

Article 5
Agricultural Preservation District (AP)

(Adopted 3/28/95)

Section 1 - Statement of Intent

This district is intended to encourage economic development and to preserve farmland by providing for the viability of the County's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Where permitted by the Zoning Ordinance, agricultural production activities including but not limited to tillage, crop production, harvesting, raising and pasturing of animals and intensive Agricultural operations shall be permitted uses as a matter of right subject to the standards contained herein. The regulations for this district are further designed to accommodate related activities, but only to the extent that they serve agricultural, forestal, or similar rural economic functions.

It is further recognized that certain agricultural activities and certain non-agricultural uses suitable for agricultural areas can adversely affect other existing or anticipated development or uses. This district provides for the orderly development of such uses in appropriate areas to reduce the conflicts inherent with incompatible uses.

Section 2 - Definitions

For the purposes of this article, the following definitions shall apply:

Animal Unit: A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an agricultural operation

Dwelling, Existing:

- (a) A dwelling which is legally occupied on the date an application for an intensive agricultural facility permit is officially filed in the office of the zoning administrator; or
- (b) A dwelling for which a building permit has been issued on the date an application for an intensive agricultural facility is officially filed in the office of the zoning administrator.
- (c) A dwelling which has been legally occupied for a cumulative period of thirty-six (36) months within the previous sixty (60) months on the date an application for an intensive agricultural facility is officially filed in the office of the zoning administrator.

Intensive Agricultural operation: Any enclosure, pen, feedlot, building or group of buildings used to feed, confine, maintain or stable the following animal types or combination of animal types and number to produce the equivalent of 300 animal units as follows:

- (a) 300 slaughter and feeder cattle.
- (b) 200 mature dairy cattle (whether milked or dry cows).

- (c) 750 swine, each weighing over 55 pounds; or
- (d) 150 horses.
- (e) 3,000 sheep and lambs.
- (f) 16,500 turkeys.
- (g) 30,000 laying hens or broilers.

Any combination of the categories set forth above shall be calculated proportionately by reference of this table to determine the equivalent number of animal units in such combination.

Intensive Agricultural Operation, Existing: A intensive livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for a total of twelve (12) months within the previous sixty (60) months on the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Intensive dairy operation, (hereafter, “dairy facility”): A facility with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits which at any one time has 200 dairy cows.

Intensive livestock operation, (hereafter, “livestock facility”): A facility (as used in this ordinance) with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites which at any one time has 300 head of cattle, 750 hogs, 150 horses, or 3,000 sheep or lambs, or any combination thereof.

Intensive poultry operation, (hereafter, “poultry facility”): A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds which at any one time has 30,000 chickens or 16,500 turkeys.

Livestock raiser, dairy operator, poultry grower, (hereafter, “operator”): The owner of the livestock facility, dairy or poultry facility or the land on which the facility or dairy is located.

Parcel: 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 Office of the Clerk of the Circuit Court of Caroline County.

Section 3 - Permitted Principal Uses and Structures

1. Agricultural operations, intensive.
2. Agricultural operations (non-intensive), silviculture, aquaculture, and general crop production.
3. Single-family dwellings, detached.

4. Manufactured houses. (Amended 9/26/95)
5. Nurseries and greenhouses (wholesale only).
6. Game preserves, wildlife sanctuaries and conservation areas.
7. Cemetery, family.
8. Equestrian facilities including boarding and instruction (non-spectator).
9. Park facilities, passive (government/civic).
10. Public utilities - Transmission and distribution.
11. Places of Worship.

Section 4 - Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, including:

1. Wayside stands for display and sale of products produced on the premises (excluding processed products).
2. Guest house.
3. Home occupations, minor.
4. Family apartments.
5. Parish House or Rectory.
6. Cemetery (church).

No such accessory use or structure shall be permitted until the principal permitted use or structure has been established.

Section 5 - Permitted Temporary Uses

(Amended 9/26/95)

Uses and structures which may be permitted on a temporary basis.

1. Single-wide manufactured house as an accessory dwelling for housing farm labor.
2. Construction office for a period not to exceed two years.
3. Turkey shoots or other temporary or seasonal events.

