



Buckingham County Planning Commission Agenda
Tuesday, May 28, 2024 6:00PM
County Administration Building
Peter Francisco Meeting Room
www.buckinghamcountyva.org

You may view the meeting by logging on to

https://youtube.com/live/UQzl_kpgiQU?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. March 25, 2024 Regular Meeting
 - 2. January 22, 2024 (with corrections) Regular Meeting
 - 3. April 16, 2024 Work Session Minutes – Pending
 - 4. April 22, 2024 Regular Meeting Minutes - Pending
5. Old Business
 - 1. Public Hearing 24-ZTASUP341 Ivan Petersheim
 - 2. Public Hearing to Amend Article 9 of the Buckingham County Zoning Ordinance
6. New Business
 - 1. Introduction 24-SUP342 Jonathan Zook
 - 2. Introduction 24-SUP343 Jessica Nicholas
7. Reports
 - A. Building Permits Report
 - B. Zoning Administrator Report
8. Commission Matters and Concerns
9. Adjournment

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

At a work session of the Buckingham County Planning Commission held on Monday, March 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; Ashley Shumaker, Vice-Chairman Pete Kapuscinski, Joyce Gooden Steve Dorrier, Calvin Bachrach Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney. Dennis Davis and James D. Crews, III 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, six of eight members were present and the meeting could continue.

Re: Approval of Agenda

Bickford: Approval of minutes? We have the work session for November 20 of last year.

Edmondston: Im sorry. Is there any change to the agenda?

Bickford: I'm sorry. I did. I skipped over that i apologize. Approval of agenda. Is there any changes on your end Nicci?

Kapuscinski: Mr. Chairman, I would like to address that I'd like to take the old business and move it down below six so that we can discuss that last

Bickford: That was what I was getting ready to bring up. So if it's the pleasure of the Commission, we will reverse the order and do the new business and then get Mr. George out of here.

Kapuscinski: Do we need to make a motion?

Bickford: Yes.

Kapuscinski: Alright I move that we change that.

Dorrier: Second.

Bickford: You understand what the motion is? It's just to reverse the order. We'll do new business first, because we only have one application and then we'll do the old business. All in favor of no discussion. All in favor? Alright we have 6 yes.

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 approve agenda with changes.

Bickford: All right, that now brings us to approval of minutes. We have the November 20 of 2023 work session minutes. Is there any changes? Yes, ma'am.

Gooden: On the code of ethics, there where it says under the Code of Ethics. Number two, it says Matthews county instead of Buckingham County needs to be changed.

Bickford: Did you see that nicci?

Edmondston: Code of conduct or the code of ethics code of ethics

Gooden: Code of Ethics Buckingham County number two.

Edmondston: Okay. Noted. That'll be corrected. All right. Thank

Bickford: Very good. Any other changes? Do I have a motion to approve as presented with the change?

Shumaker: So moved.

Dorrier: Second.

Bickford: Any further discussion? All in favor?

Edmondston: I apologize. Mr. Chairman, members of the Planning Commission have a question. The first topic that was up for vote was the work session minutes from November 20. finish that before we went into the code of ethics document that we need to make a change to?

Bickford: What Joyce was bringing him was in the minutes of November 20 Correct?

Gooden: That was my question, because it runs right after the minutes it looks like an attachment.

Edmondston: It's not It's if you'll see I have the date of adopted March 25. So the code of ethics. That's the That's your next order of old business. After your minutes and your package, you'll see the agenda along with the approval of minutes, which would have been the November 20 2023 work session, which are available and then the next two sets from February are pending. They're not complete. And then the next thing we'd go into I still have your correction noted for the code of ethics, that one section but they the ethics and the conduct are not part of November 20 work session.

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

Commissioner Shumaker moved, Commissioner Dorrier seconded, and was carried by the Planning Commission unanimously approve the minutes.

Bickford: All right. Thank you. All right. Then we have a motion and a second but understand there is no changes. All in favor, raise your right hand approval of the minutes. That's all six. So unanimous. We're going to skip now to the new business and to the introduction of the application 24 ZMA 340. John George.

Edmondston: Yes, sir. Mr. Chairman, members of the Planning Commission. The new case before you this evening is 24 ZMA 340. Our applicant is 3000 West clay LLC with John Kay George. The tax map is 31 Parcel eight. It contains just over two acres and it's located near 31786 North James Madison highway new Canton 23123 in the Marshall district that is the closest 911 address to this parcel. It's currently zoned a one. The request before you is to rezone from agricultural a one to business b one for commercial use and the applicant is asking the Planning Commission to schedule a public hearing for this request. As I mentioned, this property is located on North James Madison highway in new canton in the Marshall district. It is an agricultural the landowner currently Charlottesville Realty Corporation and the applicant is John George. This property operated as a commercial business many years ago and has no grandfathered status due to the timeframe since last operation. Mr. George contacted me early this year regarding the possibility of a commercial uses over the property, special use permits were explained but he did not feel a SEP would best suit his business plan as he would potentially have to seek multiple sup's to the specific tenant they may occupy the building. Miss Georgia indicated that a zoning map amendment will best suit his needs as any permitted use will 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 this application for the zoning map amendment. This proposal is located within the Arvonía new Canton village center, as described on page 161 of the Buckingham County comprehensive plan which surrounds us route 15 entrance into the county from Fluvanna tells you what it's comprised of. I also included explanations from the comprehensive plan regarding village center and District Four, which is our business district from the zoning ordinance. Mr. George is here with us this evening with a presentation and to discuss any questions and concerns that you may have. And remember the request before you is for a public hearing. If agreeable April 22 2024 at 6pm.

Bickford: Okay, thank you Mr. George. Would you come to the podium, sir? And give us a quick overlay overview of what you plan to do here.

John George: Okay. All right. Jamie, are you able to put up the first image in my photo. Actually, I think I have a vicinity map scroll to that. Right there. Okay, so that map shows in red where the project is. So basically, if you're coming down Route 15 into the county. You crossed the James River on that beautiful bridge. And then there's the by the river restaurant on your right. And the very next building you come to is up at the top of the hill. And I'm wondering how many of you people in this room are familiar with the building that's there? It's a white cinderblock building. It's been abandoned and

roofless, you know, everybody's seen it. Okay, well, then we can just go to the pictures real quick. And there it is. that picture right there shows when you come this is a gateway to beautiful Buckingham County. And you see that building on the right. And just to give you a bit of history, the first time I ever saw that building was 27 years ago. And I was driving to Buckingham for the first time in my life, to visit the family and meet them for the first time of the girl that I ended up marrying. And it was Thanksgiving Day. And it was like that it was no leaves on the trees. And I saw that building and I was like wow, like that. I'm a contractor. This is my 40th year in business. We do design build, and we renovate old buildings and I have a special place in my heart for old buildings rather than building new. And I remember seeing that building and thinking wow, something could be done with that. Well, fast forward 27 years I had to finally told myself one day why don't I call and find out who owns that building and find out what can be done and within a week I had it under contract and then I started talking to Nicci and she told me that we needed to go through a process like this in order to ever make it into something. So Jamie, if you could show a few more pictures, that's when you get closer to it. That's what it looks like from route 15. And now that's the survey. Now, what's interesting about this is, Nicci did report that it's about two and a quarter acre. But that's actually a small mistake in the county land records, it's actually about five acres. That parcel was created in 1949. Right after the county, right of way was put through, put through that area after the construction of the new bridge. And so that parcel has remained that size and shape since 1949. But there was a, an option to purchase recorded. A few decades after that, that were the tenant that was in there and operating a business had an option to purchase it purchase two and a quarter acres. Well, that was the first time the size of the parcel had ever been described in the county land record. So in mistakenly, that option was never exercised. And so it's just that two and a quarter acres has mistakenly stuck with the land record. So we're really talking about a five acre parcel. Not a whole lot of the land is available for use because of the terrain and the power line easement and the creek at the back. But everything we need to do, we can do on the flat land right out of the front, we could go to another photo. So here's a picture of it from above, you can see that there's no roof on the building, it is just rotted completely down to the floor. And there are things growing inside the building. And that has literally looked just about like this for 27 years. And there's a real pretty picture showing the building in the center of the image. And then the James River going west in the background behind it. And then of course, the dark shadow in the middle of photo is the Dominion Power Line easement behind the building. And then, Jamie, could you go to like the last, like the third from the last image, the site plan in the PDF? Yeah, there we go. Okay, so I made this site plan to show how the building could be remodeled and made into a retail space. And I'm envisioning, instead of one tenant, I'm envisioning a number of small tenants. So when I did some renderings, which I'll show you in a little bit, I envisioned like four or five or six small shops in there. And so in order to accommodate that, I've got a parking lot. And you can see where I've drawn that in the center of, of the page. And that fits in really nicely with the terrain. It fits in nicely with the power, the power pole that runs through the center and feeds the property behind. And there's a commercial driveway entrance right in front of that parking lot that will have to be reworked according to vdot in order to meet their current

requirements. But all of that should work pretty well. There's a small Hiccup and I show it on my site plan where the front yard setback for the original building is not met by the original building, we're supposed to have a 50 foot setback from the right of way. We I don't think that building ever met that. But there have been two takings by the highway department since that building was built and they have widened to the right of way in that area, making that building even less in conformance to the zoning code that was put in place in I guess 1997. So another task, if we approve the rezoning is off to come back and ask for a variance so that the building can be reused as is where is because it doesn't meet the setback. But that is what I think should be done because the building is placed where the terrain lets it be and it's always functioned as a business. And I think traffic and parking won't be a problem at all, where the building is today. And then maybe we can go to let's see, maybe the one of the views. So here's a rendering of the driveway and parking lot isn't correct in this image, but the building that is the size and shape of the building, exactly as it is today. And instead of the automobile, automotive bays and vision, storefronts, and right there I've got six drawn, so that could be six separate shops. Or if a tenant comes in and decides they want two spaces, then it would be five shops and one of them would be a little bigger than the others and I Honestly, I told Nicci at the beginning, I really don't know who my potential tenants are going to be, I don't know what businesses are dying to locate right there. But my idea is that I would remodel the outside of the building, and remodel the grounds, do away with the trees, fix the entrance, make it look attractive, restore the outside of the building, and then put up a sign, you know, for lease b one zoning and see who comes. And then I would fit out the inside of the building for their purposes. And so in order to be attractive to basically any business that would want to locate their that could legally do business inside of b1, I feel like it needs to be b one. So that we were opening the door to whatever businesses the county would want there. I've also discovered that b one zoning allows apartments above businesses. And I think that some nice, new, elegant apartments could be very attractive and very nice to have in that corner of Buckingham, because if, if you're like, your school teacher, for example, and you're coming here and you're single and you want to live somewhere nice, you'd have to drive 2030 miles to find a nice new apartment. But I could provide five or six or seven as a second story above this building. And I'm seriously considering that I think those would run out fairly quickly. I mean, I operate rental properties in Richmond and have for 30 years. And I always find good tenants and they pay and they take care of the place. And it's a win for them because they have a nice place. And it's a win for me because they helped make the payments on the building. So that's something that I would want to consider. I think we have two more views. Here's a view coming north. And then there's another view, this would be how it would look potentially coming south on 15th. Then in terms of the apartments, I have, if you go to one of the images on the PDF near the end, maybe before that one Jamie oh, maybe he's behind it. The last image I can't remember, there we go if we could rotate that. So from an architectural standpoint, I recognize that Buckingham was a beautiful rural county. And so I thought, you know, urban or suburban apartment building would not be the right look. And I found this, this 100 year old hotel in the Poconos that has the Craftsman or the Rustic architecture. And I thought boy, this would be a great look, if I transform that building and put apartments above it, I would take my

architectural cues from the image that he's about to pull up. Right? So this, as I said, this is an inspiration photo, I envision the whole downstairs being retail. And then on the second floor, if you scroll up just a little, you can see that there's a porch on the front, and that would be the access to the apartments. And that would overlook route 15. And then on the apartment would go all the way through the building, which is about 32 feet and on the back of the building there, there would be decks where you could look into the hardwood forest that is directly behind the building. And that is actually a beautiful view. The lower photo where I put the James River Landing sign, that would be the size and shape and general detailing that I would do for the gable end. So as you came up route 15 come across the river, and you looked up to your right, that's what you would see the apartment above and the retail space below on the end of the building. And then you can see that in that lower image, there's a deck off the right. Well that's where the decks would be for the apartments looking into the woods. So each apartment would have a front door with a living room. And then in the back there'd be a bedroom, bathroom and closet and then off the bedroom there'd be a deck where you could have a gas grill and you could be up way up in the trees looking out in the woods. It'd be really, really nice You guys have any questions?

Kapuscinski: Mr. Chairman?

Bickford: Yes, sir. Go ahead.

Kapuscinski: I did go I had an opportunity to go visit the property that the if you go back to the rendering that shows the green trees and things of that nature, I looked at the back of that building and it sits right on that drop off. That's number one. Number two, I'm looking at your No, the map that site plan. Yeah, Site Plan. The the way you had that map, you showed a parking lot off to the left. So there's a couple of questions I would ask. Okay. The first would be if you intend to have these businesses there. Alright. And if you intend, let's assume that you're going to go ahead and try to do mixed use, maybe put some residential there. What are you going to? Have you given any thoughts to the septic situation?

George: Yes, we have. And I, as part of my contract to purchase the property have the right to do some investigation, specifically septic. So I've hired a septic firm called Afton consulting. And we went out there with a backhoe. And we dug five test pits in the sloping area behind. So if you went and looked at the building, you notice that there's a flat bench right at the back of the building, it's 17 feet long on the southern end, and it's about 24 feet long. So there is a flat area directly behind the building. But then it slopes downhill. And you can see that in the hatched area on my site plan, right. And that's where we dug the five pits. And the soil consultant said that our soil there is halfway between bad and perfect, he said so he's very happy, he said we can put in an engineered septic system in that area. And he further went on to say that the engineer's septic system would accommodate five businesses with essentially, you know, a store so it would have a sink and a restroom and seven apartments above one bedroom

each. And it would be smaller than a conventional septic system. He said it would last forever, and it can be put in amongst all of those trees. He likes the soil.

Kapuscinski: He wouldn't put any drainage down below where that land flat now, it all the drainage would end up in other words, your drain field, where would that be?

George: It shows where it would be it's in the hardwoods that are between the steep slope and the easement. There's a triangle of land there. That's pretty big.

Kapuscinski: Okay. Second question. You You did mention already that you know that your 50 foot easement or your 50 foot setback. Yeah, setback wasn't there. And I recognize that, but I'm looking at the way you've got this parking lot. And I and I did drive in front of the building to see how it worked. I mean, how many cars would be would that parking lot hold and let's make an assumption that these businesses are all successful, would that parking lot accommodate all that you want to put in there including the residences, given the fact that I mean, I'm looking at the way the driveway is configured in front of 15. And the way it is now?

George: Well, Vdot gave us some advice on that. And they did submit that to Nikki oops. And v dot wants us to reconfigure the driveway entrance and they want a single entrance. So they want us to do away with one of those and then reconfigure the other one to meet current V dot requirements, which we would do. So really, we should ignore the driveway entrance that's in front of the building itself. That will be gone, that'll just be a landscaped bank. Okay, and there won't be any cars parking in front of the building itself, the building will only be accessible from the sidewalk that comes in from the parking lot. That's to the left of the building.

Kapuscinski: So how many how many cars would you plan to be there?

Bickford: Looks like 29 parking shown.

George: 27 or 29? Depending on how the handicap configuration comes in generally handicap space, we can get two handicaps in three spaces.

Kapuscinski: What are you looking at maybe five or six businesses, right? Yeah. And then you're looking at 20, maybe 25 Cars maximum?

George: So the apartments are one bedroom apartments. And zoning doesn't give you any guidance or requirements for parking. So I drew a real simple lot. I could put more parking spaces in there.

Kapuscinski: I guess my concern is down the road. But I mean, you're looking at six businesses plus the possibility of four or five, maybe six apartments. And I just, I guess I'm a little concerned because if there's no place for anybody to park, you're right next to 15 and across from you. I don't even know if it's still open but the racing fuel. All right. Well, then, I mean, there's really nowhere there's nowhere else to park you're gonna park up 15.

George: Well, when I say small businesses, I'm talking about a one room business. We're talking about a proprietor and one customer at a time to maybe two. So you I'm not sure what the traffic count is going to be vdot is going to require us to do a study that shows how many vehicles will come into the, into this project at a time, you know, per day vehicles per day. So if the parking lot needs to be made larger to accommodate with v dot says that our eventual parking load or vehicle per day will require there is more flatland there the parking lot could be made bigger.

Kapuscinski: I'm looking at where your land drops off. There's not a whole lot more land.

George: No, but over there, you see where the there's about to to Wales, there's about 5000 square feet where the dumpster is to the left. And you could do some grading, you get a little bit more flatland, but we could accommodate more cars there.

Kapuscinski: Okay, and then last. So he talked to me about the drop at the back building. And then this one would be for Nicci, Nicci, if he were going to have apartments and commercial businesses, would that still be b one or we'd have to do an NC one mixed use?

Edmondston: No, no, you'll notice in the b1 zoning district information that I included directly from the ordinance it states apartment is allowed as a secondary use. So it would have to be over an existing business. Okay, now there's no need for with the plan that he has in place right now these are permitted items under a b1 zoning district. So the request is not to go NC one, his request is to go from a one, which the property currently is zoned to be one.

Kapuscinski: So therefore, if you if you get to a point where you think maybe the tenant, business and apartment and the parking lot don't match up you, what would you do? Would you make the spaces for tenants, particular business tenants larger so that you'd have fewer businesses? Is that? Is that your contingency? Or do you have one?

George: Well, there's five acres, and the terrain governs what you can do easily. But let's say we had a tenant come in there. And they said, John, we want to be there. And obviously you want us just some imaginary business or let's say some fabulous farm to table restaurant, and you know, we need 40 spaces, well, we would just make it happen, we put a retaining wall in and bring in some fill, and it just,

you know, we would just make the parking lot bigger, we have land, we just don't have advantageous terrain for a huge parking lot. That would be but the dream tenant, if they showed up, we'd give them the parking they need.

Kapuscinski: Okay. All right. Thank you for your answers.

Gooden: Looking at this under B, one, these are the things that you could possibly there's a listing of things that you could possibly do, and it has the apartment, it has a convenience stores and or dry cleaning. And what you're giving us now is what your vision is. But your vision could change. Because if I'm hearing you correctly, you're starting with the shops with the possibility of putting apartments over there over

George: Yeah, I like the idea of the apartment. it makes the project more economically feasible for me.

Gooden: But you still have these are all options that are open to you.

George: Yeah, whatever is in B one would be tenants, we could welcome and say the doors open for you to come in.

Gooden: Okay, that's what I wanted to clarify.

George: But obviously, so let me say this. I do like the idea of apartments up top. But that means I wouldn't like the idea of a business down below that would not be conducive to getting good tenants. So let's just find a business in there that you wouldn't want to live above. You see anything?

Gooden: That I wouldn't want to live above? Yeah.

George: Yeah, I saw a few in there. I don't remember what they are. But I'm like hoping I'm like, Well, I wouldn't do that I wouldn't choose one of those businesses because that would hurt the tenants and hurt the harmony of the whole mixed use development.

Gooden: Along those lines. This county does need teacher housing very badly. Very badly. And and if you had teacher housing above and a coffee shop below that also sold sandwiches or something else. So yeah, then you've got right that'd be great tenants those are great things.

George: Yeah. And there's other things that could be like I think I put a bakery on the can you pull up view number one Jamie?

Gooden: And the Beauty and Barber Shop, see all of that could go right there and would service the apartments above

Inaudible Multiple people talking

George: Like if there was a beauty shop. I mean, there's probably somebody a real good beautician in the area that is running out of their back room and they don't like that they would love to have you know Oh 600 square feet of their very own with a sign with a parking lot, you know, that could grow their business.

Gooden: And that area does not have a there are a plethora of churches and churches, but as far as there's only a gas station and very nothing to eat. Nothing to eat right. Yeah.

George: By the river was open, we were one of their first customers and we went in there we love that restaurant, we thought boy, this is gonna roll. And you know, I don't know what happened. But it was a good restaurant, I thought there was a great need for it. And so I'll be honest with you, like if some dream restaurant from Richmond wanted to outpost by the James River and they wanted the whole building. And they wanted to build a glass dining room on the back overlooking the woods, I would certainly talk to those people. You know, if it was a going concern, something that was lure to the area, something that made the front door of Buckingham look good. And it made business sense, I would listen to it. But at this juncture being agricultural, I have to open a farm store and sell hay bales or a daycare center or a church. And really that park that the terrain and the size of the property doesn't lend itself to any of that.

Shumaker: Mr. Chairman, speaking of the property itself, so you presented the deed from 1980. You mentioned errors in the Land Records. Do you have proof of that or any other legal additional deeds?

George: Yes, we do. Okay, so to prepare the site plan, I needed to know where the boundaries were. So I started digging in the courthouse and I realized, oh, gosh, this is above and beyond me. So I hired a surveyor to come in, the surveyor came in and did three separate trips to the courthouse and found and compiled the survey that is part of this application. Then I ordered a title report from, you know, title insurance company, they went, I don't know where they got their records, I think online, they confirmed that the survey is right. They said, You know, it needs to be verified by a field survey. But we see that what your surveyor found is what we have found and we're willing to insure the title.

Shumaker: So you are currently not the land owner?

George: No, I have it under contract. And the contract is contingent upon the rezoning. So if, if I don't get a rezoning, like I said, I don't really have a viable business use for the property at all. So I really, as much as I like it, I wouldn't buy it.

Kapuscinski: Mr. Chairman. Let me ask Nicci here. He says he's under contract and can he actually ask for rezoning before he owns it?

Edmondston: The landowner has signed this application?

Kapuscinski: Okay, so we're actually rezoning for the current owner,

Edmondston: Hes the applicant on behalf of the project, but the landowner has signed this application for this tax map.

Kapuscinski: So let's just look at the wildness situation. We go ahead and agree to a rezoning and then he does not or she does not sell that property. That property is still rezoned. Correct?

Edmondston: yes.

George: But I wouldn't back out.

Kapuscinski: Well, I'm not worried about too you backing out.

George: Well, I mean, it's under contract. It's a legal Virginia real estate contract. It's not a handshake.

Kapuscinski: As long as your under contract and yeah, I understand that. I mean, it's alright. Thank you.

Bickford: Mr.George That's a very old Cinder Block, building and have you already checked on the structural?

George: Yes, I have. I did a really good visual inspection of it. And it is remarkably free of cracks. I mean, remarkably free evidently, it's on hard ground, and it's got a good foundation under it. And also what I do to it, I'm going to strengthen it. There's ways I'm going to put a bond beam at the top and pour and put rebar in the Cores. It's typical what you do with old cinderblock buildings to make them much stronger. It's easy to do, it's common.

Bickford: Okay, as far as your businesses, how about the lighting? How do you plan to have your lighting set up for your business and parking?

George: If you look at the site plan, in blue, I have drawn three LED lights, and these are called high cut off lights or something like that. They put all the light forward. And right at the pole, there's like a dark zone. So behind the pole, there's no light at all. So what it does is it puts all the light on to the parking lot itself and won't let any spill into the air into the woods or to the onto the road. So basically, it follows good lighting practices where if you're going to light your property, you don't like your neighbor's property and all the light you don't see the source of the light shining straight down. It's shrouded. So I have three of those on the plan. And that's just a preliminary Based on recent projects I've done where the same light fixtures were used. And it's remarkable how effective they are. The distance apart that I've shown them, so that's just a beginning plan, but that's how I would carry through with it, I would have a photometric drawing made by the lighting company that would show the building department as part of my building permit exactly where the light would be.

Bickford: About your water source, its gonna have to come off the wells? Have you done any preliminary work with that yet?

George: No, we have not. There's a well on the property. Yeah. So I don't know where it is. And I haven't tested it. But if I did this project, I would either use the old Well, you know, have a test and see how it flows. See how it works? Or I would drill another one.

Bickford: I suspect you'll probably need another well. Back when this thing was constructed they didn't have any really drilled wells they were all bored.

George: Yeah. And I actually don't know if one has been put in in the decades since I have another property in Buckingham that is 150 year old handbuilt farmhouse and I was very pleased to find a 1983 drilled well on the property and run. It's awesome.

Bickford: Yes, sir.

Kapuscinski: Should you get this permit and get everything settled? Do you have any kind of an anticipated start date?

George: I would start right away. As soon as I had a rezone, I would immediately go in there clean the whole place up powerwash. Paint the outside of the building, make it look good. Replace the broken glass and put the signs up, say for lease who's interested?

Kapuscinski: Excellent. Thank you,

Bickford: Yes, sir.

Dorrier: I may have missed this. Do you have were you routing the power in from electrical power?

George: Actually, that's shown in the site plan. Look dead center the parking lot? Can you zoom in on your screen? Can you see where it says power pole existing or ug power. And there's a dotted line that runs right over to the back left corner of the building on that pole is a transformer. And that's where I'm gonna get the power for the building. And it's where the building always got its power. You see that? Dominion and take care of that. They would, they would upgrade everything I need. But the nice thing about it is that power line that runs across there by the pole, it'd be difficult to get dominion to move the pole. So I designed to the whole parking lot around the exact pole. And it works perfectly.

Bachrach: I'm looking at your plat. I'm still confused. The deed is two and a quarter acres and the plat is not recorded.

George: No the plat is not record not well; the compiled plat has not been recorded. But the title company said we agree with a compiled survey. And when you record we will use the compiled survey to record. So in other words, the title company has no question about where the boundaries are. And the compiled plat actually matches the original plat where this property was actually created. And that surveys actually on records from in 1949 in the courthouse.

