



Buckingham County Planning Commission

Work Session Agenda

Tuesday, February 21, 2023 6:00PM

County Administration Building

Peter Francisco Meeting Room

<https://youtube.com/live/xKBz8VLTm9E?feature=share>

1. Call to Order by Planning Commission Chairman

Invocation

Pledge of Allegiance

Establishment of Quorums

2. Adoption of Agenda

3. Discussion Items

A. Designated Areas for Development; Growth Corridors, Village Centers

B. Pre-Application Meetings for Special Use Permits and Zoning Map Amendments

C. Upcoming Training Course

D. Gold Mining Committee Meeting and Recommendation to the Planning Commission by the Board of Supervisors

4. Commission Matters and Concerns

5. Adjournment

BUCKINGHAM
COUNTY
ZONING
ORDINANCE

BUCKINGHAM,
VIRGINIA

INDEX

AUTHORITY	Page 7
ARTICLE 1 PURPOSE AND TITLE	Page 7
Relation to the Comprehensive Map	Page 7
Official Zoning Map	Page 7
ARTICLE 2 - DISTRICTS	Page 8
DISTRICT 1 - AGRICULTURAL DISTRICT (A-1)	Page 8
Purpose	Page 8
Permitted Uses	Page 8
Special Use Permits	Page 9
Area Regulations	Page 10
Setbacks for the Land Application of Manure and Inspection	Page 11
A-C AGRICULTURAL-COMPREHENSIVE DISTRICT	Page 11
Purpose	Page 11
Permitted Uses	Page 11
Special Use Permits	Page 12
Area Regulations	Page 13
Other Land Uses	Page 13
Minimum Setbacks for Houses and Other Non-Agriculture Structures	Page 13
Minimum Setback Requirements for the Various Types of Intensive Livestock Facilities	Page 14
Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities	Page 14
Certified Plat Required	Page 15
Livestock, Dairy, Poultry, Swine, or Swine Breeding Facility Development	Page 15
Nutrient Management Plan	Page 16
RSA-1 RURAL SMALL FARM DISTRICT	Page 18
Purpose	Page 18
Permitted Uses	Page 18
Special Use Permits	Page 19
Area Regulations	Page 19
Setback Requirements	Page 19
DISTRICT 2 - RESIDENTIAL DISTRICT (R-1)	Page 20
Purpose	Page 20
Permitted Uses	Page 20
Special Use Permits	Page 20

Area Regulations	Page21
Setback Requirements	Page21
Relation to Subdivision Ordinance	Page21
 DISTRICT 3 - RESIDENTIAL DISTRICT (R-2)	 Page21
Purpose	Page21
Permitted Uses	Page21
Special Use Permits	Page22
Area Regulations	Page22
Setback Requirements	Page22
Relation to Subdivision Ordinance	Page22
 DISTRICT 4 - NEIGHBORHOOD COMMERCIAL (NC-1)	
Purpose	Page24
Permitted Uses	Page24
Special Use Permits	Page25
Area Regulations	Page25
Setback Requirements	Page25
Parking	Page26
Site Plans	Page29
 DISTRICT 5 BUSINESS DISTRICT (B-1)	
Purpose	Page31
Permitted Uses	Page32
Special Use Permits	Page33
Area Regulations	Page33
Setback Requirements	Page33
 DISTRICT 5 - INDUSTRIAL DISTRICT - LIGHT (M-1)	 Page34
Purpose	Page34
Permitted Uses	Page34
Special Use Permits	Page35
Area Regulations	Page35
Setback Requirements	Page35
 DISTRICT 6 - INDUSTRIAL-HEAVY (M-2)	 Page35
Purpose	Page35
Permitted Uses	Page36
Special Use Permits	Page36
Area Regulations	Page37
Setback Requirements	Page37
 DISTRICT 7 - WATERSHED DISTRICT (WS-1)	 Page37
Purpose	Page37
Permitted Uses	Page37
Erosion and Sedimentation	Page38

District Boundaries	Page38
Special Use Permits	Page38
Area Regulations	Page38
 DISTRICT 8 - RECREATIONAL ACCESS DISTRICT (RA-1)	 Page38
Purpose	Page38
Permitted Uses	Page39
Special Use Permits	Page39
Area Regulations - Minimum Lot Size	Page39
Setback Requirements	Page39
 DISTRICT 9 - LANDFILL AND WASTE DISPOSAL DISTRICT (L-1)	 Page40
Purpose	Page40
Permitted Uses	Page40
Special Use Permits	Page40
Area Regulations	Page40
 DISTRICT 10 - RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD-1)	 Page40
Purpose	Page40
Permitted Uses	Page41
Special Use Permits	Page41
Site Requirements	Page41
Common Open Space - Generally	Page43
Common Open Space - Management	Page43
Utility Requirements	Page44
Procedure for establishing a RPUD	Page44
Approval of final development; building permits	Page44
Expiration and Extension of approval periods	Page45
 DISTRICT 11 - VILLAGE CENTER DISTRICT (VC-1)	 Page45
Purpose	Page45
Permitted Uses	Page45
Special Use Permits	Page46
Area Regulations - Minimum Lot Size	Page46
Setback Requirements	Page46
 ARTICLE 3 - NON-CONFORMING USES	 Page47
Continuation	Page 47
Permits	Page 47
Repairs and Maintenance	Page 47
Expansion or Enlargement	Page 47
Restoration and Replacement	Page 48
Non-Conforming Lots	Page 48

ARTICLE 4 - GENERAL PROVISIONS	Page 48
Zoning Permits	Page 48
Special Use Permits	Page 49
Uses Not Provided For	Page 49
Sign Placement	Page 49
ARTICLE 5 - PROVISIONS FOR APPEAL	Page 50
Board of Zoning Appeals	Page 50
Power of the Board of Zoning Appeals	Page 51
Rules and Regulations	Page 51
Appeal to the Board of Zoning Appeals	Page 52
Appeal Procedure	Page 52
Public Hearing	Page 52
Decision of Board of Zoning Appeals	Page 53
ARTICLE 6 - VIOLATION AND PENALTY	Page 53
ARTICLE 7 - AMENDMENTS	Page 54
Proffers of Conditions	Page 54
ARTICLE 8 - ADMINISTRATION AND INTERPRETATION	Page 54
Effective Date	Page 55
Severability	Page 55
Conflicting Ordinances	Page 55
ARTICLE 9 - RADIO, TELEVISION AND COMMUNICATION TOWERS	Page 56
Section 1 - Purpose	Page 56
Section 2 - Applicability	Page 56
Section 3 - Exempt Installations	Page 56
Section 4 - Permitted Uses by Zoning District	Page 57
Section 5 - Special Use Permit Required	Page 57
Section 6 - Submittal Requirements (Supplement Doc.)	Page 58
Section 7 - Development Standards	Page 58
Section 8 - Approval Factors & Process	Page 61
Section 9 - Reserved	Page 62
Section 10 - Definitions	Page 62
ARTICLE 10 - AIRPORT SAFETY ZONE	Page 74
Preamble	Page 75
Section 1 - Short Title	Page 75
Section 2 - Definitions	Page 75
Section 3 - Airport Safety Zones	Page 77
Section 4 - Airport Safety Zone Height Limitations	Page 77
Section 5 - Use Restrictions	Page 78
Section 6 - Non-Conforming Uses	Page 78
Section 7 - Permits	Page 79

ARTICLE 11 - DEFINITIONS

APPENDIX

Civil Airport Imaginary Surfaces

Appendix 1 p.98

Horizontal Surfaces

Appendix 1 p.98

Conical Surfaces

Appendix 1 p.98

Primary Surface

Appendix 1 p.98

Approach Surface

Appendix 2 p.99

Transitional Surface

Appendix 2 p.100

Related to Airport Reference Points

Appendix 3 p.100

Inner Horizontal Surface

Appendix 3 p.100

Conical Surface

Appendix 3 p.100

Outer Horizontal Surface

Appendix 3 p.100

Related to Runways

Appendix 3 p.100

Primary Surface

Appendix 3 p.100

Clear Zone Surface

Appendix 3 p.100

Approach Clearance Surface

Appendix 3 p.100

Transitional Surfaces

Appendix 3 p.101

Heliport Primary Surface

Appendix 4 p.101

Heliport Approach Surface

Appendix 4 p.101

Heliports Transitional Surface

Appendix 4 p.101

Board of Supervisors

Joe N. Chambers, Jr.

I. Monroe Snoddy

Danny R. Allen

John Staton

Cassandra Stish

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Planning Commission

John E. Bickford

Sammy Smith

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Royce E. Charlton III

R. "Pat" Bowe

Alice Gormus

James D. Crews, Sr

Danny Allen, Board Representative

Rebecca S. Cobb - Zoning Administrator

Rebecca S. Carter - County Administrator

E. M. Wright - County Attorney

This Ordinance was adopted on 10/30/97.

The date on the front indicates the last revision date.

ZONING ORDINANCE OF BUCKINGHAM COUNTY

AUTHORITY

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

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

ARTICLE 1: PURPOSE AND TITLE

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

Relation to the Comprehensive Plan

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

Official Zoning Map

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

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

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

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

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

ARTICLE 2: DISTRICTS

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

DISTRICT 1 - AGRICULTURAL DISTRICT (A-1)

Purpose

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

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

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

Major subdivisions are permitted where authorized in the Buckingham County Subdivision Ordinance.
Minor subdivisions are permitted where authorized in the Buckingham County Subdivision Ordinance.

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 uses and all buildings necessary to such use and the repair, storage, and operation of any vehicle or

machinery necessary to such use excluding the intensive farming activities and related uses found in the A-C Comprehensive District

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

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

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

Conservation Areas, Private

Adult/Child Day Care Facilities - not medical

Greenhouses ,Garden shop, Nurseries

Home-base service business

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

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

Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Schools, Colleges, Libraries, Museum and Administration Buildings

Public and Private Roads and Streets

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

Residential Group Homes

Residential Swimming Pools

Signs - non-illuminated and less than 8 x 8

Silvicultural Activities

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

Stable, Private

Subdivision, Minor

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

WaterSystems, Publicly-Owned and Operated

Wayside Stands selling Items Produced or Grown on the Premises

Commercial Core Drilling * see note on Page 103

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
 Manufacturing and Sales of Ammunition, Firearms and Accessories
 Equipment Rental Yard
 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
 Bed & Breakfast
 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
 Privately owned Parks and Playgrounds Non-retail office space

Area Regulations

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

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

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

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

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

Chicken litter or other dry waste:

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

Inspection

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

A-C AGRICULTURAL-COMPREHENSIVE DISTRICT

Purpose

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

Permitted Uses

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

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

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

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

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

Agricultural Uses and all Buildings Necessary to Such Use and the Repair, Storage, and Operation

of any Vehicle or Machinery Necessary to Such Uses

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

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

Agricultural Based Businesses - Commercial Livestock Market, Feed Mills, Tack, Feed and Supplies

Conservation Areas, Private

Greenhouses Garden Shop, Nurseries, private

Home Occupations

Intensive Dairy Facility - with an approved Development Plan

Intensive Livestock Facility - with an approved Development Plan

Intensive Poultry Facility- with an approved Development Plan

Intensive Swine Facility- with an approved Development Plan

Intensive Swine Breeding Facility- with an approved Development Plan

Lumberyard - not milling

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

Private Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves, and Public Conservation Areas

Public and Private Roads-and Streets

Residential Group Homes

Signs - non-illuminated and less than 8 x 8

Silvicultural Activities which may include temporary Chipping/ Sawmill used *only* for cutting timber onsite

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

Stable, Private

Subdivisions, Minor

Swimming Pools for Single Family Residences

Veterinary Hospitals and Clinics

Wayside Stands Selling Items Produced or Grown on the Premises

Commercial Core Drilling * See note on Page 263

Special Use Permits

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

Adult/Child Day Care Facilities - non medical

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

Airport, Airstrip, Heliport

Automobile Junkyard or Graveyard

Equine Facility/Activities, Commercial

Private Recreational Facilities/Clubs/Events - archery, shooting, turkey shoots

Public utility generating plants, public utility booster or relay stations, transformer substations, meters and

other facilities including railroads and sewage facilities
Shooting Ranges - All Firearms
Sawmill, Planing, or Chipping Facility, permanent
Sewage Treatment Plants, Private

Area Regulations

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

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

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

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

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

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

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

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

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

Certified Plat Required

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

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

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

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

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

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

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

In an event an operator fails to build the proposed structure or have in place the minimum number of head required in the above section within 36 months of obtaining

zoning approval or fails to obtain building permits for any structures indicated in his Development Plan with the prescribed five (5) year period, the Zoning Administrator shall revoke the Development Plan of the structure on the subject parcel shall conform to the requirements of this section.

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

Nutrient Management Plan

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

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

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

operator shall notify the Zoning Administrator whenever such agreement is terminated before its stated expiration date within fifteen (15) days of such termination.

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

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

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

Setbacks for the land application of manure and animal waste:

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

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

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

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

RURAL SMALL FARM DISTRICT (RSA-1)

Purpose:

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

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

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

For the purpose of this article a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

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

Agricultural Operations but not Agricultural Comprehensive Operations

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

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

Church and their Accessory Uses

Community Centers

Conservation Areas, Private

Adult/Child Day Care - not medical

Home-base service business

Hunting Preserves, Kennels

Libraries

Nurseries & Greenhouses,

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

Parks

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Service or Storage Buildings

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

Sawmills, Temporary or Portable

Schools, Public

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

Subdivisions, See Provisions
Swimming Pools, Private and Public
Wayside Stands
Wineries

Special Use Permits

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

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

Area Regulations

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

Road Frontage: 300 feet minimum

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

DISTRICT 2 - RESIDENTIAL SUBDIVISION (R-1)

Purpose

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

Permitted Uses

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

Accessory Buildings: Residential Garages, Sheds

Adult/Child Day Care - not medical

Churches and Cemeteries, Manses, Church-owned Dwellings

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

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

Conservation Areas

Home-base service business

Off-Street Parking

Playgrounds

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

Single-Family Dwellings

Subdivisions, Minor

Water Systems

Special Use Permits

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

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

Community Centers
Public Utilities
Schools, Public & Private
Temporary Uses

Area Regulations

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

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

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

District 3 - R-2 RESIDENTIAL DISTRICT

Purpose

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

PERMITTED USES

Single-family detached dwellings and accessory structures and uses.
Public and semipublic uses such as schools, churches and hospitals.
Community operated playgrounds, parks and similar recreational facilities.
Rooming or Boarding House, Tourist or Rest Home

Parks and Playgrounds
 Off-Street Parking
 Adult/Child Day Care
 Home-base service business
 Swimming Pools, Private and Public
 Minor Subdivision

SPECIAL USE PERMITS

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

Area Regulations - Minimum Lot Size

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

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

Setback Requirements

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

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

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

District 12 - Neighborhood Commercial (NC-1)

Purpose

It is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. While the primary purpose of this district is to permit business uses, some industry which will be unlikely to generate noise, light, odors, smoke or other obnoxious influences may be allowed.

Permitted Uses

Antique Shops

Art, Craft and Hobby Stores (Supplies and Works)

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

Barber & Beauty Shops

Cabinetmaking, furniture and upholstery shops

Caterers

Churches

Convenience Stores

Day Care Centers

Data/Technology Center

Drug Stores

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

Emergency Service Facilities

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

Food and Food products - frozen food manufacturing, candy manufacturing, bakery, beverage and bottling, butcher (excluding containment of live animals and rendering)

Funeral Homes

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Medical Clinics, including veterinary

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Nursing homes and assisted living facilities

Off-Street Parking

Public Utilities

Offices, Professional

Restaurants

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

Special Uses

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 but are not limited to the following:

Amusement Centers - Bowling Alleys, Pool Halls, Skating Rinks, Swim Clubs, Theaters
Assembly Halls - community centers, lodge halls
Assembly of electrical appliances, electronic and telecommunication instruments and devices
Auction Barns
Automotive Wash Operations
Automotive Sales Lot to Include the Sale of Recreational Vehicles, Trailers, and Boats
Auto Repair & Lube shops, Towing Service
Colleges
Dog Businesses - Kennels, Grooming, Boarding, Training, Trials
Dormitories
Drive-In Restaurants
Drive-in Theatres
Flea Markets
Laboratories (pharmaceutical and/or medical)
Laundromats & Dry Cleaners
Parks & Playgrounds
Parking Facilities, Commercial
Public Parking Garages
Radio & TV Stations
Residential Housing - including but not limited to Apartments, Condominiums, Duplexes, Townhouses, Single family dwellings
Schools, Public & Private
Tattoo Parlors/Galleries
Telecommunications (See Article 9)
Warehousing to include Mini-Storage Facilities

Area Regulations

For uses utilizing individual sewerage systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. There is no minimum lot size for lots served by public water and sewer, but there shall be sufficient land area to support all required setbacks, parking and landscaping.

Setbacks

Front - the minimum front setback (from the nearest point on any structure to the front property line) shall be 50 feet for any structure on a Primary Road and 25 feet from any Secondary or local road.

Side & Rear - the minimum side and rear setback shall be 25 feet from the property line adjoining an agricultural or residential district and 10 feet from the property line adjoining business or industrial districts

Exceptions may be granted by the Zoning Administrator for Elder Care Facilities, multi-family housing, condominiums and the like. The applicant must prove a reduced setback is appropriate through facility type, parking requirements and/or site design limitations.

