-off/Pick-up Area	Sized to accommodate the demands of the projected enrollment and located so that students do not have to cross traffic areas and conflicts with traffic flow in adjacent streets are avoided.
Golf Course, Club Facility	Four spaces per hole.
Hunt Club Facility	One space per three members.
Shooting Range (private), Retreat Center, Theme Park, Zoo	One space per employee on the largest shift plus, one space per vehicle maintained on the premises plus, sufficient spaces to accommodate the largest number of vehicles that may be expected at any one time.
Veterinary Hospital	Two spaces per treatment room, but in no case less than five spaces.
Kennels, Commercial, Large Dog, Small Dog	One space per 500 square foot of floor area, including runs and boarding areas.

SECTION 19 - ENTERTAINMENT PERMIT

19-1 ENTERTAINMENT PERMIT

Recreational uses, which require an entertainment permit, other than school or government functions or other specifically allowed or permitted uses, will not be allowed until an entertainment permit has been issued by the Development Department under the following terms and conditions:

1. Application will be made to the Zoning Administrator on forms provided for that purpose no later than 30 days before such event.

2. The application will reasonably provide for the following areas:
   a. Insurance to cover any personal injury or property damage arising from said event;

   b. Crowd, parking and traffic control;

   c. Sanitation and trash;

   d. Rescue and Fire protection; and

   e. Permits from the Virginia Department of Health.

3. The Zoning Administrator may condition the permit in question with such further requirements as may be deemed necessary to protect the safety, health and welfare of the citizens of Charles City County and those people who may become involved in the permitted event.

4. Entertainment permits shall be issued for the period January 1st to December 31st of the same calendar year, except that when the application is filed after January 1st, the permit shall be effective from the date issued until December 31st of that same year.

SECTION 20 - PERFORMANCE STANDARDS

20-1 GENERAL

Uses allowed by this ordinance shall be in conformance with the following miscellaneous performance standards. Should there be a conflict between these standards and specific zoning district standards, the zoning district standards apply.

1. Air Quality: All uses, which cause or tend to cause the release of airborne pollutants, are to be in compliance with the appropriate Federal and State rules and regulations.

2. Drainage, Grading and Erosion Control: Properties and waterways downstream from new development or redevelopment sites shall be protected from sediment deposition, erosion and damage due to increases in volume, velocity and peak flow rate of stormwater runoff. This is to be accomplished in accordance with the standards of the Charles City County Erosion and Sediment Control Ordinance and Commonwealth of Virginia rules and regulations as incorporated by reference.

3. Conditions Applicable to Agriculture and Forestry in Certain Zones:
   1. Any agriculture use, exclusive of forestry, in the Residential, Multi-Family Residential, General Business, Neighborhood Business, and Tourist Business Zoning Districts, nonconforming or otherwise, shall:

      a. Utilize best management practices whenever possible.

      b. Maintain a five-foot wide grass strip on-site along all rights of ways and streams to slow down runoff waters and filter out sediment.

   2. Any forestal use in the Residential, Multi-Family Residential, General Business, Neighborhood Business, Tourist Business, Light Industrial and Heavy Industrial Zoning Districts, whether nonconforming or otherwise, in order to maintain a rural environment in those areas of the county designated for residential and commercial development, shall not commence commercial timbering of lands zoned Residential, Multi-Family Residential, General Business, Neighborhood Business, Tourist Business, Light Industrial and Heavy Industrial until a plan for development (subdivision or site or reforestation plan) has been approved by the Planning Commission or the Zoning Administrator, as the case may be. Utilize best management practices whenever possible. Any plan for reforestation shall require a posting of a bond in an amount sufficient to reforest the area based on current per acre estimate or reforestation by the State Department of Forestry.

4. Exterior Lighting and Glare: All exterior lighting shall be shielded or directed away from any adjacent use or lot or any adjacent public street so as to eliminate glare from that light source onto those adjacent uses, lot and/or public streets.

5. Land Disturbance: Any land disturbing activity (including construction of all single family houses, septic tanks and drainfields, or otherwise as required in §10.1-560 of the Code of Virginia, as amended) shall comply with the applicable erosion and sediment control requirements of Charles City County.

6. Natural Heritage: Uses shall not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance as determined by the Commonwealth of Virginia Department of Historic Resources.

7. Noise: All uses are subject to the requirements of Unnecessary and Excessive Noises section of the Charles City County Code, as amended.