Bachrach: Im just looking at the tax map.

George: Yeah, the tax map is nowhere near Correct. Unfortunately, everybody knows they're not perfect. But this is this one's way off.

Bachrach: They are pretty accurate on the acreage that they're billing for though.

George: There was a mistake. And I think it comes from the option that was granted and never executed. But I have worried about that. And I've done a lot of work to make sure I know where the boundaries are. And I'm 99.9% sure that the compiled plat is accurate. And the title company agrees with me. Well, Id feel more comfortable with a field survey. But that's an expensive endeavor that I wasn't going to commission until I knew that I had reasonable chance at getting b one zoning and y'all could make the zoning contingent upon a field survey and the recording of same.

Kapuscinski: Chairman I understand that concern and its one of mine, but if it were a condition that would be great.

Bickford: Think it would alleviate a lot of problems, was it if we did do that. And Mr. George apparently was receptive to that.

George: Yeah, yeah. And also, you know, the stream has moved in the past 75 years, and the backline of the parcel is the actual stream. So a field survey would put all those property lines to bed.

Bickford: Any more questions from the commissioners?

Shumaker: Ill go back to the Vdot study. So we've talked about a lot of conceptual things that you'd like To see so I travel that road pretty often I think a number of Commissioners do. It's pretty narrow. Have you discussed with them? If the if they need to put in turning lanes, what that does is that even further decrease your setback? It's not a ton of room there.

George: Well, they told me that a left turn lane is going to come into play when you're talking about 5000 vehicles per day. But under no scheme, would this little development of 3400 square feet ever generate 5000 vehicles a day. So I don't think vdot is going to require either a right or left turn lane in that area, for this project. But I don't have anything definitive because we haven't done the vtis study that they're asking us for matter of fact, I've never done one before, I would have to look into how to satisfy them with that sometimes understand localities, do those studies for a development. Sometimes the developer does them. That's up in the air at this point. We have to make the vdot happy though.

Bickford: Any other questions? Mr. George you can take a seat we'll discuss this among commissioners. Yes, Mr. Wright.

Edmondston: I brought him out. It seemed like we had there were some questions about the deed. I didn't know if you wanted to ask our legal counsel a little bit more. And you also had a question about rezoning with a contingency. So I thought that those would be good questions for Mr. Wright?

Bickford: Did you hear the discussion in regards to the proper acreage? Mr. George is willing to make that a contingency that survey will be completed Upon approval, or before approval, like as if we voted to move to supervisors? How's the legal aspect of that?

Inaudible

Kapuscinski: So how explain then where would we be in this one? Because he says it. The tax map shows two plus acres in the survey would show four. So what would we say?

Wright: So what you want to say is tax parcel da da da change the zoning of to whatever you're changing zoning to.

Kapuscinski: So just the tax map number.

Wright: Estimated to be two acres, or less or however you want to describe it, but I don't believe this commission should get in the business of certifying boundaries.

Kapuscinski: So therefore, if he goes out and proves that he actually has four plus acres, then that would be the new tax map. And that would be automatically zoned.

Wright: It will still be that it won't get a new tax map

Kapuscinski: no, but it would be increased acreage and then he would be and then the zoning would apply to the additional acres.

Bickford: Alright, so what you're saying is he would if he did the survey and showed that he had five acres 4.98, then he could go to the court house and have that changed the acreage for that property to fit the tax map.

Wright: Survey went on record that the commission would pick it up and his tax base would expand and parcel would still be zoned what you zoned it.

Bickford: Okay. Did you understand him Mr. George?

George: That's what I thought would happen nobody's really looked at that parcel hard enough to determine exactly the boundaries and the acreage until now. And now that we have a professional opinion, we have a title company saying, Yeah, we went all the way back to 1949. And beyond. And we see, actually this size. It's correct. Only thing that's wrong in the land records are how they drew it in the acreage that they say it is

Bickford: right. But they're not what we're saying is what Mr. Wright has verified is that they the county will not change the acreage for the for your tax map parcel until a survey is presented that shows that you have 4.98 acers.

George: That makes sense.

Kapuscinski: Mr. Chairman, having said that, and looking at this, this plat. All right. Let's assume this is the worst case scenario. Tax map is correct. Is there still enough room for you to do this?

George: Yeah. Oddly enough, yeah. Because the extra acreage that's on the parcel is all down the slope, way down the slope. It's the whole power line easement. Yeah, the frontage, the flat land all of that. When you talk about the tax map, Yeah, the triangle that shows in the county records but no metes and bounds and no range no bear It's just a line drawing.

Kapuscinski: But given that tax map parcel, yeah, there's still enough room for you to do all of this.

George: Yes. Like, if. But I don't envision that happening because we've gotten a survey and a title company.

Kapuscinski: Totally understand it. And all I'm saying is, does this fit if that were the case?

George: Yeah, it fit. That's why I agreed to buy the property not knowing where the boundaries were. Because all the land that the business sits on, and the parking lot to the left of it, that was always there is all I need, really. And the extra acreage, see, we don't know where the extra acreage is. I think what somebody did is they drew a line on the route 15 side of the power line easement, because that's what makes it a triangle. But that's not exactly right, either. I don't know how the tax map got off. Because nowhere in the whole chain of title that we've investigated, is there ever a parcel described as two and a quarter acres with any boundaries, that the parcel that I'm buying has never changed in size or shape since it was created since the day it was created. It's always been that size and that shape.

Shumaker: Mr. Chairman, yes, based on what we have heard that we have to as a planning commission, consider the tax map, which is two and a quarter based on the 1980 deed...

George: But it's just described as to a quarter it doesn't say the size and shape and references.

Shumaker: And that's what I'm getting at, at the at the pleasure of the commission, I would like to see this project shown with setbacks graphically on what we know to exist. So based on the deed from 1980. While your concept works, there's no way for us to evaluate it without seeing the project on the tax map as it is formally recorded at the courthouse

George: Right I have a problem with that, because I only work in precision. And the tax map itself is just a line drawing like this. It does not show where a structure is, it doesn't show the length of any of those lines, it doesn't show the direction of any of those lines.

Shumaker: but as a Commission and with our zoning ordinances with setbacks, I think we have to have that information before we can consider this project. That's just my opinion.

George: I disagree. Because in the requirements for the zoning application, it says I must submit a survey prepared by a licensed surveyor. And no licensed surveyor would ever prepare a survey showing the triangle that's on the tax map. Because there is no data in the county books that that prove it out. It's just a mistake. I can't get a survey that shows a triangle, I would have I mean, if that's what the surveyor came up with and showed me a triangle, I'd be like, great. Give me the metes and bounds so I can make Nicci the site plan that the application requires. So it was a big surprise to me. But it doesn't matter. Because I don't need five acres to do what I'm planning on doing, it would work out just fine on one and a half or two and a quarter.

Edmondston: It does state that it needs a survey it will Mr. George stating that there is not one on file however they record a deed does state that it's described as two and a quarter acres it I mean, I'm not a surveyor, and I'm not an attorney, but the written document that is the instrument on record for Buckingham County is this deed from 1980.

George: But it's a mistake, I mean, mistakes happen.

Edmondston: What's recorded in their instrument books is that it's two and a quarter acre.

George: Right, but it gives a much more precise information. If you read further on in that same deed. It says there's a being clause in every deed, and it says being the same parcel, blah, blah, blah, as was transferred. And if and then you go to that deed, and it says, The parcel being and it says being the same parcel in all respects. And the title company saw that and said, Yeah, we see that too. So it is actually

inaudible

Wright: Yes, yes, it is a compiled survey and the title report. Actually, I have an email from the title company saying that they would actually record that with the title insurance policy, but I wouldn't do that I would actually have a ground survey done. But the title company and the survey are both confident that the compiled plat is accurate.

Wright: And that's fine, but that's not a record right now.

George: And yes, and I don't dispute that at all. It needs to be of record at some point in the book. But let me ask you guys something as commissioners or planning commissioners, when someone brings a survey in and says, you know, this is 6.98 acres and got a surveyor stamp on it, do you start arguing

about where the property lines are or how long they are? I mean, you don't you just take the surveyors word for because the tax maps are not accurate, ever. They're just line drawings. They don't have any dimensions. Isn't that right, sir?

Wright: Maybe they are never correct but sometimes they are.

George: Well, if you show someone a line drawing without dimensions, you can't say whether it's correct or not.

Wright: That's not the question you asked you made a statement was the tax maps are never right.

George: They are never precise enough to replace a survey.

Wright: That I agree with but that's a different statement. *inaudible*

George: Well, I do have a compiled survey.

Wright: That is not of record.

Bickford: Have you tried to take this to the clerk's office and have it recorded?

George: Well, I can't because I don't own the property. I could ask.

Bickford: How about landowner ? Couldn't the land owner your in contract with? Couldn't he take this and get it recorded? See the problem you got is you got a deed saying two and a quarter acer And that's that's what the problem is you got to plat. And I'm not disputing what you're saying about tax map Because sometimes they're all they're in the wrong area, but what your issue is, the main problem we got here is your survey is saying and I'm not disputing the survey whatsoever, but you got to deed it in two and a quarter. Or the landowner does. Unless, you know, I guess you could go back prior to that option. But we don't see that paperwork. And it's that's what that's what the issue is, you got a plat saying, right at five acre, you got a deed record saying two and a quarter.

inaudible

Wright: The question is to decide whether you want this piece of property zoned b one. and anything in b one can be built there. That's the basic question the acreage you know, if you meet setback isn't the question.

Kapuscinski: Yes, Mr. Chair. Here in the last work session, we looked at all those corridors. And we already argued and accepted the fact that along those corridors, we wanted that to be a growth, potential growth area for the county, which includes this piece of property that Mr. George is where he wants his business located. The issue for me is that so eventually, what we want to do is we want to build up those corridors anyway. He's got some sort of an idea for business. We've had these things in front of us before, where zoning requests were made. And there's never a guarantee because if we zoned something, we know that list applies, but at the same time, in this particular case, he's talking about two plus acres, if it's two plus acres, or if he gets a survey and becomes four plus acres, it's still zoned b one, so it's not like we're gonna say okay, the two plus acres or b one and behind, that's a one, if he gets it surveyed, and it becomes a five acre parcel, it all becomes b one. So I really think if we look at Mr. Wright's comment, the question for us is, are we okay with taking a piece of property that's in an area that we're arguing should be growth? All right, and rezone that to something where an individual can put a commercial piece of business and that's, I think that's the question before us. I'm, I'm okay with that and I'm ready to make a motion.

Bickford: Any other commissioners have any question for Mr. George before we move forward with a decision? Okay, go ahead. Sit down, sir. Thank you.

Kapuscinski: I would move, Mr. Chairman, that that we go ahead and take this project to a public hearing.

Dorrier: Second.

Bickford: Any further discussion on this? All in favor that? All in favor, raise your right hand. 4 yes All oppose. Two opposed. We will be moving to public hearing. Moves forward to public hearing April 22 At six o'clock.

Edmondston: Planning Commission regular meeting, this is the second branch of that tentative schedule is included in your application.

Kapuscinski: Just a side Mr. Chairman, it might be it might be helpful. At that point in time. Mr. George, if you could do something to give us some more comfort? As to? Again, I know the question doesn't seem pertinent. But there might be something you should be able to do possibly with the owner to at least give us some assurance as to as to the real landmass that we're talking about.

George: So there are two things that I can do. I can bring in my title policy. It's called a title commitment or a title binder. It's the title companies promise to insure that particular piece of property and say, Yes, that is what you're purchasing. I could do that. I could also

Bickford: Mr. George I don't mean to interrupt you but if you had if a title companies looked at the title on this thing. They had to do some research. Apparently, they would have some basic information where they went back to the creation.

George: I have a 28 page email with all the chain of title and all the title companies notes, the title searchers notes.

Bickford: If you would, as a favor for the commission, to perhaps bring just some of that documentation along with the title. As a favor you don't have to provide that.

George: I can. It was a surprise to me. When I went to draw the site plan, I knew that I needed metes and bounds and I fully expected it would be a triangle just like the tax map shows it would be right at two and a quarter acres. I was just really surprised when I found out that's not the case. But it doesn't matter. For my plan, the extra acres don't make it a viable project. Like if, if Ashley says, Well, if it was only two and a quarter acres, could you still do it? Well, that was my plan to begin with. And I could, but the thing is, that's just not a true situation. The true situation is the plat that I have, that will be confirmed by a field survey. The field survey will move those lines ever so slightly compared to the rods that they already find for the surrounding property and for the centerline of the stream in the rear. So it'll change a tiny bit. But the title company says yeah, that's what you're getting. That's what the guy is selling. That's what you're buying.

Bickford: Yes Sir.

Wright: *inaudible* evaluating a site plan at all. In fact, that complicates things. There's a situation it's worked its way back around, where the commission recommended to the board that it changed some zoning the board changed the zoning. And but where it got caught up in a zoning map amendment, where it got caught up, the person presented sort of a semi informal site plan when they were asking what they were thinking to do to justify why they wanted to change the zoning. Well, they changed the zoning, board did and now that's back they're asking for the permit they and they can't make what they want to do. They don't if he's robbed it was they said we gave that to you, they all acted on that. So that site plan has nothing to do with the notion of whether you want to approve this as a be one piece of property not he showing ideas of what might be done but there's no commitment, any of those so you can almost just take that site plan and just discuss it as an informal site plan. So I mean, think of this as whether you want this piece of property to be b one and any of the things that can go on that property. That's and that's no negative comment towards you know,

George: I agree with you 100%. I came down here to ask you guys to open the door on that piece of it. property to businesses that would want to locate their that are allowed and be one he is precisely right. And the site plan is just a concept. It's an idea. It's a hope it's a dream, I don't have a tenant. But I hope to get a hope to be able to open the door to businesses by having b1 zoning, he is exactly right, the size and shape of the land. I mean, everybody knows what it is and where it is, and exactly where the property line is, is yet to be determined. But I've done a lot of professional work to help you guys understand where those property lines are at this point, because I knew that the tax map has a mistake in it. And I can't come in and draw my site plan on a triangle, once I found out that it's a square. So that is, but I think he's right, that's really not the issue. Do we want that 550 feet of route 15 to commerce in it or not? And I think that the fact that been like that for 30 some years, I can change that if I get b1 zoning, and I will, that's I'm asking y'all to open the door to businesses on that 550 foot of frontage.

Bickford: Okay, we will see you in April.

George: That's great. Thank you very much. Appreciate y'all taking so much time.

Bickford: All right, that's gonna bring us to our old business, which is consideration of the Planning Commission Code of Conduct and code of ethics. Joyce I had, you weren't here at our work session. I brought them to the attention what I meant to announce that on the code of conduct, we had already talked about deleting number seven, because that went against the our bylaws with time, you know, given so you don't want to open a door. Then it was also on repeated on the Code of Ethics on number 10. So same thing for one, take them, delete them. We had talked about number four, on the Code of Ethics we started talking about anyhow, I had told them, them being the commission last week that my main concern with it is when it says economic means I read it and read it several times. But I interpreted that as a possibility of an applicant looking at that at this and saying, Well, they're trying to cut corners to save time and save money. Did I get a fair hearing? So that's just the way I looked at that's just my opinion. I think probably my suggestion was maybe just to take that out, because I looked at it that way. But again, that's just my opinion. So that's number four does before we get into discussion, does anyone have another number on either of these documents.

Kapuscinski: Mr. Chairman Go back to the code of conduct. And I would like to look at item number two, I quite honestly don't understand sensitive professional moral judgment, I would, I would argue that what we're doing is exercising to the best of our ability judgment to do in all activities. I don't these other these other these other adjectives, I just I, they I think are open to you could open them up to all kinds of different standards. I think if we're exercising our professional judgment, it has to be to the best of our ability. And that I think would be a much more appropriate statement. That's just my view, sir.

Bickford: Okay. All right. Well, let's any other commissioners have any other numbers or conditions that they'd like to discuss? We have two and four remaining. Well, actually the others we have to decide on two but for the time, I assume everybody's okay without that one right against our bylaws that we got three minutes needed in a bail. All right. So we got two and for two on a code of conduct for on code of ethics. Any, any others? All right, let's take number two exercise on the Code of Conduct exercise sensitive professional or moral judgment in all activities. Pete indicated he would prefer just be exercised professional judgment in all applications.

Kapuscinski: The best of our professional ability. Yes, sir. Okay.

Bickford: What's the pleasure of the commissioners? Feel like that's a reasonable compromise. Okay. All right,

Gooden: This is just a first time we're doing and I just found something that seemingly suit our could suit our needs. And for us to start with, we were looking at revisit this each year when we revisit our bylaws.

Bickford: All right, Nicci, we're going on number two, take out sensitive and moral, one, just say exercise professional judgment, and all application. Okay. And you did get to where deleting number seven on the code of conduct and number 10 on the code of ethics, because it goes against our by laws with the time.

Edmondston: I took off the X the Xs, the second part of that I left be open minded, and patient. I did revise them, because I think the second part was what I noted, but I can remove them completely. If that would be your preference.

Gooden: We want to remove completely? Is that what you're saying?

Bickford: Oh, you're referring to that I'm referring to number seven the time and 10. only because I mean, we can change it, but because of the time it goes right against our bylaw, because we say three minutes. So our suggestion was just remove.

Edmondston: And I removed the part that talked about the ability to speak and engage in I just left the first part of that, which was be open minded and patient, is it your preference for me to remove Seven and 10?

Bickford: I'm looking at the old copies here. And what is the pleasure? I was just asking you to delete them entirely.

Kapuscinski: Six, one half dozen, the other. I'm okay.

Bickford: Looks like consensus is just delete both seven and 10. Alright, that brings us to number four on the code of ethics. And I'll open up for discussion. Like I said, I saw what I saw, or at least the way I interpreted or one way I interpret.

Kapuscinski: Yes, sir, with regard to number four, and I think you and I have had conversation in the last meeting. The issue there to me is it's a little bit confusing, again, because of all the words that are used, I think if number four if we need a number four at all. I mean, I'd be okay to eliminate it as you as you suggested. But if we do need to number four, I would I would opt to use the following verbiage seek to use to the best of our ability, a process that allows for fair and effective responses to those bringing projects and issues forward to the commission. I think we've said it a number of times and a number of different areas. So even that's not necessary. But if you wanted to just eliminate it, I'd be in favor of that as well.

Gooden: Commissioner Kapuscinski Can you repeat that please? For Number four under code of conduct.

Kapuscinski: Yes, ma'am. Im sorry, code of ethics. Seek to use to the best of our ability, a process that allows for a fair and effective response to those bringing projects and issues forward to the commission.

Bickford: My suggestion was to delete it because I interpreted with economic means that someone could I'm afraid an applicant could look at that and say, well, maybe I didn't get the due diligence that I needed because they were trying to rush it corners to save money for the county. So my suggestion was just to remove it, delete it.

Kapuscinski: Mr. Chairman, I'm I'm okay with that too. I didn't I just use

Bickford: Just my opinion.

Gooden: And I think this is where we had the discussion about something equal and equitable. Equitable is discussion. And I truly believe some we have not been equitable in more than one on more than one occasion. And so I like the word equitable in there.

Kapuscinski: Mr. Chairman.

Bickford: I you don't want equitable.

Kapuscinski: Yes, sir, because I believe it, it implies a prejudice and I do not care to be prejudiced in any of the decisions that I make here. Now, that's why I did sir, offer an alternative saying to the best of our ability to process and allows for a fair and effective response. And in fact, if you recall, the last time we discussed these things, you did put into an objective statement that we had already that we were going to be fair in our decision making. So I mean, this is just duplicate of, and, again, I'm okay, if everybody wants to get rid of it, it'd be fine. But if you're going to, if you're going to have a number four, then again, I think we have to emphasize the fact that we're going to be fair and effective, it doesn't matter to me the color of somebody's skin, or their gender or their culture, it doesn't matter to me that stuff. When people come up here, we need to be blind to that and understand that our job is to look at the project and and how they want to use that land.

Gooden: I do differ because we have not done that as a board. And so we have not been blind as to gender, color, and size of property. And my favorite was the property with the firefighters and fire department and Mr. Whyko. In my district. Much more property than the firefighters. And we are allowed and held Whyko to a very restricted standard. And the firefighters we just went okay. So for that reason, that's why No, we have not been, we have not been, I'd say even handed equitable and what we're doing. One had considerably more land but was restricted from that. And that's one occasion.

Kapuscinski: Mr. Chairman? If you look at the, the the meaning of equitable or fair and equitable are not the same thing. When we look at equitable what we're talking about in today's society, we're looking at taking away from something to add to something else. That's a prejudicial decision. My point is we should not be prejudiced in our decision making so fair and effective to me is an appropriate way to describe what we need to do equitable implies a prejudiced decision so I strongly object to that.

Bachrach: If you were to get rid of number four, I think number five addresses most of Joyce's concerns

Bickford: Any other commissioners if you have any voice any concerns here or opinion please.

Kapuscinski: Ready for motion?

Shumaker: As a compromise if we wanted to keep number four Can we just cut it off as seek define and use the most fair efficient and effective means take out equitable and economical

Bickford: Joyce five satisfactory if you take four out for you well, we could do the compromise and take out four and put five but my main concern was economical for it I think we need to remove that too. If we can drop I have no problem with it either.

Kapuscinski: If you do that, Mr. Chairman, my view is that four and five then he basically say the same thing. I liked five I really liked five it's it describes what we should be doing and so four just becomes a confusing thing for me.

Gooden: And I'm willing to listen to the consensus of the group. But bear in mind, we have not right. We have not been completely fair. And I've got some more. I've got a couple of others if you'd like to hear them. So. But that's my, that's the most outstanding how we treated property. So I knew we had more property, much more property. And essentially, we're dealing with men.

Kapuscinski: Chairman, I really, I would like to call the question here.

Bickford: We've got two alternatives.... Okay. Yes,

Gooden: May I finish my statement, that's what I was saying was that we were dealing with men, we were dealing with different size properties. And we allowed one set much more people on their property. And that was only reduced because of the survey that was done on the property, not because of our decision. And the person who had much more property was restricted in more than one way to what he could do with his property. And we showed greater leniency to the fire department. And it has nothing to do for me with the fire department. It's just these two entities were treated very differently. So we need to be aware of how we treat people who come before us. And so that was why I like the word equitable. But if we are going to, again, that do not discriminate, then we need to follow that any citizen, and regardless of sex, race, age, religion, creed, I won't even say marital status, or whether they're standing there with a man because we've done women who've come before the board differently also. Okay, so I'm so again, I can say whatever the consensus is, of our board,

Bickford: we've got two options. One was to just delete four, because five sort of it's sort of repetitive. But five, however we could, and ashley suggested, take out output a one, we'll just put fire, I did want to drop the economics. So we're read seek to find and use the most fair, efficient and effective means for getting tasks accomplished. I'm fine with either one, I think that probably would cover. So that's your two options that we've discussed.

Gooden: So whatever, as far as, as these two are concerned, we've had we finished discussing, are we going to

Bickford: That's just that's what we're at. I'm just bringing it to where we're at. They were the two options, delete it or change it to that. Because, as Calvin said, four sort of is repetitive because it goes in more detail. But the compromise was what ashley had suggested, just like equitable put fair, and drop economical, which is what we can drop

Gooden: We can drop four and go with 5 as far as I'm concerned.

Kapuscinski: Mr. Chairman, I would agree, I would make a motion that we dropped four. But I would also add to that motion in order to satisfy the one thing that really concerns me too. We ought to add culture. In other words, race, sex, age, religion, creed, culture, country of origin, that would take care of any of these other issues that that are you referring to?

Bickford: Clause 5?

Kapuscinski: Yes. That would take care of our gay community as well.

Bickford: If you will put that in form of motion and then we'll discuss it okay.

Kapuscinski: I would I would move sir. Do I hit the motion first? Okay. I would move sir, that we remove item number four, from the code of ethics and add to number five citizens regardless of race, sex, age, religion, creed, culture, and or country of origin or disability.

Bachrach: Second.

Bickford: All right, now we have a motion and second to remove four and add cultural to 5. Further discussion. Take a vote then.

Gooden: The only thing I want to say, I don't see how the culture, any of these none of these things to me that that instance when we voted between the fire department we can't get there. And but it still doesn't fit what we did with the firefighters. And the other gentleman. I just want to say that for the record, but I am ready to vote.

Bickford: Take a vote. All right, vote. All right. I have if I'm reading this correctly, call majority six. Okay. Very good. All right. That finishes our old business and brings us to the Nicc you got those changes, right. Okay. Brings us to your reports.

Edmondston: Only included for informational purposes. I don't have anything to add.

Bickford: Commission matters or concern. Joyce you have something?

Gooden: I do want to add. Commissioner Kapuscinski Do you realize that when I'm talking, you're shaking your head and grimacing and going?

Kapuscinski: Because I don't agree with you.

Gooden: I get that. But that's also body language and can be seen by the people who are here. Here with this.

Kapuscinski: I take your criticism, Mr. Chairman, I've had enough I really have had enough. Mr. Chairman, I really had enough I'd like to move to adjourn.

Bickford: We're not getting we're not getting anywhere at this point. Enough.

Gooden: I appreciate the time to speak...

Bickford: Do I have a motion to adjourn?

Kapuscinski: So moved.

Dorrier: Second.

Bickford: Vote. We're adjourned.

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

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
Work Session
January 22, 2024**

At a work session of the Buckingham County Planning Commission held on Monday, January 22, 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; Ashley Shumaker, Vice-Chairman;; Pete Kapuscinski; and Danny R. Allen. James D. Crews, III, , Joyce Gooden Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney. Steve Dorrier was absent

Re: Call to Order

Zoning Administrator Nicci Edmondston called the meeting to order.