Parking

- *Minimum off-street parking.* There shall be provided at the time of erection of any main building or at the time any main building is enlarged or structurally altered and converted to another use, adequate minimum off-street parking spaces as follows:

Uses		Number of Spaces
1.	Dwellings:	
a.	One-family	2 per dwelling unit
b.	Two-family	4 per dwelling unit
c.	Multifamily	2 per dwelling unit
2.	Motel, motor lodge or hotel	1 per employee, plus 1 space per sleeping room or suite
3.	Rooming, boarding, or lodging house	1 per sleeping room, plus 1 space for owner/operator
4.	Theaters, churches, auditorium and other places of public assembly with fixed seats	1 per 4 seats or bench seating spaces (seats in main auditorium)
5.	Hospital	1 per patient bed
6.	Sanitarium, convalescent home, [home] for the aged, or similar institution	1 per 3 patient beds, plus one per employee

7.	Funeral home	1 per 50 square feet of floor area excluding storage and work areas, plus one reserved space for each vehicle maintained on premises, plus one space per employee
8.	Medical offices or clinics (including veterinary)	1 per 200 square feet of floor area; 5 spaces minimum
9.	Office or office building	1 per 300 square feet of floor area plus 1 space for storage of each truck or other vehicle used in connection with business or industry; 3 spaces minimum.
10.	Restaurants	1 per every 3 seats, plus one per each employee on largest shift
11.	Retail store or personal service establishment and banks	1 per 200 square feet of floor area
12.	Tennis, racquetball, squash and handball courts	2 per court
	12a. Athletic/sport/playfields	30 per field
13.	Amusement place, dance hall, skating rink, swimming pool or similar entertainment facility	1 per 50 square feet of floor area
14.	Automobile type repair	1 per employee and 4 per bay (working station)
15.	Shopping center	5 spaces for each 1,000 square feet of rental floor area for shopping centers with less than 25,000 square feet; 4 spaces per 1,000 sf greater than 25,000 net sf
16.	Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale or similar establishment	2 per each 3 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with business or industry
17.	Warehouse	1 per 1,000 square feet of gross floor area of warehouse, plus 1 space for storage of each company truck or other vehicle used in connection with the business or industry. (Parking for

		office/sales area shall be calculated separately and required in addition to the spaces required herein).
	17a. Mini-warehouse/self storage facility	1 space per 10,000 square feet of floor area devoted to self storage, plus any floor area devoted to office space must meet office parking requirements.

Off-street loading and/or unloading requirements. Except as otherwise provided in this article, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building is hereafter converted, for the uses listed below and containing the floor area specified, accessory off-street loading and/or unloading spaces shall be provided as required below:

Use or Category	Floor Area (square feet)	Number of Spaces
1. Retail grocery stores and department stores	4,000—10,000	1
	Each 10,000 over 10,000	+1
2. Restaurants	4,000 and over	1

Joint use of off-site parking facilities.

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that in the case of buildings other than dwellings, spaces may be located as far away as three hundred (300) feet.
2. Parking spaces required for uses with non-traditional operating hours and uses not normally open, used or operated during the same hours may be provided and used jointly; provided, however, that written agreement thereto is properly executed and recorded. (example: professional office and church)

When a use is not specifically listed above, the Zoning Administrator shall determine which of the above categories to use to determine the spaces required, based on similarities between the characteristics of the uses.

Design standards for offstreet parking facilities.

- (a) *Minimum area and surface.* For the purpose of this article, an offstreet parking space is an all-weather surface area consisting of gravel, stone, asphalt or concrete. With the exception of compact car spaces, offstreet parking spaces shall include an area of not less than 162 square feet (9 × 18), exclusive of driveways. Compact car spaces shall include an area not less than 128 square feet, with a width of no less than eight feet. In addition, a loading space is defined as a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks having a minimum area of 420 square feet, a minimum width of 12 feet, a minimum depth of 35 feet and a vertical clearance of at least 14 feet.
- (b) A maximum of 20 percent of the total number of required offstreet parking spaces may be designed for compact cars.
- (c) Parking shall not overhang onto an adjacent lot or property.

Site Plans

A Site Plan review and approval is required for all uses. The type of site plan required is dictated by the type of use (permitted or special use) and the size of the development.

For any *Permitted Use* site meeting the following:

- 1) Building(s) total less than 4,000 sq ft.
- 2) Parking required is 5 or less spaces
- 3) Measured from the ground the height of the building is less than 25 ft.

the Administrator shall accept as the site plan an acceptable drawn to scale (normal rule scale such as 1/4" = 1' or 1/8" = 1' or engineer scale for large lots) sketch plan that includes, as a minimum, the following: size and shape of the parcel of land on which the structure is to be located; size of the existing and proposed buildings; distance of the proposed building(s) from all property lines of such parcel of land and to the right-of-way of any street or highway adjoining such parcel of land; and the name of the adjoining street or the number of the adjoining highway, parking layout, location of utilities (electric, water, sewer).

Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building is in conformity with the provisions of this chapter, approval shall be granted to the applicant by the Administrator.

For any Permitted Use that is greater than 4,000 sq ft or requires more than 5 parking spaces or is greater than 25 ft in height then a scale drawing of items 1-17 is required to be submitted to the Administrator. If the proposed building is in conformity with the provisions of this chapter, approval shall be granted to the applicant by the Administrator.

A site plan not approved by the Administrator may submit, and a Special Use must submit in the following manner: Ten (10) copies of site plan shall be drawn to scale and submitted by the applicant to the Administrator for the Planning Commission and contain, at a minimum, the following:

- (1) Vicinity map showing the location of the tract or lot showing roads, route numbers, road names, streams, and bodies of water, towns or cities, or other landmarks sufficient to clearly identify the location of the property;
- (2) Project name, landowner, owner's agent (if applicable) and contact telephone number, address and seal of licensed engineer, architect or land surveyor (if applicable);
- (3) A narrative description of the specific use on site, sufficient to determine if the proposed use is permitted by the zoning district;
- (4) Tax map number, address of the site, scale of drawing and north arrow;
- (5) A boundary survey of the tract or lot,
- (6) Existing and proposed buildings, outside display and storage areas (only screened storage allowed) on subject property, showing the location, dimensions, including structure height, statewide uniform building code use group, number of floors, proposed floor plan and area, distances to property lines from buildings, and building restriction and setback lines;
- (7) All existing and proposed streets, including names, numbers and widths,
- (8) All on-site easements, including those for utilities and storm drainage, if applicable;
- (9) Location of existing and proposed fire hydrants within one thousand (1,000) feet of site, location of fire lanes,
- (10) Ownership, zoning, and use of all adjoining property;
- (11) Existing and proposed off-street parking, including: parking calculations showing how the numbers were generated, dimensions of the parking lot or area, loading spaces, handicap parking and type of surfacing;
- (12) Location, design, sight distance, and dimensions of all vehicular entrances and exits to the site;

(13) Show the flood zone classification and flood plain boundaries from the flood insurance rate maps of the federal emergency management agency on site or as determined by a site survey;

(14) Provision for landscaping.

(15) General location of solid waste and recycling storage containers with final location approved during permitting.

(16) Proposed location of facility lighting, to include light poles with height.

(17) Other information needed to process the site plan application may be requested such as but not limited to - Utilities, including type, grades, (may be on separate sheet), dimensions (may be on separate sheet), pipe sizes (may be on separate sheet), and authorization to connect to existing public water and sewer systems or install private water and sewer systems; - Provisions for adequate disposition of natural and storm water (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures; - Proposed erosion and sediment control measures (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures.

Site Plan Review Process.

(1) The Administrator shall review any Permitted Uses and forward any site plan to the Planning Commission for its consideration if requested by the Applicant or is a Special Use and may forward the site plan to other agencies and departments as needed.

(2) There shall be no land disturbance of any site without issuance of a permit based on a grading and/or erosion and sediment control plan approval

(3) Such plans must comply as follows: the plans must meet certain rules and regulations of the state health department; plans and specifications for construction shall comply with the standards of the state department of transportation, unless otherwise approved by that department; and plans must meet all applicable policies, ordinances, and plans of the county.

(4) No building permit or certificate of occupancy will be issued until all provisions of the approved site plan are met to the satisfaction of the Administrator and/or Planning Commission.

DISTRICT 4 - BUSINESS DISTRICT (B-1)

Purpose

This district is established to cover the portion of the County's communities intended for the conduct of general business to which the public requires direct and frequent access, but which

is not characterized either by constant heavy trucking other than stocking and delivery or retail goods or by any nuisance factors other than those, occasioned by incidental light and noise of congregations of people and passenger vehicles. The intent of these regulations is not to limit business development in the County, but to encourage it by rezoning at the specific and appropriate locations where it will not produce noise, pollution, congestion, or safety problems for quieter, residential uses.

Permitted Uses

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

Antique Shops

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

Art, Craft and Hobby Stores (Supplies and Works)

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

Barber & Beauty Shops

Caterers

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

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

Churches

Convenience Stores

Day Care Centers

Drug Stores

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

Emergency Service Facilities

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

Food Stores - Bakery, Butcher, Candy

Funeral Homes

Garages, Private

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Lube Shops , Auto Repair, Towing Service

Medical Clinics

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Off-Street Parking

Parks & Playgrounds

Offices, Professional

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

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

Special Use Permits

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

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

Area Regulations

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

Setback Requirements

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

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

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

DISTRICT 5-INDUSTRIAL DISTRICT-LIGHT M-1

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. It is expected that uses in this district are to be operated from within a building. 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-1) the following uses are permitted but not limited to the following:

Uses that are assembling in nature

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

Assembly Plants

Churches –cemeteries, manses

Data processing centers

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

Furniture, Electronics, and Hardware-, upholstery, Hardware store, jewelry and watch manufacturing, Grocery, Gas and Convenience Stores-automobile wash stations -- Garages -lube shops, machine shop.

Manufacturing of the following:

- a. Electronic components and devices
 - b. Medical, drafting, metering, photographic or electronic and mechanical instruments
 - c. Musical instruments and novelties
 - d. Other manufacture/assembly operations of similar scale and intensity to the above and provided there is no air discharge requiring smoke stack approval Metal cutting and fabrications
- Commercial Core Drilling * See note on page 103

Motels/Hotels

Professional offices - Contractors'

Retail- Hobby shop, Novelty shop,

Warehouses, storage and distribution centers

Wood/Lumber products -lumber manufacturing, pulpwood processing, and woodworking shop,
Welding

Special Use Permit

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

Brick & Block Manufacturing

Butcher shop

Dry Cleaning

Flour Milling

Quarry

Meat & Poultry Processing

Mining

Vegetable Oil Processing

Area Regulations

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

Setback Requirements

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

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

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

Approved 4/18/2016

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

Purpose

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

Permitted Uses

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

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

Block; Brick Manufacturing
Cut Stone operations
Gypsum Manufacturing
Livestock Markets
Lightweight Aggregate Manufacturing
Quarrying & Mining
Monumental Stone Works
Smelting Operations
Steam Generations
Soap Manufacturing
Commercial Core Drilling * See Note on Page 103

Special Use Permit

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

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

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

Paint Manufacturing
Perfume Manufacturing
Weaponry Manufacturing

Area Regulations

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

Setback Requirements

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

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

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

DISTRICT 7 - WATERSHED DISTRICT (WS-1)

Purpose

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

Permitted Uses

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

Production or Disposal of Hazardous Waste

Storage of Hazardous Waste
Storage of Pesticides Intended for Repackaging or Resale
Installation of Long Distance Pipelines
Application or Land-filling of Industrial or Residential Waste
Relocation of Stream Beds
Establishment of Feed Lots of More than 100 Head
Bulk Storage of Petroleum or Asphalt
Swimming, Skiing & etc
Operation of Motor Vehicles on the Dam or Spillway. Except for Maintenance Purposes
Use of Gasoline Boat Motors on the Reservoir

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

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

Erosion and Sedimentation

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

District Boundaries

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

Special Use Permits

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

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

Area Regulations

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

DISTRICT 8 -RECREATIONAL ACCESS DISTRICT (RA-1)

Purpose

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

Permitted Uses

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

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

Special Use Permit

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

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

Area Regulations – Minimum Lot Size

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

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

Amended - 6-26-06

Setback Requirements

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

structure shall be twenty- five (25) feet.

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

Purpose

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

Permitted Uses

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

Special Use Permits

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

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

Area Regulations

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

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

Purpose.

Residential planned unit development district RPUD is designed to allow the greatest flexibility of land and site design, development and innovation while requiring conformance to the purposes of this chapter. The district is designed to provide for

medium and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. The regulations for this district are designed to protect the natural beauty of the landscape, to encourage preservation and more efficient use of open space and to encourage a more efficient use of land and public services. The following provisions shall apply:

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

Permitted Uses.

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

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

Special uses permitted by special exception.

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

Site requirement.

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

1. *Contiguity required.* A tract of land must be contiguous and lend itself to being improved so as to benefit the entire community with no significant adverse effect upon surrounding properties.

2. *Size limitations.* For RPUDs entailing more than fifty (50) acres a plan for staging the RPUD shall be formulated by the developer subject to the approval of the Planning Commission. Such plans shall be submitted along with the tentative plat for the RPUD.

3. *Maximum allowable residential densities.* Cluster development. Cluster development is intended to encourage creative site designs and layouts that incorporate denser groupings of lots in distinct nodes that are interconnected within a site with each cluster or node separated by large and meaningful amounts of open space. Typical curvilinear or grid pattern subdivision configurations would not qualify as a cluster development.

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

4. *Bulk regulations.*

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

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

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

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

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

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

- (a) Adequate light and ventilation to protect the health of the occupants and users thereof.
 - (b) Necessary access for fire equipment and other emergency vehicles.
 - (c) A reasonable degree of privacy for the residents and occupants of the development.
 - (d) Whenever any nonresidential use is established in this district shown or proposed within the site plan which adjoins any other lot shown or proposed to be residentially developed within the site plan within the residential planned unit development district, a transitional yard shall be provided on such lot by the nonresidential use along such common boundary to a depth of fifty (50) feet for principal structures and thirty (30) feet for accessory structures, and screening shall be provided within such yard which shall be sufficient to insulate visually the nonresidential use from the residential property. Such transitional yard shall be landscaped and shall not contain any structures or any parking lot or driveway.
9. Lot widths and setbacks may be varied to allow for a variety of structural designs.

Common open space--Generally.

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

Common open space--Management.

- (a) The required amount of common open space land reserved under a planned residential development district shall be managed by one or a combination of the following methods of administering common open space:
 - (1) Public dedication to the county of the open space. This method is subject to formal acceptance by the county.
 - (2) Establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property (including vacant building lots) within the planned development to ensure the maintenance of open spaces.
 - (3) Retention of ownership, control and maintenance of open space by the developer, subject to approval of the board of supervisors.
- (b) All open space not dedicated to the public shall be made subject to restrictive covenants running with the land thereafter restricting its use as declared in the final development plan, and such restrictions shall be for the benefit of, and enforceable by, all present or future property owners who shall be entitled to the use of such open space.

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

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

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

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

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

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

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

Utility requirements.

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

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

(C) Junction boxes shall be screened and minimized.

Procedure for establishing a RPUD district.

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

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

(a) After lands are rezoned to PRD status, no building permit shall be issued in such district unless and until the Planning Commission's Agent shall have approved the final

development plan and reports for the development as a whole or stages deemed satisfactory in relation to total development. No structure or use not indicated in the approved development plan and reports shall be permitted.

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

Expiration and extension of approval periods.

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

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

DISTRICT 11 - VILLAGE CENTER DISTRICT (VC-I)

Purpose

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

Permitted Uses

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

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

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

Adult Retirement Community/Assisted Living

Churches, Manses, Parish Houses, and Cemeteries

Dwellings, Single-Family, Detached

Fraternal Organizations

Garages, Residential

Home Based Service Business

Manufactured Homes (One per Residential Lot)

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

Parks and Playgrounds

Offices, Public and Private

Recreation Facilities

Retreat Centers, Religious and Secular Amended

Schools, Public and Private

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

Subdivisions, Minor

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

Special Use Permits

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

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

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

Area Regulations - Minimum Lot Size:

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

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

Setback Requirements

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

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

ARTICLE 3 - NON-CONFORMING USES

Continuation

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

If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

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

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

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

Permits

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

Repairs and Maintenance

On any building devoted in which [whole] or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement

value of the structure, provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (All building permit requirements still apply.)

Expansion or Enlargement

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

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

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

Restoration and Replacement

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

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

The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

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

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

Non-Conforming Lots

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

ARTICLE 4 - GENERAL PROVISIONS

Zoning Permits

Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the Administrator. The application form used for a building permit shall serve as an application for a zoning permit and shall contain a certification that requirements of the zoning ordinance have been met. All zoning permit applications shall include a statement whether the proposed structure is within, or encroaches into, a Dam Break Inundation Zone (DBIZ), as noted by the Dam Break Inundation Zone maps provided by Peter Francisco Soil and Water Conservation District. Applicants shall be notified at time of permit issuance if the structure is located in a DBIZ; however, no structure shall be prohibited as a result of being located in a DBIZ. Any permit from a structure within a DBIZ shall be forwarded to Peter Francisco Soil and Water Conservation District.

A change in activity not requiring a building permit shall require a separate application for zoning permit. If the proposed use constitutes a special use permit or zoning map amendment, and then the applicant shall be responsible for reimbursement to Buckingham County for the cost of advertisement(s) of the request and any costs incurred by the County for notification of adjoining property owners as required by law or fees as set forth by the Board of Supervisors of Buckingham County. If the request is approved, such fees shall be paid prior to issuance of the zoning permit.

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

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

Special Use Permit

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

Uses Not Provided For

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

Sign Placement for Notice of Public Hearings

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

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

Any person, firm, or corporation, whether as principal, agent, employed, or otherwise, destroying, stealing, or defacing any sign(s) displaying a public hearing announcement shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to five hundred dollars (\$500). Such person, firm, or corporation shall be deemed to be guilty of a separate 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.

If any notice sign is not posted as specified in this section (**Sign Placement for Notice of Public Hearings**):

1. Prior to action by Planning Commission/Board of Supervisors. The Planning Commission/Board of Supervisors may defer action on an application if it finds that the failure to comply with this section (**Sign Placement for Notice of Public Hearings**) materially deprived the public of reasonable notice of the public hearing.

2. Action is not invalid. Neither the Commission's recommendation nor the Board's approval of a zoning map amendment or special use permit will be invalidated solely because of a failure to post notice as specified in section (**Sign Placement for Notice of Public Hearings**).

ARTICLE 5 - PROVISIONS FOR APPEAL

Board of Zoning Appeals

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

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

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

Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

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

Powers of the Board of Zoning Appeals

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

To hear and decide appeals from/any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

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

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

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

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

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

Rules and Regulations

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

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

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

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

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

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

Appeal to the Board of Zoning Appeals

An appeal to the Board may be taken by any person aggrieved or by, any officer, department, board, or bureau of the County or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise, than by a restraining order granted by the Board or by a court of record, on application and on

notice to the Zoning Administrator and for good cause shown.

Appeal Procedure

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

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

Public Hearing

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

Decision of Board of Zoning Appeals

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

Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the Realtor's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the Writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law,

which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed.

