

Article 4

Agricultural District, A-1

Statement of Intent

The Agricultural District covers those portions of Greene County most suitable to agriculture. It is designed primarily to protect farming in the County while accommodating kindred rural occupations and limited residential use. The District consist of areas lying outside of designated growth clusters; those areas presently being used for agricultural purposes; and those areas where the soil and topographical characteristics are most favorable for farming. It intends, furthermore, to protect against overcrowding of land and to discourage undue density of population in relation to the larger purposes of this zone. The establishment of this District recognizes that residential growth in certain desirable rural areas will occur: its intent is to ensure that this growth takes place in an orderly, well-planned, and sensible way, and that it is not fundamentally injurious either to the current practices of farming, the future viability of agriculture in Greene County, or the maintenance of a predominantly rural character and quality of life in this zone.

4-1 USE REGULATIONS

In Agricultural District A-1, structures to be erected or land to be used shall be for the following uses, each main structure shall meet the minimum lot area, setback, frontage and yard requirements of this ordinance. Structures to be erected or land to be used shall be for the following uses: (Revised 6/12/07)

4-1-1 Uses Permitted by Right

Same as Conservation C-1 plus:

- .1 Agricultural Meat Processing Facilities as defined in Article 22 (Revised 7/12/2022)
- .2 Reserved. (Revised 6/23/15)
- .3 Fireworks, temporary only (See section 16-14.) (Revised 1/11/05)
- .4 Reserved. (Revised 6/23/15)
- .5 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .6 Accessory Dwelling Unit (Revised 7/23/13)
- .7 Temporary Events Zoning Permit as defined by 16-19 (Revised 6/26/12)
- .8 Temporary family health care structures as defined by Article 22 and the Virginia State Code §15.2-2292.1 (Revised 7/23/13)

4-1-2 Uses Permitted by Special Use Permit

Same as Conservation C-1 plus:

- .1 Temporary or permanent dwellings for farm workers, where the land's primary use meets the definition of agriculture. (Revised 6/23/15)
- .2 Reserved (Revised 9/25/18)
- .3 Veterinary clinics and veterinary hospitals.
- .4 Volunteer fire and rescue facilities.
- .5 Commercial warehouses for bulk agricultural products.
- .6 Private airports and heliports.
- .7 Dinner theaters and outdoor performance spaces where the seating capacity does not exceed 500 persons.
- .8 Indoor shooting ranges.
- .9 Country clubs, community centers, swimming, tennis, golf, fishing, and gun clubs and similar uses.
- .10 Carnivals, fairs, and circuses -- temporary only. (Revised 1/11/05)
- .11 Commercial cemeteries and memorial parks.
- .12 Childcare centers.
- .13 Hospitals, clinics, nursing homes, and rehabilitation centers.

- .14 Adult day-care centers.
- .15 Meeting places for clubs, fraternal and civic organizations.
- .16 Home businesses, as defined.
- .17 Extraction and processing of natural resources for commercial use.
- .18 Garden centers.
- .19 Observation Tower—In addition to the criteria listed in 16-2, the Planning Commission shall consider the following in its review of Special Use Permit requests for Observation Towers; lighting, security & access, distance from the nearest hard surface road or state maintained road, size of the parcel on which the tower is to be built and construction materials and design of the tower. (9/25/01)
- .20 Outdoor Recreational Facilities. (adopted 1/8/02)
- .21 Mulch production facility. (Revised 1/11/05)
- .22 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .23 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)
- .24 Recycling Center (Revised 5/27/14)

4-2 AREA REGULATIONS

- 4-2-1** The minimum lot area for permitted uses shall be two (2) acres (87,120 square feet) with the following exception:
 - .1 Reserved. (Revised 6/23/15)
 - .2 Reserved. (Revised 7/23/13)
 - .3 For uses specified in Section 3.1-2.7, if and only if such uses are not equipped for human habitation or offices, there shall be no minimum lot size, provided only that regulations concerning setback, yard, frontage, and height of the buildings are met.

4-3 SETBACK REGULATIONS

- 4-3-1** Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or seventy feet (75) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. This shall be known as the setback line. (Revised 6/23/15)
- 4-3-2** Buildings that house manure storage structures shall be located a minimum of 600 feet from a residence (not including owner's residence): 1,000 feet from a town boundary; 200 feet from a property line; 200 feet from a primary highway or roadway; 150 feet from a secondary highway or right-of-way; 600 feet from recreational ponds or lakes; and 1,000 feet from a river, channel, or water impoundment. (Amended 8/25/98) (Revised 6/23/15)
- 4-3-3** No accessory building shall be located within the setback line. Handicapped ramps meeting ICC/ANSI A117.1 standard may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line. (Revised 6/26/12) Public telephone booths may be located within the required setback, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provide that:
 - a. Such booths shall be equipped for emergency service to the public without prior payment;
 - b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
 - c. Every such booth shall be subject to relocation, at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