8. Discharges and Disposal: The appropriate Federal and State regulations governing the discharge of liquid or the disposal of solid matter shall be complied with.

SECTION 21 - WIDENING OF HIGHWAYS AND STREETS

21-1 ADDITIONAL SETBACK REQUIREMENT

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

SECTION 22 - TELECOMMUNICATION FACILITIES

22-1 Purpose

The purpose of this section is to provide an opportunity for the citizens of Charles City County to access affordable and reliable broadband and telecommunications services and to create a set of standards to permit various types of telecommunications structures without these structures having potential adverse impacts on the County's rural character and environmentally sensitive areas.

It is intended that Charles City County shall apply these regulations to accomplish the following:

1. Minimize adverse visual effects of telecommunications towers, antennas and facilities through design and siting standards.

2. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Charles City County law enforcement, fire and emergency response work.

3. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of Charles City County citizens.

4. Protect environmentally sensitive areas of Charles City County by regulating the location, design, and operation of telecommunications towers, antennas and facilities.

5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunications towers and construction of towers with the ability to locate multiple providers.

22-2 Definitions

Alternative support structure: Structures including but not limited to clock towers, steeples, silos, water towers, fire towers, free-standing chimneys, utility poles and towers, buildings or similar structures that may support telecommunications antennas or similar devices.

Antenna: Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals when such system is either external to or attached to the exterior of a structure.

Antenna array: One (1) or more antennas, which may include an omni-directional antenna (whip), a directional antenna (panel or sector), or a parabolic antenna (dish), mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless service.

Co-location: A telecommunications facility comprised of a single telecommunications tower or structure supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

Data pole: An existing, replacement, or erected electrical transmission or distribution pole, telephone pole, street light, or other similar structure with an attached antenna.
Modification: An unsubstantial change of an existing telecommunications tower, data pole, or an alternative support structure to improve its integrity, functionality, or aesthetic appearance.

Monopole structure: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to accommodate one or more antennas.

Spectrum Act: Middle Class Tax Relief and Job Creation Act of 2012.

Telecommunications facility: A facility, site, or location that consists of one or more antennas, telecommunication towers, data poles, or other similar communication devices and support equipment and infrastructure, including alternative support structures, which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under Section 22-3(3).

Telecommunications facility structure: A telecommunications tower or alternative support structure upon which telecommunications antenna(s) may be mounted.

Telecommunications tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guyed towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude data poles, alternative support structures, and those structures exempted under Section 22-3(3). A "Tower, Communication", as listed and defined in Section 3-1, shall also be considered a "Telecommunications tower" as defined herein.

22-3 General Regulations

The following regulations apply to all telecommunications facility structures and are in addition to the regulations contained elsewhere in this Ordinance.

1. *Zoning compliance review approval required.* No telecommunications facility structure, unless herein exempted, shall be erected, constructed, altered, or relocated except as provided in this article and in these regulations, until a Zoning Compliance

Review has been completed and approved by the Charles City County Planning Department. All telecommunications facilities and structures, which transmit, distribute or relay electronic signals shall apply for a separate electrical permit to be approved and issued by the Building Official.

Prior to a zoning compliance review for the erection of a telecommunications facility structure, scaled drawings and specifications shall be submitted to the Building Official's office showing the location, dimensions, height, type of materials and the details of construction/erection of the structure including anchorage.

When seeking zoning compliance review approval of a telecommunications facility, the applicant shall furnish written documentation that:

(a) The proposed facility/structure is reasonably necessary to serve an area with no or less than optimal service.

(b) The location of the facility/structure in relation to existing structures, trees and other buffers shall minimize, to the greatest extent practicable, any impact on affected residentially zoned and/or historically significant properties.

(c) Any other factors that the Planning Director may consider as relevant to the County's consideration of a structure/facility siting pursuant to the Spectrum Act.

2. *Telecommunications facility prohibited*. Telecommunications facility shall not be permitted in the following areas:

(a) Within two-hundred (200) feet of any state or federal designated scenic highway or by-way, unless a special use permit is approved by the Board of Supervisors;

(b) Within a historic district as defined by the Virginia Department of Historic Resources, unless a special use permit is approved by the Board of Supervisors;

(c) Tidal and non-tidal wetlands; and,

(d) The Resource Protection Area of the Chesapeake Bay Preservation Act, unless a Water Quality Impact Assessment and Plan of Development is approved by the Planning Director in accordance with the *Combined Water Protection Ordinance of Charles City County*.

