

**BUCKINGHAM  
COUNTY  
ZONING  
ORDINANCE**

**BUCKINGHAM,  
VIRGINIA**

# INDEX

AUTHORITY	Page 7
ARTICLE 1 PURPOSE AND TITLE	Page 7
Relation to the Comprehensive Map	Page 7
Official Zoning Map	Page 7
ARTICLE 2 – DISTRICTS	Page 8
DISTRICT 1 – AGRICULTURAL DISTRICT (A-1)	Page 8
Purpose	Page 8
Permitted Uses	Page 8
Special Use Permits	Page 9
Area Regulations	Page10
Setbacks for the Land Application of Manure and Inspection	Page11
A-C AGRICULTURAL-COMPREHENSIVE DISTRICT	Page11
Purpose	Page11
Permitted Uses	Page11
Special Use Permits	Page12
Area Regulations	Page13
Other Land Uses	Page13
Minimum Setbacks for Houses and Other Non-Agriculture Structures	Page13
Minimum Setback Requirements for the Various Types of Intensive Livestock Facilities	Page14
Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities	Page14
Certified Plat Required	Page15
Livestock, Dairy, Poultry, Swine, or Swine Breeding Facility Development	Page15
Nutrient Management Plan	Page16
RSA-1 RURAL SMALL FARM DISTRICT	Page18
Purpose	Page18
Permitted Uses	Page18
Special Use Permits	Page19
Area Regulations	Page19
Setback Requirements	Page19
DISTRICT 2 – RESIDENTIAL DISTRICT (R-1)	Page20
Purpose	Page20
Permitted Uses	Page20
Special Use Permits	Page20

Area Regulations	Page21
Setback Requirements	Page21
Relation to Subdivision Ordinance	Page21
DISTRICT 3 – RESIDENTIAL DISTRICT (R-2)	Page21
Purpose	Page21
Permitted Uses	Page21
Special Use Permits	Page22
Area Regulations	Page22
Setback Requirements	Page22
Relation to Subdivision Ordinance	Page22
DISTRICT 4 – BUSINESS DISTRICT (B-1)	Page22
Purpose	Page22
Permitted Uses	Page23
Special Use Permits	Page24
Area Regulations	Page24
Setback Requirements	Page24
DISTRICT 5 – INDUSTRIAL DISTRICT – LIGHT (M-1)	Page25
Purpose	Page25
Permitted Uses	Page25
Special Use Permits	Page26
Area Regulations	Page26
Setback Requirements	Page26
DISTRICT 6 – INDUSTRIAL-HEAVY (M-2)	Page26
Purpose	Page26
Permitted Uses	Page27
Special Use Permits	Page27
Area Regulations	Page28
Setback Requirements	Page28
DISTRICT 7 – WATERSHED DISTRICT (WS-1)	Page28
Purpose	Page28
Permitted Uses	Page28
Erosion and Sedimentation	Page29
District Boundaries	Page29
Special Use Permits	Page29
Area Regulations	Page29
DISTRICT 8 – RECREATIONAL ACCESS DISTRICT (RA-1)	Page29
Purpose	Page29
Permitted Uses	Page30
Special Use Permits	Page30
Area Regulations – Minimum Lot Size	Page30

Setback Requirements	Page30
DISTRICT 9 – LANDFILL AND WASTE DISPOSAL DISTRICT (L-1)	Page31
Purpose	Page31
Permitted Uses	Page31
Special Use Permits	Page31
Area Regulations	Page31
DISTRICT 10 – RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD-1)	Page32
Purpose	Page32
Permitted Uses	Page33
Special Use Permits	Page33
Site Requirements	Page33
Common Open Space – Generally	Page35
Common Open Space – Management	Page35
Utility Requirements	Page36
Procedure for establishing a RPUD	Page36
Approval of final development; building permits	Page36
Expiration and Extension of approval periods	Page37
DISTRICT 11 – VILLAGE CENTER DISTRICT (VC-1)	Page37
Purpose	Page37
Permitted Uses	Page37
Special Use Permits	Page38
Area Regulations – Minimum Lot Size	Page38
Setback Requirements	Page38
ARTICLE 3 – NON-CONFORMING USES	Page39
Continuation	Page 39
Permits	Page 39
Repairs and Maintenance	Page 39
Expansion or Enlargement	Page 39
Restoration and Replacement	Page 40
Non-Conforming Lots	Page 40
ARTICLE 4 - GENERAL PROVISIONS	Page 40
Zoning Permits	Page 40
Special Use Permits	Page 41
Uses Not Provided For	Page 41
Sign Placement	Page 41
ARTICLE 5 – PROVISIONS FOR APPEAL	Page 42
Board of Zoning Appeals	Page 42
Power of the Board of Zoning Appeals	Page 43

Rules and Regulations	Page 43
Appeal to the Board of Zoning Appeals	Page 44
Appeal Procedure	Page 44
Public Hearing	Page 44
Decision of Board of Zoning Appeals	Page 45
ARTICLE 6 – VIOLATION AND PENALTY	Page 45
ARTICLE 7 – AMENDMENTS	Page 46
Proffers of Conditions	Page 46
ARTICLE 8 – ADMINISTRATION AND INTERPRETATION	Page 46
Effective Date	Page 47
Severability	Page 47
Conflicting Ordinances	Page 47
ARTICLE 9 – RADIO, TELEVISION AND COMMUNICATION TOWERS	Page 47
Section 1 - Purpose	Page 47
Section 2 - Applicability	Page 48
Section 3 - Exempt Installations	Page 48
Section 4 – Permitted Uses by Zoning District	Page 49
Section 5 – Siting Alternatives Hierarchy	Page 49
Section 6 – Uses of County-owned lands	Page 51
Section 7 – General Submittal Requirements	Page 52
Section 8 – Additional Development Standards	Page 61
Section 9 – Approval Process	Page 65
Section 10 – Reserved	Page 66
Section 11 – Definitions	Page 66
ARTICLE 10 – AIRPORT SAFETY ZONE	Page 77
Preamble	Page 77
Section 1 – Short Title	Page 78
Section 2 – Definitions	Page 78
Section 3 – Airport Safety Zones	Page 80
Section 4 – Airport Safety Zone Height Limitations	Page 81
Section 5 – Use Restrictions	Page 81
Section 6 – Non-Conforming Uses	Page 81
Section 7 – Permits	Page 82
Section 8 – Enforcement	Page 83
ARTICLE 11 – DEFINITIONS	Page 83
APPENDIX	
Civil Airport Imaginary Surfaces	

Appendix 1 p.72  
     Horizontal Surfaces  
 Appendix 1 p.72  
     Conical Surfaces  
 Appendix 1 p.72  
     Primary Surface  
 Appendix 1 p.72  
     Approach Surface  
 Appendix 2 p.73  
     Transitional Surface  
 Appendix 2 p.74  
     Related to Airport Reference Points  
 Appendix 3 p.74  
     Inner Horizontal Surface  
 Appendix 3 p.74  
     Conical Surface  
 Appendix 3 p.74  
     Outer Horizontal Surface  
 Appendix 3 p.74  
     Related to Runways  
 Appendix 3 p.74  
     Appendix 3 p.74  
         Clear Zone Surface  
         Approach Clearance Surface  
         Transitional Surfaces  
 Appendix 3 p.75  
     Heliport Primary Surface  
 Appendix 4 p.75  
     Heliport Approach Surface  
 Appendix 4 p.75  
     Heliports Transitional Surface  
 Appendix 4 p.75  
     Primary Surface

Board of Supervisors  
 Joe N. Chambers, Jr.  
 I. Monroe Snoddy  
 Danny R. Allen  
 Danny LeSueur (F. D.)  
 Brain D. Bates  
 John D. Kitchen, Jr.  
 E.A. "Bill" Talbert - Chairman

Planning Commission  
 John E. Bickford – Chairman  
 Cassandra Stish – Vice-Chairman  
 Henry Hagenau  
 Royce E. Charlton III  
 R. "Pat" Bowe  
 Alice Gormus  
 James D. Crews, Sr  
 Danny Allen, Board Representative

Rebecca S. Cobb – Zoning Administrator  
Rebecca S. Carter – County Administrator  
E. M. Wright – County Attorney  
This Ordinance was adopted on 10/30/97.  
The date on the front indicates the last revision date.

## **ZONING ORDINANCE OF BUCKINGHAM COUNTY**

### **AUTHORITY**

Authority is granted to local governing bodies by the General Assembly in Section 15.2-2280 of the Code of Virginia to divide the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, and area as it may deem best to carry out the purposes of zoning. Local governing bodies are granted the authority to regulate, restrict, permit, prohibit, in determine the following:

- (a) The use of land, buildings, structures. and other premises, agricultural, commercial, industrial, residential, flood plain and other specific uses:
- (b) The site, height, area, location. Construction, repair, maintenance or removal of structures;
- (c) The area and dimensions of land, water, and air space to be occupied by uses and structures; and;
- (d) The excavation or mining of soils or other natural resources.

### **ARTICLE 1: PURPOSE AND TITLE**

Pursuant to the authority granted by the General Assembly of the Commonwealth of Virginia, and pursuant to the goals of promoting the health, safety, convenience, and general welfare of the public and of further accomplishing the objectives of Section 15.2-2280 of the Code of Virginia, the Board of Supervisors of Buckingham County does hereby ordain and prescribe the following to be the Zoning Ordinance of Buckingham County.

#### **Relation to the Comprehensive Plan**

In drawing the Zoning Ordinance and districts with reasonable consideration of the Comprehensive Plan, it is a stated and expressed purpose of the Zoning Ordinance to create land use regulations which shall encourage the realization and implementation of the Comprehensive Plan. To this end, development is: to be encouraged to take place in clusters to promote efficient and cost effective use of land; to be situated so as to make possible future economies in the provision of services by the public and private sections; and to be so located as to protect the watershed, protect surface and groundwater supplies, discourage development in flood plains, wetlands, and conservation areas.

#### **Official Zoning Map**

The incorporated areas of Buckingham County, Virginia, are hereby divided into districts as indicated on a set of map sheets entitled "Zoning Map of Buckingham County,

Virginia," which together with all explanatory matter is hereby adopted by reference and declared to be part of this ordinance. The zoning map shall be identified by the signature of the Chairman of the Board of Supervisors together with the date of adoption of the ordinance

The Zoning Administrator shall be responsible for maintaining the zoning map which shall be located in that office together with the current status of land areas, buildings and other structures of the County.

The Zoning Administrator shall be authorized to interpret the current zoning status of land areas, buildings, and other structures in the County. .

No changes of any nature shall be made on the zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance. It shall be unlawful for any person to make unauthorized changes on the official zoning map.

## **ARTICLE 2: DISTRICTS**

The regulations set by this ordinance within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land.

### **DISTRICT 1 - AGRICULTURAL DISTRICT (A-1)**

#### **Purpose**

This district is established for the purpose of preserving and promoting rural land uses. These include forestal lands, areas significant for the environment such as lakes, reservoirs, streams, parks, and less intensive farming operations that are more traditional in character. This district is established for the purpose of facilitating existing and future farm operations traditionally found in Buckingham County; preserving farm and forest lands; conserving water and other natural resources; reducing soil erosion; preventing water pollution; protecting watersheds; and reducing hazards from flood and fire.

This district includes the unincorporated portions of the County. It is expected that certain rural areas of this district may develop with residential land-uses of a low density. It is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district. Special use permits will be utilized to seek the appropriate locations and compatibility between uses.

**Permitted Uses** - Within the Agricultural District (A-I) the following uses are permitted by right:

Dwellings located on a recorded lot or parcel that complies with area regulations.  
Major subdivisions are not permitted. For the purpose of this article, a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings Agricultural uses and all buildings necessary to such use and the repair, storage, and operation of any vehicle or machinery necessary to such use excluding the intensive farming activities and related uses found in the A-C Comprehensive District

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries – newly established – a plat indicating the specific location of the grave will accompany the affidavit

Churches, and Other Places of Worship Including Parish Houses and Sunday School

Conservation Areas, Private

Adult/Child Day Care Facilities – not medical

Greenhouses ,Garden shop, Nurseries

Home-base service business

Non-Intensive Dairying, and Raising of and Breeding of Livestock, Poultry and Other Livestock as Defined in this Ordinance

Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)

Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Schools, Colleges, Libraries, Museum and Administration Buildings

Public and Private Roads and Streets

Public-Operated Parks, Playgrounds and Athletic Fields, Including Customary, Accessory Buildings and Facilities

Residential Group Homes

Residential Swimming Pools

Signs – non-illuminated and less than 8 x 8

Silvicultural Activities

Solid Waste Facilities, County-Owned Such as Convenience and Recycling Centers

Stable, Private

Subdivision, Minor

Timber Harvesting Which May Include Temporary Chipping/Sawmills used only for Cutting Timber Onsite

WaterSystems, Publicly-Owned and Operated

Wayside Stands selling Items Produced or Grown on the Premises

### **Special Use Permits**

Within the A-I Agricultural District, the following uses may be permitted by the Buckingham County Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved.

Adult or Juvenile Jails, Detention Facilities, or Correctional Facilities Operated or Owned by Local or Regional Governmental Entities

Agricultural Based Businesses – not classified as Intensive or manufacturing in nature by the definition of this Ordinance such as: feed mills, livestock markets, tack, feed and supplies  
 Airport, Airstrip, Heliport  
 Antique Shops/ Thrift Stores/ Flea Markets  
 Adult Retirement Community/Assisted Living  
 Auto and Truck Sales and Agricultural/Industrial Equipment - 3/22/99  
 Automobile Junkyard or Graveyard  
 Bulk Storage Tanks  
 Commercial Garage or Shop – housing a business not classified as Industrial or manufacturing in nature by the definition of this Ordinance  
 Convenience/General Store – Maximum 2000s.f. and no more than 4 petroleum pumps  
 Fairgrounds, Country Clubs, Golf Courses, Athletic Fields, Swimming Pools,  
 Equine Facility/Activities, Commercial  
 Dog Businesses – Kennels, Grooming, Boarding, Training, Trials  
 Community Centers, Lodge Halls  
 Lumberyard, Sawmill, Planing, or Chipping Facility  
 Mining and Quarrying with Federal and /or State License  
 Motorsports – raceways, car shows  
 Music Festivals or Similar Large Events - 4/23/01  
 Private Recreational Facilities/Clubs/Events – archery, shooting, pools, day & summer camps, campgrounds  
 Private Schools and Colleges,  
 Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewage facilities.  
 Radio stations, Television Station and cable TV facilities, communication station and/or tower or related facilities in accordance with Article 9 of this Ordinance  
 Reservoir  
 Restaurants  
 Shooting Ranges, including all firearms  
 Sewage Treatment Plants, Private  
 Veterinary Hospitals and Clinics  
 Water Systems, Privately Owned Serving the Public  
 Wayside Stand with Food Preparations - No Indoor Seating

### **Area Regulations**

Minimum lot size: Lots in this district shall have a minimum area of two acres.

