



Buckingham County Planning Commission Agenda  
Monday, April 22, 2024 6:00PM  
County Administration Building  
Peter Francisco Meeting Room  
[www.buckinghamcountyva.org](http://www.buckinghamcountyva.org)

**You may view the meeting by logging on to**

<https://youtube.com/live/cfHePd72AKk?feature=share>

1. Call to Order by Chairman
2. Invocation
  - Pledge of Allegiance
  - Establishment of Quorums
3. Approval of Agenda
4. Approval of Minutes
  - 1. February 20, 2024 Work Session
  - 2. February 26, 2024 Regular Meeting
  - 3. March 18, 2024 Work Session
  - 4. March 25, 2024 Regular Meeting – Pending
  - 5. January 22, 2024 Regular Meeting with stated corrections by Planning Commission - Pending
5. Old Business
  - 1. Public Hearing 24-ZMA340 John George
6. New Business
  - 1. Introduction 24-ZTASUP341 Ivan Petersheim
  - 2. Request Public Hearing for Amendments to Zoning Ordinance Article 9 and Article 9 – Telecommunications Supplemental Document
7. Reports
  - A. Building Permits Report
  - B. Zoning Administrator Report
8. Commission Matters and Concerns
9. Adjournment

**Buckingham County  
Planning Commission  
Work Session  
February 20, 2024**

At a work session of the Buckingham County Planning Commission held on Monday, February 20, 2024 at 6:00 p.m. in the Peter Francisco Auditorium located in the Buckingham County Administration Complex, the following members were present: John Bickford, Chairman;; Pete Kapuscinski and Dennis Davis, Steve Dorrier, Joyce Gooden Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney. James D. Crews, III, Ashley Shumaker, Vice-Chairman; were absent

**Re: Call to Order**

Chairman Bickford called the meeting to order.

**Re: Invocation and Pledge of Allegiance**

The invocation was given by Commissioner Dorrier. The Pledge of Allegiance was led by Commissioner Gooden.

**Re: Establishment of a Quorum**

Chairman Bickford certified there was a quorum, five of eight members were present and the meeting could continue.

**Re: Approval of Agenda**

**Bickford:** Any changes to the agenda?

**Edmondston:** No sir no changes.

**Bickford:** Seeing none do I have a motion to approve?

**Dorrier:** So moved

**Kap:** Second.

**Bickford:** Have a motion second. Any discussion? Seeing none. That passes unanimously, Discussion topics brings us to the comprehensive plan. Todd, I'm turning the meeting over to you, sir.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	Absent	
Dorrier	X	
Bickford	X	
Shumaker	Absent	
Gooden	X	
Davis	X	

**Commissioner Kapuscinski moved, Commissioner Shumaker seconded, and was carried by the Planning Commission Unanimously to approve the agenda with changes.**

**Fortune:** All right. Good evening, everybody. And it's been a while since we last since we last met. So I know we have a lot to cover tonight. By the way, Lauren is participating remotely because she needed to stay in cover the office this evening. there was no way she was going to get here before six. With me is Tyler Henderson. He's our new regional planner. He helped us out with, especially with a survey Summary Report, which we'll get into later that I have four documents that you should have in your possession to review that we made changes to draft section two and draft section three. We also have draft section four to present and this draft survey Summary Report. And just to remind everybody, these are draft documents. If you see typos do point them out. But just keep in mind that we will correct all those when before we go with the final document. Going into section two, hopefully you've everyone's had a chance to look at the changes we've made. I will direct your attention to page 15 where we added a paragraph under education regarding a private school. And then on page 25, we added verbiage under commuting patterns to elaborate on the data that we used. So I want to give you a chance to look over that and see if anyone had any questions. Also, we might did make some tweaks to the tables on page 29. So we'll give you a chance to look at that and see if anybody has any questions, comments or concerns.

**Gooden:** Is this the same document that was sent out Nikki? Is this the same document that was sent out?

**Edmondston:** This is what was posted last week for the planning commission.

**Gooden:** Okay, yes. All right. I just want to be sure. It wasn't a new document. Page 15?

**Fortune:** Yeah, so your changes we have highlighted a page sorry, page 15. And page I believe it was 25 and then 29. Anybody have anything on a that section? Okay, all right, very good. In that case we'll move on Address section three, which has quite a few revisions and I'll kind of go over these real briefly

and give you a chance to look at this starting page 37 That last bullet point at the bottom we added verbiage about the Heartland Regional Industrial Park the counties that participate are participating in a revenue share agreement. So we did leave that blurb in there then on page 39 We added a paragraph about to Centra CNG Buckingham and let me know if I'm going too fast I'm just kind of going over the changes and give you a chance to look at them

**Dorrier:** page 39 for Buckingham County what change did you make?

**Fortune:** You're in the section on your health care? Yeah there on page 39 A little more than halfway down edit of the paragraph about the new clinic then on page 40 We have a couple of changes under museums. We had a paragraph about the Adams Museum and under religious facilities paragraph about the Virginia Nazarene Camp and Retreat Center and then that second paragraph under water sewer service and sewer service you'll notice that we struck a bit of language there.

**Kapuscinski:** Why?

**Fortune:** Reason for my recollection is we were asked to strike that. Then on page 41, we did make a correction on the convenience center number five, the Buckingham County doing recycling center. I did want to make a comment. I know that the Commission did ask us to take legends as some of the maps basically went back and was working on the maps and I was overruled on taking the legends out altogether. So what I tried to do is clean the legends up and make them clearer and more legible. The map for on page 42 is a good example basically as took out all the description in the legend because the description you have on page 41 That just listed the center names. Nobody has anything I did want to comment briefly on the map five on page 44. I did. I had some back and forth with county staff with Cody Davis and Lyn Hill and Charles Kirby and we reached consensus that what you see on map five are the known draw hydrant locations in Buckingham County. I did make an effort to label a couple of the side routes to give you a little more context is where some of these are located.

**Kapuscinski:** And I did mention to you when I was talking about was actually in Cumberland so I appreciate that too.

**Fortune:** Page 48 You'll notice we inserted a map this is courtesy of Thomas Jefferson planning district commission Firefly this is their and I believe I mentioned this back in the verbiage if I'm not mistake yet, on page 45. I mentioned body standards Virginia telecommunications initiative and this is basically have a map showing the projects in Buckingham County and also have an explanation for what rise is. For us that's an initiative abroad access to underserved homes and businesses throughout the area. Starting on page 49 We have a bit to cover here page nine. I tried to find shapefiles to create that map in GIS and have not had any luck so I got a consultant we worked with who's done this before to just give



us a static map to dump and showing utility coverage areas for Buckingham County that's there for your reference. Then starting at the bottom of page 49, we offered we added rather, additional verbiage about the Buckingham County Youth League. Then on page 50, we did add verbiage under James River State Park about the dark sky designation with some description of what that means. So I'll give you a chance to peruse that. Then at the bottom of page 50 Just a wording change at events and or festivals and community events and just keep in mind that list is not meant to be all inclusive. But if you go to page 51 Again some wording changes in some some grammatical corrections if you will.

**Gooden:** Which page are we on?

**Fortune:** 52

**Gooden:** Yeah. I do not see Carter G Woodson, birth site on here. I see Carter G Woodson educated but I don't see his birth site and on page 50. They had the one room school which is that the historic village and Carter G Woodson's birth site is there Ellis acres Buckingham training school.

**Fortune:** that was an omission will add that.

**Gooden:** And I will say speak of him within the text about being the father of black history. But we don't mention the birth site.

**Fortune:** Will definitely make an addition to the map. If nothing else the next changes we have are on page Excuse me 58. And we added under watersheds, we added some verbiage about how the Virginia Cooperative Extension defines a sub watershed and then we had some under flood zones we added verbiage for definitions for base flood elevation. I believe map 13 A one where you would have previously asked us to take out the legend, but credit from wrong and I was overruled on that. So I tried to make the legend bigger and easier to read. And then map 15 on page 61 is an addition.

**Kapuscinski:** The only comment I would make on this is that, you know, and I respect the fact that we have this legend here. If you look at the map, and then you look at the legend, either some of these things are not in the map, or the maps not that clear. And I just don't know what to think about that.

**Bickford:** You're referring to the wetland type pete?

**Fortune:** So the legend came from the US Fish and Wildlife Service its entirely possible that there are some things in the legend are not showing on the map. I was basically trying to, I was trying not to mess with their data. But if the commission feels strongly enough, I can go back. And I can I can tighten that

up. And if there is, in fact, some types that are not shown. Top two I'm pretty sure not going to show up on this map. I can I can remove those.

**Kapuscinski:** The thing, the reason I think it's a good map, I think I think it's very useful information is just that, I don't know. It's difficult for me to read the map. .

**Bickford:** If you can reduce the table type delete some, you may be able to increase the size of your map. But yeah, I agree with Pete I think, if you can just leave out was not relevant to Buckingham County, and then that way you won't have you're not looking at something and trying to find it on a map and it's not gonna be there.

**Fortune:** Okay. I will definitely work on cleaning that up. Next thing on page 64. I did take the soil map out.. I did try to find a link. I tried to find the soil survey online. Because the data I was able to get the data online. Each county has a soil survey, and they're all in hardcopy, and many of them are available both hardcopy and online. Buckingham is only available in hardcopy. So that's why you don't see a link to a website there. But I did went ahead, I took the map out and basically I just listed all of the soil types that are in that soil survey. And that's what you see differently there.

**Gooden:** I consulted a geologist, my sister, okay. She teaches and \*inaudible\* doing? So, but it was like, because I said, this doesn't look right to me. Why do we have this? So I did ask her about a couple of maps. I really don't need that kind of detail. So thank you very much.

**Fortune:** You're welcome. Map 16 on page 67 is another one where I tried to kind of make the legend a little bit bigger. If it's still hard to read, I can I can tweak the legend a little reformat and see if I get a little bit bigger. If the group would like, is

**Kapuscinski:** there some way you can take the legend out of the map and just put it down below?

**Fortune:** It's possible either I'd have to put the legend on a separate page or make the map a little smaller. But I think looking at it, I think I might be able to reformat how I have the legend set up and make that a little bit bigger for you.

**Gooden:** I got a question about the magnification that I'm looking for as well what's the magnification? Because I'm curious about how they're not going to be a lot of paper copies of this,

**Fortune:** I'd have to go back and look at that the scope, I think, is I've can't remember how many paper copies we're providing.

**Gooden:** so if you're on if you're on your computer, you can enlarge it up to a certain point. Yeah. But then some of the wording becomes, but if you're that detail, like I said, I can only thank my sister going into this. So you know, you can enlarge it on the screen. So I don't know about putting it on a different page.

**Fortune:** Okay. But yeah, like I said, I can, I can probably reformat the legend within the map, move some stuff around and probably make it a little bit bigger. But yet, you're right, you should be able to zoom in. I'll make a note of that. Map. 17 is a new map. This data comes from Virginia energy. That is the agency formerly known as the Virginia Department of Mines and minerals and energy. Think I got that, right. So that's where that data came from. I'll give you a chance to peruse that map.

**Kapuscinski:** With regard to the rank by priority for reclamation, where did that data come from?

**Fortune:** That all that came that was also sent to me by Virginia energy. They referred me to a report from the orphan land Advisory Committee, which basically ranks the site they have they have they have a committee that ranks sites based on an evaluation. Now, I don't have a lot of information on how the sites are evaluated. But that's where the rankings come from.

**Kapuscinski:** Can you reference that in there?

**Fortune:** I do you have it on page 66? If you'd like? Would you like me to put it on page? 68 Also.

**Kapuscinski:** It'd be a little clearer where that where that data came from.

**Fortune:** Yeah, we can put a little verbiage in there. I can move, I can move the arrow on the scale bar around and put, put a paragraph down at the bottom of that map. And then page 69 till the end, you notice we added some verbiage about housing density, is telling how the it's categorized for this particular set of data, the wildland urban interface. And I did try to create different maps zooming in on the different corners of the county. I don't know how well it really turned out, but it's there for you to review.

**Kapuscinski:** So, Mr. Chairman, again, if we if we were to use this, this data, and I go to these quarters, what what am I? I mean, it says basically, urban interface risk index, are we saying if the forest burns, the houses are gonna burn? Is that the idea?

**Fortune:** It's say that's where houses are at their most risk of burning forest fire, okay.

**Kapuscinski:** Might be interesting to find out where all the fire houses are with regard to this overlay.

**Fortune:** I could plot the fire stations on these maps. I mean, it's manually plotting and but the locations will be there.

**Kapuscinski:** I think it'd be good. It'd be it makes the data extremely interesting. I think. I mean, Mr. Chairman, that'd be my view.

**Bickford:** if you can overlay it on this one happened probably make good sense to have them when people read me can see where ours you see what your risk is and what your closest fire house.

**Fortune:** Yeah, I can add those. I can add them just to the main map, or I can add them to all of them. Depending on what the commission wants.

**Kapuscinski:** By quarter by the quarter maps, yeah.

**Fortune:** All right. So that's what we have for draft section three. Any other questions, comments or concerns about what you've seen so far? Now draft section for transportation. I'm going to apologize. We, I think, had a couple of errors in this when I initially sent it to the group. I know you did. I think you did get a chance to look at it, but the group has not formally reviewed it yet. Most of the data See in here, basically, I was given the data from v dot and then plotted it onto these maps you see. I don't know how much how much time you've had to review this. It's not a huge section, we just keep in mind that the code of Virginia does stipulate that the transportation element is subject to review by vdot. We will just go through this page by page and just kind of give you a brief overview of what we got here. Okay, so start off on page 66. And again, keep in mind this is draft if we have some page numbers off, we will definitely go back and correct those. In fact, I believe we do have some page numbers off, we'll need to renumber the pages on section four. So but for now, we will we'll just go with what's here page 66 is basically your main roads pass through Buckingham County and I tried to keep this to the US highways in the state primary routes with a brief description of where each one runs. Map 19 to the next page basically it's just an accompanying map to show those roads. Going on under rail service. I could have just done a map of Buckingham County with the rail line that goes from Dillwyn to Bremono, but I thought you might like to see the entire Buckingham branch network and where it runs and it was just it was really easy to just pull that from the Buckingham Branch website. Next section are airports basically just talking about the nearest commercial airports tried to get the ones that I knew about and of course Lynchburg, Charlottesville, Richmond, Dulles, Reagan, Raleigh Durham there are four smaller airports in planning district 14 which are listed there. And last time we did the comp plan according to my notes, there were a number of private runways and grass strips in the county. So I hope that statement is still accurate. Down at the bottom of page 68. I know there's one runway around I ride my bike up there. It's 76 I don't know if it's still in use or not. But there is an airstrip up there but anyway. Going to page nine

talk about highway functional classification plan and listening to different types of road classifications. In the map on page 70 accompanies that you'll notice it actually your point about the earlier map, you notice there are no principal arterioles in Buckingham County, so that's not in the legend. So probably need to make that consistent.

**Kapuscinski:** I do have a question though. I'm looking at the minor arterial 15 and it stops before you get into that Prince Edward?

**Fortune:** That I think that's a data issue with v dot I need to get up with our folks who gave me that data. See if we can clean that up. I noticed that to your right. And I'm not quite sure what happened there. Then the next page is your total roadway miles again that data is from VDOT. Now if you see anything that looks wrong, please pointed out I will go back to v dot and let them know and have them recheck the data. Just because they're providing the data doesn't mean we can't question something that looks like it might be off. Further down on page 71. We list the projects that are currently listed on the six year Improvement Program. And on page 72, we have a paragraph about just a brief blurb about what we got from the citizens surveys as far as transportation is concerned. And the next paragraph the 20 45 regional long range transportation plan I just decided not to include a map there because the way the plan laid the maps out is kind of hard to get everything together on a clean map. So I basically just included a site for people if you have the electronic version of the plan, you can click on the link it'll take you to the site. Then starting at the bottom of page 72 talking about V trans which is long ride long range statewide multimodal modal plan and on page 22 Again, this is from v dot these are identified needs through the V trans process. If nobody has any questions, I'll move on to Maps 23 24 Average annual daily traffic volumes, the first map is from 2019. And the second is projected, what v dot does they take the current volumes and have a look at it projected growth patterns to try and project what they think the traffic volumes will be going forward. And these projections will map 24 from 2045. I think there was a question about the data for these maps, I went back to v dot and we did make a change based on what v dot came back with a began. If you think something looks off, we'll definitely revisit this with v dot.

**Kapuscinski:** Just a couple of quick ones. Mr. Chairman, these various colors. They're basically the same colors that were in the other map. I mean, is that is that the idea?

**Fortune:** Well, yeah, the map is the excuse me the point of the colors, which is to delineate the road segments that help the reader determine which the watch count goes with which road segment? Okay.

**Kapuscinski:** Yeah, so there, they have no relationship to the minor major.

**Fortune:** No.

**Kapuscinski:** All right. So if I'm looking at 15 and I'm looking at a segment that looks like it goes between 636 and Farmville, and you're looking at 500, roughly 500 Is that right? 500 cars per day. I live off 15 I gotta tell you, I don't I don't know how they came up with 500 cars a day. I mean, it's that is a busy road. I guess what I'm saying is I don't understand these numbers. Some of them look really low and I'm looking at 60 where you got 387 and 260 I mean, I drive 60 I gotta tell you that's another road I cannot believe there's only 360 vehicles a day going through Sprouse corner and 60

**Fortune:** what I'm gonna do is I'm going to circle these and I'm going to get up with my contact Vidal tell him that these numbers look low. See what they can do.

**Kapuscinski:** Chairman you know those roads.

**Bickford:** It does seem low

**Fortune:** what the 2019 the current v dot, actually they do. They're not doing it every day, but they will go out and have traffic counts. And then what they'll do is they'll take data from certain period, and then estimate an ad and average annual traffic counts. So these numbers you see here are what they've determined to be annual daily traffic, on average.

**Kapuscinski:** So they're looking at maybe days when there's absolutely nothing going on. And then they I get that. But I gotta tell you, I mean, I drive those roads. Those are just really low numbers.

**Bick:** If you would just check with him.

**Fortune:** Yeah, absolutely. Yeah. And then the next page is projected out to 2045.

**Kapuscinski:** you might want to ask a question. If you're gonna go from 300 cars a day between Farmville and Northern Virginia or Northern Buckingham, on 15, to what 5500 cars, what in the world is going on between Farmville in northern Buckingham that's going to make all that difference? I mean, maybe we ought to move.

**Fortune:** Definitely see your point, we'll definitely revisit those and see what we can do there. But the next two pages are level of service current and then projected. And the level of service definitions are again, based on the data that v dot has compiled. In the definitions are on page 74, ranging from a which is free flow traffic to E, which is unstable. I included E on the legend. Don't believe any roads actually fall under category E. But so again, that goes back to what we discussed earlier. If that's the case, if you want, I can take that out of the legend. That's the group's call.

**Kapuscinski:** My view, Mr. Chairman, if it's not on the map, get it out of the ledger.

**Fortune:** And the maps 27 and 28 are volume to capacity ratio. And again, this is v dot making calculations based on the data they've collected. And the volume to capacity ratio basically relates to traffic flow, anything 0.85 or below means the capacity for the roadways adequate for the traffic that it's handling anything more than 1.0 means that traffic flow is becoming unstable. But I'll give you a chance to peruse that

**Kapuscinski:** Does this sort of depend on whether or not the data that we asked for earlier is correct?

**Fortune:** It could. Again, we can revisit all that with v dot and be sure that the data is accurate.

**Kapuscinski:** Thank you.

**Fortune:** And going on, figures 32 32 A map 29 Your crash data figure 32 Unfortunately, that's the only three categories they had for us which will I guess is really only an issue in the first category property damage only or non serious injury but those are your numbers. And the map that what I tried to do with the map is the the circles I tried to make bigger for fatal injuries to highlight those and then smaller going down the line. But I'll give you a chance to peruse that.

**Dorrier:** Have a question. Fatal injuries over 2023 seems like it's low. I don't know.

**Fortune:** Being the only 42 between 2015 and 2023

**Dorrier:** Okay, serious injuries 240. Fatal you only have 48. I mean, it may be but it just it's a lot of fatalities

**Kapuscinski:** 2023 wasn't that when the Amish buggy got hit was that in 2022 to 23? I mean, there were three or four fatalities and that one alone.

**Fortune:** But I'll make a note to check that data. Then starting page a three, just a brief blurb about public transportation. I'm assuming blackstone area bus still has a line that serves Buckingham and Cumberland according to their website, they still okay. Then we get into the CRC regional bicycle plan, the map on page 30, on page 80. Format 30 really is just made to give you an overall view of the entire region. You'll notice on the next page map 30 A, we did one just for Buckingham County. And those letters you see the B, the D, the x and the V those are actual routes that are identified in the Commonwealth regional councils bike plan, that's what those numbers denote.

**Gooden:** Map 29. Site indicating fatal injuries. It only indicates that there was a fatality at that site. It does not indicate the number of fatalities...

**Fortune:** Absolutely That's correct. The map is only meant to indicate where those happened.

**Kapuscinski:** So let me that that's an interesting question. Does that mean that there was only one accident but you don't know how many fatalities there were? If I look at the figure 32.

**Fortune:** Figure or the map?

**Kapuscinski:** No, look at figure 32. This. So it says as an example in 2023. We had one fatality, one fatal. We had a fatal injury accident. It could be 1 accident. And it could be 10 people is that?

**Fortune:** No, that's correct.

**Kapuscinski:** Yeah. So that thank you. So then then there could have been more fatalities. Okay.

**Fortune:** Yeah, I'm sorry. You're correct. That is correct. That's that's the number of crashes. That's not number...

**Kapuscinski:** Okay. Thank you.

**Fortune:** But I wonder if maybe I want to put the clarification on the head or maybe saying number of crashes.

**Kapuscinski:** Is it important for any of us to know the number of fatalities? I mean, I don't know. I don't think so. But I mean, I don't know.

**Fortune:** I'll defer to the group on that. I would have to see if I could find the data for that.

**Kapuscinski:** I wouldn't need that. I don't know. Mr. Chairman. I don't know what you think.

**Bickford:** I don't think it's necessary either. The obvious thing is you have more accidents on the major thoroughfares because this word most traffic is. Common Sense.

**Fortune:** Right with page 86 And 87 we talk about the trails of course we're not talking about just Buckingham County we're talking about the surrounding areas so it's a little more information than you



might otherwise have. And at the bottom we also have a brief blurb about the survey responses on where people think pedestrian bike paths are needed it's then we got the map on page 31 Just showing where trails are in around the county

**Kapuscinski:** just a question these this d b x b there on the previous pages legend?

**Fortune:** They are of course that legend unfortunately is not readable right? So what I could possibly do if I could find room for it on the the map for Buckingham County is try to find a place to put those on here. if I can just find the keys only find a place I need to move some stuff around but I might be able to do that. I'll see what I can do with that anybody have any questions about the verbiage on the trails or map 31? If not the last 3 4 5 6 7 pages are just information that's provided this comes from v dot this is just programs that V dot makes available to fund transportation improvements in their programs that the county may at some point be interested in pursuing just some verbiage about each one. So if no one has anything else we'll make those changes draft sections three and four. And the last thing we want to go over tonight is the citizen so this is a draft citizen survey Summary Report. And you'll you'll notice we kind of tweaked this since you last had a chance to look at it.