3. *Exempt facilities/structures*. The following telecommunications facility structures are exempted from review under this Section.

(a) Personal television antennas, radio antennas, satellite dishes, receive only antennas and amateur radio facilities.

(b) Mobile services providing public information coverage of news events or of a temporary or emergency nature.

4. *Determining structure height.* The structure height shall be measured as the vertical distance from the normal grade at the base of the structure to the highest point of the structure.

(a) The maximum height of a permitted data pole, including the antenna, shall not exceed 120 feet in height from grade;

(b) The maximum height of an alternative support structure shall be governed by the height requirements of the underlying zoning district, however, attached antenna arrays shall not extend more than twenty (20) feet in height beyond the alternative support structure; and,

(c) The maximum height of a telecommunications tower shall be established through approval of a special use permit by the Board of Supervisors.

5. *Setback and Yard Regulations*.

(a) Telecommunications towers and data poles shall be set back from all unassociated structures (electrical or other utility poles or towers are not an unassociated structure) and from all property lines at a distance that is not less than one hundred (100) percent of the height of the tower or support structure. In cases involving multiple lots under common ownership, the Planning Director or Board of Supervisors may approve smaller setbacks provided that the structure shall be set back from exterior lot lines at a distance of one hundred (100) percent of the height of the tower or support structure. In cases where the underlying zoning district's setback and yard regulations are more stringent, the zoning district's setback applies. Side and rear yard setbacks for telecommunications towers and data poles shall be able to be reduced in size if agreed to and waived in writing by the encroached upon adjoining property owner(s).

(b) A telecommunication facility (excluding the telecommunications tower and data pole) shall meet the setback and yard regulations of the underlying zoning district.

(c) Alternative support structures, if existing, shall have no required setback as long as the attached antenna does not extend more than ten (10) feet in height from the existing alternative support structure. If an attached antenna adds extends more than ten (10) feet in height, then the setbacks shall be that of a telecommunications tower, as given in Section 22-3(5)(a). New alternative support structures shall meet the setback and yard regulations of the underlying zoning district as long as the attached antenna does not extend more than ten (10) feet in height from the alternative support structure. If an attached antenna adds extends more than ten (10) feet in height, then the setbacks shall be that of a telecommunications tower, as given in Section 22-3(5)(a).

6. *Colocation*. Consistent with the County's policy supporting co-location, and provided that there is sufficient space for such antenna arrays above tree height, telecommunication towers, excluding data poles, one hundred twenty (120) feet and one hundred fifty (150) feet in height shall be engineered and constructed to accommodate no less than three (3) wireless communication antenna arrays. All telecommunication towers taller than one hundred fifty (150) feet in height shall be engineered and constructed to accommodate no fewer than five (5) wireless communication antenna arrays.

7. *Telecommunications facility modification and/or replacement.* In accordance with the Spectrum Act, the County shall approve any eligible facility request for a modification and/or replacement of an existing telecommunications facility that does not substantially change the physical dimensions of such facility. An eligible facility request shall be: The co-location of new transmission equipment; removal of transmission equipment and replacement of transmission equipment.

The County shall administratively approve the following telecommunications facility modification and replacement requests:

(a) The modification and/or replacement of telecommunications towers, data poles, and/or alternative support structures where the height of the telecommunications facility is not increased by more than twenty (20) feet in its permitted location;

(b) The modification and/or replacement of an antenna array where the height of the telecommunications facility, including the antenna array, is not increased by more than twenty (20) feet in its permitted location;

(c) The installation of the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one (1) equipment shelter;

(d) The addition of an appurtenance to the body of the telecommunications tower that would protrude from the edge of the tower less than twenty (20) feet or less than the width of the tower structure at the level of the appurtenance, whichever is greater, except that neither would apply where the applicant demonstrates that a greater increase in width is necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; and,

(e) All excavation occurring within the current telecommunications facility site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements current related to the site.

8. *Approval process*. Telecommunication facilities and associated infrastructure shall be permitted and approved in accordance to the rules and procedures of their underlying zoning district.

(a) The County shall act on existing eligible facility requests for modification and/or replacement within sixty (60) days of receipt of a complete application; and,

(b) The County shall act on all other applications within one hundred fifty (150) days of receipt of a complete application.