Section 6 - Permitted Special Exception Uses

1. Sawmills.
2. Commercial storage and processing of bulk agricultural products which are sold or distributed (Excluding the commercial processing of animals, poultry or fish).
3. Plant nurseries and greenhouses (retail sales).
4. Distillation of Industrial Alcohol (ethanol) in conjunction with a farming operation.
5. Agricultural supply establishments.
6. Private lodges and clubs.
7. Bed and breakfast.
8. Convents, Monasteries and Religious Retreats.
9. Kennel, commercial.
10. Farm equipment sales, rental and service.
11. Home occupation, major.
12. Preschool, day care center, or nursery school.
13. Equestrian facilities including boarding and instruction (spectator).
14. Housing for Seasonal Farm Labor, subject to the following conditions:
 - (a) Minimum parcel size of fifty (50) acres;
 - (b) Housing shall be only for the employment needs for the farms located in Caroline County;
 - (c) Housing units shall be occupied from April 15 to November 15 only. No residential occupancy shall be permitted from November 15 to April 15;
 - (d) No more than one such housing unit shall be permitted per parcel;
 - (e) Housing units shall be designed and constructed for such housing needs; for farm employees only and shall be single sex occupancy;
 - (f) Farm housing must meet Virginia Department of Health standards for well and septic;
 - (h) Any other conditions that may be imposed by the County pursuant to Article XVII, Section 11 of the Zoning Ordinance.

15. Communication Facilities
(Repealed & Replaced 5/25/04)

Section 7 - Standards for Permitted Principal Uses and Structures

7.1. Regulations and Standards for Intensive Agriculture Operations

(A) Minimum Acreage Requirements

The minimum acreage requirements for intensive agricultural facilities shall be as follows, provided all other requirements of this article are met:

- (1) The minimum acreage on which an intensive livestock facility may be placed shall be 75 acres for up to 300 head of livestock. All parcels of land which comprise the operation and are used in the Nutrient Management Plan need not be contiguous.
- (2) Minimum acreage on which an intensive dairy facility may be placed shall be 75 acres for up to 200 head of dairy cows. All parcels of land which comprise the operation and are used in the Nutrient Management Plan need not be contiguous.
- (3) Minimum parcel size on which an intensive poultry facility may be placed shall be twenty-five (25) acres. All parcels of land which comprise the operation and are used in the Nutrient Management Plan shall be contiguous.
- (4) Parcels with intensive agricultural facilities in operation as of the effective date of this amendment which do not contain sufficient acreage, as required above, shall be considered non-conforming and shall be regulated through Article XVI.

(B) Setbacks:

- (1) The setback for an intensive agricultural operation from all existing dwellings not owned by the operator, shall be as follows:
 - (a) From an existing dwelling in the Agricultural Preservation District, three hundred (300) feet;
 - (b) From an existing dwelling in an adjacent zoning district six hundred (600) feet.
 - (c) The operator may reduce the above 600 feet setback to 400 feet if he/she plants a 10 foot wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.

The setback requirements of this section shall not apply to a member of the immediate family of the owner of the intensive agricultural operation.

- (2) The setback for each dwelling not owned by the operation of an intensive agricultural operation shall be as follows:

- (a) From an existing intensive agricultural operation in the Agricultural Preservation District, three hundred (300) feet if the dwelling is located in the same district.
 - (b) From an intensive agricultural operation in the Agricultural Preservation District, six hundred (600) feet if the dwelling is in an adjacent zoning district.
 - (c) The owner of the new dwelling may reduce the above 600 feet setback to 400 feet if he/she plants a 10 foot wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.
- (3) The setback for an intensive agricultural operation from property lines shall be at least one hundred fifty (150) feet.
 - (4) The setback for an intensive agricultural operation from public roads shall be at least three hundred (300) feet.
 - (5) All intensive agricultural operations shall be set back at least 2,640 feet from incorporated towns; platted residential subdivisions of one thousand (1,000) lots or greater residentially zoned districts permitting one thousand (1,000) lots or more, and primary and secondary growth areas (as identified in the Comprehensive Plan
 - (6) All platted residential subdivisions of one-thousand (1,000) lots or greater or residentially zoned district permitting one-thousand (1,000) lots shall be setback at least 2,640 feet from an existing intensive agricultural operation.
 - (7) All intensive agricultural operations shall be set back at least one thousand (1,000) feet from platted residential subdivisions of greater than 100 but less than 1,000 lots residentially zoned districts permitting from 100 to 1,000 lots, manufactured home parks, public schools, places of worship, public recreation areas, public wells, and public water intakes.