**Bickford:** That was the very beginning

**Fortune:** Okay. Oh, and actually, Tyler was very helpful in getting this, this revised. Did you want to talk to the group taller about what you did here? I'll leave this up here for you for your reference.

**Tyler Henderson:** Commonwealth Regional Council put out a survey for the citizens of Buckingham County asking different types of questions about the current status about questions about themselves and questions about what they viewed for the future. So I was able to take the results that we got from that survey and then break it into these different sections. As for the summary report for the survey, and you'll see there are five different sections, the first one being just demographics and a community profile. So kind of getting an understanding of who the people were, that took the survey. And also, it's a representative sample of who lives in Buckingham County. And there are some questions about their perceptions of different aspects of living in Buckingham County currently. And then there's a section asking them to think about the future for Buckingham County and what they would like to see. And also, they, the citizens or the participants of the survey, were able to provide their preferences for how development and growth should occur in the county moving forward. So on the first page, just an executive summary, kind of highlighting some of the most notable findings, general idea of what exists in each section. Any questions about the summary? alright, so moving to page five is just a quick kind of introduction, what I just went over just explaining how we collected the surveys and the methods and

where they were distributed. And then breaks down how the results are kind of organized into the different sections.

**Davis:** Chairman, I got one question. I'll show you what you said the majority of the people you survey were 50 years and older. Does that reflect the county's population majority or young people didn't want to participate?

**Henderson:** I think we could look at the census report to see how the percentage the age breakdown compares to what's in the census. But from what I remember, and that's in the comprehensive plan, as well, it's pretty fairly accurate and representative of the population.

**Davis:** I know I was looking further down reading through it, and I saw that the population in the county was 55% Male. We need to input some women.

**Henderson:** Yeah, yeah, I don't think it was a perfectly balanced sample representative. But in general, it's pretty close. I think. The first figure just shows kind of the district representation on how many people from each district filled out the survey then yeah, like, like you mentioned, most of the people were older in the sample. Um, the next figure kind of breaks down the age representation. And then another interesting thing that I thought was that most of the people that fill out the survey had been living in Buckingham County for over 20 years. We asked about a number of people in the household so you can kind of see most of the people fall in the range of one to five to six.

**Dorrier:** One seems strange

**Henderson:** That many people are living by themselves.

**Davis:** But with the older people doing a survey, you know, like a lot of widowers

**Bickford:** Make sense I guess.

**Henderson:** Most of the sample owned single family homes. Now moving to page nine, the first table just shows out of the people in the sample that did move from out of Buckingham where they moved from Charlottesville being the most common place in state and Maryland being the most common place out of state. Figure seven, it does show the employment status so even though the sample was relatively older, most people were still working. And most people were or at least reported working in Buckingham County. And then the next table just shows where the people who said that they've worked out of the county, where do they work. And then the next figure, I think is definitely interesting

considering how many people work in the county how few spend most of their money in the county, with most people saying they only spend one to 25% of their money in Buckingham.

**Kapuscinski:** There isn't anywhere to shop.

**Henderson:** Right. And that is one of the most common, you know, requests from the community we'll get to later is kind of a, there seems to be a desire for more commercial availability. So that's basically the end of the demographic section. And it's just all the questions kind of broken down. So you can see it visually. Any questions on that section? All right. So the next section is just all the questions combined are compiled that were asking questions, the citizens about their Buckingham County and in this current state. So just kind of go through the different tables and figures. And table three shows Buckingham County's public ratings, so the average rating for these different components of Buckingham County, and it's in order, so with fire protection, scoring the highest and tourism scoring the lowest, and this was on a one to four scale. So that's written in the paragraph before it but I can put that information somewhere closer to the table. And so, citizens were asked to list their three favorite things, or three best things about living in Buckingham, and these are the top 10 responses. Rural Life, peace and quiet in the small town feel being the top three. In terms of other best things people mentioned it's on the table, and how many people mentioned those things. And then the next figure shows people's responses to the question asking why they might leave Buckingham County or what might make them want to leave lack of jobs and lack of business being the top reasons and inadequate medical care and being right there with it. And then there were some other reasons mentioned by multiple people.

**Kapuscinski:** Urban Sprawl.

**Henderson:** It said this is as if this were to occur, it would make someone leave. So this is like thinking about in the future. If that were to occur, people said that they would want to leave.

**Bickford:** They are really looking at future.

**Kapuscinski:** Contrast that to this reason for staying, which is appropriate community governance. I wonder if the most of the supervisors were in on that one.

**Henderson:** It did seem like there were multiple passionate groups in the sample. It seemed like there are multiple passionate groups in the sample. The next figure 12 Is the citizen view of rescue squad response times and most people think it is fair. They had options from poor up to excellent, with fair being the second highest, second lowest, besides poor. And then figure 13 goes over citizen's opinion on cell towers with most people thinking that there needs to be more. And then we asked them, where did they think that more cell coverage or more towers were needed? And then these are the top 10 areas that

were requested by the citizens on route 15 and route 20 being the top answer and all over the county being one of the most popular answers as well, but it seems like mostly on the major highways.

**Kapuscinski:** So this answered sort of my question was Chairman seems to me I was wondering, you know, it'd be an interesting demo. A graphic finds out who really thought they needed more seems to me by this, this table six is pretty pervasive, all the districts

**Henderson:** Yeah, I was thinking, Todd, I don't know how much work it would be, but seems like this could be an opportunity for a map. The next table goes over, we asked citizens, what ways they would like for the roads to be improved. And there were a lot of suggestions given for this question. But was able to identify certain categories that most of the responses fit into, and then kind of quantify how many people made those types of suggestions. And then the full I believe the full list of suggestions is in an appendix at the end of the report, so if you want to go in and see actually all the different comments people made, it's in the appendix.

**Gooden:** Going back to the cell towers, I'm looking at the areas there's already a map in there with the locations of the cells, right? That you could see where the response is. All drop, I know exactly where it's gonna drop on 15 What space that it usually drops then we could be at a little better because when I went through the comments about the cell phone service from route 20, from Scottsville to Charlottesville 20 is just forget trying to talk but you had the hills and and it also will vary with the server, you know, whoever your provider is and I really agree with the one person who said they wish they had bag phone back you know I loved my bag phone, but it was it was somebody that would compare and figure out that we would help us to plan where the towers need to go.

**Henderson:** I think it would be helpful to visualize it somehow in comparison with existing here's

**Gooden:** That may be an opportunity for a map if we get that that answer to where the actual cell towers are right then you could really do some planning.

**Henderson:** Yep, so went over the main read suggestions, and those are in the appendix after the summary. The next section goes over kind of the future outlook for Buckingham County from the citizens perspective with the first question, just asking the citizens to prioritize different aspects of the county and what would improve their quality of life these are in rank order so health care being the number one thing that would improve the quality of life

**Kapuscinski:** Oh, these are scored one to eight.

**Henderson:** Yep, ranked from one to eight, one being the highest priority. Then the next one is slightly different asking about the importance of different issues for future growth and development. I can make this clear to what the scale was. But that's the rank order for what the citizens provided for what's most important for this us moving forward for future growth and development. And then figure 14 shows the breakdown of the desired changes to Buckingham County and the future.

**Gooden:** Table eight average score I guess I'm confusing the two tables, eight and nine, because one is one through eight on one side. And then it seems to be the reverse order the score on the other side.

**Henderson:** Yeah, on the on the first table, they were ranking these eight specific priorities from one to eight. And each one got a certain number for each participant. And then on the bottom one, their rating each of those issues on how important it is for the future growth and development of the county with a higher score being more important.

**Gooden:** We need to put that.

**Henderson:** I need to make that more clear.

**Gooden:** And make that clear in a little narrative to begin with. Thank you.

**Henderson:** Then, so table 10 Just shows kind of the figure 14 with some sample comments and the actual breakdown of how many people suggested each type of change. I can make the more clear on each table what the range was that they were scoring it from and what each side of the arrangement questions on that section? And then the next section where preferences for development and growth and have a little written summary. And this next figure probably is the most complicated one out of all of them. So basically, it's the breakdown of different types of growth by area with no growth being an option as well. And stacked bars are the responses for growth in that area by different types of growth. And then the area and the yellow behind is the responses for no growth in that area. So you can kind of see the contrast at dillwyn spouses corner, a lot more votes for different types of growth, mostly business and commercial. In comparison to yoga Ville, where there is about as much there were about as many responses for no growth as all the different types of grows together. And this is an order from overall total amount of growth descending from left to right. But overall, business and commercial seem to be the most desired future growth and development sector. So that's what that next figure shows just regardless of area. How people voted for future growth and development and Buckingham.

**Kapuscinski:** Quick question the numbers on the side and figure 16 what are what are those numbers representing?

**Henderson:** Should be the total number of responses for that category, but it does look high. We only had I think it's 409 about 500 people. Oh you but it's actually so it's tallied across all the areas So if someone voted for growth and Dillwyn Sprouses corner in us 15 South corridor it's the total number of votes for growth so a person could vote have more than one vote for growth and then different areas. Yeah, but it is also interesting that no growth scored higher than either industrial or residential. In the next figure shows citizens responses to their idea for how future industrial developments should unfold in Buckingham County with most people seeing manufacturing being the major industry, with different types of manufacturing, between wood packaging and trade and rail then underneath that distribution centers and food and beverage processing centers. In Table 11, this shows some other industrial development suggestions that had multiple comments. Figure 18 is similar to figure 17, except for it's for commercial development, rather than industrial development. With restaurants being the number one, option, retail, and healthcare social assistance being behind it. In this, these categories that are existing are just based off of citizen responses. So we didn't give them the options of you know, physicians and dentists or health care and social assistance or this is just what people provided as their responses to future commercial development. And figure 19 Is the prospective for future residential development as people voting or responding for single family homes and affordable housing, and housing for senior and elderly. Any questions on any of the figures or tables from that section or any of the information?

**Davis:** Comments are kind of comical.

**Henderson:** Yeah. Some of the comments that were you know, individual comments without any else kind of representing that perspective, were left out of the actual summary report. But I would say some of those were comical as well.

**Kapuscinski:** I don't know what we're going to get back into the economic development thing. But those last few pages, I think it'd be really interesting for that group. I mean, I think somehow we had to carve that out in the next meeting. Bring that to these people. I think. I think that's very good stuff.

**Henderson:** Then the last section is just focused on some special issues facing the community. With the first one asking citizens about their opinion on solar in the county and the yes column is the stacked responses from both yes and yes with conditions in comparison to no or unsure no opinion and then underneath figure 20 In the table are the suggested conditions from the people who said yes with that category. Figure 21 is the same type of chart with the yeses stacked together. But you can see in this one that no was more common response, then yes or yes with conditions stacked. And the table below shows the conditions for those that responded yes with conditions. Figure 22 are the same type of chart as well. But for reminding abandoned mines it's notable this one, there was a larger portion of people that were unsure. And I'm a little bit I think it might be due to the wording of the question a little bit. Maybe

people aren't sure what reclamation or reminding abandoned mines, the process looks like. That one was about even split between yes and no. It will show the conditions as well. And then for whether or not the county needs to add trails. Most people said no. That's another one. And I'm a little questioning about the wording of the question and whether the need is a strong way to put it I think when asking the citizens perspective. But below that is table showing where citizens reported wanting paths. And then it just goes into the appendix. Questions? I can definitely make it clear, though, for the ranges on those certain numbers for the average scores.

**Fortune:** All right, if nobody has anything else, I guess we need to then set our next meeting. And for the next meeting of I will, we'll make the talent we'll get the changes to the survey summary report and get those to you got some homework as far as the transportation section, clean some stuff up and check some numbers. And with draft section three, a few things that need to be cleaned up. So we have that and it's really up to the group. Because once we get through these sections, the next thing we need to get into is the land use. So the question becomes, do we want to try and at least get started on land use and march or do we want to get these sections cleaned up before we before we move forward?

**Kapuscinski:** Chairman, how long will it take to get the thing cleaned up?

**Fortune:** We're going to bring these changes back to you on March 5, if the group has no no additional changes, we're pretty much ready to get into the land use section after that. And what I'm envisioning for land use is probably bringing a big copy of the county's current land use map and just asking you what you want to see what you want to change and then marking it up and then taking it back and we can get accordingly.

**Gooden:** I would just prefer to finish what we're doing. Finish this section then start on another project rather than having two loose projects.

**Bickford:** Well, what Todd is saying and be review of the sections 2-4 What we've gone over tonight with the changes and if we can schedule some time we'll start into the land use but that would be the first priority would be to make sure we got this straight so we can move those sections onto supervisor. I would say we'll see how much time we have left if we review everything and if we got some we'll start into at least a process of land use and that would be March Nicci?

**Fortune:** We have nothing else for the group. So unless anybody has anything else I think we're done.

**Bickford:** Any commissioners have anything? Okay. Thank you, Todd. I appreciate it.

**Kapuscinski:** Thank you. Thank you that survey was extremely interesting. Yes.



**Bickford:** And we do appreciate the red line changes because they do make it a lot easier to realize what's been altered. okay, thank you. Commission matters of concern in the commissioners have anything to be voiced.

**Dorrier:** Mr. Chairman, all that we go through with the planning commission, with Todd and his division to do a comprehensive plan. I would like to challenge the commission and the county. And I know it'll be another five years, but we need to do a better job of having 400 and some people here to talk to, or getting the surveys back with versus we should have 4000. And I think we need to do a better job getting the information out to the to the public for the for the next comprehensive plan. You know, I just think we could do a better job. I don't know.

**Gooden:** What's the usual percentage response?

**\*inaudible\***

**Dorrier:** What if you had 4000?

**Kapuscinski:** What's the significance of 400 and almost 500 people? I mean, it there should be a statistical significance on it. You people figure that out.

**\*inaudible\***

**Kapuscinski:** Yeah, what I'm interested in statistically, is if you say, Okay, I got 400 It's what you were getting at if you got 400 or 500 responses out of a possible 15,000 That represents a specific significance. I mean, statistically, you should be able to say, Well, that does represent 80% of the county, what that represents. So I mean, if you could tell us with the statistical significance, and you probably know that because you've done other ones, somebody should be able to tell us the significance of those 500 responses, you know, what is the good accurate representation of the county

**\*inaudible\***

**Dorrier:** It just seems like it's so low but maybe it didn't to you but it seems to me.

**Bickford:** I can echo this is my third time on the comprehensive plan. And as this most responses ever had, and it's been several different approaches done to but I think in the future and this may be where we could do a little bit more preparing our advertising is through the internet. I think it's where you you're



going to probably get your greatest increase you think So Todd has probably your open your best opportunity? So that's probably where we can look at.

**\*inaudible\***

**Dorrier:** Didn't want to blow you out of the water, but I just thought we could do better than 400 people and now you've answered my question that maybe it's okay. So thank you.

**Bickford:** Okay, any other comments do have a motion to adjourn.

**Kapuscinski:** So moved.

**Dorrier:** Second.

**Bickford:** Motion and Second. Any discussion? All in favor, raise your right hand. We are adjourned.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	Absent	
Dorrier	X	
Bickford	X	
Shumaker	Absent	
Gooden	X	
Davis	X	

**Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission to adjourn the meeting.**

Attest:

\_\_\_\_\_  
Cheryl T. “Nicci” Edmondston  
Zoning Administrator/Planner

\_\_\_\_\_  
John E. Bickford  
Chairman

**Buckingham County  
Planning Commission  
February 25, 2024**

At a work session of the Buckingham County Planning Commission held on Monday, February 25, 2024 at 6:00 p.m. in the Peter Francisco Auditorium located in the Buckingham County Administration Complex, the following members were present: John Bickford, Chairman; James D. Crews, III, Ashley Shumaker, Vice-Chairman Pete Kapuscinski and Dennis Davis, Steve Dorrier, Joyce Gooden Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney.

**Re: Call to Order**

Chairman Bickford called the meeting to order.

**Re: Invocation and Pledge of Allegiance**

The invocation was given by Commissioner Dorrier. The Pledge of Allegiance was led by Commissioner Crews.

**Re: Establishment of a Quorum**

Chairman Bickford certified there was a quorum, seven of eight members were present and the meeting could continue.

**Re: Approval of Agenda**

**Bickford:** Any changes to the agenda?

**Edmondston:** No sir no changes.

**Bickford:** Seeing none do I have a motion to approve?

**Kapuscinski:** So moved

**Dorrier:** Second.

**Bickford:** Have a motion second. Any discussion? Seeing none. That brings us to approval of minutes

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	X	

**Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission unanimously to approve the agenda with changes.**

**Bickford:** December 18<sup>th</sup> regular meeting any changes to the minutes?

**Gooden:** I submitted to Miss Edmondston and you some changes for the minutes. It had to do with basically Mr. Kapuscinski name throughout the document. Im very sensitive to people's names. And Stoltzfus also the names were shortened. I submitted those corrections to Mrs. Edmondston.

**Bickford:** Do we have a motion to approve with the changes?

**Shumaker:** So moved.

**Dorrier:** Second.

**Bickford:** All in favor raise your right hand. Got 6 for and one abstain. Okay we have new bossiness which is consideration of revised by laws. Do any commissioners have any comments or changes to the revised by laws.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	Abstain	Abstain

**Commissioner Shumaker moved, Commissioner Dorrier seconded, and was carried by the Planning Commission 6-0-1 to approve the minutes with changes.**

**Kap:** Mr. Chairman a couple of them if you would. number 2.1 qualified by knowledge and experience Because experience It says what is that? Yeah, I don't understand the people up here would qualify does that imply education? If it doesn't I don't understand. Secondly it says county landowners does that count for homeowners or just land owners? Buckingham county landowners does any does have a red line here?

**Edmondston:** I don't have that, sir.

**Kapuscinski:** Okay. Um 2.1. At least one half of the appointed members must be Buckingham County landowners. The question is does that mean landowners are and homeowners or real property owners are what does that mean? And is it only landowners? I would assume it's property owners, regardless of the Edmondston: It will be landowners. We do have our attorney Mr. Wright coming out.

**Kapuscinski:** Hello Mr. Wright do you have a home or you don't have to own real property?

**Wright:** \*inaudible\* That's in code of Virginia they don't explain.

**Kapuscinski:** Okay. All right. I would also refer to I believe it's 2.3. Where you have your green, you said basically you're talking about malfeasance. And what you did in your letter was reference case law. I understand that there are three kinds of malfeasance. I understand that legally speaking. Do we want to reference in your definition case law isn't necessary?

**Wright:** Code of Virginia doesn't list anything further than that.

**Kapuscinski:** And we don't have to worry about that. All right. Let's see if there was anything else.

**Edmondston:** Mr. Kapuscinski Did you want to ask him about 2.1? Where you had the questions about knowledge and experience?

**Wright:** \*inaudible\* It's totally subjective.

**Kapuscinski:** Yeah, that's what I'm getting at. I guess it's totally subjective. Okay. Well, look, I mean, I'm making comments like you are there. It's totally subjective. So I don't you know, I don't know.

**Wright:** \*Inaudible\*

**Kapuscinski:** Yeah. Is there anything in the code? Or is there something that we need to mention? If you have three or more members gathered? does that constitute a special meeting? At one time it was you couldn't meet with three other three people?

**Wright:** \*inaudible\* There was an event that occurred and one of the Northern Virginia counties public body getting ready to have I mean, a public organization in the public, not a government that was having an informational meeting, they invited I think it was a Board of Supervisors. Well, several members showed up from the board of supervisors showed up at that meeting, and engaged in some conversation. Now, the Virginia Supreme Court has ruled that that was a meeting and they should have told us that they weren't going so it is thrown at us or independent who says it and what I mean it you will never be able to define every scenario in your by laws.

**Kapuscinski:** Okay, then if you go look at item six, I believe dash eight. Here we talk about the person chairing the meeting will have a last call for any additional names to be added directly before the scheduled public comment. As I recall, we don't do that. And I'm wondering if we should? In other words, what happens are people sign up?

**Wright:** I think they used to call it last call, maybe we need to take the chairman.

**Edmondston:** Usually, it's spoken when the signup sheet is taken. And if anyone comes in afterwards, what we have done in an effort to monitor that is ask the Chairman, if they would allow.

**Kapuscinski:** So do we leave it this way? Or what do you want to do?

**Wright:** I don't have any ownership of that its a policy question to me.

**Bickford:** I don't have a problem with it. Because what has happened in the past is some people you know, especially if you have a public comment period, and then a public hearing, they sign up for the wrong one. I don't want to penalize somebody that accidentally signs up for the wrong one.

**Kapuscinski:** I agree. I guess I'm just saying that I've seen situations where people come in and they say, Well, you know, I'm five minutes late, I'd sure like to sign up, but they weren't allowed to. And I'm curious to find out if this gives you an opportunity to ask if there are any additional signups that are required.

**Bickford:** I would interpret it as it does. If someone was to come to me and said, Well, look, I was here. I got didn't get here in time to sign up.

**Kapuscinski:** Okay, so at a meeting. My question is, do we from your chair announced, are there any other people that need to sign up that haven't signed up before we get this meeting?

**Wright:** In the meeting at the public hearing?

**Kapuscinski:** Well, before the meeting begins, or however you want to do it, because it says right here says the person cheering meeting will have a last call for any additional names to be added directly. I don't know if that meeting has to be started.

**Wright:** No that should be five minutes before the meeting starts.

**Bickford:** Rather than me. It might be good for Nicci to do it. Just say look, it's the time. If you haven't signed up, you need to sign up right now.

**Kapuscinski:** Yeah, one way or the other. I don't care as long as it's audible. I mean, I think that people need to know that. There's a last call.

**Gooden:** Mr. Chair. Isn't that on the signup sheet that says something about six, five minutes.

**Edmondston:** Yes ma'am and there is a sign.

**Gooden:** It's on the signup sheet. And when we've had meeting, there are people who have gotten here. And it's like I send the wrong sheet. Without it. We've had those instances and we've taken care of those instances within this meeting.

**Kapuscinski:** Well, I'm suggesting its audible.

**Bickford:** Okay, so if Nicci or myself and announce final call. Is what you're asking for?

**Kapuscinski:** Yeah, that's Let me ask. Let me see if there's any other questions. Those were the only questions I have. Thank you, thank you for answering.

**Bickford:** Any other commissioner have anything at this time? We have that one change. And we'll go and put the language in for that, where either you or myself, or one of the other staff just say last call. Alright, if there is no other changes, do we have a motion to approve with one change?

**Kapuscinski:** So moved.

**Dorrier:** Second.

**Bickford:** Motion and a second, any further discussion? All in favor, raise your right hand. Passes unanimously. All right, that brings us to Joyce had provided two documents for us to look at and maybe put it into your bylaws. One was conflict of interest, and the other was conduct Correct?