Setback requirements: The minimum distance from the nearest point of the house or other structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear setback shall be the distance from the side or rear property line or a lot to the nearest point on the house or principal structure shall be twenty- five (25) feet.

**Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities**

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

- Dwellings or commercial establishments ..... 300 feet
- Property Lines ..... 50 feet
- Surface waters ..... 200 feet
- Drinking Water Sources ..... 200 feet

Chicken litter or other dry waste:

- Dwellings or commercial establishments... ..... 100 feet
- Property lines ..... 10 feet
- Surface waters..... 100 feet
- Drinking water sources ..... 100 feet

**Inspection**

The Zoning Administrator or designees for the County shall have the right to visit and inspect any facility on-site at any time, without prior announcement, with due consideration for bio-security practices.

**A-C AGRICULTURAL-COMPREHENSIVE DISTRICT**

**Purpose**

The purpose of the Agricultural Comprehensive District is to provide a district for all forms of agricultural, forestal and rural activities and to preserve, protect, and promote the more intensive forms of agricultural, forestal, and other rural land uses. In doing so, the intent is to protect the public health, welfare, and environment of Buckingham County and its citizens, while providing for the harmonious, orderly, and responsible growth of the agricultural industries.

**Permitted Uses**

Within the Agricultural District (A-C) the following uses are permitted by right:

Dwellings located on a recorded lot or parcel that complies with area regulations.

Major subdivisions are not permitted. For the purpose of this article, a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings

Agricultural Uses and all Buildings Necessary to Such Use and the Repair, Storage, and Operation of any Vehicle or Machinery Necessary to Such Uses

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk’s Office, indicating the existence of the cemetery and its approximate location.

Cemeteries – newly established – a plat indicating the specific location of the grave will accompany the affidavit  
 Agricultural Based Businesses - Commercial Livestock Market, Feed Mills, Tack, Feed and Supplies  
 Conservation Areas, Private  
 Greenhouses Garden Shop, Nurseries, private  
 Home Occupations  
 Intensive Dairy Facility – with an approved Development Plan  
 Intensive Livestock Facility – with an approved Development Plan  
 Intensive Poultry Facility– with an approved Development Plan  
 Intensive Swine Facility– with an approved Development Plan  
 Intensive Swine Breeding Facility– with an approved Development Plan  
 Lumberyard – not milling  
 Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)  
 Private Hunting Preserves, Kennels  
 Public Forests, Public Wildlife Preserves, and Public Conservation Areas  
 Public and Private Roads-and Streets  
 Residential Group Homes  
 Signs – non-illuminated and less than 8 x 8  
 Silvicultural Activities which may include temporary Chipping/ Sawmill used *only* for cutting timber onsite  
 Solid Waste Facilities, County-Owned, Such as Convenience and Recycling Centers  
 Stable, Private  
 Subdivisions, Minor  
 Swimming Pools for Single Family Residences  
 Veterinary Hospitals and Clinics  
 Wayside Stands Selling Items Produced or Grown on the Premises

### **Special Use Permits**

Within the A-C Agricultural Comprehensive District, the following uses may be permitted by the Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved.

Adult/Child Day Care Facilities – non medical  
 Adult or Juvenile Jails, Detention Facilities, or Correctional Facilities Operated or Owned by Local or Regional Governmental Entities  
 Airport, Airstrip, Heliport  
 Automobile Junkyard or Graveyard  
 Equine Facility/Activities, Commercial  
 Private Recreational Facilities/Clubs/Events – archery, shooting, turkey shoots  
 Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities including railroads and sewage facilities  
 Shooting Ranges - All Firearms  
 Sawmill, Planing, or Chipping Facility, permanent  
 Sewage Treatment Plants, Private

## **Area Regulations**

### **Acreege Requirements - Intensive Livestock Facility**

The minimum parcel size on which an initial livestock facility may be placed shall be 60 acres for up to 300 beef cattle, 3,000 sheep, or 150 horses. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 50 cattle, 500 sheep, or 25 horses, provided that all other requirements of this chapter are met.

### **Acreege Requirements - Intensive Dairy Facility**

The minimum parcel size on which an initial dairy facility may be placed shall be 60 acres for up to 200 cattle. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 35 cattle.

### **Acreege Requirements - Intensive Poultry Facility**

The minimum parcel size on which an initial poultry facility may be placed shall be 20 acres for up to 30,000 chickens, or 16,500 turkeys. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 15,000 chickens and 8,250 turkeys.

### **Acreege Requirements - Intensive Swine Facility**

The minimum parcel size on which an initial swine facility may be placed shall be 50 acres for up to 1,000 pigs. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 500 pigs.

### **Acreege Requirements - Intensive Swine Breeding Facility**

The minimum parcel size on which an initial swine breeding facility may be placed shall be 100 acres for up to 500 sows. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 75 sows up to a total of 1,250 sows, after which 2 acres shall be required for each sow over 1,250.

## **Other Land Uses**

Lot sizes for all other uses in this district shall have a minimum area of two acres. *Amended*  
– 5/9/05

## **Minimum Setbacks for Houses and Other Non-Agricultural Structures**

The minimum distance from the nearest point of the house or non-agricultural structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear yard setback shall be twenty-five (25) feet from the side or rear property line.

**Minimum Setback Requirements for the Various Types of Intensive Livestock Facilities**

(All setback distances are listed in feet and are measured from the nearest point of the facilities as defined in the various definitions for intensive livestock as found in Article 11.)

Type	Property Lines*	Property Adj. Zoning District	Roads	Other Setbacks**	" Surface. & Drinking Water Sources
Livestock	150	300	150	1,000	100
Dairy	150	300	150	1,000	100
Poultry	150	300	150	1,000	100
Swine	1,500	2,000	500	3,000	250
Swine Breeding	1,500	2,000	500	3,000	250

\*Of existing parcels not held between same individual or entity.

\*\* From the nearest property line of incorporated towns; any subdivision of ten or more lots from a common source; mobile/manufactured home parks, public or private schools, churches or other religious institutions; publicly-owned buildings; publicly-owned and community-owned recreational areas; public-owned wells, public springs, and water intake sites.

**Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities**

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or Commercial Establishments	300 feet
Property Lines	50 feet
Surface Waters	200 feet
Drinking Water Sources	200 feet

Chicken litter or other dry waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or Commercial Establishments	100 feet
Property Lines	10 feet
Surface Waters	100 feet
Drinking Water Sources	100 feet

The Nutrient Management Plan shall be reviewed and updated at a frequency not more than five (5) years or less if established by other regulatory authorities or by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, and more frequently if deemed necessary by the County or its agent.

### **Certified Plat Required**

New or expanding intensive agricultural operations shall file with the Zoning Administrator a certified plat showing the entire parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat the owner shall submit a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the intensive facility shown on the plat meets all applicable setback requirements of this ordinance.

### **Livestock, Dairy, Poultry, Swine, or Swine Breeding Facility Development**

In the Agricultural Comprehensive (A-C) District, an operator or a potential operator shall file with the Zoning Administrator a Development Plan which indicates - the number, size, and location of livestock, dairy, poultry, swine, or swine breeding structures planned for the subject parcel. When such Development Plan has been approved by and filed with the Zoning Administrator and during the period in which it remains in effect the planned structures shall be obliged to meet setbacks only for those dwellings and uses existing at the time the development is approved. The Zoning Administrator shall approve within thirty (30) days of receipt of the Development Plan, or if the Development Plan does not meet the requirements of the Ordinance, the Zoning Administrator shall return the Development Plan to the person who submitted it together with a written description of the portion (s) of the Development Plan that do not comply.

The Development Plan shall be based on the requirements of this ordinance and shall be accompanied by a certified plat verifying the accuracy of the distances shown in the Development Plan and containing all of the dates required as specified pursuant to this section.

The Development Plan shall remain in force only so long as the structures proposed are constructed in accordance with the Development Plan and are placed in service as described below.

At least one-third (1/3) of the number of head of livestock, swine, or dairy animals, subject to this section of the ordinance or one (1) poultry structure indicated in the Development Plan must be placed into service within thirty-six (36) months of the date on which the Development Plan is approved by the Zoning Administrator.

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

In an event an operator fails to build the proposed structure or have in place the minimum number of head required in the above section within 36 months of obtaining zoning approval or fails to obtain building permits for any structures indicated in his Development Plan with the prescribed five (5) year period, the Zoning Administrator shall revoke the Development Plan of the structure on the subject parcel shall conform to the requirements of this section.

Nothing herein shall be constructed to prohibit an operator or a potential operator from submitting amendments to his/her original Development Plan or to submitting revised Development Plans at any time. The Zoning Administrator shall approve the amended or revised Development Plan following the standards set forth above according to the terms of the Zoning Ordinance in effect at the time that the amendments or revisions are submitted to the Zoning Administrator.

### **Nutrient Management Plan**

Upon adoption of this ordinance, no facility permit shall be issued until a Nutrient Management Plan (NMP) for the proposed facility has been reviewed and accepted by the Zoning Administrator. Each facility already in operation or approved by the County prior to the effective date of this ordinance shall have an NMP on file with the Zoning Administrator on or before twenty-four (24) months from the effective date of this ordinance or at such time an additional area devoted to livestock, dairy, poultry, or swine raising, litter storage, manure storage, composting of dead birds, or other activity which would increase nutrient output of the facility is placed into service on the same parcel, whichever shall occur first. After twenty-four (24) months from the effective date of this ordinance, no facility shall operate without such a Nutrient Management Plan.

The NMP shall provide for the safe disposal or use of all manure and animal waste produced by each facility. Disposal or use shall be accomplished by means of land application at approved locations, utilizing methods and agronomic rates as established by the Virginia Nutrient Management Standards and Criteria document of the DCR or their successor and other agencies of the Commonwealth of Virginia. Alternative methods of disposal may be used when approved by the Department of Environmental Quality and/or the Department of Recreation and Conservation (DCR). The Nutrient Management Plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs, sinkholes, and slopes and geological formation that indicate a high susceptibility to ground or surface water pollution and where applicable, to comply with the Chesapeake Bay Preservation Act. Each NMP shall be subject to review by appropriate State and County agents.

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

The NMP shall also provide for a site, with or without a permanent structure, for the storage of animal wastes and that meets all applicable standards of the Commonwealth. The site shall be located on the same parcel as the facility to which it is an accessory use, meets the setback requirements of this chapter, be certified by a professional engineer registered in Virginia, or NRCS Soil Conservationists, that it is located on an impermeable base, is out of all drain ways, and has sufficient capacity to accommodate one hundred percent (100%) of the waste produced by each facility in operation on the parcel during the four consecutive months in which the maximum number of animals or poultry are on the parcel, and in the case of chicken litter or other dry wastes, it be protected from the elements within three (3) weeks.

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

Setback requirements for disposal of waste shall be at a minimum -as follows unless the NMP or other regulatory authorities require greater setbacks:

Setbacks for the land application of manure and animal waste:

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or commercial establishments	300 feet
Property Lines	50 feet
Surface waters	200 feet
Drinking water sources	200 feet
Chicken liner or other dry waste:	
Dwellings or commercial establishments	100 feet
Property lines	10 feet
Surface waters	100 feet
Drinking water sources	100 feet

The NMP shall be reviewed and updated at a frequency not more than five (5) years or less if established by other regulatory authorities or by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, and more frequently if deemed necessary by the County or its agent.

The Zoning Administrator or designees for the County shall have the right to visit and inspect any facility on-site at any time, without prior announcement, with due consideration for bio-security practices.

## **RURAL SMALL FARM DISTRICT (RSA-1)**

### **Purpose:**

The purpose of the Rural Small Farm District is intended to maintain Buckingham County's predominately rural character and open space, and to preserve productive "gentlemen farms and timberland operations" while accommodating limited low-density, large lot developments. The district is designed to allow a variety of less intense agricultural, forestal and rural uses that are compatible with rural residential development. The district also permits a variety of rural uses that support rural residents and smaller scale agricultural operations on lots 19.9 acres in area to seven (7) acres in area. Land in this district is generally not intended to be served with public water or wastewater or located in proximity to other public services.

### **Permitted Uses – Within the Rural Small Farm District (RSA-1) the following uses are permitted by right:**

Dwellings located on a recorded lot or parcel that complies with area regulations.

For the purpose of this article a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings

Agricultural Operations but not Agricultural Comprehensive Operations

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries – newly established – a plat indicating the specific location of the grave will accompany the affidavit

Church and their Accessory Uses

Community Centers

Conservation Areas, Private

Adult/Child Day Care – not medical

Home-base service business

Hunting Preserves, Kennels

Libraries

Nurseries & Greenhouses,

Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)

Parks

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Service or Storage Buildings

Recreational Fields, Tennis, Baseball, Softball & Other Similar Facilities

Sawmills, Temporary or Portable

Schools, Public

Signs – non-illuminated and less than 3x4, max. height 5 ft, must be located outside of VDOT right of way

Subdivisions, See Provisions

Swimming Pools, Private and Public

Wayside Stands

Wineries

## **Special Use Permits**

Within the RSA-1 District, the following but not limited to those uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board impose conditions to ensure protection of the district if the special use permit is approved.