The operator may reduce the above 1,000 feet setback to 800 feet if he/she plants a 10 foot wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.

- (8) All platted residential subdivisions of greater than 100 but less than 1,000 lots, residentially zoned district permitting greater than 100 but less than 1,000 lots, manufactured home parks, public schools, places of worship, public recreation areas, public wells and public water intakes shall be setback at least 1,000 feet from existing intensive agricultural operations.

The applicant may reduce the above 1,000 feet setback to 800 feet if he/she plants a 10 foot wide vegetative screen that will grow at least 6 feet in height in two years, unless there is a natural barrier that meet the height and width requirements.

(C) Submission Requirements

Applications for an intensive agricultural operation permit shall contain the following items:

- (1) One copy of an application on forms provided by Caroline County, completed and signed by the operator or potential operator.
- (2) Four (4) copies of a development plan prepared in accordance with the requirements of Article XV, Section 14 of the Zoning Ordinance. In addition to the requirements of Article XV, Section 14, the development plan shall indicate the number, size and location of the livestock, dairy or poultry facilities proposed for the subject parcel.
- (3) Four (4) copies of a plat prepared and signed by a land surveyor or civil engineer, licensed by the Commonwealth of Virginia certifying that the proposed facility meets all applicable setbacks required by this ordinance and showing the direction and distances to the following:
 - (a) Nearest residential dwellings;
 - (b) Adjacent zoning districts;
 - (c) platted residential zoning districts;
 - (d) primary growth area boundaries;
 - (e) secondary growth area boundaries;
 - (f) manufactured home parks;
 - (g) Places of worship;
 - (h) public schools;
 - (i) public recreation areas;
 - (j) public wells and water intakes.

Any setbacks in excess of four hundred (400) feet may be scaled off of aerial photography or other methods acceptable to the Zoning Administrator.

- (4) Four (4) copies of a nutrient management plan which provides for the safe use or disposal of all animal waste or manure produced by each facility. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate agencies. Alternative methods of disposal may be used as approved by appropriate state and local agencies. Nutrient management plans shall take the following into consideration:
 - proximity to water bodies;
 - public and private wells;

- springs and sinkholes;
- soils, slopes, and other geological features with a potential susceptibility to ground or surface water pollution;
- wetlands;
- Chesapeake Bay Preservation Areas;
- other environmentally sensitive features.

The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes and shall:

- (a) be located on the same parcel as the facility to which it is an accessory use;
 - (b) meet the setback requirements of this Article;
 - (c) be protected from the elements; and
 - (d) be certified by a professional engineer registered in Virginia that the site meets all applicable requirements and regulations of the Commonwealth of Virginia.
- (5) If off-site disposal is proposed, the operator shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's facility. 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 grower shall notify the zoning administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination.
- (6) Notwithstanding this section, if an operator is unable to locate a site on the same parcel 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 a valid agreement for offsite disposal exists 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.
- (7) Nutrient management plans shall be subject to review and approval by the County agent of the Virginia Cooperative Extension Service or other appropriate agency. Thereafter, nutrient management plans shall be reviewed and updated every five (5) years by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the zoning administrator. Such revisions may be required more frequently if deemed necessary or advisable by the county extension agent.

(D) Review and Approval

- (1) The zoning administrator shall have forty-five (45) days from the date an application is officially filed to review and approve or deny an application. If the application is approved, one approved copy, signed by the zoning administrator shall be provided to

the applicant, the applicant's engineer, and the local agent of the Virginia Cooperative Extension Service. One approved copy shall be retained by the County.

- (2) If the submission does not meet the requirements of the Ordinance, the zoning administrator shall return the application materials to the person who submitted it, together with a written description of the deficiencies in the application. Upon the correction of deficiencies noted by the zoning administrator, the application may be resubmitted and reviewed in accordance with paragraph (1) above.