If the County notifies the applicant that the application is incomplete within thirty (30) days of receipt of the application, the time required to submit additional documentation necessary for a complete application shall not be included in the calculation of applicable timeframes. These timeframes may be extended by mutual consent of the applicant and the County. Any decision denying an application shall be in writing and shall be supported by substantial evidence contained in the written record. Decisions on all applications shall be consistent with the requirements of the Spectrum Act.

9. *Removal of structures*. The Planning Director may order the removal of any telecommunications structure/facility when use of the facility has been discontinued or the facility has not been used for it permitted purpose for twelve (12) consecutive months. Mere intent to continue use of the facility shall not constitute use. The applicant/owner shall demonstrate through facility lease(s) or other similar instruments that the use will be continued without a lapse of more than twelve (12) consecutive months to constitute actual use. If the applicant/owner cannot demonstrate actual use of the facility, it shall be considered abandoned and shall be removed. Nothing in this section prevents the removal of the facility prior to expiration of the twelve (12) month period.

10. *Structural requirements*. All facilities/structures shall meet the structural requirements for same as set forth in the Uniform State-wide Building Code.
Telecommunication Facilities Ordinance Adopted 10/27/2015

SECTION 23 - RESERVED

DIVISION IV:

ADMINISTRATION AND ENFORCEMENT

SECTION 24 – NONCONFORMING LOTS AND USES

24-1 GENERALLY

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

2. 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.

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

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

5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of this Ordinance are excluded.

6. Nonconforming single-family residential/activities structures (if habitation has not been discontinued for a period exceeding two years) located within commercial and industrial zoning.

24-2 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on a repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the structure provide that the cubic content of the structure as it existed at the time of passage or amendment of this Ordinance shall not be increased. If more repairs are done on any such building in excess of the amount allowed herein, then such nonconforming use status shall lapse (for both structure and activity) and all rezoning and/or variances as would have been necessary if there had been no nonconforming use must be obtained prior

to further use of the building. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

24-3 CHANGES OF DISTRICT BOUNDARIES

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

24-4 EXPANSION OR ENLARGEMENT

1. A nonconforming structure to be extended or enlarged shall conform to the provisions of this Ordinance.

2. A nonconforming use or activity may be extended throughout any part of a structure that was arranged or designed for such activity at the time of enactment of this Ordinance.

24-5 NONCONFORMING LOTS

Any lot of record at the time of the adoption or amendment of this Ordinance which is less in area or width than the minimum required by this Ordinance may be used for any use permitted within the district provided all setbacks are met. If all setbacks cannot be met, an appeal can be made to the Board of Zoning Appeals or the Zoning Administrator for a variance as set forth in the Provisions for Appeal section of the Ordinance.

24-5.1 NONCONFORMING DWELLING UNITS

Any dwelling unit existing at the time of the adoption or amendment of this ordinance which complies with the permitted number of dwelling limits on a single lot may be improved, repaired, or maintained as if it was the only dwelling unit on that lot, provided all setbacks are met. If all setbacks cannot be met, an appeal can be made to the Board of Zoning Appeals or the Zoning Administrator for a variance as set forth in the Provisions for Appeals section of the ordinance. (3/27/2012)

24-6 RESTORATION OR REPLACEMENT OF AN EXISTING STRUCTURE

1. If a nonconforming building or structure is destroyed or damaged in any manner such that the estimated cost of restoration to its condition before the occurrence shall exceed fifty percent of the appraised value according to the records of the County Assessor's Office, it shall be restored only if such use complies with the requirements of this Ordinance.

2. Where a conforming structure devoted to a nonconforming activity is damaged less than 50 percent of the estimated cost of restoration, such building or structure may be restored, reconstructed and used as before provided that any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

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

SECTION 25 - CERTIFICATE OF OCCUPANCY

25-1 DESCRIPTION AND APPLICATION

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after the administrator has issued a certificate of occupancy. Such a permit shall state that the building or the proposed use, or the use of land, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed to the provisions of this Ordinance.

No person shall use or permit the use of any structure, premises, land or part thereof hereafter created, erected, changed, converted, enlarged or moved wholly or in part, in use or structure, until a certificate of occupancy has been issued by the Zoning Administrator. Such a permit shall state that the building or the proposed use, or the use of land, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed to the provisions of this Ordinance.