ARTICLE 6 - VIOLATION AND PENALTY

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

Any person firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to two thousand five hundred dollars (\$2,500). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm, or corporation and shall be punishable as herein provided.

ARTICLE 7 - AMENDMENTS

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

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

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

Proffers of Conditions

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

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

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

ARTICLE 8 - ADMINISTRATION AND INTERPRETATION

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

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

Effective Date

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

Severability

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

Conflicting Ordinances

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

ARTICLE 9
RADIO, TELEVISION AND WIRELESS COMMUNICATION TOWER
AMENDMENT TO THE ZONING ORDINANCE OF BUCKINGHAM COUNTY

Section One: Purpose

The purpose of this article is to facilitate collocation of radio, television, and wireless communication towers and wherever possible, minimize the impacts of wireless communication facilities (hereinafter WCF) on surrounding areas. Certification of all the following requirements must be made to the Administrator before a building permit for any tower construction, tower modification, antenna collocation, antenna attachment, or antenna modification will be issued.

Section Two: Applicability

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

- (1) Existing WCF.
- (2) Proposed WCF.
- (3) Public WCF.
- (4) Replacement of an existing WCF.
- (5) Collocation on existing WCF.
- (6) Modification(s) to existing collocation or antenna array
- (7) Attached WCF.
- (8) Antenna element replacement(s)
- (9) Concealed WCF.
- (10) Broadcast transmission facilities
- (11) Wireless Broadband facilities
- (12) Small Cell 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 three meters or less.
- (3) A government wireless communications facility, whether owned or leased, that is exclusively reserved for non-commercial public safety communications services, and which will not be utilized for any commercial wireless services, upon 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 building and structural requirements. Such noncommercial public safety facility may be constructed using any available technology and may be constructed to

accommodate future anticipated public safety wireless communications needs.

- (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.
- (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.
- (6) Antenna support structures, antennas, and/or antenna arrays for AM/FM/LPTV/DTV broadcast transmission facilities.
- (7) Micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes.

Section Four: Permitted Uses (By Right with certification)

- (1) Concealed Attached WCF
- (2) Attached, Antenna, Collocated or Combined on Existing WCF
- (3) Modification on to existing collocation or antenna array
- (4) Antenna Element Replacement
- (5) Replacement of WCF unless the replacement of an existing non-illuminated WCF is required to become illuminated
- (6) Eligible Small Cell Facilities

Section Five: Special Use Permit Required - listed by siting hierarchy from highest to lowest. Preference always given to publicly owned property first (see supplemental document for publicly owned property list).

- (1) Second Replacement of WCF
- (2) Replacement of existing WCF where the replacement will require an existing non-illuminated WCF to become illuminated.
- (3) Non-concealed attached WCF (only on transmission distribution poles).
- (4) Concealed freestanding WCF
- (5) Non-concealed freestanding WCF.
 - a. On publicly-owned property
 - (i). Monopole tower
 - (ii). Lattice tower
 - (iii). Guyed tower
 - b. On non publicly-owned property
 - (i). Monopole tower
 - (ii). Lattice tower

- (iii). Guyed tower

Section Six: Submittal Requirements for Permitted and Special Uses

All submittal requirements are listed in Supplemental document

Section Seven: Development standards

- (a) Height shall be 199' or less with the exception of replacement of and existing WCF (See supplemental document for replacement details)
- (b) Setbacks according to each type of facility
 - (a) Collocated, combined WCF or antenna array and equipment
 - (1) 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.
 - (b) Attached antenna
 - a. located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
 - b. New equipment cabinets are subject to the underlying zoning setbacks.
- (c) Replacement WCF of an existing tower
 - a. shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the WCF owner for the change out of the old facility.
- (4) Small Cell Facilities
 - b. shall be co-located when feasible as a first option on existing utility poles, County owned infrastructure (with the County's consent), existing wireless support structures or base stations in the immediate area;
 - c. may be developed as replacements for existing utility poles or wireless support structures provided the new facility does not exceed the size of the former facility.
- (6) New freestanding concealed and non-concealed towers and equipment compounds

- (a) shall be subject to the setbacks described below for breakpoint technology:
1. If the antenna support structure has been constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.
 2. If the tower has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.
- (7) Commercial messages shall not be displayed on any tower. The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (8) Buffers. In all allowable locations the WCF equipment compound shall be landscaped with a minimum ten-foot wide perimeter buffer containing the following planting standards:
1. One row of evergreen trees with a minimum two inches caliper, 25-foot on center.
 2. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five-foot on center.
 3. All plants and trees shall be indigenous to this part of Virginia.
 4. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator.

5. Alternative landscaping plans which provide for the same buffer as 1 and 2 above but an propose alternative siting location on the entire subject property on which the proposed facility is projected may be considered and approved by the zoning administrator, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section. If in the future the property is redeveloped the property owner may be required to provide the ten-foot wide perimeter buffer around the WCF equipment compound meeting the planning standards of 1 and 2 above.
- (9) 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.
- (10) 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. (see supplemental document for further information on Interference agreement)
- (11) All towers and other structures shall meet all safety requirements of all applicable building codes.
- (12) All non-concealed WCFs structures (excluding antenna and cables) greater than 50' shall be galvanized steel.
- (13) All freestanding towers up to 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All towers great than 150 feet shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (14) Abandonment.

1. WCFs and the equipment compound, including the foundation(s) down to twelve inches (12”) below grade, shall be removed at the owner's expense, within 180 days of cessation of use (i.e. the termination of all radio frequency transmissions from the tower), unless the abandonment is associated with a replacement antenna structure, general submittal requirements, in which case the removal shall occur within 90 days of cessation of use.
2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The county may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the antenna support structure or antenna is not removed within this time, the county may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the county may cause removal of the antenna support structure with costs being borne by the owner.
3. Upon removal of the WCF and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.

Section Eight: Approval Factors and Process

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

characteristics of the proposed WCF could be modified to have a less intrusive visual impact.

- (4) If the approving bodies determine that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed new WCF can be achieved by use of one or more alternative existing wireless communications facilities, it may disapprove the proposed WCF application.
- (5) A collocation application shall be reviewed by the County within ninety days of a completed submission, and an application for a new facility shall be reviewed by the County within one hundred fifty days of a completed submission (or within some other mutually agreed upon timeframe). The County shall notify an applicant within 20 business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.
- (6) Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the ninetieth day from the date of final complete submission (in the case of collocation) or one hundred fiftieth day (in the case of new facilities). Denials shall identify the deficiencies in the application which, if cured, would make the application complete. Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in subsection (6) above until all deficiencies identified are deemed cured.
- (7) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
- (8) Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a new 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. 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.
 - a. Permitted uses #1 - #5 may be technically reviewed by a third party expert, the costs of which \$1,800.00 shall be borne by the applicant and be in addition to other applicable fees. Permitted use #6 (Small Cell Facilities) will be reviewed and charged as allowed by Code of Virginia Section 15.2-2316.4

Section Nine: RESERVED

Section Ten: Definitions

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

different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

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

Administrator. Also referred to as the zoning administrator. The official charged with the enforcement of the subdivision and zoning ordinances. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

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

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

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

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

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

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

Antenna element replacement.

The replacement of an existing antenna element with a same or like model number or another element with identical or reduced dead weight and wind load properties. In addition there can be no increase in the size or number of feed lines utilized by the facility.

Anti-climbing device.

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

Applicant.

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

Base station.

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

Broadcasting or communication tower.

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

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

Building line or setback line.

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

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

Collocation. The practice of installing, mounting, maintaining, modifying, operating or replacing a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

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

Commission. The Planning Commission of the County.

Communications service.

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

Concealed Tower

A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities: 1) antenna attachments and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural

features that blend with an existing or proposed building or structure. 2) Freestanding concealed tower's usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

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

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

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

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

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

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

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

Governing body. The Board of Supervisors of the County.

Guyed structure. A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a

series of wires that are connected to anchors placed in the ground or on a building. (see "antenna support structure")

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

Height. The measurement of any freestanding and guyed WCF as measured at ground level to the top of the WCF structure, excluding antenna(s) and lightning rods.

Height, building. The vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the structure.

Height, structure. The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

Height, tree. The measurement taken from the top of the root ball to the top of the canopy area at full foliage.

Historical area. An area containing buildings places, either or both, in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation. An historic area may not currently lie in nor constitute an historic district.

Historic district. A site, structure, landmark, one or more of them, or a group of them, which have unique architectural, historic, cultural, or archaeological importance to the county, the commonwealth, or the nation, and which are designated on the official zoning map as constituting an historic district.

Historic site. A site or structure which may not be included in an historic district, but which has an important historic, architectural or cultural significance to the County, Commonwealth, or nation. An historic site is registered with the Virginia

Landmarks Registry or the National Register of Historic Places.

Historic structure. Any structure that is:

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

Intermodulation distortion.

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

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

Least visually obtrusive profile.

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

Lot.	A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.
Macro wireless facility.	Any wireless facility exceeding the size dimensions defined as a small cell facility.
Micro-wireless facility.	A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.
Master telecommunications plan.	A plan developed to enforce applicable development standards, state statutes and federal regulations related to the deployment of wireless telecommunications infrastructure.
Monopole structure.	A style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. (see also "antenna support structure")
National Register of Historic Places.	The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation.
Non-Concealed Tower	A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.
Person.	An individual, firm, corporation, or association.
Personal wireless service.	

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

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

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

Radio frequency emissions.

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

Replacement. In the context of telecommunications, means a modification of an existing antenna support structure to increase the height, or to improve its integrity, or to replace or remove one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.

Replacement cost. The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.

Right-of-way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Road. See "street."

Satellite earth station.

A single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include

the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Shrub.	A woody plant producing multiple shoots or stems from the base height, with a total height of 15 feet or less. Also, when used to meet the landscaping criteria of the zoning ordinance, a perennial planting that, at the time of planting, has a minimum height of two feet measured from the ground elevation after planting.
Sign.	Any display of letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the display is made. A display of less than one square foot in area is excluded from this definition.
Site	That portion of property on which a personal wireless service facility is to be placed
Small cell facility.	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no mote than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the FCC. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
Special exception.	A special use exception or yard, area or height exception specifically listed in this chapter which may be permitted by the board of zoning appeals in a specified district or in

all districts in accordance with the provisions of this chapter.

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

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

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

Surveyor. A certified land surveyor licensed by the commonwealth.

Tower. (See "wireless communication facility").

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

Virginia Landmarks Register.

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

WCF. (See "wireless communication facility").

Wireless Broadband Facility.

An unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of a tower, an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure.

Wireless communications.

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

Wireless communication facility (WCF).

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

Specific types of WCFs includes:

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

Concealed wireless communications facility, sometimes referred to as a stealth or camouflaged facility, means a wireless communications facility, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Freestanding concealed WCFs usually have a secondary, obvious function which may be, but is

not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree). (See "non-concealed wireless communication facility").

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

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

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

ARTICLE 10 - AIRPORT SAFETY ZONING

Preamble

This article regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Farmville Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

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

Accordingly, it is declared:

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

SECTION 1- SHORT TITLE

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

SECTION 2 - DEFINITIONS

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

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

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

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

Sub-Section 2-5 - "Approach Surface": A surface, whose design standards are referenced in Section 3 of this article, longitudinally centered on the extended runway centerline extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Section 4 of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

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

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

from the periphery of the horizontal surface.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3 - AIRPORT SAFETY ZONES

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

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

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

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

Sub-Section 3-5 - "Conical Zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

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

SECTION 4-AIRPORT SAFETY ZONE HEIGHT LIMITATIONS

Sub-Section 4-1 - Except otherwise provided in this article, in any zone created by

ordinance no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any 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;

Zoning Ordinance - Page 43 Adopted 10/30/97, Amended - 5/10/99, Amended - May 9, 2005, Amended - 6/26/06

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

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

SECTION 6 - NON-CONFORMING USES

Sub-Section 6-1 - Except as provided in Sub-Sections 6-2 and 7-2 of this article, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure or 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 bee applied for and granted. Each application for a permit shall indicate the purpose for which desired with all sufficient geometric specificity to determine whether the resulting structure would conform to the regulator prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless variance has been approved as provided in Sub-Section 7-4.

Sub-Section 7-2 - No permit shall be granted that would allow the establishment or creation of a obstruction or permit a non-conforming use or structure to become a greater hazard to air navigation than it We 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 bee abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no permit shall b 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. Sue] variances shall only be allowed where it is duly found that a literal application or .enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create: hazard to air navigation., will do substantial justice, and will be in accordance with the spirit of this ordinance Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act independently of the airport owner's position to grant or deny the variance.

Sub-Section 7-5 - Any permit or variance granted may if such action is deemed

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

SECTION 8 - ENFORCEMENT

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

ARTICLE 11 - DEFINITIONS

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

Abattoir - A commercial slaughter house:

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

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

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

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

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

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

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

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

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

Building, Height of - The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof. to the deck line of a mansard roof, or the mean height level between the eaves and ridges of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1

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

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

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

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

Home Based Business - a business located on the same property with the owner's primary dwelling, which may be located within the home or in a separate building, may employ those residing on the premises and no more than three persons that do not reside at the property and that does not create noise, vibration, glare, fumes or electrical interference detectable and sustained to the normal senses off the lot. If business is not a permitted use then must apply for Special Use Permit. (All home-based businesses must comply with any covenants and restriction that have been recorded with the land). However, home offices which have no outside presence; including but not limited to signs, storage,

customers, production, manufacturing; shall be exempt from the requirement of a Special Use Permit.

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

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

Zoning Ordinance - Page 47 Adopted 10/30/97, Amended - 5/10/99, Amended - May 9, 2005, Amended - 6/26/06

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

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

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

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

Lot - A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and

lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

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

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

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

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

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

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

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

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

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

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

Parcel - For the purposes of the A-C Agricultural-Comprehensive District, a parcel is a measured portion of land separated from other portions of land by a metes and bounds surveyor: described as a

separate, discrete tract in an instrument of conveyance or device and recorded in the offices of the Clerk of Court of Buckingham County. Notwithstanding the foregoing separate, contiguous, parcels as defined above shall be treated as one parcel if held by the same person or entity.

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

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

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

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

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

Retail stores and shops - means buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, but not limited to: drugstore, newsstand, food store, drygoods and notions store, hardware store, household appliance store, furniture store, florist, tailor shop, barbershop and beauty shop.

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

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

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

that runway.

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

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

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

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

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

Three thousand five hundred feet (3,500') for that end of a non precision instrument runway other than utility, having visibility minimums greater than three fourths ($\frac{3}{4}$) 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 ($\frac{3}{4}$) 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

BUCKINGHAM COUNTY
Z.O.
ARTICLE 9 -
TELECOMMUNICATIONS
SUPPLEMENTAL
DOCUMENT

Approved by Board of Supervisors 5-14-2018

INDEX

PURPOSE		Page 3
Section 1	Uses of County-owned Lands	Page 3
Section 2	Submittal requirements for each type of facility	Page 4
	All New WCFs	Page 4
	Attached, Collocated, Modifications on existing WCF	Page 7
	Replacement of WCFs	Page 8
	Freestanding concealed WCF	Page 9
	Non-concealed WCFs	Page 9
	Antenna Element Replacement	Page 10
	Small Cell	Page 10
Section 3	Other Submittal requirements for WCFs	Page 11

Supplemental Document to Article 9 of the Zoning Ordinance

Purpose

In accordance with the County's zoning authority this document serves all county staff and potential applicants with a list of publicly owned properties and detailed submittal requirements for all applications

Section One: Uses of County-owned lands

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

Property	Address	MP Site ID	Infrastructure Type	Infrastructure Maximum Height
Household Waste & Recycling Center	29420 N. James Madison Highway	5	Monopole	125'
Household Waste & Recycling Center	720 Plank Road	10	Monopole	199'
Water Tank	52 Dillwyn Primary Road	14	Concealed Antenna Attachments	n/a
Household Waste & Recycling Center	Section 138, Lot 16	15	Concealed	125'
Water Treatment Plant	1788 Troublesome Creek Road	18	Monopole	199'
Household Waste & Recycling Center	16836 W. James Anderson Highway	26	Monopole	199'
Buckingham County Courthouse	13043 W. James Anderson Highway	27	Monopole Flag Pole/concealed attached	125'
Buckingham County Administrative Offices	13360 W. James Anderson Highway	28	Monopole Flag Pole/concealed attached	125'
Undeveloped Land	Section 137, Parcel 121A	29	Concealed	125'

Undeveloped Land	Section 137, Lot 47	30	Concealed	125'
Water Tank	16830 W. James Anderson Hwy	32	Concealed Antenna Attachments	n/a
Animal Shelter	9659 Andersonville Road	34	Monopole	199'
Old landfill	Off Andersonville Road	35	Monopole	199'

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

Section Two: Submittal requirements for each type of facility.

#1 For All New WCFs outside the right-of-way:

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

(1) Prior to application submittal.

- (a) The applicant shall contact the Zoning Administrator to confirm submittal requirements and Planning Commission and Board of Supervisor meeting dates.
- (b) Balloon Test for all new freestanding macro cell WCFs outside the right-of-way greater than 50 feet in height
 - 1. The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at the maximum height of the proposed WCF and within 50 horizontal feet of the center of the proposed antenna support structure.
 - 2. The applicant shall inform in writing the zoning administrator, abutting property owners, elected County Supervisor, and appointed

Planning Board Commissioner of the district of the date and times of the test at least 14 days in advance.

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

(2) Provided with application:

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

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

- (b) An affidavit by a radio frequency engineer demonstrating: (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.)

- (1) No existing wireless communications facilities located within the geographic area meets the applicant's engineering requirements, and why.
 - (2) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
 - (3) Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
 - (4) Other limiting factors that render existing wireless communications facilities unsuitable.
 - (5) Costs of concealment technology that exceed facility development costs shall not be presumed to render the technology unfeasible.
- (c) Sixteen sets (11"× 17") of signed and sealed site plans by a surveyor or engineer licensed in the State of Virginia, including antenna support structure elevations, and landscape plans if required, and one reduced copies (8 1/2"× 11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities. The site plans shall identify adjacent land owners, land uses, height of principal building, size of lots, and existing zoning and land use designation.
- (d) An identification card for the subject property from the office of the Commissioner of the Revenue for the County or a tax bill showing the ownership of the subject parcel.
- (e) Proof that a property and/or WCF owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).
- (f) For monopoles using breakpoint technology a written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility.
- (g) Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (h) A map showing the designated search ring.
- (i) Identification of the intended service providers of the WCF.
- (j) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (k) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding interference to other radio services.
- (l) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding human exposure to radio frequency energy.
- (m) One original and two copies of a survey of the property delineating an area

equal to 200 percent (200%) of the height of the WCF as measured from the boundary of the equipment compound of the tower in all directions. This survey shall include all property lines and buildings and be completed by a professional surveyor, licensed in the State of Virginia, showing all existing uses, structures, and improvements.