(E) Validity of Development Plans

The development plan shall remain valid provided the proposed facilities are constructed in accordance with the approved development plan and are placed in service in a timely manner as follows:

- (1) At least one-third (1/3) of the number of head of livestock or dairy animals, subject to this Article of the ordinance or one (1) poultry facility indicated in the development plan must be placed into service within thirty-six (36) months of the date of approval of the development plan by the zoning administrator, unless at least 1/3 number of livestock, dairy or one (1) poultry facility is already in service on the subject parcel at the time the development plan is filed. Zoning approval for any subsequent facilities indicated in the development plan may only be obtained if no more than five (5) years have passed since the date of approval of the development plan for the subject parcel by the zoning administrator.
- (2) The operator shall notify the zoning administrator in writing within thirty (30) days of placement into service of any facilities indicated in his development plan.
- (3) In the event an operator fails to build or have in place the minimum required in paragraph (1) above facility indicated in the development plan within twelve (12) months of obtaining zoning approval for the facility, or fails to obtain zoning approval for any of the facilities indicated in his development plan within the prescribed five (5) year period, the zoning administrator shall revoke the development plan and all future development plans of facilities on the subject parcel shall strictly conform to the requirements of this article.

When such development plan has been approved and filed with the zoning administrator and during the period in which it remains in effect, the planned facilities shall be required to meet setbacks only from those dwellings and uses existing at the time the development plan is approved.

(F) Effect of Regulations on Existing Operations

- (1) Replacement or reconfiguration of intensive agricultural facilities in operation as of the effective date of this amendment to the zoning ordinance but which do not meet the requirements of this chapter may be permitted provided:

- (a) Such facilities were properly permitted under previous zoning regulations;
 - (b) There is no increase in the square footage devoted to the livestock operation, dairy or poultry house on the parcel and no increase in the number of livestock or dairy cows kept on the parcel or the number of poultry houses kept on the parcel at any one time;
 - (c) Replacement facilities do not encroach upon any setbacks required under this chapter to a greater extent than the facilities being replaced;
 - (d) A development plan is obtained as provided for in Section 507.1(c)(3);
 - (e) A nutrient management plan is obtained as provided for in Section 5-7.1(c)(4).
- (2) Existing facilities approved by the county prior to the effective date of this amendment to the zoning ordinance shall have a nutrient management plan on file with the zoning administrator not later than two (2) years from the effective date of this amendment or at such time an additional area devoted to livestock raising, dairy or poultry housing, 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 two years from the effective date of this amendment no facility subject to this Article of the zoning ordinance shall operate without such a nutrient management plan.
- (3) Notwithstanding the provisions of this section, an operator, whose facilities were approved by the County and in operation prior to the effective date of this amendment to the zoning ordinance, in attempting to comply with the requirement to provide a litter storage site within two (2) years from the adoption of this amendment may locate an animal waste storage site within any setback other wise required in this Article upon satisfaction that the storage site will not encroach upon setbacks to a greater extent than the existing facility.

Section 8 - Standards for Accessory Uses and Structures

1. Standards for Family Apartments

- (a) Such a unit shall not be occupied by more than three (3) persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother, or sister of the owner and occupant of the single family residence on the same lot;
- (b) Such a unit shall contain no more than 1,000 square feet of living space;
- (c) No dwelling units other than the principal structure (a single-family dwelling) and one such family apartment shall be located on a lot;
- (d) When such a unit is no longer needed by a member of the immediate owner's family and the three (3) year period following the date it passes final inspection by the

County Building Official has expired, the unit shall be considered a nonconforming use and as such can be rented to anyone.

Section 9 - Standards for Permitted Temporary Uses

The following standards and conditions shall apply to temporary zoning permits for uses pursuant to Article 5-4 of the Zoning Ordinance.