Re: Invocation and Pledge of Allegiance

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

Re: Establishment of a Quorum

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

Re: Approval of Agenda

Edmondston: We'll continue through the agenda this evening with the seating of the 2024. Chairman.

Kapuscinski: May I make a motion? I'd like to, I'd like to move that, John. Our current chairman remains the chairman for another term.

Shumaker: Second.

Edmondston: I have a motion on the floor in a second. Is there any discussion? Then I call for the vote and signify by raising your right hand if you are in favor, all oppose. Mr. Bickford, you are now chairman Bickford, and I'm going to turn this agenda over to you thank you so much.

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

Commissioner Kapuscinski moved, Commissioner Shumaker seconded, and was carried by the Planning Commission to elect John Bickford as chairman for 2024.

Bickford: Okay. Thank you, Nicci. Appreciate the vote of confidence from the commissioners. I'll do my best not to disappoint. That'll bring us to considering a vote for our vice chair. Do I have any nominations from the floor?

Kapuscinski: Mr. Chair? I think our vice chair of last year did a phenomenal job. She's her character. She's very even keeled. I would like to nominate Miss Shumaker again for Vice Chair.

Bickford: Okay I have a motion do i have a second?

Crews: Second.

Bickford: Any further discussion? All in favor, raise your right hand. You've been drafted. Thank you.

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

Commissioner Kapuscinski moved, Commissioner Crews seconded, and was carried by the Planning Commission to elect Ashley Shumaker as vice chairman for 2024.

Edmondston: Mr. Chairman, before we go any further, I've been notified by Jamie Shumaker. That we are do not have any YouTube any visual coverage. I'd like to go back and notate the votes who abstained and who voted for the Chairman and the vice chairman just to ensure that minutes are correct. So if we could go back what I notated. What I visually observed was that Commissioner Kapuscinski Commissioner Cruz, Commissioner Shumaker. Commissioner Gooden and supervisor Davis voted in favor with Commissioner Bickford at the time, abstaining from the vote. And then for the voting election process of our vice chair Shumaker. I visually observed that Commissioner Kapuscinski Commissioner crews Commissioner Chairman Bickford, Commissioner Gooden and supervisor Davis voted in favor of Miss Shumaker serving as chairman with Commissioner Shumaker abstaining from that vote

Bickford: That would be correct.

Edmondston: Thank you very much. I appreciate that. And we will until I'm notified that YouTube is actually up we will call the names for the vote. Thank you so much. I apologize.

Bickford: That brings us one thing we forgot to do is establish a quorum, and we have six of eight. So we do have a quorum tonight. I did have a request to postpone the going over the bylaws and rules of procedure and move that to the end of the agenda so we could get the three public hearings done and released. Let those people go on home if they want to. We'll need, if everybody's in favor. I'll need a motion and a second and a vote on that to change the agenda to reflect that.

Kapuscinski: So moved.

Shumaker: Second.

Bickford: Any discussion?

Edmondston: If you could call by name who was voting for this motion.

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

Davis	X	
-------	---	--

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

Bickford: Okay, that brings us to our minutes we those are pending so we'll just have to make a decision on those in February. Nicci that brings us to old business public hearing case for Jonathan King? Do we have anyone for the public comment?

Edmondston: We have no one signed up for public comment. This case was introduced to the planning commission last month, I do see that the applicant Jonathan King is not available. This request is on property located at 1008 Little Creek Road Dillwyn it's in the marshal district and the request was to obtain a special use permit for the purpose of building and operating a private school, which is an Amish parochial school. There are 11 conditions attached to this. These are the same conditions that have been attached to the previous request for the same private school in the area.

Kapuscinski: Mr. Chairman? Yes, sir. I think we've heard a lot about this. I've seen I've seen the site. I think we should move this case onto the board.

Bickford: Okay. Well, we still need to do the public hearing. I thought I seen someone coming in. Do any of the commissioner have any questions for the applicant If he's available?

Edmondston: I believe that might be Mr. King.

Bickford: All right. Let's go. Do we have anyone sign up for the public hearing?

Edmondston: We do not have anyone signed up for the public hearing for Jonathan King.

Bickford: Okay, I'll close the public hearing. And we'll turn it back over to the commission to for decision.

Kapuscinski: I make a Motion. Mr. Chairman, to move this to the board supervisors.

Bickford: Alright, have a motion to move it forward do I have a second?

Crews: Second.

Bickford: Any discussion? All in favor, declare to Nicci.

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

Commissioner Kapuscinski moved, Commissioner Crews seconded, and was carried by the Planning Commission to move 23-SUP337 onto Board of Supervisors.

Edmondston: The next case this evening for public hearing is 23SUP338. This property is located in the Marshall district at 25766 North James Madison highway. The applicant this evening, Eli Stoltzfus wishes to obtain a special use permit for the purpose of building and operating a commercial building to manufacture or repair and sell parts including but not limited to water pumps, plumbing, heating, propane, gas, air and electrical appliances and parts, supplies with a space for deli and sandwiches and potentially a food truck for food sales. There are conditions 11 attached to this request. Mr. Stoltzfus is actually here with us this evening to discuss this request if there are any questions or concerns.

Bickford: Okay, thank you. Before I open up the public hearing, is there any questions from the commissioners for the applicant?

Kapuscinski: I have one and that is with regard to the food truck and the food services. Does the Board of Health have to get involved in something like that?

Edmondston: Yes, the food truck would be completely under the purview of the Health Department. And then if there's a food kitchen or an establishment that prepares food that would fall under depending upon the type of food their health department and the Virginia Department of Agriculture.

Kapuscinski: So the condition that we're adding is that it has to be acceptable under the under public health.

Edmondston: Yes, sir. The very first condition that all federal state and local regulations ordinances and laws be strictly adhered to that covers those under that request.

Bickford: Any other question for the commission before the public hearing? Seeing none, I'll open up the public hearing for this application. Nicci, do we have anyone signed up for this case?

Edmondston: No one signed up for this case.

Bickford: I'll close the public hearing and turn it back over to the commission.

Kapuscinski: Make a motion mr chairman, move this on to the board supervisors.

Shumaker: Second

Bickford: I have a motion and second to move us forward to the Board of Supervisors. Any discussion? Seeing none, all in favor, raise your right hand and declare?

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

Commissioner Kapuscinski moved, Commissioner Shumaker seconded, and was unanimously carried by the Planning Commission to move 23-SUP338 on to Board of Supervisors.

Bickford: Nicci that will bring us to the Verizon Wireless before you introduce that. I will be abstaining on this application because the owner a landowner has asked me, although is not this property, I'm involved in a timber track sale for him. So I will abstain and turn the meeting over to Vice Chair Shumaker.

Edmondston: Okay. Yes, sir. Thank you, Mr. Chairman.

Shumaker: And I apologize in advance for my wintertime blues here. So before we open public hearing, does the Commission have any questions for the applicant? Or Nicci does the applicant have anything in advance of the public hearing?

Edmondston: I actually have some things for the planning commission. And I just wanted to update this to you when this case was introduced in December, we knew that we would be receiving a recommendation from cityscape we did receive that and it is a recommendation of approval. Susan reybold with city scape, who's the consultant for our county is here with us this evening to discuss that if there are any questions. We also have Laurie Sweller, who is with Williams Mullen and she is here on behalf of Verizon Wireless our applicant if you would look at the conditions that are attached to this request. We'll start with condition number three, Mr. Weller had offered an email to change some of the conditions and after consulting with our legal counsel, our county attorney along with our consultant cityscape, we have been able to strike conditions condition three from the special use permit condition three is indicates prior to permitting, the applicant shall submit a signed letter stating that the tower will be designed with breakpoint technology to have a fall radius of 40 feet or less. In our city scape letter of recommendation on page four. There is a paragraph that actually answers this breakpoint technology the county code requires a 110% setback for a 199 foot structure which equates to a 219 foot minimum spacing from the tower location to the property lines. The applicant is showing 250 feet to the center of Petersville Church Road and 480 feet to the property line to the northeast, which are the closest property lines to the proposed new tower. Thus, the proposal meets this county setback requirement without employing breakpoint technology. This is something that is evaluated by city scape for every tower that an applicant that submits a special use permit. Now if we move forward through the conditions to 11 and 14 there has been an update to the construction and Commencement requirements through the State Code of Virginia. With that being said, the number 14 would change to be this permit will become void if not commenced and diligently pursued within two years. thus changing the verbiage that we currently have, which is the construction of the tower must be complete within two years from the date of approval or this permit will be null and void. The Commencement and diligently pursuing activities matches the requirements of the state code and miss Sweller as Agent behalf on behalf of the agent Verizon Wireless does agree to that change as well. With that being said that also negates the reason to have conditional 11, which states if the building permit is not obtained within six months from the date of approval, then the special use permit shall be not void. We now can negate that and strike that condition from the special use permit.

Kapuscinski: Mrs. Chairman, Miss Edmondson. Let's go back to 14 again, and you're saying that basically you're changing 14 to save all they have to do really is diligently pursue the construction but not necessarily start the construction.

Edmondston: I'm going to read the state code and the requirements from the state code and that may help clarify this information. So state law requires the locality to give the applicant at least two years to commence construction before the SUP expires in the state code which is 15.2- 23 16.4,2 it states, a locality may require that construction of the approved project shall commence within two years of final

approval and be diligently pursued to completion. That's part of the state code. And that's what we recognize when we are implementing our conditions to the applicant.

Kapuscinski: Okay, so we would change that to is they have to at least start it within two years, with the intention of fully completing it. Is there? Is there anything in the state code or does it give the county any ability to say when it has to be completed?

Edmondston: I'm not aware of that will be a question for Mr. Wright. Our county attorney, I do know that after this has may have nothing to do with this and maybe an offering of too much information. But after the COVID crisis and the statuses that things that were held up offices that were closed, it was help me here, it was a not a government shutdown. But it was a disaster of sorts, an emergency situation that did impose different restrictions and hardships on businesses as they were attempting to construct anything from cell tower to a home. So we do, we did understand during that period that the commencement and diligently pursuing, I am sure that as all applicants for building permits, they are constantly in contact with myself in the building inspector letting us know that the status updates if they're able to receive material so diligently pursuing would mean that we would have conversations with the applicant for the construction of this tower.

Kapuscinski: Mrs. Chairman, the only the only concern I have is it opens the rear door in this thing. I mean, it could hang out there for years it just diligently pursuing there's no real definition to a time period. This here suggests that we had to have something completed in two years with the approval. And I don't think we can, I don't think we can buck up against state code allows them one thing, I'm certain that we have to do the same thing. It just I just would like to know whether or not there's any ability for us to put a time limit after they begin to they commence whether the county has the ability to put some sort of a reasonable time limit on the completion of this thing so that it doesn't hang out there. You know, incomplete for a lot of years. I'm saying they probably wouldn't but.

Edmondston: May I add historically what has happened there could you could amend this permit to include, typically if there's an issue, other applicants have come forward and said, I'm not going to be able to meet this two-year deadline, I'm going to ask you to take this ultimately to the Board of Supervisors and ask for an extension that would be at the discretion of the board of supervisors at that point, they would have exhibited diligent pursuit of the construction, the commencement of the construction of the tower. So it would come back before the Board of Supervisors and that could be something that you could put in the in the condition, you know, for them to to have a possible extension granted by the Board of Supervisors after evaluation by administration that could be an offering assay. Mr. Wright, he's going to save me here with a better legal definition.

Inaudible

Kapuscinski: Thank you. All right, thank you.

Shumaker: Mrs. Edmondson is that all that you had?

Edmondston: That is all that I have. Thank you so much.

Shumaker: There any other questions for the applicant by the Commission? Seeing none, Mrs. Edmondson we will open public hearing. Do we have anyone signed up?

Edmondston: We do. We have four individuals signed up. We actually have Laurie Schwaller. She is first she is here on behalf of the applicant. So she does have a presentation.

Laurie Schwaller: Good afternoon, Mr. Chairman, members of the commission. I'm Laurie Schwaller. Attorney with Williams Mullen representing Verizon Wireless. I have a presentation. I'm happy to walk through if you would like detailed information about the application. You all see the presentation. Okay. So here you see the location of the site on Trent's Mill Road. You can see it's near the intersection with Petersville Church Road. This property is owned by Ms. Large, who's here tonight with her grandchildren. And this is the tax map parcel number tax map parcel outlined in yellow number 99 46. The star is the location of the proposed site. And this is showing you the distance to the various boundary lines and the distance to the closest residents in the area which is over 1100 feet so it does meet all the county setbacks. And as a quick closer look at the lease area and compound, it's a pretty standard Verizon Wireless compound the lease area is pretty small 60 by 60 feet, and within that is a fenced 40 by 40 foot compound. And you can see an illustrative vegetative buffer which must be at least 10 feet wide around the ground equipment. And there's the landscaping plan which will be fully detailed there on the top left corner. This is a schematic elevation of the pole itself. It's a monopole design, it would be galvanized steel, all the all the equipment on top would be galvanized steel, it would have room for at least six antenna arrays which is required by our zoning ordinance. So that gives other carriers the opportunity to co locate which limits the number of wireless facilities in the county. No lights are required because the total height is under 200 feet 199. In total with the four foot lightning rod. Verizon Wireless was looking for a new site within a one-mile radius. And this exhibit here is showing you in yellow, the one-mile radius, and then an extended one and a half mile radius. And the purpose of that is to explain that there are no other support structures, no other towers in this area that could have been used for CO locating by Verizon Wireless, which is why a new wireless facility is needed. The closest towers found were 3.2 miles to the northwest and 4.3 miles to the west, which is those distances are much too far to serve this area. In fact, you'll find that towers tend to be three to four miles apart. So those are basically in another coverage area. There's also a transmission tower that's only point eight

miles to the east. But those are not tall enough to provide the necessary coverage. Verizon also looked at county owned properties because that's higher in the hierarchy. But those were not close enough either. For providing the necessary service. We noted that in the application its over nine miles away. But I believe city scape noted that actually there's a county owned property around four miles away. So we did conduct a balloon test in November to analyze the potential visibility of the site. And these markers tell you where those photographs were taken. And we can just run through those to give you a sense of how that will look. So as you're, as you're coming from, from the west on Trent mill road, you can start to see the side about a mile out but as you get much closer, the land around you is a higher elevation so when you get close to the homes in that area, it's over the over the over the land as seen here. This is from Trent's Mill Road. And then if you go around the curve of Trent's Mill Road to the south, it's not very visible from that location at all. I was at the site and I was able to see it from a couple of addresses along that road. But beyond that, it wasn't visible. This is right at the site as you can see the access road there from Peters Ville Church Road and a simulation of the pole there. Drive north on Peters Ville Church Road. It's a very forested area so it's not going to be visible except pretty close to the site when it starts to open up in some fields. As you can see from the photos. So just a quick summary. traveling east on Trent's Mill Road. It's visible about a mile away, but as you get closer, the horizon rises, so it's not quite as visible. There's no visibility on Peters Ville Church Road until you about half a mile north of the site. But again, you know, not a lot of residences in that direction. And then visibility goes away as you go south on Trent's mill, because of trees and topography, though, was visible from a couple of residences on that road. And there's the summary in the 1000 foot radius, as required by the zoning ordinance. So we do believe that the project supports the county's goals and objectives in the comprehensive plan. The plan recognizes wireless communications as essential for the wellbeing of the county's population, and for the community, social and economic growth and development. And these are some of the ways that it serves those purposes. It provides necessary law enforcement, emergency medical services, educational institution, Governmental and Community Services, communications. It's also necessary to facilitate the growth of new industries and business and to support the development of and sustainability of existing services and local businesses. We also believe that this project complies with your zoning ordinance. There are no other colocation opportunities within the area to be served. It exceeds minimum setbacks. It's neutral color monopole design, no lighting, and it would provide a colocation opportunity for other wireless providers. Miss Edmondston, has already talked through the questions we had about the conditions, and the applicant is fully in agreement with all of the conditions as amended. By that discussion. I'm happy to take any questions that you might have.

Kapuscinski: Miss chairman you actually want to take two years to start this thing?

Schwaller: We'd like to have the maximum time permitted by law. But we typically don't bring a site to the locality for zoning, unless we know that it will be in an upcoming build plan. But Verizon Wireless

being a large company, and those priorities change all the time. You know, we like to have that two years to commence.

Kapuscinski: Second question. I noticed there were some power lines in the area. Are there county regulations that dictate setbacks from power lines? I mean, you're probably far enough away.

Schwaller: To my knowledge they're not I've never seen any in any locality.

Kapuscinski: Are you anywhere near the overhead overhead wires?

Schwaller: The wires themselves I'm not sure about that. We know where point eight mile away from the closest tower. But those are pretty short. Miss Edmondston confirmed there is no setback to power lines. The information I have about the distance to the closest tower was when we were looking at colocation opportunities. And we saw a point eight mile that's to a tower.

Kapuscinski: Yeah, I'm interested in lines themselves. Yeah. I don't know that there's any danger there. But I'm wondering. It's a long distance. Okay. Thank you. All right.

Shumaker: Further questions from the Commission. All right. Thank you.

Schwaller: Thank you for the opportunity to speak.

Shumaker: MRs Edmondston are there additional speakers for the public hearing?

Edmondston: Yes, the next speaker will be Gay large and Frankie large. No problem. We also have Clayton large but thank you very much. And then the next individual last individual signed up is Susan reybold. And she is with cityscape consultants.

Shumaker: Commission have any questions for Susan? Thank you. That is all that signed up. We'll close the public hearing and turn it back over to commission discussion.

Crews: I'll make a motion that we move this case on to the Board of Supervisors.

Kapuscinski: Second.

Shumaker: Have a motion by Commissioner Crews and a second by Mr. Kapuscinski. All in favor, please raise your hand and affirm for Nicci. Thank you. And I will turn the meeting back over to Chairman Bickford.

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

Commissioner Crews moved, Commissioner Kapuscinski seconded, and was carried by the Planning Commission to move 23-SUP339 on to Board of Supervisors.

Bickford: Thank you, Ashley for taking care of that. At this time, we don't have any new business.

Edmondston: We don't have any new business but before we jump into the bylaws, I did want to put the meeting schedule in the packet one more time, because we do have some changes. In April, specifically, we have a work session on April the 15th, this is actually going to end up being the Board of Supervisors public hearing for the budget. So you have the ability to move that date to another day that week, possibly if we want to try to stay on course with the comprehensive plan revision. And then also, on Monday, April 22, the board will reconvene the board of supervisors will reconvene to vote on that budget. Generally, in the past, we have been able to start our meeting before 7pm. It's a very quick Board of Supervisors meeting that day. Im offering that to you.

Bickford: My thinking is we've got a work session coming up in February and March. And maybe we can see what how, what kind of progress we've made. And may make more sense to try to schedule from that standpoint. If that's alright, with commissioners, if that make sense. Before we get into commission matters. Nicci You have your reports?

Edmondston: Building permit report was there for your reference, I have nothing further I do have one more date on the calendar. And that was in December, Monday, December 23. This past December, that commission voted to move everything into the prior which was the work session and not how to work session only hold a meeting in December of this year, Monday is the 23rd. Tuesday is the 24th and Wednesday is the 25th, which represents Christmas week, I don't know that we will be open on the 23rd. And that could be very optimistic on my part. And I'll be completely wrong. But I do recognize that you all have potentially other obligations. So no decisions need to be made. But I'm just pointing those out.

Bickford: Duly noted. Before we get into the discussion on bylaws, I would like to acknowledge that we have a new supervisor with us here, Dennis Davis district one newly supervisory liaison for the commission. We will look forward to working with you and I will give you a minute if you have anything you want to say.

Davis: No, It kind of got thrown in my lap but were good.

Bickford: We'll close it turn it over to commission matters and Nicci and let you introduce the bylaws and deny we have Joyce had gotten conflict of interest form policy and conduct. However, there is one statement missing. And that was sort of a confusion that Pete had come up with a general statement that sort of address things too. So let's start with the bylaws, and we'll discuss them. I'm not opposed. If everybody wants to take a little closer look at this stuff, because Pete he is suggesting didn't make it into the package. We can go over the bylaws real quick and then maybe postpone a vote until next meeting if you choose to. I'll just throw that out there for the commissioners. But Nicci, I'll let you go ahead with the introduction of the bylaws.

Edmondston: Our bylaws this year, the proposal for 2024 were included in your packet the other set of bylaws as what was presented in December of 2022 and January of 2023. They don't indicate some of the changes that were made. There was one change made last year that was to move the meeting time from 7pm to 6pm. The bylaws for proposed bylaws for 2024 more accurately represent the officers and the selection it does indicate the electronic methods by which meetings may be held. It also indicates the time period of 6pm for all of our meetings and work sessions as well but it's truly as more of a cleanup of the election process and how the chairman and the vice chairman terms are well, their appointments are considered and how they're voted on here. Did you want me to read all of the?

Bickford: No, I don't think that's necessary. I would just say the commissioners that have a can one of the conditions that may want to change or whatever. We'll open it up to the floor for discussion.

Kapuscinski: Yeah, Mr. Chairman, the only thing I'd say, let me ask Miss Edmondson this question. That the document that was included that was dated January 22, January 2022. Is that is that the 2024 bylaw? I mean, that's the only document I've saw.

Edmondston: So there were two in there the last revision date for 2022. This is just the proposal the with some cleanup here, the other one had a revision date of 2017. And that was what was presented for last year for 2023. This this is just the rough draft for them.

Kapuscinski: So this 2022 is not our official bylaw. Yeah, it's the 2017.

Edmondston: That's correct. Yeah. I'd have a revision of 2023. But these are the rough draft that was presented in December 2022. And early January, before the changes were made., I gave you the roughest drafts possible.

Kapuscinski: Yeah, that's fine. No, no, I went through it. It's fine. You know, I just wanted to clarify, and I think you made mention that there's, there's um, 2.1. There's, there's a typo, but that's coming off. Right.

Edmondston: It has the term listed at the very end, and that she's hanging out there for no reason that is indeed an error.

Kapuscinski: Thank you.

Bickford: Any other commissioners?

Gooden: Yes, one, excuse me. And it says that members consist of five not less than five no more than 15. I'm just curious, why would we get have 15?

Bickford: I'm assuming that it goes back from before my time because I don't remember being other than eight. That might be a question at EM.

Edmondston: Probably a better question for legal counsel, the bylaws that were adopted. Gosh, I can't remember. Now to be honest with you. But they've been here for decades. And this is something that's been there.

Bickford: I assume its state code.

Edmondston: I would have to defer saying that it more accurately reflects the state.

Davis: I think that was put into bylaws, because of some counties have such a population like they have to each board member has the opportunity to put two people on commission instead of one.

Bickford: That certainly would make sense.

Kapuscinski: I have one other question with regard as we proceed through this thing. I'd like to talk a little bit about the minutes. What i would like to see happen. And I don't know how we do this. I don't even know if it's legal. Maybe Mr. Wright would have to comment on this. But with regard to our minutes, in order to ensure the clarity of what's presented, in the printed minutes, I would like to add as a

permanent record, as long as those minutes are kept the videos that go along with them. So instead of saying we're going to record our minutes, you know, on a piece of paper, I think we it should state that we're recording our minutes, but we're also adding to that record, the video of these meetings, is that something we'd like to discuss here?

Bickford: I'll put it in front of the commission. I do understand your concern, as we've discussed is that you the translation, sometimes you do have some errors in from the video to the minutes. And when we vote for the minutes. We're approving as presented and there may be some mistakes there. Hopefully non material that it changes, you know, the application or the or the vote on application, but it's certainly a concern, it probably ought to be at least talked about a little bit.

Kapuscinski: The concern I have Mr Chairman is I think the minutes are a legal document. I think those records are a legal document. So when you raise your hand and say I agree they're accurate, what you're attesting to is a legal document. I have some concern because I don't believe unless Mr. Wright can explain this to us if there was some leeway in that like to our knowledge statement or something. And I don't even know that that would qualify because a knowledge statement is pretty specific to. But I would suggest that there has to be something that would allow us some room, in the event that there are some things that are either erroneously recorded by virtue of whatever, you know, maybe not heard Well, during the video, that something's got to backup those, those records are we're all going to be sitting here reading word for word, what that video shows and making sure that our votes are accurate.

Bickford: Mr. Wright could you come and address that If you have a minute sir?

Kapuscinski: Well, some, there's a possibility in the written minutes that they don't exactly. record what what was accurately or actually said during the meeting. So in our approval of those minutes, we're saying, we believe they're accurate. Okay. And I'm concerned about the fact that, that we're approving a legal document, when in fact, it may not be accurate or complete.

Wright: The process you go through is the minutes are presented to you those minutes as the record of your meeting, and those are the minutes that control the minutes and never intended to be a verbatim transaction, what all was spoken. So the important part is that the action was taken should be. In other words, if we send you minutes, and the package, and you think there's an error with the action that was taken, you should correct that before you adopt those minutes.

Kapuscinski: So it's basically the action not necessarily everything else right.

Wright: Now that lends some language. But you know, a lot of that. I came along when we didn't have videos, and we didn't have recorders and those types of things. So we would just add it to the I won't say

complication. What make sure the action is right now it does become important in some particularly some cases that it least What was said is supportive of the action that was taken and rezoning cases, particularly, there's got to be the records got to be complete. Most of that has other documents, as well as what we're saying, but it's the action that really what you want to do. I would encourage you always be careful with emotions. Because it's, that's what you're, that's what you're acting on. And we've all seen situations where there's been a lot of discussion and you get an answer, well, I move that I move that we do that, but you don't say what you want to do. And you are assuming in your mind, it was what was said earlier, or somewhere in that discussion. But the person taking those notes has got to decide really what you met. So encourage you to do things, be careful with the motions, make sure you state what you really want to do. And rather than do that, or something, whereas, and then when those minutes get approved. And I mean when they're set to you take a look at the actions and make sure motions actually reflect what you want to do. So we're going to situation to and working on our side of the table to to get the minutes a little clearer. There was a situation. I'll just be blunt about Mr. Bickford disqualified himself and a particular discussion. But he had when it came to take the vote, the minutes recorded the vote was unanimous. Now that's true. The vote was unanimous among those that were voting with those in big ambiguities and amendments could potentially create a problem. Okay, so that help?

