

**BUCKINGHAM
COUNTY
ZONING
ORDINANCE**

**BUCKINGHAM,
VIRGINIA**

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This Ordinance was adopted on 10/30/97.
The date on the front indicates the 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 BuildingsAgricultural 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, private
 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 waters200 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
Telecommunications Tower

Area Regulations

Acreage 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.

Acreage 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.

Acreage 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.

Acreage 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.

Acreage 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. 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, Private & Commercial

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

Parks, Playgrounds Unlighted

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 8 x 8

Subdivisions, See Provisions

Swimming Pools, Private and Public

Wayside Stands

Wineries

Special Use Permits

Within the RSA-1 District, the following 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

Day Care Centers

Funeral Homes

Golf Courses & Driving Ranges

Greenhouses, Nurseries, & Garden Shops, - Commercial

Hotels, Inns, Motels, Lodges

Hospitals

Multi-Family Residential Units, House Boarding or Rooming

Museums

Parks, Lighted

Playgrounds, Lighted

Restaurants

Rural Small Businesses

Sawmills, Permanent

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 15 acres and must be restricted from further division.

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 less than five (5) acres in area to one-quarter (1/4) of an acre 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:

- | | |
|--------------------------------|--------------------|
| Churches and Cemeteries | Conservation Areas |
| Garages, Private | Gardens |
| Manses, Church-owned Dwellings | Piers, Private |
| Playgrounds | Off-Street Parking |
| Roads, Streets | Signs |
| Single-Family Dwellings | |
| Subdivisions, Major & Minor | Water Systems |

Special Use Permits

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

- | | |
|------------------------------|---------------------------|
| Clubs, Public & Private | Community Centers |
| Emergency Service Facilities | Parks |
| Public Utilities | Public Office |
| Storage Sheds | Schools, Public & Private |
| Swim Clubs | Temporary Uses |

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	Sewer Only	Water 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 house or principal 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 principal structure shall be twenty-five (25) feet.

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

DISTRICT 3 - 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 with Businesses
- Apparel Shops
- Art Supplies
- Auto Truck Sales Ands Agricultural/Industrial Equipment - 3/22/99
- Bakery Churches
- Barber & Beauty Shops
- Butcher Shops
- Candy Stores
- Caterers
- Cemeteries
- Churches
- Conservation Areas
- Country Clubs
- Convenience Stores
- Craft Stores

Day Care Centers
Drug Stores
Dry Cleaning & Laundry
Emergency Service Facilities
Financial Institutions, Including But Not Limited to Banks, Savings and Loans and Credit Unions Food Stores
Funeral Homes
Garages, Private
Gift Shop
Golf Driving Ranges
Golf Courses
Greenhouses
Hardware Stores
Hobby Shops
Libraries
Lube Shops – 5/9/05
Medical Clinics
Manses. Church-Owned Dwellings
Motels. Hotels
Museums
Newsstands
Novelties Shops
Off-Street Parking
Parks
Playgrounds
Offices, Professional
Recreational Facilities
Roads, Streets
Restaurants – Some Indoor Seating – no Alcoholic Beverage Consumption-7/12/99
Retail Stores
Signs
Sporting Goods Shops
Theaters
Towing Service – 11/14/06
Used Car Sales Lot – 11/14/06
Watches, Jewelry Stores
Water Systems

Special Use Permits

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

Amusement Centers
Assembly 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
Bed and Breakfast – 11/12/07
Bowling Alleys

Clubs, Public & Private
Colleges
Community Centers
Dormitories
Drive-In Restaurants
Drive-in Theatres
Flea Markets
Laundromats
Lodge Halls
Lube Shops – 5/9/05
Marinas
Parking Facilities, Commercial
Pet Grooming Shops – 10/11/05
Pool Halls
Public Facilities
Public Garages
Public Utilities
Radio & TV Stations
Restaurants
Restaurants – With some on Premises Alcoholic Beverage Consumption – 7/12/99
Schools, Public & Private
Skating Rinks
Stables
Swim Clubs
Tattoo Parlors/Galleries – 11/20/03
Telecommunications Towers
Temporary Area, Including Construction Activity
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

The minimum distance from the nearest point of the house or principal 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 back property line of a lot to the nearest point on the house or principal structure shall be twenty-five (25) feet.