**Gooden:** Code of Ethics, code of ethics and code of conduct.

**Bickford:** I've had Mr. Wright look at them and he found no problem with either one. And so I will suggest that we go ahead and approve them being that there's no legal issues at all. And they'll serve as a parameter that we try to operate underneath then within. That's just a suggestion on my part. I'll now open it up to the commissioners to discuss. Anyone have any opinion on that? Or accepting those in into the bylaws?

**Gooden:** Are those documents in our packet?

**Bickford:** They should be?

**Edmondston:** They actually were not included. I'll be glad to go get it.

**Bickford:** Yeah, maybe that would be good.

**Gooden:** Dennis you've not had a chance to see it?

**Bickford:** While Nicci is going to do that I will circulate this will you take a quick read? Pete has provided a statement. And what I'd like to do is make that a mission statement because it basically is what we're trying to achieve at each meeting in our conduct. And I think it would fit well to be a mission statement for the planning commission, we'd have a parameter set with yours and a mission statement. So yeah, we'll take a look at it while Nicci i's going to get those and see what you think.

**Gooden:** Mr. Chairman, I, as much as I dislike kicking this can down the road. I don't know if everybody's had a chance to read the code of ethics and the code of conduct. And, you know, the mission statement. So maybe we should do this at the next meeting. And I'd like to get it done. We've operated this far without it. And we'd like to get it done. Well then I want people to be able to read and digest the information to.

**Bickford:** Ill let Nicci bring back and then we'll discuss it I don't have an issue with that whatsoever. If anybody if you'd like in a little bit more time. We've approved the minutes and that's what we operate on.

**Davis:** looks good, let me read it because I haven't seen it and then move forward I'm sure it's good though. Everybody else is good with it. Just let me read it.

**Gooden:** Mr. Chairman, so we're suggesting that as a mission statement, in addition to or as a replacement?

**Bickford:** Not as a replacement, what Pete did is revise it a little bit, I'd asked him to sort of revise it because I thought it'd be a good mission statement. Your code of conduct and ethics would be at the parameters that would be accepted. This would be the mission statement that you're trying to do at every meeting to treat everybody fairly. All applicants basically, hopefully the same way.

**Gooden:** Hopefully the same way. Thank you

**Kapuscinski:** Mr. Chairman, I got no great pride in penmanship but if everybody's ready, I'll make a motion to accept the mission statement where it is.

**Crews:** Second.

**Bickford:** I have a motion and second to approve the mission statement. Any discussion? Better wait till Nicci gets back before we take the final vote.

**Shumaker:** That's with your copy that you have in front of you being the official copy.

**Bickford:** Yes. That'll be I'm going to give this to Nikki and she'll put it down into the minutes as well as the bylaws. Nicci to bring you up to speed. Everybody has read the statement that Pete prepared and revised for the mission statement. Pete has made a motion JD second, we haven't voted yet. I want to wait till you got here. For the for acceptance of the mission statement, We have a motion on the table. All in favor, raise your right hand approval mission statement. Alright, that passes unanimously. Now, if anybody feels like they need some time to look over these two documents, we can postpone the vote on this to our work session and do it at the Commission matters.

**Kapuscinski:** one comment mr chair. Code of ethics for Matthews County Planning Commission Code of Ethics. Number four seek to find use most equitable I'd moved to change that to equal and strike the word equitable.



**Gooden:** I disagree on that because things can be equitable, but not it's hard to do an equal but you can do as an equitable and fair you can do. I feel I can do but making things equal because we seek to be equitable in our decisions. But our decisions are a certainly they are not equal.

**Kapuscinski:** Mr. Chairman in today's vocabulary equitable implies a prejudicial decision based on one's skin color, one's culture, one's gender, it is not meant to be equal. It is meant to be prejudicial. And I do not believe our job here is to prejudice our decisions based on any of those characteristics. We just wrote a mission statement. Exactly saying that. So equal implies equal and not equitable. They are two different things. And I'm very, very cautious about that. And honestly, I will refuse to vote in favor of these if that word is in there.

**Bickford:** How do the commissioners feel towards number four?

**Shumaker:** Think equitable gives not necessarily prejudicial outlook, but more on scope and size of projects as well. So as a planning commission, and I say this just logistically, when we're thinking about a small project versus a big project, that's what comes to my mind when I think about equitable, I can't consider them equally, but I can consider their impact equitably. Now, I'm not talking about treatment of citizens. I'm talking about treatment of projects.

**Bickford:** Any other comments?

**Crews:** I'd have to look closer at the definitions of both words before.

**Gooden:** Mr. Chairman, yes, sir. Do we need to take these home and read them and study them more?

**Bickford:** I think, probably a good idea. I've seen them and read through them but not as thorough as I probably need to. So why don't we table this issue until a work session and when we'll come up to commission matters. We'll decide whether to accept them and or if they need to be revised to be accepted. Alright, saying that then that will bring us Nicci there's no new business or brings us to your report.

**Edmondston:** I don't have anything to report to you at this time. There was a building permit report for your informational purposes. Nothing other than that,

**Kapuscinski:** Yes Mr. chairman one thing. I brought this up before the Board of Supervisors, I think it's necessary to bring it up in front of our commission as well. There are three bills that are either pending

or passed in the state legislature that has the could it pass have a very significant create a significant wave issue, as far as planning commission and Board of Supervisors work was concerned and they are House Bill 636. Senate Bill 567, and Senate Bill 697 567, and 636 have been continued into 2025. My guess is that even if they pass they be vetoed, but they could come up again, my understanding is that they will come up again in 2025. These bills relate specifically to solar. And if anybody hasn't read them, I will tell you what it says on those two particular bills that the county will have removed from its ability to govern over the installation of utility scale solar, and the state corporation commission will then take over in other words, we won't have a choice, right. Now those two bills have been continued. But there's a third bill 697 coming out of the Senate that did make it to the floor and understand it's going to be up for a vote. And my guess is it'll pass probably get vetoed at the at the Governor's desk, but then it'll go forward again. 697 specifically says until the land under panels now understand what I'm saying here under panels equals 4% of the total land mass in the county and we have 371,000 acres, then the county cannot pass conditions or restrict utility scale. utility scale solar installations, the two things I would recommend for the commission here at this point in time is this. Number one, we quit calling these things utility or solar farms, they are not farms are the furthest thing from farms. These things are solar utility industrial installations. That's what they are. Secondly, I would warn you that every time we put a panel up, we're not looking at the area under the panel, we are looking at the area on our panel, plus the recess in between those panels, you're looking at the holding ponds, you're looking at the setbacks. So on an estimated bases, 700 acres of panels under land under panels would probably require close to 1400 acres in order to satisfy that particular installation. It could be less, but generally speaking, it's twice the size of the panel. So if you're looking at 4% of the county land, you're looking somewhere between 12 and 15,000 acres if you don't count on count water land, alright. 12 To 15,000 acres would probably translate in anywhere to 25 to 30,000 acres of required solar installations before the county has any say in them. Now I'm suggesting to us that there is a position we should take. I suggested that to the board. Well, Mr. Davis, you heard me say it. I don't know how to do that. I don't know where it should come from. But I will tell you that we ought to have a resolution in this county that we will make our own land use decisions. It starts with solar. But I will tell you this is an egregious overreach of state government telling counties what they can do with their land. This this is this is county business, we may want solar in our county. But we want to make those decisions. We do not want some northern legislator who probably doesn't even know where Buckingham is to tell us where and how and when to put solar utility industrial sites on our property. That's, that's my concern. I'll open it up for conversation.

**Bickford:** I will tell you that I've talked to Mr. Wright in regards to this actually this week. And he will prepare us a statement. But he's wants to discuss it with the Board of Supervisors, because that's where it needs to come from not the planning committee. We can we can put our voices to it but it really comes from the Board of Supervisors. So it will be up to the one or more of the board of supervisors to question or ask Mr. Wright to prepare the statement, and then it would be voted on by them.

**Kapuscinski:** I appreciate that, sir. And I also would appreciate if somehow the commissioner names are, are on that as well. I did speak.

**Bickford:** I think that we could do that we could attach to it.

**Kapuscinski:** I spoke to both Tom Garrett and John McGuire about this whole thing. And both of them are no votes, they understand. But Tom did tell me, he says it did make it to the floor. And he said, I can't guarantee it's not going to get passed. That is a real, that should be an absolute concern to us. Because I will tell you, it starts with solar. What comes next?

**Davis:** And, Mr. Chairman? Yes, in my opinion on that, if that passes and comes to commission, tuition is no need for this board. And it's no need for a board of supervisors because the state's going to make all of this

**Kapuscinski:** Thank you, Mr. Davis. You're absolutely correct.

**Davis:** Buckingham County needs to decide what goes in Buckingham County, not Richmond or Northern Virginia.

**Gooden:** Mr. Chairman, if I remember correctly, we've had other county issues being addressed by counties and representatives out of this area. And I'm thinking when we're talking mining issues, I'm thinking we're talking when we talked about the Dominion compressor issue. So that is not a new issue when other people within the county do what I call an in run, and have somebody out of the area tried to decide what's going on in Buckingham. So you know, and I do agree, Buckingham should run Buckingham his business and not be decided by somebody out of the area, which may not know that Buckingham is the geographical center of Virginia. But and so I disagree with people outside running Buckingham business, but it's not the first time that it has happened. It is not new, and it has been used over and over within this county.

**Bickford:** I don't disagree with that. I think everybody probably feels very much the same. You don't want it should be a locality, making a decision on what goes in the locality based on what they want and where it's at and parameters of the application. Any other?

**Kapuscinski:** Mr. Chairman my only reason for bringing it forward is I'd like it. I'd like to become a part of the minutes. That's why I brought it up.

**Bickford:** Any other comments on that issue? All right, seeing none, we'll move to adjourn to have a motion to adjourn.

**Kapuscinski:** Moved.

**Shumaker:** Second.

**Bickford:** All right. No discussion. All in favor, raise your right hand. We are adjourned. Thank you

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	X	

**Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission to adjourn the meeting.**

Attest:

\_\_\_\_\_  
Cheryl T. “Nicci” Edmondston  
Zoning Administrator/Planner

\_\_\_\_\_  
John E. Bickford  
Chairman

**Buckingham County  
Planning Commission  
March 18, 2024**

At a work session of the Buckingham County Planning Commission held on Monday, March 18, 2024 at 6:00 p.m. in the Peter Francisco Auditorium located in the Buckingham County Administration Complex, the following members were present: John Bickford, Chairman; James D. Crews, III, Ashley Shumaker, Vice-Chairman Pete Kapuscinski and Dennis Davis, Steve Dorrier, Calvin Bachrach Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney. Joyce Gooden was absent

**Re: Call to Order**

Chairman Bickford called the meeting to order.

**Re: Invocation and Pledge of Allegiance**

The invocation was given by Commissioner Dorrier. The Pledge of Allegiance was led by Commissioner Crews.

**Re: Establishment of a Quorum**

Chairman Bickford certified there was a quorum, seven of eight members were present and the meeting could continue.

**Re: Approval of Agenda**

**Bickford:** Any changes to the agenda?

**Edmondston:** No sir no changes.

**Bickford:** Seeing none do I have a motion to approve?

**Dorrier:** So moved

**Kapuscinski:** Second.

**Bickford:** Have a motion and a second. Any discussion? Seeing none. That brings us to comprehensive plan. Before that let me say we have a new planning commissioner Calvin Bachrach, Calvin ill give you the floor if you have anything you'd like to say.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Bachrach	X	
Davis	X	

**Commissioner Dorrier moved, Commissioner Kapuscinski seconded, and was carried by the Planning Commission unanimously approve the minutes with changes.**

**Bachrach:** I don't have anything.

**Bickford:** That's fine. All right, Todd floor is yours.

**Fortune:** So what I want to do tonight is go over the changes to dress sections three and four from last month's meeting. Tyler is going to go over the changes to the survey summary results report. And I kind of envisioned the rest of the meeting. Depending on how we're doing with time being interactive. You'll notice I got a land use map from the previous plan up over here. And what I'm wanting to do is get some feedback from the group on how we want to amend this map for the upcoming plan. But we'll get to that in a little bit. So for draft section three, you should have in front of you, you will notice that the changes we've made previously are still highlighted in red. We haven't actually accepted those changes yet, but we will do that. At some point this remember this is just a draft. So just keep that in mind. But I wanted to bring your attention in section three to page 52 the map of historic sites and Buckingham County. We did add a Carter G Woodson birthplace historical marker to that map, it's number 22 on the map. And then on page 67, the map with rock mineral types, I've changed the legend to make that more readable. Hopefully that meets with everyone's satisfaction. It's a map 16.

**Kapuscinski:** Mr. Chairman, before we get too far down the road. Can we make a couple of can we make a couple of comments with regard to our pages earlier than that? Are you interested in? Page 40. When we get back there, there's some there's a strikeout, and I don't quite understand why that stricken out. Is there was there was a problem with that information.

**Fortune :** I'd have to go back and check my notes. But my read you're talking about with a sewer?. My recollection is we were actually asked by the group to take that stricken language out.

**Bickford:** You referred to Yogaville?

**Fortune :** Yes.

**Bickford:** Yes, we did ask for that Pete I do recall.

**Kapuscinski:** All right. And then if you'll take a look at page 50. And I'm looking at the dark sky on the James River, the penultimate sentence. That's one before the last one. I think there's an I'm just housecleaning here. I think there's a there's a typo in there. I think you've got retort, was that supposed to be restore?

**Fortune :** Okay, hold on. let me find it.

**Fortune :** Yes, that is a typo.

**Kapuscinski:** Okay. All right. So we'll take care of those two. Right. Okay. And in on page 51, or under spooky hollow drive, there's a V at the end of the statement. I don't know what that is,

**Fortune :** Needs to be removed. That's a typo as well.

**Kapuscinski:** Okay. All right. Thank you.

**Fortune :** All right. And then the next page 52 Is the historic sites map, which I mentioned. And then jumping ahead to the rock mineral types map 16, I just basically changed the legend, tried to make it bigger, so you could read it. And the last four or five pages of the section, the wildland urban interface risk index, all I did there was plot the location of the fire stations in the county. And that's maps 18 18 a 18B 18. C. And 18. Actually, on the last page should be 18. D, that's a typo. We need to correct that. So that's what I have for the for the changes. Does anybody see anything else? Or see anything any issues what we change or see anything else that we need to address in section three?

**Kapuscinski:** I have page 63 Mr. Chairman, page 63 You indicate that there's 79,000 Plus farmland? And what I thought would be extremely interesting was what is the total landmass in Buckingham? What percentage is farmland? And? And is this the 700,000 acres? Is that considered tillable? If there if that information is available, seems to me it should be in in the comp plans.

**Fortune :** Okay, so what are you asking for? You're asking for total land, what's the language landmass?

**Kapuscinski:** Tillable land in Buckingham? I thought it was like 33000, but I'm not sure.

**Fortune :** The total acreage and what was the other one?

**Kapuscinski:** Well, what's the percentage of farmland and is that tillable? And I'm asking that question, because when you get on page 68, you say timberland consists of 321.3 1000 acres. And I thought that was the land close to the landmass. And in Buckingham, I might be wrong might be we might be around 363. But I'm, I can't remember, but I'm, I'm wondering whether or not

**Fortune :** Alright, well, we'll look that up. And we'll research that and get back to you next month.

**Kapuscinski:** Yeah. And I was wondering if you could put in some percentages so that we know basically, the significance of those numbers that would be helpful.

**Fortune :** And when you say percentage of everything?

**Kapuscinski:** Well, the percentage of land mass or the percentage of farmland tilled farmland to the total land, percentage of forestry to total land, I think it'd be interesting.

**Bickford:** Todd should just be able to add an extra column to both of your charts here and put up percentages by the number of farms. Not so much at farms lands, average size.

**Kapuscinski:** And then I jumped down to page 64. It says, I'm not sure you've gotten a statement in there about poultry. I'm wondering whether that that's still correct, given the fact that we've, we've undergone and by I can have a pretty significant change in that area. And I wonder if there should be a footnote, Mr Chairman? I'm not sure.

**Fortune :** Are you talking about the note at the bottom of that table?

**Kapuscinski:** Yes, sir. I mean, we've lost a considerable amount of poultry houses in Buckingham. And as a matter of fact, there's some of the things going on, I understand that they're, they're probably going to try to put an egg, an egg laying business in some of those. And I understand there's turkey in some of those. I don't know what it is. But I don't think the poultry is as significant is what you show on that, on that legend any longer. And you might want to take a look at that.

**Davis:** I have some information on that, Mr. Chairman, sir. All the farmers got together and they just started Central Virginia, poultry. They got a \$2.7 million grant to do it. So hopefully, all the houses that want to be back up and running, will be a lot of the guys are 70 years old , they just say they are done.



**Bickford:** But former Co Op, correct?

**Fortune :** We can actually mention that here in this in the narrative.

**Shumaker:** It says that table is from the USDA Census of Agriculture looks to be every five years, do you know when they're 2023 census would be available?

**Fortune :** I do not.

**Shumaker:** If it's before our comp plan is finalized, we can look to replace some of that information.

**Kapuscinski:** Then my last comment on page 68 map 17 It's just a question. There's no high ranking reclamation, I'm curious find out is Is that accurate?

**Fortune :** I mean that's the data that we got from Virginia energy. so I mean we're I mean I I'm not really sure how to I mean, I'm counting on them to provide that data. I'm just I'm basically just mapping it for you.

**Kapuscinski:** I'm just wondering because I understand that there's some I don't know what they consider to be high ranking but it seems to me that there was some fairly significant conversation going on about reclamation, some of these mines and it would just seem to me to be more than just moderate or low. Maybe Mr. Davis knows I don't know.

**Davis:** What's that?

**Kapuscinski:** With regard to the reclamation and mining. We show no high ranking reclamation going on that was a little bit confusing me because I understand there was some but I don't know for sure.

**Fortune :** Actually, it looks like there are a couple of high ranked ones on this map that's in yellow.

**Kapuscinski:** Maybe I just didn't see it clearly. I don't know. Okay, let me take a look.

**Bickford:** There's two in the new canton area and one up off 15.

**Fortune :** Right below 15 and 60 there's a quite a few mines are bunched together I could try and make those dots smaller to make that a little more readable.

**Kapuscinski:** Either that or some kind of a note that would point out that we have at least two high ranking reclamation projects. and I think that's all I had in that particular section

**Bickford:** Any other commissioners have anything else at this point in this section?

**Fortune :** Alright, if nothing else, I jumped to section four and we did have a few changes here. So I got in contact with my folks at vdot contacts v dot and they did provide me with additional shape file data and they though we remapped everything you'll notice on it, I renumbered the pages too, so page 79 The roadway classification you notice 15 down to bottom and 60 over on the right and I have been included in the roadway classification map. Then pages 84 through 89 We re did it all those maps with the new data provided to us from v.so. Take a look at that. I'll give you a minute to take a look at access quite a few maps to look over.

**Kapuscinski:** Those numbers have changed. Yeah, that's good. Mr. Chairman, I do have a question with regard to pages 88 and 89. With regard to the ratios. Again, on the map, they're just very difficult for me to, to read them. I think I think it's pretty, it's pretty good data. I really do think it's good data. questions I would ask you, with regard to those traffic ratios, I guess its traffic capacity. Is there an ideal rate? Is there some sort of a state recommended rate?

**Fortune :** Yeah, if you look on page 83, anything less than 0.85 is an inadequate traffic flow. As it gets closer to one, you start to have some issues, and anything higher than one is unstable.

**Kapuscinski:** I guess that answered it. I guess it should there be, should there be something described? What would it be? At least for the main arteries, would it be helpful to have a chart that shows what our ratios are compared to what the recommendation is for the state or for those same kind of arteries? elsewhere? I mean, I don't know if I guess the question for me is, if our roads are that bad, and nobody wants to come here, that's an issue. If on the other hand, our roads are better, and we're still not getting business here. That's an issue. So what am I comparing it to? Does that make sense Mr. Chairman?

**Bickford:** Think it's a viable question.

**Fortune :** So what's the group's pleasure on that? Are you just asking for a legend to be put on these maps?

**Kapuscinski:** That'd be helpful. I mean, that's my view. I'm only one.

**Bickford:** Todd you could do just for suggestion, you know, we did the quarters on the others. You might take the county and do the same thing for this. Might be simpler on these maps that are big,

especially with data sort of congregated as do the quarter like it did before. Okay. might help you and then do legend as the legend is very beneficial, any of these congested maps, just because of the way they are maybe could do that. I know it adds a few more pages but might clarify a lot.

**Fortune :** May want to do the same thing for pages 84 and 85? I'll make a note to change those. And the only other change that I've got to present to you is page 94. The zoom in map for the bike routes in around Buckingham County. I did add the legend for the bike routes that hopefully is readable.

**Kapuscinski:** So this map is just a piece of the map on page 93.

**Fortune :** Yes, that's correct. So at this point, I'll turn it over to the group and see what other questions or comments you have on draft section four?

**Davis:** One question, Mr. Chairman.

**Bickford:** Yes, sir. Go ahead.

**Davis:** We tabulating this track data are we tabulating into buggy traffic today now we have a lot of Amish on our roads now. Has that been?

**Fortune :** I do not know the answer that I'll have to ask vdot if that, if that if those numbers include buggy traffic.

**Bickford:** I would assume the accident would be.

**Davis:** We had several accidents with buggies over the past few years and yesterday me and wife came to Dillwyn for lunch after church and we met just as many buggies as we did cars.

**Bickford:** Coming out of church, I would assume the accident report would reflect that. But now I'm not sure about the traffic.

**Fortune :** the traffic counts I'd had, I'll have to ask vdot if that's the case. And if not, I'll see if they have an idea where we can get that.

**Davis:** Amish are buying and steady coming in and they projected by 2045. Well, to me, they need to be tabulated into the road data to.

**Fortune :** Alright, we'll say we can get on that for you. Anything else?

**Bickford:** Any other commissioners? Guess not Todd.

**Fortune :** Hey, Tyler, you still online?

**Tyler Henderson:** Yep, I'm still here.

**Fortune :** Okay, so we've gone through sections three and four. Are you ready to go over the your changes to the survey results?

**Henderson:** Sure. Yeah. There aren't very many changes at all.

**Fortune :** Okay. Go ahead. Take it away, Tyler.

**Henderson:** Okay. All right. So the first change is on page six of the report. At the bottom of the text, I added in a note about the margin of error. Just kind of based on the conversation that we had at the end of the meeting to provide some context for interpreting the data.

**Kapuscinski:** The left hand side access to that is that people that number of people?

**Fortune :** Figure one. Oh, you talk about the zero 1020 3040. So that's actually give that's for reference. So for instance, James River is a little more than 90 went in the district representation. That's just giving you telling you giving you a frame of reference to determine how many people responded from each district.

**Kapuscinski:** So that that left hand axis is number of people?

**Fortune :** Yes, I'm sorry. Yes.

**Kapuscinski:** Yeah, they're on all of these. You might want to go back and at least define what the axes are. Because I am a little confused on some of them. This is pretty clear to me. But there are other graphs in this survey, I think that are pretty good. I just, I'm curious to find out some of those what reference those axes are.

