

Buckingham County Board of Supervisors



**July 8, 2024
6:00 p.m.**



AGENDA
BUCKINGHAM COUNTY BOARD OF SUPERVISORS
July 8, 2024
6:00 P.M.

COUNTY ADMINISTRATION COMPLEX

www.buckinghamcountyva.org

This meeting is open to the General Public and can also be viewed from the following link if unable to attend in person:
<https://youtube.com/live/HLHedCsWHWQ?feature=share>

- A. Call to order by Chairman Chambers**
- B. Establishment of a quorum**
- C. Invocation and Pledge of Allegiance**
- D. Approval of Agenda**
- E. Approval of Minutes***
- F. Approval of Claims***
- G. Announcements**

- H. Presentations:**
 - 1. Buckingham County Varsity Baseball Team, James River District Champs, Region 2B Champions, and going to the State Quarterfinals with a record of 19-1*

- I. Public Comments (Any subject other than the scheduled public hearings. Everyone needs to sign up at the door between 5:30 p.m. and 5:55 p.m. No letters, emails, or voicemails will be read.)**

- J. VDOT Road Matters**
 - 1. Scott Frederick, VDOT Resident Engineer: Road Matters

- K. Public Hearings**
 - 1. Amendments to Article 9 of the Buckingham County Zoning Ordinance*

- L. Zoning Matters**
 - 1. Introduction to Case 24-ZTASUP341 Ivan Petersheim, Tax Map 53 Parcel 45 containing approximately .95 ac re, located at 5516 Ridge Road, Arvonias; Marshall Magisterial District: Request to add a Zoning Text Amendment for Multi-Family Housing, Duplex Only, to a list of Special Uses in A-1 Zoning District and Apply for a Special Use Permit for that purpose*
 - 2. Introduction to Case 24-SUP342 Jonathan Zook, Tax Map 113 Parcel 17, containing approximately 81 acres, located at 860 Allen's Lake Road, Dillwyn, Curdsville Magisterial District; Request: to apply for Special Use Permit to operate a Custom Woodworking Shop as a Small Business for making and manufacturing furniture*
 - 3. Introduction to Case 24-SUP343 Jessica Nicholas, Tax Map 51 Parcel 3 Lot 1, 23.92 acres, located at 1025 Melita Road, Arvonias; Slate River Magisterial District; Request to obtain a Special Use Permit for the purpose of operating an Airbnb Bed and Breakfast, Campsites (max. 4) 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 200)*

M. Department/Agency Reports and Items of Consideration

1. Consider Contract for the General Reassessment of Real Property 2026*
2. Consider Resolution approving the County's participation in the proposed settlement of Opioid-Related Claims*
3. Sheriff: Consider request to allocate funds from VaCorp for wrecked patrol vehicle declared as a total loss back into the Sheriff's budget*
4. EMS: Cody Davis, Chief: Update
5. Personnel Committee Report under separate cover

N. Appointments to Committees, Boards, and Agencies

1. Consider appointing 5 members to the Board of Building Code Appeals. These members should have construction background*
2. Consider reappointment of Monica Williams to the Library Board*

O. County Attorney Matters

P. County Administrator's Report

Q. Information Items

1. June 2024 Building Permit Report*
2. CRC Items of Interest*
3. School May 2024 ADM Report
4. Crossroads Services May 2024 Patients Serviced Report*
5. CRC Comprehensive Plan Update*
6. Dillwyn Community Blood Drive, Wednesday, July 10, 2024 from 11:00 am to 5:00 pm*
7. June 18, 2024 Dual Primary Election Abstracts of Votes*

R. Other Board Matters

S. Executive Closed Session

1. §2.1-3711.A.3. – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
2. §2.1-3711.A.7. – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

T. Return to Regular Session and Certification that to the best of each Board member's knowledge only business matters related to the Codes of which the executive meeting was convened was discussed or considered in the Closed Executive Session.

U. Action as a result of Executive Closed Session

V. Adjournment

Supervisor Allen is scheduled for the July 10, 2024 School Board Meeting at 5:00 p.m. in the Middle School Cafeteria.

They will set the next year's schedule at that meeting.

**Buckingham County
Board of Supervisors
June 10, 2024
Monthly Meeting**

The Buckingham County Board of Supervisors held its regular monthly meeting on Monday, June 10, 2024 at 6:00 p.m. in the Peter Francisco Auditorium of the County Administration Complex. The following members were present: Joe N. Chambers, Jr., Chairman; Dennis H. Davis, Jr., Vice-Chairman; L. Cameron Gilliam; Michael E. Palmore; Paul W. Garrett; Harry W. Bryant, Jr.; and Danny R. Allen. Also present were Karl R. Carter, County Administrator; E.M. Wright, Jr., County Attorney; Cheryl T. “Nicci” Edmondston, Zoning Administrator/Planner; and Jamie L. Shumaker, IT Manager.

Re: Call to Order

Chairman Chambers called the June 10, 2024 meeting of the Board of Supervisors to order.

Re: Establishment of a Quorum

Chairman Chambers certified there was a quorum. Seven of seven members were present and the meeting could continue.

Re: Invocation and Pledge of Allegiance

Chairman Chambers gave the Invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Approval of Agenda

Supervisor Allen moved, Supervisor Garrett seconded and was unanimously carried by the Board to approve the agenda as amended.

Re: Approval of Minutes

Supervisor Allen moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the May 13, 2024 minutes as presented.

Re: Approval of Claims

Vice Chairman Davis moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the claims as presented.

Re: Approval of First Quarter Appropriations

Buckingham County
FY 2024/2025
First Quarter Appropriations

General Fund	\$3,007,027
Water Fund	\$ 381,011
Sewer Fund	\$ 129,422
VPA Fund	\$ 609,472
CSA Fund	\$ 510,500
**Courthouse Debt Service	\$ 504,925
**Debt Service-Middle School	\$ 387,600
**Debt Service-Elementary School	\$2,239,161

School:

Instruction	\$5,508,124
Adm/Attn/Health	\$ 484,073
Transportation	\$ 771,275
Operations	\$ 828,672
**Lease Payment	\$ 152,742
Cafeteria	\$ 450,382
Technology	\$ 255,072

Total Schools \$8,450,340

**Actual Budget Numbers

Supervisor Bryant moved, Vice Chairman Davis seconded and was unanimously carried by the Board to approve the 24/25 First Quarter Appropriations as presented.

Re: Announcements

Chairman Chambers called for announcements. There were none.

Re: Presentations

There were none.

Re: Public Comments

Chambers: We move down to Public Comments. How many do we have signed up?

Lann: We have 3.

Chambers: We have 3 signed up to speak during public comments.

Lann: The first one is Maggie Snoddy, District 5. Ivan Petersheim will be next.

Maggie Snoddy, District 5: Good evening. I'm Maggie Snoddy and I live at 194 Mountain View Road and I'm in the Glenmore District. Well, I'm back and I have some great news to report on one of my favorite topics, litter. Our spring road cleanup was the most successful ever as far as participation. We almost doubled our participation over last year. We had 20 teams, 143 adults and 44 children. Total of 187 people compared to 96 last year. The 20 teams were made up of the following groups. 3 churches, 5 hunt clubs, 5 teams of individual and 7 community groups. We collected 280 of trash this year and that compares to 282 last year. The reason the number of bags of trash was lower compared to the number of people was because the great effort by VDOT in March with major road cleanup. Since we started our road cleanup back in the spring of 2021, we have removed a total of 1522 bags of trash from roads all across Buckingham County. And can you imagine what our roads would be like if it wasn't for the BATF. I want to share with you just a few of our goals for this year. We're hoping to make progress this year with the Virginia Legislature and implementing a bottle law. This is a heavy lift, but we're going to do it, we're going for it. It's proven that in the communities that implement a bottle law, glass bottles virtually disappear from the roadside. And I can tell you as an experienced litter picker upper, the top three items of trash on the roads is glass bottles, aluminum cans, and styrofoam. Another one of our big goals is to grow the Buckingham participation in the Adopt a Highway program. And that is something that each one of you could help with. I would again encourage you when you're just out and about in the community to talk up the importance of the Adopt a Highway program. I do not expect any of you to go to any great effort on this other than talk it up. And if anybody's interested, send them to me. My email

and cell phone is on the sheet that Karl's got was some charts and graphs and colored glosses for you. And if each of us does just a little, we can have a big impact on reducing this little problem in Buckingham and thank you so much.

Chambers: Thank you, maam.

Lann: Ivan Petersheim, District 2, and David Ball will be next.

Ivan Petersheim, District 2: Evening to the Board. Ivan Petersheim, District 2, 234 Scotts Bottom Road, Dillwyn. I'm here tonight to talk about SUP Case 24-ZTASUP341 regarding a duplex idea that I have. It's an old Whetworth Store, country store. A lot of you have probably heard about this case. There was a write up in the Farmville Herald about it. What I really wanted to bring to your attention is the Planning Commission rejected the case 6 to 2. And apparently this leaves me without an appeal process. I realized there have been other cases that the Planning Commission didn't recommend to the Board, but still had the right to appeal. So just want to bring that in front of you guys. I would appreciate if the Board would consider, would let me bring this case in front of you guys. And as far as the text amendment for the county and a comprehensive plan. I think we need more housing options. It appears we're in a housing crisis and rent is out of control and inflation is steep. We need more housing options. That's my request. And I would like a fair chance at bringing this case in front of you next month. Also to support my duplex idea, the property in question is on ground level. It's a concrete pad, no steps which would be preferred for seniors and elderly. And that's my idea to make more of it. Thanks for your consideration.

Chambers: All right.

Lann: David Ball, District 3.

David Ball, District 3: Good evening, David Ball, District 3. I like Maggie Snoddy's idea. I think actually, if she wants to start a program to start recruiting and setting up cleaning across the county, we could have slogans like "Make Buckingham Beautiful Again" which would be a great idea. Because I think, the problem is too many people do throw out trash. I mean, they throw it in the back of their truck, it blows out going down the road. They know it's going to but they don't care. They just toss it out. I'm always picking up trash in front of the house. And it doesn't make any sense. So something positive is always good. Also for the VDOT, there is an issue with a lot of trees. And I know even just coming here, I saw a tree on Route 60 just about halfway to the intersection with 15 and right on the right hand side almost across from the schools. There's a dead tree right on the edge of the road. And there's a lot of dead trees all across the county that are right in or on the edge of the right away. I know they have a requirement to

try and get certain jobs taken care of. But it is important because you never know, a tree dies, it could be sitting there for 10, 15, 20 years. Or it could be there for a week. And then it's down. And worst thing that could happen with a storm blowing through since we're in hurricane season is what happens if it hits a car or hit somebody walking down the road. And if there's a fatality, that's an undesirable situation. But beyond that, I think we ought to be happy and celebrate the upcoming 4th of July. There are a lot of events here in the county. And I believe a lot of people are quite active. I've joined the group, Buckingham Active Seniors. And problem is most of you guys, looking all guys who are over 50, and they're mostly no guys that come to this activity. It's a once a month activity. And I find it incredible. It's almost all women. So I mean, Mr. Chambers would be probably the most popular guy there.

Chambers: You calling me a woman, what did you say?

Ball: I said guy didn't I. You'd be the most popular guy there.

Chambers: All right. Thank you.

Ball: Thank you, gentlemen.

Chambers: Thank you, Mr. Ball. We'll try to take you up on that invitation.

Lann: That's all.

Re: VDOT: Road Matters

Scott Frederick, Resident Engineer: Mr. Chairman, thank you for having me. It's good to be back full time again at the Farmville residency. I have to say, Buckingham County has a lot going on with litter and I'm happy to hear it. Thanks to everybody involved with that effort. That's great. And I appreciate her campaigning for the Adopt a Highway program. I adopted the road that I live on and you know, my neighbors see me out there picking up litter, I think they are less inclined to throw it out the window. Maybe it doesn't work, but I don't pick up a lot because the road stays pretty clean. So maybe it's working. So I'd encourage anybody to do the same. I did want to say thanks for that.

As far as work we've been doing at VDOT. We have completed two rural rustic projects this this year so far. Blackwell Road and Warren Ferry Road. We have two more that we're working on and we're hoping to complete them soon. We're moving our equipment over to them. Wyland Road and Midland Road. We have surface treatment schedule that we do every year. We've been putting some asphalt patching down ahead of that. So you'll see us out on our secondaries doing

that work. We did a litter pickup this year ourselves. It was ahead of our mowing. We've completed mowing on our secondaries. And probably next week, late next week we'll be mowing the primary system. We're working to cut tree limbs back and anytime we do see a dead tree we work to get it taken down. Some of them are off right away there's a lot that we've looked at and they lean away from the road and we've had a lot that we've taken out. But I get it's been a focus of the Board, Supervisor Davis has brought it to our attention in the past. I passed a tree that you could tell had blown down on 15 on my way here and the loader pushed it out of the road but it was a perfectly live pine tree when it fell so just because a tree, I mean live ones come down too. That's something we work on a lot and the Board's brought certain roads to my attention in the past. One of them I took 17 trees down on so anytime there's a specific site, I'm happy to look at it and get back to you guys with what we do on it. Like I said primary mowing will start up next week but this is our busy time of year where we're got stuff going on mowing and building roads. That's really all I had to update on since I've been back but I can take comments, questions or concerns from the Board now.

Chambers: We'll start with District 1?

District 1.

Davis: Yeah, I got just one thing, Mr. Chairman, was brought to my attention and I rode over there, Mr. Frederick, this evening. Just north of Penland Road on Ridge Road right there in the curve. It ain't a quarter of a mile. The whole road has come apart right and you have trouble maintaining control of your vehicle right there. I don't know if log trucks done it coming out in the highway right there or what's happened, but the whole road has just dipped out. It will try to jerk you out the road when you go in the curve. It's just washed out.

Frederick: Okay, gotcha. We'll take a look at that. Thank you.

Davis: That's all I got, Mr. Chairman.

District 2.

Gilliam: Mr. Frederick, I want to tell you this is an update you helped us out on. I want to thank you from District 2. We got the rumble strips in and I think we got 48" signs in, am I correct on crossing 60 and CAIRA?

Frederick: Yes, sir. We put there the largest size signs we have up and we did get the rumble strips installed last week.

Gilliam: I want to let you know, if an astronaut had landed in District 2 last week, I don't think I would have gotten any more calls. And I want to tell you and VDOT thank you for what you did. I know it's been a rough road to get here. But I will tell you, we really appreciate what you did. I hope this cuts down on the problem. So thank you.

Frederick: Yes, sir. You're welcome.

Gilliam: I do have one other thing. Mrs. Jones, who lives 1806 CAIRA Road, which is in between where you all did to work at and where the Amish story is, the Amish nursery. There's a lady, Mrs. Jones, that talked to the gentleman that was here before you.

Frederick: Okay, Mr. King.

Gilliam: I think they looked at it. It's on the left hand side if you are crossing 60 coming from Dillwyn, it'd be on the left hand side of the road, I think that's in Mr. Stones area.

Frederick: On the south side of 60?

Gilliam: When you shoot across 60 at CAIRA, toward or past Salem Church. On the same side of the road as Salem Church. 1806. She said that she talked to Mr. King. And they put some gravel in the, I guess upside her driveway, a pothole. She says it's basically kind of faded out or I guess people coming in are hitting it. And she was seeing if you could do anything with asphalt in there but it's 1806, same side of the road as Salem church.

Frederick: Okay, I'll follow up with Bill. See what he's done out there and see if we can get it taken care of. It sounds like edge rut, maybe people are favoring the inside of the curve.

Gilliam: It's possible. I haven't seen her. She called me today. But again, I want to tell you, thank you for what VDOT did and we really appreciate.

Frederick: Yes, sir. Thank you.

District 3.

Palmore: I just want to thank you for the work that was done on Andersonville and Rock Mill section in the S curve. VDOT came in and cut all of those hanging, low hanging limbs. They did an excellent job. I stopped when the guys, of course they were flagging. But I stopped and told them and complimented on what a great job they did.

Frederick: Yes, sir. Thank you.

Palmore: That was a safety issue. And they got it cleaned up. You can see excellent now so I just want to pass it along and say thank you very much.

Frederick: Okay, great. Thank you. I'll pass it along.

District 4.

Garrett: Mr. Frederick. I just wondering what I brought up to your attention last week, especially since y'all kind of changed over from you and Mr. King. We're even one of y'all able to go down 649 and look at that spot. I was talking about that spot where there is really no shoulder to the road at all.

Frederick: Myself, I haven't been down that road yet. And I'm not sure to be honest if Bill has but I'm writing it down now and I'll get back to after.

Garrett: Because I gave you all, I didn't bring the exact addresses of them you know with me, but if you come in off 20, it's before you get to the curve, but it'd be on the left hand side. The problem is people coming towards Route 20. It's like 56-5700 block of that area. But you can see right there people have run out the road. The day, I think it was a day after I brought it to y'all's attention, it happened again. Somebody ran through that because if your tires go off the edge of the asphalt, it's in the ditch. No shoulder at all. I mean, not even an inch of shoulder. Asphalt, ditch. And it's a deep ditch. So if you know any vehicle falls in that you can come out over to most time they hit that culvert and the culvert pipe there is crumbled up to. It may be a drainage issue too, you know?

Frederick: Okay, well, I will take a look at that. And I'll get back to you shortly.

Garrett: Okay. You know, if you need the address or anything exactly, I've got it but I left my phone at the house.

Frederick: Okay. From what you've told me here, I think we'll be able to find it. And maybe Bill's already got something going but I'll follow up on that.

Garrett: You know, I just, you know, several concerns citizens, they've asked me about it and it happened again right after the day I brought it to your attention last time.

Frederick: Yes, sir. Thank you for reminding me. I'll get back to you.

Garrett: That's only one I had. Nothing new.

District 5.

Bryant: The man that brings all of my bills to the house, says there's two or three mailboxes that needs some stone on the shoulder you know on Firehouse Road.

Frederick: Firehouse Road? Alright, shoulder stone.

Bryant: I don't think all of the need it but a few look pretty bad.

Frederick: Well, where those mailboxes, we have to do that about twice a year. Catch the edge ruts right there. Thank you, sir. We'll get that on the list.

Bryant: If you drive down. You will see which one of these needs it.

District 6:

Chambers: Everything is in pretty good shape in District 6. Thank you for what you did.

District 7:

Allen: Things are in pretty go shape. Thank you.

Frederick: Thank you, sir.

Chambers: Thank you, Mr. Frederick.

Re: Public Hearing: Case 24-ZMA340 Three Thousand West Clay LLC, John K. George

Edmondston: Yes, sir. Mr. Chairman and members of the Board. This evening there's a public hearing for a case that was introduced last month. That is Case 24-ZMA340. The applicant is Three Thousand West Clay LLC, John K. George is with the LLC. He is here and in the audience this evening to address questions and concerns. The property is located on the north end of 15, Tax Map 31 Parcel 8 containing approximately 2 ¼ acres. It's located near 31786 North James Madison Highway, New Canton. It is in the Marshall magisterial district. Currently zoned A-1. The request is to rezone this property from A-1 to B-1 Business for commercial use. And we don't have anyone signed up for the public hearing this evening.

Chambers: Nobody signed up? Okay. I guess I have to open and close the public hearing. The public hearing is open. Nobody's signed up so we close it. What is the pleasure of the Board? Mr. Davis, this is in your district.

Davis: Is the applicant here tonight?

Edmondston: Yes, sir. He is.

Davis: Excuse me, Mr. Chairman. Do you want to come up here real quick? You and Steve, y'all get the land, this stuff, is that straight?

George: From my perspective it is. And the last time I talked to him, I sent him a bunch of additional information. Basically, culling through all the deeds and the property records to show how the transfer occurred. And he agreed that he saw how had had occurred. And he was in the middle of getting the property in his name. Evidently, properties around there, I'm not sure which ones were in the name of, I guess, his dad who had passed. And I think that's the legal owner of record. So the properties are in an estate. And I believe that he is the beneficiary of the estate. So at this moment, he's not the owner of those properties, but he's working on becoming the owner of those properties.

Davis: That's all I have, Mr. Chairman, and it's in my district. I'll make a motion that we approve it.

Gilliam: I'll second.

Chambers: A motion and second that we approve the special use permit request. Any question on the motion?

Allen: Yes, sir. I'd just like to know what were you counting on building down there. What do you count on doing? I didn't get all that information.

George: Okay, so are you familiar with the building in question?

Allen: I used it years ago. Worked down there.

George: I would say most residents of Buckingham are familiar with the building. It's been in vacant and disrepair for 30 years. But I want to restore the actual building itself. I don't want to build a new building on the property. I want to restore that building and build a second floor and put apartments above it and then put a row of shops downstairs. And there's plenty of flat land on

the south side of the building where we can put a parking lot and we've had conversations with VDOT about the commercial entrance that will be required there. And it looks like there won't be any problems getting the parking we need and the driveway entrance. It looks like it could work.