DISTRICT 4 - 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:

Agricultural Warehouse
Aircraft Assembly
Airport, Heliport
Amusement Shop
Apparel Manufacturing
Appliance Manufacturing
Arenas
Art Supplies Manufacturing
Assembly Halls
Auditorium
Auction Barn
Automobile Manufacturing
Automobile Wash Operation
Bakery
Beverage & Bottling
Blacksmith
Boat Building
Brick & Block
Brush Manufacturing
Building Materials
Business Equipment Manufacturing
Butcher Shop
Cabinet Shop
Candy Manufacturing
Cardboard Manufacturing
Canvas Manufacturing
Carpet Cleaning
Caterers
Cellophane Manufacturing
Cemeteries
Churches
Clock Manufacturing
Cloth Manufacturing
Coal Storage

Cold Storage
Communication Equipment Manufacturing
Computer Manufacturing
Conservation Area
Construction Equipment Manufacturing
Contractors' Office
Convenience Store
Cosmetics Manufacturing
Crafts Manufacturing'
Cut & Sew Operations
Dairy Manufacturing
De-barker for Poles – 9/28/98
Drug Manufacturing
Dry Cleaning
Electronic & Electrical Equipment
Emergency Facilities
Farm Equipment Manufacturing
Feed & Seed Store
Fire Equipment Manufacturing
Flea Market
Flooring Manufacturing
Food Product Manufacturing
Freight Station
Frozen Food Manufacturing
Fruit Processing
Furniture Manufacturing
Offices, Professional
Garages, Public & Private
Gasoline Station
Glass, Clay Products
Greenhouses
Grocery Store
Hardware Store
Hobby Shop
Hospitals
Ice Manufacturing
Industrial Controls Manufacturing
Instrument Manufacturing
Jewelry Manufacturing
Kennels
Laboratories
Lamp Manufacturing
Libraries
Lithography
Lodge Halls
Lumber Manufacturing
Machine Shop
Machinery Manufacturing
Manses, Church-Owned Dwelling
Marinas

Medical Clinics
Milk Distribution
Mobile Home Manufacturing
Mortician Supply Manufacturing
Motels, Hotels
Motion Picture Production
Motor Manufacturing
Moving and Storage Firm
Museums
Musical Instrument Manufacturing
Newsstand
Novelty Shop
Nursing Home
Office Product Production
Offices, Professional
Off-Street Parking
Optical Goods Manufacturing
Outdoor Displays
Paint Manufacturing
Paperboard Manufacturing
Pasta Manufacturing
Perfume Manufacturing
Pharmaceutical
Photography Equipment Manufacturing
Piers, Docks
Plumbing Parts Manufacturing
Pottery Manufacturing
Precious Stone Processing
Precious Metal Processing
Print Shops
Product Development
Public Utilities
Pulpwood Processing
Radio & TV Stations
Railroad Facilities
Restaurants
Road, Streets
Rubber Products Manufacturing
Sales
Sawmill, Planing, Chipping
Sewage System Manufacturing
Sheet Metal Shop
Shell Processing
Signs
Spice Manufacturing
Sporting Goods Manufacturing
Straw Processing
Sugar Manufacturing
Tea, Coffee Processing
Telephone Manufacturing

Temporary Uses
Textile Manufacturing
Tire Manufacturing
Tobacco Products Manufacturing
Toiletries Manufacturing
Toys, & Amusements Manufacturing
Umbrella & Cane Manufacturing
Upholstery Firms
Vegetable Processing
Veterinary Clinic
Watch Manufacturing
Water Systems
Welding Operations
Wine, Spirit Manufacturing
Wood Product Manufacturing
Woodworking Shop

Special Use Permit

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

Appliance Manufacturing-Industrial
Biological Compounding
Fiber Plants
Flour Milling
Green boxes
Landfills
Metal Stamping
Parks
Quarry
Stadiums
Telecommunications Towers
Truck Stops
Meat Processing
Mining
Poultry Processing
Raceways
Schools
Transportation Terminals
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

The minimum distance from the nearest point of the house or principal structure to the edge of the specified right of way shall be fifty (50) feet. The minimum size 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 house or principal structure shall be twenty- five (25) feet.

DISTRICT 5 - INDUSTRIAL DISTRICT-HEAVY (M-1)

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 following additional uses are permitted in this district. In addition, the following additional uses are permitted:

Abrasive Manufacturing	Aircraft Manufacturing
Animal Fats, Oil Manufacturing	Asphalt Mixing
Batteries Manufacturing	Blast Furnace
Block; Brick Manufacturing	Boiler Manufacturing
Chemical Manufacturing	Cut Stone operations
Fur Product Processing	Gypsum Manufacturing
Home, Modular Manufacturing	Iron & Steel Foundries
Leather Tanning Operations	Lime Product Manufacturing
Linoleum Manufacturing	Livestock Markets
Lightweight Aggregate Manufacturing	Quarrying
Monumental Stone Works	Science Research Center
Plastics Manufacturing	Smelting Operations
Slaughterhouses	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

Abattoirs, Rendering Plants
Acetylene Manufacturing

Acid Manufacturing
Automobile Graveyards
Aluminum Foils and Coils - 9/27/99
Crushed Stone Operations
Fertilizer Mill
Green boxes
Incineration, Waste
LP Gas, Natural Gas Storage
Oil Gas Transmission Facility
Ordnance Manufacturing
Petroleum Refining
Poultry Processing
Matches Manufacturing Mining
Telecommunications Towers
Wood Processing, including Debarking and Chipping - 5/24/04

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

The minimum distance from the nearest point of the house or principal 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 house *or* principal structure shall be twenty- five (25) feet.