**Henderson:** Yep, so add in a description of what the axis are for the graph. And then next change is on page 13 on table three. I tried to add a note in at the bottom to help interpreting the numbers and similar changes on tables eight and nine on page 20. And then those were those were the changes that made. I

can go back and add in a descriptor for the axis on the graph where it could provide help provide a little bit more clarity.

**Kapuscinski:** Excuse me, that would be on all the graphs Correct? Would you go through and do that?

**Henderson:** Right, all the all the bar graphs I'm looking at right now.

**Kapuscinski:** Yeah, that's it. Thank you.

**Henderson:** Okay, so that's it from, from my, for the survey report.

**Bickford:** Commissioners have any questions in this section? Concerns?

**Davis:** I just one question was chairman, why were we doing a scale like, one is one to eight on table eight. And eight is being the lowest priority, but then you come down to the next one, five indicates very important priority. I mean, why are we changing the scale? Shouldn't all of them be one being low to high or number being high? I mean, I just found it confusing.

**Henderson:** So for that there were actually two different types of questions. For the for the county priorities for improving quality of life, that was asking participants to rank these in order these eight specific categories. So everyone, you know, rank ordered it with each one, getting one ranking. Whereas in table nine, that question, asked them to give a one to five score for each of those questions separately, and then the score on the side is the average score. So it's a little bit different when it's an average score versus an average rank. And it's just based on how the questions were asked.

**Fortune :** So what we did there with the table now, we actually asked, correct me if I'm wrong, Tyler, to rank, very important, someone important, important, somewhat unimportant or not important at all, whereas with the table eight, we had those eight issues, and we want them all ranked from one to eight. So that's why they're done differently.

**Bickford:** Comments from the commissioners,

**Kapuscinski:** Mr. Chairman, I'd like to refer to figure 15, on page 25. Can you just explain what that upper chart means? I don't see. I guess I don't understand the just the descriptors. Can you go ahead and explain that chart?

**Henderson:** Yes, so the columns are the stack, vote for the different types of growth in those areas. And the yellow base behind it is the amount of votes for no growth in those areas. So when you're looking at

Dillwyn Sprouses corner, the blue part of the column is for business and commercial growth. The orange or red part is for industrial growth; the gray is for residential growth. And the amount that goes up to that yellow area is the amount of votes for no growth. Whereas in Yogaville, you can see that the amount of votes for no growth was almost as much as there were any votes for any type of growth.

**Kapuscinski:** Okay, so let me if you don't mind, let me let me ask the question. First of all, what those lines represent what, what is the x axis?

**Henderson:** Number of votes I can add the numbers there and then add the descriptor there as well.

**Kapuscinski:** Okay, so that would be the number of respondents Correct?

**Henderson:** Yeah.

**Kapuscinski:** All right. So what you're saying is, essentially, what you did is you use the line graph to describe the people that really wanted no growth, instead of putting another bar on top of the other bars.

**Henderson:** Right.

**Kapuscinski:** Okay I understand. Then in February 6, I'm sorry, in figure 16, I'd be interested in understanding what the left hand axis is you go all the way up to 800. So what is that?

**Henderson:** That's the total number of both for business and commercial growth across all the different areas. If you were to add all the blue columns together, that would be the commercial column.

**Kapuscinski:** So would include all the different kinds of commercial growth that were voted on by the four or 500 people that we interviewed?

**Henderson:** Correct. But it's the same data from this future growth and development. It's just combined into business and commercial rather than separated by area.

**Kapuscinski:** So the x axis again, are the y axis again, here is number of response, or number of questions responded because we didn't have we didn't have 1000 people responding to this survey.

**Henderson:** But people could vote for business or commercial growth Dillwyn Sprouses Corner Alpha Scottsville so each person could technically give eight votes for business and commercial growth if they want a business commercial growth and all the different areas.

**Kapuscinski:** Okay, so that represents the total number of like responses. That's what you're telling me? That would be the y axis.

**Henderson:** Correct. Yeah.

**Kapuscinski:** Okay. Maybe some information and that would help to.

**Henderson:** I think that clarifying the axis is definitely something that'd be helpful.

**Kapuscinski:** Then on figure 17, the very first the manufacturing bar has three different colors, and then you jump down to green for the rest, I guess. Can you explain that one for me?

**Henderson:** Yeah, the different colors for the manufacturing was just the represent the different types of manufacturing options we gave. And then the green was just the I guess each one could get its own color. But I just went the rest of them the same color since they were all only one type of bar.

**Kapuscinski:** So manufacturing, you broke down into three different categories, and the rest had their own category.

**Henderson:** Manufacturing, yep was that we had three options of different types of manufacturing in the survey.

**Kapuscinski:** Okay, that's understandable. And then figure 18. I'm assuming the same with regard to the x axis the same situation holds true is I think it was Figure 17 or no figure, Figure 16. So that's just the grand total number of kinds of questions that we responded to obviously don't represent the number of people Correct?

**Henderson:** Yes, I would have I had to double check that one. But I believe that is true.

**Kapuscinski:** All right, well, a legend on that particular axis would help to.

**Henderson:** Yep, Yep, definitely.

**Kapuscinski** That's it for me. Thank you.

**Shumaker:** Mr. Chairman. On page three, read. The very first bullet says a total of 496 citizens participated. I think that's a little misleading. I think that should probably say we received 496 responses. Because I can attest that I've seen on Facebook that one person said they responded at least 12 times. So

I don't think that we had 496 unique citizens because this survey didn't have a control so that each citizen could only take at one time or the pleasure of the rest of the committee but I don't think that's 100% accurate.

**Fortune :** Catch that tyler?

**Henderson:** Yep. Yeah, I think that's a great point

**Bickford:** Any other comments concerns? Yes JD

**Crews:** on table 11 If you go over from economic use of natural resources it says under sample comments support exiting mining I don't know if it's supposed to be existing mining. Table 11 page 26.

**Fortune :** Yeah, no that should be existing that's a typo Tyler that title that's the second row on table 11 page 26. Economic use of natural resources under the sample comments should say support existing mining

**Henderson:** Oh, yep. Okay yeah.

**Bickford:** Great, okay. Any other comment from the commissioners?

**Shumaker:** So I'll bring it up for discussion, maybe not with CRC right now. But given what I just said about there being no control with the survey and multiple people taking it multiple times the statement in here that says on page six right above the graph, the last in there that we just added about margin of error, it says In other words, the survey results offer a statistically reliable reflection of the broader populations, perspectives and characteristics. With 496 responses Again, that could be not accurate? You know, I don't know if I feel comfortable saying that. It's a reflection of what the greater population wants. You know, of the total 16,000 residents even with 496 I don't know that that would be accurate, but especially given that it might be biased results of multiple people talking multiple times. Page six.

**Fortune :** Just about the last sentence. Strike that last sentence for right now.

**Bickford:** And your suggestion is to take that out?

**Shumaker:** That is my suggestion. Yes.

**Bickford:** How does the other commissioners feel about that? Everybody in agreement so far here.



**Dorrier:** I don't feel like it's a good representation of what we have 496 people out of 7000.

**Davis:** Does that 16,982 does that reflect the prison population to Nicci?

**Edmondston:** 16,982 does yes.

**Davis:** Because I know when we redistrict last year, well, we don't count the prison population in our redistricting anymore. Unless they were a resident of Buckingham when they got locked up is what we were told.

**Edmondston:** You'd have to rely on what the census is doing. Todd may be able to speak more to that or...

**Fortune :** Yeah, we're going to have to Tyler. the Page Six where he's up talking about the population? Is that the 2020 census? Or is that the most recent American Community Survey estimates?

Henderson: Yeah, I should reference it. To be sure I think it's the census. But yeah, I can go back and **make** sure and then reference it there.

**Fortune :** The question is 16982 includes the prison population? Is that what I'm hearing? Okay. Tyler, if we can confirm whether that 16,982 includes the prison population. Just make. Make a note of that for the next time.

**Kapuscinski:** Mr. Chairman, I got one other question.

**Bickford:** Yes, sir. Go ahead.

**Kapuscinski:** I'm looking at some of the numbers on these charts. And I know we've got 494 of responses. And some of these charts show in total less than that, or a different number. So I'm assuming that some the numbers that you've tallied here may include may include surveys that either skipped a response in other words, why wouldn't as an example on figure 20 why would those total numbers be less than the 494?

**Fortune :** What page are you on?

**Kapuscinski:** Page Number 30 figure 20I think I'm in right, that's 230-430-4384. I'm sorry, 44 versus the 494. So I guess what I'm saying is I'm not. I wouldn't be overly concerned if you said, Well, look, there just weren't that many responses or people just skipped over them. But then the big question would

be, why would they be in? Why would they not be included In my opinion? Seems like the numbers should tie out,

**Fortune :** Prove me wrong Tyler unsure, no opinion was actually an option. So it's entirely possible there's people that just didn't answer the question. We don't want to assume we don't want to assume and if they're not answering, that means they're unsure or I have no opinion.

**Kapuscinski:** Okay, all right. Yep. So that would just represent the people that didn't answer any of those questions. Okay.

**Bickford:** Ashley did we make clear what your change was on six? Got to look into the population, make sure the prison is not in there. You also wanted to... I think it was consensus of the commission to remove that last sentence.

**Shumaker:** Right, the last sentence of that final paragraph.

**Bickford:** Okay. You got that, Todd? Just wanted to make sure before we move down. Any other comments or concerns?

**Henderson:** So the one comment, for the for that comment, at least is that specifically reliable is a little bit different than statistically valid. And what this is saying is just that if we were to do the survey over again, and take another random sample of 400, plus citizens from Buckingham, we could be 95% sure that the value we would get would be within 4% of the value that we got in this survey. But that's not necessarily saying that that value is within 4% of the true value of the population. Which is a little bit different. So just wanted to make that comment.

**Kapuscinski:** Is there something that you do to determine the statistical significance of the entire study? I mean, if you're looking at 500, out of roughly what 14,000 Excluding the prison population, does that I mean, is that a is that a statistically significant number?

**Henderson:** Oh, yeah, to have a 95% confidence interval with a margin of error. This low is only possible with a sample size that is this high. Typically, surveys work with around 100 to 200 people. And that's, you know, making generalizations to a much larger population.

**Kapuscinski:** So you can safely say that the sample that we've got here, pretty much would represent the county.

**Henderson:** Right, and 95% confidence interval means that we basically there's a 5% chance that this is a you know, a statistical anomaly, but we're 95% Sure.

**Kapuscinski:** Thank you.

**Shumaker:** Does CRC keep a record of how many unique logins or devices completed the survey?

**Fortune :** That I don't know. As far as I'd have to get, I think it was it was Lauren who sent the survey up so she's actually not here. I can actually ask her if she can access that.

**Davis:** Im worried about that young people are not responding to this to over half the respondents were over 50 years old.

**Bickford:** All right. We have no other comments or concerns? And we have our changes and edits.

**Fortune:** So what I envision Next I got the map over here and I'm thinking we could maybe put it here in front of the dais and if the group wants to walk down we can take a look at this map and kind of give me some feedback on how you want to change it or if you want to change it at all this is the future land use map from the previous comp plan so that's great the group's agreeable to that or I can just put it down from the dais right here and move the podium back and let you let y'all look at it from your seat.

**Bickford:** Probably simpler just for commission to come down and view it I guess only got seven of us.

**Fortune :** This is kind of how i envisioned the rest of the meeting going like.

**\*Commissioners walked away from mics to view map and became inaudible\***

**Bickford:** That closes out our discussion topic and we'll move to commission matters and concerns. Everybody has had time. I know Calvin hadn't because he's just coming on. We can postpone this till next regular meeting next week. Or we can go ahead and look at possible changes that's necessary from a code of ethics and code of conduct. What's the pleasure of the commission is everybody feel comfortable now to go ahead and make, make suggestions and changes and vote on it or wait until next meeting?

**Edmondston:** I did receive a request from Commissioner Gooden that she'd like to be present for any action to be taken on that. But I'm sure we have discussion regarding that.

**Bickford:** I'm not opposed to doing that. But I'll ask for the pleasure of the commission with the majority ones. I will say that I did forget to announce that we'd already talked about actually I talked to Mister wright and Joyce about this. On the code of conduct. Number seven, that needs to be deleted, be open minded and patient, that's fine. But the problem is, we say and staff sufficient opportunity to present our views, that goes against our bylaw of three minutes. I think the best thing to do is is take that out, and then own the code of ethics. It's the same thing. It's repeated on number 10. All citizens, colleagues or staff sufficient opportunity to present their views. I can see someone wanting more than our three minutes. I don't want to I think wise thing is delete it. I did want to make those changes. What's the pleasure of the commission, you want to postpone until meeting next week? And we'll go over this at the end of the meeting? Or do you want to go ahead and make the changes? Joyce has asked to be there.

**Kapuscinski:** Mr. Chairman, you're making a recommendation to take these two out based on your conversation with Mr. Wright?

**Bickford:** Yes, but If we are going to vote on something lets do it all tonight, or wait until next week. So Joyce can be here. So it's really, whatever the commission wants me to do. Well, y'all are non committal. I tell you what we'll do so she asked so if nobody has heartburn, we'll just do it at the end of the regular meeting next week. Let me make I did want to make one other suggestion. And I'll give you some time to think on it. On the one that was number four, on the Code of Ethics seek to find and use most equitable, efficient, effective and economical means for getting tasks accomplished. I interpret that I read about five times. And I interpreted that is this because it says economical means I can foresee a possible applicant. Well, they're trying to get, they may cut discussion on my application, because they're trying to get the task done as quick as possible. So I'm not saying that everyone would look at it that way. But that's sort of what I saw. So I'm coming from that angle that I think it's probably doesn't need to be in here. I know, I see what they put it there for. But I can see a problem possible problem with somebody thinking, Well, I'm getting shortchanged a little bit, because they're, they're trying to keep moving along, and I may not have got the due diligence that I should have had. So that's just my opinion. And I'm just throwing it out there.

**Davis:** Doesn't take but one.

**Kapuscinski:** Chairman, with respect to your comment, my view, the whole thing was I didn't even know what the whole sentence meant. But if there was an insistence on something, I would suggest to say that to the best of our ability, we use a process that allows a fair and effective response to those bringing projects and issues forward to the commission. But I don't know I mean, we've said it a dozen times. So I don't even know that it needs saying.

**Bickford:** Which one pete?

**Kapuscinski:** That's number four in the code of ethics.

**Bickford:** Yeah, that's what I'm talking about.

**Kapuscinski:** If you need a statement, what your what you've saying in other sentences and throughout your ethics and your conduct it just to the best of our ability, a process that allows fair and effective response to those bringing projects and issues forward to the commission. My point is, I didn't understand the sentence where it was written. I didn't even think it was needed.

**Bickford:** That's what I was saying so you're, you're in agreement with me. Alright, but anyway, we will decide on that as food for thought. Anyone in the commissioner have anything they want to voice? Seeing none do I have a motion to adjourn?

**Kapuscinski:** So moved.

**Dorrier:** Second.

**Bickford:** All in favor, raise your right hand. And that was unanimous. We are adjourned. Thank you.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Bachrach	X	
Davis	X	

**Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission to adjourn the meeting.**

Attest:

Cheryl T. “Nicci” Edmondston  
Zoning Administrator/Planner

John E. Bickford  
Chairman

# **Buckingham County Planning Commission**

**April 22, 2024**

**Administration Building**

**6:00 PM**

## **Public Hearing Case 24-ZMA340**

**Applicant:**

Three Thousand West Clay LLC  
John K. George  
5005 W Clay St  
Richmond VA 23230

**Property Information:** Tax Map 31 Parcel 8, containing approximately 2.25 acres, located near 31786 N James Madison Hwy New Canton VA 23123, Marshall Magisterial District.

**Zoning District:** Agricultural District (A-1)

**Request:** Zoning Map Amendment-The Applicant is Requesting Rezoning from Agricultural A1 to Business B1 for Commercial Use.

**Background/Zoning Information:** This property is located at N James Madison Highway New Canton, VA 23123, Marshall Magisterial District. This property is currently zoned Agricultural A1, the landowner Charlottesville Realty Corp and the applicant is John K. George. This property operated as a commercial business many years ago, and has no grandfathered status due to timeframe since last operation. Mr. George contacted me earlier this year regarding the possibility of commercial usage of this property. Special Use Permits were explained, but he did not feel that a SUP would best suit his business plan, as he would potentially have to seek multiple SUPs due to the specific tenant that may occupy the building. Mr. George indicated that a zoning map amendment would best suit his needs, as any permitted use would be allowed without seeking special use permits. This request was presented to the Board of Supervisors at the February 2024 meeting, seeking advisement as to the acceptance of this application. The Board of Supervisors was agreeable, and Mr. George was notified to proceed with his application for the zoning map amendment. This proposal is located within the Arvonias-New Canton Village Center (as described on page 161, Buckingham County Comprehensive Plan) which surrounds U.S. Route 15 near its entrance into the County from Fluvanna County. 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.

Village Centers are 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):

- Arvonias-New Canton Village Center (Page 161)
- Buckingham Court House Village Center (Page 163)
- Gold Hill Village Center (Page 164)
- Yogaville Village Center (Page 170)

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



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

### **Permitted Uses**

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

Antique Shops

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

Art, Craft and Hobby Stores (Supplies and Works)

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

Barber & Beauty Shops

Caterers

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of

the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

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

Churches

Convenience Stores

Day Care Centers

Drug Stores

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

Emergency Service Facilities

Financial Institutions, including but not limited to Banks, Savings and Loans and Credit Unions

Food Stores - Bakery, Butcher, Candy

Funeral Homes

Garages, Private

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Lube Shops, Auto Repair, Towing Service

Medical Clinics

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Off-Street Parking

Parks & Playgrounds

Offices, Professional

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

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

### **Special Use Permits**

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

Amusement Centers - Bowling Alleys, Pool Halls, Skating Rinks, Swim Clubs, Theaters

Assembly Halls - community centers, lodge halls

Auction Barns

Automotive Wash Operations - 10/9/01

Automotive Sales Lot to Include the Sale of Recreational Vehicles, Trailers, and Boats - 8/13/01

Clubs, Public & Private - country clubs

Colleges

Community Centers

Dog Businesses - Kennels, Grooming, Boarding, Training, Trials

Dormitories

Drive-In Restaurants

Drive-in Theatres

Flea Markets

Laundromats & Dry Cleaners

Lodge Halls

Parking Facilities, Commercial

Public Facilities

Public Garages

Public Utilities

Radio & TV Stations

Restaurants - With some on Premises Alcoholic Beverage Consumption - 7/12/99

Schools, Public & Private

Tattoo Parlors/Galleries - 11/20/03

Telecommunications- non-concealed attached and non-concealed freestanding towers (See Article 9)

Warehousing to include Mini-Storage Facilities - 9/11/00

Area Regulations

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

### **Setback Requirements**

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

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

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

What are the wishes of the Planning Commission?

Set a Public Hearing?

April 22, 2024 6pm?

## REZONING APPLICATION CHECKLIST

BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION  
REQUIREMENTS

*James River Landing*

*Parcel 31-8*

The following table lists the information necessary to review a rezoning application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

**Adjacent Property Owners List and Affidavit** (pages 5, 6 & 7 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

**Completed application for rezoning** (pages 3 & 4 attached). If not signed by the owner, a *+ notary* Power of Attorney must accompany the application: ☒ YES ☐ NO

**Interest Disclosure Affidavit** (page 8 attached). Must be signed by the owner: ☒ YES ☐ NO *+ notary*

**Power of Attorney** (page 11 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: YES ☒ NO

**Written Narrative** (page 12 guidance in preparing the Written Narrative): ☒ YES ☐ NO

**Fees:** ☒ YES ☐ NO *bring checkbook*

**Deed:** ☒ YES ☐ NO

**Plat** (15 ~~copies~~ *not needed*). The plat information may be incorporated into the Rezoning General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: ☒ YES ☐ NO
- B. Area of land proposed for consideration, in square feet or acres: YES ☐ NO
- C. Scale and north point: ☒ YES ☐ NO
- D. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES ☐ NO

**Rezoning General Site Plan** (15 ~~copies~~ *not needed*) The General Site Plan must contain the following:

- 1. Vicinity Map – Please show scale: ☒ YES ☐ NO N/A
- 2. Owner and Project Name: ☒ YES ☐ NO N/A
- 3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: ☒ YES ☐ NO N/A
- 4. Property lines of existing and proposed zoning district lines: ☒ YES ☐ NO N/A
- 5. Area of land proposed for consideration, in square feet or acres: ☒ YES ☐ NO N/A
- 6. Scale and north point: ☒ YES ☐ NO N/A
- 7. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES ☐ NO N/A

8. Easements and encumbrances, if present on the property: ☒ YES NO N/A
9. Topography indicated by contour lines: ☒ YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of "no areas having slopes of 15% to 25% or greater"): ☒ YES NO N/A
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of "not in floodplain"): ☒ YES NO N/A
12. Delineation of existing mature tree lines or written indication of "no mature tree lines": ☒ YES NO N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO ☒ N/A
14. General locations of major access points to existing streets: ☒ YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: ☒ YES NO N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: ☒ YES NO N/A
17. Location of existing and proposed utilities, above or underground: ☒ YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: ☒ YES NO N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: ☒ YES NO N/A
20. Location and design of screening and landscaping: ☒ YES NO N/A
21. Building architecture: ☒ YES NO N/A
22. Site lighting proposed: ☒ YES NO N/A
23. Area of land disturbance in square feet and acres: ☒ YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more):  
YES NO ☒ N/A
25. Historical sites or gravesites on general site plan: YES ☒ NO N/A
26. Show impact of development of historical or gravesite areas: YES NO ☒ N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: ☒ YES NO N/A



**APPLICATION FOR A ZONING MAP AMENDMENT**

CASE NUMBER: \_\_\_\_\_

(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: March 1, 2024

Zoning Map Amendment: for parcel TM 31-8

Purpose of Zoning Map Amendment:

to re-zone parcel TM 31-8 from A1 to B1  
to allow the formerly commercial property to be resold.

Zoning District: Agricultural A-1 Number of Acres: 2.25

Tax Map Section: 31 Parcel: 8 Lot: 1/4 Subdivision: 1/4 Magisterial Dist.: Marshall

Street Address: Rt 15 at New Canton - across from 31786 N. James Madison Hwy

Directions from the County Administration Building to the Proposed Site: W on Rt 60, Turn left to  
go N. on Rt 15 to 2nd to last bldg on left before the James River.