Allen: I heard you but what did you put on the bottom floor?

George: A row of specialty shops, small specialty shops. Like I love a coffee shop, bakery, florist, pet store, Pet Food could be anything. Maybe, it could probably be anything, offices.

Allen: They'd probably like that.

George: I mean; I'd love a sandwich shop myself. But the thing is we put it, we can't do anything with the property with it zoned A-1. But if we get it commercial than anything that's allowed in B-1 commercial could be in there by right so we can start attracting tenants, then we can do a build out to suit whatever good tenants come along.

Allen: Thank you.

Palmore: I got a question for Supervisor Davis. I watched the Planning Commission meeting when they were discussing the property issue. Is the issue, the issue is with the land behind it, am I right? Right. So it's really doesn't have any bearing on...

Davis: On his acreage. It was a difference, the dispute was over a couple of acres behind it, I think, right? Where the shop is itself. That was my understanding from watching.

George: That's my understanding, but it's never been shown to me what acreage is, I think that Mr. LeSueur has said that he always thought since many decades ago when the property changed hands and went to the Charlottesville firm, that they only sold the acreage at the top of the hill, which is everything I'm talking about the parking area, the commercial entrance, the building itself, and the area directly behind it for the septic field. And what is puzzling Mr. LeSueur is he thought his grandmother or father owned the steep downhill to the creek way behind it. And that is land that wouldn't figure into the commercial project that I have in mind, except that it is part of the same parcel and when you rezone the parcel, you rezone all of it, whatever parcel 31-8 is, is what we're asking for the rezoning. So even if by some unknown circumstance, it turned out that there was a lot less acreage on parcel 31-8, the project that I'm proposing is still perfectly viable.

Palmore: So was he in opposition of having his property rezoned? Was that...?

George: Well, he claims that he thought that his family owned the steep downhill part in the back.

Palmore: Which has no nothing to do with what you, the project you're planning to do?

George: Right.

Palmore: But what you just said was, if it gets rezone, then the whole parcel, or all of it will be rezoned, including the part...

George: That's how a rezoning works. You just rezone whatever the parcel is.

Palmore: I'm understanding. I'm just trying to make sure I'm understanding what, what we're talking about. So what I'm asking, I guess what I'm asking somebody who can explain it to him and I'm not trying to be argumentative at all. I'm all in favor of...but I want to understand what happens down the road if...

George: Well this is what I've done. It's a requirement for the application for rezoning to show a survey of the property. And so I had one done. It's a compiled survey. And then I went ahead and got my title insurance lined up also, and showed them the survey. And they agreed that the boundaries that I have presented with my documents here for this is the acreage that I'm buying from the company in Charlottesville.

Palmore: That's all I...I'm just asking for clarification, because I did, like I said, I watched the discussion on it at the Planning Commission meeting. But I'm just trying to make sure that I understood...

George: Yeah, the dispute that was that arose at that meeting was for the land behind the commercial part of the property. What has always been the commercial part, except where they threw the tires down the hill, you know, for decades. The upper part, the level part that has always been used as a commercial establishment is what I'm going to reuse as a commercial establishment.

Palmore: I'm just trying to make sure I understand before...

George: And then the area down the hill towards the creek, I don't have any plan to use or disturb. But if it's part of the parcel, and my surveyor and my title agency believed that it is, that portion would be rezoned also, because you can't rezone part of a parcel. I've done everything in my power to nail down precisely the dimensions and the size and the location of the property.

And that's what I'm asking to have rezoned. I'm only seeking to buy and rezone what they are offering for sale.

Palmore: I understand.

Chambers: We got a motion the second. Did he answer all the questions? Got any more? Are you ready to vote? Seven yes. Okay. Thank you, Mr. George.

George: Thank you, sir. Thank you all.

Vice Chairman Davis moved, Supervisor Gilliam seconded and was unanimously carried by the Board to approve the rezoning of Tax Map 31 Parcel 8 for Case 24-ZMA340 Three Thousand West Clay, LLC/John K. George.

Re: Introduction to Amendments to Article 9 of the Buckingham County Zoning Ordinance

Edmondston: Yes, sir. Mr. Chairman, the next request I have for me would be for a public hearing in regard to mandatory amendments to Article 9 of the Buckingham County Zoning Ordinance. I did bring this a couple of months ago to your attention due to the recommended amendments by our consultant's CityScape. This was introduced to the Planning Commission. A public hearing was held last month with a recommendation to bring to you an approval of this amendment to the ordinance. The changes are as follows:

Section 3. Item number 6 would be removed.

Then under Section 10. Definitions The very last sentence of the first paragraph would be removed in regards to this proposed amendment.

So I am asking if it would be the pleasure of the Board to schedule a public hearing on July 8, 2024.

Chambers: You heard from the Zoning Administrator. She wants a public hearing set for July.

Bryant: So moved.

Allen: Second.

Chambers: Motion by Supervisor Bryant, second by Supervisor Allen to set this public hearing for July 8 at 6:00 p.m. All in favor of the motion?

Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to schedule a public hearing for July 8, 2024 at 6:00 p.m. for mandated amendments to Article 9 of the Zoning Ordinance.

Edmondston: Thank you. I don't have anything further.

Re: Schools: Consider approval of the final 2023-24 budget updates to reflect the March ADM of 1800 as well as grant award adjustments and consider request of the balance in revenues remaining for the state construction and textbook fund

Chambers: Departments/Agency Reports and Items of Consideration. N-1 Schools. Consider approval of the final 2023-24 budget updates to reflect the March ADM of 1800 as well as grant award adjustments and consider request of the balance in revenues remaining for the state construction and textbook fund. Dr. Keeler?

Dr. Keeler: Thank you. Just like you said, I want you to consider the final 2023/24 budget update. And this is the final budget revisions with a 23/24 budget. We are adjusting the state revenues due to a decrease in the final report of ADM by 17 students. Due to this decrease of our total state funding amounts to \$257,305. We are also adjusting the additional funds received the VPSA, the alternative education and school security equipment grant for a total of an additional \$117,101. In federal funds, we are reducing a total of the local a total of \$214,711 due to the updates to ESSER III, Title II, Title III and Title IV grants. In local appropriations, we're requesting the revenues that were carried over from 2023 in the school construction grant and our textbook a total of \$544,218. This is a total adjustment to the regular operating budget of \$189,303. And the cafeteria funds we are decreasing state funds by \$3,002 due to enrollment and the federal funding we are awarded \$41,113 in Supply Chain Assistant Funds and are lowering our ESSER III funding by \$4,108. These adjustments to both of these funds is a total increase to the final 23/24 budget of \$223,326. We would like to consider the balance and the revenue for the state construction and textbook funds. We are as you all know, going through an overhaul with the curriculum. We had to buy brand new textbooks for kindergarten through grade five this year. And then we're going to go, we want to go grade six through eight this coming year. So that textbook money's always carries over if you don't use it all. And basically, that's what I'm here for, to try to get what funds I can get to come over there that we can use going into the next budget.

Chambers: Any Board member have any questions for Dr. Keeler?

Allen: I do see on his list, my question, it says 23/24 local requirements \$6,960,035 in the green columns, but I mean, I'm just trying to keep up with what that is supposed to be for?

Keeler: I'm not sure what you asking.

Allen: It's just, the numbers that comes down. It's a green number. It says 23/24 local requirements.

Davis: Local requirements: \$6,960,035.

Oliver: (speaking from audience so didn't pick up so paraphrased) That is the required local match. The minimum that the locality can give the schools.

Allen: I mean it's just different from everything else I looked at and I just wondered why it was on there. So it's pretty much more or less, just at least minimum requirements for the County?

Oliver: Yes.

Dr. Keeler: I think you all have always gone above the minimum requirements.

Allen: Yes, sir. Right now it's still saying it's \$8,503,000. That's what you want us to stay at right now?

Dr. Keeler: I just, whatever it's gonna be adding these two other things with it. Yeah, I expect it's going to be 8 million.

Davis: So bottom line, you're asking us for another \$223,000 over...

Carter: So what his adjustments are, they are state and federal funds and grants. So the local section, you'll see, the \$8.5 that Danny was talking about, that stays the same. There's no additional local money at all.

Garrett: No additional local money

Davis: That's where I was getting confused.

Garrett: It's just releasing state and federal.

Carter: Yes, sir.

Garrett: And, you know, a lot of times, as you can see, we have a hard time getting that sometimes up here. And sometimes, you know, you talk to some of your constituents, and they are like, well, you know, that's costing and I mean, and even if it's state or federal money, it did cost taxpayers money, but it's not coming out of extra money that we as a county are putting out. It's money that's already been set somewhere from state and federal and we're basically just releasing it. If that's the term that's no problem with that. I will make a motion. I should have waited for the Chairman to ask for any further discussion. Excuse me, Mr. Chairman.

Chambers: No problem. I think that...everybody clear? Motion good. It's been motioned and seconded. Motion by Supervisor Garrett, second by Supervisor Bryant. Are there any questions? All in favor? Seven Yes. Thank you.

Dr. Keeler: Thank you, gentlemen. Appreciate it.

Supervisor Garrett moved, Supervisor Bryant seconded and was unanimously carried by the Board to approve the budget adjustments as requested to the School for the 23/24 budget.

Re: Commissioner of the Revenue: Consider refund to a taxpayer that verified qualification for DV exemption since 2/18/19 from Department of Veteran Affairs to the amount of \$3,888.99

Chambers: N-2 Commissioner of the Revenue, Consider refund to a taxpayer that verified qualification for DV exemption since 2/18/19 from Department of Veteran Affairs to the amount of \$3,888.99. So what's the Board's pleasure: I guess we have to do it. We approved the certification of it.

Allen: So moved then.

Palmore: Second.

Chambers: A motion and second that we approve this. Are there any questions? All in favor?

Supervisor Allen moved, Supervisor Palmore seconded and was unanimously carried by the Board to approve to refund taxes to a taxpayer that was certified and verified by the Department of Veterans Affairs to receive a refund in the amount of \$3,888.99.

Re: Consider adopting a Political Sign on County Property policy

Carter: Yes, sir. Mr. Chairman, I'll take that one. I'm sorry a lot of you when you came in tonight didn't get to see it but if you've come into the complex in the last few weeks, you've seen all the signs along our driveway, all the signs along Route 60 for political candidates. In Buckingham, we're kind of unique in the fact that we have early voting on a government facility like here. So some localities they have their early voting off site, so they don't have this issue. But for here, we have a government complex, we have all these political signs everyone has to see when they come in to pay their taxes, when they want to come to visit social services, or anything here in the county building. It also is a headache when you know, it's summertime for early voting, and it's mowing season. So when the guys have got to mow the grass, they gotta pick up those signs and put them somewhere and cut the grass. We've instructed them not to put the signs back up right now. And so when they do take the signs down, they don't put them back up. So I'm asking you guys tonight, do you want to look at having a policy of no political signs on government property for early voting? This will not affect Election Day when they go to the precincts that have this is just for early voting when it's here on the government campus.

Chambers: The fair way to do it is just take them up and don't allow no signs.

Gilliam: I can't personal see how if somebody is coming to early vote and taking the incentive to come early vote, how they wouldn't know who they were voting for to start with especially and I just don't think, Mr. Carter, that you ought to be bothered with being sign police. You got a lot going on in your day and the administration building does as well. I'm with Mr. Chambers, I just soon as far as on public property or some just do away with it, because I really truthfully believe anybody coming to early vote has got the idea who they're gonna vote for to start with. It would be fair for both parties.

Bryant: We have to adopt an ordinance not to have them on county property.

Chambers: Let's ask Mr. Wright.

Carter: We can just have a policy. You don't need an ordinance.

Chambers: We can have a policy. How do you feel about it Danny?

Allen: I know they have to move them to cut grass. And if you have to come up here and park, you can't park because there's signs in the way.

Chambers: Mr. Garrett, how do you feel about it?

Garrett: I'm fine with it, to do away with having signs during early voting. People come in early voting, if you come early voting they should have, I mean, I worked in an office one day, you'd be surprised, but they should have an idea of who they're voting for if they are coming to vote early.

Carter: And this is only for early voting. When they have the elections on election day, they can still have their signs that day.

Davis: And my thing is pulling out into 60 out here. The other day, I had to pull up to almost the edge of the road just to be able to see down 60 to pull out. It's county property, don't need to have signs on it.

Garrett: If you try to limit it to one, the next thing you got to look at is the size of it because somebody will say well, if I can't have but one sign instead of having 24 x 24 or whatever, they're gonna get the biggest one they can get to put there.

Carter: Also Mr. Davis said blocking your vision but it's also blocking the signs that show where to vote at. So the real signs that need to be up are blocked and those they can't see.

Garrett: Will that start immediately or what?

Carter: I will say we start after these primaries. Get the primary's done.

Chambers: From what I'm hearing, all seven supervisors are saying the same things. We need a motion.

Bryant: I make a motion.

Allen: Second.

Chambers: Motion by Supervisor Bryant, second by Supervisor Allen that we have a policy about these signs not being on county property. All right. All in favor. Seven Yes.

Supervisor Bryant moved, Supervisor Allen seconded and was unanimously carried by the Board to adopt a policy where no political signs are allowed on County property during early voting.

Re: Sheriff: Consider request to use donations to purchase K-9 and equipment

Chambers: N-4 Sheriff Department, consider request to use donation to purchase a K-9 and equipment from the Sheriff's Department. Sheriff?

Kidd: Good evening. Honorable Board Members and Mr. Carter. It's been a substantial time since the sheriff's offices had a police dog. And due to changes in the law and in failing health of the last one we had, he had to be retired. And what I mean by changes in the law, what I mean is the legislature saw fit to somewhat legalized marijuana. So when a K-9 was trained to alert on marijuana, you couldn't carry the probable cause to search any further. That caused the retirement of many police dogs across the Commonwealth. And it's sad to say but a majority of the crimes in Buckingham County stemmed from the use of illegal drugs. Vast majority of thefts that we have occur because certain people are looking for items to steal so they can sell and buy drugs with it. People are caught selling drugs or stealing, they're locked up for a while, serve time, get out and take up right where they left off. The types of drugs available are constantly changing, opioids, including fentanyl, are so prevalent that deputies routinely carry Narcan to attempt to reverse the effect of a possible overdose. You might ask how many overdoses could we possibly have in Buckingham County? You will be surprised at the answer. In Buckingham County since January 1, 2022 up until the present date, we have had a total of 90 overdoses.

Davis: How many?

Kidd: 90 reported overdoses. Narcan was used in these cases 114 times because it's not unusual to have to do several doses to bring them back around. 13 of these overdoses resulted in a death. Drugs like fentanyl so dangerous that one touch can end in the death for any unfortunate victim. We have to wonder what new illegal drug trend is just around the corner. It is obvious to us that we need any advantage we can get in efforts to slow down this trend. We recently have been given a chance to purchase 2 trained canines at the cost of \$10,000. This is less than it has usually cost for one trained dog. These dogs are certified in narcotics, minus the marijuana and certified to be in good health. We would be looking at somewhere around seven years or so of service out of both of these animals. And we also certified in tracking people and as a general patrol dog. We'd be getting more bang for our buck. As the situation stands right now, if we need a canine for drug sniffing or tracking, we have to make prior arrangements or check the availability and wait for them to arrive. The purchase of two dogs would allow us to have them available on both 12 hour shift in most cases and be more effective in our efforts. In order to be able to equip two of our patrol vehicles to accommodate these dogs we would need specialized equipment such as a transport module, a heat sensing device, a fan etc. Total cost for both vehicles is quoted as \$14,413. Since my take in office many citizens have contributed significantly to the sheriff's office in order to support our efforts. That fund has accumulated a

significant amount over time and I think that this is a good time to make good use of it. Tonight I'm asking the Board to allow me to spend \$25,000 out of that fund for the dogs and equipment needed to take advantage of the opportunity. I thank you for your time and attention to this matter.

Chambers: I recommend that the Board support this. I think it's a good effort. We need a motion to do it.

Palmore: I'll make it.

Davis: I'll second.

Chambers: Motion by Supervisor Palmore, second by Supervisor Davis that we will support this for Sheriff Kidd and I hope you good luck. Sheriff Kidd, I'll mention this to you, I'm not trying to tell you what to do or nothing, you're doing a good job. They've got a new business up in the County down there. A guy used to work at Sheehy down in Richmond. He opened a place in Dillwyn down there, the old Gilliam place. You stop down there and talk to them you might save a trip to Richmond.

Kidd: Already done.

Chambers: You're on the ball. Seven Yes. Thank you, Sheriff.

Supervisor Palmore moved, Vice Chairman Davis seconded and was unanimously carried by the Board to approve for the Sheriff to use accumulated donations in the amount of approximately \$25,000 to purchase 2 K-9's and the equipment needed for two vehicles for these K-9's.

Re: Consider Recommendation for appointment to the Circuit Court Judge for the Board of Zoning Appeals District 2

Chambers: Appointments to Committees and Boards and agencies. Consider recommendation for the appointment of the Circuit Court Judge for the Board of Zoning Appeals. I think Supervisor Gilliam has this one.

Gilliam: Mr. Braxton said that he had been on that for a while and he was going to take a break. I'd like to recommend to the Board tonight that Joyce Wilson be appointed for my district.

Chambers: Booker. She was a Wilson.

Gilliam: Joyce Booker, be appointed for my district and I appreciate the Board's efforts. I make the motion.

Chambers: Motion by Supervisor Gilliam, second by Supervisor Palmore that we'll put Joyce Wilson Booker. All in favor? Seven Yes.

Supervisor Gilliam moved, Supervisor Palmore seconded and was unanimously carried by the Board to recommend Joyce Wilson Booker to the Circuit Court Judge for appointment to the Board of Zoning Appeals.

Re: Re: Consider Recommendation for appointment to the Circuit Court Judge for the Board of Zoning Appeals District 6

Chambers: District 6, I need to wait to next month because the lady that we were trying to get him and get back with me yet haven't been verified so we'll make it next month.

Re: Consider appointing members to the Board of Building Code Appeals

Chambers: Consider appointing members to the Board of Building Code Appeals. Who is on that Board now?

Carter: I didn't bring that list of who's on that because the one's on there, their terms have expired. So I was giving it to you more information tonight so next month, you'd come back with some names. There's there has to be at least five on that Board. And Jordan was on that Board as a matter of fact, but his term had expired. So everybody on that Board has expired.

Lann: They should have construction background.

Chambers: All right, thank you.

Lann: I put the list in your packets.

Carter: I'm sorry. It's on the next page. The list is in the packet.

Garrett: It's on the next page.

Carter: Listed is Larry B. Haskins, Gordon Rush, Jordan Miles, Steve Metro, Billy Morris and Raymond Peaks.

Chambers: We can't put Gordon Rush on there because he's dead.

Carter: Two of them are.

Chambers: Two of them are deceased.

Re: Consider appointment of Board member to the Social Services Board

Chambers: N-4 Consider appointment of Board member to the Social Service Board.

Gilliam: Mr. Chairman, I guess other Board members can look at the back page that we have, evidently Mrs. Coleman had sent a reference today. Mr. Chambers, I don't think you could have got a better reference. If you willing to serve again. It says that you've basically done everything possible that you can do. And they have asked you for your reappointment. As far as I'm concerned with this recommendation, if you'd be willing to do this again, it seems like they would be honored to have you on there.

Chambers: I'm willing to serve again.

Gilliam: I'd like to make a motion for you to be on there then.

Garrett: I'll second.

Chambers: Motion and a second that I serve again for another four years. All in favor?

Gilliam: You must have done something right with his recommendation.

Palmore: Good job, Mr. Chairman, that right there speaks volumes. If you're doing a good job, it shows that people pay attention and you should be commended for that.

Chambers: Thank you.

Supervisor Gilliam moved, Supervisor Garrett seconded and was unanimously carried by the Board to reappoint Joe Chambers, Jr. to the Social Services Board as a Board of Supervisors representative.

Re: County Attorney Matters

Wright: Mr. Chairman, no items tonight, sir.

Re: County Administrator's Report

Carter: I have no items as well, Mr. Chairman.

Re: Other Board Matters

Chambers: Are there any other Board matters?

Gilliam: On the other Board matters, if I could speak of one thing. I'd like to see if the Board would consider doing a resolution for Buckingham's High School, Mr. Keeler and Wendy are gone, but I think everybody if we keep up with sports and I come from a sports family. I don't know if we realize it or not but Buckingham baseball won 18 and 1 this year. And they got a wonderful coach John Toney, that has put us right on the edge of winning the state championship for the last two or three or four years. Unfortunately, they lost by one run this past week. I think, Joe I don't if you know from the school board or not, but they lost by one run. I think it was King and William or somebody like that they lost like 7-6. Is that right?

Garrett: That was the first round of the state tournament.