SECTION 26 - SPECIAL USE PERMITS

26-1 PURPOSE AND INTENT

The purpose of this section is to recognize certain uses, which by their nature, can have an undue impact upon or be incompatible with other uses of land within a given zoning district. Such uses may be allowed to locate within designated districts under certain controls, limitations and regulations. These permits shall be subject to such conditions, as the governing body deems necessary to carry out the intent of this ordinance and shall be known as special use permits.

26-2 APPLICATIONS FOR SPECIAL USE PERMITS

A landowner, his agent, or his lessee or prospective occupant, may apply to the Board of Supervisors for a permit that will enable him to carry on certain activities specified in these ordinances as long as he does not violate any specific terms established in that permit by the Board of Supervisors.

The application shall be accompanied by a plan showing the actual dimensions and shape of the lot, the size~~s~~ and location~~s~~ on the lot of existing buildings, if any, the general location of proposed buildings, if any, and the existing and proposed uses of structures and open areas, and by such additional information relating to topography, access, and surrounding land uses as the Zoning Administrator may reasonably request.

26-3 REVIEW OF SPECIAL USE PERMIT

Special use permits shall be reviewed as a zoning amendment as outlined in the Amendments section of this Ordinance. In considering an application for a special use permit, the Planning Commission and Board of Supervisors shall give due regard to the Comprehensive Land Use Plan, the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed special use.

No special use permit shall be issued except after proper notice and hearing and upon a finding by the Board of Supervisors that the proposed use conforms to the requirements set forth in this ordinance and that the proposed special use, together with the conditions attached, will be appropriate for the neighborhood in which it is to be located, both in terms of existing land uses and conditions, and in terms of proposed land uses and uses permitted by right in the area.

Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; screening and buffering; signs; yards and other open spaces; height, bulk and location of structures; location of proposed open space uses; hours and manner of operation; and noise, light, dust, odor, fumes and vibrations. If the Board of Supervisors finds that the proposed use is appropriate, even though it may be likely to have an adverse affect, it shall impose such special requirements or

conditions, as it deems necessary to lessen the impact of such adverse effects.

26-4 REVOCATION OF SPECIAL USE PERMIT

The Board may revoke this permit if the landowner, his agent or lessee, allows the violation of its terms. Such revocation shall not occur however until:

1. The owner of the property is given 14-day notice of a hearing on this matter before the Board of Supervisors; and,

2. A hearing is held, and a majority of the Board of Supervisors vote for revocation.

The Board, at its discretion, may choose to allow the landowner additional time to correct any violations.

26-5 TIME LIMITS ON SPECIAL USE PERMITS

The Board of Supervisors may determine that a time limit is appropriate for a special use permit. All special use permits that are subject to time limitations shall specify the duration of the permit and the manner in which the permit may be extended. Where there is no provision for a specific manner of extension, there must be an application for extension prior to the end of the time limit, a review of the application by the Planning Commission and a public hearing by the Board of Supervisors and the Planning Commission on the extension. In the event an extension is granted, the Board may place new or different conditions on the use, as it deems appropriate to conform to the requirements of this Ordinance.

26-6 EXCEPTIONS

No exceptions**.**

26-7 HEARING REQUIREMENTS

1. Notice: The proposed permit need not be advertised in full but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the County where copies of the application for the proposed permit may be examined. The Board shall not issue any such permit until a notice of a public hearing to consider the issuance thereof has been published once a week for two consecutive weeks in some newspaper having general circulation in this jurisdiction.

2. Hearing: Such notice shall specify the time and place of hearing at which persons affected or interested may appear and present their views; the hearing shall be not less than six days nor more than 21 days after the second advertisement shall appear in such newspaper.

No Special Use Permit shall be granted without suitable regulations and safeguards

SECTION 27 - CONDITIONAL ZONING

27-1 PURPOSE OF DIVISION

It is the general policy of the County in accordance with the laws of the Commonwealth of Virginia to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize the effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this section are not to be used for the purpose of discrimination in housing.