DISTRICT 6 - 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 7 -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
 Signs
 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:

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 house or principal 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 house or principal structure shall be twenty- five (25) feet.

DISTRICT 8 - 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

All permitted uses and special uses allowed in the zoning' district over which the landfill and waste disposal districts are superimposed shall be allowed except as provided below:

- 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 9 - PLANNED UNIT DEVELOPMENT (PUD-I)

Purpose

The purpose of the Planned Unit Development District is to encourage sensitivity toward the natural characteristics of the site and toward the impact on the surrounding area in land development. More specifically, the PUD is intended to promote economical and efficient land use an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interests of the County and the area in which it is located.

To these ends, the PUD provides for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity. This district is not currently shown on the zoning map, but is rather a floating zone. By adoption of this ordinance, the Board of Supervisors is indicating its support of a planned unit development in the county, but will let the marketplace and willing developers indicate where such a district should be anchored.

Permitted Uses

In Planned Unit Development District (PUD-I) the following uses are permitted:

- Detached Single-Family Dwellings
- Duplexes, Triplexes, and Townhouses Multiple-Family Dwellings
- Parks, Playgrounds, and Community Centers

Electric, Gas, Oil, and Communication Facilities Public Uses and Buildings Temporary Construction Uses
Churches and Cemeteries
Swimming, Golf, Tennis, and similar Athletic Facilities

Special Use Permits

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

Day Care, Child Care, or Nursery Facilities, Fire and Rescue Squad Stations, Rest Homes and Nursing Homes, Electrical Power Substations & Parking Structures

Area Regulations

Within the PUD District the Board of Supervisors shall establish minimum lot size and density at the time of establishment of such district.

Setback Requirements

With the PUD District the Board of Supervisors shall establish the minimum setback and yard requirements at the time of establishment of such district.

DISTRICT 10 - 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
Audio and Video Facilities
Antique and Gift Shops
Apartments
Automobile Service Stations
Financial Institutions, Including But Not Limited to Banks, Savings and Loans, and Credit Unions
Barber and Beauty Shops
Churches, Manses, Parish Houses, and Cemeteries
Day Care Centers
Drug Stores
Dwellings, Single-Family, Detached
Emergency Services
Fraternal Organizations
Garages, Private

Home Occupations
 Manufactured Homes (One per Residential Lot)
 Multiple-Family Dwellings (One per Residential Lot)
 Parks and Playgrounds
 Public Utilities
 Offices, Public and Private
 Recreation Facilities
 Restaurants
 Retreat Centers, Religious and Secular Amended – 6/26/06
 Retail Sales and Services Amended – 6/26/06
 Schools, Public and Private
 Subdivisions, Major & Minor
 Vehicle Sales and Service
 Wholesale Sales

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 use permitted by right in the Light Industrial District (M-I) and which is not set forth above as a use permitted by right in the Village Center (V C-I) District.

Any home occupation 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: Lots in this district shall have the following minimum area:

	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 house or principal 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 from the back property line of a lot to the nearest point on the house or principal structure shall be twenty- five (25) feet.

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 or activity) is discontinued for a period exceeding two (2) years, after the enactment of this ordinance.

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

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.

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.

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 at no fee. 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 three (3) copies 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 within 30 days. The Board of Supervisors may 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 15.1-431, 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 25 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 offence 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 15.1-431 of the Code of Virginia, 1950.

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, and a copy of the appeal mailed to the Secretary of the Planning Commission.

Appeals requiring an advertised public hearing shall be accompanied by a certified check for one hundred and fifty dollars (\$150) payable to the Treasurer, Buckingham County.