Gilliam: First round of the state tournament. And if we could do a resolution on behalf of the Buckingham baseball team. This is consistent behavior from these boys in this age group and I think it's well deserved. Also, Mrs. Moss at Moss Motor Company has been trying to raise a little bit of money to have them a pizza party, and that kind of thing. And if anybody's watching on YouTube tonight, anybody in the audience would like to go by and contribute just a small amount can drop it off at Moss Motor Company to see these boys have a pizza party with their family, I think it will be encouraging them. That is saying Buckingham Proud again. So congratulations to the baseball team.

Chambers: Karl, let me ask you a question. Do we usually contribute to things like this in the County? I know we give money for them to go on trips and stuff.

Carter: We only give to like the Youth League, our programs. So this is a school team. High School team so this would be under the school board.

Gilliam: But I think the party is gonna be in the next 10 days or so. So if anybody would like to drop a small contribution off being dropped off at Moss Motor Company in Dillwyn.

Lann: We'd normally do certificates for that. Would you rather do that or the resolution?

Gilliam: Yeah, that'd be fine. Just some recognition to let them know that we're proud of them. 18 and 1 is pretty good percentage. And I think that is well deserved. And hats off to John Toney and his staff.

Chambers: You are right. We do usually give certificates. That's right, I forgot. Thank you. All right. Any other Board matters? Ivan, we heard your comments and we will be taking it and see what we can do.

Re: Executive Closed Session

Garrett: We need to go in closed session. I'd like to make a motion that would go in executive closed session Code of Virginia 2.2-3711.A.3, Discussion or consideration of the acquisition of real property for public purpose or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Allen: Second.

Chambers: It's been a motion and a second that we go in executive session in the Code that was read. All in favor? Seven Yes.

Supervisor Garrett moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into executive closed session under §2.2-3711.A.3 as read above.

Re: Return to regular session and Certification

Garrett: I'll make a motion, Mr. Chairman that we return to regular session. And we certify that to the best of each Board member's knowledge, only business matters related to the Code which the executive meeting was convened, was discussed or considered in the closed session, and I'll make that motion.

Allen: Second.

Chambers: Motion and a second that we return to regular session and certification at the best of each Board member's knowledge only business matters related to the Code which the executive meeting was convened, was discussed or considered in the closed Executive Session. In favor of the motion?

Supervisor Garrett moved, Supervisor Allen seconded and was unanimously carried by the Board to enter into Regular Open Session and certification that to the best of each Board member's knowledge, only business matters related to the Code which the executive meeting was convened, was discussed or considered in the closed session.

Re: Action as a result of Executive Closed Session

There was none.

Re: Adjournment

There being no further business to discuss, Chairman Chambers declared the June 10, 2024 meeting of the Buckingham County Board of Supervisors adjourned.

ATTEST:

Karl R. Carter
County Administrator

Joe N. Chambers, Jr.
Chairman

Buckingham County - Baseball Varsity Roster (as of 04-09-24)

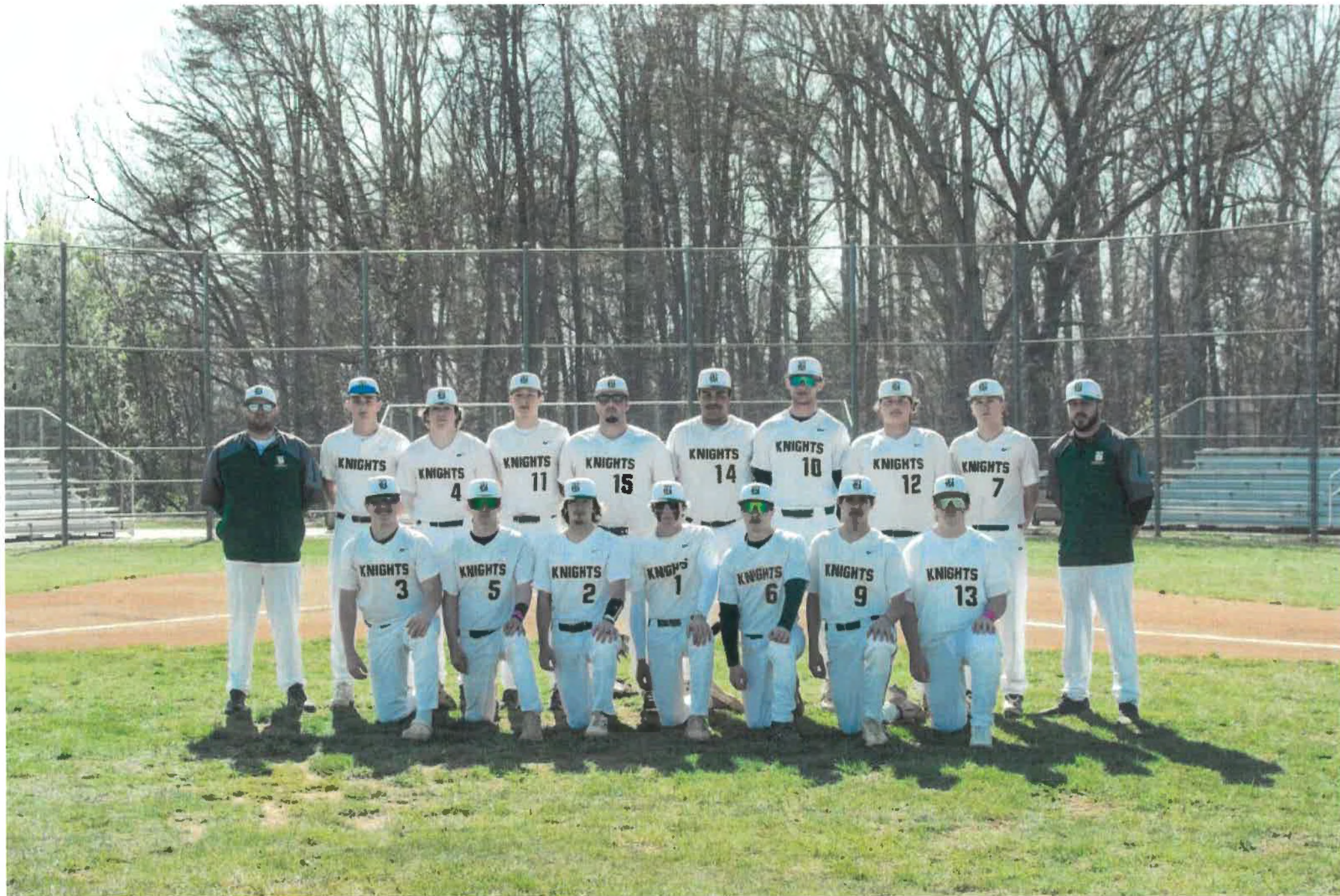
Number	Name	Position	Year
1	Ethan Walter	IF	11
2	Wyatt Bickford	C	11
3	Avery Schaeffer	P/IF	11
4	Nicholas Allen	OF	12
5	Gage Murphy	OF	11
6	Andrew Dorrier	IF	11
7	Michael Jamerson	P/OF	11
8	Kayne Wooten	P/OF	11
9	Gavin Dunkum	OF	12
10	Justin Gunter	P/IF	12
11	John Mitchell	OF	12
12	Jacob Carter	IF	12
13	Blake Shumaker	IF	11
14	Meade Garrett	DH	11
15	Ethan Martin	DH	12

Team Management	Name
School Colors:	Dark Green and Gold
Nickname:	Knights
Head Coach:	John Toney
Assistant Coach:	John Edwards, Markel Jones, Dylan Davis
Mascot(s):	Knights

School Administration	Name
Superintendent:	Dr. John Keeler
Principal:	Patti Branch
Athletic Director:	Russ Gowin

James River District Champions
Region 2B Champions
State Quarterfinals

Record 19-1





Karl R. Carter
County Administrator

F. M. Wright, Jr.
County Attorney

Buckingham County
Board of Supervisors
Office of the County Administrator
13380 W. James Anderson
Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
Telephone 434-969-4242
Fax 434-969-1638
www.buckinghamcountyvva.org

Joe N. Chambers, Jr.
District 6 Supervisor
Chairman

Dennis Davis
District 1 Supervisor
Vice-Chairman

Cameron Gilliam
District 2 Supervisor

Michael E. Palmore
District 3 Supervisor

Paul W. Garrett
District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: July 8, 2024
To: Buckingham County
Board of Supervisors
From: Nicci Edmondston, Zoning Administrator
Re: Public Hearing in regard to mandatory amendments to Article 9 of the Buckingham County
Zoning Ordinance, as follows

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 THIS ITEM

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 Board of Supervisors
Notice of Public Hearing
July 8, 2024
Buckingham County Administration Building
13380 W. James Anderson Highway
Buckingham, Virginia
6:00 p.m.

The Buckingham County Board of Supervisors will hold a public hearing on Monday, July 8, 2024 to hear public input regarding the following. The meeting will begin at 6:00 p.m. in the Peter Francisco Auditorium of the Buckingham County Administration Complex at 13380 W. James Anderson Hwy, Buckingham, Virginia 23921. **You must attend the meeting to comment and sign up to speak prior to the meeting. Sign up time is between 5:30 p.m. and 5:55 p.m.**

Mandated changes to Article 9 of the Buckingham County Zoning Ordinance.

A copy of the material for the above referenced hearing is available for review in the Office of the Buckingham County Zoning Administrator; 13380 West James Anderson Highway, P.O. Box 252, Buckingham, Virginia, 23921, on regular business days of Monday through Friday from 8:30 A.M. to 4:30 P.M.

By Order of the Buckingham County Board of Supervisors
Karl Carter, County Administrator

Buckingham County Board of Supervisors

NOTICE OF PUBLIC HEARING

July 8, 2024

Buckingham County Administration Building

13380 W. James Anderson Highway

Buckingham, Virginia

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By Order of the Buckingham County Board of Supervisors
Karl Carter, County Administrator

BUCKINGHAM
COUNTY
ZONING
ORDINANCE

BUCKINGHAM,
VIRGINIA

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Board of Supervisors

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Rebecca S. Cobb - Zoning Administrator

Rebecca S. Carter - County Administrator

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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-1) 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	Community Centers
Convenience/General Store - Maximum 2000s.f. and no more than 4 petroleum pumps	Public Utilities
Parks, public	Schools, Public & Private
Rural Small Businesses	Temporary Uses
Swim Clubs	

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</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 (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

Manscs. 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, Bcd & 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-1 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-I 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 or 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: omnidirectional (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 more 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.

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

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

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

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

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

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

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

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

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

SECTION 3 - AIRPORT SAFETY ZONES

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

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

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

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

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

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

SECTION 4-AIRPORT SAFETY ZONE HEIGHT LIMITATIONS

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

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

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

SECTION 5 - USE RESTRICTIONS

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

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

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

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

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

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

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

SECTION 6 - NON-CONFORMING USES

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

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

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

SECTION 7 - PERMITS

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

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

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

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

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

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

SECTION 8 - ENFORCEMENT

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

ARTICLE 11 - DEFINITIONS

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

Abattoir - A commercial slaughter house:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

that runway.

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

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

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

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

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

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

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

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

The approach surfaces extend for a horizontal distance of:

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

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

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

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

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

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

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

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

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

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

Related to Runways - these surfaces apply to all military airports

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

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

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

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

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

***77.29 Airport imaginary surfaces for heliports

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

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

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

Supplemental Document to Article 9

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

Approved by Board of Supervisors 5-14-2018

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Supplemental Document to Article 9

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'

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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

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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

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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

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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

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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

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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

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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

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- (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

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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.



Karl R. Carter
County Administrator

E.M. Wright, Jr.
County Attorney

Buckingham County

Board of Supervisors

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District 3 Supervisor

Paul W. Garrett
District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: July 8, 2024

To: Buckingham County
Board of Supervisors

From: Nicci Edmondston, Zoning Administrator

Re: Introduction Case 24-ZTASUP341

Applicant

Ivan Petersheim
234 Scotts Bottom Road
Dillwyn VA 23936

Property Information: Tax Map 53, Parcel 45, containing approximately .95 acre, located at 5516 Ridge Road Arvonva 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. The Applicant is asking the Board of Supervisors to schedule a public hearing for this request.

Background/Zoning Information: This property is located at 5516 Ridge Road Arvonva 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.

This case was introduced to the Planning Commission April 22, 2024 and a public hearing held on May 28, 2024. The case was rejected due to a parliamentary error on May 28, 2024. Further discussion at the June 24, 2024 meeting, ended in a 7-1 vote to send to the Board of Supervisors with a recommendation to deny the request.

Would it be the pleasure of the Board of Supervisors to schedule a public hearing?
August 12, 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.

434.3910 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 penko 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: McLair James Michael + Nancy

Mailing Address: 5396 Ridge RD Arvon VA 23004

Physical Address: 5396 Ridge RD Arvon VA 23004

Tax Map Section: 53 Parcel: 43 Lot: _____ Subdivision: _____

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

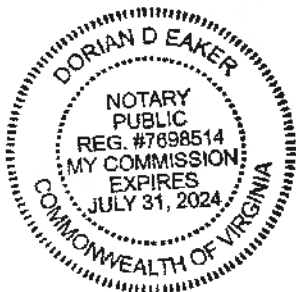
STATE OF Virginia

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: Ivan 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: Tuan Lee Petersheim

Location: ~~5517~~ 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 Peterheim 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 Arvania 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 Arvania 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



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
		23004	ACREAGE- GRANTOR- HUD	1.125	DB 440/0333	0000 0000000	
53 000003063	41	MCCAIG JAMES MICHAEL & NANCY FULGHAM MCCAIG 5396 RIDGE RD ARVONIA VA	RT 671 - AT PENLAN 2.8 AC	DB172-441		2 04	5000
		23004	ACREAGE- GRANTOR-	2.800	DB 172/0441	0000 0000000	
53 000003064	42	TAYLOR GEORGE ALLEN 5220 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 0.889 AC	DB182-648		2 04	2000
		23004	ACREAGE- GRANTOR- HUD	.889	DB 440/0333	0000 0000000	
53 000003065	43	MCCAIG JAMES MICHAEL & NANCY 5396 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 25.036 AC	DB172-441		5 04	47100 89300
		23004	ACREAGE- GRANTOR-	25.036	DB 172/0441	0000 0000000	
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	DB174-738		2 04	16000 19500
		23221	ACREAGE- GRANTOR- WILLIAM CUSTALOW	2.000	DB 364/0629	0000 0000000	
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	DB189-315		2 04	13300 89300
		23004	ACREAGE- GRANTOR- FITZGERALD VIRGINIA IRENE	.950	DB 461/0378	0000 0000000	
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	DB139-127		6 04	330500 5200
		23226	ACREAGE- GRANTOR-	138.000	DB 139/0127	0000 0000000	
53 000003069	47	WOODSON DEREK TYLER 6151 RIDGE RD ARVONIA VA	RT 676 - 1/2 MI W OF PENLAN 12.53 AC	DB146-324		2 04	39400 197200
		23004	ACREAGE- GRANTOR-	12.530	DB 471/0513	0000 0000000	
53 000003070	48	LONG DEWITT R PO BOX 192 BREMO BLUFF VA	RT 676 - 1/2 MI W OF PENLAN 95.01 AC	DB131-605		5 04	229100 155200
		23022	ACREAGE- GRANTOR-	95.010	DB 473/0520	0000 0000000	

2024-357

BOOK 515 PAGE 690

Prepared under the supervision of:
Haley Talmage, VSB #96195
8100 THREE CHOPT ROAD, SUITE 240
RICHMOND, VA 23229

BWW File No. VA-366325

Tax ID: 53-45

RETURN TO:
BWW Law Group, LLC
6003 Executive Blvd
Suite 101
Rockville, MD 20852

The existence of title insurance is unknown to the preparer.

SUBSTITUTE TRUSTEE'S DEED

THIS SUBSTITUTE TRUSTEE'S DEED ("Deed"), dated March 8, 2024 by and between EQUITY TRUSTEES, LLC, a Virginia Limited Liability Company, Substitute Trustees under a Deed of Trust executed by Jerry L. WOOD and Robin H. WOOD securing the below described property ("Grantor") and hereinafter referred to as party of the first part, and Ivan PETERSHBIM, 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, Arvonia, 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	3	00	VIRGINIA CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY The foregoing instrument with acknowledgement was admitted to record on <u>3/13/2024</u> at <u>9:30 A</u> M. in D.B. <u>515</u> Page(s) <u>690-692</u> Instrument # <u>2024-357</u> Teste: JUSTIN D. MIDKIFF, CLERK BY: <u>[Signature]</u> DEPUTY CLERK
St. R. Tax	256	50	
Co. R. Tax	85	50	
Transfer	1	00	
Clerk	14	50	
Lib.(145)	3	50	
T.T.F.	5	00	
Grantor Tax	103	00	
036 Proc Fee	20	00	
Total \$	492	00	



Karl R. Carter
County Administrator

E. M. Wright, Jr.
County Attorney

Buckingham County

Board of Supervisors

Office of the County Administrator

13380 W. James Anderson

Highway

Post Office Box 252

Buckingham, Virginia 23921 -0252

Telephone 434-969-4242

Fax 434-969-1638

www.buckinghamcountyvva.org

Joe N. Chambers, Jr.
District 6 Supervisor
Chairman

Dennis Davis
District 1 Supervisor
Vice-Chairman

Cameron Gilliam
District 2 Supervisor

Michael E. Palmore
District 3 Supervisor

Paul W. Garrett
District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: July 8, 2024

To: Buckingham County
Board of Supervisors

From: Nicci Edmondston, Zoning Administrator

Re: Introduction Case 24-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 Board of Supervisors 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.

The Geographic Heart of Virginia

ATTACHMENT L-2

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.

This case was introduced to the Planning Commission May 28, 2024, and a public hearing held June 24, 2026. There was no one signed to speak at the public hearing. This case comes with unanimous vote of recommendation to approve.

Would it be the pleasure of the Board of Supervisors to schedule a public hearing?
August 12, 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 PERMIT

CASE NUMBER: _____
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: _____

Special Use Permit Request: To obtain Special Use Permit to
operate business to manufacture furniture

Purpose of Special Use Permit: To operate a furniture making
business

Zoning District: A1 Number of Acres: 81

Tax Map Section: 113 Parcel: 17 Lot: _____ Subdivision: _____ Magisterial Dist.: Curdsville

Street Address: 860 Allens Lake Rd Dillwyn

Directions from the County Administration Building to the Proposed Site: R 60 L 15

R Thomas Rd L Allens Lake Rd

Name of Applicant: Jonathan E. Zook

Mailing Address: 1144 Spencer Rd Dillwyn VA 23936

Daytime 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: [Signature] Date: 4-22-24

Signature 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: Lesieur 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: _____

* Name: _____

Mailing Address: _____

Physical Address: _____

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

* 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 Virginia

Subscribed and sworn to me on this 22 day of April

of the year 2024 My commission expires 9/30/27

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):

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:  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: _____

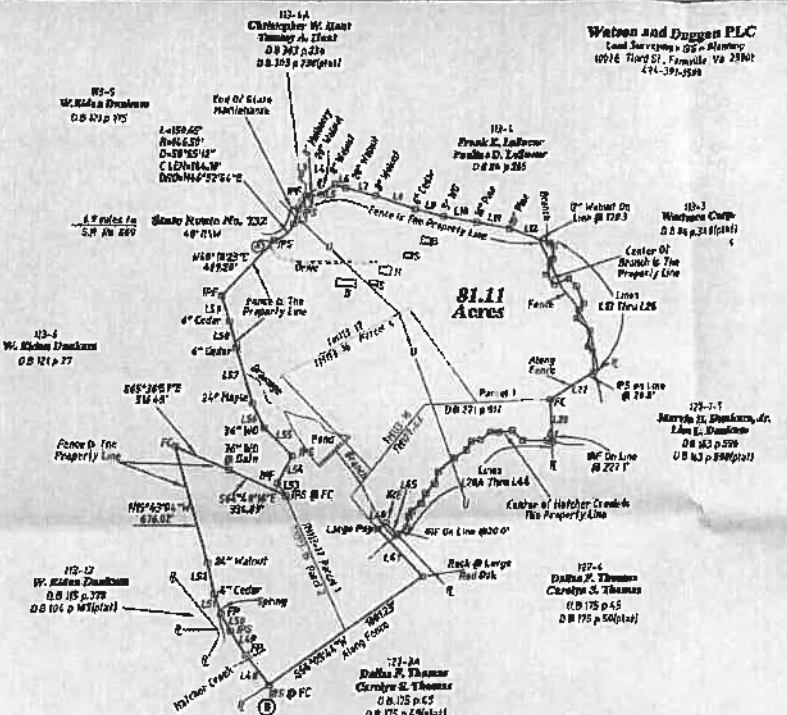
Date: 4-29-24

Watson and Duggan PLC
 Land Surveyors • 205 • Highway
 6016 Third St., Fossilville VA 22601
 474-391,958