27-2 PROFFER OF CONDITIONS

Any owner of property making application for a change in zoning or amendment to the Zoning Map may, as part of the application, voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the governing body (including joint public hearings of the Planning Commission and the Boards of Supervisors) and shall be subject to the following limitations:

1. The rezoning itself must give rise to the need for the conditions;

2. The conditions shall have a reasonable relation to the rezoning;

3. All such conditions shall be in conformity with the Charles City County Comprehensive Plan;

4. The limitations set out in §15.2-2297(A) of the Code of Virginia, as amended.

27-3 EFFECT OF CONDITIONS

Upon the approval of any such rezoning all conditions proffered and accepted by the governing body shall be deemed part thereof and non-severable there from and shall remain in force until amended or varied by the Board of Supervisors in accordance with §15.2-2298 of the Code of Virginia, as amended. The conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

In the event proffered conditions include the dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the County's capital improvement program, provided that nothing herein shall prevent the County from accepting proffered conditions which are not normally included in the capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, it shall provide for the disposition of such proffer in the event that it is not used for the purpose for which it was originally proffered.

27-4 SUBMITTAL REQUIREMENTS

Each application for rezoning that proposes conditions to be applied shall be accompanied by the following items beyond those required by conventional rezoning requests.

1. A statement explaining the relationship of the development to the Comprehensive Plan.

2. A statement for presentation setting forth a maximum number of dwelling units or lots proposed for any residential development and the density and open space calculations where applicable.

3. A statement certifying that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards. Any variance sought by the applicant shall be noted.

4. A statement detailing any special amenities that are proposed.

5. A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.

6. A statement setting forth the proposed approximate development schedule.

7. A site plan detailing the nature and location of any proffered conditions and those proposed circumstances that prompted the proffering of such conditions.

8. A signed statement for both the applicant and owner in the following form:

   I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

27-5 PROCEDURAL REGULATIONS AND REQUIREMENTS

Proffered conditions shall include written statements, development plans and materials proffered in accordance with the provisions of this section and approved by the governing body in conjunction with the approval of a change in zoning or an amendment to the Zoning Map.

Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved by any County official in the absence of said substantial conformance. For the purpose of this section substantial conformance shall mean conformance that leaves a reasonable margin for adjustment due to final engineering date but, conforms to the general nature of the development, and the specific uses and the general layout depicted by the plans and other materials presented by the owner and the applicant.

There shall be no amendment or variation of conditions created pursuant to the provisions of this section until after a public hearing before the governing body advertised pursuant to the provisions of §15.2-2204 of the Code of Virginia, as amended.

27-6 ZONING MAP NOTATION AND RECORDS

Each conditional rezoning shall be designated on the Zoning Map by an appropriate symbol designed by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain a conditional zoning index which shall be available for public inspection and which shall provide ready access to the Ordinance creating such conditions.

27-7 ENFORCEMENT AND GUARANTEES

The Zoning Administrator shall be vested with all necessary authority on behalf of the County to administer and enforce conditions attached to a rezoning or amendment to a Zoning Map including:

1. The ordering in writing of the remedy of any non-compliance with such conditions;

2. The bringing of legal action to ensure compliance with such conditions including injunction, abatement, or criminal prosecution or other appropriate action or proceeding; and

3. Requiring a guarantee in an amount sufficient for, or conditioned upon, the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditions, which guarantee may be

released by the Zoning Administrator upon the submission of satisfactory evidence the construction of such improvements has been completed in whole or part.

4. Provided further that failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy, or building permits as may be appropriate.

27-8 RELATION OF DIVISION TO OTHER LAWS

The provisions contained in this section shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this article or other county ordinances. Nothing contained in this section shall be construed as excusing compliance with all other applicable provision of this Code or other County Ordinances.

SECTION 28 - PROVISIONS FOR APPEAL

28-1 ADMINISTRATIVE VARIANCE

The Zoning Administrator may grant a variance from any building setback requirement contained in the Zoning Ordinance if the administrator finds in writing that:

1. the strict application of the ordinance would produce undue hardship;

2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

3. the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

Prior to the granting of a variance, the Zoning Administrator shall give, or require the applicant to give, all adjoining and adjacent, including those across water or a road, property owners written notice, by certified mail, of the request for variance, and an opportunity to respond to the request within 21 days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the Board of Zoning Appeals for decision.

The Zoning Administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requestor has agreed to a longer period.

28-2 BOARD OF ZONING APPEALS

1. The Board shall consist of five members appointed by the Circuit Court of Charles City County, Virginia. The Board shall serve without pay other than for traveling expenses. One of the five appointed members shall be an active member of the Planning Commission; otherwise members shall hold no other public office in the County.

2. The term of office shall be for five years. The Zoning Administrator or the Board shall notify the Circuit Court at least 30 days in advance of the expiration of any term of office. The Zoning Administrator shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members shall continue to serve until his or her successor is appointed and qualifies.