Repealed – 12/12/03

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 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 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 15.1-431, 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 15.1431, 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 15.1-431. 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 Section 15.1-49.12 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 Section 15.1-491.6 of 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 COMMUNICATION TOWERS

Section One: Purpose

The purpose of this amendment is to effect co-location of radio, television, and communication towers and wherever possible, minimize the impacts of wireless communication facilities (hereinafter WCF) on surrounding areas by establishing 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 telecommunications 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 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 antenna support structures.
- (2) Proposed antenna support structures.
- (3) Public antenna support structures.
- (4) Replacement of existing antenna support structures.
- (5) Mitigation of antenna support structures.
- (6) Collocation on existing antenna support structures.
- (7) Attached wireless communications facilities.
- (8) Concealed wireless communications 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 residential districts 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/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission shall be regulated in accordance with federal and other applicable local regulations.

Section Four: General submittal requirements.

#1 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.

- (a) 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.
- (b) Twelve sets (24"× 36") 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 two 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.
- (c) 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.
- (d) Proof that a property and/or antenna support structure owner's agent has appropriate authorization to act upon the owner's behalf (if applicable). A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards.
- (e) Prior to issuance of a building permit, a stamped or sealed structural analysis of the proposed antenna support structure prepared by a registered professional engineer licensed in the State of Virginia

indicating the proposed and future loading capacity of the antenna support structure.

- (f) One original and two copies of a survey of the property completed by a professional surveyor, licensed in the State of Virginia, showing all existing uses, structures, and improvements.
- (g) Proposed maximum height of the proposed WCF, including individual measurement of the base, the antenna support structure and lightning rod.
- (h) A landscape plan in accordance with the provisions of this Article, to include without limitation, any required buffer .
- (i) 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.
- (j) 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. A photo simulation of the proposed modified structure shall be provided.
- (k) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the WCF. 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. The applicant shall inform the zoning administrator and abutting property owners in writing of the date and times of the test at least 14 days in advance. 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 balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test. [Note: Re-advertisement will not be required if inclement weather occurs--advertisement will direct readers to new date.]
- (l) 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.
- (m) With the application submittal, proof of Virginia Department of Historic Resources (VDHR) approval and State Historic Protection and Preservation Office (SHPPPO) approval, if required.
- (n) 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. A written statement detailing the antenna mounting elevations and power levels of the proposed antenna and all the mounting elevations and power levels of any other facilities on the subject property.

- (o) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this chapter.
- (p) 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.
- (q) A map showing the designated search ring.
- (r) A radio frequency propagation plot indicating the coverage of existing wireless communications sites, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new antenna support structure. 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.
- (s) Interference with public safety communications. In order to facilitate the regulation, placement, and construction of WCF's, 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 FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements 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 WCF's, 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.

#2 Attached, collocated, or combined WCF's.

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

- (a) Certification furnished by a registered professional engineer licensed in the State of Virginia that the WCF has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
- (b) A signed statement from the antenna support structure owner or owner's agent agreeing to allow the collocation of other wireless equipment on the proposed antenna support structure, if the structure is designed or capable of additional wireless equipment.

#3 Freestanding concealed or non-concealed WCF's, and mitigation of WCF's.

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

- (a) A report and supporting technical data demonstrating that all antenna attachments and collocations including all potentially useable utility distribution towers and other elevated structures within the proposed service area, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons existing facilities such as utility distribution and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility shall consist of any of the following:
- (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.
- (b) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need for the proposed WCF.
- (c) 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 24"× 36" 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, together with two sets of mailing labels for such property owners. Applicant will also provide a notarized certification letter stating the ownership list referenced herein is accurate to the best of the applicant's ability.
- (d) A statement that the proposed facility meets the siting alternatives hierarchy, or alternatively, that concealment technology is unsuitable for the proposed facility. Costs of concealment technology that exceed facility development costs shall not be presumed to render the technology unsuitable.
- (e) In addition to the requirements of Section Four, Subsection I, the applicant shall provide simulated photographic evidence of the proposed WCF's appearance from any and all residential areas 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:

- I. Overall height.
- II. Configuration.
- III. Physical location.
- IV. Mass and scale.
- V. Materials and color.
- VI. Illumination.
- VII. Architectural design.

#4 Required Statements, Reports and Notices.

The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts.

- (a) A written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility.
- (b) Identification of the intended service providers of the WCF.
- (c) 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.
- (d) A pre-application conference will be required for any new antenna support structure. 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 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 with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.
Sincerely, (pre-application applicant, wireless provider)"*

#5 Demonstration of Visual and Aesthetic Impacts.

The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent residential zoning districts.

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:

- (a) 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).

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) All existing and proposed setbacks, parking, fencing and landscaping.
- (h) The location of all existing access ways and the location and design of all proposed access ways.