Legend
 WS - Wood Pole Set
 WP - Wire Post Found
 FC - Fence Corner
 FP - Fence Post
 PW - Post
 WD - White Oak
 U - Overhead Utility Lines
 H - Existing House
 R - Run
 S - Shed

Line Table

LINE	BEARING	DISTANCE
L1	N87°15'00"E	70.51'
L2	N52°45'00"E	51.18'
L3	S48°10'00"E	21.89'
L4	N71°55'15"E	62.18'
L5	N55°15'00"E	94.01'
L6	S81°25'00"E	43.64'
L7	N15°55'00"E	176.02'
L8	S20°10'00"E	73.81'
L9	S14°24'00"E	61.34'
L10	S10°35'00"E	101.87'
L11	S11°50'00"E	94.76'
L12	N14°22'00"E	128.03'
L13	S51°01'00"E	51.64'
L14	S05°51'00"W	74.39'
L15	S20°42'00"W	52.88'
L16	S17°30'00"W	64.56'
L17	S34°00'00"E	73.53'
L18	N60°00'00"E	61.39'
L19	S14°14'00"E	62.96'
L20	S28°15'00"E	31.04'
L21	S40°39'00"W	42.41'
L22	S40°25'00"W	95.11'
L23	S33°00'00"E	101.88'
L24	S24°10'00"W	94.79'
L25	S13°40'00"E	74.17'
L26	S01°20'00"E	101.57'
L27	S50°30'00"W	214.43'
L28	S10°50'00"E	247.52'
L29	N17°00'00"W	215.91'
L30	N05°00'00"W	101.18'
L31	N44°05'00"W	81.35'
L32	S04°45'00"W	75.47'
L33	N02°30'00"W	415.97'
L34	S50°34'00"W	101.74'
L35	S07°50'00"E	54.32'
L36	S01°00'00"W	71.76'
L37	S40°42'00"W	144.54'
L38	S05°00'00"W	61.10'
L39	S43°21'00"W	73.02'
L40	S24°21'00"W	92.49'
L41	S12°20'00"W	48.89'
L42	S37°50'00"W	51.87'
L43	S11°10'00"W	60.80'
L44	S12°35'00"W	61.25'
L45	N41°01'00"W	91.48'
L46	S33°20'00"W	56.81'
L47	S48°00'00"E	175.81'
L48	N09°56'00"W	208.09'
L49	N21°02'00"W	55.85'
L50	N09°02'00"W	102.01'
L51	N08°11'00"W	106.58'
L52	N01°00'00"W	100.57'
L53	N01°56'00"W	97.44'
L54	N01°28'00"E	166.22'
L55	N43°51'00"W	210.63'
L56	N25°32'00"W	152.14'
L57	N16°14'00"W	352.23'
L58	N04°23'00"W	105.01'
L59	N18°06'00"W	188.52'



Approved For Recordation
 in Buckingham County

 County Agent



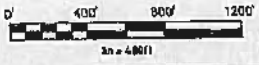
**Boundary Plat
 Of Existing Parcel**

For Faith Dunning
 Being The Property Owned By
 Timothy B. Dunning Retired
 Deed Book 185 page 576
 Deed Book 177 page 311
 Curdsville District, Buckingham County, Va
 8-15-05 05137



- Notes**
- The Map Parcel Numbers 113-17, 113-16, 113-15, 127-4A
 - This survey is subject to any statement of record and other pertinent facts which a title search might disclose.
 - This plat is based on a current field survey
 - See plat in DB 28 p.208 and D.B.271 p.913
 - The western property lines shown here along existing fence and were confirmed to be correct by Elton Dunham

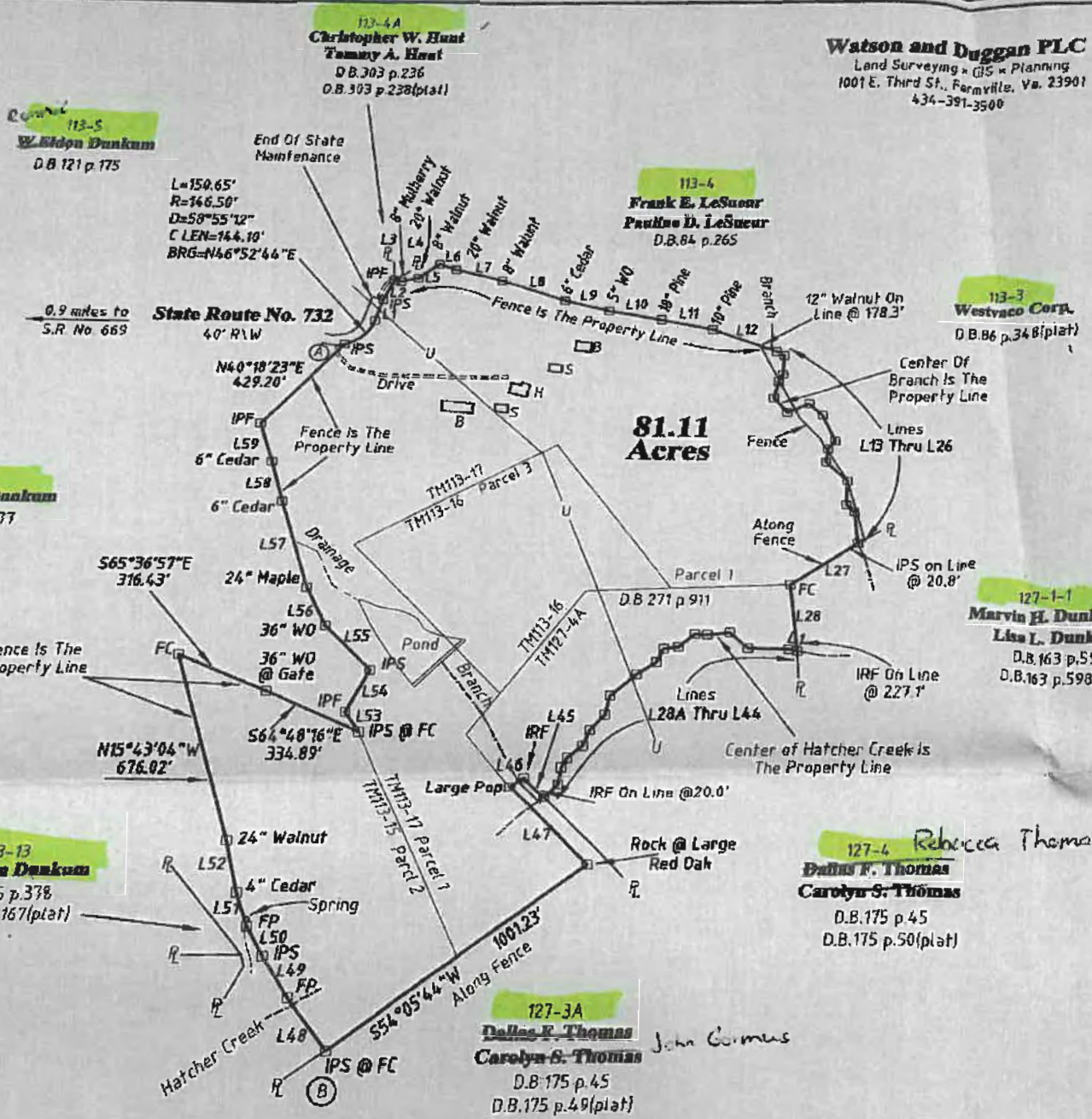
Owner Roy & Cheryl Martin
 Applicant Jonathan Zook



Watson and Duggan PLC
 Land Surveying & GIS & Planning
 1001 E. Third St., Farmville, Va. 23901
 434-391-3500

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

81.11 Acres



113-5
W. Eldon Dunkum
 D.B. 121 p. 175

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)

127-4
Rebecca Thomas
Dallas F. Thomas
Carolyn S. Thomas
 D.B. 175 p. 45
 D.B. 175 p. 50 (plat)

127-3A
Dallas F. Thomas
Carolyn S. Thomas
 D.B. 175 p. 45
 D.B. 175 p. 49 (plat)
John Curmus

Approved
 In Bucki

Col



Legend

- IPS = Iron Pipe Set
- RF = 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	98.94'
L2	N25°47'52"E	98.48'
L3	S80°19'36"E	24.85'
L4	N78°32'41"E	62.68'
L5	N51°48'00"E	96.81'
L6	S69°32'28"E	63.51'
L7	S74°53'11"E	178.68'
L8	S70°19'20"E	236.81'
L9	S74°21'40"E	162.38'
L10	S79°35'42"E	187.83'
L11	S77°58'07"E	184.98'
L12	S68°22'55"E	238.83'
L13	S57°09'24"E	31.67'
L14	S85°53'08"W	74.39'
L15	S38°32'48"W	33.48'
L16	S17°56'38"W	66.36'
L17	S36°50'06"E	73.33'
L18	N66°15'26"E	87.28'
L19	S44°56'49"E	62.16'
L20	S28°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	S69°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	109.89'
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	N63°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. 218 (partial)

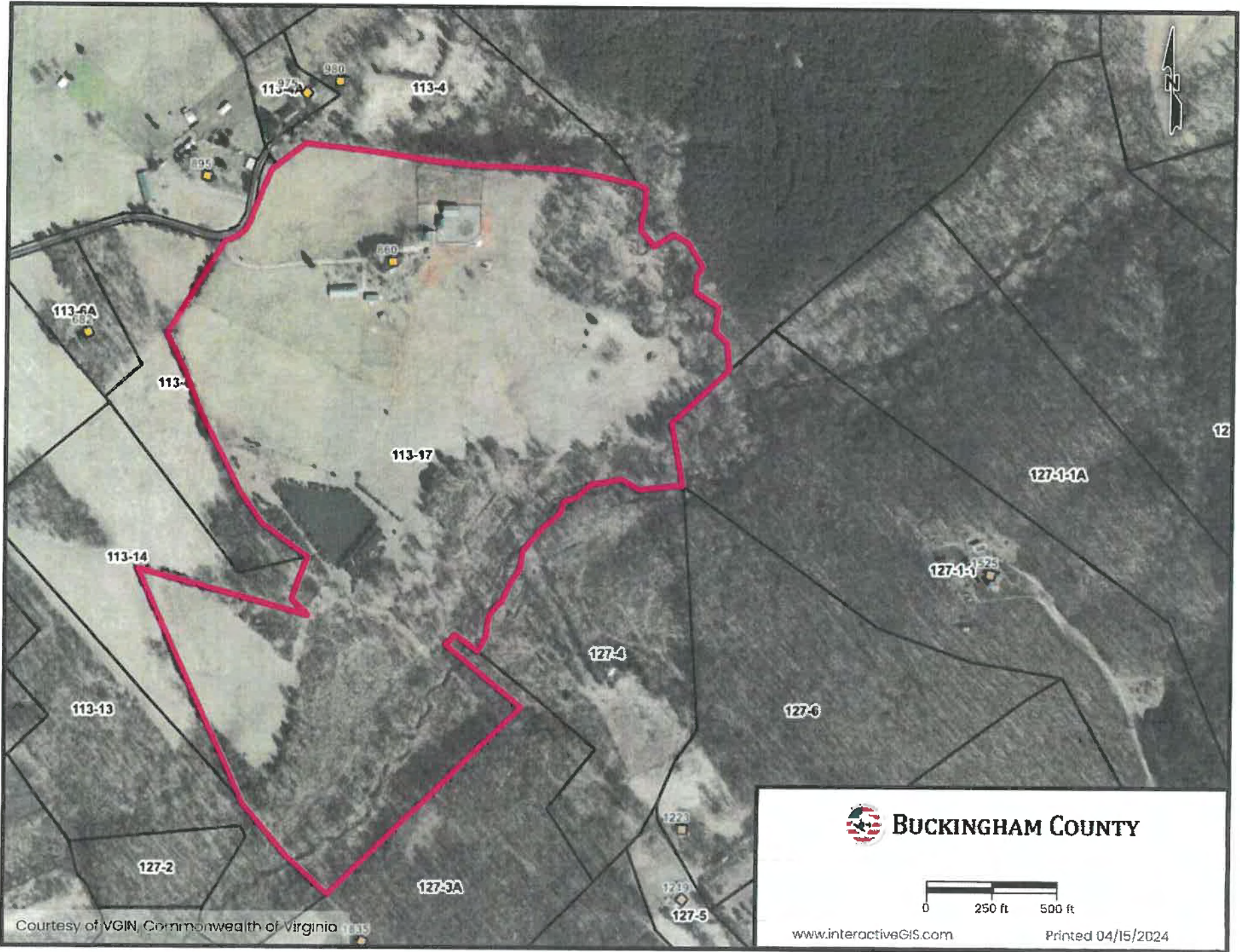


Approved For Recordation
In Buckingham County

County Agent

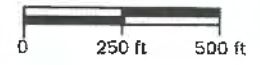


1 in = 400 ft



Courtesy of VGIN, Commonwealth of Virginia

 **BUCKINGHAM COUNTY**



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Printed 04/15/2024

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 MMMI1DDDBLLLLLS

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

DEBeExi#/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 MMMI1DDDBLLLLLS

Soc. Sec. #: 000 - 00 - 0000

000 - 00 - 0000

000 - 00 - 0000

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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

#19110

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.

Paula P. Dunkum (SEAL)
 Paula P. Dunkum, Administrator
 of the Estate of Timmy R. Dunkum

Lanny D. Dunkum (SEAL)
 Lanny D. Dunkum

Velma D. Sprouse (SEAL)
 Velma D. Sprouse

Perry W. Dunkum (SEAL)
 Perry W. Dunkum

STATE OF VA

CITY/COUNTY OF Chesapeake, to-wit:

The aforescribed 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

Luc Reynolds Brown
 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 - 08, 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

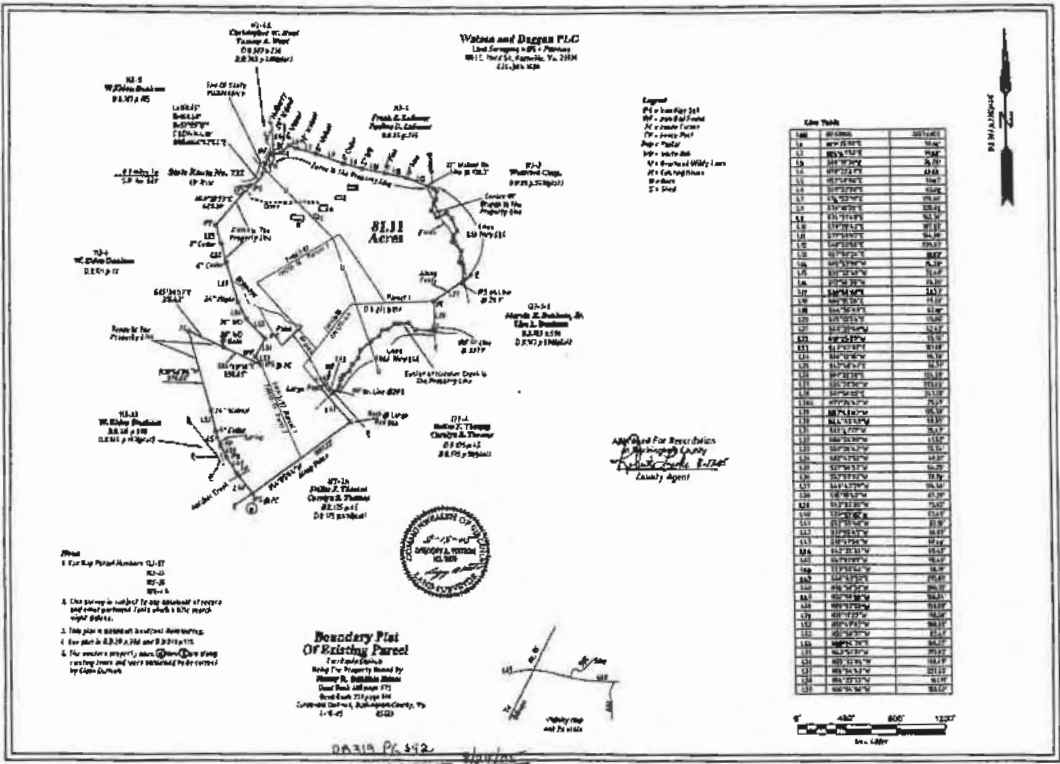
Luc Reynolds
Notary Public

035 Rec Fee	<u>1.00</u>	VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF BUCKINGHAM COUNTY
St. R. Tax	<u>12,500.00</u>	The foregoing instrument with acknowledgement
Co. R. Tax	<u>414.67</u>	
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 - 644</u>
Lib. (145)	<u>3.00</u>	Teste: MALCOLM BOOKER, JR., CLERK
T.T.F.	<u>10.00</u>	BY: <u>Brenda Kitchen</u> DEPUTY CLERK
Grantor Tax	<u>500.00</u>	
036 Proc.Fee	<u>10.00</u>	
Total \$	<u>22,196.67</u>	

Schedule A
Next Page

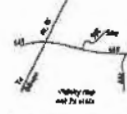
SCHEDULE A

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.



- Notes
1. For Map Parcel Numbers 12-17
 2. The survey is subject to any adjustment of records and other pertinent facts which a title search might reveal.
 3. This plan is submitted in strict accordance with the provisions of the laws of the State of Virginia.
 4. The owner's property, shown on this plan, being a survey made and well recorded to be correct by John Duggan.

**Boundary Plat
Of Relating Parcel**
To the
Survey of the Property owned by
Waters & Duggan P.L.C.
Surveyed by
John Duggan, Jr.
Surveyed on 12/15/1977
Surveyed by
John Duggan, Jr.
Surveyed on 12/15/1977



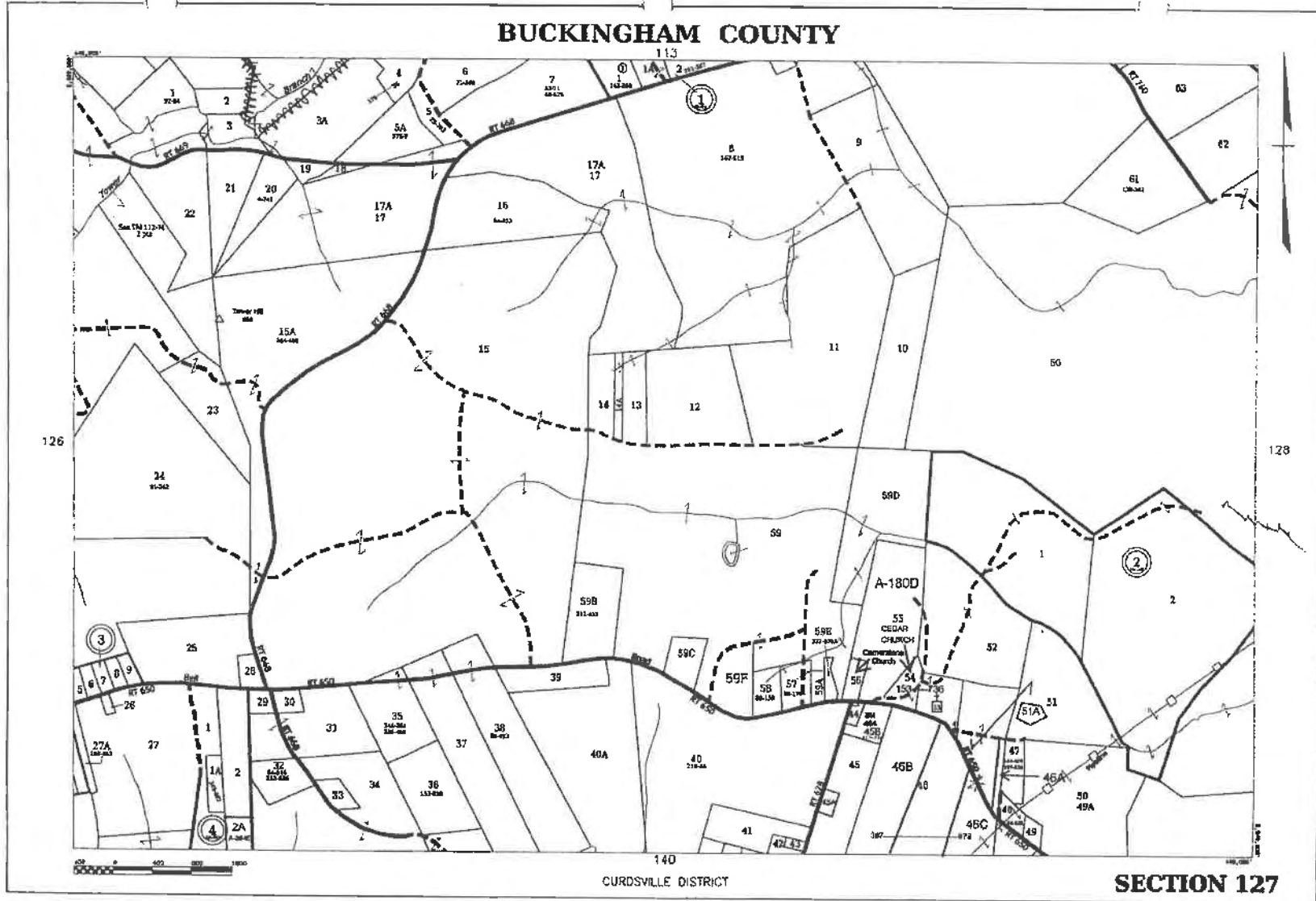
Chain Table

Line	Bearing	Distance
1	N 89° 15' 00" W	100.00
2	S 89° 15' 00" E	100.00
3	N 89° 15' 00" W	100.00
4	S 89° 15' 00" E	100.00
5	N 89° 15' 00" W	100.00
6	S 89° 15' 00" E	100.00
7	N 89° 15' 00" W	100.00
8	S 89° 15' 00" E	100.00
9	N 89° 15' 00" W	100.00
10	S 89° 15' 00" E	100.00
11	N 89° 15' 00" W	100.00
12	S 89° 15' 00" E	100.00
13	N 89° 15' 00" W	100.00
14	S 89° 15' 00" E	100.00
15	N 89° 15' 00" W	100.00
16	S 89° 15' 00" E	100.00
17	N 89° 15' 00" W	100.00
18	S 89° 15' 00" E	100.00
19	N 89° 15' 00" W	100.00
20	S 89° 15' 00" E	100.00
21	N 89° 15' 00" W	100.00
22	S 89° 15' 00" E	100.00
23	N 89° 15' 00" W	100.00
24	S 89° 15' 00" E	100.00
25	N 89° 15' 00" W	100.00
26	S 89° 15' 00" E	100.00
27	N 89° 15' 00" W	100.00
28	S 89° 15' 00" E	100.00
29	N 89° 15' 00" W	100.00
30	S 89° 15' 00" E	100.00
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32	S 89° 15' 00" E	100.00
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45	N 89° 15' 00" W	100.00
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63	N 89° 15' 00" W	100.00
64	S 89° 15' 00" E	100.00
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72	S 89° 15' 00" E	100.00
73	N 89° 15' 00" W	100.00
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76	S 89° 15' 00" E	100.00
77	N 89° 15' 00" W	100.00
78	S 89° 15' 00" E	100.00
79	N 89° 15' 00" W	100.00
80	S 89° 15' 00" E	100.00
81	N 89° 15' 00" W	100.00
82	S 89° 15' 00" E	100.00
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85	N 89° 15' 00" W	100.00
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87	N 89° 15' 00" W	100.00
88	S 89° 15' 00" E	100.00
89	N 89° 15' 00" W	100.00
90	S 89° 15' 00" E	100.00
91	N 89° 15' 00" W	100.00
92	S 89° 15' 00" E	100.00
93	N 89° 15' 00" W	100.00
94	S 89° 15' 00" E	100.00
95	N 89° 15' 00" W	100.00
96	S 89° 15' 00" E	100.00
97	N 89° 15' 00" W	100.00
98	S 89° 15' 00" E	100.00
99	N 89° 15' 00" W	100.00
100	S 89° 15' 00" E	100.00