Assisted Living/Adult Retirement Community, Nursery Home  
Agricultural Based Businesses – not classified as Intensive or manufacturing in nature by the definition of this Ordinance such as: feed mills, livestock markets, tack, feed and supplies, sales, service and rental of machinery and/or equipment  
Airports, Private  
Alternative Sewage Treatment Systems  
Antique Shops/Thrift Shops/Flea Markets  
Camps, Day, Boarding, or Seasonal  
Civic Clubs  
Commercial Equine Facilities  
Country Clubs  
Country Stores/Service Stations  
Funeral Homes  
Golf Courses & Driving Ranges  
Hotels, Inns, Motels, Lodges  
Hospitals  
House Boarding or Rooming  
Museums  
Parks, Lighted  
Playgrounds  
Restaurants  
Rural Small Businesses  
Sawmills, Permanent  
Signs – larger than 3x4, or height greater than 5 feet, or within VDOT right of way  
Tourist Homes  
Veterinary Clinics, Kennels & Hospitals  
Public Utility Trunk Lines and System Components (Electrical, Telephone, water, Sewer, & Gas)  
Wireless Communication Facilities and/or Tower

## **Area Regulations**

Minimum lot size: lots in this district shall have a minimum area of 7 acres and must be restricted from further division.

Road Frontage: 300 feet minimum

**Setback requirements:** The minimum distance from the nearest point of the house or other structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear setback shall be the distance from the side or rear property line or a lot to the nearest point on the house or principal structure shall be twenty- five (25) feet.

## **DISTRICT 2 – RESIDENTIAL SUBDIVISION (R-1)**

### **Purpose**

This district is established for the Purpose of providing for residential uses on average lot sizes 6.99 acres in area to three (3) acres in area. Areas designated for this zoning district will be for residential neighborhood which may include schools and similar public uses normally found in residential neighborhoods. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.

### **Permitted Uses**

Within the Residential Subdivision District (R-1) structures to be erected or land to be used shall be permitted for one of the following uses:

Accessory Buildings: Residential Garages, Sheds

Adult/Child Day Care – not medical

Churches and Cemeteries, Manses, Church-owned Dwellings

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries – newly established – a plat indicating the specific location of the grave will accompany the affidavit

Conservation Areas

Home-base service business

Off-Street Parking

Playgrounds

Signs– non-illuminated and less than 3 x 4, max. height 5 ft, must be located outside of VDOT right of way

Single-Family Dwellings

Subdivisions, Minor

Water Systems

### **Special Use Permits**

Within the R-1 District, the following but not limited to those uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board impose conditions to ensure protection of the district if the special use permit is approved.

Clubs, Public & Private  
Convenience/General Store – Maximum 2000s.f. and no more than 4 petroleum pumps  
Parks, public  
Rural Small Businesses  
Swim Clubs

Community Centers  
Public Utilities  
Schools, Public & Private  
Temporary Uses

### **Area Regulations**

Road Frontage: 200 feet minimum for all existing roads. 200 feet at the building line for all new constructed roads that meet VDOT's SSAR (building line shall be parallel to the frontage)

**Setback Requirements:** The minimum distance from the nearest point of the house or other structure to the edge of the specified right of way shall be fifty (50) feet. The minimum side setback and back setback, the distance from the side property of a lot and the back property line of a lot to the nearest point on the house or other structure shall be twenty-five (25) feet.

**Relation to Subdivision Ordinance:** All development in District R-1 must comply fully with the provisions of the Buckingham County Subdivision Ordinance.

## **District 3 - R-2 RESIDENTIAL DISTRICT**

### **Purpose**

This district is established for the Purpose of providing for medium to high concentration of residential uses on average lot sizes 2.9 acres in area to one-quarter (1/4) acre in area. The regulations of this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. The residential district is not completely residential in that it includes public and semi-public, institutional, and other related uses. However, it is basically residential in character and, as such, should not be located with commercial and industrial uses.

### **PERMITTED USES**

Single-family detached dwellings and accessory structures and uses.  
Public and semipublic uses such as schools, churches and hospitals.  
Community operated playgrounds, parks and similar recreational facilities.  
Rooming or Boarding House, Tourist or Rest Home  
Parks and Playgrounds  
Off-Street Parking  
Adult/Child Day Care  
Home-base service business  
Swimming Pools, Private and Public  
Minor Subdivision

**SPECIAL USE PERMITS**

Multi-family Housing – Apartments, Duplexes, Triplexes, Townhouses  
Private Schools

**Area Regulations - Minimum Lot Size**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

<b><u>Type of Service Requirement</u></b>	<b><u>Area Requirement</u></b>	<b><u>Width</u></b>
Public or Central Water & Public or Packaged Sewer	¼ acre minimum	80ft
Public or Packaged Sewer only	½ acre minimum	100ft
Public or Central Water only	1 acre minimum	125ft
Private single-user Water & Sewer	2 acre minimum	200ft

**Setback Requirements**

Principal Structures - The minimum distance from the nearest point of the principal structure to the edge of the specified right of way shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (30) feet from the centerline for any proposed and/or private road. Setbacks for side property lines without right of ways shall be a minimum of ten (10) feet with the total of both sides equaling twenty-five (25) feet or greater. Rear setbacks without right of ways shall be a minimum of fifteen (15) feet.

Accessory structures - shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (30) feet from the centerline for any proposed and/or private road and shall be a minimum of ten (10) feet from all other property lines.

**Relation to Subdivision Ordinance:** All development in District R-2 must comply fully with the provisions of the Buckingham County Subdivision Ordinance.

**DISTRICT 4 - BUSINESS DISTRICT (B-1)**

**Purpose**

This district is established to cover the portion of the County's communities intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery or retail goods or by any nuisance factors other than those, occasioned by incidental light and noise of congregations of people and passenger vehicles. The intent of these regulations is not to limit business development in the County, but to encourage it by rezoning at the specific and

appropriate locations where it will not produce noise, pollution, congestion, or safety problems for quieter, residential uses.

### **Permitted Uses**

Within the Business District (B-1) the following uses are permitted:

Antique Shops

Apartments as a secondary use (i.e. apartment above businesses)

Art, Craft and Hobby Stores (Supplies and Works)

Auto Truck Sales, Agricultural/Industrial Equipment, used & new

Barber & Beauty Shops

Caterers

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries – newly established – a plat indicating the specific location of the grave will accompany the affidavit

Churches

Convenience Stores

Day Care Centers

Drug Stores

Dry Cleaning & Laundry Service drop-off/pick-up stations

Emergency Service Facilities

Financial Institutions, Including But Not Limited to Banks, Savings and Loans and Credit Unions

Food Stores – Bakery, Butcher, Candy

Funeral Homes

Garages, Private

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Lube Shops , Auto Repair, Towing Service

Medical Clinics

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Off-Street Parking

Parks & Playgrounds

Offices, Professional

Restaurants – Some Indoor Seating – no Alcoholic Beverage Consumption-7/12/99

Retail Stores – gift/novelty shops, apparel stores, Sporting Goods Shop (without shooting range), Jewelry etc.

## **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Amusement Centers – Bowling Alleys, Pool Halls, Skating Rinks, Swim Clubs, Theaters  
Assembly Halls – community centers, lodge halls  
Auction Barns  
Automotive Wash Operations – 10/9/01  
Automotive Sales Lot to Include the Sale of Recreational Vehicles, Trailers, and Boats - 8/13/01  
Clubs, Public & Private – country clubs  
Colleges  
Community Centers  
Dog Businesses – Kennels, Grooming, Boarding, Training, Trials  
Dormitories  
Drive-In Restaurants  
Drive-in Theatres  
Flea Markets  
Laundromats & Dry Cleaners  
Lodge Halls  
Parking Facilities, Commercial  
Public Facilities  
Public Garages  
Public Utilities  
Radio & TV Stations  
Restaurants – With some on Premises Alcoholic Beverage Consumption – 7/12/99  
Schools, Public & Private  
Tattoo Parlors/Galleries – 11/20/03  
Telecommunications- non-concealed attached and non-concealed freestanding towers (See Article 9)  
Warehousing to include Mini-Storage Facilities – 9/11/00

## **Area Regulations**

There are no minimum areas or size except as may be required by the Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

## **Setback Requirements**

In Business District (B-1), a minimum front setback (from the nearest point on any structure to the front property line) of fifty (50) feet shall be allowed for any structure fronting on a Primary Road, twenty-five (25) feet shall be allowed for any structure on a Secondary Road. The Board of Supervisors may approve lower front setbacks upon request. However, all requests will be reviewed on the bases of projected traffic count

and flow and the Comprehensive Plan.

In the Business District (B-1), the side and back setback shall be a minimum of:

- (1) twenty-five (25) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (2) Ten (10) feet from the nearest point on any structure to the property line adjoining a business district.
- (3) Fifty (50) feet from the nearest point on any structure to the property line adjoining a industrial district.

### **DISTRICT 5 - INDUSTRIAL DISTRICT - LIGHT (M-I)**

#### **Purpose**

This district is established to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust, and other nuisances, which operate primarily within enclosed structures, and which do not deal with large volumes of customers on a continuous basis throughout the day. Limitations on height of building, horsepower, heating, flammable liquids or explosives, controlling emissions of fumes, odors, or noise, and landscaping may be imposed to protect and foster environmental desirability while permitting industries to locate near a labor supply, provided buffering districts or buffering land is provided.

#### **Permitted Uses**

Within the Light Industrial District (M-I) the following uses are permitted but not limited to the following:

Uses that are Assembling in nature

Manufacturing uses are only permitted if there is no discharge other than sewer and low levels of noise, smell, light and dust.

Churches – cemeteries, manses

Food and Food products – frozen food manufacturing, candy manufacturing, bakery, beverage and bottling

Furniture, Electronics, and Hardware –, upholstery, Hardware store, jewelry and watch manufacturing,

Grocery, Gas and Convenience Stores – automobile wash stations

Garages – lube shops, machine shop,

Motels/Hotels

Professional offices – contractors’

Retail- Hobby shop, Novelty shop,

Warehouses

Wood/Lumber products – lumber manufacturing, pulpwood processing, woodworking shop,

Welding

**Special Use Permit**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors but are not limited to the following:

- Brick & Block Manufacturing
- Dry Cleaning
- Flour Milling
- Quarry
- Meat & Poultry Processing
- Mining
- Vegetable Oil Processing

**Area Regulations**

There are no minimum areas or size except as may be required by the Buckingham County Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

**Setback Requirements**

In Industrial District (M-1), the minimum front setback shall be fifty (50) feet from the nearest point on any structure to the front property line.

In the Industrial District (M-1), the side and back setback shall be:

- (4) One hundred (100) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (5) Fifty (50) feet from the nearest point on any structure to the property line adjoining a business district
- (6) Fifteen (15) feet from the nearest point on any structure to the property line adjoining an industrial district.

**DISTRICT 6 - INDUSTRIAL DISTRICT-HEAVY (M-2)**

**Purpose**

This district is established to provide locations for larger scale manufacturing, processing, and warehousing which may require extensive community facilities and access to transportation facilities, which may have open storage and service areas, and which may generate heavy truck traffic. These districts may be established by amendment to the zoning map to authorize industries which have a public nuisance potential and will be subject to intensive review for locational impact on surrounding land uses and environment. This district is designed to encompass heavy manufacturing

with large outside storage, warehousing, and large product display areas.

### **Permitted Uses**

Within the Heavy Industrial District (M-2) the following uses are permitted:

All of the permitted uses in District M-I are permitted in this district. In addition, the permitted uses are as follows but not limited to:

- Block; Brick Manufacturing
- Cut Stone operations
- Gypsum Manufacturing
- Livestock Markets
- Lightweight Aggregate Manufacturing
- Quarrying & Mining
- Monumental Stone Works
- Smelting Operations
- Steam Generations
- Soap Manufacturing

### **Special Use Permit**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

All of the special uses listed in the Industrial Light (M - 1) District are special uses in this district. In addition the following uses but not limited to :

- Abattoirs, Rendering Plants
- Acid Manufacturing
- Animal Fats, Oil Manufacturing
- Automobile Graveyards
- Aluminum Foils and Coils - 9/27/99
- Fertilizer Mill
- Industrial Gases Manufacturing
- Incineration, Waste
- LP Gas, Natural Gas Storage
- Oil Gas Transmission Facility
- Petroleum Refining
- Poultry Processing
- Paint Manufacturing
- Perfume Manufacturing
- Weaponry Manufacturing

## **Area Regulations**

There are no minimum areas or size except as may be required by the Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

## **Setback Requirements**

In Industrial District (M-2), the minimum front setback shall be fifty (50) feet from the nearest point on any structure to the front property line.

In the Industrial District (M-2), the side and back setback shall be:

- (7) One hundred (100) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (8) Fifty (50) feet from the nearest point on any structure to the property line adjoining a business district
- (9) Fifteen (15) feet from the nearest point on any structure to the property line adjoining a industrial district.

## **DISTRICT 7 - WATERSHED DISTRICT (WS-1)**

### **Purpose**

The purpose of this district is to protect against and minimize the pollution of, and disposition of sediment in the public drinking water supply sources located in Buckingham County in order to protect the health, safety, and general welfare of the citizens using the water. This zoning district is to be superimposed over other existing districts and the special requirements of the district shall apply in addition to the requirements of the zoning use district within which a specific property is located.

### **Permitted Uses**

All permitted uses and special uses allowed in the zoning district over which the Watershed Districts are superimposed shall be allowed except as provided below:

Production or Disposal of Hazardous Waste  
Storage of Hazardous Waste  
Storage of Pesticides Intended for Repackaging or Resale  
Installation of Long Distance Pipelines  
Application or Land-filling of Industrial or Residential Waste  
Relocation of Stream Beds  
Establishment of Feed Lots of More than 100 Head  
Bulk Storage of Petroleum or Asphalt

Swimming, Skiing & etc  
Operation of Motor Vehicles on the Dam or Spillway. Except for Maintenance Purposes  
Use of Gasoline Boat Motors on the Reservoir

Clear Cutting of Timber to Within 2,000 feet of Reservoir, Unless Best Management Practices are followed in which case the Distance will be 200 feet

Livestock Access in the Reservoir  
Docks or Other Structures  
Apartment Complexes or Housing Developments within 2,000 Feet of Reservoir  
Establishments of Commercial Activities Requiring Wastewater Treatment Facilities

### **Erosion and Sedimentation**

All access roads, entrances, and building sites must meet all State and local Soil Erosion and Sedimentation Regulations.

### **District Boundaries**

The delineation of the district boundaries shall be shown on the Watershed District Maps of Buckingham County, Virginia.

