

## DIVISION 1. - A-1 AGRICULTURAL DISTRICT

Secs. 4-1—4-9. - Reserved.

Sec. 4-10. - Intent of district.

Pursuant to the general purposes of this ordinance, the intent of the A-1 Agricultural District is to preserve and maintain the predominantly rural character of portions of the county by encouraging agricultural, forestry, open space, recreational and conservation activities as the primary uses in the district. The district is also intended to provide opportunities for residential use, including manufactured homes, on large lots within a rural environment, together with limited commercial uses, support uses and other uses that require large land areas, subject to specific review and approval to ensure compatibility. The regulations of the district are intended to avoid strip residential development and to promote orderly and efficient use of land, as well as to discourage large concentrations of residential and other urban uses, until such time as adequate public facilities may be provided and the land may appropriately be rezoned to other zoning classifications. The district is intended to be applied to vast areas of the county where public sewer, water and other public services are typically not available and are not likely to be provided in the near future.

Sec. 4-11. - Permitted uses and structures.

- (a) *Uses and structures permitted by right.* The following uses and structures are permitted in the A-1 District, subject to all other applicable requirements of this ordinance:
- (1) Single-family dwellings;
  - (2) Manufactured homes placed on permanent foundations in accordance with applicable requirements of the Uniform Statewide Building Code, and subject to all development standards applicable to single-family dwellings in this district;
  - (3) Agricultural and forestry uses and stands for seasonal retail sale of agricultural products produced on the property (See section 4-12 for standards applicable to intensive livestock, dairy and poultry facilities);
  - (4) Adult day care homes;
  - (5) Churches and other places of worship;
  - (6) Home occupations meeting the criteria set forth in article 5 of this ordinance;
  - (7) Minor public utilities
  - (8) Parking areas serving uses permitted by right in this district;
  - (9) Signs as permitted in article 5 of this ordinance;
  - (10) Wildlife preserves and conservation areas;
  - (11) Wireless telecommunications facilities as defined and regulated in chapter 22 of the

County Code, and subject to the permit requirements set forth in that chapter;

- (12) Uses and structures accessory to uses permitted by right.
- (b) *Uses and structures permitted by conditional use permit.* The following uses and structures are permitted in the A-1 District, subject to a conditional use permit as set forth in article 8 of this ordinance:
  - (1) Adult day care centers;
  - (2) Airports and landing strips;
  - (3) Bed and breakfast establishments;
  - (4) Cemeteries;
  - (5) Child care centers;
  - (6) Convenience stores;
  - (7) Correctional facilities, including customary support facilities, used for the incarceration of adult offenders assigned by the State Department of Corrections, when such facilities are operated by or under the authority of said Department, provided that:
    - a. Such facilities shall be constructed and operated in accordance with applicable state and federal standards and regulations, with such standards and regulations enforced by the appropriate state or federal agency;
    - b. A site area of not less than 150 acres, including buffer areas, shall be provided;
    - c. The site shall be located not less than one mile from any public or private school;
    - d. A buffer area of not less than 250 feet in depth shall be provided between the exterior compound fence and perimeter property lines. Such buffer area may include required yards, but shall not contain wooded areas, parking areas, buildings or structures, other than fences, security devices or means of access as required by the Virginia Department of Corrections.
  - (8) Fire stations and rescue squad facilities;
  - (9) Golf courses, golf driving ranges and county clubs, including accessory facilities for the sale and serving of food and beverages and the sale of golfing equipment and supplies;
  - (10) Home occupations employing one person on the premises in addition to members of the family residing on the premises, but otherwise meeting the criteria set forth in section 5-76 of this ordinance;
  - (11) Hospitals;
  - (12) Kennels;
  - (13) Lodges, hunting and fishing clubs, and camping facilities operated in conjunction with such uses;
  - (14) Major public utilities;
  - (15) Manufactured home parks, subject to the standards set forth in article 5 of this