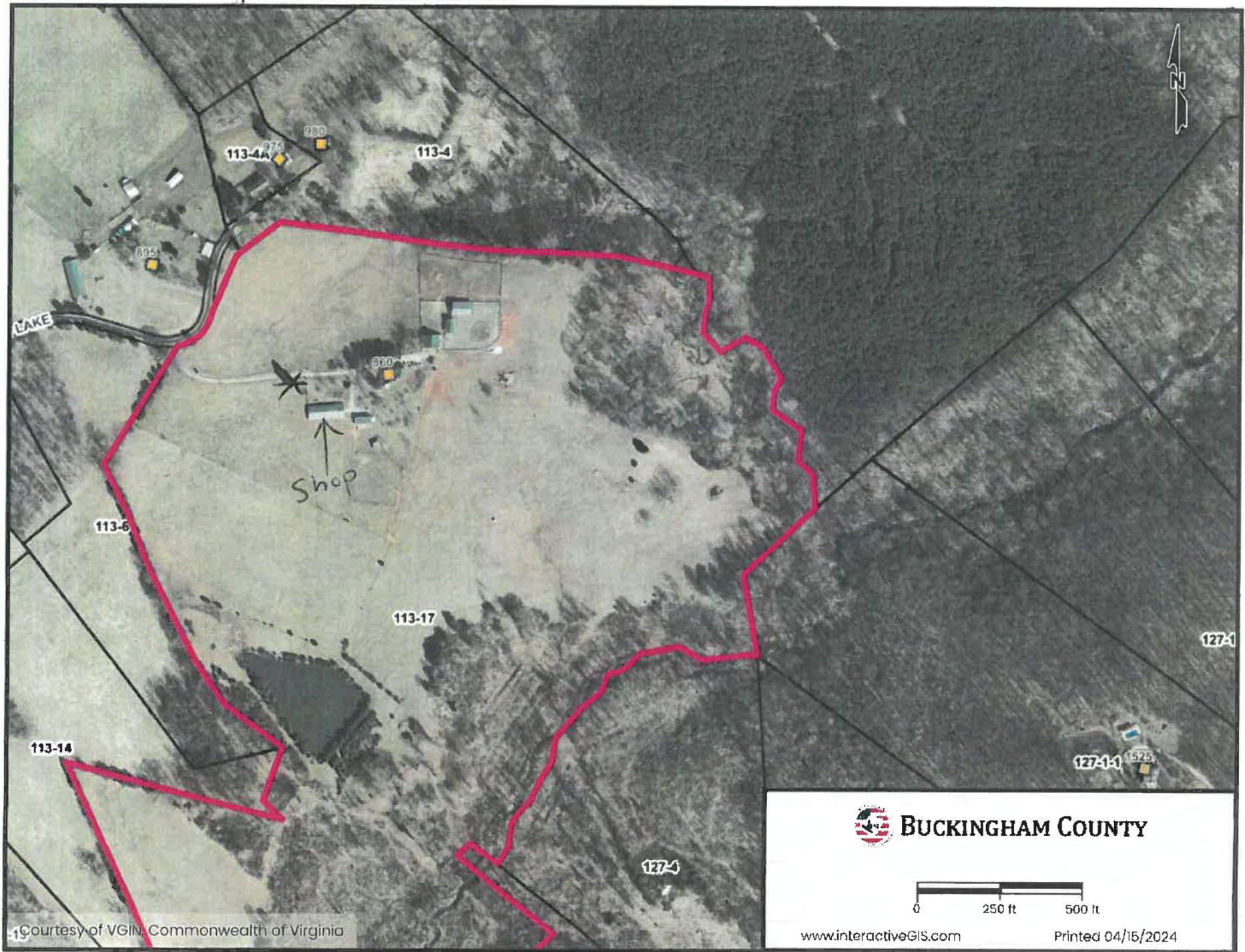
EA6 A Slide 148E

~~~~~ = property

BUCKINGHAM COUNTY

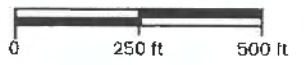


* gravesite



Courtesy of VGIN, Commonwealth of Virginia

 **BUCKINGHAM COUNTY**



www.interactiveGIS.com

Printed 04/15/2024



Karl R. Carter
County Administrator

E.M. Wright, Jr.
County Attorney

Buckingham County
Board of Supervisors
Office of the County Administrator
13380 W. James Anderson
Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
Telephone 434-969-4242
Fax 434-969-1638
www.buckinghamcountyva.org

Joe N. Chambers, Jr.
District 6 Supervisor
Chairman

Dennis Davis
District 1 Supervisor
Vice-Chairman

Cameron Gilliam
District 2 Supervisor

Michael E. Palmore
District 3 Supervisor

Paul W. Garrett
District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: July 8, 2024
To: Buckingham County
Board of Supervisors
From: Nicci Edmondston, Zoning Administrator
Re: 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 (maximum four), 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 200). The applicant is asking the Board of Supervisors 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' of adjoining properties without adjacent landowners written permission.
6. The Sheriff's Office shall be notified three weeks prior to any event inviting or expecting 200 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.

This case was introduced to the Planning Commission May 28, 2024, and a public hearing held June 24, 2026. Four citizens spoke during public hearing in opposition of the case. The Planning Commission and the Applicant agreed to decrease the maximum number of attendees to 200 and four maximum campsites. Motion and second made to send to Board of Supervisors with recommendation of approval. Vote taken and recorded, unanimous to pass to Board of Supervisors with approval recommendation.

Would it be the pleasure of the Board of Supervisors to schedule a public hearing?
August 12, 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, reunion, festivals, concert acts and celebrations of life with up to 1,500 attendees.

Zoning District: Agricultural Number of Acres: 23.92
51-3-1

Tax Map Section: _____ 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: 2058 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

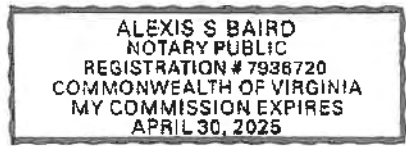
COUNTY OF Buckingham

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:

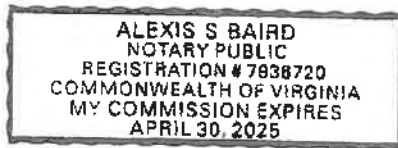
Signature of Owner: (to be signed in front of notary public)

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 227.03 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: 4/24/2024

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, Arvonia, 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: *C. 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: _____

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:

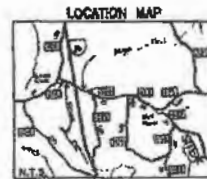
- | | |
|-------------|--|
| January 25 | Case is introduced to Planning Commission. Planning Commission sets Public Hearing for next regularly scheduled meeting on February 22. |
| February 22 | Planning Commission Public Hearing. Planning Commission recommends to approve / deny / or table for more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

DICKERSON SURVEYING LLC

200 Overt Blvd., P.O. Box 111
 Appomattox, Virginia 24522
 434-322-0541
 Michael Ray Overt
 LMS Surveyor



- NOTE: THIS IS A BOUNDARY SURVEY. ALL DIMENSIONS, BEARING, DISTANCES, AND/OR ANGLE MEASUREMENTS ARE TO BE SHOWN.
- A. THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.
- B. THIS PLAN IS BASED ON A CURVED PLAIN SURVEY METHOD ON THE GROUND WITH THE FOLLOWING ASSUMPTIONS:
 - 1. THE PLAN IS BASED ON A CURVED PLAIN SURVEY METHOD ON THE GROUND WITH THE FOLLOWING ASSUMPTIONS:
 - a. T.M. 86. 01-37
 - b. REFERENCE PLANE IS B.S.M. A.T.N.
 - c. S.A.L. AND ANGLE MEASUREMENTS BY ANGLE MEASUREMENT INSTRUMENTS ARE CORRECTED FOR REFRACTION AND CURVATURE.
 - d. ANGLE MEASUREMENTS BY ANGLE MEASUREMENT INSTRUMENTS ARE CORRECTED FOR REFRACTION AND CURVATURE.
 - e. ANGLE MEASUREMENTS BY ANGLE MEASUREMENT INSTRUMENTS ARE CORRECTED FOR REFRACTION AND CURVATURE.
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 - f. ANGLE MEASUREMENTS BY ANGLE MEASUREMENT INSTRUMENTS ARE CORRECTED FOR REFRACTION AND CURVATURE.



THIS SURVEYING IS PROVIDED FOR INFORMATION ONLY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE RESULTS OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.

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ADDITIONAL INFORMATION AND NOTES

- 1. THIS SURVEYING WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.
- 2. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.
- 3. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.
- 4. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.
- 5. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT OF 1970.

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DATE OF SURVEY: 1-17-22
 SURVEYOR: MICHAEL RAY OVERT
 LMS SURVEYOR

1. SURVEYOR'S SIGNATURE AND SEAL



SHEET 1 OF 2
MELITA ROAD
SUBDIVISION
 ACRES: 1.00 ±
 227.16 ± ACRES

PREPARED FOR: MICHAEL RAY OVERT
 SURVEYOR

DATE: JANUARY 17, 2022

Tract #: 0008-893
 DB-443 PG 124
 MICHAEL RAY OVERT
 LMS SURVEYOR

THE SIGNATURE OF MICHAEL RAY OVERT IS AN AUTHORIZED SIGNATURE OF THE SURVEYOR OF LAND AND IS NOT A REPRESENTATIVE OF THE COUNTY OF THE STATE. THE SIGNATURE OF MICHAEL RAY OVERT IS AN AUTHORIZED SIGNATURE OF THE SURVEYOR OF LAND AND IS NOT A REPRESENTATIVE OF THE COUNTY OF THE STATE.

DATE: 1-17-22

DATE: 1-17-22

1. SURVEYOR'S SIGNATURE AND SEAL

DATE: JANUARY 17, 2022

Land in consideration - close up: Lot 1

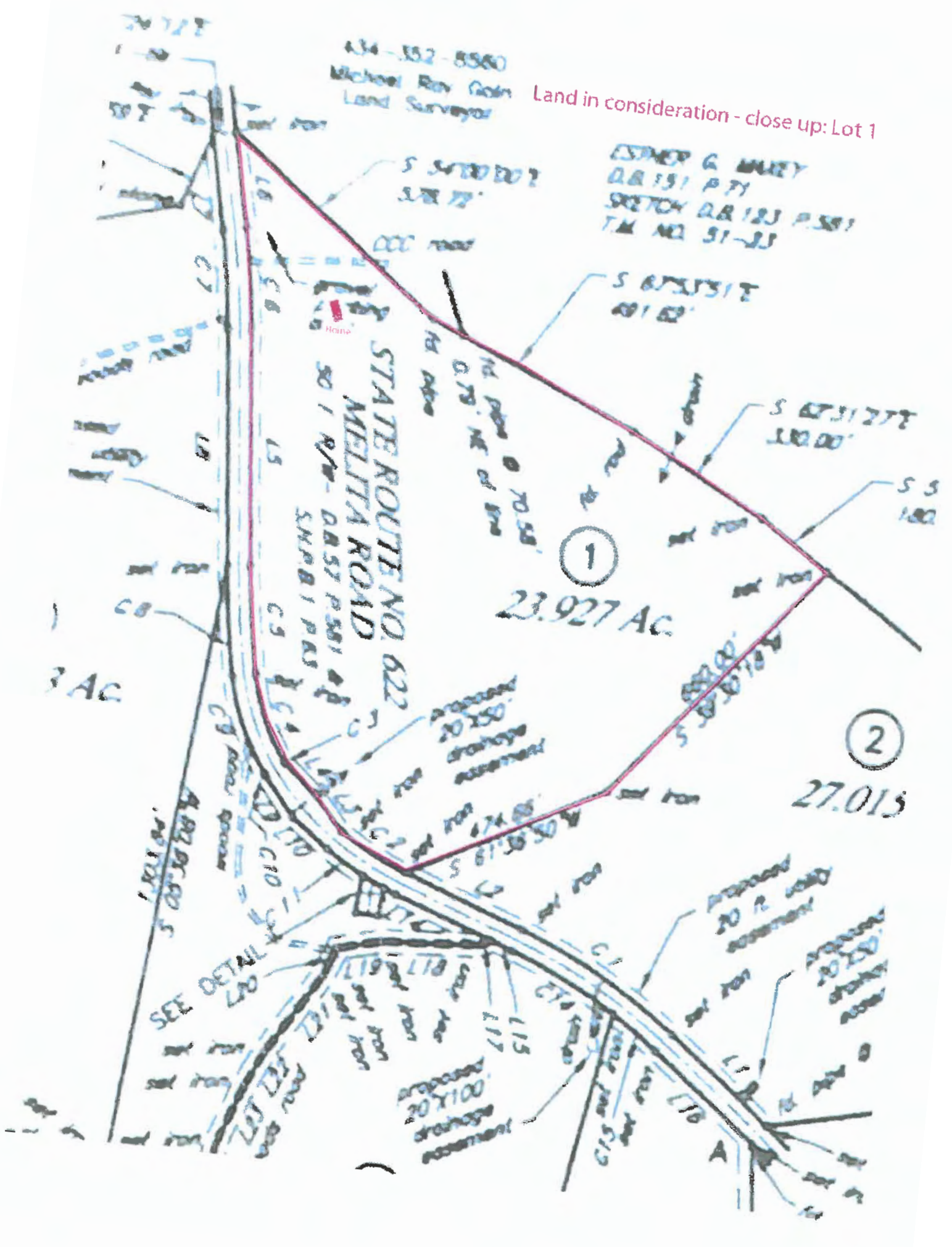
434-352-8560
Michael Roy Gohn
Land Surveyor

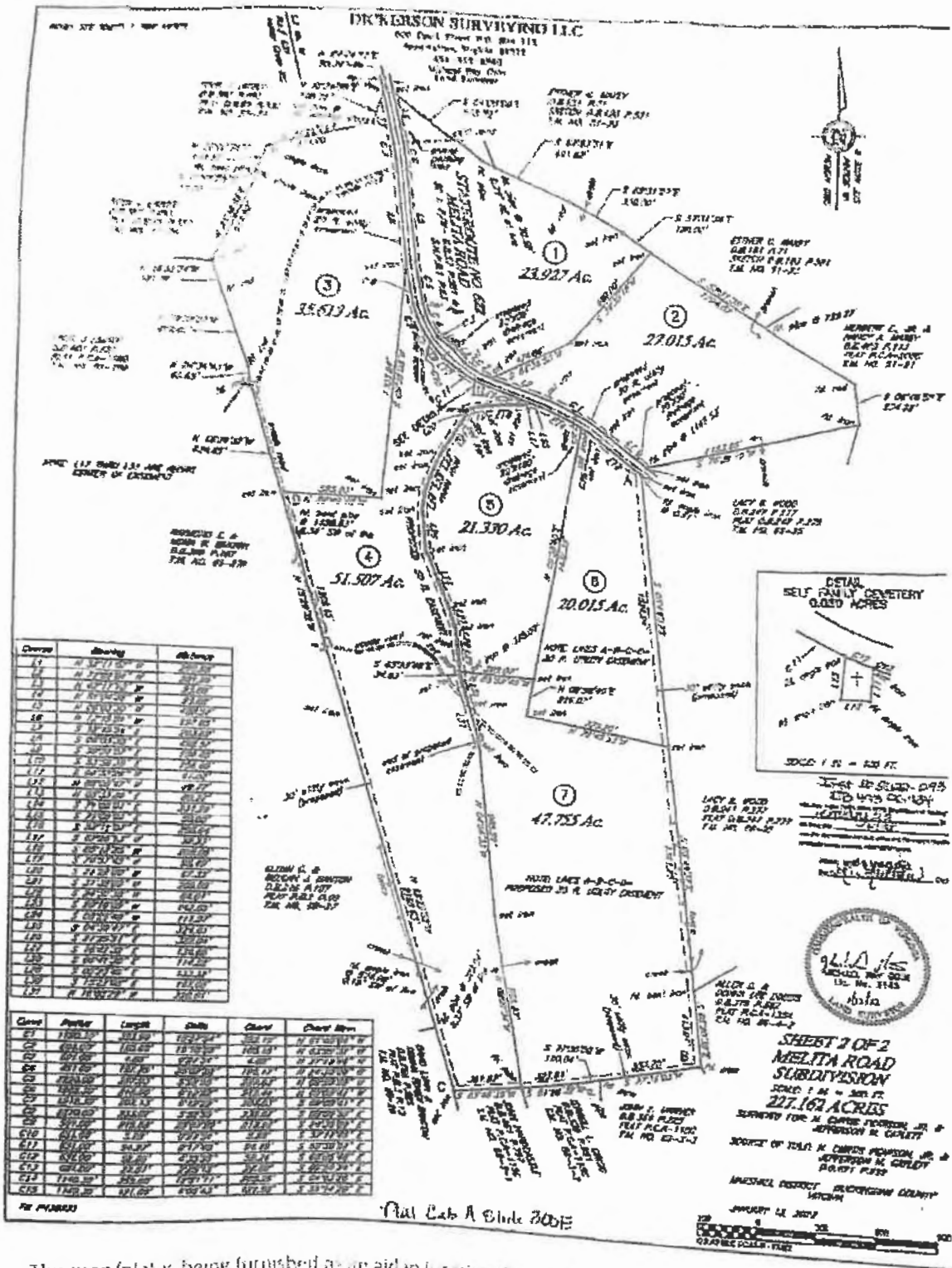
ESTHER G. WILLEY
D.B. 151 P. 71
SKETCH D.B. 183 P. 581
T.M. NO. 51-23

STATE ROUTE NO. 622
MELITA ROAD
50' R/W - D.B. 57 P. 581 & P.
S.M.B. 1 P. 15

①
23.927 AC

②
27.015



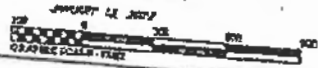


Course	Bearing	Distance
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12	N 27°17'00" E	200.00
13	N 27°17'00" E	200.00
14	N 27°17'00" E	200.00
15	N 27°17'00" E	200.00
16	N 27°17'00" E	200.00
17	N 27°17'00" E	200.00
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93	N 27°17'00" E	200.00
94	N 27°17'00" E	200.00
95	N 27°17'00" E	200.00
96	N 27°17'00" E	200.00
97	N 27°17'00" E	200.00
98	N 27°17'00" E	200.00
99	N 27°17'00" E	200.00
100	N 27°17'00" E	200.00

Course	Bearing	Length	Chord	Chord B'n
C1	N 27°17'00" E	200.00	200.00	0.00
C2	N 27°17'00" E	200.00	199.99	0.00
C3	N 27°17'00" E	200.00	199.98	0.00
C4	N 27°17'00" E	200.00	199.97	0.00
C5	N 27°17'00" E	200.00	199.96	0.00
C6	N 27°17'00" E	200.00	199.95	0.00
C7	N 27°17'00" E	200.00	199.94	0.00
C8	N 27°17'00" E	200.00	199.93	0.00
C9	N 27°17'00" E	200.00	199.92	0.00
C10	N 27°17'00" E	200.00	199.91	0.00
C11	N 27°17'00" E	200.00	199.90	0.00
C12	N 27°17'00" E	200.00	199.89	0.00
C13	N 27°17'00" E	200.00	199.88	0.00
C14	N 27°17'00" E	200.00	199.87	0.00
C15	N 27°17'00" E	200.00	199.86	0.00
C16	N 27°17'00" E	200.00	199.85	0.00
C17	N 27°17'00" E	200.00	199.84	0.00
C18	N 27°17'00" E	200.00	199.83	0.00
C19	N 27°17'00" E	200.00	199.82	0.00
C20	N 27°17'00" E	200.00	199.81	0.00
C21	N 27°17'00" E	200.00	199.80	0.00
C22	N 27°17'00" E	200.00	199.79	0.00
C23	N 27°17'00" E	200.00	199.78	0.00
C24	N 27°17'00" E	200.00	199.77	0.00
C25	N 27°17'00" E	200.00	199.76	0.00
C26	N 27°17'00" E	200.00	199.75	0.00
C27	N 27°17'00" E	200.00	199.74	0.00
C28	N 27°17'00" E	200.00	199.73	0.00
C29	N 27°17'00" E	200.00	199.72	0.00
C30	N 27°17'00" E	200.00	199.71	0.00
C31	N 27°17'00" E	200.00	199.70	0.00
C32	N 27°17'00" E	200.00	199.69	0.00
C33	N 27°17'00" E	200.00	199.68	0.00
C34	N 27°17'00" E	200.00	199.67	0.00
C35	N 27°17'00" E	200.00	199.66	0.00
C36	N 27°17'00" E	200.00	199.65	0.00
C37	N 27°17'00" E	200.00	199.64	0.00
C38	N 27°17'00" E	200.00	199.63	0.00
C39	N 27°17'00" E	200.00	199.62	0.00
C40	N 27°17'00" E	200.00	199.61	0.00
C41	N 27°17'00" E	200.00	199.60	0.00
C42	N 27°17'00" E	200.00	199.59	0.00
C43	N 27°17'00" E	200.00	199.58	0.00
C44	N 27°17'00" E	200.00	199.57	0.00
C45	N 27°17'00" E	200.00	199.56	0.00
C46	N 27°17'00" E	200.00	199.55	0.00
C47	N 27°17'00" E	200.00	199.54	0.00
C48	N 27°17'00" E	200.00	199.53	0.00
C49	N 27°17'00" E	200.00	199.52	0.00
C50	N 27°17'00" E	200.00	199.51	0.00
C51	N 27°17'00" E	200.00	199.50	0.00
C52	N 27°17'00" E	200.00	199.49	0.00
C53	N 27°17'00" E	200.00	199.48	0.00
C54	N 27°17'00" E	200.00	199.47	0.00
C55	N 27°17'00" E	200.00	199.46	0.00
C56	N 27°17'00" E	200.00	199.45	0.00
C57	N 27°17'00" E	200.00	199.44	0.00
C58	N 27°17'00" E	200.00	199.43	0.00
C59	N 27°17'00" E	200.00	199.42	0.00
C60	N 27°17'00" E	200.00	199.41	0.00
C61	N 27°17'00" E	200.00	199.40	0.00
C62	N 27°17'00" E	200.00	199.39	0.00
C63	N 27°17'00" E	200.00	199.38	0.00
C64	N 27°17'00" E	200.00	199.37	0.00
C65	N 27°17'00" E	200.00	199.36	0.00
C66	N 27°17'00" E	200.00	199.35	0.00
C67	N 27°17'00" E	200.00	199.34	0.00
C68	N 27°17'00" E	200.00	199.33	0.00
C69	N 27°17'00" E	200.00	199.32	0.00
C70	N 27°17'00" E	200.00	199.31	0.00
C71	N 27°17'00" E	200.00	199.30	0.00
C72	N 27°17'00" E	200.00	199.29	0.00
C73	N 27°17'00" E	200.00	199.28	0.00
C74	N 27°17'00" E	200.00	199.27	0.00
C75	N 27°17'00" E	200.00	199.26	0.00
C76	N 27°17'00" E	200.00	199.25	0.00
C77	N 27°17'00" E	200.00	199.24	0.00
C78	N 27°17'00" E	200.00	199.23	0.00
C79	N 27°17'00" E	200.00	199.22	0.00
C80	N 27°17'00" E	200.00	199.21	0.00
C81	N 27°17'00" E	200.00	199.20	0.00
C82	N 27°17'00" E	200.00	199.19	0.00
C83	N 27°17'00" E	200.00	199.18	0.00
C84	N 27°17'00" E	200.00	199.17	0.00
C85	N 27°17'00" E	200.00	199.16	0.00
C86	N 27°17'00" E	200.00	199.15	0.00
C87	N 27°17'00" E	200.00	199.14	0.00
C88	N 27°17'00" E	200.00	199.13	0.00
C89	N 27°17'00" E	200.00	199.12	0.00
C90	N 27°17'00" E	200.00	199.11	0.00
C91	N 27°17'00" E	200.00	199.10	0.00
C92	N 27°17'00" E	200.00	199.09	0.00
C93	N 27°17'00" E	200.00	199.08	0.00
C94	N 27°17'00" E	200.00	199.07	0.00
C95	N 27°17'00" E	200.00	199.06	0.00
C96	N 27°17'00" E	200.00	199.05	0.00
C97	N 27°17'00" E	200.00	199.04	0.00
C98	N 27°17'00" E	200.00	199.03	0.00
C99	N 27°17'00" E	200.00	199.02	0.00
C100	N 27°17'00" E	200.00	199.01	0.00

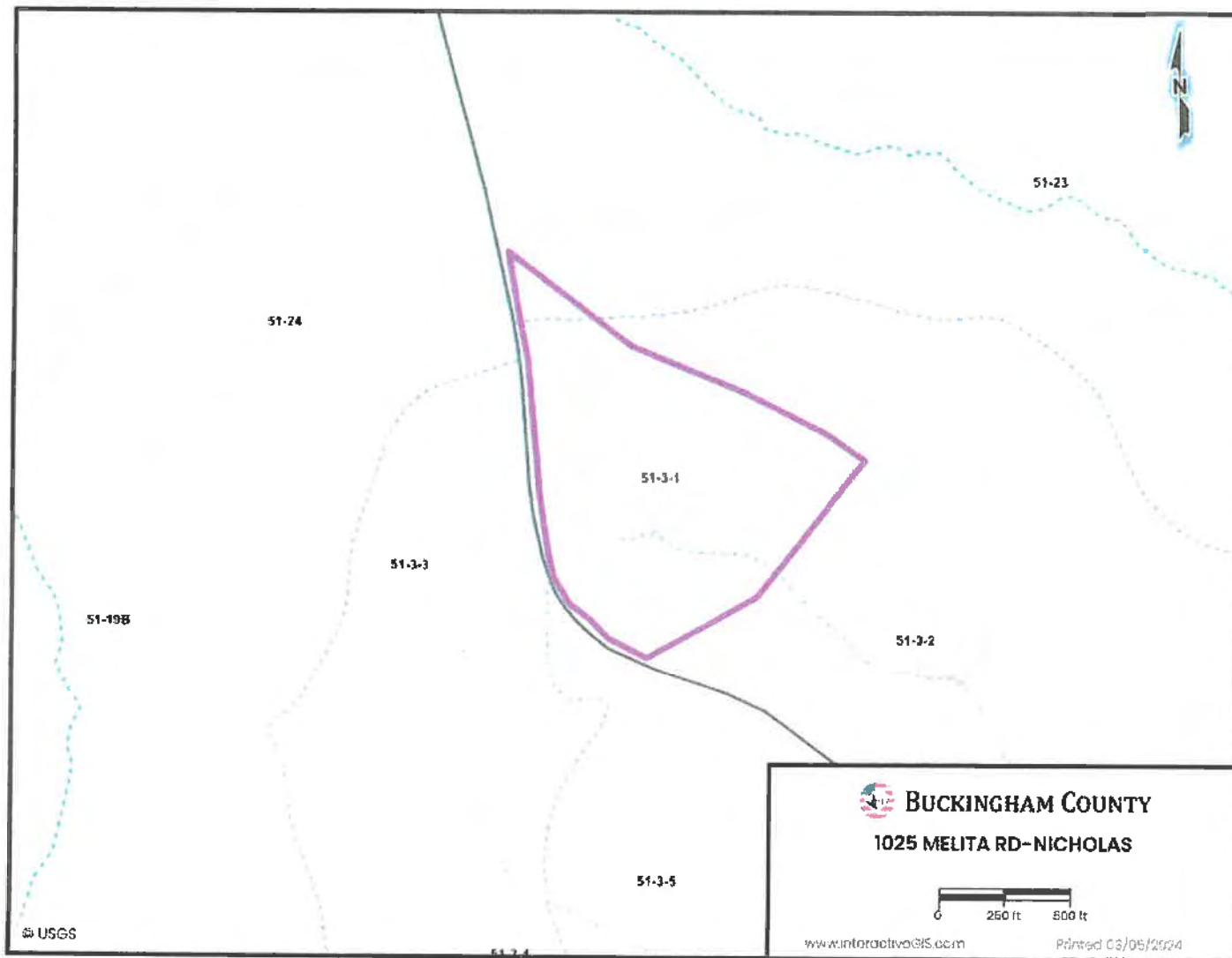
PL 148823

Plat Lot A Block 305E



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 monuments, or other matters shown thereon.

Tax / Topography map

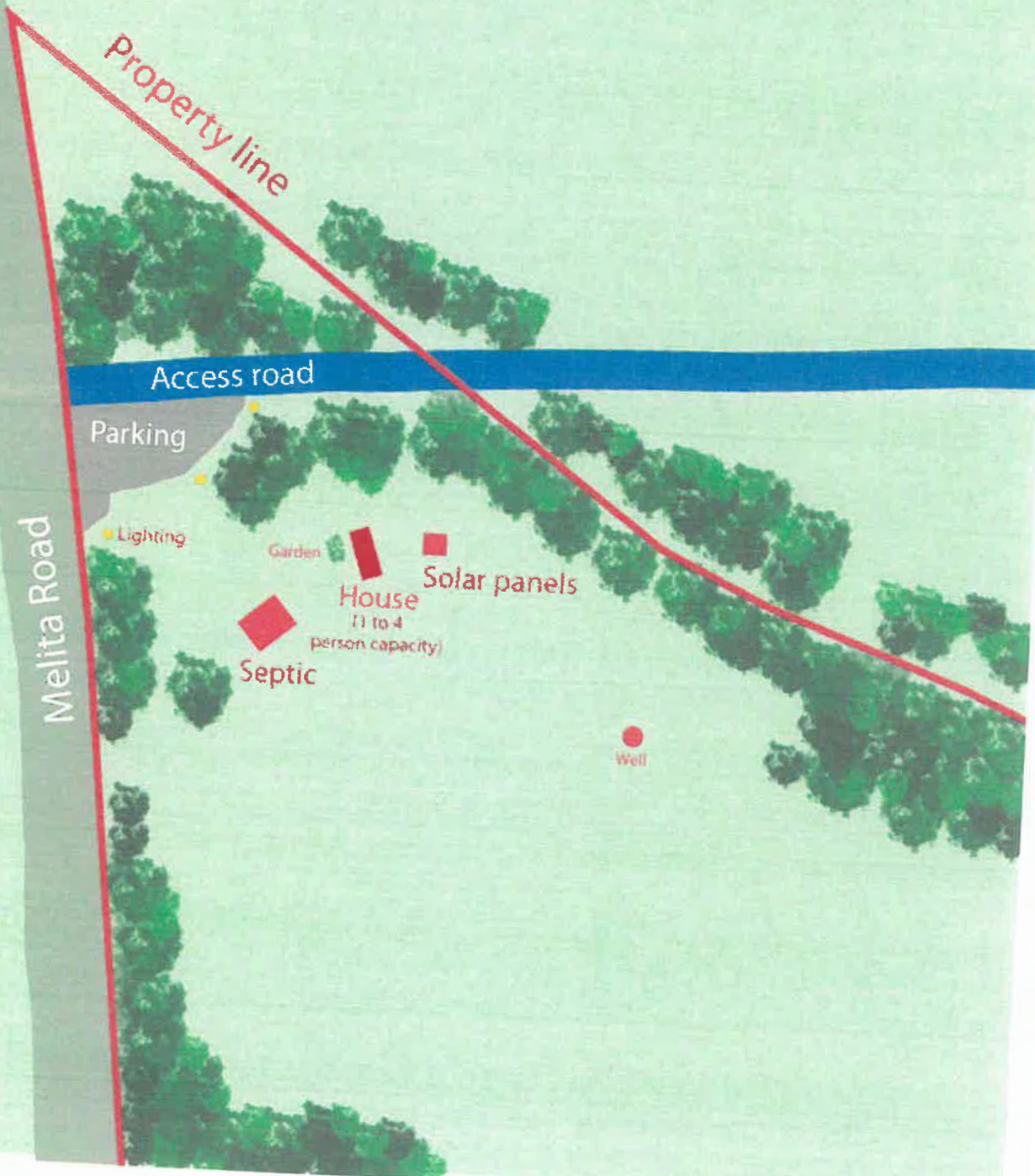


Shireton general site plan / vicinity map

Owners: Jessica and Matthew Nicholas

1025 Melita Road

Arvon, VA 23004



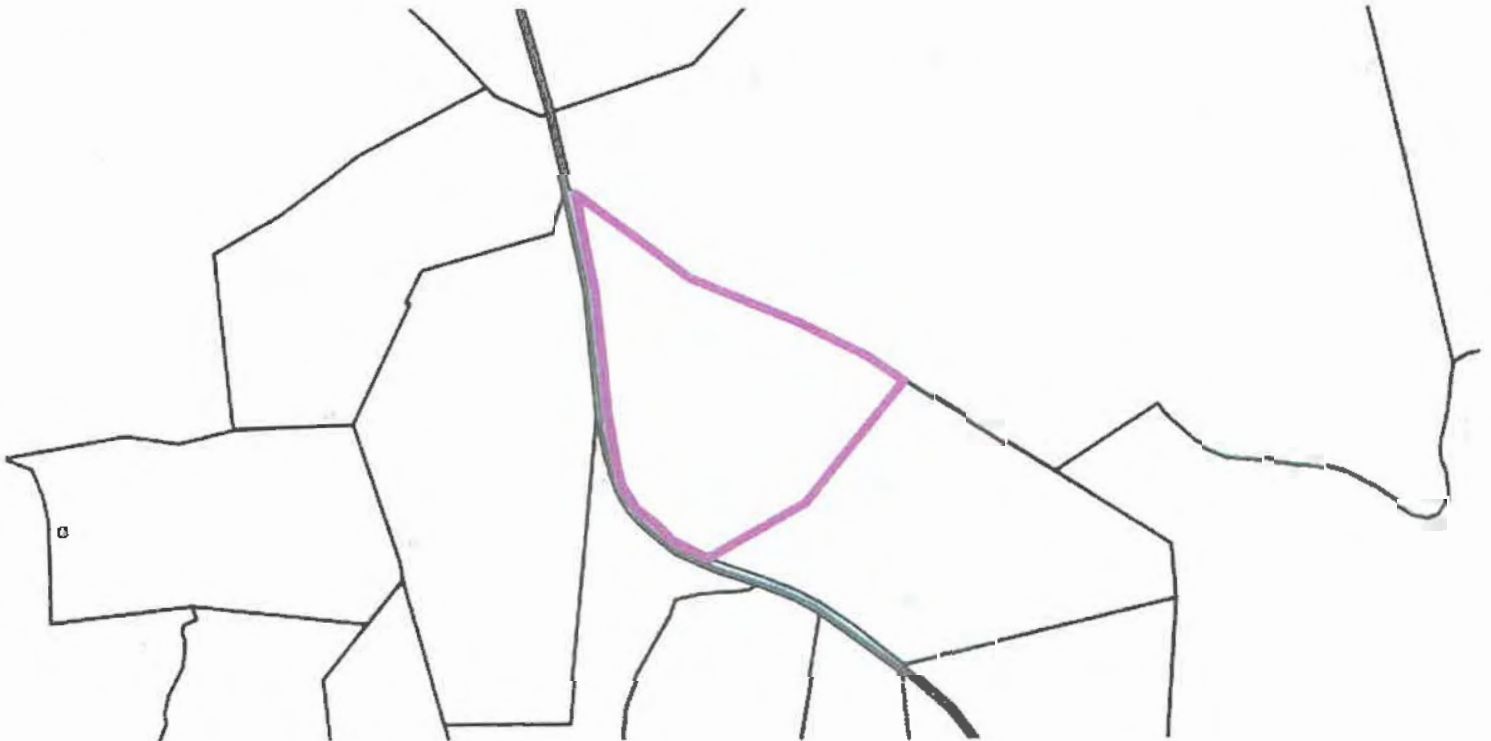