Kapuscinski: Very helpful. Thank you.

Bickford: Any other questions?

Kapuscinski: Mr chairman in regard to that comment. I'm okay with using the written minutes. And with regard to the actions and the general consensus of the statement that's prior to that action.

Gooden: I have a couple other questions.

Shumaker: Mine was related to that. Yeah, one thing I would like to see is that the vote is recorded, not just seven in favor of one abstain or one. I'd like to see in our notes specifically, who voted for and against. I know that is possible in the board meeting minutes because they use the system. So I don't know how complicated that is. For you to record or if we do like we did tonight where we verbally say it for the minutes but even if that is recorded as a result,

Edmondston: We staff will do everything we can to work with the IT director to see until to utilizing the system that's here just like the board does otherwise, we will do a vote by name. I do understand that because then you have an official record of who voted and how and who abstained separately? Versus as one more, though, yes, we can put all efforts toward capturing that.

Kapuscinski: Do we need to add that to the bylaws, because I think it's a good idea.

Bickford: It would probably need to be, but we'll see if we have any other changes first, and then we can combine them to simplify things. Joyce you have several things?

Gooden: Yes I did. Thank you, Mr. Chairman. Under two dash two, and one of the things, it says that any member may be removed by the Board of Supervisors for malfeasance? Not sure what that is. And then that provision that was in there about a member being absent from any three consecutive meetings? I didn't see that anywhere else in the and that, are we in the bylaws, it was previously stated. And I want to know what malfeasance is. And it says that we serve at the terms we serve at the pleasure of the Board of Supervisors. Does that mean our term can be shortened by the Board of Supervisors? So I just questioned what it means.

Bickford: I'll probably have to call on Mr Wright again, to try to explain these things. I'll tell you what we'll do. Let's get a list. If we can get him, bring him in at one time and get him to answer questions. Maybe that'd be the cleanest way to do this. But make sure you note those two.

Gooden: Ill make a list.

Bickford: Did you want to answer now Mr. Wright, or just wait till...?

Wright: Ill do it all yalls pleasure. Y'all decide how you want to go?

Bickford: Well, let me ask do any other commissioners have questions for Mr. Wright at this time? I'll go ahead and let him answer those. And then we'll proceed on.

Wright: So what's the first one that im answering?

Bickford: Well, we weren't sure if we needed a motion. Because we're not sure if at this point, whether we'll be able to vote like the board does or not. So I guess we're going to have to table that one. What Ashley would like to have, like the Board of Supervisors where when they vote, you know, who voted for and who voted again, the only way we can do it right now is by show of hands.

Edmondston: I'm sorry, I have just been given the signal by Mr. Shumaker that we are able to capture that.

Bickford: Okay, so we would be able to. So that answers that one. You're off the hook on that one. Now, Joyce has two questions. And I let her ask you.

Gooden: Okay, one it says that we can be removed from for by the Board of Supervisors for malfeasance, I just want to know what malfeasance is.

Wright: *Inaudible* is the wrong standard for removal, I was sitting here getting ready to see if I could find look at 15.2 22.12 Which really deals with the qualification form or removal terms and compensation of members of the local planning commission. It does say members may be removed from malfeasance as directly out of the code. And so that's a legal term but so I would I can write your brief I can bring you a lot of things but to give you a two minute answer to that No, I can't do that is basically things, A member is doing things that are probably already legal or otherwise it's not saying bad words that wouldn't quite get it, it's not being obnoxious that probably wouldn't get it. It gets beyond that level.

Gooden: Second question. And we had in one part, we had talked about absences from meetings, attendance to meetings and absence. And it's not in the 2.2 that we have here. I didn't see it anywhere in the document that was online. And I was just wondering is that going to be included?

Wright: That is provided and codes and notwithstanding member, the local planning commission may be removed from office by the local governing body without limitation in the event that the commission members absent from any three consecutive meetings of the commissioner is an option for any four meetings of the commission within the 12 month period, in such event as successors will be appointed, but that requires affirmative action by the board of supervisors. In other words, you can say okay.so has been absent three meetings, he's off, it doesn't work out a way that's going to take affirmative action by the board of supervisors to remove them.

Gooden: Okay, but does that need to be in our bylaws them?

Wright: It depends on your approach you want to take to through your bylaws, there's nothing wrong with it being and there's nothing wrong with not being in there.

Gooden: But it's an action by the board.

Wright: It's an action by the board of supervisors, just like the appointment and removal is an act of the Board of Supervisors but y'all can't change your membership, you can resign. But you can't say I don't want this person to be a member of the Board of Supervisors. I mean, to be a member of the planning commission, you got to leave and your vote six to one seven to one or whatever it is, you can't vote somebody off the island.

Gooden: I just had a question about 6-9 where it talks about the public statements, comments, and saying that we asked all speakers to keep what they what they know, what they know to be the truth, keep to what they know to be truth. And by signing up for comment, you're acknowledging your understanding and agreement of above. With regards to people making constructive, standing up, they're thrown out, whatever they want to say, Well, I heard it and I think this is true. It's like, it's saying don't stand up there and lie. But people tend to, oh, well, I thought it was true if because I heard it from whoever. And so stuff gets thrown out there. There are actual lies. I don't know how to avoid it. I just don't want people standing before me line perpetuates.

Wright: I'm gonna start with the most I have three wonderful children. I have five wonderful grandchildren. And if I could control who tells me little white lies and little dibs. I might have to be sitting here might not have to win the lottery. I don't think we have an answer that we can really say when other than saying Don't lie to us. How you enforce that it gets to be pretty tough. And if they believe it's true, and they have some basis for believing it's true, they probably can say it's insulting to all of us. I mean, we've been in meetings and this latest is the last board of supervisors meeting where individuals approved and accused of being on a tape you know, the numbers were mentioned and all that was bordering pretty close when they get down to that part. But as far as the general run of the mill comments, it's an awfully hard thing to enforce. All you do is encourage standard, truthful standard at least.

Bickford: Any other concerns that Mr. Wright can address for you in the bylaw?

Wright: You want us to take these and Nicci and guess where volunteer I'm volunteering Nicci but I'll help. Want us to take these in light of the comments made and any other comments and try to dress them up a little bit, dress them down or change them and bring them in compliance for we've heard tonight?

Kapuscinski: Mr. Chairman, , if you do that, is it possible for you to run a red line so we can see exactly what's changed?

Wright: I like red lines. I really do. Happy to do that.

Bickford: Okay, is that the consensus of the commission is to table this for now till we get those changes and then vote, hopefully, next month? Do you need a motion?

Edmondston: I just have a question before we move to that. And that's for Commissioner Kapuscinski. While we're cleaning this up and putting our best efforts into making the bylaws exactly what they need to be. You had indicated something about adding the words to include that the official record included the video as well as the minutes do you want that to be?

Kapuscinski: You know, the, I think the videos because we have that technology? If you don't mind my answer, Mr. Chairman? I think the video is because we have that technology. I think it's a great piece of technology. There are times when I go through the minutes myself, and I'll go back to the video to understand clearer even to watch somebody's expression that can help me understand maybe the comment that was being made. However, I don't know. I don't know, legally, if you can make a video a part of a permanent document that, that's a question. And I don't even know if it's worth it, given the fact that you said as long as the context, and the motion and the action are accurate. And that's really what we're voting. I don't even know if it's necessary.

Wright: I would encourage not including video as a permanent record of the action of the planning commission. Continue to stick to your minutes.

Kapuscinski: All right, I'll agree to that. Thank you. Okay.

Wright: The other part, we'll try to get this done in the next, say two weeks, so we can get them to the second level about two weeks to think about them And if you see some other things get back with us, and we'll try to correct.

Kapuscinski: Mr. Chairman, before we leave the subject and total. Miss Gooden put forward a recommendation that we do something with regard to code of ethics. And if as long as we're talking about the bylaws, I think it was a, I think it was a fine recommendation, I actually have no problem doing that. I would have difficulty adding two pages to a seven-page document to talk about that sort of thing. I do believe a statement is warranted. But I think it can be done in a sentence and maybe even another sentence to talk about how we should respect each other. But so can we discuss that before we close?

Bickford: Well, what I was going to suggest because your statement didn't get into the package. is we'll give you time to study which Joyce has forwarded and then get yours in the package. And It will give Mr. Wright and Nicci to look over and forward it on to us and then we can discuss it at that point.

Kapuscinski: Yeah, and by the way, there's no pride penmanship here. I mean, if somebody wanted to change that particular sentence.

Edmondston: While we're talking about this, and I did not include it in the email, because I missed that. Would you like for me to read the statement that on the email, so that's part of the minutes tonight?

Kapuscinski: That'd be fine. I appreciate that. Thanks.

Edmondston: The statement with regard to code of conduct that Commissioner Kapuscinski has offered is as follows with regard to conduct by all participant commissioners on the Buckingham County Planning Commission members will receive any and all individuals who approach the commission and commissioners equally and respectfully and will give their full attention to such individual and will consider fully each project and or issue being presented fairly as it relates to the county and the Buckingham community and without regard to the individual presenters personal cultural, economic and or social characteristics and or attributes.

Bickford: Thank you, and that will be part of the package for next month as well as Joyces documents are in there.

Shumaker: My question about either of those paths is this a nicety or is there enforceability like if someone breaks some of this code of conduct? It will we treat violations punitively?

Bickford: Well, I thought I will give this to EM but I was assumed that that would be taken up by the board of supervisors being that they have the final say so.

Wright: Amongst yourselves, you probably would other than adopting a motion that we choose to sanction planning commissioner x because they violated the code of conduct and if that passes, this would be a sanction. Cant impose a fine you can't and cannot impose a fine you can't kick them off. You can't banish from meetings. Its just the calling out that they didn't meet the ideal

Gooden: And one of the reasons, I had several reasons for introducing a code of conduct and code of ethics. One of them is that the board of supervisors has conduct, the school board has a code of conduct that they not only sign everybody signs, and they post that on their website. And then we have a code of conduct for the meetings that we are imposing on our public speakers what we expect them to do. And then when I ran into some, several things that I felt were not quite right. And I was told, we don't have, it's not that it's enforceable. But we didn't have a code of ethics, we have no code of conduct. We're here, and just kind of y'all gonna do right. And I've just not worked that way. And I've heard things come through this board, that I'm like, how did we do that? That just doesn't seem right. And somehow, I just want to be, rather than just saying, I don't think is right, it's like, this really violates our Code of Conduct. This behavior is not correct. And I just want to be able to speak to that. But I've worked in places where I've just had a code of conduct, and, and we're holding other people, but not ourselves. And I can tell you what I said to Nicci earlier today about code of conduct, you're going to hold somebody else accountable, but your not, we're not accountable. And when I went to the course, in March, that was something they talked about ethics code of conduct, where your bylaws, what are you

operating by, that you can say, this is what we this is our goal that we're going to operate by, rather than say, we're just going to operate. And that's it as we please. So I just wanted to it may not affect anything, but I can certainly give you instances of and I have said it before things that I thought we acted either in a sexist manner. We were bias in as like, how do we make that decision, in some of the things that I do feel that sometimes we do treat women differently, when they're standing before us during a presentation. And if they're standing with a man, we treat them differently. So I've just seen some biases come up, and, and we just need to be able to, you know, pull those things in when we act as a board.

Bickford: Understand. Well, we will decide on that next month, you know, what we can do is modified and incorporate them, maybe combine them, you know, whatever do to establish something. I don't think anyone I don't believe anyone's opposed to that.

Gooden: And as far as that length of them and just lining it up specifically, you know, we're going to, this is what we're going to do. Its just numbered, and as I mentioned in the letter and the email to cover email to Nicci, I think we can adapt it and the code of ethics and it says here the code of ethics and code of conduct both has some identical points. One of the points that I'm concerned about is number seven in the code of in the code of conduct and a number 10 in the code of ethics. We're allowed three minutes for public comments. I can see some people taking the to me and they can talk as long as they pleased, pleased to present their views is saying the board can take however long they need to present their views. And so but again, being respectful.

Bickford: Yeah, what you're trying to achieve is a standard of standard equals this This commission operates under parameters given and we try to do our best to achieve those. And I don't think like I say, I don't think anyone has a problem with trying to get it, you know, trying to make it as precise and precise and concise.

Gooden: Yes, I agree. And one of the things I'd also say is that we're talking about code of conduct. When I came to this board, it was like, anybody speaking. And it was an being cut across as far as people aren't. We weren't even cordial, or respectful to each other, as far as people speaking across each other. And I had to look at it. And it says, nobody speaks on the board without the permission of the chairman. And I figured I had to do that first, before I could expect that from somebody else. And so I purposefully kept saying, Mr. Chairman, and waiting for your acknowledgement. Because just because I call your name does not give me permission to speak. I don't care what I have to say. So that's why I think sometimes it needs to be listed out.

Bickford: Appreciate it. Alright, we've sort of got a consensus, let's make sure everybody's fine. We're going to review all of this material for next month's meeting. And we'll see if we can combine these two policies and make them very straightforward, and hopefully, we can obtain what we set out as our goal.

Well let me put it this way. Any other commission matters. We'll close that out. Any other commissioners have anything? Do I have a motion to adjourn?

Kapuscinski: So moved.

Crews: Second.

Bickford: I have a motion. So you need a vote. Any discussion? We are adjourned. Thank you very much.

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

Commissioner Kapuscinski moved, Commissioner Crews 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
May 28, 2024
Administration Building
6:00 PM
Public Hearing 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 Arvonias VA 23004, Marshall Magisterial District.

Zoning District: Agricultural (A-1)

Request: The Applicant wishes to Add a Zoning Text Amendment for Multi-Family Housing, DUPLEX ONLY, to a list of Special Uses in Agricultural A1 Zoning District and Apply for a Special Use Permit for that purpose.

Background/Zoning Information: This property is located at 5516 Ridge Road Arvonias 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 DUPLEX ONLY 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 3rd 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

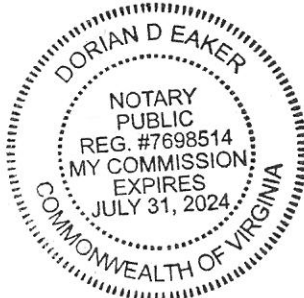
STATE OF Virginia

Subscribed and sworn to me on the 3rd 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

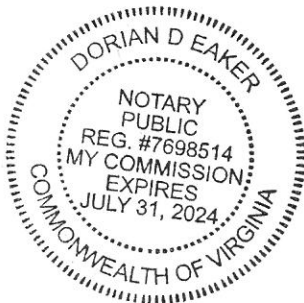
COUNTY OF Buckingham STATE OF Virginia

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:

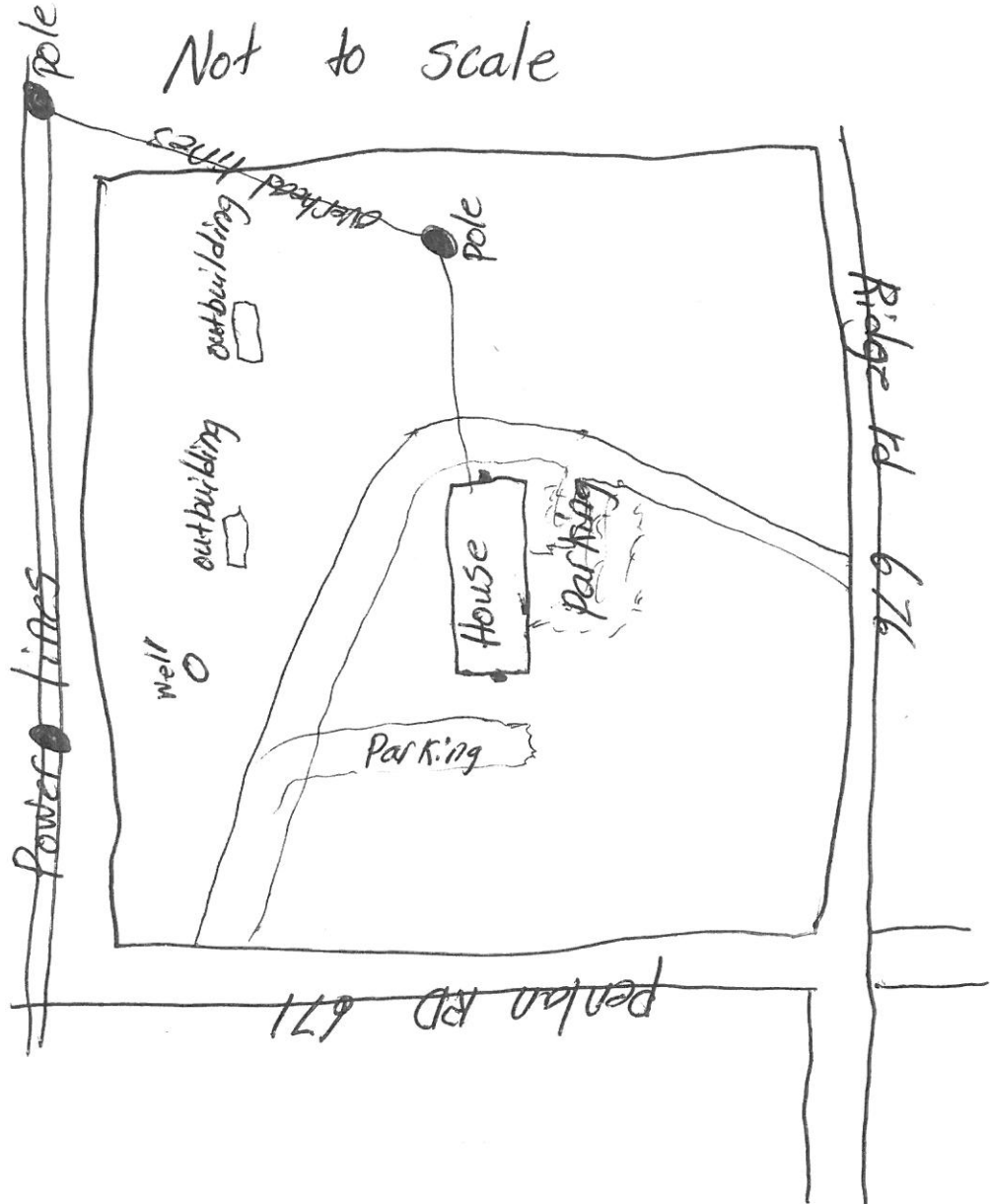
- | | |
|-------------|--|
| January 25 | Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22. |
| February 22 | Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more 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.

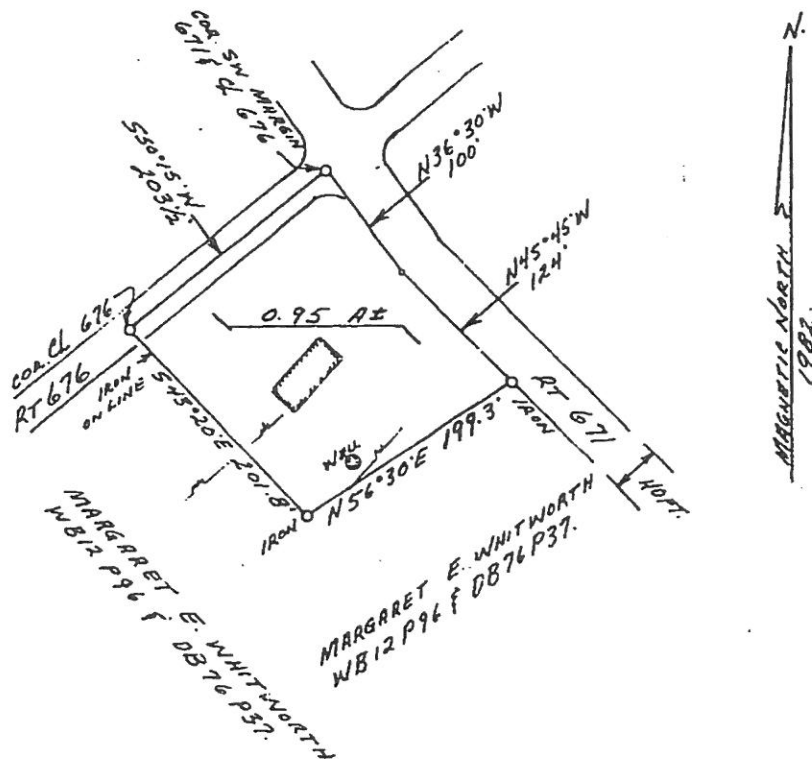
You or your agent are encouraged to attend these meetings to answer any questions that may arise concerning your application / proposal. The County strongly encourages the applicant to visit the area around his proposed site and understand what the adjoining landowner concerns are.



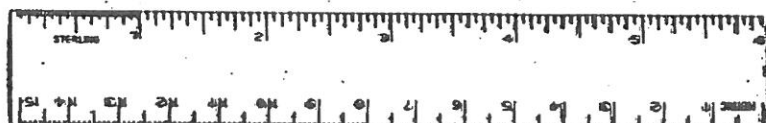
Direct Dial 717-367-1525
PA toll free 1-800-468-5524



BOOK 124 PAGE 529



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. S. S. S.



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

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 8th 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
May 28, 2024
Administration Building
6:00 PM
Public Hearing

This Public Hearing is held for the Planning Commission 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

INDEX

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

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

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

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

ARTICLE 11 - DEFINITIONS

APPENDIX

Civil Airport Imaginary Surfaces

Appendix 1 p.98

Horizontal Surfaces

Appendix 1 p.98

Conical Surfaces

Appendix 1 p.98

Primary Surface

Appendix 1 p.98

Approach Surface

Appendix 2 p.99

Transitional Surface

Appendix 2 p.100

Related to Airport Reference Points

Appendix 3 p.100

Inner Horizontal Surface

Appendix 3 p.100

Conical Surface

Appendix 3 p.100

Outer Horizontal Surface

Appendix 3 p.100

Related to Runways

Appendix 3 p.100

Primary Surface

Appendix 3 p.100

Clear Zone Surface

Appendix 3 p.100

Approach Clearance Surface

Appendix 3 p.100

Transitional Surfaces

Appendix 3 p.101

Heliport Primary Surface

Appendix 4 p.101

Heliport Approach Surface

Appendix 4 p.101

Heliports Transitional Surface

Appendix 4 p.101

Board of Supervisors

Joe N. Chambers, Jr.

I. Monroe Snoddy

Danny R. Allen

John Staton

Cassandra Stish

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.

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

Setback Requirements

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

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

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

District 12 - Neighborhood Commercial (NC-1)

Purpose

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

Permitted Uses

Antique Shops

Art, Craft and Hobby Stores (Supplies and Works)

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

Barber & Beauty Shops

Cabinetmaking, furniture and upholstery shops

Caterers

Churches

Convenience Stores

Day Care Centers

Data/Technology Center

Drug Stores

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

Emergency Service Facilities

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

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

Funeral Homes

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Medical Clinics, including veterinary

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Nursing homes and assisted living facilities

Off-Street Parking

Public Utilities

Offices, Professional

Restaurants

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

Special Uses

the following uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia but are not limited to the following:

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

Area Regulations

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

Setbacks

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

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

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

Parking

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

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

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

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

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

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

Joint use of off-site parking facilities.

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

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

Design standards for offstreet parking facilities.

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

Site Plans

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

For any *Permitted Use* site meeting the following:

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

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

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

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

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

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

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

(14) Provision for landscaping.

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

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

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

Site Plan Review Process.

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

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

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

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

DISTRICT 4 - BUSINESS DISTRICT (B-1)

Purpose

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

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

Permitted Uses

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

Antique Shops

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

Art, Craft and Hobby Stores (Supplies and Works)

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

Barber & Beauty Shops

Caterers

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

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

Churches

Convenience Stores

Day Care Centers

Drug Stores

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

Emergency Service Facilities

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

Food Stores - Bakery, Butcher, Candy

Funeral Homes

Garages, Private

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Lube Shops , Auto Repair, Towing Service

Medical Clinics

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Off-Street Parking

Parks & Playgrounds

Offices, Professional

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

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

Special Use Permits

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

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.

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

Setback Requirements

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

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

ARTICLE 3 - NON-CONFORMING USES

Continuation

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

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

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

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

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

Permits

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

Repairs and Maintenance

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

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

Expansion or Enlargement

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

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

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

Restoration and Replacement

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

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

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

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

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

Non-Conforming Lots

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

ARTICLE 4 - GENERAL PROVISIONS

Zoning Permits

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

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

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

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

Special Use Permit

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

Uses Not Provided For

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

Sign Placement for Notice of Public Hearings

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

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

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

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

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

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

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

ARTICLE 5 - PROVISIONS FOR APPEAL

Board of Zoning Appeals

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

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

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

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

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

Powers of the Board of Zoning Appeals

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

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

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

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

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

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

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

Rules and Regulations

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

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

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

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

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

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

Appeal to the Board of Zoning Appeals

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

notice to the Zoning Administrator and for good cause shown.