3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing with not less that 15 days notice.

4. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

5. The Board shall choose annually its own chairman and vice chairman, who shall act in the absence of the chairman. The chairman and vice chairman shall serve annual terms and may succeed themselves. (§15.2-2308 of the Code of Virginia, as amended)

28-3 POWERS OF THE BOARD OF ZONING APPEALS

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

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

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

   a. 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 conditions or other extraordinary situation or condition of such piece of property, or the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of 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.

   b. No such variance shall be authorized by the Board unless it finds:

      i. That the strict application of the Ordinance would produce undue hardship.

      ii. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

iii. 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.

c. No such variance shall be authorized except after notice and hearing as required by §15.2-2204 of the Code of Virginia, as amended. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

d. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

e. 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 ensure that the conditions imposed are being and will continue to be complied with.

3. To hear and decide appeals from the decision of the Zoning Administrator. No such appeal shall be heard except after notice and hearing as provided by §15.2-2204 of the Code of Virginia, as amended. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by §15.2-2204of the Code of Virginia, as amended, the Board may interpret the map in such way as to carry out the intent and purpose of the Ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by Ordinance.

5. No provision of this section shall be construed as granting any Board the power to rezone property.

28-4 APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, Board or bureau. Application shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No variance shall be authorized except after notice and hearing as required by §15.2-2204 of the Code of Virginia, as amended. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission that may send a recommendation to the Board or appear as a party at the hearing.

As provided in §15.2-2310 of the Code of Virginia, as amended, substantially the Board will not consider the same application until at least 12 months have passed.

28-5 APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this ordinance.

Any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this ordinance, and that the decision shall be final and un-appealable if not appealed within 30 days. The appeal period shall not commence until such statement is given. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a Court of record, on application and on notice to the Zoning Administrator and for good cause shown.

In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer

after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven the such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60 day limitation period shall not apply in any case where, with the concurrence of the attorney for the County, modification is require to correct clerical or other nondiscretionary errors.
(Reference §15.2-2311 of the Code of Virginia, as amended.)

28-6 APPEAL PROCEDURE

Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

28-7 RULES AND REGULATIONS FOR PUBLIC HEARINGS

1. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within 90 days of the filling of the application or appeal.

2. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from.

3. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from the Ordinance.

4. The Board shall keep minutes of its proceedings and other official actions that shall be filed in the office of the Board and shall be public record.

5. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

6. The Board shall keep a full public record of its proceedings and shall submit a report of its activities to the Board of Supervisors at least once each year. (Reference §15.2-2312 of the Code of Virginia, as amended.)

28-8 PROCEEDINGS TO PREVENT CONSTRUCTION OF BUILDINGS IN VIOLATION OF ZONING ORDINANCE

Where a building permit has been issued and the construction of the building for which the permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the Zoning Ordinance, by a suit filed within 15

days after the start of construction by a person who had no actual notice of the issuance of the permit, the Court may hear and determine the issues raised in the litigation even thought no appeal was taken from the decision of the administrative office to the Board of Zoning Appeals. (Reference §15.2-2313 of the Code of Virginia, as amended.)

28-9 DECISION OF BOARD OF ZONING APPEALS

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

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

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

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

5. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the Board is affirmed and the Court finds that the appeal was frivolous, the Court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the Board may request that the Court hear the matter on the question of whether the appeal was frivolous.
(Reference §15.2-2314 of the Code of Virginia, as amended.)

SECTION 29 - VIOLATION AND PENALTY

29-1 REGULATIONS

1. All departments, officials and public employees of Charles City County that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null and void. This section has particular reference to the issuance of building permits; none shall be granted when in doing so the letter and/or spirit of this Ordinance would be violated.

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 not less than $10 nor more than $1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than $10 nor more than $1,000, and any such failure during any succeeding ten day period shall constitute a separate misdemeanor offense for each ten day period punishable by a fine of not less than $100 nor more than $1,500. Failure to obey any order to abate or remedy may also be treated as criminal contempt of court.

SECTION 30 - AMENDMENTS

30-1 PURPOSE

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Supervisors may, by ordinance, amend, supplement, or change the regulations, district boundaries or classifications of property. Any such amendment may be initiated by:

1. Resolution of the Board of Supervisors,

2. Motion of the County Planning Commission, or

3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent of the property which is the subject of the proposed Zoning Map amendment. This petition shall be addressed to the Board of Supervisors or the Planning Commission who shall forward such petition to the Board of Supervisors.