BUCKINGHAM COUNTY

Details

Parcel #	51-3-1
Owner Name	NICHOLAS MATTHEW & JESSICA NICHOLAS
Owner Address 1	1695 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

Click points on the map to draw a path or polygon

Perimeter
3,055 ft

Area
9.04 ac

Save to project

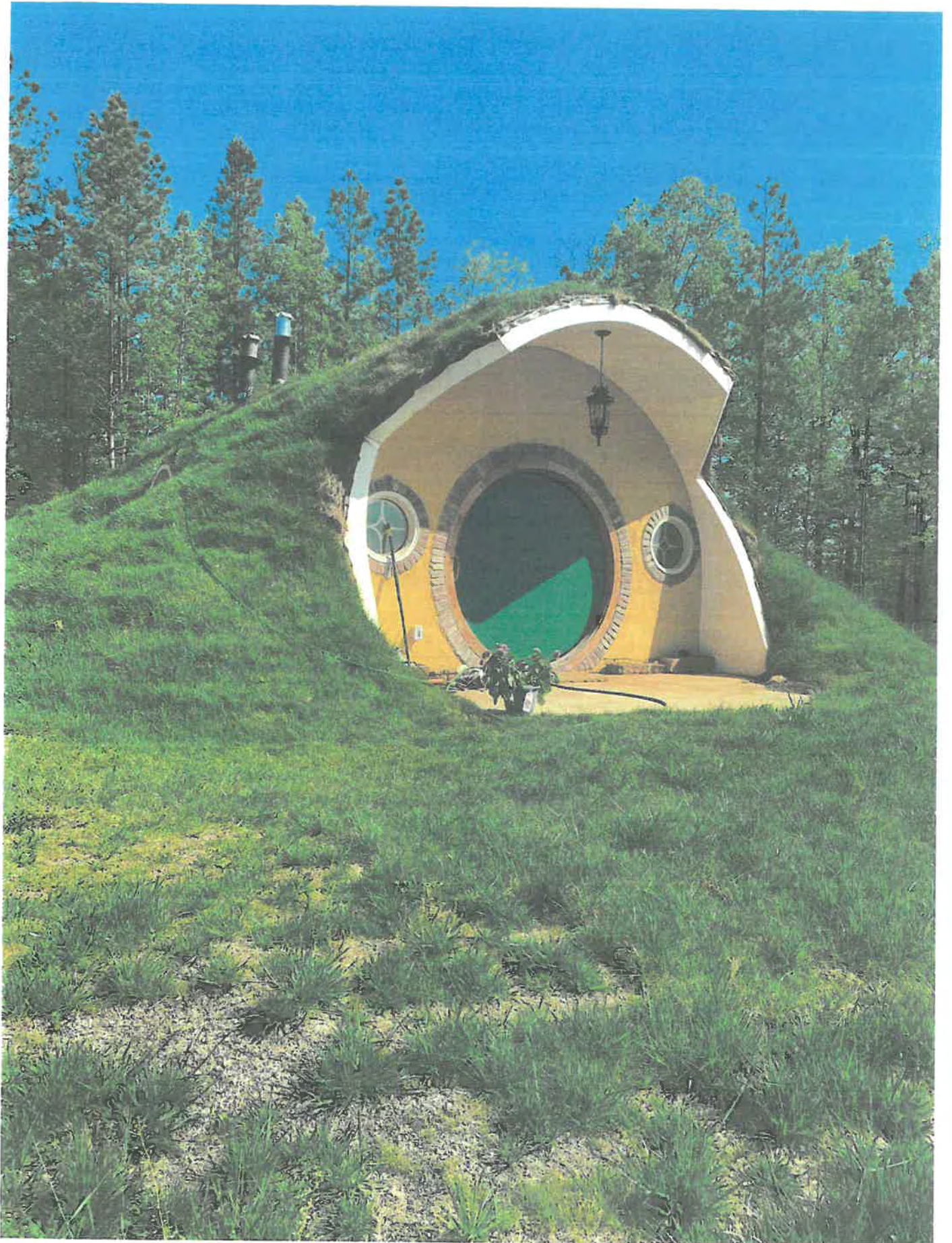
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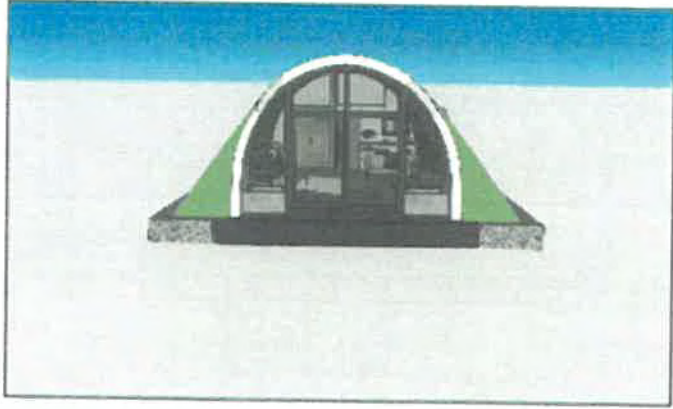
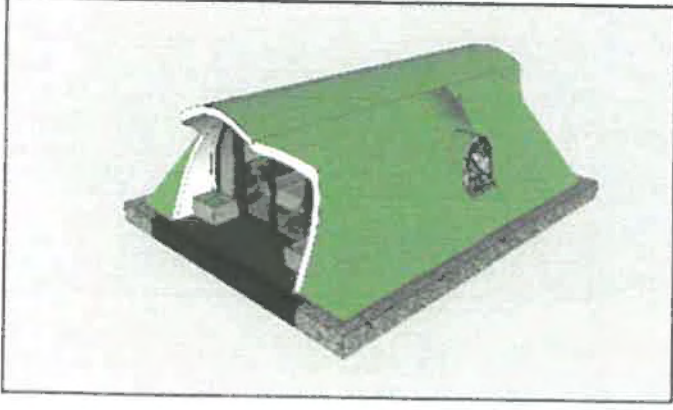
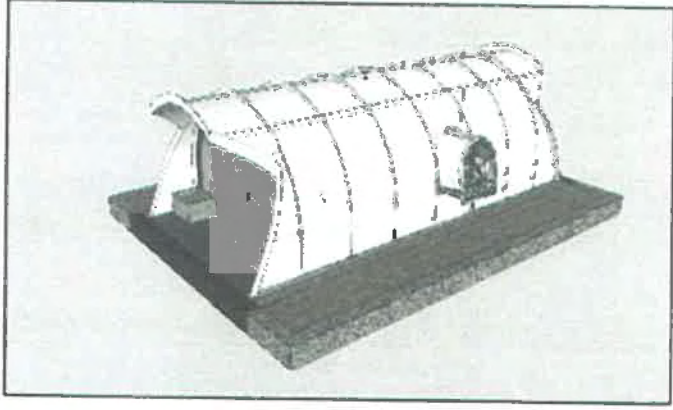
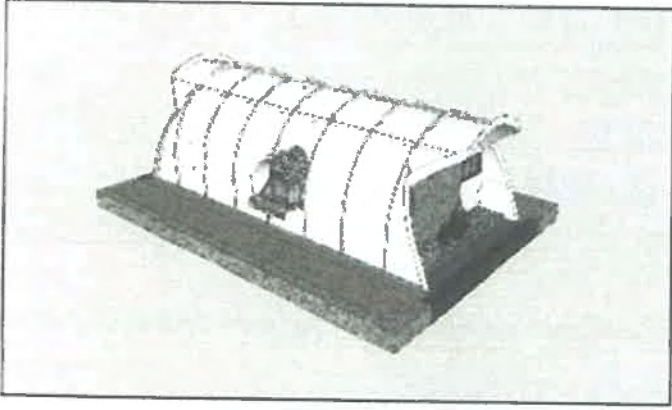
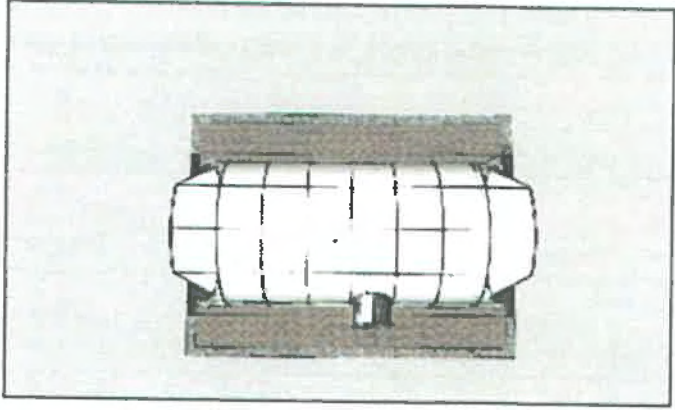
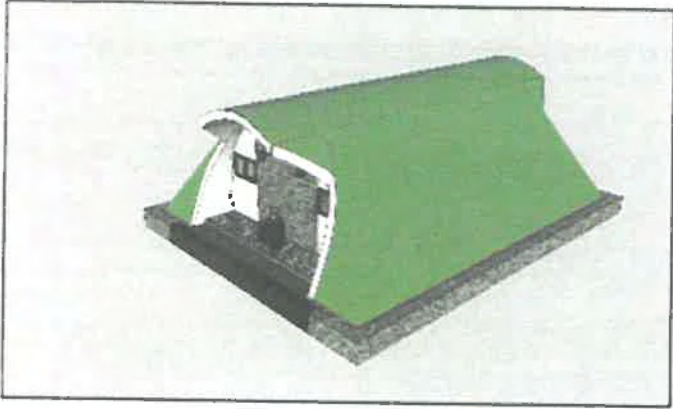
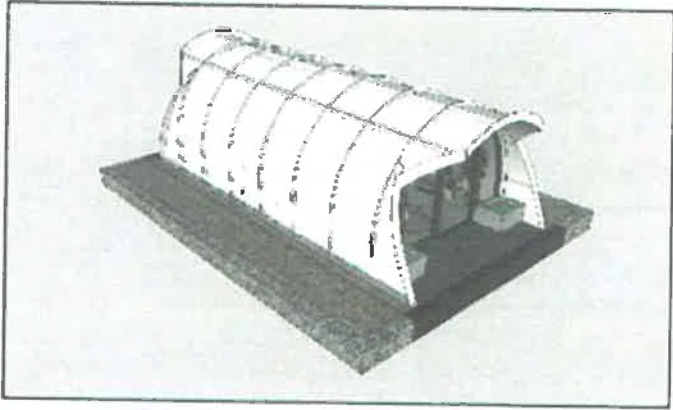
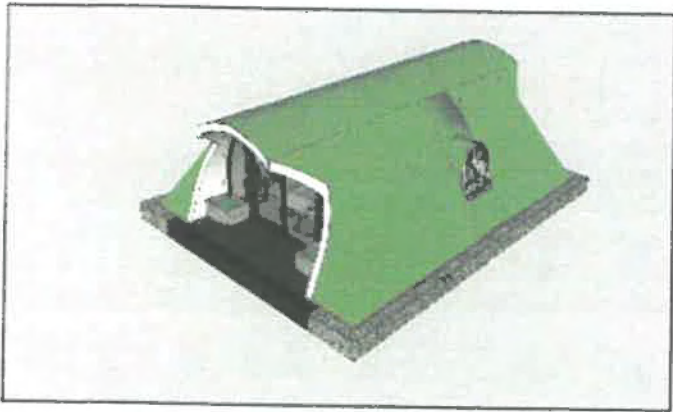
Google 100% Data attribution 5/9/2023

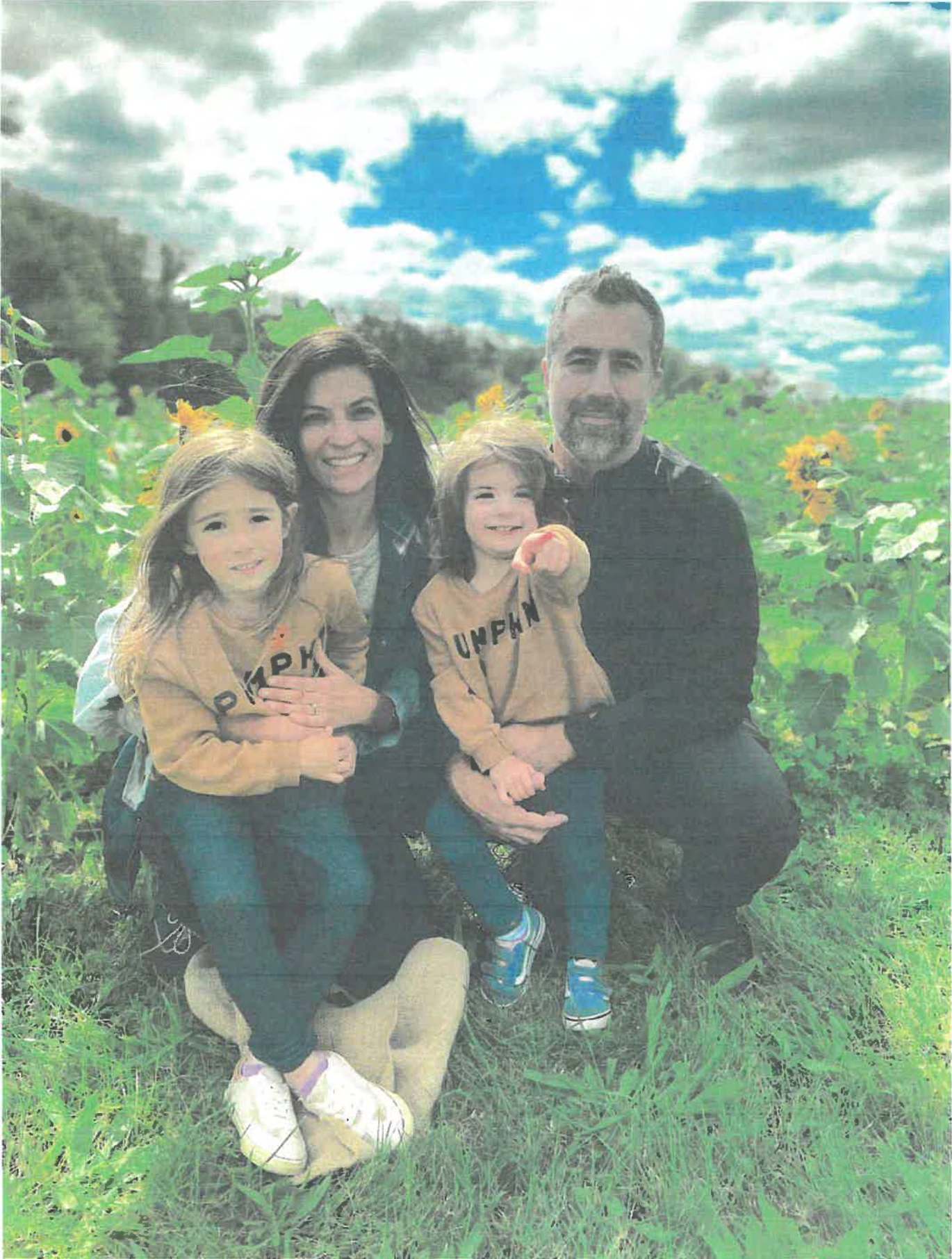
30

70 m Camera: 863 m 37°39'24\"/>









TAX TICKET - YEAR 2023
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
Penalty \$.00
Interest \$.00
*Balance Due \$.00

NICHOLAS MATTHEW & JESSICA NICHOLAS
1696 CENTERVILLE PARKE LN
MANAKIN-SABOT VA
23103

* Penalty & Interest calculated through 2024/03.

(DUPLICATE)



OFFICIAL RECEIPT
BUCKINGHAM CIRCUIT COURT
DEED RECEIPT

DATE : 05/10/2022 **TIME :** 13:59.12 **CASE # :** 029CLR202200858
RECEIPT # : 22000002201 **TRANSACTION # :** 22051000008
CASHIER : SHA **REGISTER # :** H358 **FILING TYPE :** DBS **PAYMENT :** FULL PAYMENT
INSTRUMENT : 202200858 **BOOK :** 496 **PAGE :** 445 **RECORDED :** 05/10/2022 **AT :** 13:45
GRANTOR : PEARSON, H CURTIS; JR ET AL **EX :** N **LOC :** CD
GRANTEE : NICHOLAS, MATTHEW; ET AL **EX :** N **PCT :** 100%
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 **PAGES :** 003 **OP :** 0
NAMES : 0
CONSIDERATION : \$85,000.00 **AVAL :** \$0.00 **PIN OR MAP :** PRT OF 51-20

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	145	VSLF	\$3.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEES	\$1.00
038	STATE GRANTOR TAX	\$42.50	213	COUNTY GRANTEE TAX	\$70.83
039	STATE GRANTEE TAX	\$212.50	220	COUNTY GRANTOR TAX	\$42.50
106	TECHNOLOGY TRST FND	\$5.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 441.33
AMOUNT PAID : \$ 415.33
APPLIED TO NEXT CASE : \$ 26.00

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.

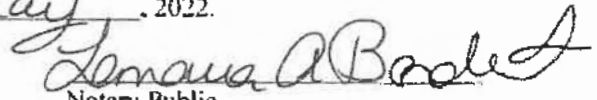
WITNESS the following seals and signatures:

 (SEAL)
H. CURTIS PEARSON, JR.

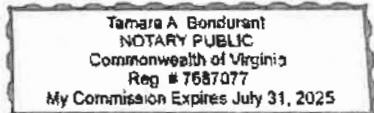
STATE OF VIRGINIA
CITY/COUNTY of Appomattox, to-wit:

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.


Notary Public

My commission expires: 7/31/25
My registration no. 7682022



Jefferson M. Catlett (SEAL)
JEFFERSON M. CATLETT

STATE OF VIRGINIA,
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	17	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 Hainsworth, DEPUTY CLERK

T A X R E C E I P T

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

Ticket #:00001800001 @@

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
Amount Paid	\$	200.00
*Balance Due	\$.00

NICHOLAS JESSICA

Pd by NICHOLAS JESSICA Check 200.00 # 152 WELLSFARGO
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 5/2024



Karl R. Carter
County Administrator
E. M. Wright, Jr.
County Attorney

Buckingham County Board of Supervisors

Office of the County Administrator
13380 W. James Anderson Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
Telephone 434-969-4242
Fax 434-969-1638
www.buckinghamcountyva.org

Joe N. Chambers, Jr.
District 6 Supervisor
Chairman
Dennis H. Davis, Jr.
District 1 Supervisor
Vice-Chairman
L. Cameron Giffain
District 2 Supervisor
Michael E. Palmore
District 3 Supervisor
Paul W. Garrett
District 4 Supervisor
Harry W. Bryant, Jr.
District 5 Supervisor
Danny R. Allen
District 7 Supervisor

Date: July 8, 2024
To: Buckingham County Board of Supervisors
From: Karl Carter, County Administrator
Re: Reassessment Contract

As mentioned during budget season, reassessment is scheduled to start during this calendar year. Commonwealth Regional Council did a regional procurement for the seven member counties and chose the two firms that have performed all the localities past reassessments. The company that has performed our last two reassessments is Wampler-Eanes. It has been six years since our last reassessment so the prices have gone up dramatically. The proposed cost back in 2018 for this service was \$235,550 and the proposed cost now is \$377,469. We do have approximately 500 more parcels than 2018 but once again the big factor is it has been six years and the prices for all goods and services don't look like they did back in 2018.

Once again, Wampler-Eanes has performed our last two reassessments and so they know our County and they are familiar with our computer software to input the new information. This allows them to hit the ground running on day one and they have enough staff to complete the reassessment which means we don't have to hire staff or train staff on how our system works

If you go with Wampler-Eanes, their attached time schedule shows they will start in August or September of this year, perform all work in 2025 and have the new values take effect in January of 2026.

What is the pleasure of the Board?

County of Buckingham

Re: Contract for the General Reassessment of Real Property - 2026

Full Walk-Around/Field Inspection = (Visit all Accessible Properties) (Complete Exterior Inspection, Update Measurements and Sketch as needed)	\$24.95 per parcel (based on estimate of 13,760 parcels)
Digital Photos of Parcels = (For all Major Improvements)	Contractor to provide at no additional charge
Mobile Homes = (Visit all Accessible Properties) (Complete Exterior Inspection, Update Measurements and Sketch as needed)	\$24.95 per mobile home (based on estimate of 1,369 mobile homes)
Digital Photos of Mobile Homes =	Contractor to provide at no additional charge
Clerical/Data Entry Services =	Contractor to provide
Office Facilities, Desks, Tables, Chairs, = & Telephone	County to provide
Verification of E-911 Addresses =	Contractor to provide
Computer Software =	County to provide
Postage and Stationery for Mailing = Reassessment Notices including Envelopes (Also, for Notices after Hearings)	County to provide
Field Sheets/Cards =	County to provide
Property Tax Maps, Sketches, Plats, = Tax Records, and Data	County to provide
Building Permits/Splits =	Contractor will coordinate with the Commissioner of Revenue during the reassessment cycle.
	Contractor can provide valuation services following the reassessment cycle at \$70 per permit/split for commercial parcels and for residential parcels 3,500 square feet and above, and at \$40 per permit/split for residential parcels below 3,500 square feet.

Informal Hearings =

County to provide location and Contractor will provide sufficient staff for up to ten (10) days.

Board of Equalization =

Contractor to assist BOE as needed or requested.

Appeals/Court Testimony =

Contractor to provide at no additional cost for 3 years from the effective date of the reassessment. Contractor to provide for an additional charge of \$300 per hour for year 4.

Wampler-Eanes is to be Paid for all Parcels and Mobile Homes Worked
Projected Contract Price - \$377,469
(Projected Contract Price is based on the estimated number of parcels and mobile homes)

Accepted for the County of Buckingham:

this ___ day of _____, 2024

For Wampler-Eanes Appraisal Group, Ltd.

By:

By:

Title: _____ Title: _____

Buckingham County
Proposed Time Schedule *

August/September 2024:	Begin sales study and prepare the assessment manual, sales of vacant and improved parcels will be visited and analyzed, as well as, interview realtors, contractors and appraisers contacted by our staff.
November 2024:	Set land values, prepare Sales Data Report and Construction Cost Analysis Report.
November 2024:	Initial Sales Ratio study and Comprehensive Sales Data Report started. Field data collection/analysis and assessment process begins. Submission of current sales ratio.
September/October 2025:	Field work completed.
October 2025:	Data entry proofing completed, and final review completion. Sales Study Analysis completed.
November 2025:	Notices prepared and mailed to property owners. Post advertising of notice.
November/December 2025:	Informal Hearings for up to 2 weeks with assessors.
December 2025:	Appeals processed and final Sales Ratio Study. Certify Assessment Book.
December 2025:	Project completed, Reassessment Book signed by professional Assessor and certified by the Department of Taxation to serve in lieu of the Board of Assessors in accordance with <i>Code of Virginia §58.1-3275</i> .
January 2026:	Organize records and data to prepare for local Board of Equalization.

** All dates can be adjusted to County's preference (Preliminary).*

Wampler-Eanes Appraisal Group, Ltd. shall not be held responsible or liable for Acts of God and/or for unforeseen circumstances beyond our control that may negatively impact an approved time schedule.

Buckingham County

PLAN OF ACTION

- A. Phase 1: Conduct an extensive sales study. Sales from the last two years are used in this analysis. Commercial, industrial and larger rural tracts may be analyzed over several years due to the limited sales data. These sales are verified by a qualified appraiser through an on-site inspection of the sold property. The buyer or seller (as available) are interviewed about the transaction. Local realtors and appraisers are consulted about local market trends, neighborhoods, values, etc. Contractors may also be interviewed regarding local cost trends.
- B. Phase 2: Generate a reassessment manual. The manual includes an explanation of the methodology used to conduct the reassessment; examples of grades/values (with images) for homes, buildings, mobile homes, outbuildings, commercial properties, etc.; locality rate tables; contact information for county government and staff; county tax rate(s); and other information relevant to the locality and the current reassessment. Cost/rate tables are updated throughout the entire reassessment process to ensure an acceptable ratio. A number of measures are considered in this determination including the mean and median assessment ratio, the coefficient of dispersion (COD), the price related differential (PRD), and the standard deviation for the proposed locality.