#6 Modifying an Existing Antenna Element

For any replacement of an existing antenna element on a WCF, prior to making such modifications, the applicant, in lieu of the requirements listed above in this section, shall submit and provide:

- (a) A written statement setting forth the reasons for the modification.
- (b) A description of the proposed modifications to the WCF, including modifications to antenna element design, type and number, as well as changes in the number and/or size of any feed lines from the base of the WCF to such antenna elements.
- (c) A signed statement from a qualified person, together with their qualifications, shall be included representing the antenna support structure's owner or owner's agent that the radio frequency emissions comply with FCC standards for such emissions.
- (d) A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standard.
- (e) A stamped or sealed structural analysis of the existing WCF prepared by a registered professional engineer licensed by the State of Virginia indicating that the existing antenna support structure as well as all existing and proposed appurtenances meets Virginia Uniform Statewide Building Code (USBC) requirements (including wind loading) for the antenna support structure.

Section Five: Requirements

1. The first alternative for any radio, television, or communication tower need must be existing structures. The developer must provide verifiable evidence to demonstrate to the satisfaction of the Administrator, why existing power line towers, water tanks, or communication towers or any considerable existing structure cannot be used before the application will be considered or a building permit issued. Evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant.
2. A site plan of the proposed facility must be submitted to and approved by the Administrator before the application is filed. 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.
3. The applicant shall provide evidence that all adjoining property owners and other residents have been contacted to discuss specific proposals prior to public hearings before the Planning Commission and the Board of Supervisors.
4. All towers shall set back from any property line a distance equal to one hundred twenty percent (120%) of the tower height, and in no event shall any such tower be constructed or erected nearer than one hundred twenty percent (120%) of the tower height to a residential dwelling unit or public road.
5. Notwithstanding paragraph 4 of this Section, the County may authorize a facility to be located closer in distance than the height of the tower or other mounting structure to any lot line if the applicant obtains an easement or other document showing agreement between the lot owners, acceptable to the county attorney addressing development on the part of the abutting parcel sharing the common lot line that is within the facility's fall zone (e.g., the setback of an eighty (80) foot-tall facility could be reduced to thirty (30) feet if an easement is established prohibiting development on the abutting lot within a fifty (50) foot fall zone). If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the review, in lieu of recording an easement or other document. After approval, any easement or document showing the agreement referenced above shall be recorded in the Clerk's Office of the Circuit Court of the County and indexed in all owners' names before such approval shall become effective.
6. 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:
 - (a) One row of evergreen trees with a minimum two inches caliper, 25-foot on center.
 - (b) 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.
 - (c) All plants and trees shall be indigenous to this part of Virginia.
 - (d) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator.
 - (e) Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting 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.

7. 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.
8. All towers and other structures shall meet all safety requirements of all applicable building codes.
9. An engineering report, certifying that the proposed tower is compatible for a minimum of six (6) uses, must be submitted by the applicant.
10. Documentary evidence-of compliance with all Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements shall be submitted by the applicant.
11. All structures shall have a galvanized steel finish. Towers shall only be painted if required by the FAA, and documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.
12. All applicants must provide documentary evidence that the facility will not exceed applicable health standards established by the Federal Government and/or American National Standards Institute concerning any electromagnetic promulgation from the facility.
13. No advertising of any type may be placed on the tower or accompanying facility.
14. **Collocated or combined facilities.**
 - a) Buffers: At the time of installation, the WCF equipment compound shall be brought into compliance with any applicable buffer requirements (see section 5, number 6).
 - (b) Antenna mounting elevations. A collocated or combined antenna or antenna array shall not exceed the maximum height prescribed in the conditional use permit (if applicable) or increase the height of an existing WCF by more than 20 feet.
 - (c) Visibility. New antenna mounts shall be flush-mounted onto existing WCF's, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
 - (d) 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.
15. Abandonment.
 - (a) WCF's and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use, 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.

- (b) 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.
 - (c) 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.
 - (d) 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.
16. 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.
17. 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.
18. 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.

Section Six: Approval Process

- (1) The approving bodies in approving the application may consider 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 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 WCF's 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.

Section Seven: RESERVED

Section Eight: 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.

Antenna support structure.

A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. Types of support structures include the following: guy, lattice and monopole structures.

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.

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.

Mitigation.

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.

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.

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. (See "mitigation").

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 "antenna support structure").

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 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/TV/HDTV broadcasting transmission facilities.

Specific types of WCF's 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 WCF's: 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 WCF's 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 antenna support structures.

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 area 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.

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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 reference 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;

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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 an 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. Such 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 a 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.

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.

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.

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.

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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.

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.

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 any 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 any 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 any time has 30,000 chickens or 16,500 turkeys.

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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 any 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 any time has 500 sows 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 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

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.

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.

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

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.

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 arcs. 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