Name of Applicant: Three Thousand West Clay LLC

Mailing Address: 5005 W. Clay St, Richmond VA 23230

Daytime Phone: 804-350-8448 Cell Phone: 804-350-8448

Email: john@johnkgeorgeandcompany.com Fax: n/a

Name of Property Owner: Charlottesville Realty Corp

Mailing Address: Box 6340 Charlottesville VA 22902

Daytime Phone: 804-201-7846 Cell Phone: 804-201-7846

Email: whurdeckentseamans.com Fax: \_\_\_\_\_

Signature of Owner: William H. Hurd  plis notarize Date: Feb. 29, 2024

Signature of Applicant: John K. George Date: 2/29/2024

Please indicate to whom correspondence should be sent:

☐ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer

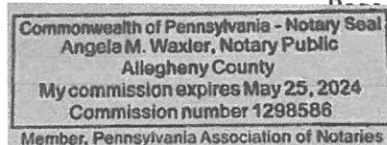
☒ Applicant

Buckingham County Rezoning Application

Commonwealth of Pennsylvania, County of Allegheny

Sworn and subscribed before me, this 29th day of  
February, 2024.

Angela M. Waxler



Online Notary Public. This notarial act involved the use of  
online audio/video communication technology.

Page 3

## ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Charlottesville Realty Corp (Subject Property)  
Mailing Address: Box 6340, Charlottesville VA 22902  
Physical Address: Rt 15 at New Canton, across from 31786 N. James Madison Hwy  
Tax Map Section: 31 Parcel: 8 Lot: n/a Subdivision: n/a
2. Name: Geoffrey T. & William F. Lesueur  
Mailing Address: PO Box 219, New Canton VA 23123  
Physical Address: 31786 N. James Madison Hwy. (across the street)  
Tax Map Section: 31 Parcel: 89 Lot: n/a Subdivision: n/a
3. Name: Geoffrey T. & William F. Lesueur  
Mailing Address: PO Box 219, New Canton VA 23123  
Physical Address: 31657 N. James Madison Hwy (next door to South)  
Tax Map Section: 31 Parcel: 9 Lot: n/a Subdivision: n/a
4. Name: Roy A. & Cheryl M. Martin  
Mailing Address: 860 Allens Lake Rd, Dillwyn Va. 23936  
Physical Address: 31937 N. James Madison Hwy. (next door to North)  
Tax Map Section: 31 Parcel: 7 Lot: n/a Subdivision: n/a

6. Name: Donald R. Jones Jr.  
Mailing Address: 31471 N. James Madison Hwy New Canton VA  
Physical Address: (Same as above, behind to the West) <sup>23.123</sup>  
Tax Map Section: 31 Parcel: 6 Lot: n/a Subdivision: n/a

7. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

8. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

9. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

10. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

11. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_



# ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA  
COUNTY OF BUCKINGHAM

This 1<sup>st</sup> day of March, year 2024

I John K. George hereby make oath that  
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

John K. George

(owner/contract purchaser/authorized agent – please circle one)

NOTARY:  
COMMONWEALTH OF VIRGINIA

COUNTY OF Henrico

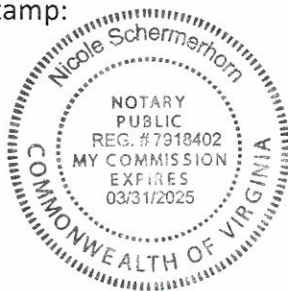
STATE OF Virginia

Subscribed and sworn to me on the 1<sup>st</sup> day of March

of the year 2024. My Commission expires on 03/31/2025.

Notary Public Signature: Nicole Schermerhorn

Stamp:



## INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA  
COUNTY OF BUCKINGHAM, VIRGINIA

On this 29<sup>th</sup> day of February, of the year 2024,

I William H. Hurd, Secretary of Charlottesville Realty Corp. (printed name of owner)  
hereby make oath that no member of the Buckingham County Board of Supervisors nor  
the Buckingham County Planning Commission has interest in such property either  
individually, or by ownership of stock in a corporation owning such land, or by  
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of  
stock in or as a director or officer of any corporation owning such land, directly or  
indirectly by such members of his/her immediate household, except as follows:

None

Signature of Owner: (to be signed in front of notary public)

William H. Hurd



Secretary, Charlottesville Realty Corp.

NOTARY PUBLIC

COUNTY OF Allegheny STATE OF Pennsylvania

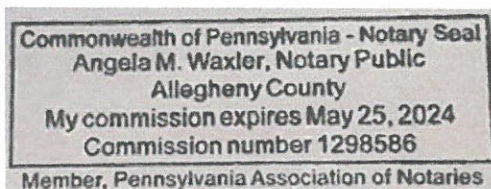
Subscribed and sworn to me on this 29th day of February,

of the year 2024. My commission expires May 25, 2024.

Notary Public Signature: Angela M. Waxler



Stamp:



Online Notary Public. This notarial act involved the use  
of online audio/video communication technology.  
Notarization facilitated by SIGNiX®

**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR  
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: \_\_\_\_\_

Visual Inspection Findings (describe what is on the property now):

Circa 1950 concrete block one story building  
with vehicle drive-in doors on front &  
on right side

County Records Check (describe the history of this property):

This is the original building constructed on  
the parcel soon after the parcel was  
created in 1949.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes \_\_\_\_\_ No X

If yes, please explain and show on the site plan the location of such and explain any historical significance:

none

Will this proposal have any impact on the historical site or gravesite? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain any impact:

n/a

Owner/Applicant Signature: John K. George Date: 2/29/2024

Printed Name: John K. George Title: Manager Three Thousand  
West Clay LLC



## APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: \_\_\_\_\_

Applicant: Three Thousand West Clay LLC

Location: Parcel 31-8 Rt. 15 at New Canton

Proposed Use: General Business B1 Zoning

### For VDOT use only:

☒ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☐ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

☐ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Does the existing entrance meet VDOT requirements for the proposed use?

Yes \_\_\_\_\_ No ☒ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

The current access points are not acceptable for the use as proposed. The entrance location and design will be evaluated through the site plan review process in accordance with Access Management Regulations 24VAC-30-73 and the associated Road Design Manual, Appendix F standards. Improvements made shall be per the standards for a commercial entrance.

The need for right and left turn lanes will be evaluated at the time of site plan review based on the volume of traffic generated with the approved use/zoning of the site. An engineering evaluation/traffic analysis by the applicant may be warranted.

**Brian Lokker,**  
**P.E.**

Digitally signed by Brian Lokker, P.E.  
Date: 2024.03.15 15:01:44 -04'00'

Signature of VDOT Resident Engineer: \_\_\_\_\_

Printed Name: Brian Lokker Date: 3-15-24

## APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: \_\_\_\_\_

Applicant: Three Thousand West Clay LLC

Location: Parcel 31-8 Rt. 15 at New Canton

Proposed Use: General Business B2 Zoning

### For VDOT use only:

\_\_\_\_\_ A Traffic Impact Statement is required per 24 VAC 30-155-60.

\_\_\_\_\_ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

\_\_\_\_\_ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Does the existing entrance meet VDOT requirements for the proposed use?

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of VDOT Resident Engineer: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

## SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA  
COUNTY OF BUCKINGHAM

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_,

I \_\_\_\_\_ the owner of \_\_\_\_\_  
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint \_\_\_\_\_  
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day \_\_\_\_\_ of the month \_\_\_\_\_ in the year of \_\_\_\_\_ and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

\_\_\_\_\_

NOTARY PUBLIC

County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn before me on the \_\_\_\_\_ day of \_\_\_\_\_

in the year \_\_\_\_\_. My commission expires \_\_\_\_\_.

Signature of Notary Public: \_\_\_\_\_

Stamp:

## **WRITTEN NARRATIVE**

The Written Narrative shall describe the relationship of the proposed project to the relevant components of the Comprehensive Plan. Please be very detailed and describe in depth each and every component 1 through 15. The following outline is provided to aid you in preparing the written narrative:

1. Land Use
2. Community Design
3. Cultural Resources
4. Economic Development
5. Environment
6. Fire and Rescue, Law Enforcement
7. Housing
8. Libraries
9. Parks and Open Spaces
10. Potable Water
11. Sewage
12. Schools
13. Telecommunications
14. Transportation
15. Solid Waste

If this proposal is for an event, describe the handling of the entire event, including but not limited to: number of participants, schedule of events, police, security, food, beverages, water, sanitation, emergencies, crowd control, entrances and exits, traffic control, signage, advertisement, parking, fee collection, control of animals, trash disposal, site clean-up, fighting, alcohol, abuse of alcohol and/or illegal substances



# James River Landing Project

Re-zoning and Re-development of Parcel 31-8  
Buckingham County, VA

## Written Narrative

**1. Land Use-** After the end of World War II, Americans turned their sights on improving their lives in their own country. In Central Virginia at the northern border of Buckingham County, a big project was in the works. By 1949 plans were drawn for a new modern steel high bridge over the James River on Route 15, along with a new and straighter alignment for the road that would allow safe, comfortable and higher speed traffic into the county. This 50 ft. wide right of way was mapped out on the mostly forested and agricultural lands on the south shore of the James River where the bridge crosses into the County, and of course the new roadway opened up opportunities for commercial activities on both sides. In 1949, parcel 31-8 was created adjacent to the roadway, in anticipation of the development of an automotive service garage on the flat land adjacent to the road. Although the parcel is approaching 5 acres in size and is roughly square, the hilly terrain only renders a small portion of the parcel suitable for commercial development and that is where the new concrete block commercial garage building was soon constructed. The building was used for automotive-related businesses for the next few decades, variously being a Nash automobile dealership, an Esso service station and more recently a Sunoco service station. We don't have information as to when the commercial use of the parcel ceased but we know that the building has been standing vacant since at least 1995, and it has been deteriorating all the while.

There are commercial parcels with buildings surrounding this particular parcel, with a fuel wholesaler located across the street, a former restaurant on the north side, and a vacant commercial building on the south side. Thus, the subject property is right in the middle of several current and former commercial parcels, but by reason of its prolonged vacancy has lost its grandfathered status with regard to the commercial use that it was built for.

This zoning map amendment seeks to re-establish commercial uses on this parcel and for that reason we are requesting to rezone the entire parcel to B1 zoning.

**2. Community Design-** According to the Buckingham County Comprehensive Plan, there is a need and strong desire for an increase in retail and service businesses being located within the County, in order to create jobs for the residents and to provide services that they desire. The comprehensive plan notes that it would be wise to support the location of these new business zones along major roadways and close to village centers, to avoid sprawl and to preserve the rural character of the land within the county. We feel that reestablishing business uses on this parcel for a building that was specifically constructed for commercial purposes is exactly in line with the comprehensive plan.



**3. Cultural Resources-** Perhaps one of the greatest cultural resources of Buckingham County is the historic James River that runs along the northern border. As a natural resource, the river provides unmatched water recreation, fishing, hiking and other outdoor activities. As a cultural resource, it is innately tied in with the history of the region, beginning with the natives who built their communities around the river, and with later populations using it as a major East-West transportation artery. While we do not currently have a specific use or tenants lined up for this project, it is our focus to attract a tenant and use that leverages the project's location near the James River, and for that reason we are naming the project James River Landing.

**4. Economic Development-** As previously stated, the County's comprehensive plan mentions repeatedly the need for new businesses to provide jobs and services. We think that restoring this parcel and this building to commercial use will provide an opportunity for one or more businesses to locate within it, and that will spur the development or redevelopment of other nearby commercial buildings and parcels. We will certainly be taking the worst looking building at the North end of the county and turning it into a showpiece, and that will encourage more attention and perhaps more investment in the surrounding area.

**5. Environment-** One of the best known secrets of economic development is the adaptive reuse of existing buildings. Adaptive reuse projects have a two-fold effect: they take an unused or vacant property and put it back in service, and they provide an opportunity for a new business to locate there. With each adaptive use project, you both eliminate blight and you attract new business! It's no coincidence that the adaptive reuse of existing buildings is extremely environmentally correct. Rather than plow over existing natural land to create locations for new business, adaptive reuse takes unused and blighted previously-developed properties and repurposes them into viable structures, without eliminating green space, without creating landfill debris, without creating expensive infrastructure improvements, and without creating increased storm water and runoff issues. Adaptive reuse is the most environmentally correct way to improve the built environment.

We have information that the underground fuel tanks used by the service stations were removed prior to 2000, and that DEQ shows no current concerns with the property, but we are having a Phase I Environmental investigation performed to get detailed confirmation.

**6. Fire and Rescue, Law Enforcement-** We see the re-establishment of commercial activity here on route 15 at the North end of the county as a natural and desirable continuation of the original intent of the area since the new road and adjacent commercial parcels were constructed in 1949. This location along a well-maintained and well-traveled roadway should provide no problems for our first responders to provide services if needed.

**7. Housing-** The county comprehensive plan also notes that there is a need and desire for additional housing and it notes that stick-built housing is by far preferable to any other. If our rezoning is approved, we will explore the possibility of constructing as many as seven modern state-of-the-art one bedroom apartments as a second story above the existing building. We are envisioning a Craftsman style architectural scheme with front porches and rear balconies that will fit in well with a rural nature of the county, and the apartments themselves will be constructed with durable and attractive interior fixtures and finishes such that we can rent them

at market rates to local residents. These residents could be shopkeepers of the retail spaces below or they could be remote workers, local residents who are downsizing, teachers or first responders. The apartments will be ADA compliant and accessible via a ramp and stairs.

**8. Libraries-** We do not envision our project having any effect on the libraries in the county although we would love to have library staff rent the apartments!

**9. Parks and Open Spaces-** Although our project does not have any formal park components, the terrain just behind the existing building and adjacent flat area slopes nicely to the west and is populated by mature hardwoods. The large rear windows of the existing building as well as the rear decks of the apartments above will have an unmatched view into the oak trees, the mountain laurel and the valley beyond. There will be open space as far as the eye can see. We have had preliminary investigations done for a septic system to serve the project and have been assured that we can construct the septic system and still retain every desirable tree that is currently on the property.

**10. Potable Water-** We expect that our project will be served by one or more drilled wells located on the parcel.

**11. Sewage-** Our preliminary soils investigation indicates that we can construct an engineered septic system in and amongst the mature trees at the rear of the existing building and we have enough area and soil characteristics to easily support the planned uses and septic requirements. Furthermore, a modern engineered septic system has a very long lifespan itself and will only add to the lifespans of the mature hardwood trees.

**12. Schools-** We do not expect that our project will have any impact on the existing schools themselves, but we also hope that we can provide elegant and affordable housing for the good teachers that we need.

**13. Telecommunications-** We expect that our project will be supported by the existing telecommunications infrastructure.

**14. Transportation-** Our site plan allows for ample parking on site, enough to accommodate the apartment dwellers and the workers and customers of the retail and service businesses on the first floor. If VDOT concurs, we plan to continue the use of the two existing commercial driveway entrances currently serving the parcel.

**15. Solid Waste-** We are including an enclosed dumpster facility for the use of the apartment dwellers and the commercial businesses. We will have signage and cameras to discourage unauthorized persons from using the dumpster. We will contract with a local waste hauler for proper disposal.

## SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

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.

I have read, understand and agree to the above requirements.

Applicant/Owner: \_\_\_\_\_

Date: \_\_\_\_\_

*John A. George, Manager, Three Thousand West Clay LLC*

## **TENTATIVE SCHEDULE FOR A REZONING AMENDMENT**

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

### **Example Timeline:**

January 25	Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.
February 22	Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting.
March 8	Case is introduced to Board of Supervisors.
April 12	Board of Supervisors may approve / deny / table for more information.

The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed.

You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

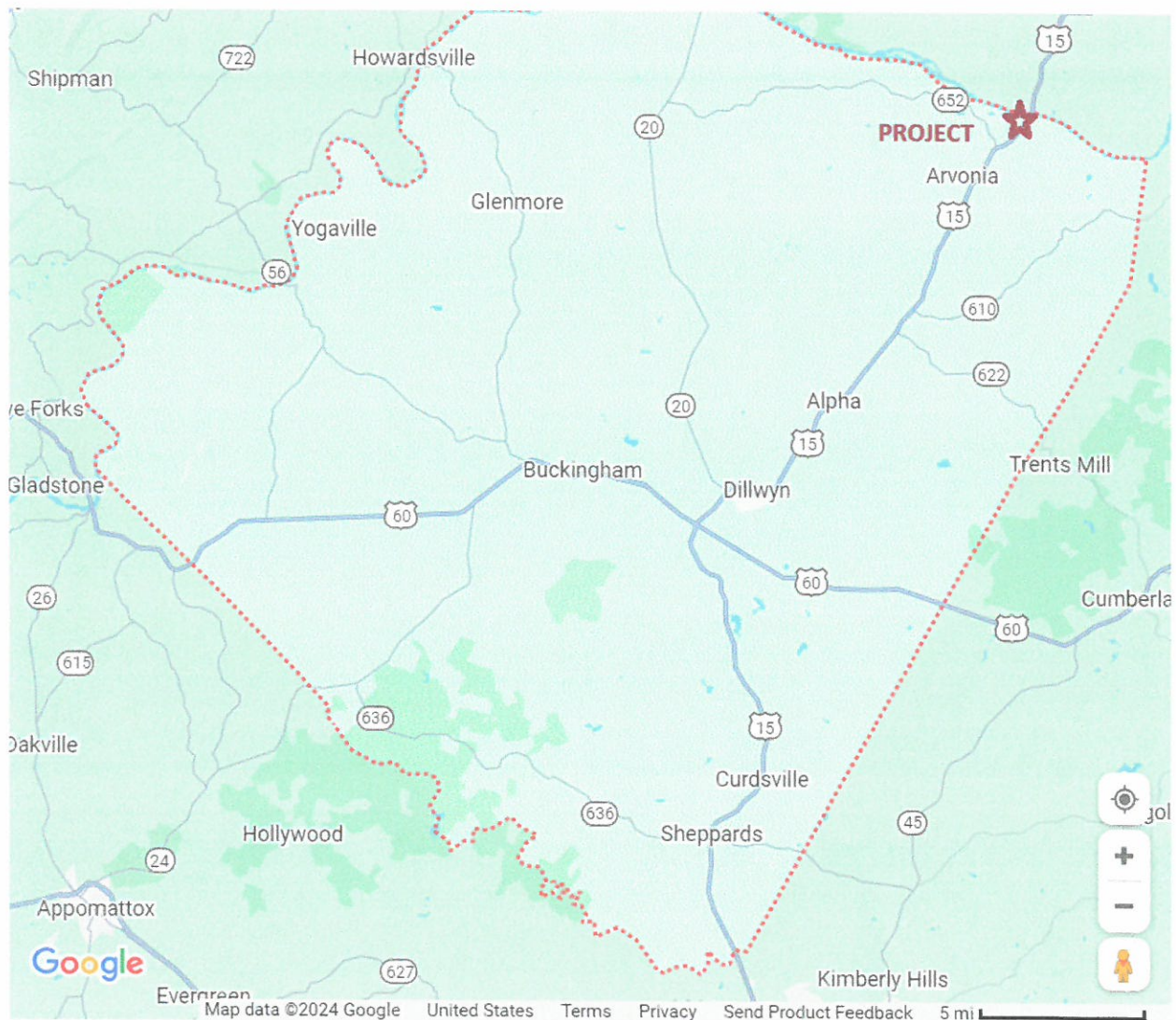


# VICINITY MAP

## James River Landing Project

Redevelopment of TM Parcel 31-8

Buckingham County VA



#623  
BOOK 118 PAGE 328

THIS DEED, made this 2nd day of June, 1980, by and between Charlottesville Oil Co., Incorporated, a Virginia corporation, hereinafter called GRANTOR, and Charlottesville Realty Corporation, a Virginia corporation, hereinafter called GRANTEE,

W I T N E S S E T H :

That for and in consideration of the sum of FOURTEEN THOUSAND, SEVEN HUNDRED NINETY THREE and 31/100 DOLLARS (\$14,793.31) of which NINETY THREE and 31/100 DOLLARS (\$93.31) is cash in hand paid by the GRANTEE to the GRANTOR, and FOURTEEN THOUSAND, SEVEN HUNDRED DOLLARS (\$14,700.00) consists of 147 shares of common stock at their par value of ONE HUNDRED DOLLARS (\$100.00) each of Charlottesville Realty Corporation, the GRANTEE issued to Charlottesville Oil Co., Incorporated, the GRANTOR, the receipt of which cash and shares of stock is hereby acknowledged on behalf of Charlottesville Oil Co., Incorporated by its president, James F. Dulaney, Jr., Charlottesville Oil Co., Incorporated does hereby GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Charlottesville Realty Corporation the following described property in Buckingham County, Virginia in the Marshall Magisterial District, to-wit:

all that certain parcel of land containing 2 1/4 acres, more or less with the improvements thereon fronting 550 feet on the southeast side of U. S. Route 15 just south of the James River, being the same property in every respect which was conveyed to the GRANTOR by Shirley Ray Watson et als by deed dated August 1, 1973 and recorded March 1, 1974 in the Office of the Clerk of the Circuit Court of Buckingham County, Virginia in Deed Book 92, page 572.

And in further consideration thereof, Charlottesville Oil Co., Incorporated does hereby assign unto Charlottesville Realty Corporation all of the former's right, title and interests as lessor under any leases of the above described premises now in effect subject to all terms and conditions thereof.

BOOK 118 PAGE 329

The above described parcels of land are conveyed by the GRANTOR to the GRANTEE subject to all easements, reservations, restrictions, conditions and other encumbrances contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the above described property which have not expired by a time limitation contained therein or otherwise have become ineffective.

IN WITNESS WHEREOF, Charlottesville Oil Co., Incorporated has caused this deed to be signed on its behalf by the officer identified hereunder.

CHARLOTTESVILLE OIL CO., INCORPORATED

by James F. Dulaney, Jr.  
James F. Dulaney, Jr., President

STATE OF VIRGINIA

COUNTY OF ALBEMARLE, to-wit:

The foregoing instrument was acknowledged before me this 27th day of June, 1980 by James F. Dulaney, Jr., President of Charlottesville Oil Co., Incorporated, a Virginia corporation, on behalf of the corporation.

My commission expires January 21, 1981.