- C. Phase 3: Conduct field inspections/data collection. Current county property record cards are reviewed by an appraiser or field technician. Each property is visited and reviewed. Measurements of the buildings are checked for accuracy. Information on the property record card is verified including construction type (frame, masonry, etc.), roof type and condition, exterior siding (vinyl, brick, asbestos, etc.); foundation type and condition; changes/additions/upgrades to: electrical meters; windows; HVAC systems (including central air conditioning units); generators, solar panels or other alternative energy sources; new or changes to existing outbuildings; any and all other relevant changes to the property.
- Property owners are interviewed (if present during the field inspection) and interior information about the residence is verified including year built, interior finishes such as floors, walls, number of rooms, bedrooms, baths, heat, air conditioning, basement, and basement finish. If no one is available, a door hanger is left notifying the owner of our visit.
 - In the event that a field technician is used for the physical inspection and interview process, a seasoned appraiser will field review the properties, grade the dwelling, apply depreciation, and value the land. Values are at 100% of market value. Attention is given to equity and uniformity.
 - If building permits are part of the reassessment contract, those properties are reviewed in this phase. Wampler-Eanes requests to have building permits provided on a monthly basis.

- D. Phase 4: Conduct data entry, proofing, and review. Wampler-Eanes currently utilizes several methods of data entry. Some technologies we use allow for real-time data flow into the county's software system, otherwise data is manually entered. Field work and data entry are proofed by a senior assessor and senior administrative staff.
- E. Phase 5: Revise and update sales study. Ratio reports run by neighborhood and a current sales ratio is determined. Neighborhood adjustments are made if warranted. After values are certified, notices are mailed to property owners. The notices state ownership, values – current and proposed, dates and times of the reassessment hearings, and instructions for appeals.
- F. Phase 6: Conduct reassessment hearings. Wampler-Eanes provides an adequate number of appraiser and support staff to ensure an efficient hearing process. Property owners are offered to meet with an appraiser for an in-person hearing, having an appraiser call them and conduct their hearings by telephone, or email their appeal. During a hearing appraisers listen to the concerns of property owners, review the property record cards, explain the appraisal process and the requirements of the Code of Virginia regarding the reassessment process. If needed, a second field visit is conducted. Final valuations are determined and changes are made to property records as warranted. Second notices regarding changes are mailed to property owners within six weeks of the conclusion of the hearings.
- G. Wampler-Eanes requests to attend the training of the Board of Equalization to provide an explanation and answer questions regarding this work plan and the reassessment process. Our BOE appeal defense is the same as our court defense standard, we place significant emphasis on the collection of excellent field/sales data.
- H. Wampler-Eanes will provide court testimony for any appeals filed within a period of three years of the effective date of the reassessment. The 1st three years will be provided at no charge. Year four, and beyond, will be provided for an additional charge. If values are contested in court, we strive to represent our customers in a professional and effective manner.



Karl R. Carter
County Administrator

E.M. Wright, Jr.
County Attorney

Buckingham County Board of Supervisors

Office of the County Administrator
13380 W. James Anderson Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
Telephone 434-969-4242
Fax 434-969-1638
www.buckinghamcountyvva.org

Joe N. Chambers, Jr.
District 6 Supervisor
Chairman

Dennis H. Davis, Jr.
District 1 Supervisor
Vice-Chairman

L. Cameron Gilliam
District 2 Supervisor

Michael E. Palmore
District 3 Supervisor

Paul W. Garrett
District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: July 8, 2024
To: Buckingham County Board of Supervisors
From: Karl Carter, County Administrator
Re: Kroger Opioid Settlement

Attached is a resolution that needs to be adopted by the Board in order to participate in Kroger opioid settlement claims. Years ago we agreed to join the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"). Localities of Virginia that joined the Virginia MOU are subject to receive funds from the opioid distributors, manufactures and even retail pharmacy chains. The County has been receiving those funds for approximately two years now. Kroger has now joined in the settlement and that allows the County to now receive payments from Kroger if this resolution is passed.

Please consider passing the attached resolution and allowing the County Attorney to execute the necessary documents.

RESOLUTION

A RESOLUTION OF THE BUCKINGHAM COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Buckingham, Virginia, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Buckingham County's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Buckingham, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Buckingham; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart;

WHEREAS, the County Attorney has reviewed the available information about the proposed settlement and has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide;

NOW THEREFORE BE IT RESOLVED that the Buckingham County Board of Supervisors, this 8th day of July, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement, including the required release of claims against Kroger.



William G. Kidd Jr.
Sheriff

SHERIFF'S OFFICE
BUCKINGHAM COUNTY
13043 West James Anderson Highway
P.O. BOX 50
Buckingham, Virginia 23921
Office 434-969-1772
Fax 434-969-2104



Albert S. Jamerson
Captain

June, 27th, 2024

Karl Carter, County Administrator
13380 West James Anderson Highway
Buckingham, Virginia 23921

**SUBJECT: REQUEST INSURANCE FUNDS FROM TOTAL LOSS OF 2019 FORD
PATROL VEHICLE BE ALLOCATED BACK TO SHERIFFS' BUDGET**

Dear Mr. Carter,

We recently had a wrecked patrol vehicle declared as a total loss. VAcorp provided a check to the county in the amount of \$14,138.00. Please accept this letter as my intent to formally request that the Board of Supervisors allocate that amount back into my budget.

Sincerely,
William G. Kidd, Jr.
William G. Kidd, Jr.
Sheriff, Buckingham County

ATTACHMENT M-3



June 11, 2024

Buckingham County
Attn: Capt. Jamerson, Donna Ranson
PO Box 252
Buckingham, VA 23921

VA Association of Counties Group Self-Insurance Risk Pool
Participant: Buckingham County
Claim Number 0152024346833
Date of Loss: 04/19/2024

Buckingham County,

Enclosed please find a VAcorp property damage check in the amount of \$14,138.00. This check is for costs related to the total loss of the 2019 Ford Explorer VIN 2392. This amount was determined by a total loss appraisal from S & S Appraisal Services, LLC less the vehicle's deductible. \$14,388.00 (appraisal) - \$250.00 (deductible) = \$14,138.00. The \$14,388.00 is the vehicle's NADA value at the time of the event.

If you should have any questions regarding this payment, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Angela Hatfield'.

Angela Hatfield
Claims Associate

Enclosure: Check



Karl R. Carter
County Administrator

E.M. Wright, Jr.
County Attorney

Buckingham County
Board of Supervisors
Office of the County Administrator
13380 W. James Anderson Highway
Post Office Box 252
Buckingham, Virginia 23921-0252
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District 4 Supervisor

Harry W. Bryant, Jr.
District 5 Supervisor

Danny R. Allen
District 7 Supervisor

Date: June 10, 2024
To: Buckingham County Board of Supervisors
From: Karl Carter, County Administrator
Re: Building Code Appeals Board

There is currently a Buckingham County Board of Building Code Appeals Board that is used when needed to hear appeals regarding building code enforcement. This Board is appointed by the Board of Supervisors and can be at least five members and only meets when needed. The terms for all the current members have expired.

Please think about possible appointments to this Board for our July meeting.

BUCKINGHAM COUNTY
BOARD OF BUILDING CODE APPEALS

Appointed by the Board of Supervisors on
October 9, 2007 to expire on December 31, 2011

Larry B. Haskins
Gordon Rush *Deceased*
Jordan Miles *Moved*
Steve Metro
Billy Morris *Deceased*
Raymond Peaks

Karl Carter

Subject: FW: Library Board Reappointment

From: Rick Ewing [mailto:rewing@cvrl.net]
Sent: Thursday, June 20, 2024 11:09 AM
To: Karl Carter <kcarter@buckinghamcounty.virginia.gov>
Subject: Library Board Reappointment

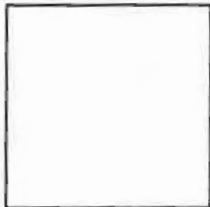
Hi Karl,

I'm a bit late on notifying you and the Board of Supervisors that Library board member Monica Williams' term is up (she was appointed four years ago by the Buckingham BOS). Library board members can serve two full terms; Monica Williams' first term expires June 30, 2024. Since she is eligible to serve another term and has expressed interest in doing so, please add her reappointment to the agenda for July 2024.

Thank you,

Rick Ewing

Director



1303 West Third Street
Farmville, VA 23901
(434) 603-6523 my desk
(434) 392-6924 general number
(434) 392-9784 fax
rewing@cvrl.net
www.cvrl.net

CRC'S JUNE ITEMS OF INTEREST

Grant Assistance:

- Congratulations to Prince Edward County on being awarded \$442,005 in Tobacco Commission funding to fund Engineering Design Services, Right-Of-Way Costs, and Utility Relocation Costs for the build out of an access road into the Heartland Innovative Technology Park (HIT).
- Congratulations to Prince Edward County on being awarded \$28,000 from the VDACS AFID Infrastructure Grant Program to support Prince Edward Cannery and Virginia Food Works' upgrade and modernization of essential food processing equipment within the shared-use facility.
- **DHCD, Regional Broadband Planning Grant:** CRC staff have been leading discussions with all seven of our member counties regarding a submission of a regional plan. All seven of our member counties have agreed to move forward with this application and Prince Edward County has agreed to serve as the lead applicant.
- **Dominion Fire Grant:** CRC staff assisted the Keysville Volunteer Fire Department with a grant application to purchase ladder belts and hoses.
- **VDCJS, Byrne Justice Assistance Grant:** CRC staff assisted Charlotte County Sheriff's Office with agency requested changes to the application. The application has been resubmitted for further review.