Appeal Procedure

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

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

Public Hearing

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

Decision of Board of Zoning Appeals

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

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

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

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

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

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

ARTICLE 6 - VIOLATION AND PENALTY

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

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

ARTICLE 7 - AMENDMENTS

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

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

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

Proffers of Conditions

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

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

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

ARTICLE 8 - ADMINISTRATION AND INTERPRETATION

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

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

Effective Date

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

Severability

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

Conflicting Ordinances

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

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

Section One: Purpose

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

Section Two: Applicability

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

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

Section Three: Exempt Installations

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

- (1) Non-commercial, FCC licensed amateur radio antennas as provided for in the definition section.
- (2) Satellite earth stations that are three meters or less.
- (3) A government wireless communications facility, whether owned or leased, that is exclusively reserved for non-commercial public safety communications services, and which will not be utilized for any commercial wireless services, upon a written determination of public necessity by the county board of supervisors or designee; except that such facility must comply with all federal and state building and structural requirements. Such noncommercial public safety facility may be constructed using any available technology and may be constructed to

accommodate future anticipated public safety wireless communications needs.

- (4) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county board of supervisors or designee.
- (5) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county board of supervisors or designee.
- (6) Antenna support structures, antennas, and/or antenna arrays for AM/FM/LPTV/DTV broadcast transmission facilities.
- (7) Micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes.

Section Four: Permitted Uses (By Right with certification)

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

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

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

- (iii). Guyed tower

Section Six: Submittal Requirements for Permitted and Special Uses

All submittal requirements are listed in Supplemental document

Section Seven: Development standards

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

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

5. Alternative landscaping plans which provide for the same buffer as 1 and 2 above but an propose alternative siting location on the entire subject property on which the proposed facility is projected may be considered and approved by the zoning administrator, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section. If in the future the property is redeveloped the property owner may be required to provide the ten-foot wide perimeter buffer around the WCF equipment compound meeting the planning standards of 1 and 2 above.
- (9) A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment inside any required buffer area.
- (10) The facility shall not interfere with the radio, television, or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference. Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation shall be required in order to protect the public from excessive exposure to electromagnetic radiation. The WCF applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC. (see supplemental document for further information on Interference agreement)
- (11) All towers and other structures shall meet all safety requirements of all applicable building codes.
- (12) All non-concealed WCFs structures (excluding antenna and cables) greater than 50' shall be galvanized steel.
- (13) All freestanding towers up to 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All towers great than 150 feet shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (14) Abandonment.

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

Section Eight: Approval Factors and Process

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

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

- (4) If the approving bodies determine that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed new WCF can be achieved by use of one or more alternative existing wireless communications facilities, it may disapprove the proposed WCF application.
- (5) A collocation application shall be reviewed by the County within ninety days of a completed submission, and an application for a new facility shall be reviewed by the County within one hundred fifty days of a completed submission (or within some other mutually agreed upon timeframe). The County shall notify an applicant within 20 business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.
- (6) Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the ninetieth day from the date of final complete submission (in the case of collocation) or one hundred fiftieth day (in the case of new facilities). Denials shall identify the deficiencies in the application which, if cured, would make the application complete. Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in subsection (6) above until all deficiencies identified are deemed cured.
- (7) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
- (8) Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a new wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the County, the costs of which \$4,000.00 shall be borne by the applicant and be in addition to other applicable fees. Further, if additional information is needed to evaluate the applicant's request, the applicant, shall make such additional information available as the County might reasonably request.
 - a. Permitted uses #1 - #5 may be technically reviewed by a third party expert, the costs of which \$1,800.00 shall be borne by the applicant and be in addition to other applicable fees. Permitted use #6 (Small Cell Facilities) will be reviewed and charged as allowed by Code of Virginia Section 15.2-2316.4

Section Nine: RESERVED

Section Ten: Definitions

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

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

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

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

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

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

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

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

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

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

Antenna element replacement.

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

Anti-climbing device.

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

Applicant.

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

Base station.

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

Broadcasting or communication tower.

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

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

Building line or setback line.

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

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

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

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

Commission. The Planning Commission of the County.

Communications service.

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

Concealed Tower

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

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

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

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

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

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

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

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

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

Governing body. The Board of Supervisors of the County.

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

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

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

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

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

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

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

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

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

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

Landmarks Registry or the National Register of Historic Places.

Historic structure. Any structure that is:

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

Intermodulation distortion.

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

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

Least visually obtrusive profile.

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

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

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

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

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

Radio frequency emissions.

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

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

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

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

Road. See "street."

Satellite earth station.

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

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

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

all districts in accordance with the provisions of this chapter.

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

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

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

Surveyor. A certified land surveyor licensed by the commonwealth.

Tower. (See "wireless communication facility").

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

Virginia Landmarks Register.

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

WCF. (See "wireless communication facility").

Wireless Broadband Facility.

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

Wireless communications.

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

Wireless communication facility (WCF).

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

Specific types of WCFs includes:

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

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

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

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

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

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

ARTICLE 10 - AIRPORT SAFETY ZONING

Preamble

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

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

Accordingly, it is declared:

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

SECTION 1- SHORT TITLE

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

SECTION 2 - DEFINITIONS

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

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

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

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

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

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

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

from the periphery of the horizontal surface.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3 - AIRPORT SAFETY ZONES

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

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

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

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

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

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

SECTION 4-AIRPORT SAFETY ZONE HEIGHT LIMITATIONS

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

ordinance no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any reference surface, known as the floor, of any zone provided for in Section 3 of this article at any point.

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

SECTION 5 - USE RESTRICTIONS

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

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

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

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

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

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

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

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

SECTION 6 - NON-CONFORMING USES

Sub-Section 6-1 - Except as provided in Sub-Sections 6-2 and 7-2 of this article, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

Sub-Section 6-2 - Notwithstanding the provision of Sub-Section 6-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed

necessary by the, Federal Aviation Administration, the Virginia Department of Aviation., or the Administrator to indicate to operators of aircraft the presence of that airport - obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the non-conforming structure in question.

SECTION 7 - PERMITS

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

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

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

Sub-Section 7-4 - Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this article may apply for a variance from such regulations to the Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered through a public hearing. Prior to being considered by the Board of Zoning Appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Sue] variances shall only be allowed where it is duly found that a literal application or .enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create: hazard to air navigation., will do substantial justice, and will be in accordance with the spirit of this ordinance Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act independently of the airport owner's position to grant or deny the variance.

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

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

SECTION 8 - ENFORCEMENT

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

ARTICLE 11 - DEFINITIONS

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

Abattoir - A commercial slaughter house:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1

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

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

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

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

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

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

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

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

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

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

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

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

Intensive Swine Breeding Facility - A facility for the breeding and birthing of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any time has 500 sow and any number of pre-weaned offspring.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

that runway.

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

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

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

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

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

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

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

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

The approach surfaces extend for a horizontal distance of:

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

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

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

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

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

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

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

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

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

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

Related to Runways - these surfaces apply to all military airports

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

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

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

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

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

***77.29 Airport imaginary surfaces for heliports

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

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

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

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

Approved by Board of Supervisors 5-14-2018

INDEX

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

Supplemental Document to Article 9 of the Zoning Ordinance

Purpose

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

Section One: Uses of County-owned lands

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

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

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

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

Section Two: Submittal requirements for each type of facility.

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

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

(1) Prior to application submittal.

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

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

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

(2) Provided with application:

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

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

- (b) An affidavit by a radio frequency engineer demonstrating: (NOTE: These documents are needed to justify a facility and to determine if the proposed

location is the only or best one in the designated geographic area of the proposed facility.)

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

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

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

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

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

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

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

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

#3 Replacement of WCFs.

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

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

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

#4 Freestanding concealed WCFs.

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

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

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

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

#5 Non-concealed WCFs.

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

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

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

#6 Antenna Element Replacement

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

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

#7 Small Cell Facility

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

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

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

Section Three : Other Submittal requirements for WCFs

- (a) Demonstration of Visual and Aesthetic Impacts:
 - 1. The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent properties and roadways, trails, and travel ways.
 - 2. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
 - i. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the County.
 - ii. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
 - iii. Except where the facility would be attached to an existing structure or is less than fifty (50) feet, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available.
 - iv. The height, caliper and species of all trees where the drip-line is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole. All trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.
 - v. All existing and proposed setbacks, parking, fencing and landscaping.
- (b) The location of all existing and proposed access ways Interference with public

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

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

Buckingham County Planning Commission

May 28, 2024

Administration Building

6:00 PM

Introduction Case 23-SUP342

Applicant: Jonathan Zook
1144 Spencer Road
Dillwyn VA 23936

Property Information: Tax Map 113 Parcel 17, containing approximately 81 acres, located at 860 Allens Lake Road Dillwyn, VA 23936, Curdsville Magisterial District.

Zoning District: Agricultural District (A-1)

Request: To Apply for a Special Use Permit to Operate a Custom Woodworking Shop as a Small Business for making and manufacturing furniture. The Applicant is asking the Planning Commission to schedule a public hearing for this request.

Background/Zoning Information: The property is located on Tax Map 113 Parcel 17, 860 Allens Lake Road Dillwyn VA 23936. The property is zoned Agriculture (A-1). The Zoning Ordinance does not permit Custom Woodworking Shops as a by right permitted use. However, within A-1 Agriculture Zoning District, Custom Woodworking Shops 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. 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.

Would it be the pleasure of the Planning Commission to schedule a public hearing for this request?

June 24th, 2024 6pm?

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.

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 Roy + Cheryl Martin
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 PERMITCASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: _____

Special Use Permit Request: To obtain Special Use Permit to
operate business to manufacture furniturePurpose of Special Use Permit: To operate a furniture making
businessZoning District: A1 Number of Acres: 81Tax Map Section: 113 Parcel: 17 Lot: _____ Subdivision: _____ Magisterial Dist.: CurdsvilleStreet Address: 860 Allens Lake Rd DillwynDirections from the County Administration Building to the Proposed Site: R 60 L 15R Thomas Rd L Allens Lake RdName of Applicant: Jonathan E. ZookMailing Address: 1144 Spencer Rd Dillwyn VA 23936Daytime Phone: 434 390 8642 Cell Phone: _____Email: _____ Fax: 434 414 1055* Name of Property Owner: Roy + Cheryl Martin* Mailing Address: 100 Sandwich St. Plymouth, MA 02360* Daytime Phone: 863-241-1528 Cell Phone: 863-241-1528* Email: CMMCpacm@gmail.com Fax: 434-983-1912* Signature of Owner: Roy E. Martin Date: 4-22-24Signature of Applicant: [Signature] Date: 4-29-24

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: Weyerhaeuser Company

Mailing Address: 205 Perry Lane Rd Brunswick GA 31525

Physical Address: _____

Tax Map Section: 113 Parcel: 3 Lot: _____ Subdivision: _____

2. Name: LeSean Pauline D + Elaine L

Mailing Address: 189 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 4 Lot: _____ Subdivision: _____

3. Name: Hunt Christopher W. + Tammy A Hunt

Mailing Address: 975 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 4A Lot: _____ Subdivision: _____

4. Name: Dunkum Ronald Dwayne, Ganger Dunkum

Mailing Address: 682 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 5 Lot: _____ Subdivision: _____

6. Name: Dunkum Ronald Dwayne

Mailing Address: 682 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 6 Lot: _____ Subdivision: _____

7. Name: Dunkum Ronald Dwayne

Mailing Address: 682 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 13 Lot: _____ Subdivision: _____

8. Name: Gormus John - Ernestine D

Mailing Address: P.O. Box 407 Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 127 Parcel: 3A Lot: _____ Subdivision: _____

9. Name: Rebecca Thomas

Mailing Address: 1219 Old Tower Hill Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 127 Parcel: 4 Lot: _____ Subdivision: _____

10. Name: Dunkum Marvin H Jr

Mailing Address: 1525 Old Tower Hill Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 127 Parcel: -1-1 Lot: _____ Subdivision: _____

11. Name: Dunkum Ronald Dwayne

Mailing Address: 682 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 14 Lot: _____ Subdivision: _____

12 * Name: Dunkum Ronald Dwayne

Mailing Address: 682 Allens Lake Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 13 Lot: _____ Subdivision: _____

13 * Name: Thomas Scott B

Mailing Address: 1112 Thomas Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 127 Parcel: 2 Lot: _____ Subdivision: _____

14 * Name: Thomas Scott B

Mailing Address: 1112 Thomas Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 127 Parcel: 3 Lot: _____ Subdivision: _____

15 * Name: J Alvin + Ann Thomas Family LLC

Mailing Address: 1112 Thomas Rd Dillwyn VA 23936

Physical Address: _____

Tax Map Section: 113 Parcel: 7 Lot: _____ Subdivision: _____

16. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

17. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 30th day of April, year 2024,

I Jonathan E Zook 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 30th day of April,

of the year 2024. My Commission expires on 02/28/2025.

Notary Public Signature: Angela Nicole Wright
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA

COUNTY OF BUCKINGHAM, VIRGINIA

On this 22 day of April, of the year 2024

I, Roy & Cheryl Martin (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] Cheryl Martin

NOTARY PUBLIC

COUNTY OF Buckingham STATE OF VirginiaSubscribed and sworn to me on this 22 day of Aprilof the year 2024 My commission expires 9/30/27Notary 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):

Cape Cod house with attached 2 car garage, shop,
horse barns, hay storage building, chicken shed, fence,

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

Survey + plat on record from last property
transfer to Roy + Cheryl Martin
A1 Zoned property

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:

See areal View

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: 4-29-24

Printed Name: Jonathan Zook Title: _____

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Jonathan E. Zook

Location: 860 Allens Lake Rd.

Proposed Use: _____

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: [Signature]

Printed Name: Charles D. Edwards Date: 4/17/24

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:

itello

We are Jonathan + Esther Zook. We have been in the county a couple years residing at 1144 Spencer Rd Dillwyn. It is our wish to operate a family owned furniture manufacturing business at 860 Allens Lake Rd, should the sale of this property take place. We intend to remain in the compliance with all County ordinances. Thank You for the opportunity to address this matter by way of this application process.

~~Sincerely~~ Sincerely Jonathan + Esther Zook

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 Is zoned A1
2. Community Design Any questions or concerns feel free to reach out to us.
3. Cultural Resources
4. Economic Development Willing to continue paying taxes
5. Environment poly scraps to be recycled or properly disposed
6. Fire and Rescue, Law Enforcement Wishes to respect + honor. Thank you for protecting /rescuing our communities
7. Housing Family enterprise, will not affect housing
8. Libraries NA
9. Parks and Open Spaces NA
10. Potable Water NA
11. Sewage Private Septic
12. Schools NA
13. Telecommunications NA
14. Transportation NA
15. Solid Waste NA

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:

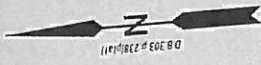
The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the 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: _____

Date: 4-29-24



Watson and Duggan PLC
Land Surveyors & Planning
1001 E. Third St., Farmville, VA 23901
434-391-3500

Christopher W. Hunt
Timothy A. Hunt
0.0 333 p.236
0.0 333 p.236 (plat)

W. Eldon Dunkum
0.0 121 p.175

W. Eldon Dunkum
0.0 121 p.177

W. Eldon Dunkum
0.0 115 p.378
0.0 114 p.167 (plat)

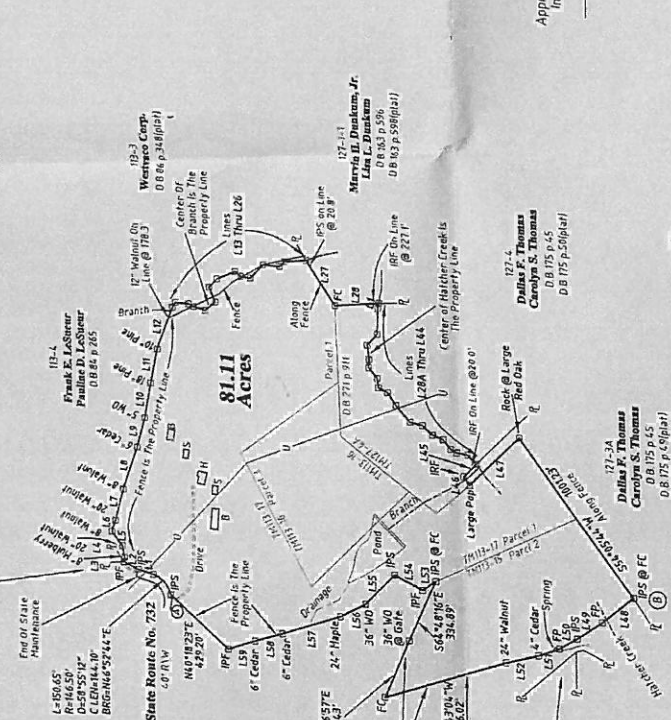
Dallas F. Thomas
Carolyn S. Thomas
0.0 175 p.45
0.0 175 p.45 (plat)

Dallas F. Thomas
Carolyn S. Thomas
0.0 175 p.45
0.0 175 p.45 (plat)

Mary E. Dunkum, Jr.
Line L. Dunkum
0.0 163 p.586 (plat)

Legend
R = Iron Rod Set
IP = Iron Pipe
FC = Fence Corner
FP = Fence Post
Pop = Poplar
U = Overhead Utility Lines
H = Existing House
B = Barn
S = Shed

81.11 ACRES



Notes
1. Tax Map Parcel Numbers 113-17
113-16
113-15
113-14A

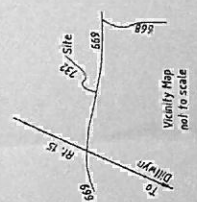
- 2. This survey is based on any easement of record and other pertinent facts which a title search might disclose.
- 3. This plot is based on a current field survey.
- 4. See plat in D.B. 28 p.208 and D.B. 271 p.913.
- 5. The western property lines shown are along existing fence and were confirmed to be correct by Eldon Dunkum.

Boundary Plat
Of Existing Parcel

For Paula Dunkum
Being the Property Owned By
Timothy A. Dunkum
Deed Book 185 page 411
Cordville, Virginia, Buchanan County, Va.
05/13/05
9-15-05

Owner Roy & Cheryl Martin
Applicant Jonathan Zook

LINE	BEARING	DISTANCE
L1	N 87° 25' 00" E	74.80
L2	S 89° 17' 30" E	74.80
L3	S 89° 17' 30" E	74.80
L4	N 10° 12' 11" E	62.68
L5	N 5° 14' 00" E	62.68
L6	S 89° 17' 30" E	74.80
L7	S 89° 17' 30" E	74.80
L8	S 89° 17' 30" E	74.80
L9	S 89° 17' 30" E	74.80
L10	S 89° 17' 30" E	74.80
L11	S 89° 17' 30" E	74.80
L12	S 89° 17' 30" E	74.80
L13	S 89° 17' 30" E	74.80
L14	S 89° 17' 30" E	74.80
L15	S 89° 17' 30" E	74.80
L16	S 89° 17' 30" E	74.80
L17	S 89° 17' 30" E	74.80
L18	S 89° 17' 30" E	74.80
L19	S 89° 17' 30" E	74.80
L20	S 89° 17' 30" E	74.80
L21	S 89° 17' 30" E	74.80
L22	S 89° 17' 30" E	74.80
L23	S 89° 17' 30" E	74.80
L24	S 89° 17' 30" E	74.80
L25	S 89° 17' 30" E	74.80
L26	S 89° 17' 30" E	74.80
L27	S 89° 17' 30" E	74.80
L28	S 89° 17' 30" E	74.80
L29	S 89° 17' 30" E	74.80
L30	S 89° 17' 30" E	74.80
L31	S 89° 17' 30" E	74.80
L32	S 89° 17' 30" E	74.80
L33	S 89° 17' 30" E	74.80
L34	S 89° 17' 30" E	74.80
L35	S 89° 17' 30" E	74.80
L36	S 89° 17' 30" E	74.80
L37	S 89° 17' 30" E	74.80
L38	S 89° 17' 30" E	74.80
L39	S 89° 17' 30" E	74.80
L40	S 89° 17' 30" E	74.80
L41	S 89° 17' 30" E	74.80
L42	S 89° 17' 30" E	74.80
L43	S 89° 17' 30" E	74.80
L44	S 89° 17' 30" E	74.80
L45	S 89° 17' 30" E	74.80
L46	S 89° 17' 30" E	74.80
L47	S 89° 17' 30" E	74.80
L48	S 89° 17' 30" E	74.80
L49	S 89° 17' 30" E	74.80
L50	S 89° 17' 30" E	74.80
L51	S 89° 17' 30" E	74.80
L52	S 89° 17' 30" E	74.80
L53	S 89° 17' 30" E	74.80
L54	S 89° 17' 30" E	74.80
L55	S 89° 17' 30" E	74.80
L56	S 89° 17' 30" E	74.80
L57	S 89° 17' 30" E	74.80
L58	S 89° 17' 30" E	74.80
L59	S 89° 17' 30" E	74.80



113-4A
Christopher W. Hunt
 Tammy A. Hunt
 D.B. 303 p. 236
 D.B. 303 p. 238 (plat)

Watson and Duggan PLC
 Land Surveying & GIS & Planning
 1001 E. Third St., Farmville, Va. 23901
 434-391-3500

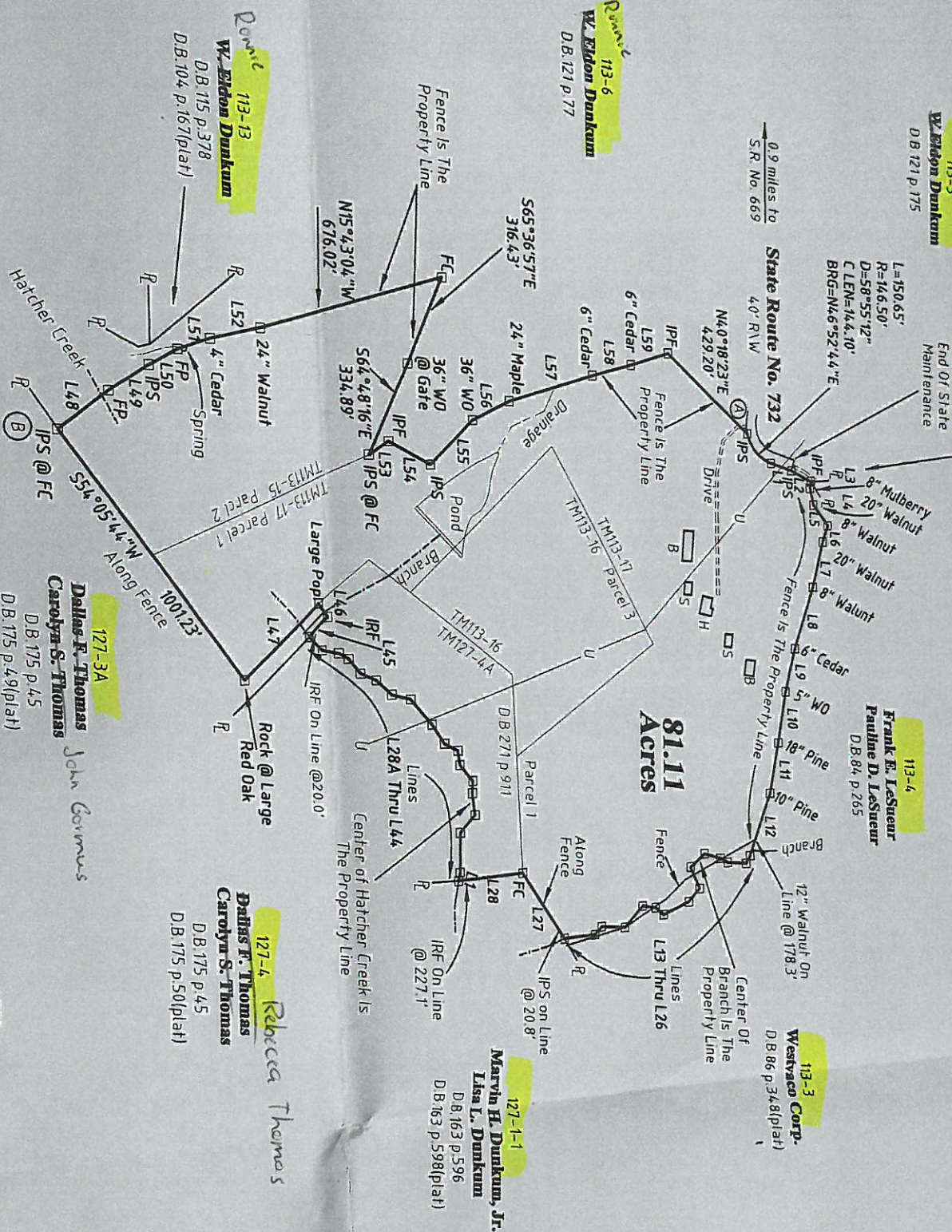
113-5
W. Eldon Dunkum
 D.B. 121 p. 175

113-4
Frank E. LeSueur
Pauline D. LeSueur
 D.B. 84 p. 265

113-3
Westaco Corp.
 D.B. 86 p. 348 (plat)

113-6
W. Eldon Dunkum
 D.B. 121 p. 77

113-13
W. Eldon Dunkum
 D.B. 115 p. 378
 D.B. 104 p. 167 (plat)



Legend
 IPS = Iron Pipe Set
 IRF = Iron Rod Found
 FC = Fence Corner
 FP = Fence Post
 Pop = Poplar
 WO = White Oak
 U = Overhead U
 H = Existing Ho
 B = Barn
 S = Shed

127-4
Rebecca Thomas
 Dallas R. Thomas
 Carolyn S. Thomas
 D.B. 175 p. 45
 D.B. 175 p. 50 (plat)

127-1-1
Marvin H. Dunkum, Jr.
 Lisa L. Dunkum
 D.B. 163 p. 596
 D.B. 163 p. 598 (plat)

127-3A
Dallas R. Thomas
Carolyn S. Thomas
 John Corvus
 D.B. 175 p. 45
 D.B. 175 p. 49 (plat)

WEALTH OF VA

Approved
 In Buck

Con

Legend

IPS = Iron Pipe Set
 IRF = Iron Rod Found
 FC = Fence Corner
 FP = Fence Post
 Pop = Poplar
 WO = White Oak
 U = Overhead Utility Lines
 H = Existing House
 B = Barn
 S = Shed