4-4 FRONTAGE REGULATIONS

- 4-4-1** The minimum required frontage for permitted uses shall be two hundred ten (210) feet.
- 4-4-2** For uses specified in Section 3-1-2.4 provided that such uses are not equipped for human habitation or offices, there shall be no minimum required frontage, provided only that the regulations concerning setback, yard and height of building are met.
- 4-4-3** The minimum required frontage for permitted uses in a cul-de-sac shall be one hundred (100) feet at the setback line. (Revised 1/11/05)

4-4-4 Reserved. (Revised 1/11/05)

4-5 YARD REGULATIONS

4-5-1 Side - The minimum side yard for each main structure shall be thirty (30) feet.

4-5-2 Rear - Each main structure shall have a rear yard of fifty (50) feet or more.

4-5-3 Accessory structures shall be located five (5) or more feet from side and rear lot lines. (Revised 8/23/11)

4-5-4 Reserved (Revised 6/12/07)

4-6 HEIGHT REGULATIONS

Buildings may be erected up to forty (40) feet in height except that;

4-6-1 A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade.

4-6-2 Church spires, belfries, cupolas, water towers, silos, chimneys, flues, flagpoles, television antennae, observation towers, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

4-6-3 Reserved. (Revised 8/23/11)

4-7 SPECIAL PROVISIONS FOR CORNER LOTS

Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The corner side yard shall be forty (40) feet from edge of right of way. (Revised 10/28/08)

4-8 SIGN REGULATIONS

Signs shall conform to Article 14 of this ordinance.

4-9 OFF-STREET PARKING

Off-street parking shall be provided as required in Article 16 of this ordinance.

4-10 In consideration of whether or not to grant a Special Use Permit for a quarrying operation, the Board of Supervisors shall impose such restrictions as are reasonably necessary to abate sound, air, and water pollution and interference with adjacent property owners' water supply. Such restrictions shall in no event be less restrictive than the following:

- .1 All State and Federal laws and regulations, as the same may from time to time be amended, regulating quarrying and related activities, shall be considered restrictions on the Special Use Permit thus granted by Greene County, Virginia. The quarry operator will be responsible, at his own expense, to provide the County Administrator of Greene County or other agent directed to enforce the restrictions in the Special Use Permit with copies (as from time to time amended) of all such laws and regulations, within thirty (30) days of the time that such changes come to the operator's attention.
- .2 Time limits shall be established for beginning operations, and for completion of significant phases of screening, including but not limited to construction of berms and establishment of vegetative cover thereon.
- .3 Officials of Greene County, Virginia shall have access to all reports made by the quarry operator to any State or Federal Agency, and to the raw data from which such reports are compiled and will have the right of onsite inspection at all reasonable hours of the day or night including examination of test wells and seismographs.
- .4 The designated Agent of the Board of Supervisors will have the power to suspend temporarily the Special Use Permit thus granted only when he has probable cause to believe that a serious or repeated violation has occurred, and upon further granting of a due process hearing before the Board of Supervisors within three (3) business days following such temporary suspension of the Special Use Permit. If the Board of Supervisors does not convene within three (3) days to allow such due process hearing, the suspension will automatically end. At such hearing, the Board of Supervisors may (1) restore the Special Use Permit either conditionally or unconditionally or (2)

extend the suspension of the Special Use Permit either conditionally or unconditionally, or (3) set a hearing date for a due process hearing upon the permanent revocation of such Special Use Permit in which case the suspension of the Special Use Permit may be extended either conditionally or unconditionally. The operator may continue sales operations during periods of suspension of the Special Use Permit. For the purpose of this subsection, "repeated" violations shall mean violations which have occurred in the past, and of which the agent of the Board of Supervisors has given written warning to the operator; "serious" violations shall be those which have a significant probability of endangering human life or health. To aid the agent of the Board of Supervisors in determining whether or not a violation exists, the operator is required to furnish the agent of the Board of Supervisors any citations, determinations, or adverse findings by any State or Federal agency finding that the operator is in violation of any of the laws or regulations made a part of this ordinance by paragraph one above. Such copies must be forwarded to the agent within three (3) business days of the receipt thereof by the operator.