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Exploration, Development, or Operation of Oil or Natural Gas Wells  
Development or Operation of Strip Mine or Quarry  
Establishment of any Facility Requiring Construction of Wastewater Treatment Facilities

### **Area Regulations**

The delineation of the district boundaries shall be based on technical studies specific to the water supply and approved by the Board of Supervisors

## **DISTRICT 8 -RECREATIONAL ACCESS DISTRICT (RA-1)**

### **Purpose**

The purpose of this district is to protect and preserve the natural beauty and aesthetic or cultural value of the approaches and entrances to public areas, and to prohibit uses and developments of a type that might depreciate or destroy the park-like environment.

**Permitted Uses**

In Recreational Access District (RA-1) the following uses are permitted:

- Agricultural and Forestry Operations Conservation Areas
- Lodges, Hunting, Boating, & Golf Clubs Parks & Recreation Areas
- Churches and Cemeteries Homes, Single-Family
- Playgrounds
- Public Buildings

**Special Use Permit**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors but shall not be limited to the following:

- Public Utility Booster or Relay Stations, Transformer Substations, Transmission Lines and Towers, Pipes, Meters, and Other Facilities for the Provision and Maintenance of Public Utilities

**Area Regulations - Minimum Lot Size**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

	Water and Sewer	Water Only	Sewer Only	No Water or Sewer
Area	10,000 sq. ft.	20,000 sq. ft	40,000 sq. ft	2 to 2.99 acres
Width	80 ft.	100 ft.	125 ft.	200 ft. minimum
Area				3 to 14.99 acres
Width				300ft. minimum
Area				15 + acres
Width				400 ft. minimum

Amended - 6-26-06

**Setback Requirements**

The minimum distance from the nearest point of the structure to the edge of the specified right of way shall be fifty (50) feet. The minimum side setback and back setback, the distance from the side property line of a lot and the back property line of a lot to the nearest point on the structure shall be twenty- five (25) feet.

## **DISTRICT 9 - LANDFILL AND WASTE DISPOSAL DISTRICT (L-1)**

### **Purpose**

The purpose of this district is to regulate the location of landfills or other uses for the disposal of any materials regulated by the Virginia Department of Environmental Quality, including general solid waste as well as hazardous waste materials as defined in Section 32.1-239 of the Code of Virginia. For the purpose of this ordinance, all unincorporated areas of Buckingham County are included in the L-1 District. This zoning district is to be superimposed over other existing districts and the special requirements' of the district shall apply in addition to the requirements of the zoning use district within which a specific property is located.

### **Permitted Uses**

Production, Storage, or Disposal of Hazardous Waste  
Production, Storage, or Disposal of Nuclear Waste Material

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Disposal of Solid Waste Materials Whether through Land-filling, Incineration, or Any Other Prevailing Method of Disposal

### **Area Regulations**

All unincorporated areas of Buckingham County are included in the boundary of this district.

## **DISTRICT 10 - Residential Planned Unit Development, (RPUD-1)**

### **Purpose.**

Residential planned unit development district RPUD is designed to allow the greatest flexibility of land and site design, development and innovation while requiring conformance to the purposes of this chapter. The district is designed to provide for medium and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. The regulations for this district are designed to protect the natural beauty of the landscape, to encourage preservation and more efficient use of open space and to encourage a more efficient use of land and public services. The following provisions shall apply:

1. The project shall use conservation design and identify conservation areas as first priority.

2. Residential and Commercial lots within the RPUD shall be a maximum of one (1) acre. However, all uses aside from residential shall be incidental to residential.
3. Residential planned unit developments shall comply with the provisions of the county subdivision ordinance and this article of the zoning ordinance. However, in case of conflicting provisions between either the subdivision ordinance or other articles of the zoning ordinance, this article shall take precedence.

### **Permitted Uses.**

In residential planned unit development district RPUD, the following uses may be permitted:

- (1) Single-family dwellings
- (2) Multiple-family dwellings.
- (3) Mobile Home Parks
- (3) Schools.
- (4) Religious activities and quarters.
- (5) Parks, playgrounds, athletic areas, play lots, tot lots, golf courses, swimming pools, lakes and undeveloped areas for passive recreation.
- (6) Recreational buildings, provided that such recreational buildings shall be not substantially larger than necessary to serve the residents who will live within the planned residential development district when it is fully developed.
- (8) Accessory uses and structures which are customarily auxiliary and clearly incident and subordinate to permitted uses and structures.
- (9) Group home.
- (11) Telecommunication Towers as defined in Article 9 of the Zoning Ordinance

### **Special uses permitted by special exception.**

1. Schools and child care centers.
2. Lodges, clubs, country clubs and golf courses.
3. Commercial uses in accordance with non-residential uses that would be of benefit to residences such as doctor's offices, café, etc.

### **Site requirement.**

For purpose of residential planned unit development, the following minimal design criteria must be met:

1. *Contiguity required.* A tract of land must be contiguous and lend itself to being improved so as to benefit the entire community with no significant adverse effect upon surrounding properties.
2. *Size limitations.* For RPUDs entailing more than fifty (50) acres a plan for staging the RPUD shall be formulated by the developer subject to the approval of the Planning Commission. Such plans shall be submitted along with the tentative plat for the RPUD.
3. *Maximum allowable residential densities.* Cluster development. Cluster development is intended to encourage creative site designs and layouts that incorporate denser groupings of lots in distinct nodes that are interconnected within a site with each cluster or node separated by large and meaningful amounts of open space. Typical curvilinear or grid pattern subdivision configurations would not qualify as a cluster development.

Cluster development shall be permitted only upon provision of either private packaged or public sanitary sewer and water systems. The preferred maximum residential density shall range from 4 to 6 units per acre (Density Guideline = 1 structure/unit per ¼ acre but not to exceed 6 dwelling units per structure). However, a greater maximum gross density may be approved at the discretion of the Board of Supervisors of Buckingham County or by achieving seventy (70) percent open space and Thirty (30) percent impervious space (see 4a and 4b below).

4. *Bulk regulations.*

a. *Residential.* Maximum land coverage by buildings, street pavement and covered parking areas: Forty (40) percent, whereas sixty (60) percent must be devoted to either required open space, uncovered parking areas or required yards.

b. *Common area.* At least thirty (30) percent of the gross land area of a RPUD shall be common open space. The area in streets, parking areas, required yards shall not be included in the required common open space; however, the area determined as acceptable open space in lakes and ponds, flood plain area and existing or proposed trunk utility line rights-of-way will be determined on the particular circumstances of each proposed planned residential development. Staff is granted administrative authority to negotiate and determine compliance with the spirit and intent of the open space regulations.

5. *Streets.* All streets located within the RPUD shall be constructed and maintained in conformance with Virginia Department of Transportation subdivision road standards.

6. *Utilities.* All onsite utilities serving the RPUD, including sanitary sewer, water, electrical transmission lines and telephone lines, shall be placed underground. The costs related to the provisions of maintenance of such utilities until acceptance of dedication by the public utility shall either be borne by the developer or the residents of the RPUD. Public sanitary sewer and water systems shall be constructed in accordance with County Code and all applicable county standards and requirements, and approved by the county utility director. Private sewer and water systems shall be constructed in accordance with Virginia Department of Health (VDH) and approved by the Virginia Department of Health. Shared utilities must be clearly indicated on the final plat and the responsibility of such shall be outlined in the nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the planned development.

7. *Buffer space.* Buffer space along the perimeter of a planned residential development district shall be clearly defined on the site plan. The planning commission will review buffer space on a case by case basis and may approve less buffer space if the perimeter contains physical or natural barriers.

8. *Building location.* In a planned residential development district, the location of buildings in relation to each other and to streets shall provide:

(a) Adequate light and ventilation to protect the health of the occupants and users thereof.

(b) Necessary access for fire equipment and other emergency vehicles.

(c) A reasonable degree of privacy for the residents and occupants of the development.

(d) Whenever any nonresidential use is established in this district shown or proposed within the site plan which adjoins any other lot shown or proposed to be residentially developed within the site plan within the residential planned unit development district, a transitional yard shall be provided on such lot by the nonresidential use along such common boundary to a depth of fifty (50) feet for principal structures and thirty (30) feet

for accessory structures, and screening shall be provided within such yard which shall be sufficient to insulate visually the nonresidential use from the residential property. Such transitional yard shall be landscaped and shall not contain any structures or any parking lot or driveway.

9. Lot widths and setbacks may be varied to allow for a variety of structural designs.

### **Common open space--Generally.**

A minimum of thirty (30) percent of the gross land area of the development shall be reserved for common open space and recreational facilities for the residents of the development. The location and character of the common open space shall be provided in a manner to meet the needs of the planned residential development. The common open space shall be used for amenity, recreational purposes, community gardens and/or green space. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography and the number and type of dwellings to be provided. Flood plain areas and bodies of water may account for a portion of the required amount of common open space. The amount of a flood plain area or a body of water that may be counted towards the total common open space requirement will be determined on the particular circumstances of each proposed planned residential development.

### **Common open space--Management.**

(a) The required amount of common open space land reserved under a planned residential development district shall be managed by one or a combination of the following methods of administering common open space:

(1) Public dedication to the county of the open space. This method is subject to formal acceptance by the county.

(2) Establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property (including vacant building lots) within the planned development to ensure the maintenance of open spaces.

(3) Retention of ownership, control and maintenance of open space by the developer, subject to approval of the board of supervisors.

(b) All open space not dedicated to the public shall be made subject to restrictive covenants running with the land thereafter restricting its use as declared in the final development plan, and such restrictions shall be for the benefit of, and enforceable by, all present or future property owners who shall be entitled to the use of such open space.

(c) All open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(d) If the developer elects to administer common open space through an association, nonprofit corporation, trust or foundation, the organization shall conform to the following requirements:

(1) The developer must establish the organization prior to the sale of any lots.

(2) The organization manual must be given to any new landowners at the time of sale.

(3) Membership in the organization shall be mandatory for all property owners, present or future, within the planned community and such organization shall not discriminate in its members or shareholders.

(4) The organization shall manage all open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of said land and improvements and any other land within the planned residential development not publicly or privately owned, and shall secure adequate liability insurance on the land. The developer must make up the difference in cost of maintaining the open space until the lots are sold.

(e) The responsibility for the maintenance of all common open space shall be specified by the developer before approval of the final development plan.

#### **Utility requirements.**

(a) Underground utilities, including telephone, electrical systems, and fiber optics, are required within the limits of all planned residential developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirements, if the county finds that such exemption will not violate the intent or character of the proposed planned residential development.

(b) All planned residential developments shall be served by public, central or shared water systems and either public, packaged, shared or private sewer systems. All shared and/or private sewer must be designed with a 100% reserve. Prior to application submittal, the systems must be approved by the state department of health and/or the Buckingham County Utility Director. The operation and maintenance of such systems will be the responsibility of the property owners organization or the responsibility of each landowner using said system.

( C) Junction boxes shall be screened and minimized.

#### **Procedure for establishing a RPUD district.**

Material submitted with the application or on subsequent request by the planning commission shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records (as outlined in Article 4).

#### **Approval of final development plan and reports; issuance of building permits.**

(a) After lands are rezoned to PRD status, no building permit shall be issued in such district unless and until the Planning Commission's Agent shall have approved the final development plan and reports for the development as a whole or stages deemed satisfactory in relation to total development. No structure or use not indicated in the approved development plan and reports shall be permitted.

(b) Upon approval of the development plan and reports, building permits shall be issued in the same manner as for building permits generally; provided, that any requirements concerning the order or location in which building permits are to be issued in the particular RPUD district shall be observed. Final plans and reports approved shall be binding on the applicant and any successors in interest so long as RPUD zoning applies to the land.

**Expiration and extension of approval periods.**

(a) The zoning permit for a planned residential development district shall be for a period not to exceed two years to allow for the preparation of a final development plan and the development of the project. If no construction has begun within two years after approval is granted, the planning commission shall review the circumstances for delay of a particular project and make a corresponding determination to either extend or void the zoning approval.

(b) An extension of the time limit or modification of the approved final development plan may be approved one (1) time for a period of time left to the discretion of the Planning Commission, if the planning commission finds that such extension or modification is not in conflict with the public interest.

**DISTRICT 11 - VILLAGE CENTER DISTRICT (VC-I)**

**Purpose**

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

**Permitted Uses**

Within the Village Center District (VC-I), the following uses are permitted:

Agriculture, Provided that no Structure Containing Poultry or Livestock and no Storage of Manure or Odor or Dust

Producing Substance Shall be Located within the District – excluding household compost

Adult Retirement Community/Assisted Living

Churches, Manses, Parish Houses, and Cemeteries

Dwellings, Single-Family, Detached

Fraternal Organizations

Garages, Residential

Home Based Service Business

Manufactured Homes (One per Residential Lot)

Multi-family Housing – Apartments, Duplexes, Triplexes, Townhouses

Parks and Playgrounds

Offices, Public and Private

Recreation Facilities

Retreat Centers, Religious and Secular Amended

Schools, Public and Private

Signs– non-illuminated and less than 3 x 4, max. height 5 ft, must be located outside of VDOT right of way

Subdivisions, Minor

Businesses allowed by right are those that; 1) do not have any outside storage or displays, 2) operate between the hours of 7 AM and 7 PM, 3) have no more than 60 trips/customers per day and 4) do not use delivery trucks with greater than 2 axels. Examples may include: Antique/Gift Shop, Barber/Beauty Shop, and Day Care. All Business that do not fit within the parameters listed above must apply for a Special Use Permit.

**Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Any use which may be permitted by special use permit in either the Agriculture (A-I) or Business (B-1) Districts and which is not set forth above as a use permitted by right in the Village Center (VC-I) District.

Any home-based service business which does not meet the definition for a home occupation permitted as of right for the reason that it is carried on in whole or in part from other than the home or principal dwelling house or employs other than family members.