Line Table

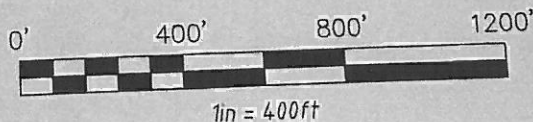
LINE	BEARING	DISTANCE
L1	N17°25'08"E	90.14'
L2	N25°41'52"E	90.68'
L3	S80°19'36"E	24.05'
L4	N78°32'41"E	62.68'
L5	N51°40'08"E	96.01'
L6	S69°32'28"E	63.61'
L7	S74°53'19"E	170.60'
L8	S70°19'20"E	236.81'
L9	S74°21'40"E	162.30'
L10	S79°35'42"E	187.83'
L11	S77°58'07"E	184.98'
L12	S68°22'55"E	239.03'
L13	S57°00'24"E	31.67'
L14	S05°53'08"W	74.39'
L15	S30°32'48"W	33.40'
L16	S17°56'38"W	66.36'
L17	S36°50'06"E	73.33'
L18	N66°15'26"E	87.20'
L19	S44°56'49"E	62.16'
L20	S20°13'54"E	111.06'
L21	S40°35'44"W	42.42'
L22	S10°25'27"W	55.14'
L23	S43°03'02"E	101.88'
L24	S06°12'15"W	96.76'
L25	S42°48'41"E	36.71'
L26	S01°32'20"E	124.59'
L27	S55°30'30"W	293.45'
L28	S01°56'05"E	247.13'
L28A	N77°26'42"W	27.59'
L29	N87°43'07"W	135.78'
L30	N44°45'43"W	80.55'
L31	S83°41'17"W	75.47'
L32	N86°26'00"W	41.52'
L33	S50°36'42"W	73.74'
L34	S82°42'52"W	49.31'
L35	S27°56'53"W	54.25'
L36	S57°09'02"W	79.70'
L37	S49°43'29"W	114.96'
L38	S15°15'42"W	67.30'
L39	S43°23'35"W	73.02'
L40	S24°53'15"W	57.49'
L41	S52°55'40"W	63.15'
L42	S31°55'45"W	36.83'
L43	S10°41'04"W	60.46'
L44	S42°35'26"W	69.45'
L45	N41°01'09"W	98.40'
L46	S53°50'44"W	56.10'
L47	S40°43'50"E	375.81'
L48	N36°56'51"W	206.13'
L49	N32°08'20"W	156.84'
L50	N28°02'55"W	109.09'
L51	N18°11'23"W	118.58'
L52	N12°49'03"W	180.33'
L53	N32°56'37"W	82.41'
L54	N28°24'20"E	166.22'
L55	N43°51'31"W	217.93'
L56	N25°32'04"W	152.49'
L57	N16°04'43"W	337.23'
L58	N14°23'32"W	161.11'
L59	N16°04'06"W	158.52'

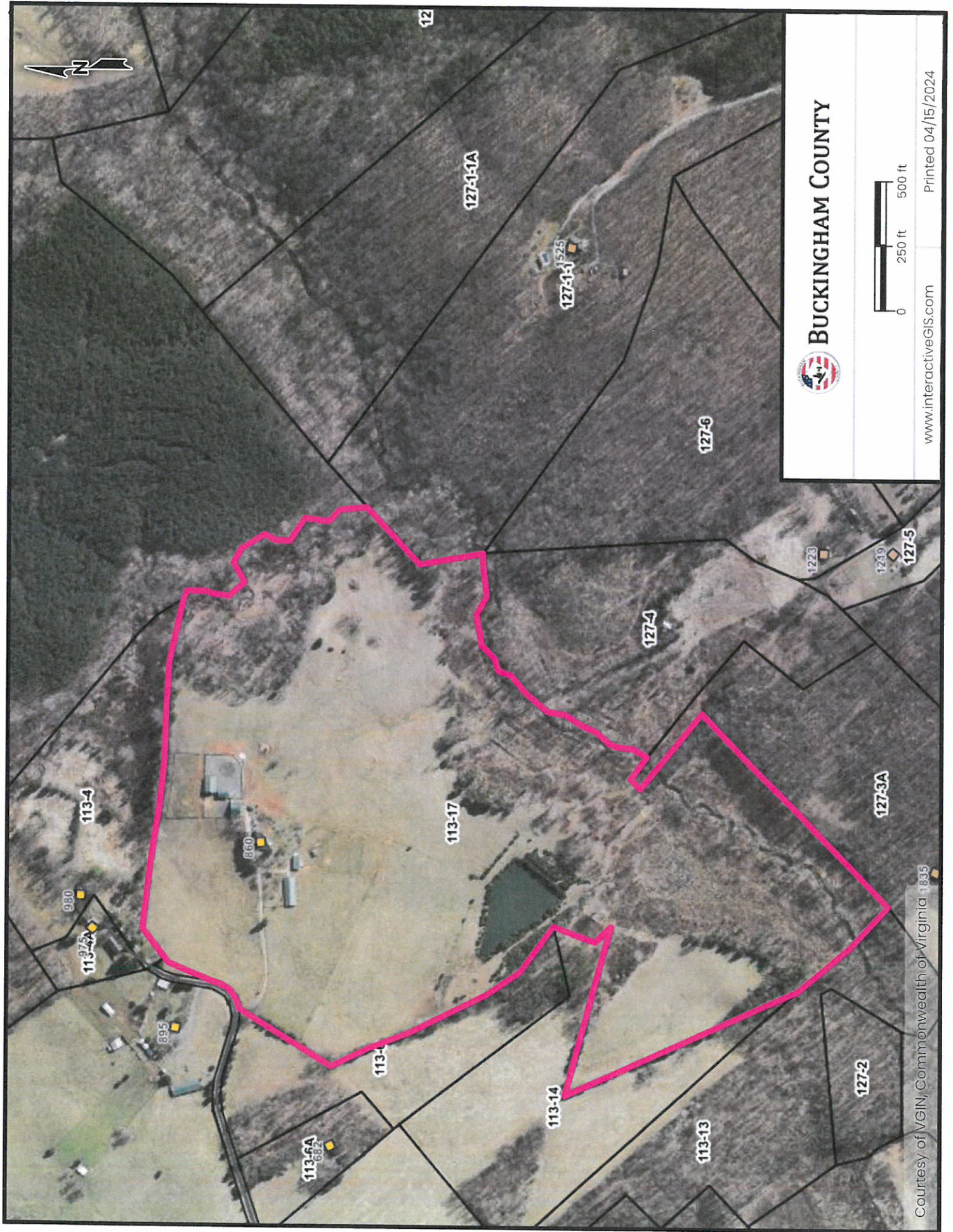
D.B. 303 p. 238 (plat)



Approved For Recordation
 In Buckingham County

County Agent





BUCKINGHAM COUNTY



www.interactiveGIS.com

Printed 04/15/2024

Courtesy of VGIN, Commonwealth of Virginia 1835

Date: 4/15/24

History Maintenance

Time: 16:11:12

Dept#/Bill#: RE2023 / 00075310001 Half: 1 Pen/Int Date: 4/15/2024 / 4/15/2024

Name: MARTIN ROY A & CHERYL M MARTIN

Account#: 000006065

Name 2:

Address: 860 ALLENS LAKE RD

DILLWYN VA

Zip Code: 23936 - 0000

Description: RT 732 - 2 MI E OF

MAP#: 113 17

ALPHA 81.11 AC

MMMIIDDBBLLLLLS

Soc. Sec. #: 000 - 00 - 0000

000 - 00 - 0000

000 - 00 - 0000

Mortgage #: Status Codes:

Land: \$185,600

Improve: \$226,200

Use: \$0

Original Bill: \$1,132.45 Payments: \$1,132.45

Penalty Paid: \$.00 Int Paid: \$.00 Last Date: 5/26/2023

Amount Owed: \$.00 Other: \$.00

Total Owed: \$.00 Penalty: \$.00 Interest: \$.00

Date: 4/15/24

History Maintenance

Time: 16:11:22

Dept#/Bill#: RE2023 / 00075310002 Half: 2 Pen/Int Date: 4/15/2024 / 4/15/2024

Name: MARTIN ROY A & CHERYL M MARTIN

Account#: 000006065

Name 2:

Address: 860 ALLENS LAKE RD

DILLWYN VA

Zip Code: 23936 - 0000

Description: RT 732 - 2 MI E OF

MAP#: 113 17

ALPHA 81.11 AC

MMMIIDDBBLLLLLS

Soc. Sec. #: 000 - 00 - 0000

000 - 00 - 0000

000 - 00 - 0000

Mortgage #: Status Codes:

Land: \$185,600

Improve: \$226,200

Use: \$0

Original Bill: \$1,132.45 Payments: \$1,132.45

Penalty Paid: \$.00 Int Paid: \$.00 Last Date: 5/26/2023

Amount Owed: \$.00 Other: \$.00

Total Owed: \$.00 Penalty: \$.00 Interest: \$.00

Document Prepared By:

F. Ade Allen, Jr.
Attorney at Law
P.O. Box 502
Dillwyn, Virginia 23936

BOOK 319 PAGE 642

#1916
Tax Map: 127-4A
113-17
113-16
113-15

THIS DEED is made this 18th day of Aug., 2005, by and between

PAULA P. DUNKUM, Administrator of the Estate of Timmy R. Dunkum,

deceased, LANNY D. DUNKUM, VELMA D. SPROUSE AND PERRY W.

DUNKUM, hereinafter called Grantor and **ROY A. MARTIN and CHERYL M.**

MARTIN, husband and wife, as tenants by the entirety with the right of survivorship

as at common law, hereinafter called Grantees, whose address is:

19200 Hwy. 27, Lake Wales, FL 33853-2451

- WITNESSETH -


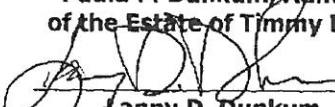
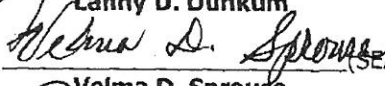
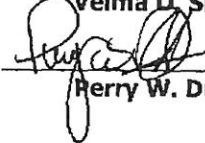
THAT for and in consideration of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby Bargain, Sell, Grant, and Convey with General Warranty and English Covenants of Title, in fee simple, unto the Grantees, as tenants by the entirety with the right of survivorship as at common law, the following described real estate to-wit:

SEE SCHEDULE A ATTACHED AND MADE A PART HEREOF

This conveyance is made expressly subject to: any and all conditions, restrictions, reservations, easements, and/or rights of way which are a matter of public record; and, any and all easements and/or rights of way which are apparent from an inspection of

the lands hereinabove described or the plat hereinabove referenced.

Witness the following signatures and seals.

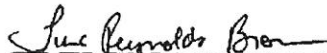
 (SEAL)
Paula P. Dunkum, Administrator
of the Estate of Timmy R. Dunkum
 (SEAL)
Lanny D. Dunkum
 (SEAL)
Velma D. Sprouse
 (SEAL)
Perry W. Dunkum

STATE OF VA

CITY/COUNTY OF Chesapeake, to-wit:

The aforedescribed deed, bearing date of August 18th, 2005, was
subscribed, sworn and acknowledged before me by Paula P. Dunkum, Administrator of
the Estate of Timmy R. Dunkum, on this 18th day of August, 2005.

My commission expires: 1-31-07.


Notary Public

STATE OF Tennessee BOOK 319 PAGE 644

CITY/COUNTY OF Sumner, to-wit:

The aforescribed deed, bearing date of 8/18, 2005, was
subscribed, sworn and acknowledged before me by Lanny D. Dunkum, on this
22 day of August, 2005.

My commission expires: July 19 2008



[Signature]
Notary Public

STATE OF Va.

CITY/COUNTY OF Buckingham, to-wit:

The aforescribed deed, bearing date of Aug - 18, 2005, was
subscribed, sworn and acknowledged before me by Velma D. Sprouse, on this 24
day of August, 2005.

My commission expires: 9-30-06

[Signature]

Notary Public

STATE OF VA

CITY/COUNTY OF Chesapeake, to-wit:

The aforescribed deed, bearing date of Aug. 18, 2005, 2005, was subscribed, sworn and acknowledged before me by Perry W. Dunkum, on this 18th day of August, 2005.

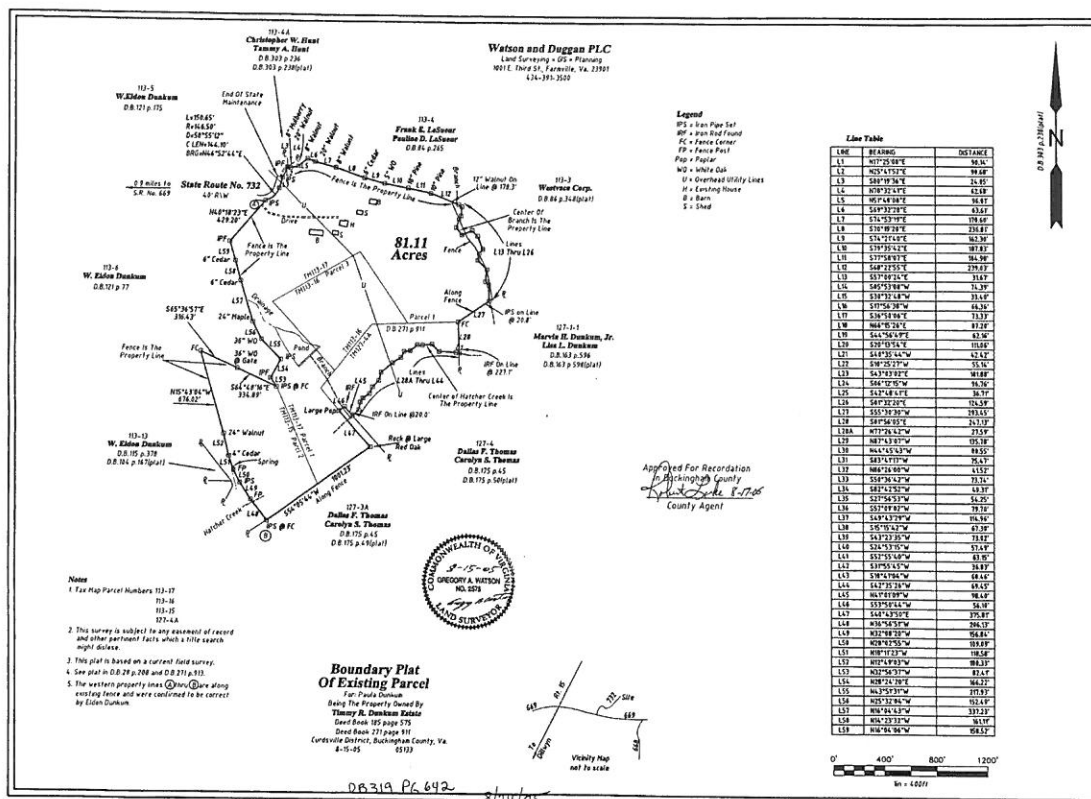
My commission expires: 1-31-07.

Inc. Reynolds Brown
Notary Public

035 Rec Fee	<u>1.00</u>	VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY
St. R. Tax	<u>1230.00</u>	
Co. R. Tax	<u>416.67</u>	The foregoing instrument with acknowledgement
Transfer	<u>1.00</u>	was admitted to record on <u>8-24</u> 20 <u>05</u> .
Clerk	<u>28.00</u>	at <u>1:20 P.M.</u> in D.B. <u>319</u> Page(s) <u>642 - 646</u>
Lib. (145)	<u>3.00</u>	Teste: MALCOLM BOOKER, JR., CLERK
T.T.F.	<u>10.00</u>	BY: <u>Brenda Kitcher</u> DEPUTY CLERK
Grantor Tax	<u>500.00</u>	
036 Proc. Fee	<u>10.00</u>	
Total \$	<u>2219.67</u>	

SCHEDULE A

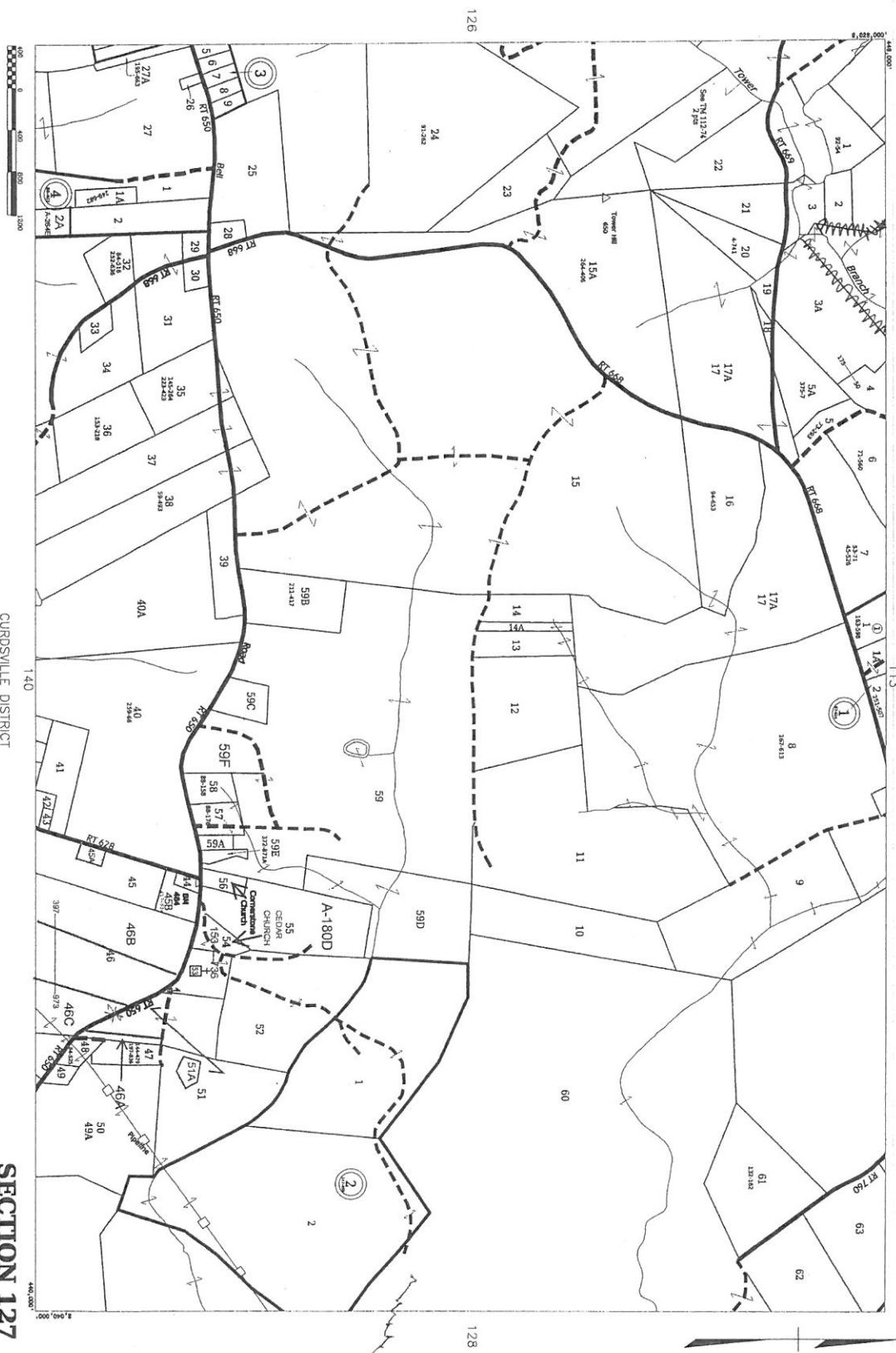
All that certain tract or parcel of land, with improvements thereon and appurtenances thereunto belonging, situated in Curdsville Magisterial District of Buckingham County, Virginia, containing Eighty-One and eleven/hundredths (81.11) acres, more or less, said lands fronting on Virginia Secondary Route #732 and being more particularly described by a plat of survey prepared by Gregory A. Watson, L.S., dated August 15, 2005, and recorded in the Clerk's Office of the Circuit Court of Buckingham County in Plat Cabinet A, at slide 148E, to which plat reference is hereby made for a more complete and accurate description of said lands. Said lands being the aggregate of the lands conveyed unto Timmy R. Dunkum by two deeds as follows: first, a deed from Wilson D. Dunkum and Lucille A. Dunkum, husband and wife, dated May 1, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 185, at page 575 et seq., wherein said grantors reserved life estates which terminated on their respective deaths, Wilson D. Dunkum dying on May 16, 2000 and Lucille A. Dunkum dying on August 9, 2002; and second, a deed from Dallas F. Thomas et ux dated December 10, 2001, and recorded in the aforesaid Clerk's Office in Deed Book 271, at page 911 et seq. Subsequently Timmy R. Dunkum died intestate, unmarried and without issue on April 7, 2005, leaving surviving as his sole heirs at law his three siblings, Lanny Daniel Dunkum, Perry Wayne Dunkum and Velma Dunkum Sprouse, all as is evidenced by said decedent's list of heirs dated April 14, 2005 and recorded in the aforesaid Clerk's Office as Will Instrument #200500000351.



Cab A Slide 148E

Cyrtod = properly

BUCKINGHAM COUNTY



CURDSVILLE DISTRICT

SECTION 127

TAX RECEIPT

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

Ticket #:00001790001 @@

Date : 4/30/2024
Register: KJ1/KJ1
Trans. #: 17304
Dept #: SPUSE
Acct# :

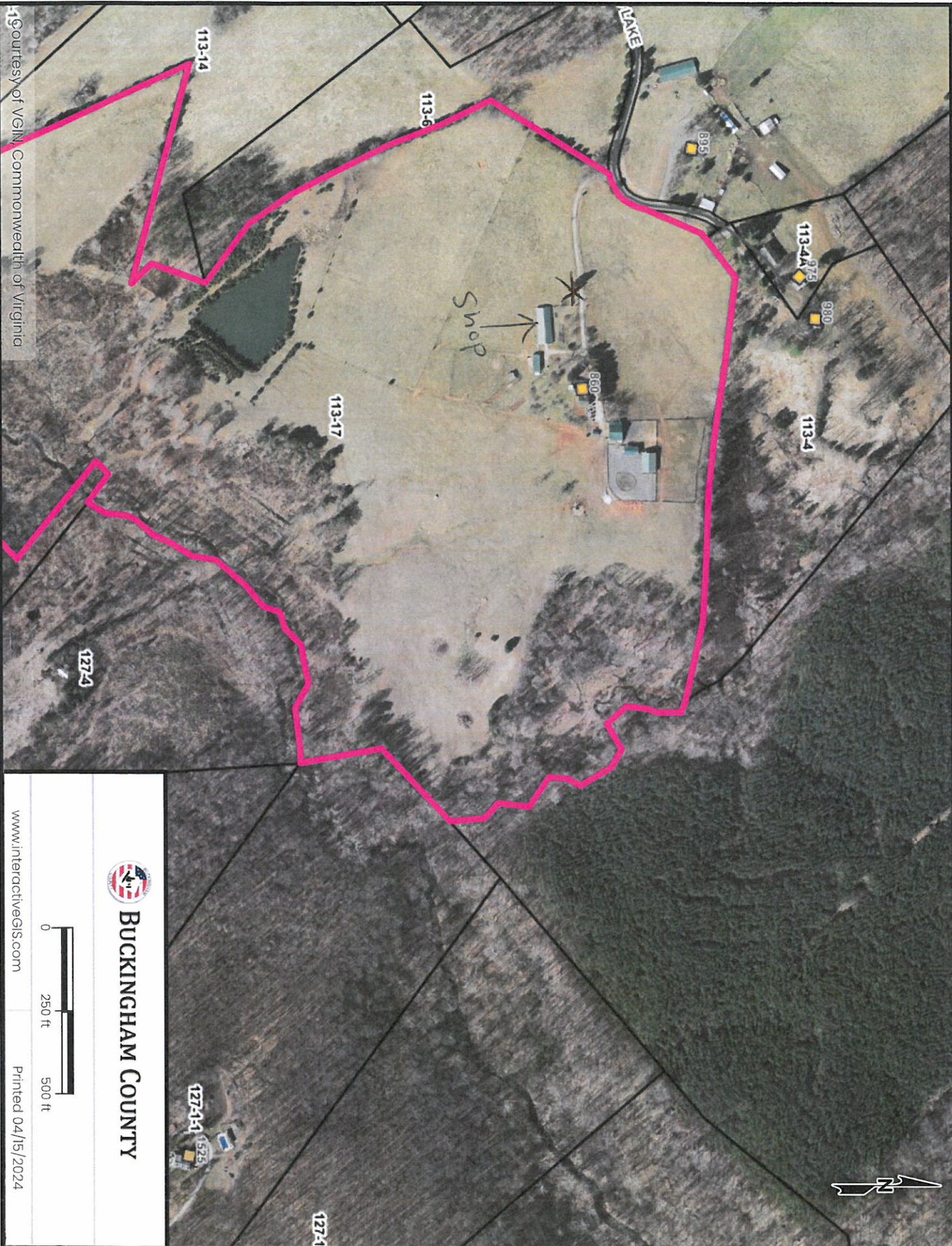
SPECIAL USE PERMIT - ZONING
113-17

ZOOK JONATHAN

Previous Balance	\$.00
Principal Being Paid	\$	200.00
Penalty	\$.00
Interest	\$.00
Amount Paid	\$	200.00
*Balance Due	\$.00

Pd by ZOOK JONATHAN E Check 200.00 # 931 FARMERS
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 4/2024

* gravesite



Courtesy of VGIN, Commonwealth of Virginia



BUCKINGHAM COUNTY



www.interactivegis.com Printed 04/15/2024

Buckingham County Planning Commission

Tuesday, May 28, 2024

Administration Building

7:00 PM

Introduction Case 24-SUP343

Applicant: Jessica Nicholas
2158 Tower Hill Road
Powhatan VA 23139

Property Information: Tax Map 51 Parcel 3 Lot 1, 23.92 acres, located at 1025 Melita Road Arvonias VA 23004, Slate River Magisterial District.