- ordinance;
- (16) Marinas and boat docks operated for commercial purposes;
  - (17) Offices and clinics;
  - (18) Parks, playgrounds, other recreational facilities and community centers, when such uses are owned and operated by a governmental agency, civic association or other not-for-profit organization and are not operated for commercial purposes;
  - (19) Public elementary, middle and high schools and private schools having substantially the same curriculum as such public schools;
  - (20) Radio and television broadcasting studios;
  - (21) Retail stores and shops, and personal service businesses;
  - (22) Sanitary landfills, provided that all applicable local, state and federal laws and regulations are met;
  - (23) Sawmills and planing mills operated for commercial purposes;
  - (24) Uses operated by governmental agencies and necessary for the provision of government services to adjacent neighborhoods;
  - (25) Vehicle salvage businesses;
  - (26) Veterinary clinics and animal hospitals;
  - (27) Uses and structures accessory to permitted conditional uses.

Sec. 4-12. - Standards applicable to intensive livestock, dairy and poultry facilities.

- (a) *Intent and applicability of section.* It is the intent of this section to encourage economic development, preserve farmland and promote the viability of the agricultural sector of the county's economy by encouraging orderly and responsible growth of the county's livestock, dairy and poultry industries. Therefore, within the A-1 Agricultural District, all agricultural production activities, including intensive livestock, dairy and poultry facilities, pasturing of animals, related best management practices and minor processing shall be uses permitted by right, to which the provisions of this division apply. The additional requirements of this section are applicable to intensive livestock, dairy and poultry facilities in order to promote compatibility between such intensive facilities and other uses permitted by right in the A-1 District, as well as dwellings and other uses located on adjacent properties situated in other zoning districts.
- (b) *Definitions applicable to this section.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
  - (1) *Existing dwelling.* For the purposes of this section either of the following shall constitute an existing dwelling:
    - a. A structure, designed for residential use, which is occupied on the date a

completed application for a livestock, dairy or poultry facility building permit or other zoning approval is received by the office of the zoning administrator; or

- b. A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or a building permit prior to the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator or which has been occupied for a three-year period of time within the five years immediately preceding the date on which a completed application for a livestock, dairy, or poultry facility building permit or other zoning approval is received by the office of the zoning administrator.

(2) *Existing livestock, dairy, poultry facility.* For the purpose of determining residential setbacks in the Agriculture A-1 district under this section, a livestock, dairy, or poultry facility which has been in operation for a one-year period of time within the five years immediately preceding the date on which zoning approval is sought for a dwelling or where zoning approval is not necessary for such dwelling, the date on which a building permit is sought for such dwelling.

(3) *Intensive dairy facility (hereafter "dairy facility").* A dairy operation with accessory uses or structures, as defined below, which at anyone time has at least 300 animal units as referenced in the below chart, and:

- a. Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- b. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Type of Facility	Equivalent of 300 animal units
Livestock	300 slaughter and feeder cattle
Swine	750 swine each weighing over 55 pounds
Swine	3,000 swine each weighing less than 55 pounds
Livestock	150 horses
Livestock	3,000 sheep or lambs

Dairy	200 mature dairy cattle (whether milked or dry cows)
Poultry	16,500 turkeys
Poultry	30,000 laying hens or broilers

- (4) *Intensive livestock facility (hereafter, "livestock facility")*. A livestock operation with accessory uses or structures, as defined below, which at anyone time has at least 300 animal units as referenced in the chart in paragraph (3) of this subsection and:
- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  - Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.
- (5) *Intensive poultry facility (hereafter, "poultry facility")*. A poultry operation with accessory uses or structures, as defined below, which at anyone time has at least 300 animal units as referenced in the chart in paragraph (3) of this subsection, and:
- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  - Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.
- (6) *Intensive swine facility (hereafter, "swine facility")*. A swine operation with accessory uses or structures, as defined below, which at anyone time has at least 300 animal units as referenced in the chart in paragraph (3) of this subsection, and:
- Such animals are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  - Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.
- (7) *Livestock*. Includes all domestic or domesticated bovine animals, including but not limited to: cattle; equine animals, including but not limited to, horses; ovine animals, including but not limited to, sheep; porcine animals, including but not limited to, hogs.
- (8) *Livestock, dairy, or poultry structure*. Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to: feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.
- (9) *Livestock raiser; dairy operator; poultry grower (hereafter, "operator")*. The owner or

operator of the livestock facility, dairy or poultry facility or the land on which the livestock, dairy, or poultry facility is located.