**Area Regulations - Minimum Lot Size:**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

<b><u>Type of Service Requirement</u></b>	<b><u>Area Requirement</u></b>	<b><u>Width</u></b>
Public or Central Water & Public or Packaged Sewer	¼ acre minimum	80ft
Public or Packaged Sewer only	½ acre minimum	100ft
Public or Central Water only	1 acre minimum	125ft
Private single-user Water & Sewer	2 acre minimum	200ft

**Setback Requirements**

Principal Structures - The minimum distance from the nearest point of the principal structure to the edge of the specified right of way shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (35) feet from the centerline for any proposed and/or private road. Setbacks for side property lines without right of ways shall be a minimum of ten (10) feet with the total of both sides equaling twenty-five (25) feet or greater. Rear setbacks without right of ways shall be a minimum of fifteen (15) feet.

Accessory structures - shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (35) feet from the centerline for any proposed and/or private road and shall be a minimum of ten (10) feet from all other property lines.

## **ARTICLE 3 - NON-CONFORMING USES**

### **Continuation**

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

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.

If any non-conforming use (structure(s) or activity) is discontinued for a period exceeding two (2) years, after the enactment of this ordinance it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

Wherever a non-conforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

Temporary seasonal non-conforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded

### **Permits**

The construction or use of a non-conforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

### **Repairs and Maintenance**

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

### **Expansion or Enlargement**

A non-conforming structure to be extended or enlarged shall conform to the provisions of this ordinance.

A non-conforming activity may be extended throughout any part of a structure which arranged or designed for such activity at the time of enactment of this ordinance.

A nonconforming use of property or a conforming use the requirements for which are changed by this ordinance, shall comply with the requirements of this ordinance before it is expanded or enlarged or additional buildings or structures may be constructed or added to carry out or support the use

### **Restoration and Replacement**

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

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

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.

Mobile homes within non-conforming and/or non-permitted mobile home parks may be replaced with newer and/or larger homes as long as the number of bedrooms does not increase.

A structure on a nonconforming lot may be replaced but shall not be enlarged or expanded without complying with the requirements of this ordinance.

### **Non-Conforming Lots**

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the Board of Zoning Appeals regarding setbacks and side yards are met.

## **ARTICLE 4 - GENERAL PROVISIONS**

### **Zoning Permits**

Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the Administrator. The application form used for a building permit shall serve as an application for a zoning permit and shall contain a certification that requirements of the zoning ordinance have been met. A change in activity not requiring a building permit shall require a separate application for zoning permit. If the proposed use constitutes a special use permit or zoning map amendment, and then the applicant shall be responsible for reimbursement to Buckingham County for the cost of advertisement(s) of the request and any costs incurred by the County for notification of adjoining property owners as required by law or fees as set forth by the

Board of Supervisors of Buckingham County. If the request is approved, such fees shall be paid prior to issuance of the zoning permit.

If in the Administrator's judgment, the proposed construction constitutes a permitted use for the district in which the construction lies, the zoning permit shall be issued in conjunction with the building permit. The Administrator may refer any application for a zoning permit to the Planning Commission. The Commission may request a review of any zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

Each application for zoning permit shall be accompanied by at least one copy of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed.

### **Special Use Permit**

If in the Administrator's judgment, the proposed construction constitutes a special use for the district in which the construction lies, the application for a zoning permit shall be referred to the Planning Commission, which shall meet within 30 days to consider the application. A public hearing shall be held at which parties in interest and citizens shall have an opportunity to be heard, except that the Commission may waive a public hearing if the applicant presents satisfactory evidence of approval by the community. The Commission shall transmit a recommendation based on its consideration of the application to the Board of Supervisors not more than 30 days after the public hearing(s). The Board of Supervisors shall hold a public hearing and shall either approve or deny the application.

### **Uses Not Provided For**

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendations to the governing body within sixty (60) days. If the recommendation of the Planning Commission is approved by the governing body, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both Planning Commission and Board of Supervisors shall hold a public hearing after advertising in accordance with Section 15.2-2204, Code of Virginia.

### **Sign Placement for Notice of Public Hearings**

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area

either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

Any person, firm, or corporation, whether as principal, agent, employed, or otherwise, destroying, stealing, or defacing any sign(s) displaying a public hearing announcement shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to five hundred dollars (\$500). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any sign(s) are destroyed, stolen, or defaced and is committed, continued, or permitted by such persons, firm, or corporation, and shall be punishable as herein provided.

Applicant in this section shall be defined as the Owner, Developer, or agent of the owner and/or developer.

## **ARTICLE 5 - PROVISIONS FOR APPEAL**

### **Board of Zoning Appeals**

A Board consisting of five (5) members shall be appointed by the Circuit Court of Buckingham County. The Board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) shall serve for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One of the five appointed members shall be an active member of the Planning Commission.

Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

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.

The Board shall choose annually its own Chairman and Vice Chairman who shall act in the absence of the Chairman.

### **Powers of the Board of Zoning Appeals**

Boards of Zoning Appeals shall have the following powers and duties:

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.

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

No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the ordinance would produce undue hardships; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring in nature as to make reasonable and practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

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

### **Rules and Regulations**

The Board of Zoning appeals shall adopt such rules and regulations as it may consider necessary.

The meeting of the Board shall be held at the call of its Chairman or at such times as a quorum of the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

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

All meetings of the Board shall be open to the public  
A quorum shall be at least three (3) members.

A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

### **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 or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceeding 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.

### **Appeal Procedure**

Appeals shall be made to the Board of Zoning Appeals, c/o the Zoning Administrator.

Appeals requiring an advertised public hearing shall be accompanied by a certified check for two hundred and fifty dollars (\$250) payable to the Treasurer, Buckingham County.

### **Public Hearing**

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination of an administrative office or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Office of the Board and shall be public

records. The Chairman of the Board, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

### **Decision of Board of Zoning Appeals**

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the County of Buckingham, may present to the Circuit Court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Office of the Board.

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 (10) days and may be extended by the Court. The allowance of the Writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause show, grant a restraining order.

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.

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.

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.

### **ARTICLE 6 - VIOLATION AND PENALTY**

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

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 up

to two thousand five hundred dollars (\$2,500). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm, or corporation and shall be punishable as herein provided.

## **ARTICLE 7 - AMENDMENTS**

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

The Planning Commission shall hold at least one public hearing on such proposed amendment after notice is required by Section 15.2-2204, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory material.

Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by 'Section 15.2-2204, after which the governing body may make appropriate changes or corrections in the proposed amendment, provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.2-2204. An affirmative vote shall be required to amend the Zoning Ordinance.

### **Proffers of Conditions**

Prior to any public hearing before the Board of Supervisors, any applicant for rezoning may voluntarily proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such conditions shall comply with the provisions of the Code of Virginia, provided that the proffering by the applicant shall be deemed prima facie evidence of such compliance.

Upon approval of any such rezoning, all conditions so proffered and accepted by the Board of Supervisors shall be deemed a part thereof and non-severable and shall remain in force until amended or varied by the Board of Supervisors in accordance with the Code of Virginia. All such conditions shall be in addition to the regulations provided for the district.

Each such rezoning shall be designated on the zoning map by the appropriate symbol designed by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the zoning index which shall provide ready access to the ordinance creating such conditions.

## **ARTICLE 8 - ADMINISTRATION AND INTERPRETATION**

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

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 thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

### **Effective Date**

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

### **Severability**

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

### **Conflicting Ordinances**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation, and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

## **ARTICLE 9**

### **RADIO, TELEVISION AND WIRELESS COMMUNICATION TOWER AMENDMENT TO THE ZONING ORDINANCE OF BUCKINGHAM COUNTY**

#### **Section One: Purpose**

The purpose of this article is to facilitate collocation of radio, television, and wireless communication towers and wherever possible, minimize the impacts of wireless communication facilities (hereinafter WCF) on surrounding areas by establishing, in accordance with the County's zoning regulatory authority, standards for location, structural integrity compatibility and protect the character of the county while meeting the needs of its citizens to enjoy the benefits of wireless communications services; to encourage the use of public lands, buildings, and structures as locations for wireless communications infrastructure demonstrating concealed technologies and revenue generating methodologies and to ensure that surrounding property owners are notified when towers are proposed. Certification of all the following requirements must be made to the Administrator before a building permit for any tower construction, tower modification, antenna collocation, antenna attachment, or antenna modification will be issued.

## **Section Two: Applicability**

The following shall apply to the development activities including installation, construction, or modification of the following wireless communications facilities:

- (1) Existing WCF.
- (2) Proposed WCF.
- (3) Public WCF.
- (4) Replacement of an existing WCF.
- (5) Collocation on existing WCF.
- (6) Modification(s) to existing collocation or antenna array
- (7) Attached WCF.
- (8) Antenna element replacement(s)
- (9) Concealed WCF.
- (10) Broadcast transmission facilities
- (11) Wireless Broadband facilities

## **Section Three: Exempt Installations**

Notwithstanding any other provisions contained in land development regulations for the County, the following items are exempt from the provisions of this article;

- (1) Non-commercial, FCC licensed amateur radio antennas as provided for in the definition section.
- (2) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all designated growth areas as identified in the Comprehensive Plan and three meters or less in all other zoning districts.
- (3) A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the county board of supervisors or designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
- (4) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county board of supervisors or designee and approved by the county board of supervisors or designee; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this article up to three months after the duration of the state of emergency.
- (5) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county board of supervisors or designee, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt

from the provisions of this article for up to one week after the duration of the special event.

- (6) Antenna support structures, antennas, and/or antenna arrays for AM/FM/LPTV/DTV broadcast transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with federal and other applicable local regulations.

**Section Four: Permitted Uses by Zoning District and Siting Alternatives Hierarchy**

Zone	Concealed Attached WCF	Attached Antenna, Collocated or Combined on Existing WCF	Modification to existing collocation or antenna array	Non-concealed Attached WCF <sup>1</sup>	Replacement of Existing WCF <sup>2</sup>	Concealed Freestanding WCF	Non-Concealed Freestanding WCF	Antenna Element Replacement
A-1	P	P	P	P	P <sup>3</sup> /S <sup>4</sup>	P	S	P
RSA	P	P	P	P	P <sup>3</sup> /S <sup>4</sup>	P	S	P
R-1	S	P	P	S	P <sup>3</sup> /S <sup>4</sup>	P	S	P
B-1	P	P	P	S	P <sup>3</sup> /S <sup>4</sup>	P	S	P
M-1	P	P	P	P	P <sup>3</sup> /S <sup>4</sup>	P	P	P
M-2	P	P	P	P	P <sup>3</sup> /S <sup>4</sup>	P	P	P
PUD	S	P	P	S	P <sup>3</sup> /S <sup>4</sup>	P	S	P
VC	S	P	P	S	P <sup>3</sup> /S <sup>4</sup>	P	S	P
R-2	S	P	P	S	P <sup>3</sup> /S <sup>4</sup>	P	S	P

**P – Permitted By Right**

**SUP – Special Use Permit**

**Section Five: Siting alternatives hierarchy**

Siting of a new antenna array or free standing WCFs shall be in accordance with the following siting alternatives hierarchy.

- (1) Collocated or combined antenna, or modification of an existing antenna(s) on an existing antenna array on existing WCF
  - a. On publicly-owned property
  - b. On non publicly-owned property
- (2) Replacement of existing WCF.
  - a. On publicly-owned property
  - b. On non publicly-owned property

<sup>1</sup> Non-concealed attached WCFs are only allowed on transmission towers and light stanchions.

<sup>2</sup> A second replacement for a tower previously replaced required approval of a Special Use Permit

<sup>3</sup> Replacement WCFs are permitted By Right (P) unless the replacement of an existing non-illuminated WCF is required to become illuminated. In this instance the replacement will require a Special Use Permit (SUP).

<sup>4</sup> Replacement WCFs over 125' in a high in growth areas require Special Use Permit (SUP) approval.

- (3) Concealed attached WCF.
  - a. On publicly-owned property
  - b. On non publicly-owned property
- (4) Non-concealed attached WCF (only on transmission distribution poles).
  - a. On publicly-owned property
  - b. On non publicly-owned property
- (5) Concealed freestanding WCF
  - a. On publicly-owned property
  - b. On non publicly-owned property
- (6) Non-concealed freestanding WCF.
  - a. On publicly-owned property
    - (i). Monopole tower
    - (ii). Lattice tower
    - (iii). Guyed tower
  - b. On non publicly-owned property
    - (i). Monopole tower
    - (ii). Lattice tower
    - (iii). Guyed tower

For attached, collocated, or combined WCFs, the order of ranking preference, highest to lowest, shall be from 1 to 3. Where a lower ranked alternative is proposed, the applicant must file relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility.

Where a replacement or freestanding WCF is permitted the order of ranking preference from highest to lowest shall be from 4 to 6. Where a lower ranked alternative is proposed, the applicant must file relevant information to demonstrate higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility, and the existing land uses of the subject and surrounding properties within 300 feet of the subject property.

**Section 6: Uses of County-owned lands**

The following Buckingham County-owned properties are available for new wireless telecommunication infrastructure subject to all the zoning requirements of this Ordinance.

Property	Address	MP Site ID	Infrastructure Type	Infrastructure Maximum Height
Household Waste & Recycling Center	29420 N. James Madison Highway	5	Monopole	125'
Household Waste & Recycling Center	720 Plank Road	10	Monopole	199'
Water Tank	52 Dillwyn Primary Road	14	Concealed Antenna Attachments	n/a
Household Waste & Recycling Center		15	Concealed	125'
Water Treatment Plant	1788 Troublesome Creek Road	18	Monopole	199'
Household Waste & Recycling Center	16836 W. James Anderson Highway	26	Monopole	199'
Buckingham County Courthouse	13043 W. James Anderson Highway	27	Monopole Flag Pole/concealed attached	125'
Buckingham County Administrative Offices	13360 W. James Anderson Highway	28	Monopole Flag Pole/concealed attached	125'
Undeveloped Land	Section 137, Parcel 121A	29	Concealed	125'
Undeveloped Land	Robertson 99-25, Parcel 89	30	Concealed	125'

Water Tank		32	Concealed Antenna Attachments	n/a
Animal Shelter	9659 Andersonville Road	34	Monopole	199'
Old landfill	Off Andersonville Road	35	Monopole	199'
Household Waste & Recycling Center		38	Concealed Monopole	199'

- (a) If an applicant requests a permit to develop a site on County-owned property, the permit granted hereunder shall not become effective until the applicant and the County have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.
- (b) No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the jurisdiction for delivery of telecommunications services or any other purpose.
- (c) No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee. Further, no permit shall be construed as a conveyance of a title interest in the property.