Zoning District: Agricultural District (A-1)

Request: The Applicant wishes to Obtain a Special Use Permit for the Purpose of Operating an AirBnB Bed and Breakfast, Campsites, and Event Center (Events to include, but not limited to weddings, reunions, parties, celebrations, festivals, music events, concerts, film & photo shoots, yoga, horseback riding, water sports, auctions, fishing, dinner parties, cooking classes, wine tastings, etc for up to 1500). The applicant is asking the Planning Commission to hold a public hearing for this request.

Background/Zoning Information: The property is located at 1025 Melita Road Arvonias VA 23004 in the Slate River Magisterial District. The landowners are Jessica and Matthew Nicholas and the applicant Jessica Nicholas. This property is zoned Agriculture (A-1). The Zoning Ordinance does not permit an AirBnB Bed and Breakfast, Campsites, and Event Center as Permitted by Right Uses in an Agricultural A1 Zoning District. The Zoning Ordinance requires that an AirBnB Bed and Breakfast and/or Campground/Campsite and Event Center obtain a Special Use Permit. The submitted 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, including but not limited to 12 VAC 5-450-VDH Rules and Regulations Governing Campgrounds.
2. The facility shall meet all safety requirements of all applicable building codes
3. That commencement of the facility shall begin within two years of the approval by the Board of Supervisors or this special use permit shall be null and void.

3. Right of ways and roadway shoulders shall not be used for parking. Ample parking for occupants shall be supplied on premises.
4. Only trailers classified as Recreational Vehicles or self-contained camping unit and with current registration shall be allowed.
5. No campground structure shall be erected within 50' if adjoining properties without adjacent landowners written permission.
6. The Sheriff's Office shall be notified three weeks prior to any event inviting or expecting 300 or more persons.
7. The property shall be kept neat and orderly.
8. That the applicant pursues a commercial solid waste container and follow the County Solid Waste Ordinance.
9. 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.
10. 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.
11. 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.
12. 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
13. 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.
14. That the applicant(s) and landowner(s) understands the conditions and agrees to the conditions.

Would it be the pleasure of the Planning Commission to schedule a public hearing?

June 24, 2024? 6pm?

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.

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: 5/3/2024

Special Use Permit Request: short term rentals (e.g. Airbnb vs. Vrbo) and event
space and dry campsites

Purpose of Special Use Permit: Obtain permission to use property for short term rentals,
dry campsites and events to include but not limited to weddings, reunions, festivals,
concerts and celebrations of life with up to 1,500 attendees.

Zoning District: Agricultural Number of Acres: 23.92

Tax Map Section: 51-3-1 Parcel: _____ Lot: 1 Subdivision: _____ Magisterial Dist.: James River

Street Address: 1025 Melita Rd, Arvonia, VA 23004

Directions from the County Administration Building to the Proposed Site: 60 E, 15 N, 20 N,
right on Sharon Church, bear left on Melita, 1025 on left

Name of Applicant: Jessica Nicholas

Mailing Address: _____
2158 Tower Hill Rd, Powhatan, VA 23139

Daytime Phone: _____ Cell Phone: (804) 475-7573

Email: jessicahnicholas@gmail.com Fax: _____

Name of Property Owner: Jessica and Matthew Nicholas

Mailing Address: _____
2158 Tower Hill Rd, Powhatan, VA 23139

Daytime Phone: _____ Cell Phone: (804) 475-7573

Email: jessicahnicholas@gmail.com Fax: _____

Signature of Owner: Jessica Nicholas Date: 5/3/2024

Signature of Applicant: Jessica Nicholas Date: 5/3/2024

Please indicate to whom correspondence should be sent:

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

Please see attached sheets

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: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

2. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

3. Name: _____

Mailing Address: _____

Physical Address: _____

Tax Map Section: _____ Parcel: _____ 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:** _____

51-3-2

Robert & Michelle Esposito

Mailing: 8954 S CONSTITUTION RTE SCOTTSVILLE VA 24590

Physical: Melita RD

51-3-3

Andre & Jennifer Galitsky

Mailing: 5411 MONGOOSE CT WARRENTON VA 20187

Physical: Melita RD

51-3-4

Rachel Ligon

Mailing: 13538 BUCK RUB DR MIDLOTHIAN VA 23112

Physical: Melita RD

51-3-5

Theodore W Clark JR

Mailing: 2950 THREE CHOPT GUM SPRING VA 23065

Physical: Melita RD

51-3-6

EE Talbott JR

Mailing: 145 WOODYARD RD DILLWYN VA 23936

Physical: Melita RD

51-3-7

Noah & Deborah Fazenbaker

Mailing: 6013 BONNEAU RD RICHMOND VA 23227

Physical: Melita RD

51-19B AND 51-24

Four J Unlimited

Mailing: 140 HUMINSKI RD ELKTON MD 21921

Physical: 2010 MUDDY CREEK RD ARVONIA VA 23004

51-21

Herbert & Nancy Maxey

Mailing: PO BOX 257 BUCKINGHAM VA 23921

Physical: N/A

51-22

Bar Land & Homes LLC C/O Malcolm Vannoy

Mailing: PO BOX 190 APPOMATTOX VA 24522

Physical: N/A

51-23

Esther Maxey

Mailing: 330 CLAREMONT LN APT 129 CROZET VA 22932

Physical: Melita RD

66-25

Lacy Wood

Mailing: 1790 MELITA RD ARVONIA VA 23004

Physical: 1790 MELITA RD ARVONIA VA 23004

66-27

Glen & Beulah Banton

Mailing: 603 Sharon Church RD

Physical: River Ridge RD

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This March day of 6th, year 2024,

I Jessica Nicholas 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)

Jessica Nicholas

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

NOTARY:
COMMONWEALTH OF VIRGINIA

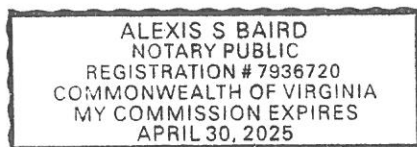
COUNTY OF Buckingham

STATE OF Virginia

Subscribed and sworn to me on the 6 day of March,
of the year 2024. My Commission expires on Apr 30 2025.

Notary Public Signature: Alexis S. Baird

Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM, VIRGINIA

On this March day of 6th, of the year 2024,

I Jessica Nicholas (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)

Jessica Nicholas

NOTARY PUBLIC

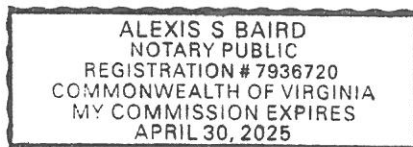
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 6 day of March

of the year 2024. My commission expires Apr 30 2025.

Notary Public Signature: Alexis S. Baird

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):

The property is a little less than 24 acres. Approximately
9 acres have been cleared. The house is earth-bound
and sits at the top of the hill. There ~~are~~ solar panels,
well and septic.

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

Deed Book 491 was pulled from clerk's office. Property
found on page 999. No historical sites identified. Property
was previously one parcel measuring 221.03 acres and
was subdivided into smaller lots.

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: Jessica Nicholas Date: 4/29/2024

Printed Name: Jessica Nicholas Title: Owner

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Jessica and Matthew Nicholas

Location: 1025 Melita Rd, Arvonica, VA 23004

Proposed Use: Airbnb (Short term rentals) and small celebrations

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: Charles D. Edwards

Printed Name: Charles D. Edwards

Date: 4/29/24

N/A

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

Nicholas Family, "Shireton" - 1025 Melita Rd. Narrative

Easter of 2021, during the height of COVID-19 and just after the birth of our second daughter, tragedy struck our family. Matt attempted to contact his father to say happy Easter, but was unable to reach him. A couple of days later, while talking to his siblings, they realized that no one had spoken to their dad, Ron. Concern began to mount. The police went to his cabin in the Poconos in Pennsylvania but he was not there and neither was his dog, Cole. A missing persons report was filed and the search began. A day later, his truck was found at a park about 15 minutes away from his cabin. Search and rescue parties were called including the use of helicopters, drones and dive teams. This time was immensely difficult. Not only were we in limbo of not knowing whether or not Ron was alive, but also because we were trying to balance raising a toddler and our newborn baby apart while Matt helped with the search parties. After three weeks of searching, his father was found deceased in the woods. Autopsy reports suggest that his sugar levels had potentially become low causing him to become disoriented. He wandered off the path and was unable to find his way back. We miss him daily.

Through this tragedy and as a frontline healthcare worker during the COVID pandemic, we have had great introspection. What became clear is that family and time together is the most important thing. Also near and dear to Ron's heart, we desire time spent in nature and a quiet life with these values in mind. For these reasons, we began our search for land that we might create a home for our daughters and ourselves. Using some of the inheritance money from Ron, we were able to purchase our land in Buckingham County. However, Matt works as a sales representative for a local company in Richmond and I work at a hospital. We decided we needed to become creative in how we could make this transition to this new life we dream of. For that reason, we decided to create a small getaway home for us and a place we could use for Airbnb rentals and dry campsites so we could use the house to help provide additional income. This is the reason we are seeking a special use permit. Our hope is that with time, we will be able to use this additional income to build a larger home on the property where we will live permanently.

To start, we have built a small one bedroom and one bathroom home. We were honored to use many local contractors for the project and plan to hire them again in the future if needed. We have 24 acres and have cleared approximately 9 acres. The home sits at the top of the hill with a great view of the property and the surrounding forest (as marked on our plot map). It faces southwest. We loved the idea of having a home that blended into the natural surroundings. Thus, we decided to go with a unique build and created an earth-bound home, that is literally covered in dirt and grass. From the road, the house appears as a small hill save for one window. The house is eco-friendly as it is very energy efficient with the insulation of the dirt and grass, as well as the fact we installed a well, septic and solar panels (see utilities map). We are planning to start some small gardens on the property. Since the home is so small we do not feel that renting the home would cause a great impact on the immediate neighbors as the house is really only big enough for two adults and possibly 1 to 2 children. However, hopefully our guests would seek

out adventure and local shops nearby, promoting economic development. Further, when we purchased our property it came with its own large gravel parking lot at the front (see plot map), so parking should not be an issue.

For the sake of being thorough, we are also seeking approval to have the property approved for special events such as small weddings or celebrations because we believe our home could be a desired destination for such events due to its unique quality. Events to include, but not limited to weddings, reunions, festivals, concerts, arts, celebrations of life with up to 1,500 attendees. We have a wooden sign that I handmade and wood burned denoting the property. I believe it is tasteful and fits within the style of the surrounding habitat. Our large parking lot at the front of the property would be available to accommodate any parking needs. We are also currently in the process of planting trees to obscure the parking lot from the view of the neighbors to maintain the wooded look of the area. Guests would be responsible for bringing any of their food and/or beverages. We would make sure prior to any event to alert local police in the event of an emergency. We will have trash receptacles on the property for disposal of trash and would hire a service to take away within a week after the event. Guests will be charged a clean up fee for general clean up of any materials/decor left from the special event which would be used to hire a clean up crew. No fighting or illegal substances will be permitted on the property or guests will be asked to leave, charged a fee and will not be allowed back on the premises. We do not anticipate these celebratory events to happen frequently but we wanted to be prepared and approved if guests were to ask if they could host their special event at our home. Our goal is that the area will remain beautiful and a place of refuge as we also plan to live there eventually. We hope to build our house (3-4 bedrooms) towards the back of the property, which would also face southwest. We are excited for this next step and hope you will support us as we seek approval for our special use permit. The home design was inspired from one of our favorite fantasy books, "Lord of the Rings." ^{we} hope that guests and neighbors alike will enjoy coming on this journey with us as we turn one of our greatest tragedies into our greatest adventure.

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: _____

Genia Nicholas

Date: 5/3/2024

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.

509 Court Street P.O. Box 117
Appomattox, Virginia 24522
434-332-8540
Michael Ray Oelm
Land Surveyor

[illegible]

THIS SUBDIVISION IS APPLICABLE FOR INDIVIDUAL CHASTE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF MAGNANO, AND THE SEWAGE REMOVAL AND DISPOSAL REGULATIONS (18 USC 5-810-10 ET SEQ. THE REGULATIONS), AND LOCAL ORDINANCES IF THE LOCALITY HAS AUTHORIZED THE LOCAL HEALTH DEPARTMENT TO ACCEPT PRIVATE REGULATIONS FOR COMPLIANCE WITH LOCAL ORDINANCES.

THIS SUBMISSION IS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO SECTION 317-112.5 OF THE CODE OF MICHIGAN WHICH PROVIDES THE HEALTH DEPARTMENT TO ACCEPT OR REFUSE FOR EVALUATIONS AND DECISIONS FROM AN AUTHORIZED DESIGN SLOE EVALUATOR (BASED ON A PROFESSIONAL ENGINEER'S REPORT) IN CONSULTATION WITH AN AGENT FOR PERSONNEL DEVELOPMENT. THE AGENT FOR PERSONNEL DEVELOPMENT IS THE MEMBER OF SUCH EVALUATIONS. THIS SUBMISSION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE CODE OF HEALTH'S REGULATIONS BY: PAUL R. FARMER, PROPERTY ASSESSE (PROFESSIONAL) THIS SUBMISSION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SECTION 100 OF THE REGULATIONS, THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED BY RELIANCE UPON THE CERTIFICATION THAT APPROVED LOTS ARE SUITABLE FOR "TRANSFORMER SYSTEMS". HOWEVER ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.

1. HOW DWELLING STATIONS DEVELOP SENSITIVE AREAS, AND WELL MUST BE SPATIALLY LOCATED BY MEANS OF RAIN-FALL AND CROP-YIELD, JUST AS THE LOCAL COUNTRY HUMAN ADAPTATION, BEFORE ANY CONSTRUCTION BEGINS.
2. THE LOCAL CONSTRUCTION STANDARDS, AND SYSTEM DESIGN OF SUCH PROJECTS, ARE THE RESULT OF ADAPTATION TO THE CLIMATE AND SOIL ON ONE AT THE LOCAL AND REGIONAL LEVELS. ALL HOUSES ARE BUILT ON ONE OF TWO TYPES OF FOUNDATION, ONE SPECIFIC, AND ANOTHER IN DESIGN. CONSTRUCTION STANDARDS OF CONSTRUCTION FROM THE LOCAL AREA MAY NOT REQUIRE ADDITIONAL SOIL EVALUATIONS AND REPAIRS.
3. DEPENDENCE ON HOUSE DRAINAGE, SOME SITES MAY REQUIRE A PUMP SYSTEM TO PUMP THE EFFLUENT TO THE DRAINFIELD AREA.
4. ALL DRAINFIELD SITES ARE SITE SPECIFIC AND LOCATED BY SURVEY.
5. WHEN A CONSTRUCTION PROJECT IS IDENTIFIED, IT MAY BE NECESSARY TO HAVE THE DRAINFIELD SITES RECONSTRUCTED TO ENSURE THE PROPER LOCATION.

[illegible][illegible]

SHEET 1 OF 2
MELITA ROAD
SUBDIVISION
SCALE: 1" = 300 FT.
227.162 ACRES

SURVEYED FOR: H. CURTIS PIERSON, JR. &
JEFFERSON M. GILLET
SOURCE OF TITLE: H. CURTIS PIERSON, JR. &
JEFFERSON M. GILLET
DEED #1 P. 999
MARSHALL DISTRICT BUCHANAN COUNTY
VIRGINIA

0 100 200 300
GRAPHIC SCALE - FEET

Inst # 2008-293
DB493 PG 134
January 23
The foregoing Not
has the Department's rule with and otherwise requires that the
provisions be approved, submitted to court.
Attest: [Signature]
By [Signature] Clerk

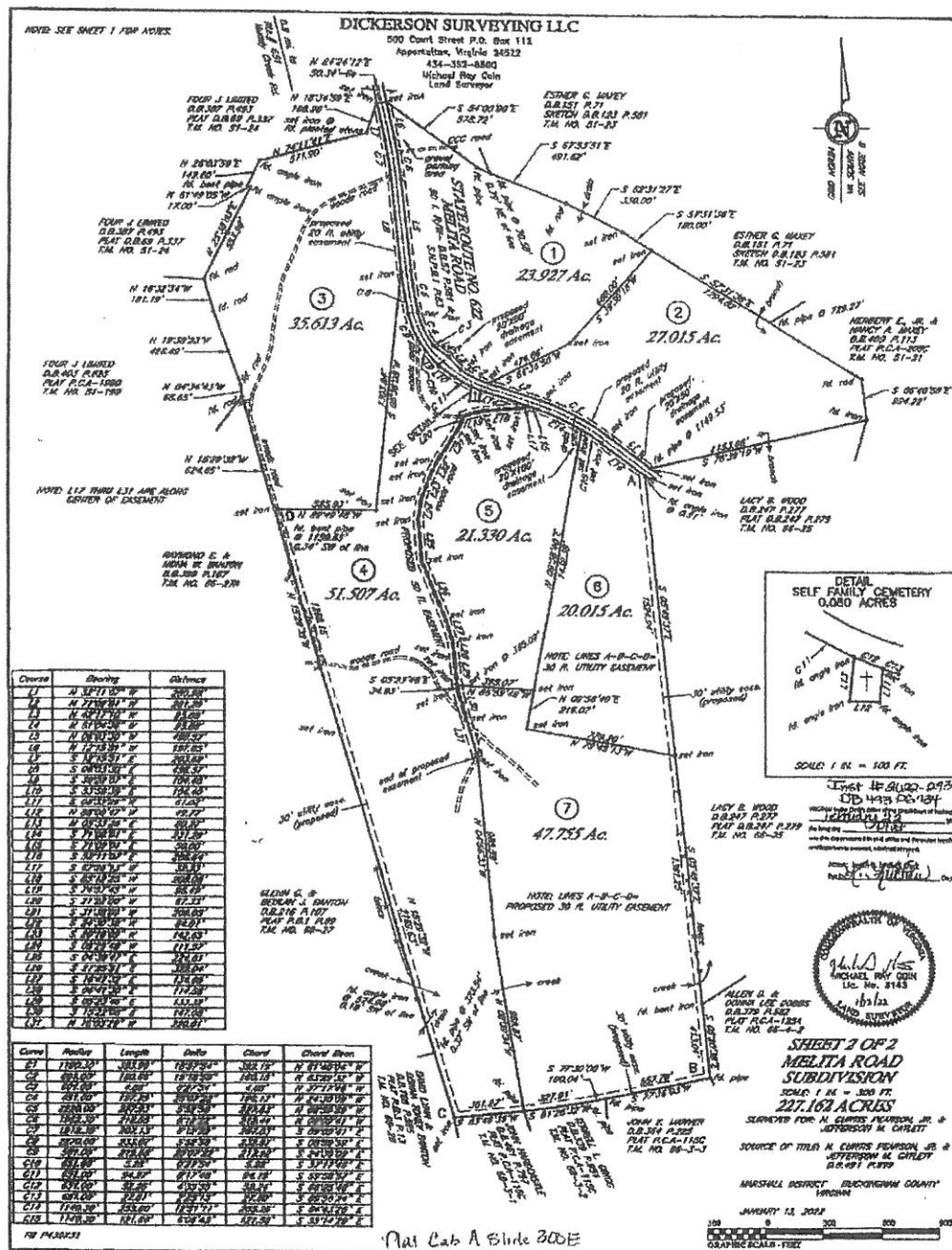
THE SIGNATURE OF VDOT'S REPRESENTATIVE IS AN ACKNOWLEDGMENT OF THE STATUS OF THE MAP AND IS NOT AN ENDORSEMENT OF THE ACCURACY OF THE SURVEY, AND DOES NOT SIGNIFY AN APPROVAL OF ANY PARTICULAR LAND USE OR ACCESS TO STATE HIGHWAY-OR-WAY. A VDOT LAND USE PERMIT IS REQUIRED FOR ALL ENHANCEMENTS (LANDSCAPING, EROSIONAL, AND STREETS) CONNECTING WITH STATE HIGHWAYS.

DICKY LOT OWNER IS RESPONSIBLE FOR OBTAINING A VDOT LAND USE PERMIT, REQUIRED FOR ANY NEW DRIVEWAY ACCESS TO A VDOT MAINTAINED ROAD.

[Signature] 2-18-2022
SUNDOWNY ARREST - BUCHANAN COUNTY DATE
Paul Lewis 2-17-2022
HEALTH OFFICER DATE
[Signature] 1-27-22
MISSOURI DEPARTMENT OF TRANSPORTATION DATE

! AUSA/21

Plat Cab A Slide 300D



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Land in consideration - close up: Lot 1