9.1. Repealed (September 26, 1995)

9.2. Standards for Manufactured Houses for Farm Tenant Structures

- (a) The applicant shall be the owner of the farm on which the manufactured home is to be located.
- (b) Not more than one farm tenant structure for each fifty acres of land devoted to agricultural, forestal, or silviculture uses shall be permitted.
- (c) The manufactured home must be skirted so that the undercarriage is not visible and must be screened, landscaped or located so as to minimize visibility from a public highway and so as not to require a separate highway entrance. The Zoning Administrator shall specify the time within which any necessary screening must be approved, based on the current season, and if the screening required is not installed within the time required, the special use permit shall be automatically void and of no further force or effect.
- (d) The sewage disposal and water supply systems for the manufactured home be approved by the Caroline County Health Department.
- (e) At least one occupant of the manufactured home shall be employed full-time on the subject farm.
- (f) A temporary zoning permit may be issued for a period not to exceed five years. At least thirty (30) days prior to the expiration of the permit, permittee shall apply to the Zoning Administrator for a renewal of the temporary zoning permit. Upon the determination by the Zoning Administrator that all the conditions under which the permit was issued have continued to be complied with, and that there are no changed conditions, the Administrator shall renew said permit for an additional five year period. If, however, the permittee has not complied with permit conditions, or conditions have changed, the Zoning Administrator shall revoke the temporary zoning permit.
- (g) There shall be no tenant house available on the farm and no dwelling on the farm rented to a family without at least one member working full-time on the farm. Nothing in this shall be construed to permit the owner of the farm to occupy the home.
- (h) For the purpose of this Section, the term "farm" shall be defined as land used for the production of crops; the raising or pasturing of livestock; the raising of hay for livestock, either for income producing equine pursuits or for the production of cattle to produce beef, milk and other dairy products; for the raising of poultry and sale of chickens and eggs; or for

the growing of fruit. However, no such use shall qualify as a “farm” use unless the person conducting same shall demonstrate sufficient need to justify one full-time farm employee.

9.3. Standards for Construction Offices and Equipment Sheds

- (a) A temporary zoning permit may be issued for a period not to exceed two (2) years.
- (b) A temporary zoning permit may be extended beyond its two-year limit by the Zoning Administrator based on a finding (in addition to other applicable standards) that the construction project is of sufficient scope and magnitude to warrant the continuation of such use(s) and that the applicant is making reasonable and steady progress toward completion of the project to which the use(s) is accessory. Such extensions shall be granted for a period not to exceed two (2) years, and may be renewed by similar action upon expiration, for successive periods not to exceed two years each.
- (c) A contractor’s office and equipment sheds shall be allowed on or immediately adjacent to the subject construction site.
- (d) Such facilities shall not be located on the site earlier than thirty (30) days prior to commencement of actual construction, and shall be removed no later than thirty (30) days after construction is completed.
- (e) The area in the vicinity of such use(s) and access thereto shall be maintained in such a manner as to prevent dust, debris or mud, from blowing or spreading onto adjoining properties or public rights-of-way.

9.4. Standards for Horse Shows, Dog Shows, Steeplechase, Turkey Shoots, Other Similar Activities

- (a) A temporary zoning permit may be issued for a period not to exceed thirty (30) consecutive days.
- (b) All permitted activities shall be sponsored by a volunteer fire or rescue department, local chamber of commerce, veterans’ organization, service club, civic organization, church or religious organization, sports or hunt club or country chapter of any charitable, educational or nonprofit organization.
- (c) The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
- (d) No temporary zoning permit shall be issued unless adequate provision is made for ingress and egress off-street parking and loading. The resident engineer of Virginia Department of Transportation shall advise the Zoning Administrator of the adequacy of ingress/egress to the site.

10.1. Additional Standards for Sawmills

- (a) The time period for special exceptions issued for a sawmill operation shall not exceed two (2) years. Such exceptions may be extended in accordance with the provisions for successive period of not more than two (2) years each.
- (b) No structure and no storage of lumber, logs and timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a sawmill shall be located closer than 400 feet to any lot line.
- (c) The hours of operation shall be established by the Board, and shall not extend into the period between 8:00 p.m. and 8:00 a.m.
- (d) Such use shall have direct access to a State maintained road adequate to the size and type of the mill.
- (e) The minimum area involved with the mill operation, including structures, storage and loading, shall be five (5) acres.
- (f) The Board may require such screening, planting, fencing, preservation of trees, entrances, design of structures or any other requirement which will ensure the minimal impact of the use on the surrounding uses.

10.2. Additional Standards for Commercial Storage and Processing of Bulk Agricultural Products

- (a) The minimum lot size requirement shall be five (5) acres.
- (b) The road frontage requirement shall be three hundred (300) feet on a road designated as a major collector (or higher) in the Comprehensive Plan.