- (10) *Manure storage site.* Any storage site where manure is kept for more than 60 days within a 12-month period.
- (11) *Nutrient management plan.* A plan reviewed and approved by the Southside Soil & Water Conservation District, the Virginia Cooperative Extension Service or other appropriate agency, that provides for the use and/or disposal of livestock or poultry nutrients from the operation.
- (12) *Parcel of land.* A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the offices of the clerk of the county.
- (13) *Poultry.* Any fowl raised in a confined intensive growing environment.
- (c) *Acreage requirements.* The minimum size of the parcel of land on which an intensive livestock, dairy, or poultry facility may be established shall be as follows:
  - (1) For an intensive facility in which beef or dairy cattle are confined and fed: the number of acres required by the nutrient management plan and setback requirements, whichever is greater, and which has been approved pursuant to subsection (g) of this section;
  - (2) For an intensive facility in which swine are confined and fed: 100 acres for the first 300 animal units, plus 20 additional acres shall for each additional 300 animal units or portion thereof, or the number of acres required by the nutrient management plan and setback requirements, whichever is greater, and which has been approved pursuant to subsection (g) of this section;
  - (3) For an intensive facility in which poultry are confined and fed: the number of acres required by the nutrient management plan and setback requirements, whichever is greater, and which has been approved pursuant to subsection (g) of this section.

If an intensive livestock, dairy or poultry facility constitutes more than one parcel of land, all parcels shall be contiguous.

Livestock, dairy or poultry facilities in operation as of the effective date of this amendment and which do not have sufficient acres as required above, shall be considered nonconforming uses and may continue so long as the operation is not discontinued for a continuous period of more than two years. (See article 6 for nonconforming use provisions.)

- (d) *Setbacks.* The minimum setbacks for primary structures associated with new animal confinement operations shall be as follows:
  - (1) Setbacks for feed lot, poultry, dairy and livestock operations, but not including swine:

- a. Setbacks from all property lines shall be not less than 600 feet.
  - b. Setbacks from public roadways shall be not less than 600 feet.
  - c. Setbacks from existing dwellings, incorporated towns, platted residential subdivisions, residential districts, manufactured home parks, public schools, churches, county-owned buildings and county, town and community recreation areas shall be not less than 1,000 feet.
- (2) Setbacks for swine operations:
- a. Setbacks from all property lines shall be not less than 3,000 feet.
  - b. Setbacks from public roadways shall be not less than 3,000 feet.
  - c. Setbacks from existing dwellings, platted residential subdivisions, residential districts, manufactured home parks, public schools, churches, county-owned buildings and county, town and community recreation areas shall be not less than 3,000 feet.
  - d. Setbacks from incorporated towns and municipal water sources and the watersheds thereof shall be not less than three miles.
- (3) The setback requirements of this subsection shall not apply to dwellings owned by the operator or a member of the immediate family, as defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, or parent of the owner of the dwelling.
- (e) *Certified plat required.* The owner of an intensive facility constructed or completed after the effective date of this section shall file with the zoning administrator a plat or similar documentation showing the entire parcel(s) on which the facility is located and showing the location of the facility within the parcel or parcels. With such plat or similar documentation, 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 or similar documentation meets all applicable setback requirements of this section.
- (f) *Livestock, dairy or poultry facility development plans.*
- (1) An operator or potential operator shall file with the zoning administrator a development plan which indicates the number, size and location of livestock, dairy or poultry structures planned for the subject parcel. When such development plan has been filed with and approved by the zoning administrator, and during the period in which it remains in effect, the planned structures shall be required to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The zoning administrator shall approve the development plan within 30 days of receipt thereof, or if the development plan does not meet the requirements of this section, the

zoning administrator shall return the development plan to the person who submitted it, together with a written description of the features of the development plan that do not comply with this section.