**Section Seven: Required Statements, Reports, Notices and General submittal requirements.**

**#1 For All New WCFs**

In addition to the submittal requirements of any subsection below, each applicant shall submit a completed application form and required application fees as part of its submittal package.

- (1) Prior to application submittal.
  - (a) The applicant shall contact the Zoning Administrator to confirm submittal requirements and Planning Commission and Board of Supervisor meeting dates.
  - (b) Balloon Test for all new freestanding WCFs
    - 1. The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at the maximum height of the proposed WCF and within 50 horizontal feet of the center of the proposed antenna support structure.

2. The applicant shall inform in writing the zoning administrator, abutting property owners, elected County Supervisor, and appointed Planning Board Commissioner of the district of the date and times of the test at least 14 days in advance.
3. The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
4. The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
5. Signage similar to rezoning signage shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted a minimum of seventy-two hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test then cancellation of the test shall be clearly noted on the signage.
6. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
7. The applicant shall record the weather during the balloon test.
8. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement

(2) Provided with application:

- (a) The applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the county as well as known tower owners as indicated on the list of wireless service providers provided by the county:

*"Pursuant to the requirements of the Buckingham County Zoning Ordinance, Article 9 is hereby providing you with notice of our intent to meet with the county staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at \_\_\_\_\_ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a support structure of \_\_\_\_\_ feet in height for the purpose of providing \_\_\_\_\_ (type of wireless service) \_\_\_\_\_. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed facility. Please provide us and Buckingham Planning*

*Department with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.  
Sincerely, (pre-application applicant, wireless provider)"*

- (a)
- (b) An affidavit by a radio frequency engineer demonstrating compliance with siting alternatives hierarchy. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility. NOTE: These documents are needed to justify a facility and to determine if the proposed location is the only or best one in the designated geographic area of the proposed facility. Reasons may include:
  - (1) No existing wireless communications facilities located within the geographic area meets the applicant's engineering requirements, and why.
  - (2) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
  - (3) Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
  - (4) Other limiting factors that render existing wireless communications facilities unsuitable.
  - (5) Costs of concealment technology that exceed facility development costs shall not be presumed to render the technology unfeasible.
- (c) Twelve sets (11"× 17") of signed and sealed site plans by a surveyor or engineer licensed in the State of Virginia, including antenna support structure elevations, and landscape plans if required, and one reduced copies (8 1/2"× 11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities. The site plans shall identify adjacent land owners, land uses, height of principal building, size of lots, and existing zoning and land use designation.
- (d) An identification card for the subject property from the office of the Commissioner of the Revenue for the County or a tax bill showing the ownership of the subject parcel.
- (e) Proof that a property and/or WCF owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).
- (f) For monopoles using breakpoint technology a written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility.
- (g) Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate;

including latitude, longitude, and power levels of the proposed and existing antenna is required.

- (h) A map showing the designated search ring.
  - (i) Identification of the intended service providers of the WCF.
  - (j) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
  - (k) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding interference to other radio services.
  - (l) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding human exposure to radio frequency energy.
  - (m) One original and two copies of a survey of the property delineating an area equal to 200 percent (200%) of the height of the WCF as measured from the boundary of the equipment compound of the tower in all directions. This survey shall include all property lines and buildings and be completed by a professional surveyor, licensed in the State of Virginia, showing all existing uses, structures, and improvements.
  - (n) A landscape plan in accordance with the provisions of Section 8 (d) of this Article, to include without limitation, any required buffer.
  - (o) If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the county as part of the application package.
  - (p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this chapter.
- (3) Provide with building permit:
- (a) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," if applicable.
  - (b) Prior to issuance of a building permit a stamped or sealed structural analysis of the proposed WCF prepared by a registered professional engineer licensed in the State of Virginia indicating the proposed and future loading capacity of the WCF.
  - (c) Prior to issuance of a building permit, proof of Virginia Department of Historic Resources (VDHR) approval and State Historic Protection and Preservation Office (SHPPPO) approval, if required.

**#2 Attached, collocated, collocation modifications of existing arrays, or combined antenna on an existing WCF.**

The following shall be provided in addition to the requirements listed above.

- (a) If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
- (b) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure.
- (c) When required, photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.
- (d) Buffers: At the time of installation, the WCF equipment compound shall be brought into compliance with any applicable buffer requirements (see section 8(d))
- (e) Setbacks.
  - (1) A collocated or combined antenna or antenna array and associated equipment compound shall be subject to the setbacks of the underlying zoning district.
  - (2) When a collocated or combined WCF is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (f) When an attached antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (g) Concealed Attached WCFs: Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
- (h) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or structure. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original WCF site shall be submitted addressing the overall ground space for the WCF.
- (i) New equipment cabinets are subject to the underlying zoning setbacks.

- (j) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the utility company, the development standards for attached WCFs, and compliance with existing legal restrictions contained in any easement granted for said transmission towers and/or light stanchions.

**#3 Replacement of WCFs.**

The following shall also be provided in addition to the requirements listed i.

Replacement of WCFs shall accomplish a minimum of one of the following: 1) reduce the number of towers; or 2) reduce the number of nonconforming towers; or 3) replace an existing tower with a new tower to improve network functionality resulting in compliance with this ordinance. Replacement is subject to the following:

- (a) Height: The height of a tower approved for a first time replacement shall not exceed one hundred and fifteen (115) percent of the original height of the tallest tower or the maximum height permitted in district whichever is greater. (For example a 250' existing tower could be rebuilt at 287.5')
- (b) A second replacement for a tower previously replaced requires approval of a Special Use Permit.
- (c) Breakpoint technology: Replacement monopole towers shall use breakpoint technology in the design of the replacement facility.
- (d) Setbacks: A new tower approved for replacement of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. (For example, if a new tower is replacing an old one, the new one is allowed to have the same setbacks as the tower being removed, even if the old one had nonconforming setbacks.) The intent is to encourage the replacement process, not penalize the WCF owner for the change out of the old facility.
- (e) If the tower has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.
- (f) At the time of replacement, the tower equipment compound shall be brought into compliance with any applicable buffer requirements as provided in this Article.
- (g) Replacement WCFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.
- (h) The existing tower being replaced, including tower base but

excluding the tower foundation, must be removed within ninety (90) days of the initial operation of the new tower.

**#4 Freestanding concealed WCFs.**

The following shall be provided in addition to the requirements listed in Section 5(#1):

- (a) A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within 1,000 feet of the subject property's boundary, including zoning district boundaries, on a 11"× 17" sheet, together with a list of property owners within 2,600 feet of the subject property's boundaries and keyed to the map. The list must be from the most current ownership information supplied by the Office of the Commissioner of the Revenue for the County. Applicant will also provide a notarized certification letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (b) Height:
  - 1. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
  - 2. New concealed towers shall be limited to 199' or less in height.
  - 3. In designated growth areas as identified in the Comprehensive Plan the maximum height shall be one hundred and twenty-five (125) feet.
  - 4. For replacements of existing towers see Article 9, Section 5, #3, entitled, "Replacement of WCF's".
- (c) Setbacks: New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:
  - 1. If the antenna support structure has been constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.
  - 2. If the tower has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.

- (d) New concealed freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- (e) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples.  
In addition to the requirements of Section Four, Subsection I, the applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all designated growth areas as identified in the Comprehensive Plan that are within 1,500 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:
  1. Overall height.
  2. Configuration.
  3. Physical location.
  4. Mass and scale.
  5. Materials and color.
  6. Illumination.
  7. Architectural design.
- (f) The tower equipment compound shall be brought into compliance with any applicable buffer requirements as provided in this Article.

**#5**

**Non-concealed WCFs.**

- (a) It is intended that all new non-broadcasting towers be 199' or less in height. However, should a tower be required in excess of 199', all new non-broadcast facilities shall be subject to the following additional requirements:
  1. Propagation maps and corresponding data including but not limited to topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional antenna support structure(s) for network deployment, which would not otherwise be required.
  2. It shall be noted on the site plan that the tower shall be designed to allow for a future reduction of elevation to no more than 199', or the replacement of the tower with a monopole type structure at such time as the wireless network has

developed to the point that such a reduction in height can be justified.

- (b) If the antenna support facility has been constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements for that zoning district.. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side and rear yard setback requirements for that zoning district.
- (c) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.
- (d) The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all designated growth areas (as identified in the Comprehensive Plan) within 1,500 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:
  - 1. Overall height.
  - 2. Configuration.
  - 3. Physical location.
  - 4. Mass and scale.
  - 5. Materials and color.
  - 6. Illumination.
  - 7. Architectural design.
- (e) If the antenna support facility has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed antenna support structure.
- (f) In agricultural districts, new non-broadcast facilities shall be setback a minimum 110 percent of the distance from the top of the structure to the ground from any single-family dwelling unit on same zone lot and adjacent lots of record; and shall also meet the setback requirements described in (e) above
- (g) All freestanding towers up to 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All towers great than 150 feet shall be engineered and constructed to accommodate no less than six (6) antenna arrays.

- (h) The tower equipment compound shall be brought into compliance with any applicable buffer requirements as provided in this Article.

#### **#6 Antenna Element Replacement**

For any replacement of an existing antenna element on a WCF, prior to making such replacement, the applicant, in lieu of the requirements provided in Section Seven #1 shall submit and provide:

- (a) A written statement setting forth the reasons for the replacement.
- (b) A description of the proposed antenna replacement including the antenna element design, type and manufactures model number of the existing and proposed antenna.

#### **Section Eight: Additional development standards**

- (a) As part of the site plan submittal, the applicant must provide detailed information regarding the proposed facility's location, latitude and longitude and service area. Site plan shall include the proposed maximum height of the proposed WCF, including individual measurement of the base, the measurement from at ground level to the lightning rod.
- (b) The applicant shall provide evidence that all adjoining property owners and all other property owners within 2600 feet of the subject property's boundaries have been contacted to discuss specific proposals prior to public hearings before the Planning Commission and the Board of Supervisors.
- (c) Commercial messages shall not be displayed on any tower. Noncommercial signage shall be subject to the following:
  - 1. Identification is required on the security fencing around all antenna support structures identifying the tower ownership and ownership of any antenna attachments. The following information shall be provided on a four square foot sign: ASR registration number (if applicable); party responsible for the operation and maintenance of the facility; i.e. the address and telephone number of emergency contact; site address; and property manager name and contact number (if applicable).
  - 2. If more than two hundred twenty (220) volts are necessary for the operation of the facility, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: "HIGH VOLTAGE - DANGER."
- (d) Buffers. In all allowable locations the WCF equipment compound shall be landscaped with a minimum ten-foot wide perimeter buffer containing the following planting standards:
  - 1. One row of evergreen trees with a minimum two inches caliper, 25-foot on center.
  - 2. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five-foot on center.

3. All plants and trees shall be indigenous to this part of Virginia.
  4. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator.
  5. Alternative landscaping plans which provide for the same buffer as 1 and 2 above but an propose alternative siting location on the entire subject property on which the proposed facility is projected may be considered and approved by the zoning administrator, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section. If in the future the property is redeveloped the property owner may be required to provide the ten-foot wide perimeter buffer around the WCF equipment compound meeting the planning standards of 1 and 2 above.
- (e) A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment inside any required buffer area.
- (f) Demonstration of Visual and Aesthetic Impacts:
1. The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent properties and roadways, trails, and travel ways.
  2. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
    - i. An area equal to 200 percent (200%) of the height of the WCF as measured from the boundary of the equipment compound of the tower in all directions. This survey shall include all property lines and buildings that are within this area the location and dimensions of all existing and proposed improvements on the parcel including access roads and structures, the location and dimensions of significant natural features, and the maximum height above ground of the facility (also identified in height above sea level) shall be shown
    - ii. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the County.
    - iii. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.

- iv. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample shall be provided for each color.
  - v. Except where the facility would be attached to an existing structure, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available.
  - vi. The height, caliper and species of all trees where the drip-line is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole. All trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.
  - vii. All existing and proposed setbacks, parking, fencing and landscaping.
  - viii. The location of all existing access ways and the location and design of all proposed access ways.
- (g) The facility shall not interfere with the radio, television, or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference. Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation shall be required in order to protect the public from excessive exposure to electromagnetic radiation. The WCF applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.
- (h) Interference with public safety communications. In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:
- 1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations.
  - 2. Compliance with all FCC rules and regulations relating to radio frequency interference (RFI).
  - 3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the county's public safety communications equipment and will implement appropriate technical measures, antenna element replacement, to attempt to prevent such interference.
  - 4. Whenever the county has encountered radio frequency interference with its public safety communications equipment, and it believes

that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

- i. The county shall provide notification to all WCF service providers operating in the county of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the county and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "good engineering practices," as may be amended or revised by the FCC from time to time.
  - ii. If any WCF owner fails to cooperate with the county in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the county public safety communications equipment, the owner who failed to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the county for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the county to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of county's notification.
- (i) All towers and other structures shall meet all safety requirements of all applicable building codes.
  - (j) An engineering report, certifying that the proposed tower meets the design criteria for the required number of prescribed collocations.
  - (k) All non-concealed WCFs structures (excluding antenna and cables) shall be galvanized steel..
  - (l) No advertising of any type may be placed on the tower or accompanying facility.
  - (m) Abandonment.
    1. WCFs and the equipment compound, including the foundation(s) down to twelve inches (12") below grade, shall be removed at the owner's expense, within 180 days of cessation of use (i.e. the termination of all radio frequency transmissions from the tower), unless the abandonment is associated with a replacement antenna structure, general submittal requirements, in which case the removal shall occur within 90 days of cessation of use.
    2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The county

may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the antenna support structure or antenna is not removed within this time, the county may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the county may cause removal of the antenna support structure with costs being borne by the owner.

3. Upon removal of the WCF and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.
  4. The Board of Supervisors may require the posting of surety by the applicant in an amount sufficient to cover the costs of dismantling, and the surety shall be submitted to the County prior to the issuance of the conditional use permit.
- (n) Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the County, the costs of which \$4,000.00 shall be borne by the applicant and be in addition to other applicable fees. Site plan review for antenna element replacements only maybe reduced to \$1,800 provided the applicant meets all the requirements for an antenna element replacement. If however, during the antenna element replacement site review it is determined the request does not meet the definition of an antenna element replacement then review of the application will cease until the correct fee and correct plans are submitted. Further, if additional information is needed to evaluate the applicant's request, the applicant, shall make such additional information available as the County might reasonably request.