- (n) A landscape plan in accordance with the provisions of Section 7 (8) of Article 9 in the Zoning Ordinance, to include without limitation, any required buffer.
 - (o) If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the county as part of the application package.
 - (p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this document and the Buckingham County Zoning Ordinance.
- (3) Provide with building permit:
- (a) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," if applicable.
 - (b) Prior to issuance of a building permit a stamped or sealed structural analysis of the proposed WCF prepared by a registered professional engineer licensed in the State of Virginia indicating the proposed and future loading capacity of the WCF.
 - (c) Prior to issuance of a building permit, proof of Virginia Department of Historic Resources (VDHR) approval and State Historic Protection and Preservation Office (SHPPPO) approval, if required.

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

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

- (a) If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
- (b) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure.
- (c) When required, photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items

to be painted or stained, and pictures of exterior building materials and roof materials.

- (d) Concealed Attached WCFs: Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
- (e) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or structure. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original WCF site shall be submitted addressing the overall ground space for the WCF.
- (f) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the utility company, the development standards for attached WCFs, and compliance with existing legal restrictions contained in any easement granted for said transmission towers and/or light stanchions.
- (g) Provide with Building Permit: Prior to issuance of a building permit a stamped or sealed structural analysis by a registered professional engineer licensed in the State of Virginia indicating the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

#3 Replacement of WCFs.

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

- (a) Height: The height of a tower approved for a first time replacement shall not exceed one hundred and fifteen (115) percent of the original height of the tallest tower or the maximum height permitted in district whichever is greater. (For example a 250' existing tower could be rebuilt at 287.5')
- (b) A second replacement for a tower previously replaced requires approval of a Special Use Permit.
- (c) Breakpoint technology: Replacement monopole towers shall use breakpoint technology in the design of the replacement facility.
- (d) Replacement WCFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.
- (e) The existing tower being replaced, including tower base but excluding the

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

#4 Freestanding concealed WCFs.

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

- (a) Height:
 - 1. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
 - 2. New concealed towers shall be limited to 199' or less in height.
 - 3. For replacements of existing towers #3, entitled, "Replacement of WCF's".
- (b) New concealed freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- (c) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples.

In addition to the requirements of Section Two, #1, the applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:

- 1. Overall height.
- 2. Configuration.
- 3. Physical location.
- 4. Mass and scale.
- 5. Materials and color.
- 6. Illumination.
- 7. Architectural design.

#5 Non-concealed WCFs.

- (a) It is intended that all new non-broadcasting towers be 199' or less in height. However, should a tower be required in excess of 199', all new non-broadcast facilities shall be subject to the following additional requirements:
 - 1. Propagation maps and corresponding data including but not limited to

topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional antenna support structure(s) for network deployment, which would not otherwise be required.

2. It shall be noted on the site plan that the tower shall be designed to allow for a future reduction of elevation to no more than 199', or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such a reduction in height can be justified.
- (b) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.
- (c) The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:
1. Overall height.
 2. Configuration.
 3. Physical location.
 4. Mass and scale.
 5. Materials and color.
 6. Illumination.
 7. Architectural design.

#6 Antenna Element Replacement

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

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

#7 Small Cell Facility

For any small cell facility, in lieu of the aforementioned items a certification is required and includes an application and sketch plan with the following items:

- (a) Location of proposed structure by GPS coordinates
- (b) Location and size of existing or proposed buildings and structures
- (c) Setbacks from property lines, right-of-ways, and existing structures
- (d) Entrance/Access and parking layout

- (e) Exterior lighting if any. All illumination shall be full cutoff and pointed in a down direction.
- (f) Tax map and parcel number
- (g) Zoning district
- (h) North Point
- (i) Date of drawing and name of individual who prepared the plan
- (j) Minimum setback lines
- (k) Approximate boundary dimensions
- (l) A certification of structural integrity from a professional engineer licensed to practice in the Commonwealth of Virginia, or a certification of testing and design from a manufacturer of the pole structure
- (m) Certification that the antennas meet or exceed FCC emission and interference requirements.

Section Three : Other Submittal requirements for WCFs

- (a) Demonstration of Visual and Aesthetic Impacts:
 - 1. The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent properties and roadways, trails, and travel ways.
 - 2. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
 - i. 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.
 - ii. 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.
 - iii. Except where the facility would be attached to an existing structure or is less than fifty (50) feet, 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.
 - iv. 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.
 - v. All existing and proposed setbacks, parking, fencing and landscaping.
- (b) The location of all existing and proposed access ways Interference with public

safety communications. In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations.
2. Compliance with all FCC rules and regulations relating to radio frequency interference (RFI).
3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the county's public safety communications equipment and will implement appropriate technical measures, antenna element replacement, to attempt to prevent such interference.
4. Whenever the county has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:
 - i. The county shall provide notification to all WCF service providers operating in the county of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the county and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "good engineering practices," as may be amended or revised by the FCC from time to time.
 - ii. If any WCF owner fails to cooperate with the county in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the county public safety communications equipment, the owner who failed to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the county for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the county to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of county's notification.

Zoning Text Amendment: (ZTA268): add privately owned parks and playgrounds to the list of Special Uses in the A-1 zoning district (Approved on 2/10/2020)

Zoning Text Amendment: (ZTA271) to allow a nonretail office space in the A-1 District (7/13/2020)

Zoning Text Amendment: (ZTA277) to allow for Mobile Home Sales Office/Mobile Home Sales in the B-1 Zoning District (Approved 10/13/2020)

Zoning Text Amendment: (ZTA309) to allow special use in a Business B-1 zoning district for the production of natural gas storage and distribution (Approved 10/13/2022)

Zoning Text Amendment: (ZTA312) to allow for the manufacturing and sales of ammunition, firearms and accessories in the A-1 District (Approved 9/12/2022)

Zoning Text Amendment: (ZTA314) to allow for an Equipment Rental Yard in the A-1 District Approved (9/12/2022)

Commercial core drilling as a by right activity in A-1, AC, M-1 and M-2 as defined and also adopt the definition for use and accessory use.

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also,, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are subjects to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. Is clearly subordinate to, customarily found in association with, and serves a principle use; and
2. Is subordinate in purpose, area or extent to the principle use served; and
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise, or industrial operation within the principal use served; and
4. Is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use, whether or not it is situated on the same lot with the principle building.

CHAPTER IV

Specialty Policy Areas



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IV. Special Policy Areas

Introduction

In developing these special policy areas, it was the clear goal of the Buckingham Planning Commission that this plan assists the County in planning for its future growth and development. It was also a goal of the Buckingham Planning Commission that the Comprehensive Plan contains specific information to help better guide their month-to-month decision making on issues/requests such as zoning, rezoning, and conditional use permits.

Policy Area #1 Rural Conservation Loss of Agricultural Land and Open Space

As Buckingham County continues to experience residential and commercial growth, there will be continued pressure on the County's open space, agricultural and forestry areas. These lands provide wildlife habitat, farm land, buffer zones between communities, scenic vistas, and recreational opportunities. Furthermore, there are many economic benefits that open space, agricultural and forestry areas offer to the economy of the County and the region. Furthermore, open space is also factored into any assessment of the quality of life in the County – which in turn can potentially influence business location and other decisions that affect the County's long-term viability and health.

There are many factors that have contributed to the loss of the County's agricultural, forestry and open spaces resources in the past several years. These factors include the following:

1. population growth in the County,
2. increases in agricultural and forestry land values
3. the lack of planned growth areas in the County
4. the lack of adequate development regulations, and
5. high suitability of many agricultural and forestry lands for development.

The challenge for Buckingham County will be to accommodate future growth demands in a planned manner that provides for the conservation of these important resources. Future residential, commercial and industrial development should be encouraged to locate in areas of the County where adequate public services are available or planned. Development that does occur in the rural agricultural and forestall portions of the County should be designed to incorporate significant open spaces and designed to minimize environmental impacts on the County's land and water resources.

The Future Land Use Map in Chapter V should be used as a general guide for future County development patterns. Implementation of the future land use map recommendations will require amendments to the County's ordinances to provide both requirements and incentives for the conservation of land.

When future development requests require Planning Commission review and Board of Supervisors approval, the economic and quality of life benefits of open space, agricultural and forest land uses should be considered, as well as the adequacy of public facilities and services within the area. The environmental impacts of the development should also be considered. It is important to maintain a balance between development and preservation objectives throughout the County.

Any additional regulatory approaches to land conservation should be pursued in conjunction with an educational and direct approach with landowners.

Tools most commonly used by counties to influence the timing and location of growth within its boundaries including the following:

- Strategic Planning
- Zoning
- Subdivision Regulations
- Designation of Defined Growth Areas
- Land Use Value Assessment and Taxation
- Public Facility/Utility Decisions

Furthermore, there are other tools and programs available to rural property owners which aid them in preserving their land holdings while, hopefully, obtaining a desired rate of return on their equity. These programs are voluntary and generally involve a

partnership between the landowner and a governmental agency. These six (6) programs are as follows:

Agricultural and Forestal Districts

Agricultural and Forestal Districts are rural zones reserved for the production of agricultural products and timber and the maintenance of open space land as an important economic and environmental resource. They are established according to state guidelines, with the approval of the local governing body.

In essence, a district constitutes a voluntary agreement between the landowners and the government that no new, non-agricultural uses will take place in the district. By establishing a District, property owners agree not to convert their farm, forestland and other open space lands to more intense commercial, industrial or residential uses for a term of 4 to 10 years. In return, the local governing body and the State of Virginia agree not to take actions or make infrastructure investments that will place increased pressure on landowners to convert land in the District to more intense land uses during the term of the District. An Agricultural and Forestal District provides much stronger protection for farmers and farmland than traditional zoning.

From the landowner's point of view, the district provides the following:

- Land use taxation;
- Certainty that agriculture will be maintained in the area;
- Protection from ordinances that would limit customary farming practices, such as manure spreading or prescribed burning;
- Assurance that the District will be taken into account in local planning decisions, such as rezoning;
- Protection, in most cases, from government acquisition of land or special assessments for public utilities; and
- Restrictions on state policies and spending as they affect the district.

From the government's perspective, Agricultural and Forestal Districts serve the public good by maintaining the rural character of the community, protecting productive agricultural and forest land, and contributing to the preservation of water supply and other natural resources.

Conservation Easements

A conservation easement is a legal agreement voluntarily entered into by a property owner and a qualified conservation organization such as a land trust or government agency. The easement contains permanent restrictions on the use or development of land in order to protect its conservation values. These easement restrictions vary greatly for each agency or organization.

An easement selectively targets only those rights necessary to protect specific conservation values. Typically, a conservation easement restricts development or uses that would destroy natural, scenic, or historic areas while at the same time allowing other traditional uses such as farming. Because the land remains in private ownership, with the remainder of the rights intact, an easement property continues to provide economic benefits for the area in the form of jobs, economic activity and property taxes.

Landowner motivations to acquire conservation easements are diverse. Most landowners hold a deep appreciation for wildlife, and an easement protecting habitat displays heartfelt concern for wildlife's future. There may be additional interests to retain limited development rights for family use or for future income generation. Conservation easements can be structured to address any of these interests.

Advantages offered by conservation easements include the following:

- **Private Ownership**
The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.
- **Flexibility**
Easements are flexible and can be written to meet a particular landowner's needs while protecting the property's wildlife resources.
- **Permanent**
Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are followed.
- **Tax Reduction**
There are significant tax advantages if easements are donated rather than sold.
- **Charitable Taxes**
The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easements, on the landowner's Federal and State income tax returns.

- **Estate Taxes**
Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.
- **Property Taxes**
Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Purchase of Development Rights (PDR's)

A purchase of development rights (PDR) program enables a locality or other entity to purchase conservation easements. The protection is the same as with a donated conservation easement and the easement is still voluntary. In fact, an easement can be a combination of purchase and donation. In summary, a PDR program involves payment to a farmer to keep their land available for agriculture.

PDR programs offer key advantages to both the landowner and the community. The landowner gets to keep the land, and he/she also receives financial compensation for it. For some landowners, easement purchase can make a conservation easement a viable economic option. For communities, a PDR program can give the community a tool to guiding growth, reducing long-term infrastructure costs, and protecting particular sites such as agricultural land and open space areas. Once a locality has paid for the development rights, the rights would be held in public trust and could not be used by anyone.

A local PDR program can be funded through a variety of mechanisms. These include a line item in the local budget, general revenue, roll-back taxes, a specific local tax, grants, and dedication of a particular windfall. Some of the most effective programs in the nation structure a PDR financing package that includes borrowing money at an advantageous interest rate and making payment to property owners on an installment plan.

Transfer of Development Rights (TDR's)

TDRs or Transfer of Development Rights provide an economic incentive for preserving undeveloped land (agricultural and/or open space). TDRs create a market by which farmers, for example, can sell their development rights to someone wishing to develop in a receiving area for TDRs.

TDR is a market-based technique that encourages the voluntary transfer of growth from places where a community would like to see less development (called sending areas) to places where a community would like to see more

development (called receiving areas). In this process, development pays for preservation.

With TDR, a community motivates sending site owners to record permanent deed restrictions on their property, forever ensuring that the land will only be used for approved activities such as farming, conservation, or passive recreation. When these deed-restrictions are recorded, transferable development rights, or TDRs, are created. Sending site owners are compensated for their reduced development potential by being able to sell their TDRs to the developers of receiving sites.

In the receiving areas, a TDR-based zoning code offers developers a choice. Developers who decide not to buy TDRs are allowed less development on the receiving sites. But developers who purchase TDRs are allowed extra development, or bonus density. When a program is well designed, the extra revenues from higher-density projects make it more profitable for developers to use the TDR option despite the extra cost of having to buy the development rights.

Not all TDR programs are successful. But when a community creates the components needed for a TDR market, everybody wins. Sending site owners are compensated for permanently preserving their properties. Receiving site developers enjoy greater returns even though they have to buy TDRs. And communities achieve their land use goals using private sector money rather than tax dollars.

Policy Area #2 Corridor Development

Transportation for the County of Buckingham consists primarily of its roadways. Presently, the major roadways in this area are as follows:

- U.S. Highway 60
- U.S. Highway 15
- Virginia Primary Highway 20
- Virginia Primary Highway 24
- Virginia Primary Highway 56

With the exception of limited commercial development along U.S. Highway 60, U.S. Highway 15, and the intersection of U.S. Highway 15 and Virginia Primary Highway 20, land along these five (5) highways is largely underdeveloped. Where road frontage development has occurred, it is primarily widely scattered residential development and civic uses. These road corridors are critically important.

As major points of access to the County, these roads are critical and should maintain a high level of service. Future development along these roads should be planned and designed to ensure that the safety and capacity of these roads are maintained and managed. It is critical that the number of access points on to these highways be limited and those that are permitted be constructed to modern engineering standards. Limiting access to the highway will preserve the high speeds, service levels, and safety of the roadway.

With corridor development, the issue of strip development arises. One of the most pressing planning problems throughout any jurisdiction is commercial strip development. Strip development is contrary to the basic elements of good planning: it consumes open space and depletes natural resources, impedes pedestrian and non-motorized traffic, grows outward from the limits of existing development, and ruins any sense of place. Yet more strips are created every year and many communities seem to have no idea how to stop or control them.

Zoning is perhaps the single most important tool communities use to shape the pattern of development within a corridor. Zoning can either facilitate strip development or prevent them from happening (or expanding). An alternative to a strip pattern, which still meets the demand for commercial or residential space, is to designate clusters or nodes through cluster zoning around major intersections and limit uses on the rest of the corridor. These nodes can be planned to integrate commercial, office, and even housing development, along with retail uses. Again, zoning can either enable or prevent this from happening.

Furthermore, these five (5) routes are the “gateways into the County.” Persons that travel into the County using these routes develop impressions on Buckingham County. These impressions are based upon the aesthetic view and character of development visible from the roadway. Maintenance, planned development and enhancement of these “gateways” can be critical to the success of the County’s economic development and marketing activities. The County should seek special districts for the main corridors of the county to be more small business friendly.

Steps that the County could implement to ensure the proper development/maintenance these corridors include the following:

- Evaluate and amend the County’s zoning and subdivision ordinances to ensure that future land uses allowed along these corridors are consistent with the future land use map.
- Evaluate and amend the access provisions in the County’s zoning and subdivision ordinances to ensure that new developments along these corridors are allowed adequate access and that unnecessary or dangerous access points are not permitted.
- Evaluate future rezoning and conditional use permit requests along these corridors partially on the basis of proposed access plans and the traffic impacts resulting from the proposed use.

- Consider the development of a corridor design policy manual. This manual can be used by the Planning Commission and the Board of Supervisors as a guide when evaluating the site design and architectural character of proposed development within these corridors.
- Work with the Virginia Department of Transportation for potential projects for transportation enhancement funds to create formal landscaped gateways at specific points along these corridors.