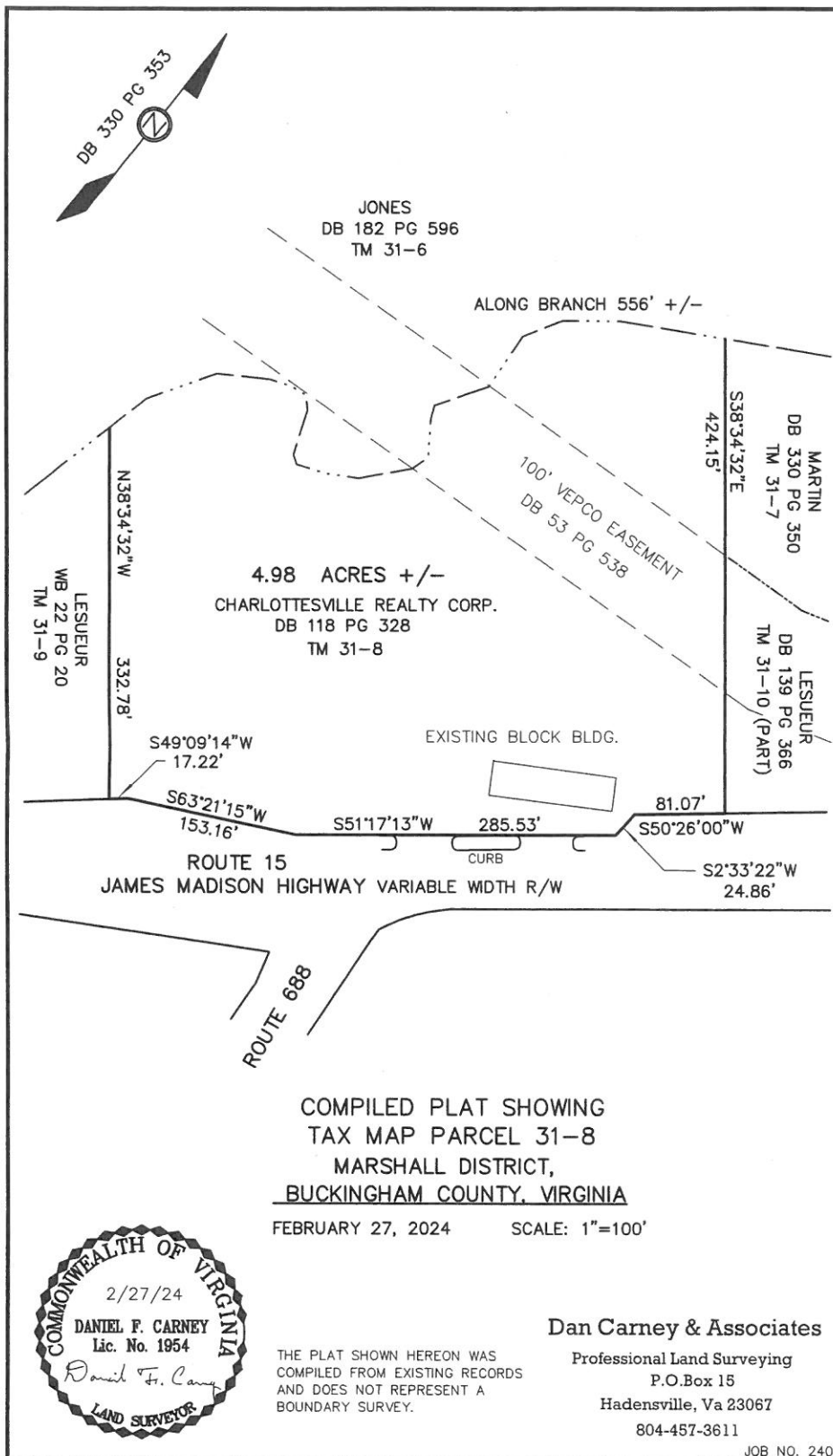
Edward O. McCue, III  
Edward O. McCue, III  
Notary Public

VIRGINIA: In the Clerk's Office of the Circuit Court of Buckingham County, 7-18 1980.  
The foregoing Deed was this day presented in said office and thereupon together with the certificates thereto annexed, admitted to record at 11A M. \$ 15.00 tax imposed by Sec. 58-54 (b) paid.  
ATTEST: MALCOLM BOOKER, JR. CLERK  
BY: Brenda L. Fitch DEP. CLERK





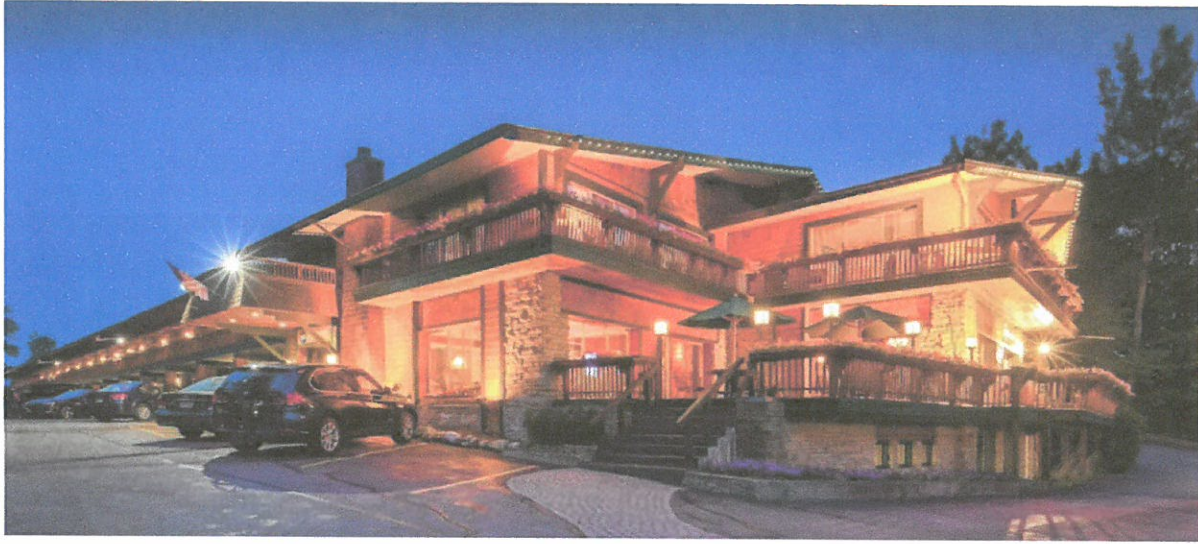




# James River Landing Project

## Craftsman Style Architectural Concepts

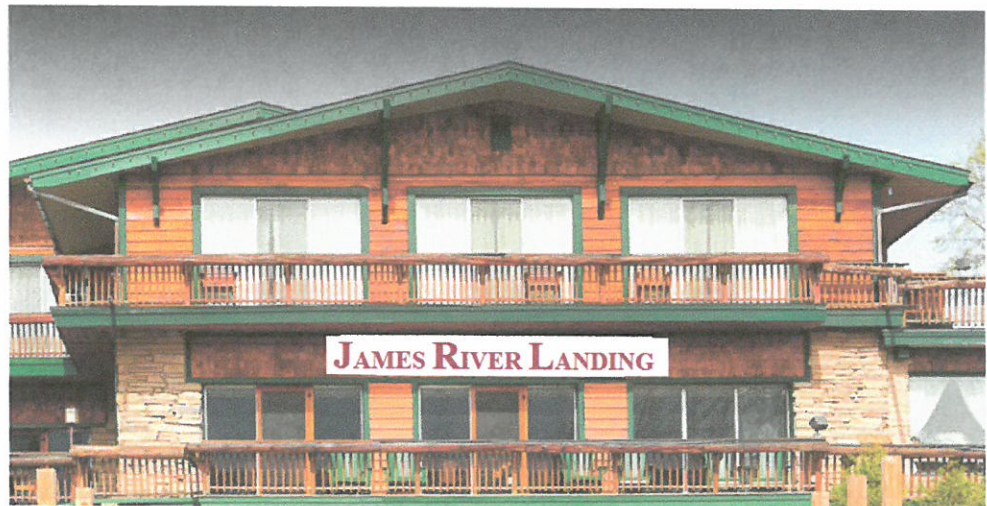
We will draw inspiration for the second level apartments from this historic mountain hotel pictured below.



Bracket supported gable end roofs



Full length porch on second story to access front doors of apartments



Rustic Craftsman detailing to complement the rural setting

## TAX RECEIPT

Ticket #:00000480001 @@

BUCKINGHAM COUNTY  
CHRISTY L CHRISTIAN, TREASURER  
(434) 969-4744  
POST OFFICE BOX 106  
BUCKINGHAM VA 23921

Date : 3/05/2024  
Register: KJ1/KJ1  
Trans. #: 15102  
Dept # : REZONE  
Acct# :

REZONING  
31-8

Previous  
Balance \$ .00

Principal Being Paid \$ 550.00  
Penalty \$ .00  
Interest \$ .00

JOHN K GEORGE & COMPANY

Amount Paid \$ 550.00

\*Balance Due \$ .00

Pd by JOHN K GEORGE & COMPANY Check 550.00 # 2159 UNITED  
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 3/2024

-----

## 2023 T A X R E C E I P T - 2nd H A L F

Ticket #:00025530002 @@

BUCKINGHAM COUNTY  
CHRISTY L CHRISTIAN, TREASURER  
(434) 969-4744  
POST OFFICE BOX 106  
BUCKINGHAM VA 23921

Date : 3/05/2024  
Register: KJ1/KJ1  
Trans. #: 15101  
Dept # : RE202302  
Acct# : 1421

REAL ESTATE 2023  
RT 15 - AT NEW CANTON  
2.25 AC

31 8  
Acres: 2.250

Land: 49400

Imp: 0

Previous  
Balance \$ 153.18  
Principal Being Paid \$ 135.85  
Penalty \$ 13.59  
Interest \$ 3.74

CHARLOTTESVILLE REALTY CORP  
BOX 6340  
CHARLOTTESVILLE VA 22902

Amount Paid \$ 153.18

\*Balance Due \$ .00

Pd by JOHN K GEORGE & COMPANY

CHECK 153.18 # 2158 UNITED  
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 3/2024

Property Identification Run Dt: 2/08/2024 Owner Name/Address Legal Description001 of 01  
Map #: 31 8 CHARLOTTESVILLE REALTY CORP RT 15 - AT NEW CANTON  
Acct #: 000001421-001 BOX 6340 2.25 AC  
Address: N JAMES MADISON HWY CHARLOTTESVILLE VA 22902  
City/St:

Deed Bk/Pg: 118/ 328/

Occupancy: COMMERCIAL Year Built: 1940 Acreage: 2.250  
Dwl Type: GARAGE CB MH/Type:N/ Year Rmld: Land Use:  
Use/Class: /COMMERCIAL/INDUSTRIAL Year Efflt: Total Mineral:  
Year Assd: 2020 Condition: POOR Total Land: 49400  
Zoning: On Site Date: (TC ) 8/12/2019 Total Imp:  
Dist: 04 MARSHALL Review Date: ( ) Total Value: 49400

----- Improvement Description -----  
Exterior Interior Site  
EXTERIOR-CINDERBLO SITE-PAVED  
EXTERIOR-BRICK SITE-LEVEL  
EXTERIOR-BUILT-UP  
CONSTRUCTION-BLOCK

----- Commercial Valuation -----  
Cls Grad YEff Description Str/# Size Rate Pct Value  
029 C 1940 GARAGE/SHOP 1.0 3300 +-----110-----+  
Total Market Value :  
: :  
: :  
----- Land Valuation ----- 30 30:  
M Cls Desc G Size Dpth Rate FV/Pct Value :  
A 17 COMMERCIAL H 1.000 45000.00 45000 :  
A 20 RESIDUAL K 1.250 3500.00 4375 :GARS  
Total Land Value 2.250 49400 +-----110-----+

----- Comments -----  
CINDERBLOCK GARAGE HAS NO CURRENT VALUE.  
-----  
Total Property Value 49400

Sec	Type	Str/Ht	Description	Area
GARS	GARAGE/SH	1.0	N30E110S30W110	3300
Total Square Feet				
-----				
		Cur. Value	Prev. Value	%Chg.
Land		49400	44400	11%
Improvements				
Total		49400	44400	11%
Average Price Per Acre			21944	



## **ALTA Commitment (Without Arbitration) (7-1-21)**

08/10/2021

V 9

### **ALTA Commitment for Title Insurance (7-1-21)**

Issued By

Stewart Title Guaranty Company

#### **NOTICE**

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

#### **COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

#### **COMMITMENT CONDITIONS**

##### **1. DEFINITIONS**

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
  - b. the Commitment to Issue Policy;
  - c. the Commitment Conditions;
  - d. Schedule A;
  - e. Schedule B, Part I - Requirements;
  - f. Schedule B, Part II - Exceptions; and
  - g. a countersignature by the Company or its issuing agent that may be in electronic form.

#### **4. COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

#### **5. LIMITATIONS OF LIABILITY**

a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

- i. comply with the Schedule B, Part I - Requirements;
- ii. eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
- iii. acquire the Title or create the Mortgage covered by this Commitment.

- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

#### **6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

#### **7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

#### **8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

#### **9. CLAIMS PROCEDURES**



This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

**10. CLASS ACTION**

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

**11. ARBITRATION (INTENTIONALLY DELETED)**

**STEWART TITLE GUARANTY COMPANY**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at: Stewart Title Guaranty Company, P.O. Box 2029, Houston, Texas 77252-2029.

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## STG Privacy Notice Stewart Title Companies

### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b> – For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to <a href="mailto:optout@stewart.com">optout@stewart.com</a> or fax to 1-800-335-9591.
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### SHARING PRACTICES

<b>How often do the Stewart Title companies notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How do the Stewart Title Companies protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
<b>How do the Stewart Title Companies collect my personal information?</b>	We collect your personal information, for example, when you <ul style="list-style-type: none"> <li>■ request insurance-related services</li> <li>■ provide such information to us</li> </ul> We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: *Stewart Title Guaranty Company*,

1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

**ALTA Commitment (Without Arbitration) (7-1-21)**

08/10/2021

V 9

**STEWART TITLE GUARANTY COMPANY**

**SCHEDULE A**

NUMBER: HT24-0031ST

Commitment Date: February 29, 2024 @ 8:00 a.m.

1. Policy (or policies) to be insured:

(a) ALTA 2021 **Owner's Policy:** Policy Amount: \$50,000.00

Proposed Insured: Three Thousand West Clay LLC

(b) ALTA 2021 **Loan Policy:** Policy Amount: \$n/a

Proposed Insured: n/a

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a Fee Simple.

3. Title to said estate or interest in said land is at the effective date thereof vested in:

Charlottesville Realty Corporation, a Virginia corporation

4. The land referred to in this Commitment is described as follows:

SEE ATTACHED SCHEDULE "A"

COUNTERSIGNED:



Authorized Signature

HAMILTON TITLE AGENCY, LLC  
710 N. HAMILTON STREET  
RICHMOND, VA 23221-2035  
(804) 358-4731

SCHEDULE A

ALL that certain tract or parcel of land lying and being in the Marshall Magisterial District, Buckingham County, Virginia, near by the River Service Station fronting 550' on the east on Route No. 15, adjoining the lands of F. I. LeSueur on the south and running along the lines of the lands of F.I. LeSueur for a distance of 330' to a creek or branch and the lands of Mrs. Cousin and running along the branch and line of Mrs. Cousin in a northerly direction for a distance of 570'; thence, running along the lines of the lands of Mrs. Nettie D. Patterson in an easterly direction for a distance of 515' to Route No. 15, the point of beginning as shown by a sketch of record in the Clerk's Office of the Circuit Court of Buckingham county, Virginia in Deed Book 50, page 253 attached hereto and recorded herewith for a more particular description of said property.

LESS AND EXCEPT those pieces or parcels of land conveyed to the Commonwealth of Virginia by Agreement dated November 6, 1974, recorded January 31, 1975, in Deed Book 95, page 755; and by Certificate of Take dated March 12, 1998, recorded April 3, 1998, in Deed Book 229, page 99.

Said property is further shown and described as "4.98 Acres +/- Charlottesville Realty Corp. DB 118 PG328 TM 31-8" on a compiled Plat dated February 27, 2024, prepared by Dan Carney & Associates, Professional Land Surveying, entitled "Compiled Plat Showing Tax Map Parel 31-8, Marshall District, Buckingham County, Virginia" a copy of which is attached hereto and recorded herewith for a more particular description of said property.

BEING the same real estate conveyed to Charlottesville Realty Corporation, a Virginia corporation, by deed from Charlottesville Oil Co., Incorporation, a Virginia corporation, dated June 2, 1980, recorded July 18, 1980, in the Clerk's Office, Circuit Court, Buckingham County, Virginia in Deed Book 118, page 328.

Address Reference: N. James Madison Highway New Canton VA 23123

NOTE: THIS TAX INFORMATION IS FURNISHED FOR INFORMATION PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR ERRORS TO THESE FIGURES. THE SETTLEMENT AGENT MUST VERIFY THESE FIGURES FOR THE PURPOSES OF CERTIFYING TITLE TO THE COMPANY, AND PREPARING ANY PRORATIONS.

Tax Assessments: YEAR: 2024 MAP #31-8

Land: \$49,400.00

Improvements: \$0

Total: \$49,400.00

Tax: \$135.85

Due 6/5 and 12/5 Taxes are **DELINQUENT**

**SCHEDULE B - SECTION 1  
REQUIREMENTS**

Commitment No. HT24-0031ST

The following are the requirements to be complied with:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the Policy.

c. Record documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded. They are:

1. Warranty Deed from Charlottesville Realty Corporation, a Virginia corporation, vesting fee simple title in Three Thousand West Clay LLC.

1a. NOTE: Attorney to provide a copy of a Certificate in Good Standing for Charlottesville Realty Corporation, a Virginia corporation.

NOTE: Corporate resolutions authorizing above referenced corporate transaction certified as proper by approved attorney.

1b. Approved Attorney to provide evidence that the said Three Thousand West Clay LLC is a valid and existing LLC and in good standing.

2. Recordation of the Plats in the Clerk's Office, Buckingham County, Virginia, as referenced in Schedule A hereof.

NOTE: In the event the Deed required above is to be executed pursuant to a Power of Attorney, the Company must review the Power of Attorney prior to closing, and further requirements may be necessary.

- d. You must provide us with a COMMERCIAL AFFIDAVIT AS TO POSSESSION, JUDGMENTS AND MECHANIC'S LIENS. (SEE ATTACHED)
- e. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- f. The Company could not find a recorded Deed of Trust on the subject property. Accordingly, the Company shall require an Affidavit from record owner that no recorded or unrecorded Deed(s) of Trust, personal notes and/or obligations on the above real estate currently exist to be paid off with closing proceeds.
- g. Payment of storm water fees, if any.

Continued, see attached

h. Payment of all **DELINQUENT REAL ESTATE TAXES** through and including the year 2023 plus all penalty, interest and attorney fees.

i. Final independent verification with PACER, by settlement agent, at or just prior to closing, that the party(ies) to this transaction is/are not in bankruptcy.

j. Final independent verification that parties to the transaction are not listed as Special Designated Nationals or Foreign Sanctions Evaders.

k. Such additional requirements and/or exceptions that the Company may deem necessary upon a full disclosure of all facts in the captioned transaction and upon a review of all documents.

SCHEDULE B - 2  
EXCEPTIONS

Commitment No. HT24-0031ST

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

**a-c AS TO OWNERS POLICY ONLY:**

- a Rights or claims of parties in possession not shown by the public records.
- b Easements, claims of easements, or any other matter not shown by the public records.
- c Taxes or special assessments which are not shown as existing liens by the public records.

1. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

2. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

3. Taxes for the year 2024, and subsequent years, a lien, not yet due and payable, plus possible supplemental assessments.

4. Special assessments, if any, as imposed by the County for services rendered upon the premises, not yet due and payable.

5. Any and all matters, conditions, notes, features and easements as shown on plat in Deed Book 50, page 253.

6. Title to that portion of the property within the normal bounds of said branch.

7. Rights of others in and to the use of the branch and the natural flow thereof.

Continued, see attached



7. Terms, provisions, conditions, easements, and options as set forth in Indenture recorded October 28, 1960 in Deed Book 66, page 151. See instrument for particulars.
8. Terms, provisions, conditions, obligations as set forth in an Agreement recorded May 2, 1966, in Deed Book 75, page 383. See instrument for particulars.
9. Easements to the Commonwealth of Virginia as set forth in an Agreement recorded January 31, 1975, in Deed Book 95, page 755.
10. Terms, conditions, agreements, options and obligations as set forth in an Agreement by and between Gulf Oil Corporation and Charlottesville Realty Corporation, dated June 2, 1980, in Deed Book 118, page 323. See instrument for particulars.
11. Terms and provision of any lease agreements and assignments thereof.
12. Matters as shown on plat made by Dan Carney & Associates dated February 27, 2024 including but not limited to 100' VEPCO easement along north; branch forms rear line

COMMERCIAL AFFIDAVIT

Re:

See Exhibit A attached hereto and incorporated herein by reference. (hereinafter referred to as the "Property")

STATE OF

COUNTY OF

BEFORE ME, the undersigned authority personally appeared  
that: \_\_\_\_\_ of \_\_\_\_\_ who deposes and says

I am \_\_\_\_\_ of \_\_\_\_\_  
(which is the sole owner of the Property) that I am over 18 years of age, a citizen of the USA and am competent to make this affidavit.

In my capacity as such, I am personally familiar with the Property, including the existence of any tenancies, leases, parties in possession and other occupancies, and payment of taxes and assessments in connection therewith.

My/Our enjoyment of the Property has been peaceful and undisturbed and the title to the Property has never been disputed or questioned to my knowledge, nor do I know of any facts by reason of which title to, or possession of the Property might be disputed or questioned, or by reason of which others may claim title to the Property or any portion thereof or an easement over and across same except:

(Delete if not applicable) A complete list of all parties in possession of any portion of the Property under unrecorded leases or otherwise is attached hereto and made a part hereof. There are no other tenancies, leases, parties in possession or other occupancies of the Property and each of the parties disclosed on the attached list occupies the Property or has a right to such occupancy either as a tenant from month to month without lease or pursuant to the terms of an unrecorded lease.

(Delete if not applicable) There are no tenancies, leases, occupancies or parties in possession of the Property.

No proceeding in bankruptcy instituted by or against the owner in any jurisdiction of the U.S. (and if a partnership against any general partner(s) thereof) is now pending, nor has the owner ever made an assignment for the benefit of creditors.

I know of no action or proceeding relating to the Property now pending before any State or Federal Court nor do I know of any judgments or liens (including state and federal tax liens) which now constitutes a lien or charge upon the Property.

There are not unrecorded documents affecting title to the Property.

I know of no real or personal property taxes and/or special assessments affecting the Property other than those shown on the Commitment for Title Insurance issued to buyer/lender.

There are no unpaid real or personal property taxes, water and/or sewer usage charges or unpaid special assessments for items such as improvements for

sidewalks, curbs, gutters, alleys, etc.

There are no unpaid bills or claims for labor or services performed or materials furnished for the construction of improvements on the Property.

This affidavit is given to induce Stewart Title Insurance Company to issue its policy(ies) of title insurance with full knowledge that the Company will rely upon the accuracy of same; and affiants individually and the entity on behalf of which this affidavit is made hereby agree to hold Stewart Title Insurance Company harmless and indemnify it against any loss or damage it may sustain as a result of any false statement made herein.

WITNESS the hand and seal of affiants.

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2009.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Afton Soil Consulting  
222 Sycamore Lane  
Afton, Virginia 22920-2425  
AOSE #1940001316  
(540) 471-6589  
jeff.loth@yahoo.com

April 8, 2024

John George  
John K. George & Co.  
5005 W. Clay St.  
Richmond, VA 23230  
john@johnkgeorgeandcompany.com

re: Soils Evaluation on Tax Map 31-8  
Route 15, James Madison Highway  
Buckingham County, VA

Dear Mr. George,

On February 7, 2024, I visited the above-referenced property with you along Route 15 just south of the James River in Buckingham County to determine whether it could accommodate a drainfield for a potential future mix of shops and apartments.