CRC Executive Director, Melody Foster, Retires



Melody Foster, the CRC Executive Director, retirement officially begins on Monday, July 1st. Melody has served the CRC for 38 years in a variety of different roles including Administrative Assistant, Planning Technician and Regional Planner before being promoted to the Executive Director position in 2017. Melody has provided impeccable leadership for the organization and the region including leading initiatives in establishing the CRC as an Economic Development District (EDD), assistance with standing up a new Regional Economic Development Organization (REDO), providing redistricting mapping services for our member localities, assisting with establishing the Central Virginia Poultry Cooperative (CVPC), leading regional discussions with regional stakeholders, and providing data research and grant writing services to our region's non-profit and member localities. After Melody's departure, Christin Jackson will serve as the Executive Director for the CRC.

CRC Affordable Workforce Housing Development Program



The Town of Blackstone and their housing partner, Southside Outreach, has completed two additional homes on South Dillard and East Broad Street in the Town of Blackstone. CRC staff completed a compliance review for both of these properties. A compliance review of the properties is required to be completed by Virginia Housing.

Virginia Telecommunications Initiative (VATI) Site Visit



CRC staff, Prince Edward County staff, and Kinex staff completed a site visit on June 17th in Prince Edward County. As of June 9th, a total of 6,781 passings (out of a target of 11,397 total passings) and 1,329 installs for new customers have been completed.

CRC's Regional Hazard Mitigation Plan Update



The CRC has been working on an update of the CRC's Regional Hazard Mitigation Plan. The updated plan will cover all seven (7) counties and eleven (11) towns within our planning district. All of our covered localities have adopted the Plan, and the CRC has received and submitted all adopted resolutions to FEMA. FEMA is in the process of sending final approval letters of the plan to each locality.

Upcoming Funding Opportunities:

VDACS AFID Planning Grant: Open; Rolling Basis

VDOF, Virginia Trees for Clean Water: Open - Rolling Basis

DHCD CBDG Planning Grant: Opens 6/15/24

NPS, History of Equal Rights: Closes on 8/20/24

VOF, Preservation Trust Fund: Closes on 8/8/24

VTC, Marketing Leverage Program: Opens 8/1/24

VTC, Microbusiness Marketing Leverage: Opens 7/16/24

VTC, Special Events and Festivals: Opens 7/16/24

The CRC provides free grant writing services for member localities and local 501C3 non-profits.

**Buckingham County Public Schools Membership
2023-2024**

School	Grade	August	September	October	November	December	January	February	March	April	May	June
Pre-School	PK	107	107	107	105	105	107	107	108	108	108	
BCPS	K	119	119	118	118	116	118	117	115	116	116	
	1	120	117	117	116	117	120	120	119	121	121	
	2	113	113	113	114	114	115	112	112	113	114	
BCPS	TOTAL	352	349	348	348	347	353	349	346	350	351	0
BCES	3	124	123	124	127	127	127	127	128	128	127	
	4	126	126	127	126	126	125	124	124	123	124	
	5	144	141	138	140	139	142	141	141	142	142	
BCES	TOTAL	394	390	389	393	392	394	392	393	393	393	0
BCMS	6	140	140	138	138	137	139	138	137	137	137	
	7	128	127	127	128	128	129	128	126	126	125	
	8	157	153	152	151	150	149	148	148	148	147	
BCMS	TOTAL	425	420	417	417	415	417	414	411	411	409	0
BCHS	9	189	187	184	180	180	178	177	175	175	174	
	10	186	184	181	181	181	175	173	175	176	176	
	11	158	160	160	159	158	151	151	151	150	151	
	12	138	138	137	137	137	150	149	148	148	150	
BCHS	TOTAL	671	669	662	657	656	654	650	649	649	651	0
Total FUNDED K-12 Enrollment		1842	1828	1816	1815	1810	1818	1805	1799	1803	1804	0
Pre-School		107	107	107	105	105	107	107	108	108	1912	0
Receiving Services Only		18	18	28	27	29	26	35	42	42	43	
CSA Funded Kids		27	31	27	30	32	32	35	35	35	34	
Total in PowerSchool		1994	1995	1979	1979	1979	1993	1982	1984	1988	1989	

	Elementary ADM			Secondary ADM		
	BCPS	BCES	BCMS Grades 6-7	BCMS Grade 8	BCHS	Total
% Attendance for Month	96.94%	94.02%	89.39%	90.00%	89.50%	
May Average Days of Membership (Funding Total)	350.73	392.67	196.50	110.95	488.35	
April Average Days of Membership (Funding Total)	348.00	392.80	262.87	148.00	649.67	1801.34

Reporting of Patients Serviced May 2024

Program Name	County	Number of Face-to-Face Services	Patients Served	Patient Gender		Number of Children 17 and under	Number of Seniors 65 and above	Number of Veterans
				F	M			
Emergency Services	Buckingham	4	4	0	4	0	0	0
Evaluation / Assessment	Buckingham	15	10	4	6	4	0	0
Medical	Buckingham	0	0	0	0	0	0	0
Mental Health Case Management	Buckingham	117	43	23	20	8	1	0
Mental Health Outpatient	Buckingham	41	25	13	12	13	3	0
Mental Health Skill Building	Buckingham	48	10	6	4	0	3	0
Substance Abuse Case Management	Buckingham	1	1	0	1	0	0	0
Substance Abuse Outpatient	Buckingham	22	6	3	3	0	1	0
Town House Psychosocial Rehabilitation	Buckingham	73	5	3	2	0	0	0
Unduplicated Totals: All Clinical Programs	Buckingham	321	104	52	52	25	8	0

**Face-to-Face Services are reported as services where Crossroads staff provides a service directly to a patient, except:
a.) Emergency Services are reported as Preadmission Screenings related to possible psychiatric hospitalization, and
b.) Town House Psychosocial Rehabilitation services are reported as Days of Attendance at the Program location*

Monthly reporting form 12.08.2022



IN PARTNERSHIP WITH The Counties of Amelia | Buckingham | Charlotte | Cumberland
Lunenburg | Nottoway | Prince Edward

MEMORANDUM

TO: Karl Carter, County Administrator
Members of the Buckingham County Board of Supervisors

FROM: Tyler Henderson
Regional Planner

DATE: June 28, 2024

SUBJECT: Buckingham County Comprehensive Plan Update – Monthly Update

The Commonwealth Regional Council (CRC) is assisting Buckingham County with an update of the County's Comprehensive Plan. As part of the CRC's efforts to assist the County, the following is a summary of what has occurred since the last update in May:

- CRC staff attended the Planning Commission Work Session on June 17th. At this meeting, the Commission reviewed the draft of the update to Section 5 (Land Use). The Commission asked for some minor changes to the draft.
- The next Planning Commission Work Session is scheduled for July 15th. At that meeting, the Commission will review changes to the draft of the Future Land Use Map and the minor changes to Section 5.

Please do not hesitate to contact me if you have any questions.

cc: Christin Jackson, Executive Director, CRC
Nicci Edmonston, Zoning/Planning Administrator, Buckingham County

COMMONWEALTH REGIONAL COUNCIL
200 Heartland Drive
Keysville, VA 23947 | 434-392-6104
www.virginiasheartland.org

ATTACHMENT Q-5



DONATE BLOOD. HELP SAVE LIVES.

Blood Drive
Dillwyn Community

First Baptist Church - Fellowship Hall
16980 Oak Street
Dillwyn, VA 23936

Wednesday, July 10, 2024
11:00 a.m. to 5:00 p.m.

Please call 1-800-RED CROSS (1-800-733-2767) or visit RedCrossBlood.org and enter: DillwynComm to schedule an appointment.

Maximize your blood donation. Help more patients.
If you are an eligible type O, B - or A - donor, consider making a Power Red donation.
Red blood cells are the most commonly transfused blood component.



Scan to be directed to RapidPass®

Get a NEW Red Cross umbrella when you come to give blood July 1 to July 14, while supplies last!



Scan to schedule an appointment.

1-800-RED CROSS | RedCrossBlood.org | Download the Blood Donor App

ATTACHMENT Q-6

[371] • Order ID: 1672344 • Item ID: 7866425 • Qty: 1 of 1 • 160923 • 2024-APL-0094 - AR05 - 242881

BUCKINGHAM COUNTY
OFFICE OF ELECTION & VIRGINIA
VOTER REGISTRATION



13360 W. James Anderson HWY
Buckingham, VA. 23921
Email: ghchiesa@buckinghamelectoralboard.org

Telephone (434) 969-4304

June 26, 2024

Ms. Jennifer Lann
Administrative Assistant
Buckingham Board of Supervisors
13360 W James Anderson Hwy
Buckingham, VA 23921

Dear Ms. Lann:

As required by §24.2-675, enclosed here for the files of the Buckingham Board of Supervisors are official copies of the Abstracts of Votes, certified by the Buckingham Electoral Board, for the June 18, 2024 Dual Primary Elections.

Please contact me if you have any questions or concerns or need additional information.

Respectfully,

A handwritten signature in blue ink that reads "Ginger L. Chiesa".

Ginger L. Chiesa
General Registrar/Director of Elections

Enclosure

Received

Buckingham County
Administration
A handwritten signature in blue ink, likely of the recipient, over the Buckingham County Administration stamp.

ATTACHMENT Q-7

ABSTRACT of VOTES

Cast in BUCKINGHAM COUNTY, VIRGINIA
at the 2024 June Republican Primary held on June 18, 2024 for,

Member, United States Senate

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Hung Cao - Republican	428
Edward C. "Eddie" Garcia Jr. - Republican	125
Jonathan W. Emord - Republican	82
C. L. "Chuck" Smith, Jr. - Republican	203
Scott Thomas Parkinson - Republican	118
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 18, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member, United States Senate.

Given under our hands this 24 day of JUNE, 2024



Dr. Karen Cerwin ski, Chairman

[Signature], Vice Chairman

Woody B. Hanes, Secretary

_____, Acting Secretary

ABSTRACT of VOTES

Cast in BUCKINGHAM COUNTY, VIRGINIA
at the 2024 June Republican Primary held on June 18, 2024 for,

Member, House of Representatives (5th District)

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Robert G. "Bob" Good - Republican	485
John J. McGuire III - Republican	621
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 18, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member, House of Representatives (5th District).

Given under our hands this 24 day of JUNE, 2024



Dr. Karen Czerwinski, Chairman
[Signature], Vice Chairman
Woody B. James, Secretary
_____, Acting Secretary

ABSTRACT of VOTES

Cast in BUCKINGHAM COUNTY, VIRGINIA
at the 2024 June Democratic Primary held on June 18, 2024 for,

Member, House of Representatives (5th District)

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Gloria Tinsley Witt - Democratic	191
Paul A. Riley - Democratic	66
Gary L. Terry - Democratic	85
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 18, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member, House of Representatives (5th District).

Given under our hands this 24 day of JUNE, 2024



Dr. Karen Czerwinski, Chairman
[Signature], Vice Chairman
Woody B. James, Secretary
_____, Acting Secretary