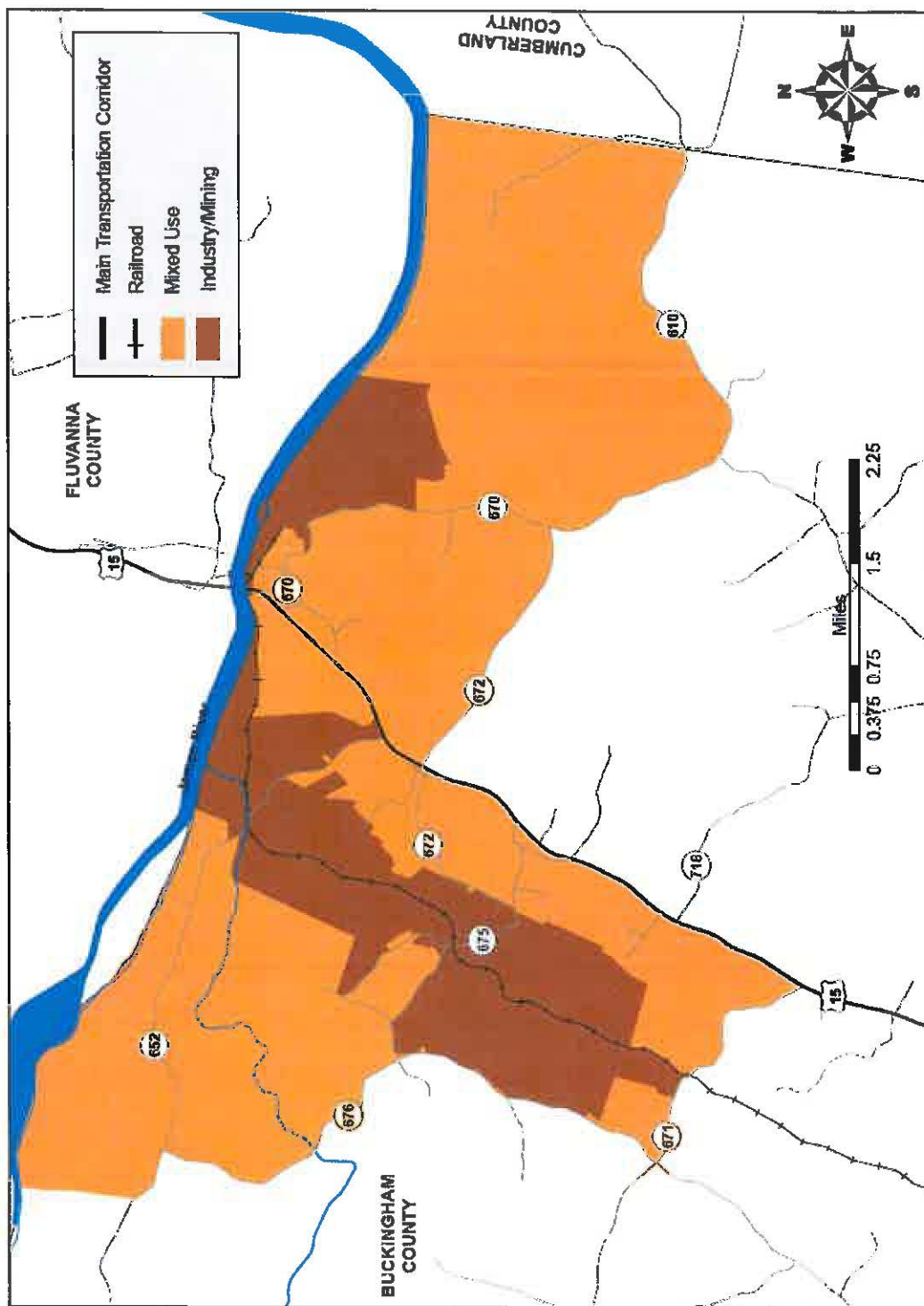
***Policy Area #3
Growth Area/Village Center/Corridor Areas***

Buckingham County is a “community of communities.” In addition to the incorporated Town of Dillwyn, there are a number of smaller unincorporated rural villages that are the center of rural life and rural activities in the County. The communities include the following:

Arvonias-New Canton Village Center

The Arvonias-New Canton Village Center surrounds U.S. Route 15 near its entrance into the County from Fluvanna County (see MAP XLV on next page). It is comprised of several neighborhood businesses such as convenience stores, restaurants, and banks. Slate mining, aggregate manufacturing, and trucking are industrial uses within or adjacent to this “Village Center.” Housing of all types and sizes comprise this “Village Center” and an adjacent area. The area is not currently served by public water and public sewer. However, the village area does contain various infrastructure assets including railroad access and a water intake located on the James River (could be piped to serve the U.S. Route 15 corridor of the village – growth). Several churches of various denominations dot its landscape and form a unifying core for the community. As in all of the villages, the major land-use consideration is to insure that infill development and redevelopment occurs and that future land-uses are compatible with the varied land-uses in the area. Because of this, each request for rezoning, special use permits, or subdivision within or in the immediate area that would have an effect upon the Village should be given careful consideration.

Map XLV Arvonía-New Canton Village Center



Map created by CRC – January 2015

Buckingham Court House Village Center

The Buckingham Court House Village Center lies on U.S. Route 60 (see MAP XLVI on next page). Within the Buckingham County Court House Village is the historic Buckingham County Courthouse, the historic Clerk's Office, a Confederate Civil War Monument with two (2) cannons, the historic Buckingham County Hotel, the historic England House, the Housewright Museum, the Buckingham County Historic Village/Robert E. Lee Wayside and Woodside.

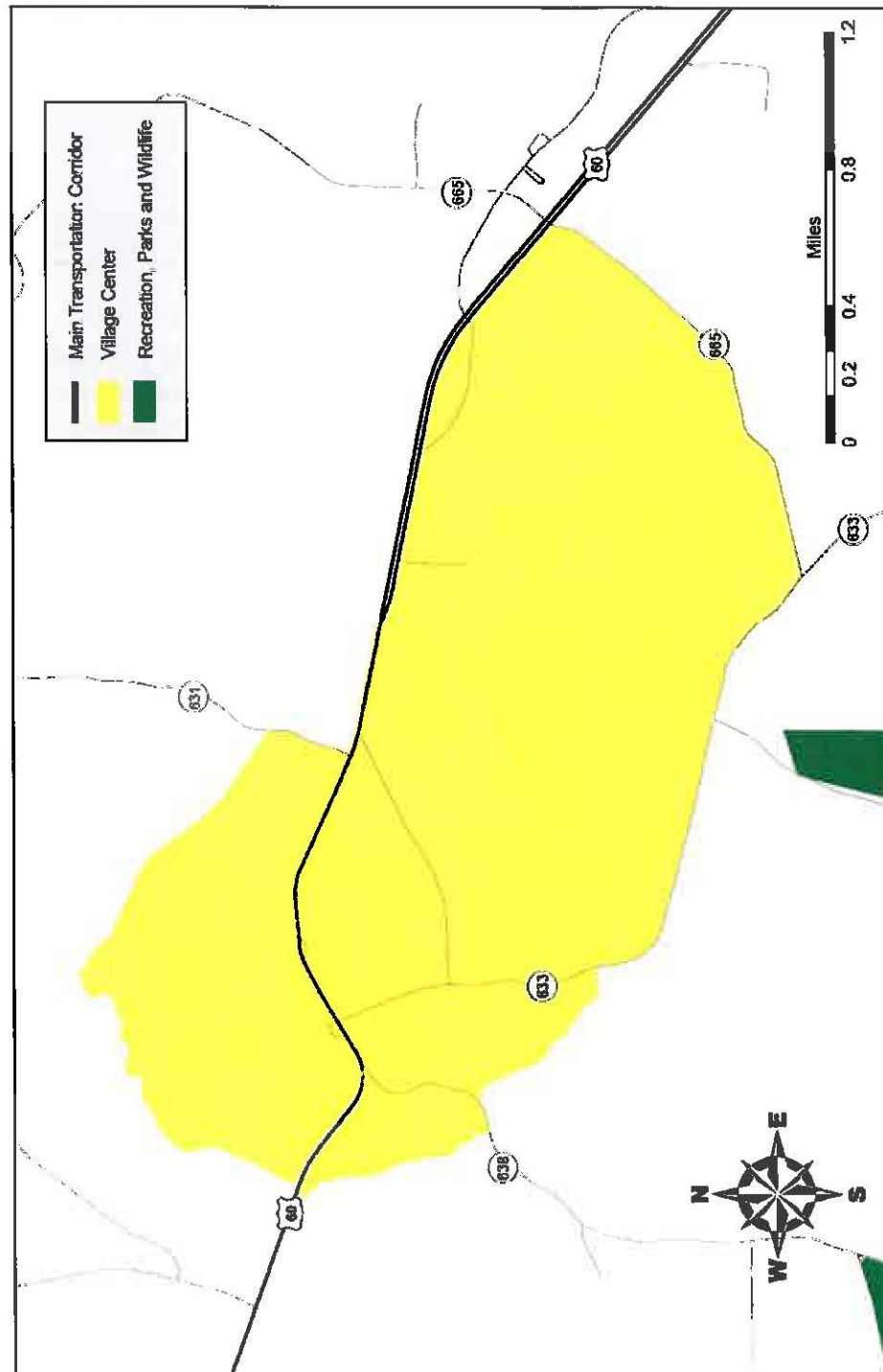
Specifically, the Buckingham County Court House was designed by Thomas Jefferson in 1821. After a mysterious fire in 1869, the Court House was rebuilt in the 1870s with a re-designed interior, but with Thomas Jefferson's exterior. According to a recent archaeological dig at the site of the Buckingham Court House (done due to renovation and expansion to the building), evidence was unearthed that the original court house was not only designed by Thomas Jefferson, but was an extraordinary example of his architecture. These historical buildings, structure and objects are sited directly on U.S. Route 60.

Due to the historical significance of this village and tourism potential, development in this "Village Center" should be well planned and future land-uses compatible with the historic character of the area.

Gold Hill Village Center

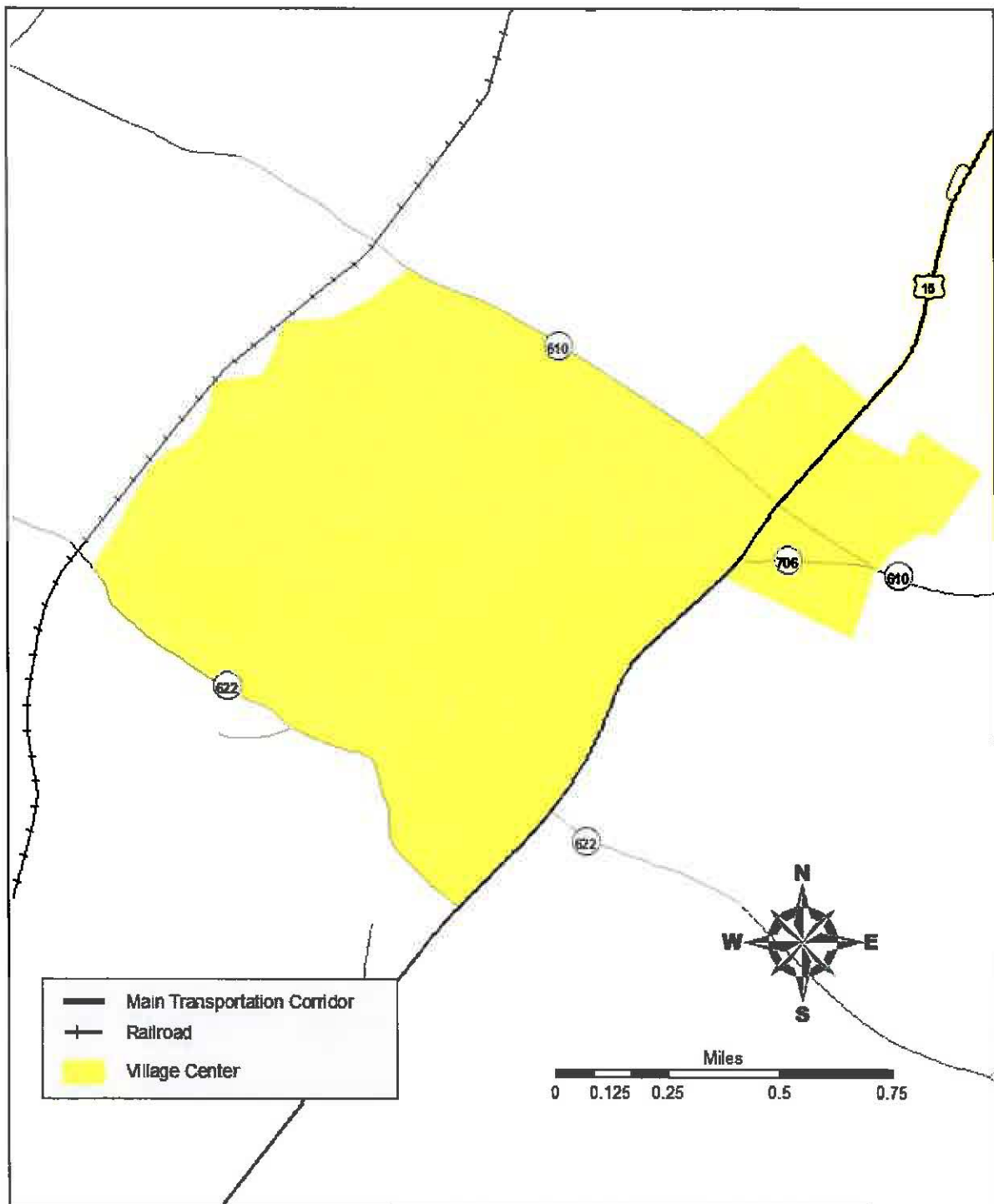
The Gold Hill Village Center is centered 6-8 miles northeast of the Town of Dillwyn (see MAP XLVII on Page 164). It is characterized by a medical clinic, several small automotive-related business, convenience stores, a low-to-moderate income apartment complex, and several churches. The area is currently not served by public water and sewer. A larger residential component could greatly accentuate the nucleus of businesses that are beginning to form in this "Village Center." As in other Village Centers, land-use policies that "cluster" residential and the neighborhood-serving commercial uses within this Village Center should be considered, provided that adequate water and sewer is available.

Map XLVI Buckingham Court House Village Center



Map created by CRC – September 2007 (updated February 2015)

Map XLVII Gold Hill Village Center



Map created by CRC – July 2007 (updated January 2015)

Centenary –Scottsville Growth Corridors

The Centenary community is located on Route 20, approximately 5-6 miles from Scottsville in neighboring Albemarle County (See MAP XLVIII on next page). Albemarle County continues to experience residential growth and thus, residential growth is expanding into Buckingham County. This corridor is comprised of several commercial uses – primarily convenience stores, an antique shop, and a church – and various types and sizes of dwelling units. The area is not currently served by public water and sewer. Development on Route 20 within the community corridor should be well planned and future land-uses compatible with the varied land-uses in the area. The County should seek special districts for the main corridors of the county to be more small business friendly.

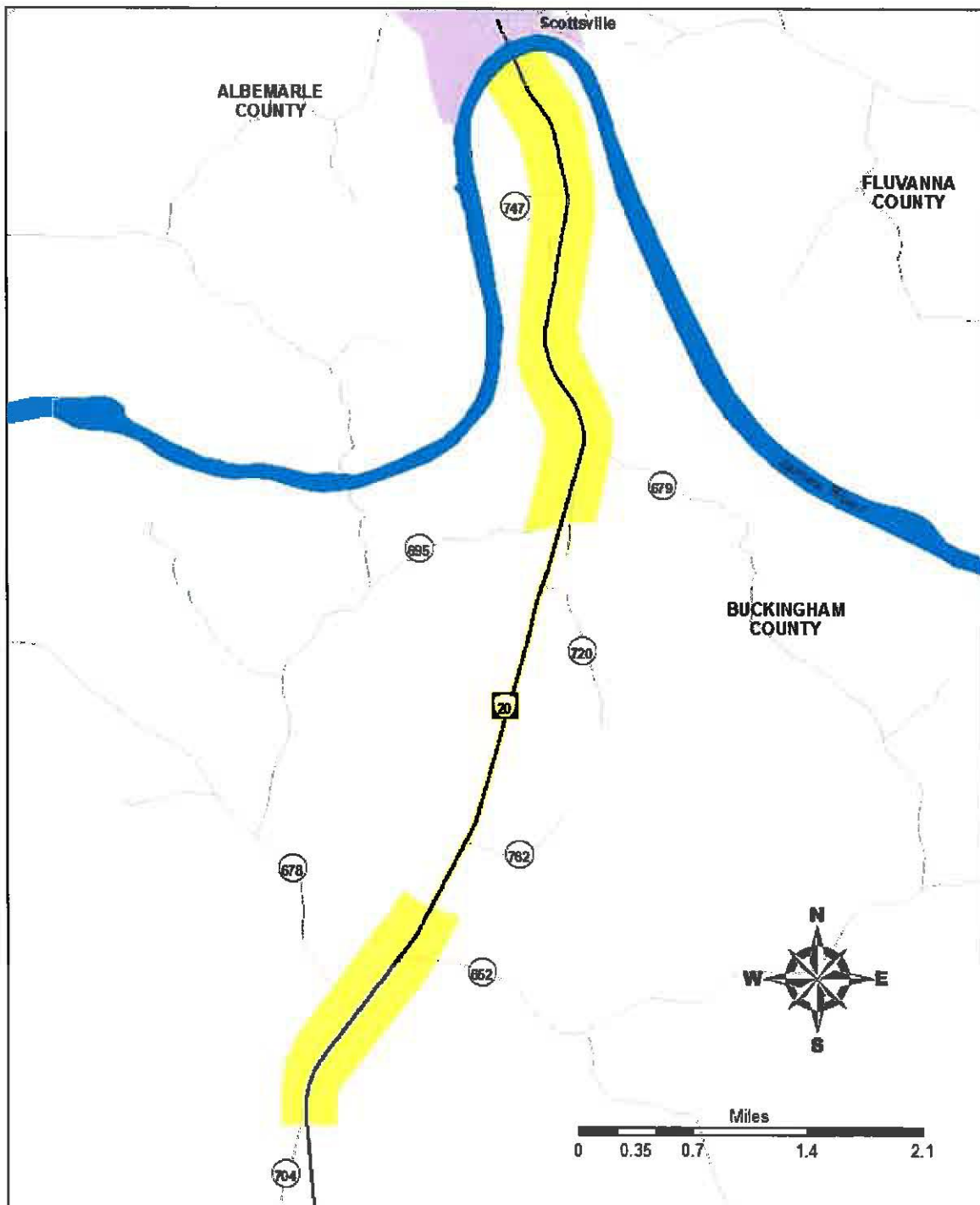
South Growth Corridor

This corridor is located on U.S. 15 near the Appomattox River and the Buckingham/Prince Edward County line (See MAP XLIX on Page 167). This area is expected to see future growth due to its proximity to Farmville. This corridor is currently comprised of commercial uses plus various types and sizes of dwelling units. The area is not currently served by public water and sewer. Development in this corridor should be well planned and future land-uses compatible with the varied land-uses in the area. The County should seek special districts for the main corridors of the county to be more small business friendly.