Using a tracked excavator to dig pits for soil evaluations we explored the property with suitable landscape behind the existing building.

The soils encountered were suitable under current Virginia Department of Health regulations for the installation of a sewage disposal system. Pretreatment and pressurized distribution of the effluent would be required as the depth to bedrock beneath the soils ranged from 22 inches to 43 inches.

Based on initial calculations, it appears that there is a capacity more than 1,000 gallons-per-day of sewage disposal, with 100% Reserve Area available for any repair that might be needed in the future.

A Professional Engineer would be required to design the system and oversee its construction.

Included is a Soil Summary Report with Design Calculations, and a site sketch of the area investigated.

If you have any questions please let me know.

Sincerely,



William (Jeff) Loth, IV  
Afton Soil Consulting

## Soil Summary Report

### General Information

Date: 2/7/24 Submitted to \_\_\_\_\_ Health Department  
 Applicant: John George, John K. George & Co. Telephone: (804) 350-8448  
 Address: 5005 W. Clay St., Richmond, VA 23230  
 Owner: same Address:  
 Location: west of Rt. 15, 0.2 mile south of the James River  
 Tax Map: 31-8 Subdivision:  
 Block/Section: Lot:

### Soil Information Summary

1. Position in landscape satisfactory? Yes ☒ No ☐  
 Describe: shoulder and sideslope
2. Slope 18 %
3. Depth to Rock or impervious strata: Max. 43 in. Min. 22 in.
4. Depth to seasonal water table (gray mottling or gray color): No ☒ Yes ☐ Inches
5. Free water present: No ☒ Yes ☐ range in inches -
6. Soil percolation rate estimated? Yes ☒ Texture Group I ☐ II ☐ III ☒ IV ☐  
 No ☐ Estimated rate 60 min/inch
7. Permeability test performed Yes ☐ No ☒  
 If yes, note type of test performed and attach

☒ Site Approved

Drainfield is to be placed at  $\leq 10$ " depth utilizing pretreatment approvable by VDH capable of providing TL-3 to the dripfield or sand mound.

☐ Site Disapproved

Reason for Rejection

1. ☐ Position in landscape subject to flooding or periodic saturation
2. ☐ Insufficient depth of suitable soil over hard rock
3. ☐ Insufficient depth of suitable soil to seasonal water table
4. ☐ Rates of absorption too slow.
5. ☐ Insufficient area of acceptable soil for required drainfield, and or reserve area
6. ☐ Proposed system too close to well
7. ☐ Other Specify



Tax Map 31-8  
Route 15, James Madison Highway  
Buckingham County

### Soil Profiles

Hole	Hzn	Depth	Material Description	Txt Grp
1	Ap	0-4	10yr3/3 dark brown Loam	2
	BA	4-16	7.5yr5/4 brown Clay Loam, granular	3
	BtC	16-43	2.5yr5/8 red Clay Loam/Sandy Clay Loam, weak fine SBK, with common very highly weathered schist and sandstone fragments	3
	R	43	Firm schist	
2	Ap	0-8	10yr3/3 dark brown Loam	2
	BA	8-18	7.5yr5/4 brown Clay Loam, granular	3
	BtC	18-26	2.5yr5/8 red Clay Loam/Sandy Clay Loam, weak fine SBK, with common very highly weathered schist and sandstone fragments	3
	R	26	Firm schist	
3	Ap	0-5	10yr3/3 dark brown Loam	2
	BA	5-15	7.5yr5/4 brown Clay Loam, granular	3
	BtC	15-22	2.5yr5/8 red Clay Loam/Sandy Clay Loam, weak fine SBK, with common very highly weathered schist and sandstone fragments	3
	R	22	Firm schist	
4	Ap	0-5	10yr3/3 dark brown Loam	2
	BA	5-18	7.5yr5/4 brown Clay Loam, granular	3
	BtC	18-42	2.5yr5/8 red Clay Loam/Sandy Clay Loam, weak fine SBK, with common very highly weathered schist and sandstone fragments	3
	R	42	Firm schist	
5	Ap	0-6	10yr3/3 dark brown Loam	2
	BA	6-20	7.5yr5/4 brown Clay Loam, granular	3
	BtC	20-32	2.5yr5/8 red Clay Loam/Sandy Clay Loam, weak fine SBK, with common very highly weathered schist and sandstone fragments	3
	R	32	Firm schist	

### Design Calculations

#### Design Basis

- A. Estimated Percolation Rate  
B. Effluent loading rate from VDH

60 @ 10 in.  
0.3 gpd/sf

#### Area Calculations for Drip Dispersal or Mound

- A. Length of run (ft.)  
B. Length of available area (ft.)  
C. Width of available area (ft.)  
D. Total footprint required for drip dispersal (1000gpd / .03gpd/sf)  
E. Square footage provided  
F. Is a Reserve Area required?

150  
150  
50+  
3334  
7500  
Yes, 100% Reserve Area  
included





Courtesy of BPGIN, Commonwealth of Virginia



BUCKINGHAM COUNTY



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Printed 02/06/2024



**Buckingham County Planning Commission**

**April 22, 2024**

**Administration Building**

**6:00 PM**

**Introduction Case 24-ZTASUP341**

Applicant      Ivan Petersheim  
234 Scotts Bottom Road  
Dillwyn VA 23936

**Property Information:** Tax Map 53, Parcel 45, containing approximately .95 acre, located at 5516 Ridge Road Arvonion VA 23004, Marshall Magisterial District.

**Zoning District:** Agricultural (A-1)

**Request:** The Applicant wishes to Add a Zoning Text Amendment for Multi-Family Housing, including but not limited to duplex, triplex, townhouses to a list of Special Uses in Agricultural A1 Zoning District and Apply for a Special Use Permit for that purpose. The Applicant is asking the Planning Commission to schedule a Public Hearing for this request.

**Background/Zoning Information:** This property is located at 5516 Ridge Road Arvonion VA 23004, Marshall Magisterial District. The landowner and applicant is Ivan Petersheim. This property is zoned Agricultural A1. Currently, this is a use not provided for in this Zoning District within The Zoning Ordinance, however the applicant has made application to add this use through a Zoning Text Amendment, Multi-Family Housing including but not limited to duplex, triplex, townhouses, to a list of Special Uses in an Agricultural A1 Zoning District. The Applicant is applying for a Special Use Permit for this purpose. This use may be permitted by the Buckingham County Board of Supervisors by a Zoning Text Amendment and 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 both the Zoning Text Amendment and the Special Use Permit are approved. The application and narrative are attached.

Below are conditions that you may consider attaching to the request if approved:

1. That all federal, state and local regulations, ordinances and laws be strictly adhered to.
2. Right of ways and roadway shoulders shall not be used for parking.

3. The property shall be kept neat and orderly.
4. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
5. That all documentation submitted by the applicant in support of this special use permit request becomes a part of the conditions except that any such documentation that may be inconsistent with these enumerated conditions shall be superseded by these conditions.
6. Nothing in this approval shall be deemed to obligate the County to acquire any interest in property, to construct, maintain or operate any facility or to grant any permits or approvals except as may be directly related hereto.
7. The County Zoning Administrator and one other County staff member, as appointed by the County Administrator, shall be allowed to enter the property, with proper notice, if a complaint is registered against the property for noncompliance with this permit. Any complaints not solely related to this permit will be given to the appropriate department or agency.
8. In the event that any one or more of the conditions is declared void for any reason whatever, such decision shall not affect the remaining portion of the permit, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable
9. That any infraction of the above mentioned conditions could lead to a stop order and discontinuation of the special use permit, if it be the wishes of the Board of Supervisors.
10. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

**SPECIAL USE PERMIT APPLICATION CHECKLIST**  
BUCKINGHAM COUNTY OFFICE OF ZONING AND PLANNING MINIMUM SUBMISSION  
REQUIREMENTS

The following table lists the information necessary to review a special use application. All items are required, unless otherwise stated, and must be submitted in order for the application to be accepted for review. This completed checklist must be submitted with the application.

**Adjacent Property Owners List and Affidavit** (pages 4, 5 & 6 attached). This list can be obtained from the Clerk of Courts Office: ☒ YES ☐ NO

**Completed application for special use permit** (page 3 attached). If not signed by the owner, a Power of Attorney must accompany the application: ☒ YES ☐ NO

**Interest Disclosure Affidavit** (page 7 attached). Must be signed by the owner: ☒ YES ☐ NO

**Power of Attorney** (page 10 attached). Required if anyone other than the owner is signing the application form or proffer statement on behalf of the owner: YES ☒ NO

**Written Narrative** (page 11 guidance in preparing the Written Narrative): ☒ YES ☐ NO

**Fees:** YES ☐ NO ☐

**Deed:** ☒ YES ☐ NO

**Plat** (15 copies). The plat information may be incorporated into the Special Use Permit General Site Plan, in which case, copies of a separate plat are not required. The plat must be prepared by a certified land surveyor or licensed civil engineer and contain the following:

- A. Bearings and distances of a scale of 1" = 100' or less for all property lines and existing and proposed zoning lines: ☒ YES ☐ NO
- B. Area of land proposed for consideration, in square feet or acres: YES ☐ NO ☐
- C. Scale and north point: ☒ YES ☐ NO
- D. Names of boundary roads or streets and widths of existing right-of-ways: ☒ YES ☐ NO

**Tax Map** (15 copies). Identify property that special use is being considered for and identify by name all adjacent landowners.

434.390.3857 Ivan

**Special Use General Site Plan (15 copies)** The General Site Plan must contain the following:

1. Vicinity Map – Please show scale: YES NO N/A
2. Owner and Project Name: YES NO N/A
3. Parcel Identification numbers, name, present zoning, and zoning and use of all abutting or adjoining parcels: YES NO N/A
4. Property lines of existing and proposed zoning district lines: YES NO N/A
5. Area of land proposed for consideration, in square feet or acres: YES NO N/A
6. Scale and north point: YES NO N/A
7. Names of boundary roads or streets and widths of existing right-of-ways: YES NO N/A
8. Easements and encumbrances, if present on the property: YES NO N/A
9. Topography indicated by contour lines: YES NO N/A
10. Areas having slopes of 15% to 25% and areas having slopes of 25% or greater clearly indicated by separate shading devices (or written indication of “no areas having slopes of 15% to 25% or greater”): YES NO N/A
11. Water Courses to include the approximate location of the 100 year floodplain (if applicable) based on FEMA maps (or written indication of “not in floodplain”): YES NO N/A
12. Delineation of existing mature tree lines or written indication of “no mature tree lines”: YES NO N/A
13. Proposed roads with right-of-way width that will connect with or pass through the subject property: YES NO N/A
14. General locations of major access points to existing streets: YES NO N/A
15. List of the proposed density for each dwelling unit type, and/or intensity of each non-residential use: YES NO N/A
16. Location of any open space and buffer areas, woodland conservation areas, storm water management facilities, and community and public facilities: YES NO N/A
17. Location of existing and proposed utilities, above or underground: YES NO N/A
18. Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails: YES NO N/A
19. Layouts and orientation of buildings and improvements, building use, height, setbacks from property lines and restriction lines: YES NO N/A
20. Location and design of screening and landscaping: YES NO N/A
21. Building architecture: YES NO N/A
22. Site lighting proposed: YES NO N/A
23. Area of land disturbance in square feet and acres: YES NO N/A
24. Erosion and Sediment Control Plan submitted (10,000 square feet or more): YES NO N/A
25. Historical sites or gravesites on general site plan: YES NO N/A
26. Show impact of development of historical or gravesite areas: YES NO N/A
27. A copy of the current status of all real estate taxes of all property owned in Buckingham County. If real estate taxes are not current, an explanation in writing and signed by the owner shall accompany this application. Any liens or other judgments against property shall also be explained in writing and signed by the owner: YES NO N/A

**APPLICATION FOR A SPECIAL USE PERMIT**

CASE NUMBER: \_\_\_\_\_  
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 04-04-24

Special Use Permit Request: To add Zoning text amendment to list of special uses in an A1 ag Zoning for the purpose of operating

Purpose of Special Use Permit: a Multi-family home, which includes but not limited to, duplex, triplex, townhomes

Zoning District: District 1 Marshal Number of Acres: .95

Tax Map Section: 53 Parcel: 45 Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Magisterial Dist.: \_\_\_\_\_

Street Address: 5516 Ridge RD Arvonia

Directions from the County Administration Building to the Proposed Site: Rt 15 North

9 miles to penlan RD Rte 671, 3 miles on left

Name of Applicant: Ivan Lee Petersheim

Mailing Address: 234 Scotts Bottom RD Dillwyn VA 23936

Daytime Phone: 434-390-3857 Cell Phone: 434-390-3857

Email: petersheim702@gmail.com Fax: Call only

Name of Property Owner: Same as Applicant

Mailing Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature of Owner: [Signature] Date: 04-04-24

Signature of Applicant: [Signature] Date: 04-04-24

Please indicate to whom correspondence should be sent:

☒ Owner of Property ☐ Contractor Purchaser / Lessee ☐ Authorized Agent ☐ Engineer  
☐ Applicant

## ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: Cherry Tree Timber LLC c/o property Tax Admin

Mailing Address: PO Box 3349 Albany GA

Physical Address: \_\_\_\_\_

Tax Map Section: 53 Parcel: 35 Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

2. Name: McLaig James Micheal + Nancy

Mailing Address: 5396 Ridge RD Arvonie VA 23004

Physical Address: 5396 Ridge RD Arvonie VA 23004

Tax Map Section: 53 Parcel: 43 Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

3. Name: Banton Maynard O JR + Michael c/o Micheal Banton

Mailing Address: 1715 Westhill RD Henrico VA

Physical Address: \_\_\_\_\_

Tax Map Section: 53 Parcel: 46 Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_

4. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Tax Map Section: \_\_\_\_\_ Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_



**6. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**7. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**8. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**9. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**10. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**11. Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Tax Map Section:** \_\_\_\_\_ **Parcel:** \_\_\_\_\_ **Lot:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA  
COUNTY OF BUCKINGHAM

This 3<sup>rd</sup> day of April, year 2024,

I Ivan Lee Petersheim hereby make oath that  
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

[Signature]

( owner / contract purchaser / authorized agent – please circle one )

NOTARY:  
COMMONWEALTH OF VIRGINIA

COUNTY OF Buckingham

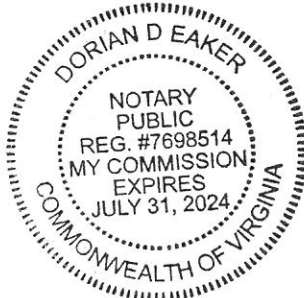
STATE OF Virginia

Subscribed and sworn to me on the 3<sup>rd</sup> day of April,

of the year 2024. My Commission expires on 07/31/2024.

Notary Public Signature: [Signature]

Stamp:



## INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 3rd day of April, of the year 2024

I Ivan Lee Petersheim (printed name of owner)  
hereby make oath that no member of the Buckingham County Board of Supervisors nor  
the Buckingham County Planning Commission has interest in such property either  
individually, or by ownership of stock in a corporation owning such land, or by  
partnership, or as a holder of ten percent (10%) or more of the outstanding shares of  
stock in or as a director or officer of any corporation owning such land, directly or  
indirectly by such members of his/her immediate household, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Owner: (to be signed in front of notary public)

[Signature]

NOTARY PUBLIC

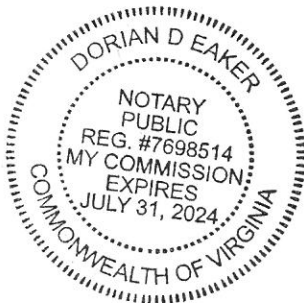
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 3rd day of April

of the year 2024. My commission expires 07/31/2024.

Notary Public Signature: [Signature]

Stamp:



**CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR  
PENDING DEVELOPMENT APPLICATIONS**

Case Number / File Name: \_\_\_\_\_

Visual Inspection Findings (describe what is on the property now):

brick building, 3 bedroom single family  
residence

County Records Check (describe the history of this property):

Whitworth Country Store 1976  
Turned 3 bedroom single family residence

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes \_\_\_\_\_ No ✓

If yes, please explain and show on the site plan the location of such and explain any historical significance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will this proposal have any impact on the historical site or gravesite? Yes \_\_\_\_\_ No ✓

If yes, please explain any impact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner/Applicant Signature: [Signature] Date: 03-30-2024

Printed Name: Iran Lee Petersheim Title: owner

## APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: \_\_\_\_\_

Applicant: Ivan Lee Petersheim

Location: ~~5516~~ 5516 Ridge RD ARVonia VA 23004

Proposed Use: Special Use permit, and Text Amendment to operate a Duplex

For VDOT use only:

\_\_\_\_\_ A Traffic Impact Statement is required per 24 VAC 30-155-60.

☒ A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

\_\_\_\_\_ The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Does the existing entrance meet VDOT requirements for the proposed use?

Yes ☒ No \_\_\_\_\_ If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of VDOT Resident Engineer: C. D. Edwards

Printed Name: Charles D. Edwards Date: 4/4/24

## SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA  
COUNTY OF BUCKINGHAM

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of \_\_\_\_\_,

I \_\_\_\_\_ the owner of \_\_\_\_\_  
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint \_\_\_\_\_  
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day \_\_\_\_\_ of the month \_\_\_\_\_ in the year of \_\_\_\_\_ and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

Signature of Landowner (to be signed in front of Notary Public):

\_\_\_\_\_

NOTARY PUBLIC

County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn before me on the \_\_\_\_\_ day of \_\_\_\_\_

in the year \_\_\_\_\_. My commission expires \_\_\_\_\_.

Signature of Notary Public: \_\_\_\_\_

Stamp:



Ivan Petersheim 04-04-24

As a small business owner and contractor I'm trying to help address our housing crisis and affordability, although this is a .95 acre lot and 1352 sq ft single family residence, it has a lot of potential, as it used to be Whitworth Country Store and I'm requesting a special use permit to operate it as a duplex, 500 sq. ft unit, and 1000 sq. ft. unit approximately

Thanks to the board, and planning Commission for the hard work you put into investing in this County! Best way to reach me is call and leave voicemail

Backstory (434) 390-3857

My wife and I moved to Buckingham 3 years ago with our two children from Lancaster County PA, to be homesteaders and to be good stewards to the land and animals.

### WRITTEN NARRATIVE

The Written Narrative shall describe the relationship of the proposed project to the relevant components of the Comprehensive Plan. Please be very detailed and describe in depth each and every component 1 through 15. The following outline is provided to aid you in preparing the written narrative:

1. Land Use *A-1 total sq ft = 1,352 .95 Acre lot*
2. Community Design *Cinder block Country store*
3. Cultural Resources *3.5 Miles to Arvonia Health Center*
4. Economic Development *Keeping housing Affordable*
5. Environment *Beautiful Views of Blue Ridge*
6. Fire and Rescue, Law Enforcement *3.1 mi to Arvonia Fire and Rescue*
7. Housing *Duplex request = 1 bedroom & 2 bedroom unit*
8. Libraries *13 mi to Buckingham public library*
9. Parks and Open Spaces *13 miles to Dilwyn*
10. Potable Water *Well Water*
11. Sewage *Drain field = See Health Department records*
12. Schools *Buckingham public schools*
13. Telecommunications *Good wireless Connection*
14. Transportation *paved rds*
15. Solid Waste *Will follow Solid Waste ordinance*

If this proposal is for an event, describe the handling of the entire event, including but not limited to: number of participants, schedule of events, police, security, food, beverages, water, sanitation, emergencies, crowd control, entrances and exits, traffic control, signage, advertisement, parking, fee collection, control of animals, trash disposal, site clean-up, fighting, alcohol, abuse of alcohol and/or illegal substances

## SIGNAGE AT PROPERTY

The Buckingham County Zoning Ordinance requires the following:

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.

I have read, understand and agree to the above requirements.

Applicant/Owner: Ivan Lee Petersheim

Date: 03-30-24

## **TENTATIVE SCHEDULE FOR A SPECIAL USE PERMIT**

The application, site plan, written narrative, and all information requested in this application must be filled out in its entirety and supplied to the Buckingham Zoning / Planning Office and the fee must be paid before this case will be allowed to move forward.

Case will be introduced at a regularly scheduled Planning Commission meeting held on the fourth Monday of every month. Planning Commission may set a Public Hearing at this time to be held during a regularly scheduled meeting. Public Hearings offer an opportunity for citizens to speak concerning the case.

Following the Planning Commission Public Hearing, the Planning Commission may make a recommendation to approve / deny / or table the case for more information. Once the Planning Commission makes a recommendation to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors meetings are held on the second Monday of every month. The Board of Supervisors may set a Public Hearing at this time to be held during a regularly scheduled meeting. The Board of Supervisors will make the final decision to approve or deny the application after the public hearing.

### **Example Timeline:**

- |             |  |
|-------------|--|
| January 25  | Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22.  |
| February 22 | Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more information. Once the Planning Commission reaches a decision to approve or deny, this recommendation will be forwarded to the Board of Supervisors at their next regularly scheduled meeting. |
| March 8     | Case is introduced to Board of Supervisors.  |
| April 12    | Board of Supervisors may approve / deny / table for more information.  |

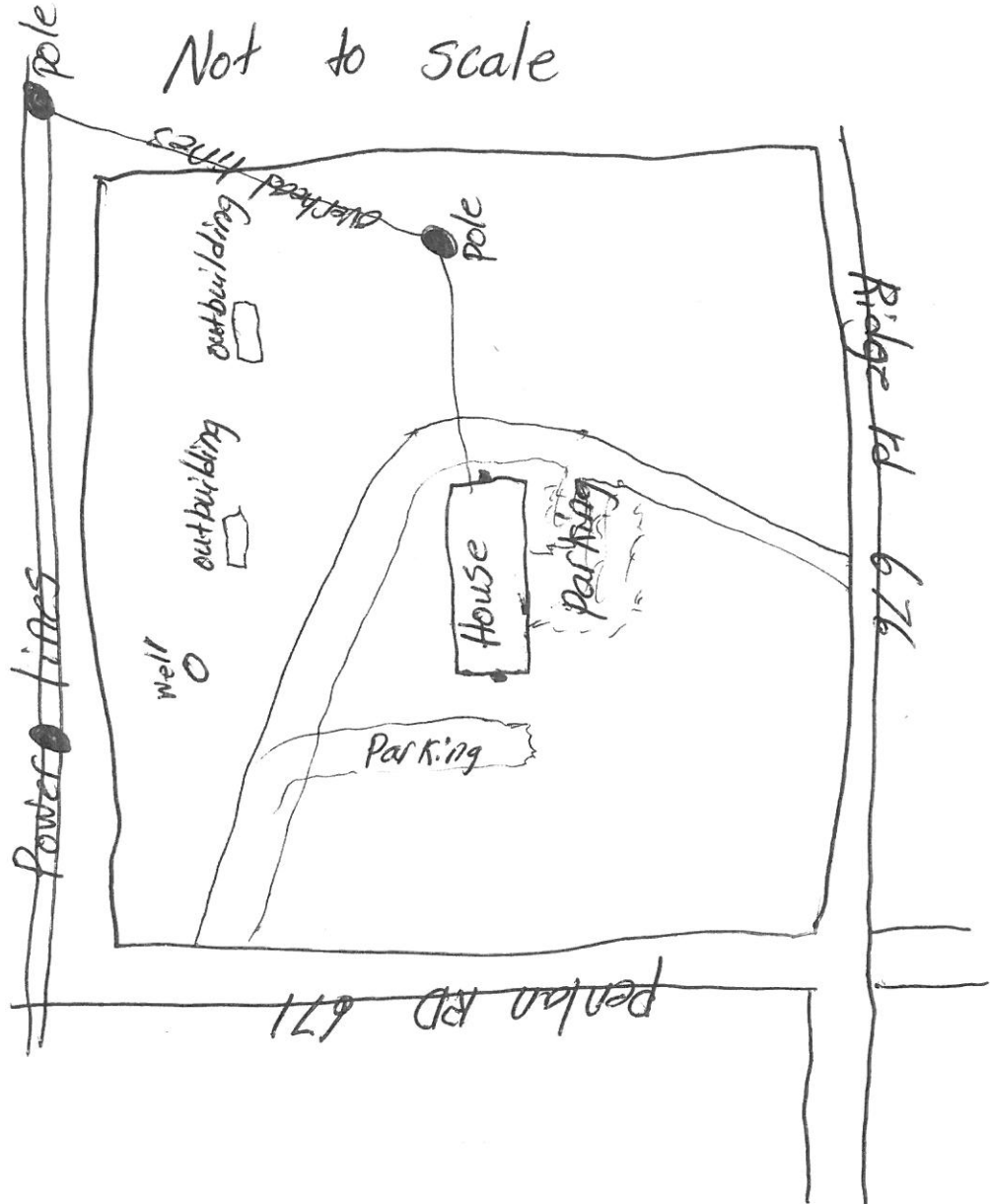
The Planning Commission and the Board of Supervisors has a right to call extra public hearings at their discretion if the Board(s) decide they are needed.