- (2) The development plan shall be based on the requirements of this section and shall be accompanied by a plat or similar documentation verifying the accuracy of the distances shown in the development plan and containing all of the data required as specified pursuant to subsections (c), (d) and (e) of this section.
  - (3) 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.
  - (4) At least one-third of the number of head of livestock or dairy animals subject to the requirements of this section or one poultry structure indicated in the development plan must be placed into service within 36 months of the date on which the development plan is approved by the zoning administrator, unless at least one-third of the number of livestock, dairy or one such poultry structure is already in service on the subject parcel at the time the development plan is filed.
  - (5) The operator shall notify the zoning administrator in writing within 30 days of placement into service of any structure indicated in the development plan.
  - (6) In the event an operator fails to build the proposed structure or have in place the minimum number of head required in the above paragraph (4) or fails to obtain building permits for any of the structures indicated in the development plan within the prescribed five-year period, the zoning administrator shall revoke the development plan. All future development plans of the structure on the subject parcel shall conform to the requirements of this section.
  - (7) Each parcel for which a development plan has been approved by the zoning administrator shall display at its entrance a sign no smaller than two square feet and no larger than four square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Agricultural Development Site."
  - (8) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan or submitting revised development plans at any time. The zoning administrator shall take action on an amended or revised development plan in accordance with the standards set forth in this subsection, and in accordance with the terms of the zoning ordinance in effect at the time the amendment or revision is submitted to the zoning administrator.
- (g) *Nutrient management plan.*
- (1) After December 9, 1999, no intensive facility shall commence operation until a nutrient management plan, if required by the Commonwealth of Virginia for the proposed



facility, has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or other appropriate agency, or by a person certified or employed by the commonwealth as a nutrient management planner.

- (2) If off-site disposal is part of the nutrient management plan, the operator 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 the operator's 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 use 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 an agreement is terminated before its stated expiration date within 15 days of such termination.
- (3) The facility shall also provide for a site, with or without a permanent structure, for the storage of animal wastes, if required by the Commonwealth of Virginia, and shall meet all applicable standards of the commonwealth.

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 to be located on a parcel specified in the agreement for off-site disposal.

- (4) An intensive swine facility shall be subject to the following minimum setback requirements for the disposal of waste by spraying, or the distance set forth in the nutrient management plan, whichever is greater: 3,000 feet from all dwellings, property lines, surface water, and drinking water sources.
- (5) The nutrient management plan shall be reviewed and updated every five years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the commonwealth as a nutrient management planner.
- (6) In the case of an intensive swine facility, an engineer shall locate and oversee the installation of monitoring wells adjacent to any manure storage site. Such monitoring wells shall be tested semi-annually and a copy of the analysis report shall be provided to the zoning administrator.

Sec. 4-13. - Lot area and lot width requirements.

The following lot area and lot width requirements shall be applicable to dwelling uses in the A-1 District. Except as may be required by sections 4-11 and 4-12 of this division or as may be deemed necessary by the health official for the provision of on-site sewerage disposal or water supply systems, there shall be no minimum lot area or lot width for lots devoted to other uses. (See article 5 for supplemental regulations.)

- (a) *Lots served by public sewer and water.* Lots served by public sewer and public water systems shall be not less than one acre in area and 150 feet in width.
- (b) *Lots not served by public sewer and water.* Lots not served by public sewer and public water systems shall be not less than two acres in area and 200 feet in width, provided that greater area and/or width may be required if deemed necessary by the health official for the provision of on-site sewerage disposal or water supply systems.

Sec. 4-14. - Yard requirements.

The following yard requirements shall be applicable in the A-1 District. (See section 4-12 for setbacks for intensive livestock, dairy or poultry facilities, and article 5 for supplemental yard regulations.)

- (a) *Front yard.* There shall be a front yard of not less than 100 feet.
- (b) *Side yard.* There shall be side yards of not less than 30 feet.
- (c) *Rear yard.* There shall be a rear yard of not less than 70 feet.

Sec. 4-14. - Height limit.

No building or structure in the A-1 District shall exceed a height of 35 feet. (See article 5 for supplemental height regulations.)

Secs. 4-15—4-19. - Reserved.