Sprouses Corner-Dillwyn-Alpha High Growth Area

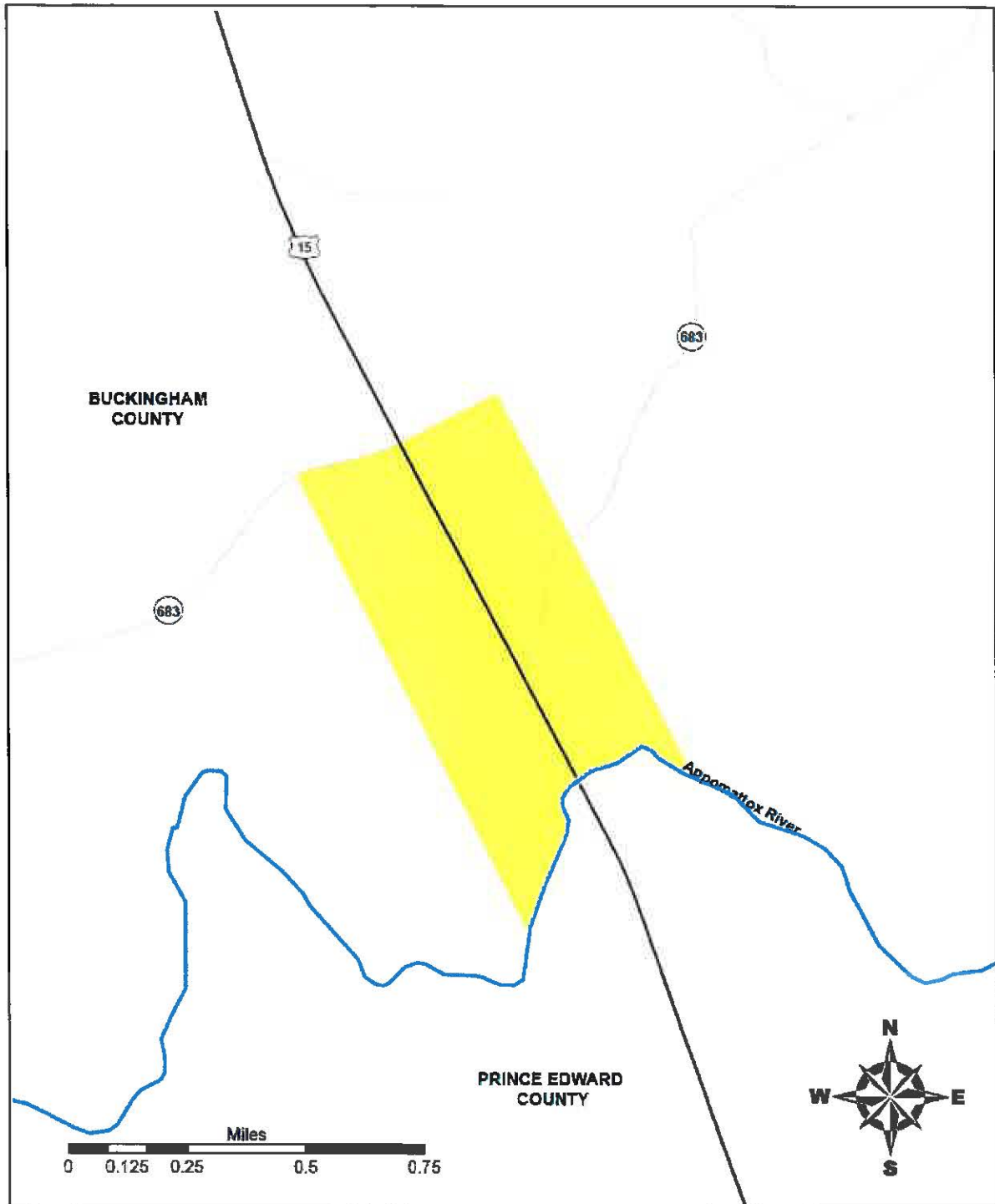
The Sprouses Corner-Dillwyn-Alpha High Growth Area is designated as a high growth area (see MAP L on Page 168). This Village Center is where an intense, broad mixture of land uses is currently clustered. This high growth village center contains industrial, commercial and high density residential functions in the central portion of the County. This Village Center currently is served by public water and sewer service. The need to “create” a market with residential/commercial/industrial land uses must be weighed with their impact upon transportation, water/sewer usage, noise and overall compatibility with nearby businesses, recreation sites, school sites, and industrial land uses. The areas surrounding Buckingham High School, Buckingham Middle School, and the Buckingham Preschool should require close scrutiny. Great care must be undertaken to protect these facilities from land uses that create traffic hazards, disruptive or other potentially negative influences. Furthermore, careful review should be exercised in order to protect the Buckingham County Reservoir and surrounding areas from adverse environmental impacts from new development (whether residential, commercial, agricultural or industrial).

Map XLVIII Centenary-Scottsville Growth Corridors



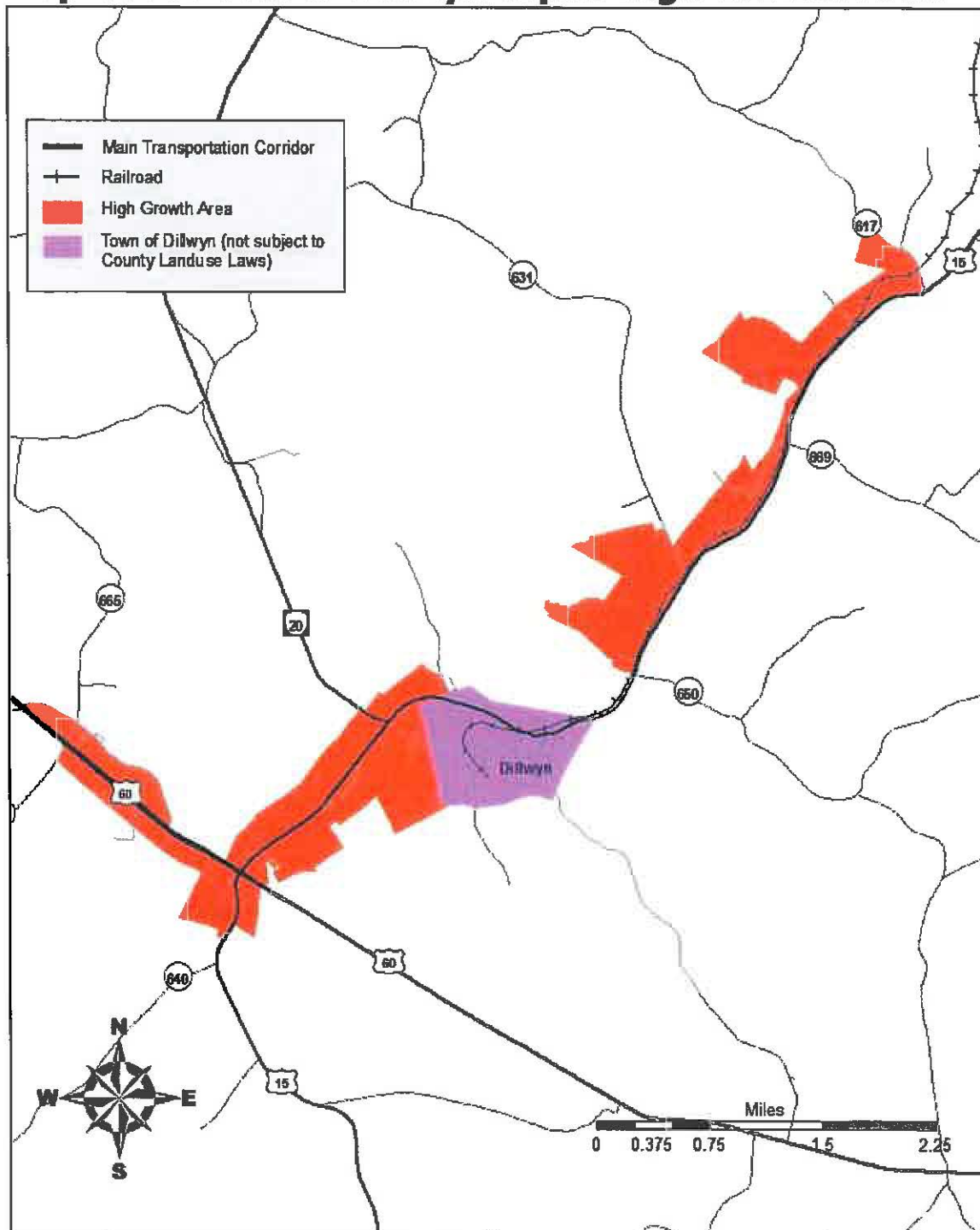
Map created by CRC – June 2015

**Map XLIX
South Growth Corridor**



Map created by CRC – January 2015

Map L Sprouses Corner-Dillwyn-Alpha High Growth Area



Map created by CRC – July 2015

The Sprouses Corner-Dillwyn-Alpha High Growth Area contains characteristics similar to the Virginia Code definition of urban development areas (UDAs). Urban Development Areas (UDAs) can cover a wide variety of community types, ranging from small town or village centers to suburban activity areas to urban downtowns. UDAs can help local governments and regional entities to focus investments and create great places that attract businesses and workers alike. Under the Virginia Code designation (Virginia Code 15.2-2223.1) per the Office of Intermodal Planning and Investment (OIPI), UDAs can be any areas designated by a locality in their comprehensive plan for higher density development that incorporate the principles of Traditional Neighborhood Development.

Traditional Neighborhood Development embodies classic characteristics of traditional communities such as:

- Walkable neighborhood centers
- Interconnected streets and blocks
- Diversity of land uses
- Easy access to jobs, housing and recreation by a variety of travel options (auto, bus, walk, bike, etc.)
- Principles per the Transportation Efficient Land Use and Design Guide

Through legislation, the General Assembly has directed that transportation improvements to support UDAs be considered in both the needs assessment contained in the long range plan known as VTrans, as well as be considered in the HB2 statewide prioritization process for project selection.

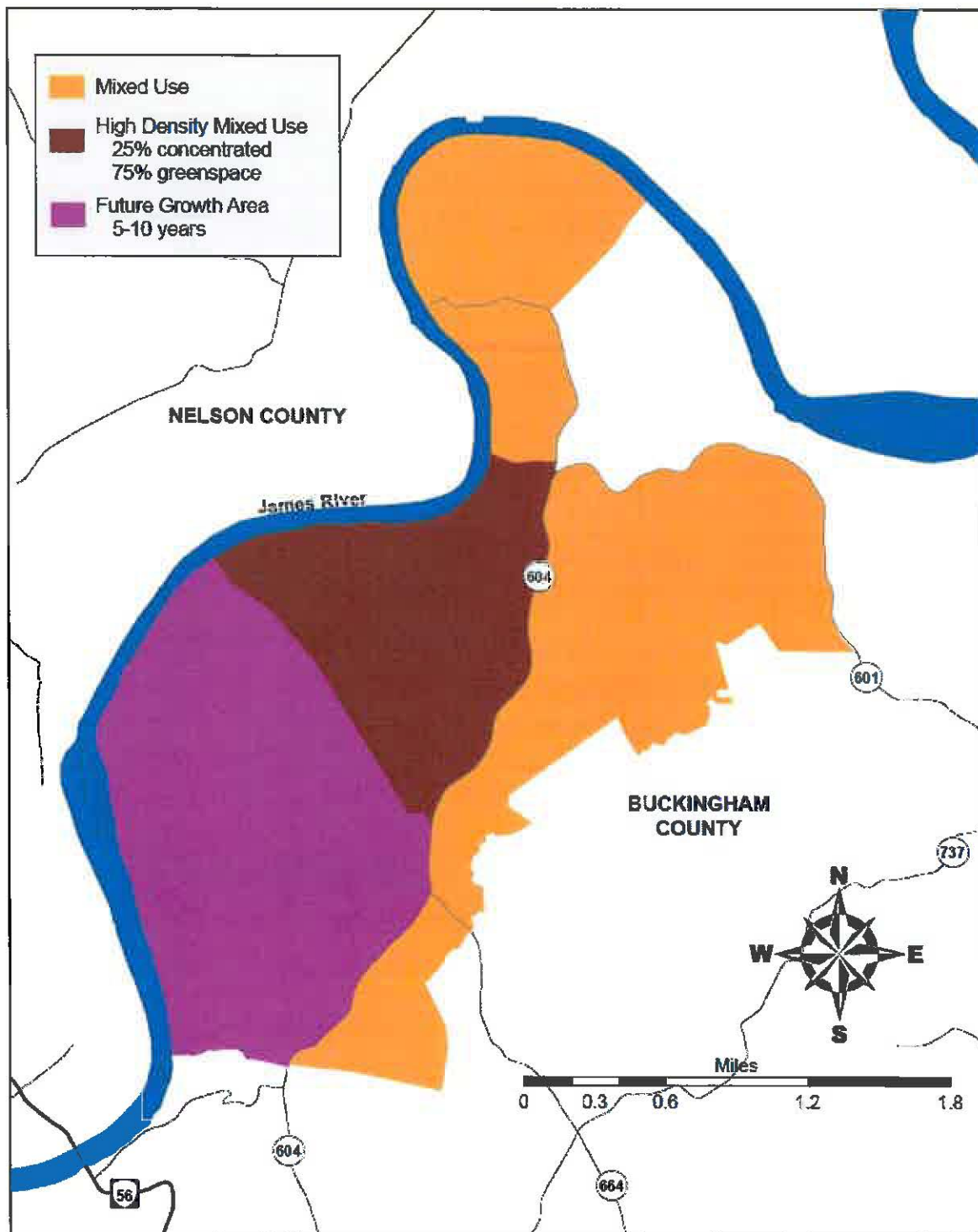
Yogaville Village Center

The most unique of all "Village Centers" located in Buckingham County is Yogaville (see MAP LI on next page). This "Village Center" was founded around a non-secular community.

Approximately 75% of the area in the Yogaville Village Center is subdivided into individual lots. The private owners in this area are served by private water and waste water systems. Though primarily residential with single family and multifamily housing, there are many service oriented businesses and professional offices located in this area.

The remaining 25% of the Yogaville Village Center Area is owned by Satchidananda Ashram -Yogaville. The centerpiece of Satchidananda Ashram-Yogaville is the Light of Truth Universal Shrine (LOTUS). The building was dedicated in 1986 and contains artifacts and information on all the major

Map LI Yogaville Village Center



Map created by CRC – July 2007 (updated February 2015)

religions of the world. This area has a wide assortment of single and multi-family residential housing, as well as an Integral Yoga Retreat Center, an Integral Yoga School (Grade K thru 6), a conference center, an organic farm, several retail stores, wholesale businesses and professional services. As a single owner out of necessity, the Satchidananda Ashram-Yogaville has had to install infrastructure such as a private road system, parking lots, central water and sewer facilities, walking paths and lighting that can serve the needs of several hundreds of program participants a day and the staff to accommodate them. In some ways, this is the center of the community, but it is very limited in what services it provides; church related services, employment and a central dining facility that, for a fee, everyone in the community can utilize. But in Yogaville, there is no central business area and no public gas station or food store. People want to live and work here, but have to do their shopping in Dillwyn, Farmville or Charlottesville out of necessity.

With regard to roads, various private roads serve most of the needs of the community. They all connect to the main public road which is State Route 604 (Woodland Church Road). As far as walking and bicycle paths go, Yogaville is interested in obtaining federal grant money to improve the walking/bike path system to further insure the safety of the numerous pedestrians and to reduce the amount of vehicular traffic on Woodland Church Road. There are several walking/hiking paths that go through the woods to various locations, but these are best reserved for use by people in vigorous health.

Within the 25% that is owned by the non-secular entity, a high degree of autonomy of internal planning is occurring within this "Village Center" (see MAP LI on previous page). This area is predominately mixed use. As the hub of the village, where the Conference Center, LOTUS, etc. are located there is high density mixed use (25% concentrated with 75% dedicated green space). The remaining 75% of the village area is predominantly residential lots with some mixed use. The lots vary in size ranging from 1 acre to 10 acres with some larger lots. Many of these lots are served by private subdivision roads.

The individual owners of this area have formed a community association that is involved in planning issues as well as organizing social and educational events. It is the long term goal of the community to develop a strong central hub with the highest density of the Village Center from which the density would gradually decrease as one moves toward the edges of the District. This is to minimize the impact of growth on the surrounding country landscape, and to promote the "walking village" idea. There is a strong desire to implement environmentally friendly features into future building and infrastructure components. It is hoped that the Future Growth Areas which have been identified within the "Village Center" would develop in this manner. These areas would be developed in tandem with the needs of the residents; school expansion, businesses, retirement home/assisted living facility, multi-family dwellings, seasonal condominiums, community centers, parks, etc.

It remains imperative that lines of communication are open and dialog is increased between Buckingham County and the leaders of Yogaville. This communication is needed to ensure that there is conformity between the County's policies and the needs and aspirations of the Yogaville Community.

Smart growth represents a philosophy, method and goals for managing community growth within Village Centers. Smart growth includes, but is not limited to, the following principles:

- Creating walkable communities that are desirable places to live, work and play;
- Providing quality housing for a variety of income levels so that young, old, single persons, and families can find places to live;
- Creating distinctive communities with a strong sense of place that respond to community visions for design and use;
- Preserving open spaces and critical environmental areas by placing limits on outward expansion of growth;
- Integrating a mix of land uses that locate housing, shopping, offices, and other amenities near each other;
- Providing alternative transportation choices to reduce dependence on private cars by creating transit-oriented and walkable communities;
- Constructing compact development that fills in vacant and/or underutilized land; and
- Encouraging regional coordination of land use policies to control sprawl, protect natural lands, and offer housing opportunities for all.

The following Smart Growth policies could allow residents and County policy makers to guide growth and development within the Growth Area/Village Center/Corridor Areas:

- Adequate Public Facilities Ordinance allows local government to require adequate public facilities and services (e.g. water and sewer, roads, schools, fire and police) before development can occur.
- Cluster development permits houses on smaller lots and retains the saved space for shared open space and community purposes.
- Conservation Easements protect designated land areas by limiting the use of property in order to protect the environment in perpetuity.
- Conservation Subdivisions are a type of residential development, predominately in rural areas, where a considerable amount of land is preserved as natural space.
- Density Bonuses allow for increased residential densities in exchange for developers providing either units allocated for affordable housing purposes or other public amenities such as parks.