### **Section Nine: Approval Process**

- (1) The approving bodies, in exercise of the County's zoning regulatory authority, may consider an application for approval and determine: whether a WCF is in harmony with the area; the effects and general compatibility of a WCF with adjacent properties; or the aesthetic effects of the WCF as well as mitigating factors concerning aesthetics.
- (2) The approving bodies, in exercise of the County's zoning regulatory authority, may disapprove an application on the grounds that the WCF's aesthetic effects are unacceptable, or may condition approval on changes in WCF height, design, style, buffers, or other features of the WCF or its surrounding area. Such changes need not result in performance identical to that of the original application.
- (3) Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas; the concentration of WCFs in the proposed area; and, whether the height, design, placement or other

- characteristics of the proposed WCF could be modified to have a less intrusive visual impact.
- (4) If the approving bodies determine that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed new WCF can be achieved by use of one or more alternative existing wireless communications facilities, it may disapprove the proposed WCF application.
  - (5) Public Notices required shall be in accordance with the General Provisions of Article Four of this Zoning Ordinance.
  - (6) A collocation application shall be reviewed by the County within ninety days of a completed submission, and an application for a new facility shall be reviewed by the County within one hundred fifty days of a completed submission (or within some other mutually agreed upon timeframe). The County shall notify an applicant within 20 business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.
  - (7) Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the ninetieth day from the date of final complete submission (in the case of collocation) or one hundred fiftieth day (in the case of new facilities). Denials shall identify the deficiencies in the application which, if cured, would take the application complete. Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in subsection (6) above until all deficiencies identified are deemed cured.
  - (8) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.

## **Section Ten: RESERVED**

## **Section Eleven: Definitions**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

**Administrator.** Also referred to as the zoning administrator. The official charged with the enforcement of the subdivision and zoning

ordinances. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

**Agent.** One who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.

**Alternative tower structure.**

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

**Amateur radio tower.**

A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

**Ancillary structure.** For the purposes of telecommunications, means any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

**Antenna.** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

**Antenna array.** A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna element replacement.**

The replacement of an existing antenna element with a same or like model number or another element with

identical or reduced dead weight and wind load properties. In addition there can be no increase in the size or number of feed lines utilized by the facility.

**Anti-climbing device.**

A piece or pieces of equipment which are either attached to an antenna support structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

**Applicant.**

Any person submitting any application required or permitted pursuant to any of the provisions of this chapter, including his successors and assigns.

**Base station.**

The electronic equipment usually ground mounted, utilized by the wireless providers for the transmission and reception of radio signals.

**Broadcasting or communication tower.**

Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are "amateur radio towers," which are described separately. Also excluded are wireless communication antennas which fit the definition of "utility services, minor."

**Building, height of. See "height, building."**

**Building line or setback line.**

A line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by the zoning ordinance.

**Code of Virginia.** The Code of Virginia of 1950, as it may be amended from time to time. ("This Code," however, refers to the Ordinances of the County of Buckingham, Virginia.)

**Collocation.** The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment.

**Combined antenna.** An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**Commission.** The Planning Commission of the County.

**Communications service.** Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as "utility services, major" or "broadcasting or communication towers." Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

**Concealed Tower**  
A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities: 1) antenna attachments and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Freestanding concealed tower's usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

**County.** Buckingham County, Virginia, a political subdivision of the State of Virginia.

**Easement.** A grant by a property owner of the use of land for a specific purpose.

**Equipment cabinet.** Any structure above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

**Equipment compound.** The fenced area surrounding a wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

**FAA.** The Federal Aviation Administration.

**FCC.** The Federal Communications Commission.

**Feed lines.** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

**Geographic search area.** An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**Governing body.** The Board of Supervisors of the County.

**Guyed structure.** A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building. (see "antenna support structure")

**Handoff candidate.** A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

- Height.** The measurement of any freestanding and guyed WCF as measured at ground level to the top of the WCF structure, excluding antenna(s) and lightning rods.
- Height, building.** The vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the structure.
- Height, structure.** The distance between the highest point of any structure, and the lowest grade adjacent to the structure.
- Height, tree.** The measurement taken from the top of the root ball to the top of the canopy area at full foliage.
- Historical area.** An area containing buildings places, either or both, in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation. An historic area may not currently lie in nor constitute an historic district.
- Historic district.** A site, structure, landmark, one or more of them, or a group of them, which have unique architectural, historic, cultural, or archaeological importance to the county, the commonwealth, or the nation, and which are designated on the official zoning map as constituting an historic district.
- Historic site.** A site or structure which may not be included in an historic district, but which has an important historic, architectural or cultural significance to the County, Commonwealth, or nation. An historic site is registered with the Virginia Landmarks Registry or the National Register of Historic Places.
- Historic structure.** Any structure that is:
- (1) Listed individually in the Virginia Landmarks Registry or the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the

- Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
  - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior; or
    - b. Directly by the Secretary of the Interior in states without approved programs.

**Intermodulation distortion.**

The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

**Lattice structure.** A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas. (see also "antenna support structure").

**Least visually obtrusive profile.**

The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

**Lot.** A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.

**Master telecommunications plan.**

A plan developed to enforce applicable development standards, state statues and federal regulations related to the deployment of wireless telecommunications infrastructure.

**Monopole structure.**

A style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. (see also "antenna support structure")

**National Register of Historic Places.**

The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation.

**Non-Concealed Tower**

A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

**Person.**

An individual, firm, corporation, or association.

**Personal wireless service.**

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Plat.**

A map or plan of a parcel of land that is to be, or has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

**Property.**

Any tract, lot, parcel or several of such tracts, lots or parcels collected together.

**Radio frequency emissions.**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

- Replacement.** In the context of telecommunications, means a modification of an existing antenna support structure to increase the height, or to improve its integrity, or to replace or remove one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.
- Replacement cost.** The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.
- Right-of-way.** A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.
- Road.** See "street."
- Satellite earth station.** A single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.
- Shrub.** A woody plant producing multiple shoots or stems from the base height, with a total height of 15 feet or less. Also, when used to meet the landscaping criteria of the zoning ordinance, a perennial planting that, at the time of planting, has a minimum height of two feet measured from the ground elevation after planting.
- Sign.** Any display of 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, or 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 display is made. A display of less than one square foot in area is excluded from this definition.

**Site** That portion of property on which a personal wireless service facility is to be placed

**Special exception.** A special use exception or yard, area or height exception specifically listed in this chapter which may be permitted by the board of zoning appeals in a specified district or in all districts in accordance with the provisions of this chapter.

**Stealth.** (See "concealed wireless communications facility").

**Street.** A public or private thoroughfare which affords access to abutting property.

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

**Surveyor.** A certified land surveyor licensed by the commonwealth.

**Tower.** (See "wireless communication facility").

**Vegetative buffer.** Deciduous and evergreen plants, shrubs, or trees that are mature enough to act as an effective visual and audible buffer.

**Virginia Landmarks Register.** The official list, maintained by the Department of Historic Resources, of historic resources considered by the Board of Historic Resources to be worthy of historic preservation.

**WCF.** (See "wireless communication facility").

**Wireless Broadband Facility.** An unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of a tower, an antenna or group of antennas,

transmission cables, and equipment cabinets, and may include an antenna support structure.

**Wireless communications.**

Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (i.e., wireless internet services and paging).

**Wireless communication facility (WCF).**

Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be considered as a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/LPTV/DTV broadcasting transmission facilities.

Specific types of WCFs includes:

Attached wireless communication facility means an antenna or antenna array that is secured to an existing building or structure with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Concealed wireless communications facility, sometimes referred to as a stealth or camouflaged facility, means a wireless communications facility,

ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Freestanding concealed WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree). (See "non-concealed wireless communication facility").

Freestanding wireless communication facility means any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole towers.

Non-concealed wireless communication facility means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

**Zoning administrator.** also referred to as the "administrator" in this portion of the zoning ordinances.

## **ARTICLE 10 - AIRPORT SAFETY ZONING**

### **Preamble**

This article regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Farmville Municipal Airport by creating the appropriate zones and establishing the

boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

This article is adopted pursuant to the authority conferred by Title 15.1-427 through 15.1-503 of the Code of Virginia, 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Buckingham County; and that an obstruction may reduce the size of are available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein.

Accordingly, it is declared:

1. That it is necessary in the interest of the public health safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That Buckingham County derives economic development and enhanced interstate commerce from the Farmville Municipal Airport that are held strictly to the highest possible safety standards; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

### **SECTION 1- SHORT TITLE**

**Sub-Section 1-1** - This article shall be known and may be cited as the Buckingham County Airport Safety Zoning Article.

### **SECTION 2 - DEFINITIONS**

**Sub-Section 2-1** - As used in this article, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise.

**Sub-Section 2-2** - "Administrator": The official charged with the enforcement of this article.

**Sub-Section 2-3** - "Airport": Farmville Municipal Airport.

**Sub-Section 2-4** - "Airport Elevation": The highest point on any usable landing surface expressed in feet above mean sea-level.

**Sub-Section 2-5** - "Approach Surface": A surface, whose design standards are

referenced in

Section 3 of this article, longitudinally centered on the extended runway centerline extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Section 4 of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Sub-Section 2-6** - "Approach, Transitional, Horizontal, and Conical Zones": The airspace zones are set forth in Section 3 of this article.

**Sub-Section 2-7** - "Conical Surface": A surface, whose design standards are referenced in Section 3 of this article, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

**Sub-Section 2-8** - "Hazard to Air Navigation": An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

**Sub-Section 2-9** - "Height": For the purpose of determining the height limits in all zones set forth in Section 4 of this article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

**Sub-Section 2-10** - "Horizontal Surface": A horizontal plane 150 feet above the established airport elevation, whose design standards are referenced in Section 3 of this ordinance, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

**Sub-Section 2-11** - "Non-conforming Use": Any preexisting structure or object of natural growth which is inconsistent with the provisions of this article or any amendment to this ordinance.

Zoning Ordinance – Page 41    Adopted 10/30/97, Amended – 5/10/99, Amended - May 9, 2005, Amended - 6/26/06

**Sub-Section 2-12** - "Obstruction": Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Section 4 of this ordinance.

**Sub-Section 2-13** - "Permit": A document issued by Buckingham County allowing a person to begin an activity which may result in any structures or vegetations exceeding the height limitations provided, for in this article.

**Sub-Section 2-14** - "Person": Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them

**Sub-Section 2-15** - "Primary Surface": A surface, whose design standards are referenced in Section 3 of this article, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that

runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Sub-Section 2-16** - "Runway": A specified area on an airport prepared for landing and takeoff of aircraft.

**Sub-Section 17** - "Structure": Any object, including a mobile object constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formation, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

**Sub-Section 2-18** - "Transitional Surfaces" Surfaces whose design standards are referenced in Section 3 of this article, which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

**Sub-Section 2-19** - "Vegetation": Any object of natural growth.

**Sub-Section 2-20** - "Zone": All areas provided for in Section 3 of this article generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this ordinance.

### **SECTION 3 - AIRPORT SAFETY ZONES**

**Sub-Section 3-1** - In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area and airspace of Buckingham County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Farmville Municipal Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Sections 4 and 5 of this article. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

**Sub-Section 3-2** - "Airport Zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

**Sub-Section 3-3** - "Approach Zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

**Sub-Section 3-4** - "Transitional Zone": A zone that fans away perpendicular to the runway centerline and approach surfaces with the floor set by the transitional surfaces.

**Sub-Section 3-5** - "Conical Zone": A zone that circles around the periphery of and

outward from the horizontal surface, with the floor set by the conical surface.

**Sub-Section 3-6** - The source of the specific geometric standards for these zones are to be found in Part 77.25, 77.28 and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor Federal regulations. A copy of these standards is found in the Appendix of this ordinance.

#### **SECTION 4-AIRPORT SAFETY ZONE HEIGHT LIMITATIONS**

**Sub-Section 4-1** - Except otherwise provided in this article, in any zone created by ordinance no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any references surface, known as the floor, of any zone provided for in Section 3 of this article at any point.

**Sub-Section 4-2** - The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Parts 77.25, 77.28, and 77.29, Subchapter E (Airspace), of title 14 of the Code of Federal Regulations, or in successor Federal regulations. A copy of these standards is found in the Appendix of this ordinance.

#### **SECTION 5 - USE RESTRICTIONS**

**Sub-Section 5-1** - Notwithstanding any other provision of this article, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:

**Sub-Section 5-2** - Create electrical interference with navigational signals or-radio communication between the airport and airborne aircraft;

**Sub-Section 5-3** - Diminish the ability of pilots to distinguish between airport lights and other lights;

**Sub-Section 5-4** - Result in glare in the eyes of pilots using the airport;

**Sub-Section 5-5** - Impair visibility in the vicinity of the airport;

Zoning Ordinance – Page 43    Adopted I 0/3 0/97, Amended – 5/10/99, Amended - May 9.2005, Amended - 6/26/06

**Sub-Section 5-6** - Create the potential for bird strike hazards; and

**Sub-Section 5-7** - Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### **SECTION 6 - NON-CONFORMING USES**

**Sub-Section 6-1** - Except as provided in Sub-Sections 6-2 and 7-2 of this article,

the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure of vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

**Sub-Section 6-2** - Notwithstanding the provision of Sub-Section 6-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the, Federal Aviation Administration, the Virginia Department of Aviation., or the Administrator to indicate to operators of aircraft the presence of that airport - obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the non-conforming structure in question.

## **SECTION 7 - PERMITS**

**Sub-Section 7-1** - Except as provided in Sub-Sections 7-1, 7-2, and 7-3 of this section, no Structure shall be erected or otherwise established in any zone created by this article unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired with all sufficient geometric specificity to determine whether the resulting structure would conform to the regulator prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless variance has been approved as provided in Sub-Section 7-4.

**Sub-Section 7-2** - No permit shall be granted that would allow the establishment or creation of a obstruction or permit a non-conforming use or structure to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto other than with relief as provided for in Sub-Section 7-4.