You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.

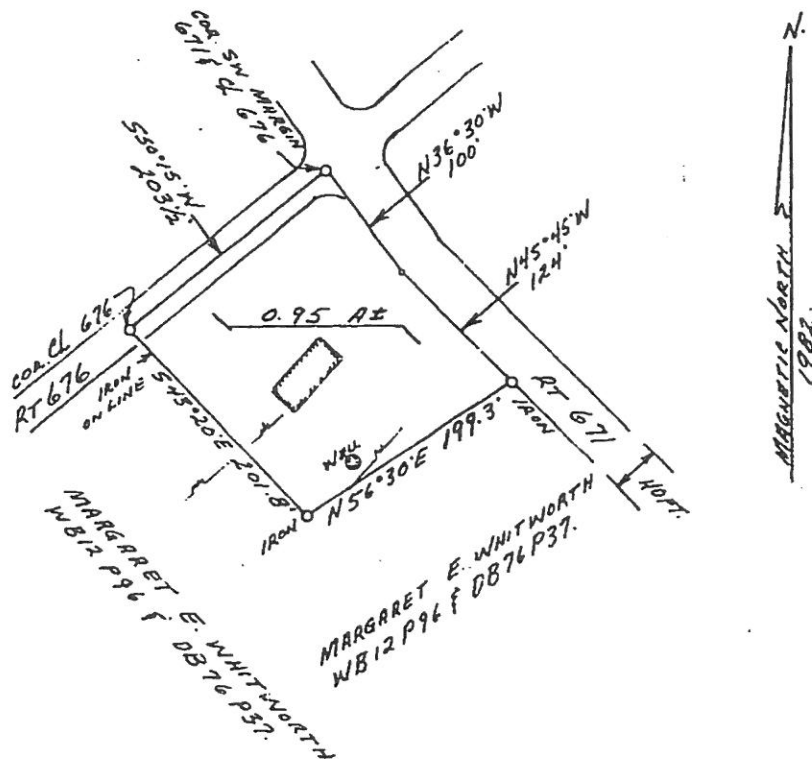




Direct Dial 717-367-1525  
PA toll free 1-800-468-5524



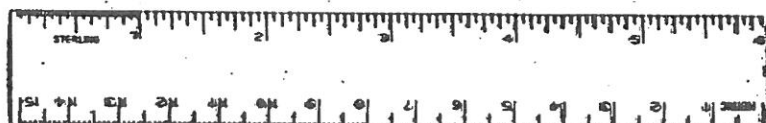
BOOK 124 PAGE 529



N.  
MAGNETIC NORTH  
1982.



JOHN A. PIERCE  
0.95 A±  
PART OF MARGARET E. WHITWORTH  
TRACT-- SEE WB 12 P 96 & DB 76 P 37.  
SEE ALSO PLAT REC'D DB 54 P 10.  
MARSHALL DIST. BUCKINGHAM CO. VIRGINIA  
SCALE: 1 IN = 100 FT. SURV: 4-3-82  
BY J. A. Pierce  
C.L.S. S.A.E.





5/01/2023

## REAL ESTATE TAX MASTER FILE LISTING

MAP NO.	NAME & ADDRESS	DESCRIPTION	COMMENT	CL	DIST	VALUES
53 000003062	40 TAYLOR GEORGE ALLEN 5220 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 1.125 AC	DB182-648	2	04	11300 90800
53 000003063	41 MCCAIG JAMES MICHAEL & NANCY FUGHAM MCCAIG 5396 RIDGE RD ARVONIA VA	RT 671 - AT PENLAN 2.8 AC ACREAGE- GRANTOR- HUD	DB172-441	2	04	5000
53 000003064	42 TAYLOR GEORGE ALLEN 5220 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 0.889 AC ACREAGE- GRANTOR- HUD	DB182-648	2	04	2000
53 000003065	43 MCCAIG JAMES MICHAEL & NANCY 5396 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 25.036 AC ACREAGE- GRANTOR-	DB172-441	5	04	47100 89300
53 000003066	44 YANCEY WILLIAM A C/O WILLIAM ALLEN YANCEY 2 CALYCANTHUS RD RICHMOND VA	RT 676 - 1/2 MI W OF PENLAN 2 AC ACREAGE- GRANTOR- WILLIAM CUSTALOW	DB174-738	2	04	16000 19500
53 000003067	45 WOOD JERRY L & ROBIN H WOOD 5516 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 0.95 AC ACREAGE- GRANTOR- FITZGERALD VIRGINIA IRENE	DB189-315	2	04	13300 89300
53 000003068	46 BANTON MAYNARD O JR & MICHAEL C/O MICHAEL BANTON 1715 WESTHILL RD HENRICO VA	RT 671-676 - 1/2 MI W OF PENLAN 138 AC ACREAGE- GRANTOR-	DB139-127	6	04	330500 5200
53 000003069	47 WOODSON DEREK TYLER 6151 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 12.53 AC ACREAGE- GRANTOR-	DB146-324	2	04	39400 197200
53 000003070	48 LONG DEWITT R PO BOX 192 BREMO BLUFF VA	RT 676 - 1/2 MI W OF PENLAN 95.01 AC ACREAGE- GRANTOR-	DB131-605	5	04	229100 155200

# 2024-357

BOOK 515 PAGE 690

Prepared under the supervision of:  
Haley Talmage, VSB #96195  
8100 THREE CHOPT ROAD, SUITE 240  
RICHMOND, VA 23229

BWW File No. VA-366325

Tax ID: 53-45

RETURN TO:  
BWW Law Group, LLC  
6003 Executive Blvd  
Suite 101  
Rockville, MD 20852

The existence of title insurance is unknown to the preparer.

**SUBSTITUTE TRUSTEE'S DEED**

THIS SUBSTITUTE TRUSTEE'S DEED ("Deed"), dated March 8, 2024, by and between EQUITY TRUSTEES, LLC, a Virginia Limited Liability Company, Substitute Trustees under a Deed of Trust executed by Jerry L. WOOD and Robin H. WOOD securing the below described property ("Grantor") and hereinafter referred to as party of the first part, and Ivan PETERSHEIM, 234 Scott's Bottom Road, Dillwyn, VA 23936 ("Grantee").

**WITNESSETH:**

WHEREAS, by a certain Deed of Trust dated June 14, 2019 and recorded at Book 461 Page 380 Instrument No. 19-784 in the land records of the Buckingham County Circuit Court Clerk's Office (the "Deed of Trust"), Jerry L. WOOD and Robin H. WOOD conveyed the below described property unto ABSOLUTE TITLE & SETTLEMENT LLC, in trust, to secure a promissory note originally payable to FINANCE OF AMERICA MORTGAGE LLC (the "Note").

WHEREAS, pursuant to Virginia law and the terms of the Deed of Trust, the holder of the Note was authorized and empowered to appoint a substitute trustee in the place and stead of any of the trustees originally named in the Deed of Trust or subsequently appointed; and

WHEREAS, by that certain appointment of substitute trustee instrument duly executed, acknowledged and recorded in the aforesaid Circuit Court Clerk's Office, the holder of the Note appointed Equity Trustees, LLC to act as substitute trustee under the Deed of Trust in the place and stead of the original trustee(s) and any trustee(s) who were subsequently appointed; and

WHEREAS, by the terms of said Deed of Trust, in the event of default and upon the request of the holder of the Note, the Substitute Trustee is empowered to declare all debts and obligations secured by the Deed of Trust at once due and payable and to proceed to sell the property at auction upon such terms and conditions as the Substitute Trustee may deem best;

Consideration:	\$87,070.00
Assessment:	\$102,600.00
State & Local:	\$256.50 and \$85.50
Grantor's Tax:	\$103.00

5516 Ridge Road, Arvon, VA 23004  
BWW File No. VA-366325

IN WITNESS WHEREOF, Grantor, on the day and year hereinbefore written, has caused this Deed to be signed, sealed and delivered as its willful act and deed.

EQUITY TRUSTEES, LLC  
Substitute Trustee

By Haley R. Talmage  
Haley R. Talmage  
Vice President  
Date: March 8, 2024

COMMONWEALTH OF VIRGINIA )  
COUNTY OF HENRICO ) ss.

The foregoing Substitute Trustee's Deed was acknowledged before me on the 8<sup>th</sup> day of March, 2024 by Haley R. Talmage, Vice President of Equity Trustees, LLC.

Notary Public  
My Commission Expires: 4/30/2025

GRANTOR:

Equity Trustees, LLC  
8100 Three Chopt Road, Suite 240  
Richmond, VA 23229

GRANTEE:

Ivan Petersheim  
234 Scott's Bottom Road  
Dillwyn, VA 23936



035 Rec Fee	<u>3</u>	<u>00</u>
St. R. Tax	<u>256</u>	<u>50</u>
Co. R. Tax	<u>85</u>	<u>50</u>
Transfer	<u>1</u>	<u>00</u>
Clerk	<u>14</u>	<u>50</u>
Lib.(145)	<u>3</u>	<u>50</u>
T.T.F.	<u>5</u>	<u>00</u>
Grantor Tax	<u>103</u>	<u>00</u>
036 Proc Fee	<u>20</u>	<u>00</u>
Total \$	<u>492</u>	<u>00</u>

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY

The foregoing instrument with acknowledgement was admitted to record on 3/13/2024 at 9:30 A M. in D.B. 515 Page(s) 690-692  
Instrument # 2024-357  
Teste: JUSTIN D. MIDKIFF, CLERK  
BY: Justin D. Midkiff, DEPUTY CLERK

**Buckingham County Planning Commission**  
**April 22, 2024**  
**Administration Building**  
**6:00 PM**  
**Request for Public Hearing**

As Zoning Administrator, I am requesting the Planning Commission schedule a Public Hearing at the regularly scheduled meeting on Tuesday, May 28, 2024 6pm, in regard to mandatory amendments to Article 9 and Article 9-Telecommunications Supplemental Document.

Amendments to Article 9:

**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. REMOVE THIS ITEM

(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 Ten: Definitions**

### **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. REMOVE

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.



BUCKINGHAM  
COUNTY  
ZONING  
ORDINANCE

BUCKINGHAM,  
VIRGINIA

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Board of Supervisors

Joe N. Chambers, Jr.

I. Monroe Snoddy

Danny R. Allen

John Staton

Cassandra Stish

Donald Bryan

E.A. "Bill" Talbert

Planning Commission

John E. Bickford

Sammy Smith

Chet Maxey

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

### **Special Use Permits**

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

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

or Regional Governmental Entities

Agricultural Based Businesses - not classified as Intensive or manufacturing in nature by the definition of this Ordinance such as: feed mills, livestock markets, tack, feed and supplies  
Airport, Airstrip, Heliport  
Antique Shops/ Thrift Stores/ Flea Markets  
Adult Retirement Community/Assisted Living  
Auto and Truck Sales and Agricultural/Industrial Equipment - 3/22/99  
Automobile Junkyard or Graveyard  
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

### **Area Regulations**

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

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

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

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

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

Chicken litter or other dry waste:

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

**Inspection**

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

**A-C AGRICULTURAL-COMPREHENSIVE DISTRICT**

**Purpose**

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

**Permitted Uses**

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

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

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

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

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

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



of any Vehicle or Machinery Necessary to Such Uses

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

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

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

Conservation Areas, Private

Greenhouses Garden Shop, Nurseries, private

Home Occupations

Intensive Dairy Facility - with an approved Development Plan

Intensive Livestock Facility - with an approved Development Plan

Intensive Poultry Facility- with an approved Development Plan

Intensive Swine Facility- with an approved Development Plan

Intensive Swine Breeding Facility- with an approved Development Plan

Lumberyard - not milling

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

Private Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves, and Public Conservation Areas

Public and Private Roads-and Streets

Residential Group Homes

Signs - non-illuminated and less than 8 x 8

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

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

Stable, Private

Subdivisions, Minor

Swimming Pools for Single Family Residences

Veterinary Hospitals and Clinics

Wayside Stands Selling Items Produced or Grown on the Premises

### **Special Use Permits**

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

Adult/Child Day Care Facilities - non medical

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

Airport, Airstrip, Heliport

Automobile Junkyard or Graveyard

Equine Facility/Activities, Commercial

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

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

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

### **Area Regulations**

#### **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.

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

### **Setback Requirements**

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

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

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

## **District 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:

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

### **Area Regulations**

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

### **Setback Requirements**

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

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

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

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

### **Purpose**

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

### **Permitted Uses**

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

Uses that are Assembling in nature

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

Churches - cemeteries, manses

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

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

Grocery, Gas and Convenience Stores - automobile wash stations

Garages - lube shops, machine shop,

Motels/Hotels  
Professional offices - contractors'  
Retail- Hobby shop, Novelty shop,  
Warehouses  
Wood/Lumber products - lumber manufacturing, pulpwood processing, woodworking shop,  
Welding

### **Special Use Permit**

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

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

### **Area Regulations**

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

### **Setback Requirements**

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

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

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

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

### **Purpose**

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

### **Permitted Uses**

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

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

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

### **Special Use Permit**

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

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

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

Paint Manufacturing  
Perfume Manufacturing  
Weaponry Manufacturing

### **Area Regulations**

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

### **Setback Requirements**

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

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

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

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

### **Purpose**

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

### **Permitted Uses**

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

Production or Disposal of Hazardous Waste

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

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

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

### **Erosion and Sedimentation**

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

### **District Boundaries**

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

### **Special Use Permits**

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

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

### **Area Regulations**

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

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

## **Purpose**

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

## **Permitted Uses**

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

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

## **Special Use Permit**

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

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

## **Area Regulations – Minimum Lot Size**

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

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

Amended - 6-26-06

## **Setback Requirements**

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



structure shall be twenty- five (25) feet.

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

### **Purpose**

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

### **Permitted Uses**

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

### **Special Use Permits**

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

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

### **Area Regulations**

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

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

### **Purpose.**

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

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

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

### **Permitted Uses.**

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

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

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

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

### **Site requirement.**

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

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

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

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

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

4. *Bulk regulations.*

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

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

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

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

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

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

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

**Common open space--Generally.**

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

**Common open space--Management.**

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

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

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

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

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

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

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

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

#### **Utility requirements.**

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

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

(C) Junction boxes shall be screened and minimized.

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

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

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

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

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

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

### **Expiration and extension of approval periods.**

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

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

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

### **Purpose**

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

### **Permitted Uses**

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

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

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

Adult Retirement Community/Assisted Living

Churches, Manses, Parish Houses, and Cemeteries

Dwellings, Single-Family, Detached

Fraternal Organizations

Garages, Residential

Home Based Service Business

Manufactured Homes (One per Residential Lot)

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

Parks and Playgrounds

Offices, Public and Private

Recreation Facilities

Retreat Centers, Religious and Secular Amended

Schools, Public and Private

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

Subdivisions, Minor

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

### **Special Use Permits**

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

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

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

### **Area Regulations - Minimum Lot Size:**

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

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

### **Setback Requirements**



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

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

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

#### **Continuation**

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

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

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

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

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

#### **Permits**

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

#### **Repairs and Maintenance**

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

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

### **Expansion or Enlargement**

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

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

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

### **Restoration and Replacement**

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

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

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

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

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

### **Non-Conforming Lots**

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

## **ARTICLE 4 - GENERAL PROVISIONS**

## **Zoning Permits**

Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the Administrator. The application form used for a building permit shall serve as an application for a zoning permit and shall contain a certification that requirements of the zoning ordinance have been met. 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.

<b>Lot.</b>	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.
<b>Macro wireless facility.</b>	Any wireless facility exceeding the size dimensions defined as a small cell facility.
<b>Micro-wireless facility.</b>	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.
<b>Master telecommunications plan.</b>	A plan developed to enforce applicable development standards, state statutes and federal regulations related to the deployment of wireless telecommunications infrastructure.
<b>Monopole structure.</b>	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")
<b>National Register of Historic Places.</b>	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.
<b>Non-Concealed Tower</b>	A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.
<b>Person.</b>	An individual, firm, corporation, or association.
<b>Personal wireless service.</b>	



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.

<b>Shrub.</b>	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.
<b>Sign.</b>	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.
<b>Site</b>	That portion of property on which a personal wireless service facility is to be placed
<b>Small cell facility.</b>	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.
<b>Special exception.</b>	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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



ordinance no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any reference surface, known as the floor, of any zone provided for in Section 3 of this article at any point.

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

## **SECTION 5 - USE RESTRICTIONS**

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

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

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

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

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

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

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

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

**Sub-Section 6-1** - Except as provided in Sub-Sections 6-2 and 7-2 of this article, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure 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.

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

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

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

**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.

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

**Intensive Swine Breeding Facility** - A facility for the breeding and birthing of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any time has 500 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

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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.

**43 Building Permits were issued in the amount of \$6587.71 for the month of February 2024**

Permit No.	District	Name	Purpose	Cost of Construction	Cost of Permit
19801	Town of Dillwyn	Mills Heating and Air	Generator	\$19,500.00	\$51.00
19802	Marshall	MW Butler	Generator	\$2,450.00	\$51.00
19803	Marshall	MW Butler/ RW Jenkins	Generator	\$3,100.00	\$102.00
19804	Francisco	JES Construction	Residential Remodel	\$22,941.70	\$51.00
19805	Slate River	JES Construction	Residential Remodel	\$9,666.44	\$51.00
19806	Curdsville	Clayton Homes of Lynchburg	Doublewide	\$146,500.00	\$312.14
19807	Marshall	MW Butler/ RW Jenkins	Generator	\$3,100.00	\$102.00
19808	Slate River	Brad Dunkum	Modular Unit	\$271,000.00	\$460.33
19809	Curdsville	Robert Taylor	Shed	\$10,170.00	\$61.00
19810	Marshall	Ronnie and Dawn Kidwell	New Dwelling	\$50,000.00	\$245.33
19811	James River	Ben Henry	New Dwelling	\$300,000.00	\$434.48
19812	James River	Bernie and Melissa Christan	Electrical	\$0.00	\$51.00
19813	Curdsville	JW Wiecking	Addition Residential	\$60,000.00	\$51.00
19814	James River	David Shultz	Farm Building Exempt	\$24,000.00	\$10.00
19816	James River	Oakwood Homes	Doublewide	\$173,000.00	\$541.54
19817	James River	Homestead Estates Llc	New Dwelling	\$426,000.00	\$565.15
19818	Marshall	Maud Persinger	Generator	\$10,800.00	\$51.00
19819	Marshall	Ellington/ Howard Elec	Generator	\$9,400.00	\$102.00
19820	Francisco	Eric Berger	Generator	\$9,000.00	\$51.00
19821	Maysville	Freedom Forever	Solar Residential	\$24,500.00	\$51.00
19822	Maysville	Robert Phillips	Detached Garage	\$30,000.00	\$211.96
19823	James River	Dwayne Trone	Singlewide	\$70,000.00	\$300.65
19824	Marshall	Mills Heating and Air	Generator	\$7,099.00	\$51.00
19825	Marshall	Carter Herzg	Generator	\$700.00	\$51.00
19826	James River	Bernie and Melissa Christan	Farm Building Exempt	\$5,000.00	\$10.00
19827	Marshall	Rebecca and Don Gallamore	Shed	\$33,000.00	\$117.71
19828	Slate River	Kyle Kerstetter	Farm Building Exempt	\$0.00	\$10.00
19829	Curdsville	Millbrook Constructin	New Dwelling	\$160,000.00	\$381.72
19830	James River	Kelly Branch	Electrical	\$0.00	\$51.00
19831	Maysville	Ellington Energy	Mechanical	\$7,950.00	\$51.00
19832	Marshall	Joann Collacchi	Detached Garage	\$35,000.00	\$211.96
19833	Slate River	MW Butler	Generator	\$3,100.00	\$102.00
19834	James River	Bryan Bersch	Inground Pool	\$50,000.00	\$130.11
19835	Curdsville	Robert Panchision	Farm Building Exempt	\$3,500.00	\$10.00
19836	Maysville	Parker Oil Company	Generator	\$450.00	\$51.00
19838	Slate River	Ullrich of VA	Detached Garage	\$100,800.00	\$160.79
19839	Slate River	Darrick Miller	Detached Garage	\$10,000.00	\$144.64
19840	Curdsville	Paul Adkins	Farm Building Exempt	\$40,000.00	\$10.00
19841	Maysville	Robert Dunnavant	Electrical	\$4,000.00	\$51.00
19842	James River	Bruce Ward Electric	Generator	\$10,000.00	\$51.00
19843	Slate River	Suoerior Buildings	Shed	\$125,000.00	\$673.20
19844	James River	Megan Davis	Farm Building Exempt	\$43,900.00	\$10.00
19845	Francisco	Ellington Energy	Mechanical	\$12,985.00	\$51.00
19501		Prinsloo	Square Footage Change		\$100.00
19633		Clayton Homes	Reinspection Fee		\$100.00
19633		Clayton Homes	Reinspection Fee		\$100.00
<b>**Cost of permit is calculated based on square footage of structure**</b>				<b>\$2,327,612.14</b>	<b>\$6,587.71</b>