- Design Review Ordinances give communities the opportunity to review and comment on new development projects to ensure that they meet established community standards.
- Fiscal Impact Analysis is a tool used by local governments to calculate the net fiscal impact of a development by considering the costs associated with servicing a new development and the revenues it is expected to generate.
- Historic District Ordinances require that development and restoration projects be subject to additional regulations and a design review process in order to preserve a community's historical and/or cultural heritage.
- Infill Development uses vacant or underdeveloped land in existing communities for redevelopment, thereby minimizing the need for construction in currently undeveloped areas.
- Mixed-Use Development purposefully combines residential, commercial, and public uses together in one development, creating a more walkable community.
- Overlay Zones typically apply an additional layer of regulation to a zoned district to impose specific building requirements that can achieve goals such as historic preservation and pedestrian-friendly streetscapes.
- Transfer of Development Rights programs enable property owners to sell the development potential of a property to encourage development in areas where growth is desired, while protecting other areas for open space, historic landmarks, and environmentally sensitive areas.
- Zero Lot Line Ordinances allow residential units to be built adjacent to a property line and with minimum setbacks from the sidewalk in order to cluster development and maximize space.

Policy Area #4 Land Use and Transportation Interactions

Land use and transportation are inextricably linked. Both local governments and the Virginia Department of Transportation strive to understand and respond to this linkage in a way that fulfills natural resource and quality-of-life objectives while fulfilling community economic and community development objectives.

Numerous studies show that by increasing allowable densities in residential and employment areas, counties can increase transit use and make development more efficient. Similarly, an increased mix of uses can shorten trip lengths and reduce the number of trips made.

Residential density, retail employment, income, area type and population density all provide important descriptors for transportation behavior and policy implementation. A description of these elements and the associated effect on transportation are as follows:

Residential Density

Increasing housing density is associated with greater transit availability and closer proximity to transit. Bicycle and walking trips increase as residential density increase.

Retail Employment

Distance to work and travel time to work decreases as the percentage of retail trade in an area increases.

Income

Transit availability is positively related to median household income: as income increases, the availability of transit options increases. However, in rural areas like Buckingham County, transit usage is typically associated with the lowest income categories. Because low income households are commonly dependent on transit for mobility, the lack of public transportation can have both social and economic implications.

On the other side, with higher income usually there are more transportation choices available to the resident. Personal trips and personal miles traveled increase as income increases. The average number of miles associated with each trip also increases.

Area Type

As noted in other sections, Buckingham County is very rural in nature. Rural area residents depend heavily on private transportation. They make fewer personal trips, however the annual personal miles traveled are high. Many have a large commute to take care of personal business and eventually to places of employment. Also, rural areas have a high ratio of young drivers to the adult population and most residents own more than one vehicle per household.

Population Density

Greater population density is associated with decreasing annual miles driven, greater public transit availability, decreased dependency on single occupancy vehicles and increased use of public transit. Furthermore, a greater population density is associated with fewer personal trips, fewer personal miles traveled, and fewer personal miles per trip. Residents of densely populated areas usually have the fewest vehicle trips, vehicle miles traveled, and vehicle miles per trip. Less densely populated areas tend to have more adult drivers with more than one vehicle to drive.

Steps that the County could implement to address the linkage of land use with all forms of transportation should include the following:

- Establish a land use pattern that identifies activity centers, neighborhoods and transit corridors and that separates auto-oriented or land-extensive uses from areas that have a more pedestrian or transit orientation.
- Establish “Village Center” boundaries that focus development inside the boundary and preserves open space outside (can help define communities and focus future development towards transit service corridors, thereby increase transit ridership and efficiency).
- Evaluate Zoning and Subdivision Ordinances to ensure that they encourage the cluster development of residential and employment activities and include a greater mix of uses.
- Establish design guidelines that create more transit-supportive and bicycle- and pedestrian-friendly neighborhoods, shopping areas and employment centers.
- Encourage detailed planning prior to the development of new areas or redevelopment of existing ones, both within transit corridors and in other parts of the community.
- Establish detailed policies and standards for the development of interior roads before land is subdivided (in order to achieve a highly connected network of roads, bikeways and pedestrian pathways)
- Encourage slower travel speeds within residential neighborhoods and activity centers.
- Public transit routes should be planned to link activity centers and serve higher-density areas and should be spaced to provide full coverage of the service area.

***Policy Area #5
Affordable Housing***

Affordable housing is a dwelling where the total housing costs are affordable to those living in that housing unit. A commonly accepted guideline for housing affordability is a housing cost that does not exceed 30-35% of a household's gross income. Housing costs considered in this guideline generally include taxes and insurance for owners, and sometimes include utility costs. When the monthly carrying costs of a home exceed 30-35% of household income, then the housing is considered unaffordable for that household.

One consequence of becoming a "bedroom community" (a situation that Buckingham County is experiencing) is that newcomers not only add to the demand for public services, they also place more stress on the cost and availability of housing. Residents coming into the County are able to afford older structures that, in the past, might have been available for low to moderate income residents. They also build new housing that is usually higher in value than some of the existing rural dwellings, heightening the degree of disparity between the cost of housing and the existing residents' ability to pay. Furthermore, with the current and future estimated population growth expected for Buckingham County, the corresponding demand for residential property is driving up land and housing costs and will continue to do so.

Where the supply of available housing is significantly less than the demand, many low and moderate income residents or families cannot secure housing that is affordable. In these housing markets, land values are increasing faster than incomes. These housing markets may also have a limited supply of residential land, or a number of regulations that make it difficult or costly to increase housing supply at rents affordable to consumers at income ranges below the local average.

Although the housing market is a major factor in establishing the type of housing being built and the value of the housing, Buckingham County may want to consider taking the following steps to ensure that there are housing choices for all income households in the County:

- Evaluate residential development standards and policies to see if they place unnecessary and costly restrictions on new housing developments.
- Evaluate Zoning and Subdivision Ordinances to ensure that they allow for a full range of residential development options in areas of the County capable of accommodating higher density development with all required infrastructure (i.e. adequate road systems, public facilities, public utilities, etc.).

- Evaluate Zoning and Subdivision Ordinances to ensure that they allow for the proper management of the location of mobile homes within the County. Continue to permit mobile homes as a means of providing affordable housing with the needed performance standards to ensure their use creates a safe, sanitary and comfortable living environment.
- Encourage affordable housing by allowing for planned residential development that incorporates a mixture of residential types integrated with commercial and civic components.
- Explore State and Federal programs for the development of affordable housing within areas of the county slated for future residential development.
- Explore state and federal programs for funds to rehabilitate existing housing as a means to increase the supply of affordable housing within the County.
- Explore the use of bonus densities for affordable housing. This entails granting bonus densities (permit an additional dwelling unit (s) per acre above the permitted density) to planned development projects to encourage the provision of more affordable housing. The units provided must meet all conditions with regard to income qualification and other standards that may be established by the County to ensure that the units are affordable.

More aggressive approaches to promoting affordable housing are available to localities. State and federal funding programs allow localities to partner with private development companies or local non-governmental organizations to develop land and construct housing. Public funds can be used to develop the necessary residential infrastructure. In exchange, the developer agrees to build more affordable units, and/or limit the sale price of new units to a level that is affordable to lower income residents. Furthermore, localities may choose to directly implement planning ordinances (inclusionary zoning) that require a given share of new construction be affordable to people with low to moderate income. Inclusionary zoning aims to reduce residential economic segregation by mandating that a mix of incomes be represented in a single development.

***Policy Area #6
Community Services and Facilities***

Ensuring that the provision of community services and facilities is phased with the demand or need is a major component of growth management. Community services and facilities refer to a range of services and facilities required to meet the needs of Buckingham County's population. These can include both "hard" (e.g., water and sewer, telecommunications, solid waste, law enforcement, and highway maintenance) and "soft" (e.g., education, library, recreation, emergency and medical) services and facilities.

The availability of appropriate, diverse and high quality community services and facilities is integral to Buckingham County's overall community well-being. In addition to addressing social needs, community services and facilities help people identify with, take pride in, and feel responsibility towards the community. Indeed, appropriate levels and types of community services and facilities are essential to making Buckingham County the healthy community it strives to be.

Some trends in Buckingham County that will likely affect future planning for community services and facilities include:

- increasing diversity of the community;
- continuing high public expectation levels for services and facilities;
- continuing diminishing resources; and
- continuing integration of people with special needs into the mainstream of the community

There are a range of roles that Buckingham County can play in the provision of the required facilities and services. In many instances, the County is a "direct provider" and assumes the responsibility for planning and provision of the services and facilities. It can also be a "cooperator", where it works cooperatively with other parties in the planning and delivery phases of the services and/or facilities. It can be a "funder", where the County, through its annual budget process, provides funds to internal/external agencies that deliver community services. Finally, the County can be an "advocate", where it calls upon and supports other appropriate parties in addressing, or helping address, identified community service or facility needs. When the County is involved, these facilities and services are funded by residential property taxes, and state and federal grants and funds.

Capital facilities and utilities are the basic services by which Buckingham County provides to support land use development, both as it currently exists, and it is anticipated to develop in the future. Future development should be encouraged to occur in clusters where public services and facilities already exist, because it can be served more efficiently and inexpensively than dispersed or sprawling land use patterns. Furthermore, the concept of concurrency should be considered. This requires that needed public facilities and services be in place, or officially planned and scheduled to be put into places, concurrent with new development.

In Buckingham County, public facilities planning and policies are tied to a capital improvement program (CIP) process. The CIP is the detailed plan for capital (major investments) expenditures for construction, maintenance, improvement and replacement of the community's system. It is the link between the comprehensive plan and the local budget process. The County is currently looking to revise how to address its capital improvement program (CIP) process. These projects will be put into the CIP according to the Comprehensive Plan priorities (see Chapter VII).

The challenge facing the County, as it continues to grow and develop, is to ensure that these services and facilities will be provided to meet future needs. It is recognized that this challenge will have to be met at a time when diminishing resources is a reality (both public and private). Most governments do not have sufficient annual tax revenues to fund all their public facilities projects. However, like many communities, Buckingham County's current revenues finance a significant portion of its CIPs. When communities use current revenues to fund projects, those funds are often accumulated in a reserve account until there are sufficient funds available to carry out a project. Other funding options the County should consider for funding of its CIP include:

- Impact fees and other fees collected from developers be accumulated in an account for the expansion of a particular facility
- Issuance of bonds
- Borrowing (banks, etc.)

In conclusion, investments in community services and facilities guide growth and otherwise define the future of a community. They determine which areas can grow easily and which will not. They influence which areas of the county thrive and which wither. In many ways, they define the quality of life.

***Policy Area #7
Economic Development/Job Creation***

As in most community planning efforts, Buckingham County considers “economic development” high on its list of goals. A strong and diverse economy provides employment and a tax base that supports public services and a livable community. Although most economic activity is in the private sector, local government’s role is to establish parameters for private markets, provide necessary services, and participate in economic development in some circumstances. When planning for economic development, the County’s goal should be to bring about a lasting change in the local economy.

A critical link between economic development/job creation and the comprehensive plan is land. Providing land and public services that are adequate for job growth is probably one of the most important strategies that the County can implement to enhance economic development/job creation. The County must be a good steward of land designated for job growth, which includes using the land efficiently and limiting the conversion to other uses.

Land planning for new industry and other economic-based businesses must address issues like parcel size; land access to roads and railroads, service from high-capacity electrical and communication lines, public sewer and water service, well-rated public fire protection, and, in many cases, good access to other amenities such as facilities for shopping and eating.

There are many economic development activities that Buckingham County can consider when looking at enhancing their economic development/job creation program. Traditionally, economic development meant business attraction, business retention and new business growth. Over the past decade, these three areas have expanded to include other activities in areas like workforce development, entrepreneurship, community/economic development and quality of life issues. The County’s economic development “toolkit” must now include everything from job creation programs to workforce skill enhancement efforts to tourism.

The following is just a summary of some of the most common economic development activities which are aimed at enhancing economic/job creation within an area:

To Grow Small, New Businesses

- Business training and technical assistance
- Revolving loan funds
- Business Incubators
- Microenterprise
-

To Retain and Expand Existing Businesses

- Business Training and Technical Assistance
- Business Lending (i.e. revolving loan funds for both debt and venture capital)
- Market Development and Export Assistance
- Downtown Revitalization (i.e. Main Street Programs)
- Flexible Business Networks
- Enhanced Chambers of Commerce or Merchants' Associations

To Recruit Business and Industry

- Industrial Development (i.e. "spec" or "shell" buildings)
- Infrastructure Development (i.e. roads, transportation options, water, sewer, etc.)
- Marketing efforts "selling" location, workforce, low costs of business
- Seek employers paying a "living wage" and good benefits in exchange for a pro-business climate

To Attract Tourists or Retirees

- Develop unique tourism opportunities
- Creation of Historic Districts (Historic Preservation)
- Invest in quality of life amenities, such as attractive neighborhoods, parks and cultural events

To Build Community Capacity

- Leadership development programs
- Civic participation campaign
- Community based planning activities

Policy Area #8

Integration of Solar Energy Facilities into Buckingham County

As demand for renewable energy increases, there will likely be greater interest in locating solar energy farms in Buckingham County. These facilities require large, open areas to operate. The goal should be to help ensure their compatibility with surrounding rural landscapes and uses and not diminish the tax revenue of the County.

The State of Virginia is actively engage in the promotion, siting, and taxing of these facilities. Some opportunity by current legislation to afforded local government related to the siting and taxing, directly and indirectly, of solar energy facilities. The objective to be to use each of these

opportunities to ensure compatibility with the surrounding rural landscape and enhance the revenue base for the County.

Distinction should be made for individual use of solar energy to power homes and other individual facilities where the primary purpose of these small facilities is not the sale of energy.

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CHAPTER V

**Buckingham County
Land Management
Strategy**



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V. Buckingham County Land Management Strategy

Introduction

The purpose of land management strategy is to guide both the development and conservation of land. Land use is much more than the division of land. Rather, land management involves every aspect of daily life and the built environment – where residents live, where residents work, where residents relax and the transportation network used to move between these places. Land management planning is a fundamental tool in determining where new businesses should locate, where housing should concentrate, and what infrastructure is needed to support residents' needs.

Land management strategy is essential for Buckingham County residents and its approximately 373,401 acres as it is starting to experience residential and community growth. The land use plan should be used to guide decisions regarding land management policies, procedures and ordinance revisions by both elected officials and county staff. The land management strategy is not intended to stop growth and development, but rather to manage it so that natural resources, such as farmland and forest, as well as taxpayer dollars, are not wasted. The land management strategy is an opportunity to anticipate and address future challenges before problems arise.

Current Land Use

Buckingham County is predominantly a rural county with a strong agricultural and forestal basis. However, development pressures from surrounding localities along with the increased availability and demand in reasonably priced land and low taxes give the County the potential of rapidly changing. Buckingham still retains a significant number of large parcels used for farming and forestry operations. Most of the development and land subdivision that has occurred to this point has been through general by-right development. This means that most of the subdivision of land for residential use comes from the division of parent tracts or through family divisions. In addition, much of the business and community development occurs as the by-right permitted uses allow, or through the application to conduct a business with a special use permit. Division of land and new construction is occurring throughout the County and is not currently concentrated in a single specific area. Many of the land divisions are used for family divisions or parent tract divisions for residential purposes. The more recent development that Buckingham County has experienced is typical of many rural communities throughout the region and nation.

Future Land Management

The purpose of the future land management strategy is to **guide** decision-makers in land use changes as they relate to amendment to the ordinances, new zoning district classifications, application for change of zoning, economic development, and other aspects of community planning.

The future land management strategy seeks a way to balance new growth and

development, while maintaining rural character and viability in the County. The guiding principle to achieve this balance is to concentrate growth in specific areas, known as village centers or growth areas. By channeling new development in these areas, rural lands and resources are not consumed at such a rapid rate. In addition, concentrating residents into village centers or growth areas can encourage businesses to locate in the county that need an established and concentrated population base.

Map LII on Page 192 shows the generalized Future Land Use Map for Buckingham County. The specific location of future land management strategies should be determined by the zoning ordinance, and when required by the zoning ordinance, the Planning Commission and Board of Supervisors review of specific land management requests. Such review should consider the compatibility and benefits of the use, and the land impacts of a specific use on the surrounding neighborhood and larger community.

The locations of the individual boundaries for the Village Centers and Growth Areas are shown in the Village Center Maps in Chapter IV - Specialty Policy Areas (Issue #3 Growth Area/Village Center/Corridor Areas).

Since the location of Solar Energy Facilities is most likely to occur in the Rural/Agricultural/Forestry Areas, (but they may also develop in other zoning districts, such as Industrial) there should be strong emphasis to ensure their compatibility with surrounding rural landscapes and uses to ensure that the Natural Resources of the County are protected and that the cultural resources are not negatively impacted.

Provision should be made for individual use of solar energy to power homes and other individual facilities where the primary purpose of these small facilities is not the sale of energy.

In the development of non-individual solar facilities, the following should serve as a guideline, regardless of the zoning district the development occurs:

Proximity to Major Thoroughfares: While solar energy farms do not generate significant traffic once complete, large trucks and equipment will need to access the site during construction. Access points to adjacent roadways should be limited, and developers should coordinate with VDOT to help ensure that heavy truck traffic during construction does not damage road surfaces or create unsafe traffic conditions.

Proximity to power distribution lines: Solar farms usually require an ability to move the generated power unto a distribution grid. Consideration should be given to the e proximity of the availability of such distribution lines in order to avoid having to create new corridors/right of ways to move energy from the generating facility to the distribution network.

Screening and Buffering: To protect view sheds from adjacent roadways and properties, solar energy farms should have significant perimeter buffers. To the extent possible, existing mature vegetation should be maintained and supplemented with native evergreen trees and shrubs planted in a naturalistic pattern.

Protection of Natural Resources: All natural resources should be protected during

construction and after the project is completed. An environmental impact evaluation should be prepared (by a third party) to identify additional measures that should be implemented to protect critical environmental resources.