STATE ROUTE NO. 622
DELTA ROAD

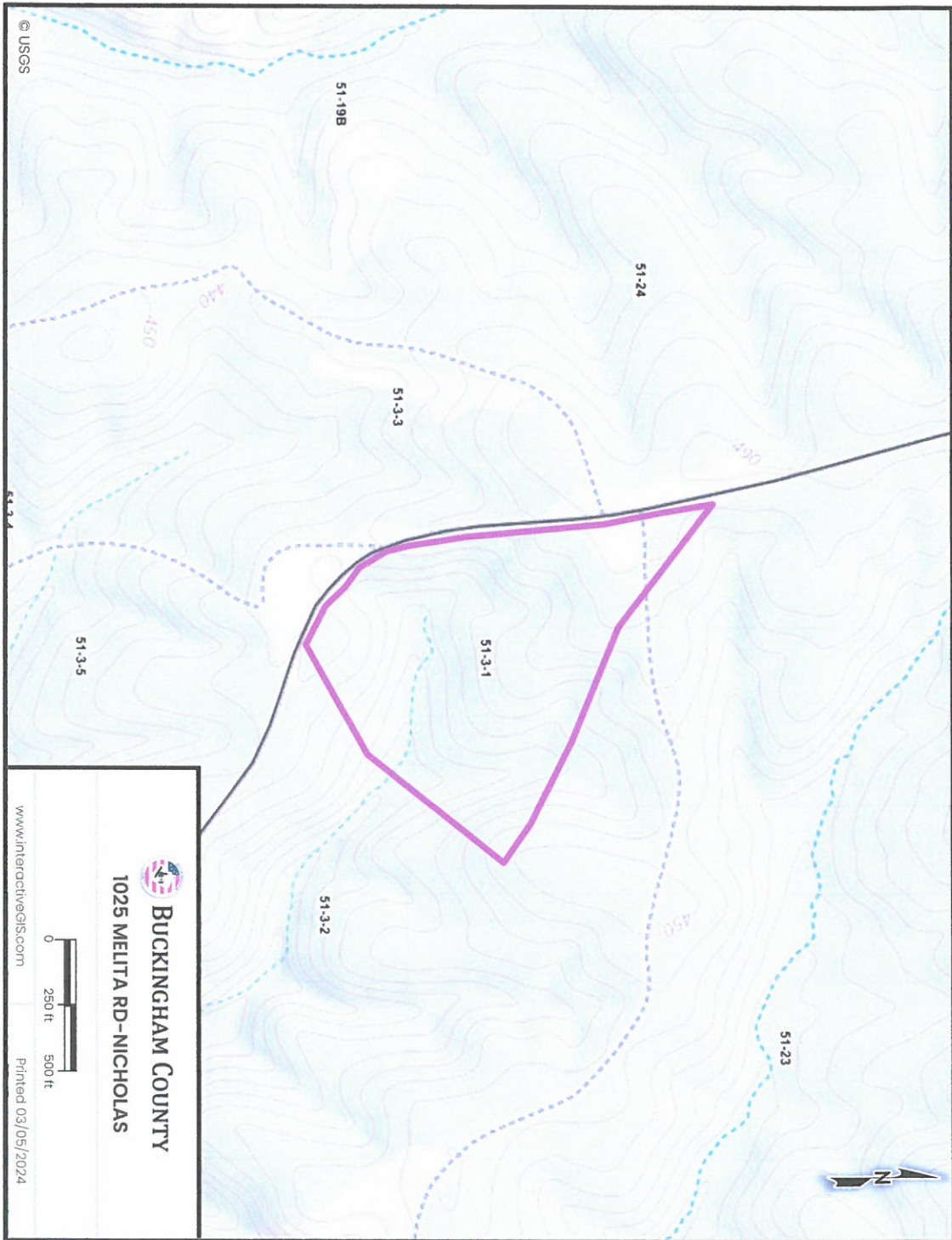
23.927 Ac

27.015

SEE DETAIL

proposed
20' x 100'
drainage
easement

Tax / Topography map

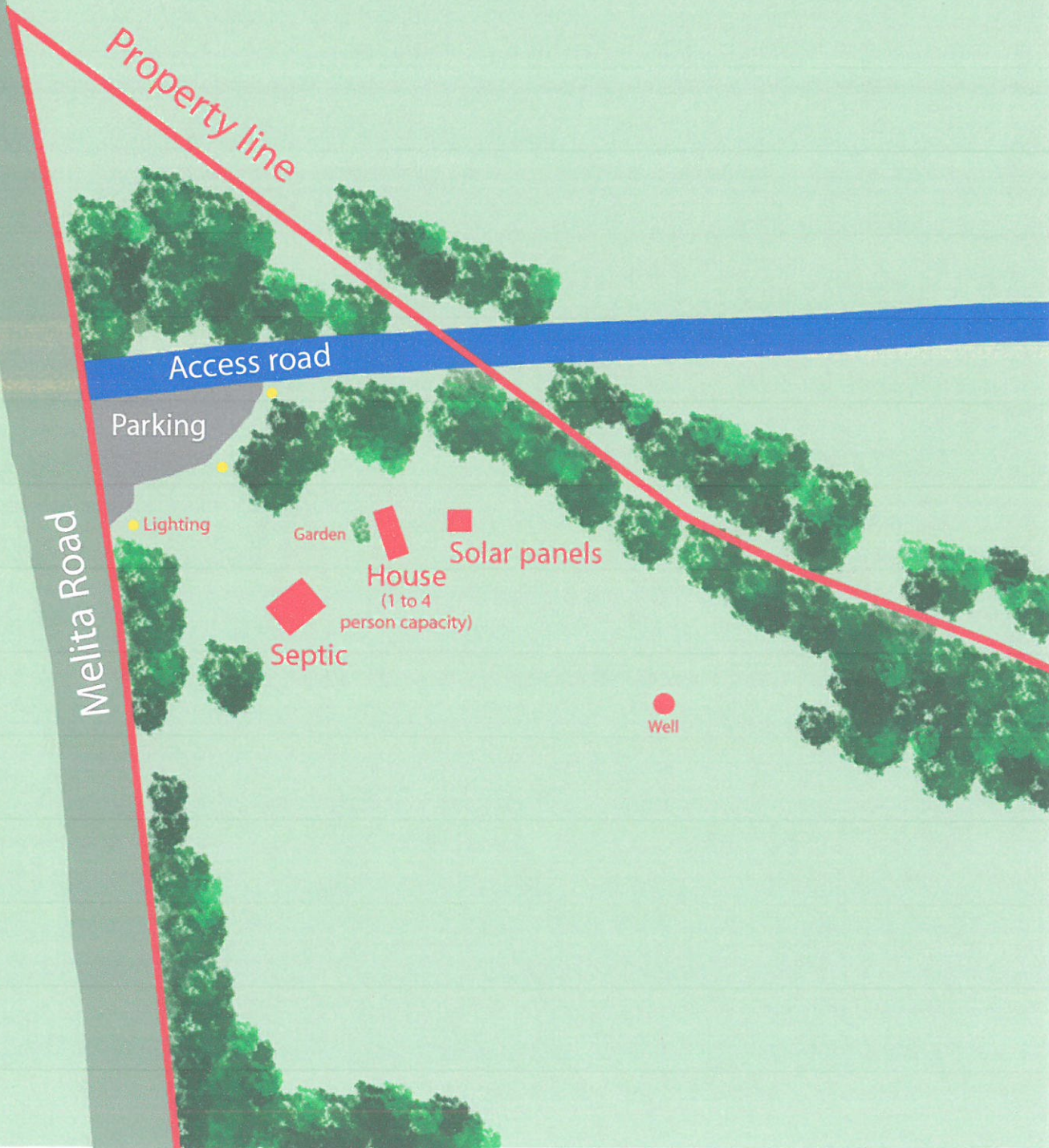


Shireton general site plan / vicinity map

Owners: Jessica and Matthew Nicholas

1025 Melita Road

Arvon, VA 23004



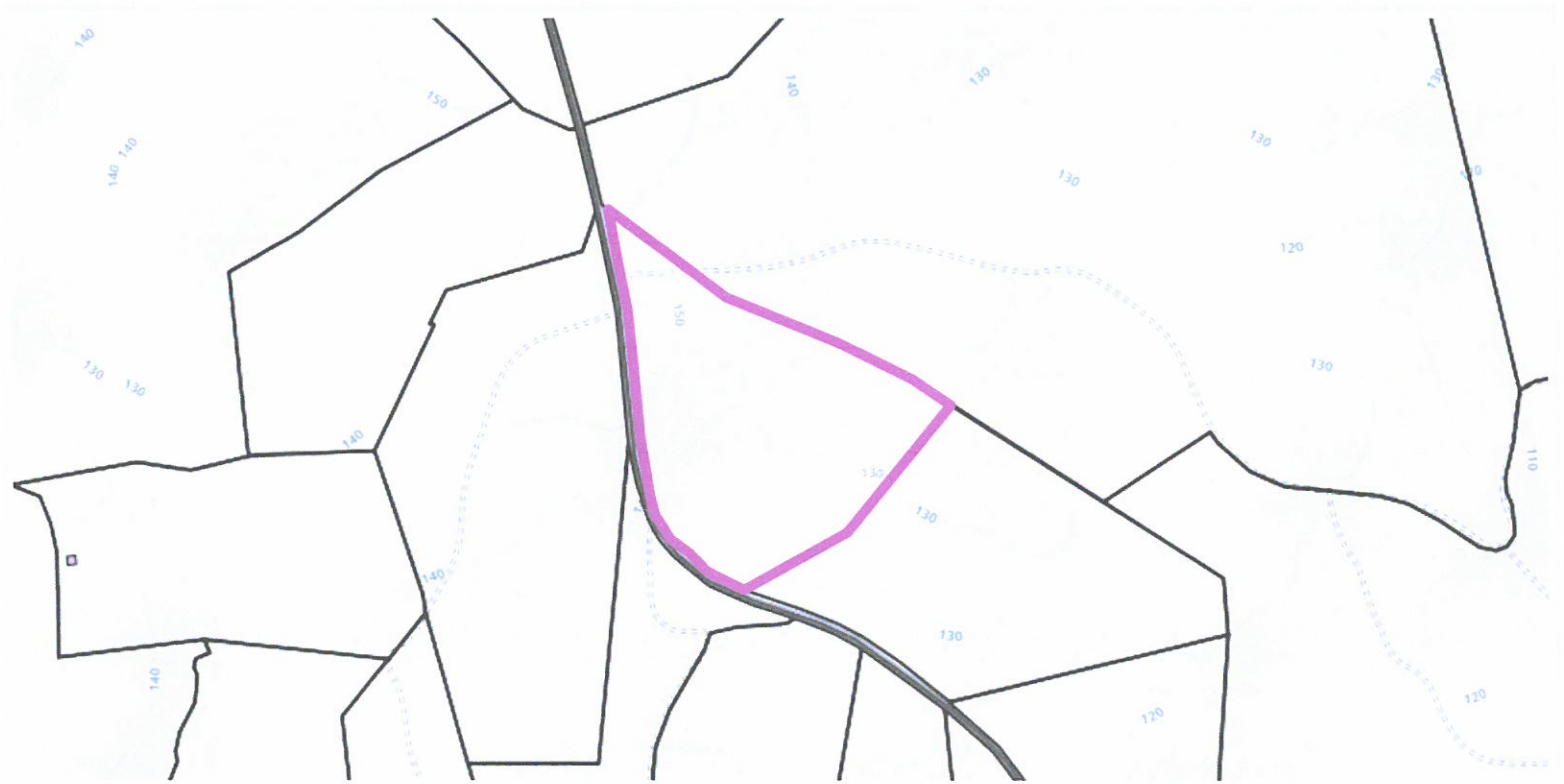


BUCKINGHAM COUNTY

Details

Parcel #	51-3-1
Owner Name	NICHOLAS MATTHEW & JESSICA NICHOLAS
Owner Address 1	1696 CENTERVILLE PARKE LN
Owner Address 2	
Owner Address 3	MANAKIN-SABOT VA
Owner ZIP	23103
Description 1	RT 622 - 4 MI SE OF
Description 2	WELL WATER LOT 1
Description 3	23.927 AC
Class	
Acreage	23.927

Map







Path or polygon X

Click points on the map to draw a path or polygon

Perimeter
3,055 ft

Area
9.04 ac

Save to project

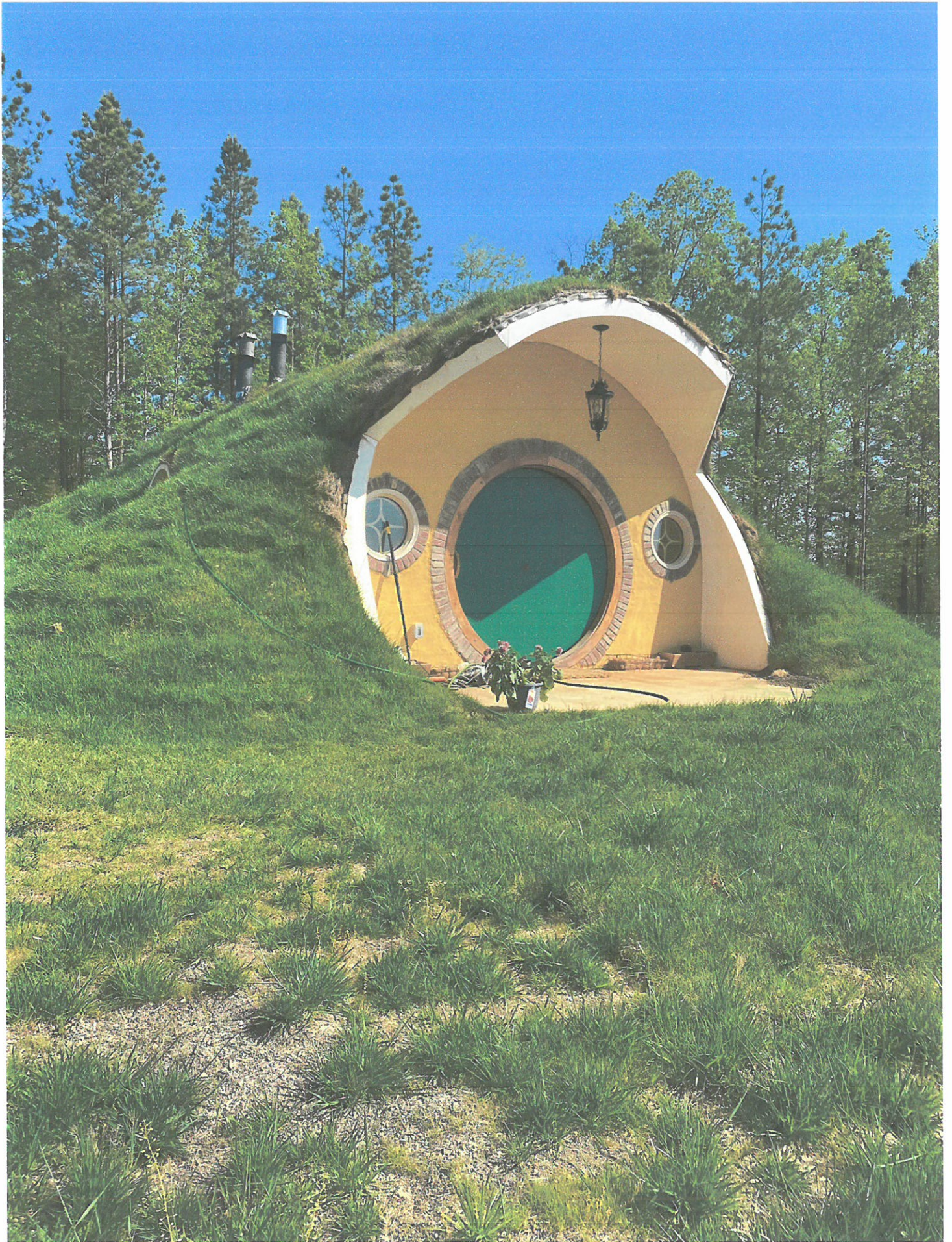
Layers

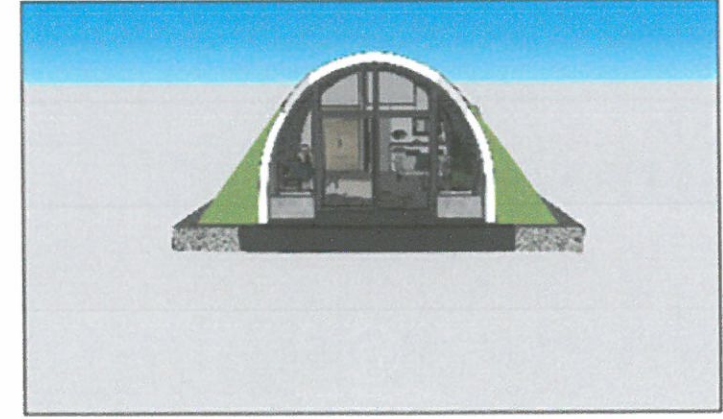
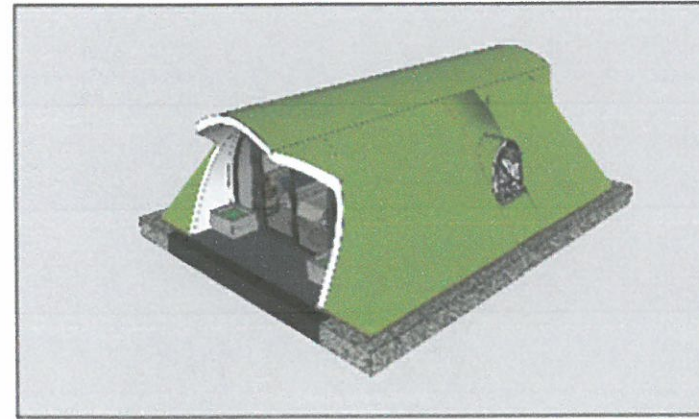
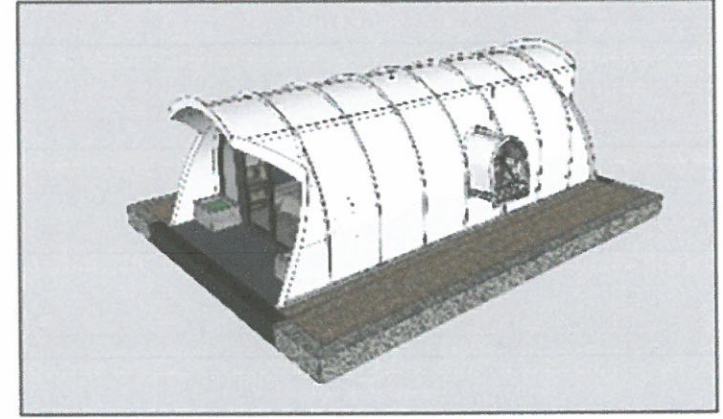
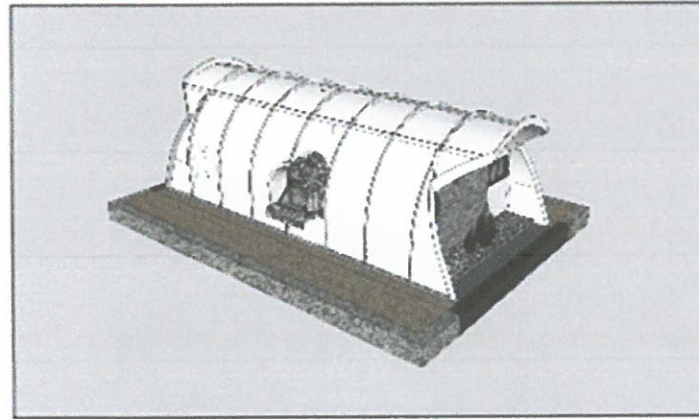
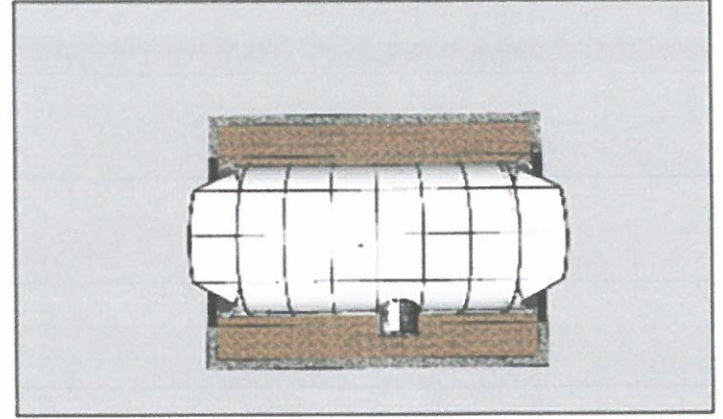
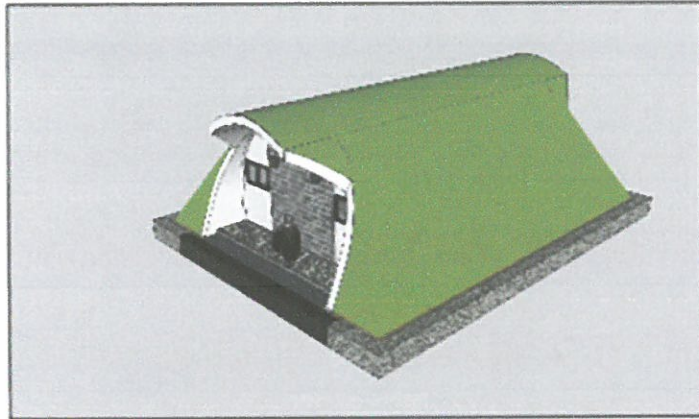
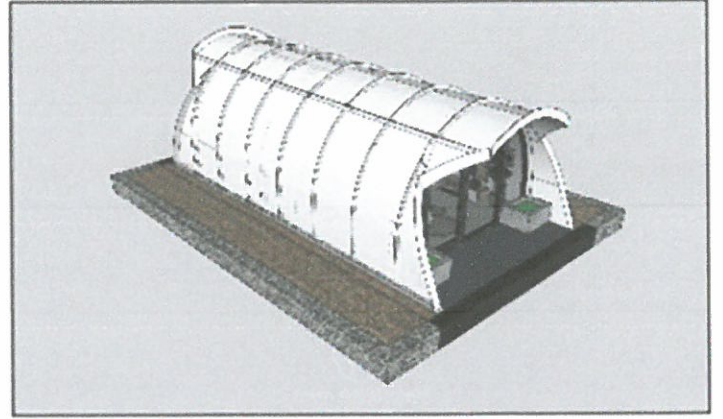
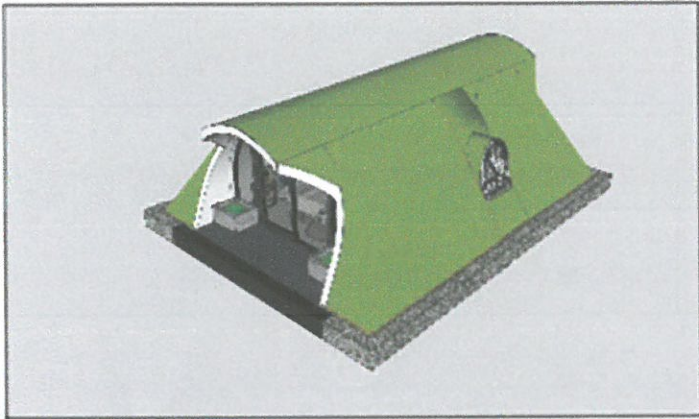
Google 100% Data attribution 8/9/2023

70 m Camera: 863 m 37°39'24"N 78°27'52"W 145 m











T A X T I C K E T - Y E A R 2 0 2 3
BUCKINGHAM COUNTY
CHRISTY L CHRISTIAN, TREASURER
(434) 969-4744
POST OFFICE BOX 106
BUCKINGHAM VA 23921

Ticket #:00086440002
Date : 4/28/2023

Dept # : RE2023
ACCT # : 14556

REAL ESTATE 2023
RT 622 - 4 MI SE OF 51 3 1
WELL WATER LOT 1
23.927 AC

Previous Principal
Balance \$ 188.37
IMPROVEMENTS
USE VALUE
LAND VALUE 68500
DISCOUNT AMT .00
ACRES 23.927

NICHOLAS MATTHEW & JESSICA NICHOLAS
1696 CENTERVILLE PARKE LN
MANAKIN-SABOT VA
23103

Penalty \$.00
Interest \$.00
*Balance Due \$.00

* Penalty & Interest calculated through 2024/03.

(DUPLICATE)



OFFICIAL RECEIPT
BUCKINGHAM CIRCUIT COURT
DEED RECEIPT

DATE : 05/10/2022

TIME : 13:59:12

RECEIPT # : 22000002201

TRANSACTION # : 22051000008

CASHIER : SHA

REGISTER # : H358

INSTRUMENT : 202200858

BOOK : 496

PAGE : 445

FILING TYPE : DBS

RECORDED : 05/10/2022

PAYMENT : FULL PAYMENT

AT : 13:45

EX : N

LOC : CO

EX : N

PCT : 100%

GRANTEE : NICHOLAS, MATTHEW, ET AL

RECEIVED OF : CLOSURE TITLE AND SETTLEMENT CO LLC

ADDRESS : 4712 FULTON STREET RICHMOND 23231

DATE OF DEED : 05/02/2022

CHECK : \$441.33

CHECK NUMBER : 130774

DESCRIPTION 1 : 23.927 AC MARSHALL

NAMES : 0

CONSIDERATION : \$85,000.00

AVAIL : \$0.00

PAGES : 003

OP : 0

PIN OR MAP : PRT OF 51-20

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00
036	DEED PROCESSING FEE	\$20.00
038	STATE GRANTOR TAX	\$42.50
039	STATE GRANTEE TAX	\$212.50
106	TECHNOLOGY TRST FND	\$5.00

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$3.50
212	TRANSFER FEES	\$1.00
213	COUNTY GRANTEE TAX	\$70.83
220	COUNTY GRANTOR TAX	\$42.50
301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 441.33
AMOUNT PAID : \$ 415.33
APPLIED TO NEXT CASE : \$ 26.00

2022-858

BOOK 496 PAGE 445

This Deed was prepared without
the benefit of title examination by
Seth E. Twery, P.C. - VSB #20031
715 Court St., Second Floor
Lynchburg, VA 24504
www.sethtwery.com

Part of Tax Map No. 51-20

Company providing title insurance: Chicago Title Insurance Company

Consideration: \$85,000.00

Assessed Value: \$ _____

This DEED, made this 2nd day of May, 2022, by and between **H. CURTIS PEARSON, JR. and JEFFERSON M. CATLETT**, parties of the first part, GRANTORS; and **MATTHEW NICHOLAS and JESSICA NICHOLAS**, husband and wife, parties of the second part, GRANTEES. 4712 Fulton Street, Richmond, VA 23231

WITNESSETH THAT:

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part hereby grants, sells and conveys to the parties of the second part with General Warranty and English Covenants of Title, as tenants by the entirety with rights of survivorship as at common law, the following described real estate located in the County of Buckingham, Virginia, to wit:

All that certain tract or parcel of land, lying and being in Marshall District, Buckingham County, Virginia, known and designated as Parcel 1, containing 23.927 Ac., more or less, as shown on a Plat entitled "MELITA ROAD SUBDIVISION", dated January 13, 2022, made by Dickerson Surveying LLC, recorded with the Buckingham County Circuit Court Clerk's Office, in Plat Cabinet A, Slides 300D-300E. Plat reference is hereby made for a more particular description.

It being a portion of the same property conveyed unto H. Curtis Pearson, Jr. and Jefferson M. Catlett, from Monticello Forest, LLC, a Delaware limited liability company, by Special Warranty Deed dated December 21, 2021, of record in the Office of the Clerk, Circuit Court, Buckingham County, Virginia, in Deed Book 491, at Page 999.

The property hereby conveyed is conveyed subject to all other valid and existing conditions, easements, reservations and restrictions heretofore imposed upon said property by recorded deed or plat and now binding thereon.

WITNESS the following seals and signatures:

H. Curtis Pearson, Jr. (SEAL)
H. CURTIS PEARSON, JR.

STATE OF VIRGINIA,
CITY/COUNTY of Appomattox, to-wit:

I, Tamara A Bondurant, a Notary Public of the State of Virginia, at large, do hereby certify that H. CURTIS PEARSON, JR., whose name is signed to the writing above bearing date on the 2nd day of May, 2022, has acknowledged the same before me in my State aforesaid.

Given under my hand this 5 day of May, 2022.

Tamara A Bondurant
Notary Public

My commission expires: 7/31/25.
My registration no. 7687077.

Tamara A. Bondurant
NOTARY PUBLIC
Commonwealth of Virginia
Reg # 7687077
My Commission Expires July 31, 2025

Jefferson M. Catlett (SEAL)
JEFFERSON M. CATLETT

STATE OF VIRGINIA,

CITY/COUNTY of Appomattox, to-wit:

I, Kaylee C. Jamerson a Notary Public of the State of Virginia, at large, do hereby certify that JEFFERSON M. CATLETT, whose name is signed to the writing above bearing date on the 2nd day of May, 2022, has acknowledged the same before me in my State aforesaid.

Given under my hand this 5 day of May, 2022.

Kaylee C. Jamerson
Notary Public

My commission expires: 7/31/2022
My registration no. 7805502



035 Rec Fee	3	00
St. R. Tax	212	50
Co. R. Tax	70	83
Transfer	1	00
Clerk	14	50
Lib.(145)	3	50
T.T.F.	8	00
Grantor Tax	85	00
036 Proc Fee	20	00
Total \$	415	33

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY

The foregoing instrument with acknowledgement was admitted to record on 5/10/2022 at 1:45 P.M. in D.B. 496 Page(s) 445-447 Instrument # 2022-858

Teste: JUSTIN D. MIDKIFF, CLERK

BY: J Hainsale, DEPUTY CLERK

TAX RECEIPT

Ticket #:00001800001 @@

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

Date : 5/03/2024
Register: KJ1/KJ1
Trans. #: 17382
Dept # : SPUSE
Acct# :

SPECIAL USE PERMIT - ZONING
51-3-1

Previous
Balance \$.00

Principal Being Paid \$ 200.00
Penalty \$.00
Interest \$.00

NICHOLAS JESSICA

Amount Paid \$ 200.00

*Balance Due \$.00

Pd by NICHOLAS JESSICA Check 200.00 # 152 WELLSFARGO
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 5/2024