- .5 Prior to the commencement of initial blasting operations, the quarry operator shall complete a pre-blast survey of all structures within a half mile of the actual blasting site. Such report is to be signed by both property owner and quarry operator, and the originals shall be filed by the quarry operator with the County Administrator. In the event that a property owner refuses access to his structures for the pre-blast survey, then the operator shall inform the County Administrator of such fact, and the County Administrator shall send a certified mail letter to such property owner, at the expense of the quarry operator, noting the report of such refusal, and allowing the property owner thirty (30) days to allow such inspection. If the property owner does not respond to such letter within thirty (30) days, he will be presumed to have waived the benefit of this provision, and the County Administrator shall retain in his files proof that such letter was mailed to and received by the property owner.
- .6 The quarry operator shall be responsible that all gravel trucks leaving the quarry are loaded in such a way as to comply with the provisions of Section 10-211 of the Code of Virginia, except that for purposes of this ordinance, water applied by the quarry operator to the load of such trucks shall not be considered to be part of the load.
- .7 The quarry operator will make every reasonable effort not to blast during periods of high wind, meaning winds of twenty (20) miles per hour or over at its greatest gusts at the blast site, measured at a convenient point to be established by the Zoning Administrator, during periods of high humidity (28 millibars vapor pressure of absolute humidity), or other than between the hours of 8:30 a.m. to 5:30 p.m. on weekdays, except in the case of unavoidable emergency.
- .8 The quarry operator will not do any blasting of a strength greater than one thousand (1,000) pounds per delay.
- .9 In screening the quarry site the quarry operator shall make a good faith effort to consult with each and every adjoining property owner determined at the time of designing and installing berms, concerning the type of trees or grass or other organic screening used. Records of such consultations and attempted consultations shall be filed by the quarry operator with the County Administrator who shall retain such records.
- .10 The quarry operator shall maintain liability insurance covering the quarry and operations hereof in an amount of at least \$200,000.00 and shall promptly inform the County administrator of such coverage and any changes therein. Failure to maintain such insurance shall be "a serious violation" within the meaning of this ordinance.
- .11 Stagnant pools of water shall be avoided and must be drained within forty-eight (48) hours.
- .12 Stationary processing equipment shall not be operated any closer than 400 feet to any adjoining property line.
- .13 Reasonable restrictions shall be imposed to minimize noise, dust, or vibrations which would be injurious or annoying to persons in the neighborhood, and especially restricting the noise during the hours of 9:00 p.m. to 7:00 a.m.
- .14 Should the quarry operation cease for a period of eighteen (18) consecutive months, then the Special Use Permit will automatically be void.
- .15 The Board of Supervisors shall not grant a Special Use Permit unless the site plan provided shows:

- (1) a minimum set back of 100 feet from any on site building to the right-of-way of any public road and to the boundary of any adjoining properties,
- (2) a minimum setback of 400 feet from any on site building to any existing dwelling not on the applicant's property,
- (3) adequate measures to prevent intrusion upon the site by unauthorized persons,
- (4) adequate screening measures,
- (5) that internal roads be surfaced with dust free material for a minimum distance of 200 feet from any public road.

.16 The quarry operator shall abide by the site plan, and any significant departure from the site plan by the quarry operator may be deemed a serious violation if it carries with it a significant risk of danger to human life, safety, or health.

4-11 RESERVED (Revised 9/25/18)

4-12 DIVISION RIGHTS

Division rights apply to every parcel of land in existence on May 8, 2001. However, 10 acres of a tract in existence on this date are exempt from these provisions and can be divided as per the area and frontage regulations as set forth in Sections 4-2 and 4-4 respectively. (Adopted 6/27/95)

There shall be allowed one additional division right for every five full acres in the non-exempt portion of the parent tract. Parcels may not be subdivided in an A-1 zone unless there are division rights assigned to that parcel.

The number of division rights in the parent tract shall be as follows:

- A) Parent tracts that have less than 4 acres have no division rights.
- B) Parent tracts equal to or between 4 and 9.999 acres have one division right for each 2 full acres in size.
- C) Parent tracts equal to or greater than 10 acres have 5 division rights plus one additional division right for each 5 full acres in excess of 10 acres.

Division rights may be exercised at any time and are not affected by a transfer of ownership of the parent tract, or any divisible portion thereof. The frequency of division and the size of the parcels created through the exercise of division rights under this section are left to the discretion of the landowner; however, the minimum lot size established for this zone shall remain in effect, both for the newly created parcel(s) and for the residual parcel which remains after all allowable division rights have been exercised. Nothing in this section shall be construed to prevent the transfer of division rights along with the transfer of all or any portion of the parent tract, except that no division shall increase the number of parcels which may be created hereunder. Upon the division of the parent tract, the rights of further division are established by the recorded plat and clearly indicated thereon in conformance with Section 4-2-2.2A of the Subdivision Ordinance. (Revised 5/8/01)

The creation of utility lots shall not require the exercise of division rights. (Revised 8/11/09)

Nothing in this section shall be constructed to replace, supersede, or amend the Greene County Subdivision Ordinance or to affect the application of its provisions in certain kinds of residential land development, as set forth in the Subdivision Ordinance itself. (Adopted 12/10/96)