**Sub-Section 7-3** - Whenever the Administrator determines that a non-conforming structure has been abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in Sub-Section 7-4.

**Sub-Section 7-4** - Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this article may apply for a variance from such regulations to the Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered through a public hearing. Prior to being considered by the Board of Zoning Appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. See]

variances shall only be allowed where it is duly found that a literal application or enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act independently of the airport owner's position to grant or deny the variance.

**Sub-Section 7-5** - Any permit or variance granted may if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

## **SECTION 8 - ENFORCEMENT**

**Sub-Section 8-1** - The Administrator shall administer and enforce the regulations prescribed in this article. He or she shall be vested with the police power incumbent to carry out and effectuate this ordinance, including the action of injunction, prosecution and other available means through the Circuit Court Applications for permits and variances shall be made to the Administrator on a form published for that purpose.

## **ARTICLE 11 - DEFINITIONS**

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future, words in the singular include the plural, the plural includes the singular, and the masculine include the feminine.

**Abattoir** - A commercial slaughter house:

**Accessory Use or Structure** - A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

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

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

**Agriculture** - The tilling of the soil, the raising of crops, horticulture, forestry, and gardening including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing, plants, dairies, or similar uses.

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

**Apartment House** - A building used or intended to be used as the residence of three (3) families living independently of each other.

**Automobile Junkyard** - Also known as an automobile graveyard. Any lot or place which is exposed to the weather upon which five (5) or more motor vehicles of any kind, incapable of being operated are placed.

**BED AND BREAKFAST INN**- A dwelling unit occupied by its owners where no more than seven (7) rooms are rented out to travelers for compensation without a provision for cooking in the rooms and where meals may be served to those guests who are renting rooms.

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

**Building, Height of** - The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof. to the deck line of a mansard roof, or the mean height level between the eaves and ridges 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.

**CAMPER** - Any individual who occupies a campsite or otherwise assumes charge of or is placed in charge of a campsite.

**CAMPGROUND** - A plot of land on which three (3) or more campsites are located established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**CAMPING UNIT** - Any tent, travel trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**CAMPSITE** - Any plot of ground in a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**CLUBS AND LODGES** - Buildings and facilities owned or operated by a charitable chartered non-profit corporation, fraternal organization or civic services' associations primarily for social, educational or recreational purposes and which may not be operated primarily for a profit.

**Commission, the** - The Planning Commission of Buckingham County, Virginia.

**Confinement Livestock or Poultry Operations** - The confinement in houses or parlors of chickens, turkeys, cattle, or pigs, requiring the use of storage lagoons or other methods or storing and disposing of animal waste.

**COUNTRY GENERAL STORE/CONVENIENCE STORE** - A single store, which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, paper and magazines, and general hardware articles. Gasoline may also be offered for sale and living quarters for owner or manager may be allowed but only as a secondary activity of the country general store.

**Dairy** - A commercial establishment for the manufacture and sale of dairy products.

**Day Care Center** - A facility other than a public or private school that is utilized for the care during a part of the day only for senior adults or more than five (5) children for compensation. Such facilities must meet State licensing requirements.

**District** - Districts as referred to in the Code of Virginia, Section 15.1-486.

**Dwelling** - Any structure which is designed for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers

**Dwelling, Multiple-Family** - A structure arranged or designed to be occupied by more than one (1) family.

**Dwelling, Two-Family** - A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Family** - One or more persons occupying premises and living in a single dwelling unit, as distinguished from an related group occupying a boarding house, tourist home, or hotel.

**Family Day Care Facility** - A private dwelling where care is provided as an accessory use for one through five children, exclusive of the provider's own children and any children residing in the home. In accordance with the Code of Virginia such use shall be considered residential occupancy by a single family.

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

**Golf Course** - Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and building customary thereto, but excluding golf driving ranges as defined herein.

**Governing Body** - The Board of Supervisors of Buckingham County, Virginia.

**GREENHOUSE/NURSERY** - Any building or structure that is used to grow plants, flowers, shrubs or trees on a year-round basis for retail, commercial production or sale.

**Home Occupation** - An occupation which may be conducted in a dwelling provided that: (a) the use of the dwelling shall be incidental and subordinate to its residential use; (b) there shall be no interior or exterior alteration to the dwelling or its accessory buildings to create or expand the home occupation and there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign of no more than two (2) square feet in area; (c) only family members residing on the premises shall be engaged in such occupation; (d) no more than the equivalent of one-half of the area of the first floor of the primary residence may be utilized in either the principal dwelling and accessory building combined for the home occupation; (e) no traffic shall be generated by such home occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard area; (f) no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot if conducted in a single family dwelling or outside the dwelling unit if conducted other than in a single-family dwelling; and (g) no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

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

**Intensive Dairy Facility** - A facility for the production of milk or other dairy products with accessory uses or structures including feed storage bins, litter storage bins, litter storage sites, manure storage sites, and/or manure storage pits which at anyone time has 200 dairy cattle.

**Intensive Livestock Facility** - A facility for the raising of cattle, sheep, or horses with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, and/or manure storage sites, which at anyone time has 300 cattle, 3,000 sheep or lambs, or 150 horses.

**Intensive Poultry Facility** - A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits, and/or cold storage chests used for collection of dead birds which at anyone time has 30,000 chickens or 16,500 turkeys.

Zoning Ordinance – Page 47    Adopted 10/3/97, Amended – 5/10/99, Amended - May 9, 2005, Amended - 6/26/06

**Intensive Swine Facility** - A facility for the confinement, feeding, and maintenance of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at anyone time has 500 sows and any number of pre-weaned offspring.

**Intensive Swine Breeding Facility** - A facility for the breeding and birthing of pigs with

accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at anyone time has 500 sow and any number of pre-weaned offspring.

**Lightweight Aggregate Manufacturing:** - The manufacture of lightweight aggregate by the rotary kiln method, including associated quarrying, crushing, screening, and storage operations, the recovery of energy from waste derived fuel, and associated transportation, storage, blending, and processing facilities at the same or adjacent site

**Livestock market** - means a commercial establishment wherein livestock is collected for sale and auctioned off.

**Livestock Raiser, Dairy Operator, Poultry Grower, Swine Raiser (also stated as "Operator" within the ordinance)** - The owner operator of the livestock facility, dairy, poultry, swine or swine breeding facility, or the land on which the livestock, dairy, poultry, swine or swine breeding facility is located.

**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, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

**Lot, Corner** - A lot abutting on two more streets at their intersection. Of two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

**Lot Depth of** - The average horizontal distance between the front and rear lot lines

**Lot, Double Frontage** - An interior lot having frontage on two (2) streets

**Manufacture and/or manufacturing** - means the processing and/or converting of raw, unfinished materials, products, into articles or substances of different character, for a different purpose.

**Mobile home park** - means any area designed to accommodate 3 or more manufactured homes and/or mobile homes intended for residential purposes. A mobile home park may include a rental office but may not include mobile home sales.

**Music Festival/Large Event** - Any event which is (A) open to the public; (B) expecting 300 or more persons; (C) admission may or may not be required; (D) music may or may not be present. Exceptions include religious events, private ceremonies, and events held by Buckingham County or associated agents there of.

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

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

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

**Non-Intensive Dairying and Raising and Breeding of Swine, Poultry, and Other Livestock Facilities** Dairying, raising and breeding of livestock, poultry, and other livestock operations not meeting the definitions of a intensive livestock facility, intensive dairy facility, intensive poultry facility, intensive swine facility, or intensive swine breeding facility.

**Parcel** - For the purposes of the A-C Agricultural-Comprehensive District, a parcel is a measured portion of land separated from other portions of land by a metes and bounds surveyor: described as a separate, discrete tract in an instrument of conveyance or device and recorded in the offices of the Clerk of Court of Buckingham County. Notwithstanding the foregoing separate, contiguous, parcels as defined above shall be treated as one parcel if held by the same person or entity.

**Professional office** - means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals and is not located within a residence, including but not limited to, land surveyors, artists, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, and other related fields. Veterinarian offices and animal hospitals are excluded from this definition.

**Proffer** - Condition voluntarily offered by an applicant for a rezoning.

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

**Recreational vehicle** - A vehicle which is (A) built on a single chassis; (B) designed to be self-propelled or permanently towable; and (C) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; (D) plumbing, heating and electrical systems contained in the vehicle may be operated without connection to outside utilities. Recreational vehicles are not to be inhabited as permanent residences but may be established for temporary occupations, within designated recreational vehicle parks that comply with all county codes and ordinances.

**Residential Group Home** - A residential facility having no more than eight (8) mentally ill, mentally-retarded or developmentally disabled persons with one or more resident counselors or other staff

**Retail stores and shops** - means buildings for display and sale of merchandise at retail or for the

rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, but not limited to: drugstore, newsstand, food store, drygoods and notions store, hardware store, household appliance store, furniture store, florist, tailor shop, barbershop and beauty shop.

**Setback** - The minimum distance by which any building or structure must be separated from the lot line. Side setback distances listed in this ordinance also apply to rear lot lines.

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

**Service or Gas Station** - An area of land including buildings and devices used for the sale and direct delivery of motor fuel to motor vehicles and for minor motor vehicle repair .

**Street, Road** - A public thoroughfare which affords principal means of access to abutting property.

**Telecommunications Tower** - A free standing or guided structure fifty (50) feet or greater in height utilized for transmission and receiving of electronic signals.

**Veterinarian offices and Animal Hospitals** - Any establishment rendering surgical and medical treatment of animals. Boarding of domestic animals and livestock such as horses and cows shall only be on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

**Wayside stand, roadside stand, wayside market** - means any structure or land used for the sale of agricultural or horticultural produce, or agricultural merchandise produced by the owner or his family on their property.

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

## APPENDIX

\*77.25 - Civil Airport Imaginary Surfaces - The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

*Horizontal surfaces* A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii from the center of each end of the primary surface of each airport and connecting the adjacent arcs by lines tangent to those arc. The radius of each arc is:

Five thousand feet (5,000') for all runways designated as utility or visual:

Ten thousand feet (10,000') for all other runways the radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connecting two (2) adjacent ten thousand foot (10,000') arcs, the five thousand foot (5,000') arc shall be disregarded on the construction of the perimeter of the horizontal surface.

*Conical Surface* -Shall be a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000'),

*Primary Surface*- a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but when the runway has no specifically prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

Two hundred fifty feet (250') for utility runways having only visual approaches

Five hundred feet (500') for utility runways having non precision instrument approaches for other than utility runways the width is:

Five hundred feet (500') for visual runways having only visual approaches

Five hundred feet (500') for non precision instrument runway having a having visibility minimums greater than three-fourths (3/4) statute mile

One thousand feet (1,000') for a non precision instrument runway have a non precision instrument approach with visibility minimums as low as three fourths (3/4) of a statute mile, and for precision instrument runways, The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of

that runway.

*Approach Surface* - a surface longitudinally centered on the extended runway centerline and extending outward upon the type of approach available for that runway end.

The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to width of:

One thousand two hundred fifty feet (1,250') for that end of a utility runway with only visual approaches;

One thousand five hundred feet (1,500') for that end of a runway other than a utility runway with only visual approaches;

Two thousand feet (2,000') for that end of a utility runway with a non precision instrument approach;

Three thousand five hundred feet (3,500') for that end of a non precision instrument runway other than utility, having visibility minimums greater than three fourths (3/4) of a statute mile;

Four thousand feet (4,000') for that end of a non precision instrument runway, other than utility, having a non precision instrument approach with visibility minimums as low as three fourths (3/4) statute mile: and

Sixteen thousand feet (16,000') for precision instrument runways

The approach surfaces extend for a horizontal distance of:

Five thousand feet (5,000') at a slope of twenty (20) to one (1) for all utility and visual runways;

Ten thousand feet (10,000') at a slope of thirty four (34) to one (1) for all non precision instrument runways other than utility; and

Ten thousand feet (10,000') at a slope of fifty (50) to one (1) with an additional forty thousand feet (40,000') at a slope of forty (40) to one (1) for all precision instrument runways

The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

*Transitional Surface* these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

**\*\*77-28 - Military Airport Imaginary Surfaces**

*Related to airport reference points* - these surfaces apply to all military airports. For the purpose of this section a military airport is any airport operated by an armed force of the United States.

*Inner Horizontal Surface* - a plane is oval in shape at a height of one hundred fifty feet (150') above the established airfield elevation. The plane is constructed by scribing an arc with a radius of seven thousand five hundred feet (7,500') about the centerline at the end of each runway and interconnecting these arcs with tangents.

*Conical surface* - a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of five hundred feet (500') above the established airfield elevation.

*Outer Horizontal Surface* - a plane, located five hundred feet (500') above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand feet (30,000').

Related to Runways - these surfaces apply to all military airports

*Primary Surface* - a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is two thousand feet (2,000'). However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criterion, the two thousand foot (2,000') width may be reduced to the former criteria.

*Clear Zone Surface* - a surface located on the ground or water at each end of the primary surface. It shall be a length of one thousand feet (1,000') and the same width as the primary surface.

*Approach Clearance Surface* - an inclined plane, symmetrical about the runway centerline extended. Beginning two hundred feet (200') beyond each end of the primary surface at the centerline elevation of the runway end and extending fifty thousand feet (50,000'). The slope of the approach clearance surface is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred feet (500') above the established airport elevation. It then continues horizontally at this elevation to a point fifty thousand feet (50,000') from the point

of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly and the width at fifty thousand feet (50,000') is sixteen thousand feet (16,000').

*Transitional Surfaces* - these surfaces connect the primary surfaces, the first two hundred feet (200') of the clear one surface, and the approach surfaces to the inner horizontal surface or conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is seven (7) to one (1) outward and upward at right angles to the runway centerline.,

\*\*\*77.29 Airport imaginary surfaces for heliports

*Heliport Primary Surface*- the area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation

*Heliport Approach Surface* -the approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of four thousand feet (4,000') where the width is five hundred feet (500'). The slope if the approach is eight (8) to one (1) for civil heliports and ten (10) to one (1) for military heliports.

*Heliports Transitional Surfaces* - these surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two (2) to one (1) for a distance of two hundred fifty-feet (250') measured horizontally from the centerline of the primary ad approach