Protection of Cultural Resources: Appropriate buffers should be provided adjacent to any on-site cultural resources. Solar energy farms should be sited to minimize impacts on the views to and from historic sites.

Prohibition of Toxic Materials: Solar panels should not contain toxic materials, such as cadmium and GenX.

Project Size: To help these projects blend into the rural landscape, each solar energy farm should be limited in size so as not to create "super sites"

Future Land Management Strategy Categories

This Comprehensive Plan establishes seven (7) major geographical land management strategy categories.

Rural/Agricultural/Forestry Areas

Continuing to recognize that one of its richest assets is agricultural, forestry and rural lands, Buckingham wants to continue to protect these areas and natural resources to ensure that a rural quality of life is maintained.

The Rural/Agricultural/Forestry Areas are intended to preserve and enhance the essential character and resources of rural portions of the County where agriculture and forestry uses exist while accommodating some rural residential development (low density, rural in character and on private well and septic systems). During the 10- to 20-year period of the Plan, the Rural/Agricultural/Forestry Areas are the lowest priority for new residential development. These areas are located the furthest distance from the County's centralized public services creating public safety concerns about dangerously long response times for fire, rescue, and law enforcement. In these areas, many of the roads cannot handle the traffic associated with large residential subdivision development. Protecting and preserving farmland, forest uses, livestock operations, wetlands, significant wildlife habitats, and water resources are of primary importance to these areas.

It is recognized that certain locations within the Rural/Agricultural/Forestry Areas have already developed into residential subdivision areas. Developers wishing to place residential subdivisions in these areas of the County should prove that these areas are already substantially residential in nature. Even in this circumstance, the subdivisions should be a larger lot size. Such subdivisions should not be "strip subdivisions" along gravel or otherwise substandard public roads without improvements being made. Interior roads, to insure that "strip development" does not occur, should be a part of any proposal in these areas. The design of the subdivisions should be such that the road network is interconnected and encourages pedestrian accommodations. Smaller lots may be acceptable provided they are part of a "cluster subdivision" in which there is a standard public interior road or road system with a "commons area" such as fields, woods, etc. that buffer the development (giving a rural character to the development despite its higher density). Furthermore, proffered conditions should be encouraged to minimize the impact that such development may have on the County's fiscal responsibility in providing services to the residents of such development. In addition, incentives should be provided to encourage the permanent conservation of open space when development of these areas does occur.

It is also recognized that intensive agricultural/livestock operations have already developed in some rural areas of the County. Large agricultural/livestock operations are both controversial to residential land-uses nearby and important to the agriculture economy in Buckingham County. This type of intensive farming should be approved if there are minimal effects on pre-existing residential development, historic buildings or sites, churches, schools, or environmentally sensitive areas such as rivers, parks, etc. Such requests for rezoning should be reviewed with regard to the Zoning Ordinance for such facilities, the nature and character of neighboring properties affected by the intensive farm and the transportation system in the vicinity of the proposal. Proffered conditions should be encouraged to minimize any adverse effects not addressed by the Zoning Ordinance.

To the extent that rural residential development does occur in this area and that such development reflects a market demand for rural residential uses, the County could enact policies aimed at ensuring that such development causes the least amount of impact on the natural environment, neighboring agricultural uses, the County's fiscal well-being, and the community's infrastructure resources, so as to best protect the general public health, safety and welfare.

High Growth

The County identifies the ***Sprouses Corner-Dillwyn-Alpha High Growth Area*** as an area where intense broad mixtures of land-uses are to be clustered. For purposes of planning policy, the High Growth Area is defined as land within a designated area (see boundary map shown in Chapter IV - Specialty Policy Issues (Issue #3 Growth Area/Village Center/Corridor Areas – Page 168).

The High Growth Area is generally appropriate for residential, business and limited industrial development of medium and higher density, in concert with available public utilities. All or portions of the area may become appropriate for higher density land uses which require public utility service.

The concept of clustering development within the High Growth Area can be applied in multiple ways to establish the foundation for a growth management strategy for Buckingham. Development can be clustered in the Sprouses Corner-Dillwyn-Alpha High Growth Area where there is suitable road capacity, proximity to public services and current and potential public utilities. Development also can be clustered around the small, existing settlements located at the intersections of key transportation corridors. Lastly, individual residential subdivisions can be laid out in a clustered, compact and efficient pattern of development.

By clustering new development, several objectives can be achieved, including:

- The capacity of the road system can be preserved to the maximum possible extent so expenditures on new roadways and other facilities can be kept to a minimum.
- Public services can be most efficiently provided to the new development.
- The scenic quality of the rural landscape can be best maintained as development continues.
- Existing farms, prime farmland, intensive agricultural facilities and the timber industry can be preserved and enhanced.

Furthermore, this High Growth Area contains characteristics similar to the Virginia Code definition of urban development areas (UDAs). Through legislation (HB2) in 2014, the General Assembly has directed that transportation

improvements to support UDAs be considered in both the needs assessment contained in the long range plan know as VTrans, as well as be considered in the HBs state prioritization process for project selection. This designated growth area as discussed herein has been found to meet the intent of the Code of Virginia, Section 15.2-2223.1.

Village Centers

An important tool for preserving rural land and character is the establishment of designated growth areas know as Village Centers. Encouraging development in such specifically designated areas can limit sprawling and low density development throughout the rural areas. The pattern of new development in the Village Center should be consistent with traditional neighborhood development patterns. The Village Center areas are generally appropriate for residential and limited business development, in concert with available water and sewer capacity.

New roads within and around a Village Center should be extensions of the existing road network. Where new roads form an entirely new network, they should relate to and reinforce the character and integrity of the existing roads. Wherever possible, roads should terminate into other roads, not cul-de-sacs, in order to achieve maximum traffic capacity, flexibility and safety. All new roads within the Village Centers should meet VDOT standards. However, it is important that such roads be designed to be compatible with the fabric of the Village Center. The County and development community should continue to work closely with VDOT to achieve flexibility on standards for pavement width and curve radii when necessary to create a safer and more effective road that best serves the needs of village residents.

When a site is within an area planned for public utilities, the development should connect to the system and contribute the appropriate connection fees. In Village Centers where public sewer and water are not currently planned, the development should be designed so as to conveniently allow central utilities to be retrofitted at a later time. All new development within the Village Centers must provide adequate stormwater management for the site.

In Village Centers, the County should encourage landowners, developers and community leaders to work cooperatively to establish various civic buildings and public spaces such as greens or squares, which can be used for a range of community functions.

The identified Village Centers within Buckingham County include the following (see boundary maps shown in Chapter IV - Specialty Policy Issues (Issue #3 Village Center/Corridor Areas):

- ***Arvonja-New Canton Village Center (Page 161)***
- ***Buckingham Court House Village Center (Page 163)***

- ***Gold Hill Village Center (Page 164)***
- ***Yogaville Village Center (Page 170)***

Growth Corridors

The overall intent for the Growth Corridors will be to manage development that occurs along these major road corridors so as to protect the capacity of the road to carry traffic, the safety of the motorists using the corridor, and the visual quality of the corridor. The County should seek special districts for the main corridors of the county that encourage and promote small business growth.

The designated Growth Corridors are expected to be gradually developed with a range of business and residential uses, while retaining a significant amount of agricultural and forestry uses into the foreseeable future, as well. The challenge will be to allow this mix of use to occur while still ensuring compatibility and minimum impact of one site on another and on the corridor quality and performance.

The overall character and form of residential/business development along the Growth Corridors and overall major transportation corridors within the County should be orderly, well landscaped and well buffered from both the neighboring sites and from the corridor roadway itself (as determined by Zoning and Subdivision Ordinances, or in some cases where special use permits are applicable).

Land use policies and guidelines for residential and business uses in the Growth Corridors should be similar to those for the Village Areas in that public utilities are available, planned to be available in the immediate future, or are not available in the immediate future.

The identified Growth Corridors within Buckingham County include the following (see boundary maps shown in Chapter IV - Specialty Policy Issues (Issue #3 Village Center/Corridor Areas):

- ***Centenary-Scottsville Growth Corridor (Page 166)***
- ***South Growth Corridor (Page 167)***

New roads along the major corridors should tie into the existing network in such a way to expand the network while preserving or enhancing its overall capacity. Wherever possible, roads should terminate in other roads, not cul-de-sacs, in order to achieve maximum traffic capacity, flexibility and safety. New access points on major corridor roadways must be kept to a minimum. Wherever possible, existing access points should be used to carry new traffic from the site's major corridor and access points should be consolidated.

It is important that such roads be designed to be compatible with the character of the rural landscape and any surrounding historic resources. The County should continue to work closely with VDOT to achieve flexibility on standards for

pavement width and curve radii when necessary to create a safe and more effective new road that best serves the needs of the community.

Industry/Mining

These areas are where mining or industrial activities are occurring or could expand into adjacent areas of its present location. Care should continue to be taken to ensure that potential conflicting land-uses (those that lead to complaints about the noise, dust, etc.) be minimized in these areas to the maximum extent possible. In the instances in which they are located adjacent to or in an identified Village Center, compatible higher intensity land uses should be envisioned. If residential uses are to be considered near these uses, buffering by the residential use should be utilized.

Recreation, Parks and Wildlife

As noted, the County is blessed with a wide range of recreational areas, wildlife management areas, and protected forests. The potential for their further enhancement is virtually unlimited. The areas shown in the Future Land Use Map LII on the next page approximate the locations of the James River State Park, Holliday Lake State Park, Buckingham-Appomattox State Forest, Horsepen Lake Wildlife Management Area, and the portions of Featherfin Wildlife Management Area and the Cumberland State Forest that are in Buckingham County. Adequate and appropriate transportation concerns are the chief land-use issues for these areas. Because of their very different natures and functions, each should be reviewed on a case-by-case basis. Enhancement of the roads to the various facilities, where appropriate, can enhance nature tourism and be of economic benefit to the County. Proposed land-uses near these facilities or on immediate routes leading to these amenities that are potentially noisy and/or dusty or that create traffic congestion should be reviewed carefully.

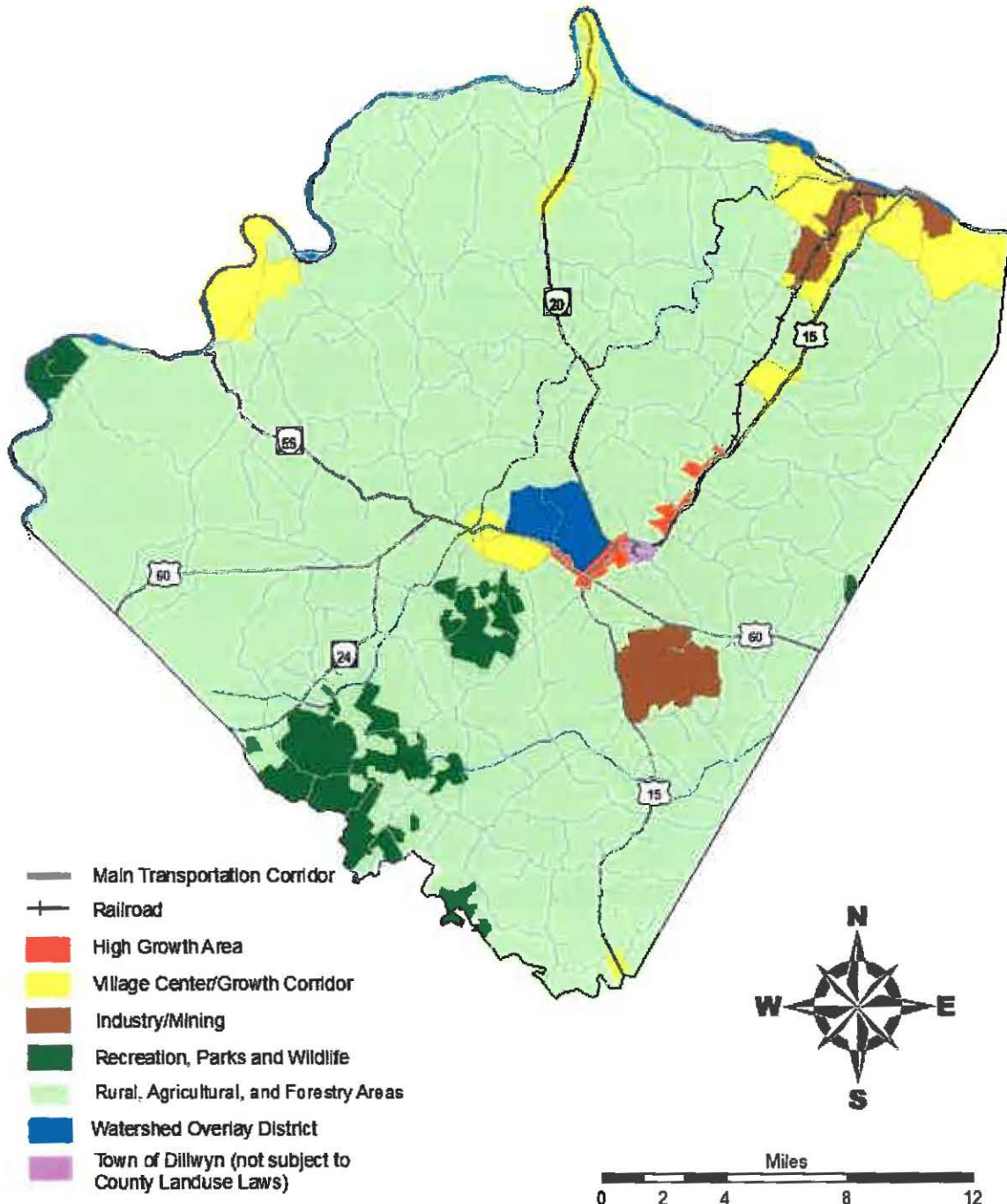
Watershed Overlay District

This area includes the designated public drinking water supply source located in Buckingham County - the Buckingham County Reservoir along with surrounding areas of wetlands (see MAP LIII on Page 193)

It is suggested that incentives and regulations be developed to limit development in these areas or to steer development "to" and/or "toward" other more suitable areas. It will be important to establish policies for managing and protecting this resource, even as development occurs in or around them.

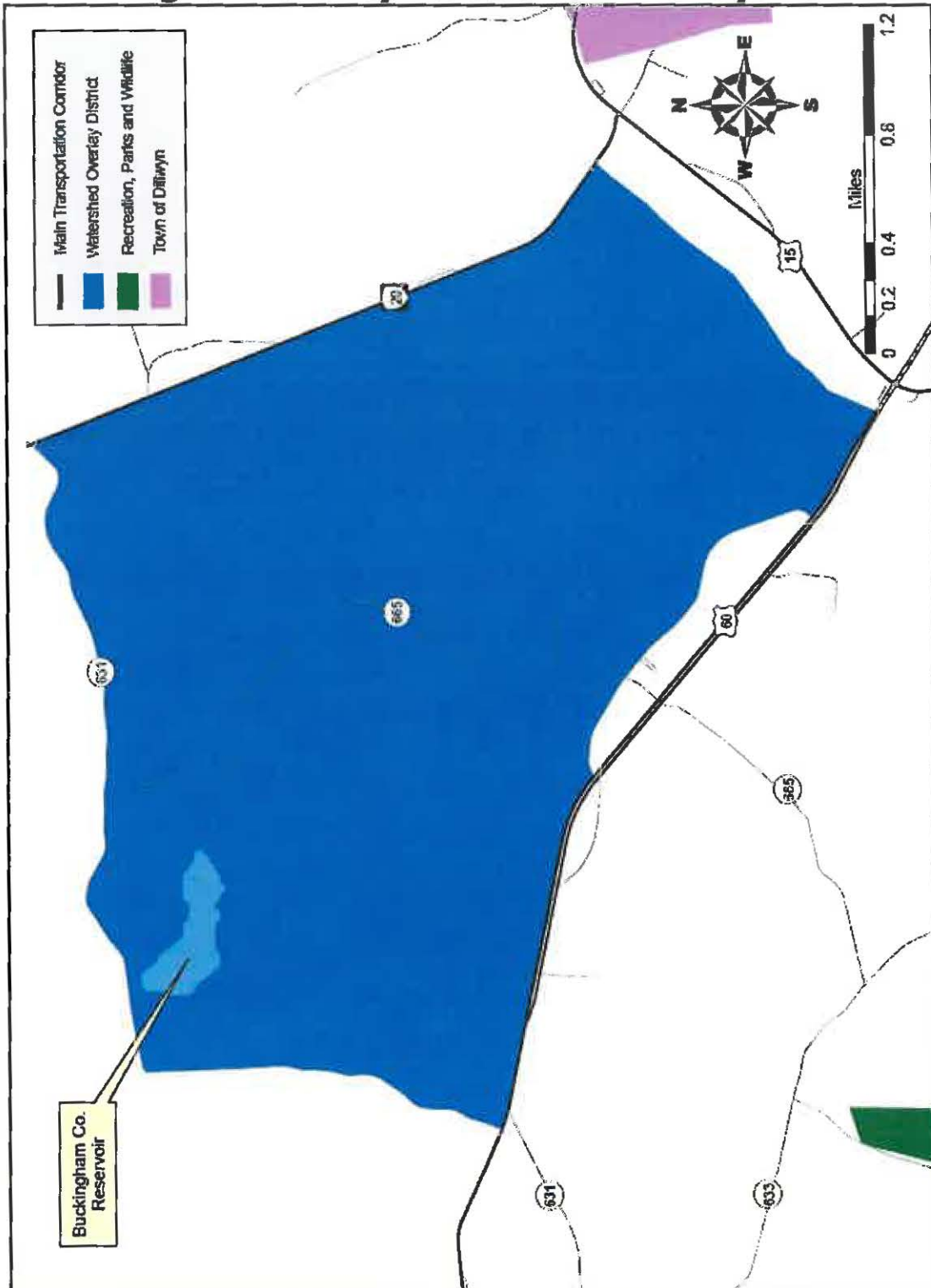
Additions to this category could occur through public/private acquisition or development of additional properties. Future development in these areas, that is not oriented towards conservation objectives, should be prohibited or extremely limited.

MAP LII Buckingham County Future Land Use



Map created by CRC – July 2015

MAP LIII
Buckingham County Watershed Overlay District



Map created by CRC – March 2015