10.3. Additional Standards for Plant Nursery and Greenhouse with Retail Sales

- (a) The minimum lot size requirement shall be five (5) acres.
- (b) No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
- (c) Off-street parking, loading and outdoor storage areas shall be effectively screened.
- (d) No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

10.4. Additional Standards for Private Clubs and Lodges

- (a) Such uses shall be constructed in completely enclosed, air-conditioned, soundproofed buildings; however, this requirement shall not apply to private clubs where deemed not necessary by the Board.

- (b) No building shall be located closer than 100 feet to any lot line in or abutting a Residential or Preservation District.
- (c) Off-street parking and loading areas shall be located no less than 50 feet to any property line in or abutting a Residential or Rural District, and when located within such district, shall be effectively screened.

10.5. Additional Standards for Bed and Breakfast

- (a) Such a use shall provide accommodations for not more than twelve (12) persons.
- (b) Off-street parking for the use shall be in accordance with the provisions of Article XIII, shall not be located in any required front yard, and shall be effectively screened.
- (c) Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan.
- (d) The building(s) so used shall have the exterior appearance of a single family residence and normal residential accessory structures.

10.6. Additional Standards for Convents, Monasteries or Religious Retreat

- (a) No structure used for or in conjunction with the use shall be located within 100 feet of any lot line.
- (b) All parking and loading areas, swimming pools and tennis courts shall be effectively screened.
- (c) The minimum lot size requirement shall be ten (10) acres.
- (d) No off-street parking or loading area shall be located within any required yard.
- (e) Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

10.7. Additional Standards for Kennels

- (a) The minimum lot size requirement shall be two (2) acres.
- (b) No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
- (c) All dogs shall be kept in pens designed and maintained for secure confinement.

- (d) In consideration of an application for a permit, the Board of Supervisors shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.

10.8. Additional Standards for Farm Equipment Sales, Rental and Service Establishments and Agricultural Supply Establishments

- (a) Outdoor storage, parking and display areas shall be permitted only on the same lot with the ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
- (b) The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of equipment not in operating condition.
- (c) No parking, storage, loading or display shall be conducted in any required front yard or within fifty (50) feet of any side or rear lot line.
- (d) All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.
- (e) All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface.
- (f) All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the performance standards as to glare of the zoning district in which such facility is located. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.

10.9. Additional Standards for Major Home Occupations

- (a) Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided the total area devoted to the home occupation shall not exceed thirty-five (35) percent of the gross floor area of the dwelling unit or two thousand (2,000) square feet, whichever is less.
- (b) There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign in accordance with Article XIV, Section 2 of this ordinance. Accessory structures shall be similar in façade to a single-family dwelling; private garage, shed, barn or other structures normally expected in a rural area and shall be specifically compatible in design and scale with other development in the area in which it is located. Any accessory structure, which does not conform to the setback and yard regulations for main structures in the RP district, shall not be used for any home occupation.
- (c) No traffic shall be generated by such major home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the

conduct of such major home occupation shall be met off the street and other than in a required front yard.

- (d) A site plan in accordance with Article XV, Section 14 shall be submitted with the application for a Special Exception Permit.
- (e) Tourist lodging, Bed and Breakfast, nursing home, nursery schools, and private schools shall not be deemed a major home occupation.
- (f) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average agricultural operation under normal circumstances wherein no major home occupation exists.
- (g) No storage or display of materials, goods, supplies, or equipment related to the operation of a major home occupation shall be visible from the outside of any structure located on the premises.

10.10. Additional Standards for Pre-School/Day Care Center/Nursery School

- (a) In addition to complying with the minimum lot size requirements of the zoning district in which it is located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For purpose of this provision, usable outdoor recreation area shall be limited to:

- 1. That area not covered by buildings or required off-street parking spaces;
 - 2. That area outside the limits of the required front yard;
 - 3. Only that area which is developable for active outdoor recreation purposes.
- (b) All outdoor recreation area shall be fully fenced. All off-street parking and loading areas, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard.

10.11. Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)

- (a) The minimum lot size requirement shall be ten (10) acres.
- (b) The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan.
- (c) No structure, riding rink, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.