Any such resolution or motion by the Board of Supervisors or the Planning Commission proposing a rezoning shall state the public purpose of such rezoning.

All motions, resolutions or petitions for amendments to the Zoning Ordinance and/or Map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the Zoning Ordinance or Map or both. In the event of, or upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required.

In the event that final action is taken on any proposed amendment, the Planning Commission will not reconsider a petition for any such change that is substantially the same as the one on which final action has been rendered, or the Board of Supervisors unit six months has passed from the date of final action.

Prior to the initiation of any application for rezoning, the Board of Supervisors may require the applicant to produce evidence that any delinquent real estate taxes owed to the County, which have been properly assessed against the subject property, have been paid.

30-2 PROCEDURE

The regulations, restrictions and boundaries established in the Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the Board of Supervisors, provided;

1. That a public hearing shall be held where interested parties and citizens shall have an opportunity to be heard.

2. Notice shall be given of the time and place of such hearings by publication in at least two issues of a newspaper published or having a general circulation in the County. Such notice shall specify the time and place of hearing that persons affected may appear and present their views not less than six nor more than 21 days after final publication. After enactment of any such plan, ordinance or amendment, further publication shall not be required. In addition, notices shall be mailed to designated adjoining property owners as specified below.

3. Changes shall be made by the Board of Supervisors in the Zoning Ordinance or on the Zoning Map only after such changes have been referred to the Planning Commission for a recommendation. Action shall be taken by the Board of Supervisors only after a recommendation has been received from the Planning Commission, unless a period of 100 days, or such shorter period as the Board of Supervisors may require, has elapsed after date of the first meeting of the Commission after such referral to or a complete application has been received by it, after which time it may be assumed the Commission has approved the change or amendment, unless such proposed amendment has been withdrawn by the applicant prior to the expiration of such time period. In the event of, and upon such withdrawal, processing of the proposed amendment shall cease without further action.

30-3 PUBLIC HEARINGS

The Planning Commission shall hold at least one public hearing on any proposed amendment of an ordinance, after notice as required by §15.2-2204 of the Code of Virginia, as amended and may make appropriate changes in the proposed Ordinance or amendment as a result of such hearing.

Upon the completion of its work, the Commission shall present the proposed amendment, including the district Maps, to the Board of Supervisors together with its recommendations and appropriate explanatory materials.

The Planning Commission and the Board of Supervisors may hold a joint hearing after public notice as set forth above. In this case, public notice as required for the Board of Supervisors will suffice.

Before approving and adopting any zoning amendment, the Board of Supervisors shall hold at least one public hearing thereon, pursuant to the public notice as required by §15.2-2204 of the Code of Virginia, as amended, after which the Board may make appropriate changes or correction to the proposed amendment. In the case of a proposed amendment to the Zoning Map, such public notice shall state the general usage and density range of such proposed amendment and the general usage

and density range, if any, set forth in the applicable part of the comprehensive plan. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required by §15.2-2204 of the Code of Virginia, as amended.

Every action contesting a decision of the Board of Supervisors adopting or failing to adopt an amendment thereto shall be filed within 30 days of such decision with the Circuit Court of Charles City County.

30-4 ADVERTISEMENT

Amendments to the Zoning Ordinance need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the County where copies of the proposed plans, ordinances or amendments may be examined. All advertisements shall be in accordance with §15.2-2204 of the Code of Virginia, as amended. The Planning Commission shall not recommend nor shall the Board adopt any plan, ordinance or amendment until notice of intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the County; however, such notice for both the local Commission and the Board may be published concurrently. Such notice shall specify the time and place of hearing at which persons affected may appear and present their view, not less than six days nor more than 21 days after the second advertisement appears in such newspaper. The Planning Commission and the Board of Supervisors may hold a joint hearing after public notice. If such joint hearing is held, then public notice as set forth above need be given only by the Board of Supervisors. The term “two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less that six days elapsing between the first and second publication.

SECTION 31 - SEVERABILITY

31-1 EFFECT

Should any provision(s) of this Ordinance be held to be unconstitutional or invalid, then that provision(s) shall lapse and the remainder of this Ordinance shall remain in full force and effect.

SECTION 32 - RESERVED

SECTION 33 - RESERVED