



MINUTES

BEDFORD COUNTY BOARD OF SUPERVISORS

BEDFORD COUNTY ADMINISTRATION BUILDING

JUNE 10, 2013

5:00 P.M. WORK SESSION

- a. Presentation by Mr. Bob White of Region 2000 with an update on the Regional Library Initiative study.

6:45 P.M. Dinner

7:30 P.M. WELCOME

- a. Moment of Silence
- b. Pledge of Allegiance

(1) APPROVAL OF AGENDA

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

(For items on this agenda that have not been addressed at a Public Hearing)

(3) APPROVAL OF CONSENT AGENDA *(There are no Consent Items for approval.)*

(4) APPROVAL OF MINUTES – May 20 and May 28, 2013

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

(6) ACTION ITEMS

- a. Consideration of a request for approval of the VDOT Six-Year Secondary Road Improvement Plan. *(Resolution #R0613-060)*
 - *Staff Presentation: Frank Rogers, Deputy County Administrator*
- b. Consideration of a request to approve the Voluntary Settlement Agreement between the City/Town of Bedford and Bedford County for the Blue Ridge Regional Jail. *(Resolution #R0613-062)*
 - *Staff Presentation: Mark K. Reeter, County Administrator*

- c. Consideration of a request from the Bedford Historical Society to submit an application to the Virginia Department of Historic Resources for continuation of the “Barns of Bedford” initiative; no local matching funds are required from the County. (*Resolution #R0613-061*)
 - *Staff Presentation: Frank Rogers, Deputy County Administrator*
- d. Consideration of a request for approval of an Ordinance amending the regulations of the Bedford County Zoning Ordinance and Subdivision Ordinance. (*O 0613-063*)
 - *Staff Presentation: Tim Wilson, Director of Community Development*
- e. Consideration of a request from the Sheriff’s Department to submit a grant application in the amount of \$350,913.00 for the Internet Crimes Against Children Task Force Continuation Grant. (*Resolution #R0613-064*)
 - *Staff Presentation: Lieutenant Michael J. Harmony, Sheriff’s Department*

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Bedford Communications reports for April 2013
- b. Bedford County Planning Commission meeting minutes for April 2 and April 16, 2013
- c. Bedford Regional Water Authority Board meeting minutes from April 23, 2013
- d. Bedford County Department of Social Services Board meeting minutes from April 18, 2013
- e. Bedford County Library Board of Trustees meeting minutes from June 4, 2013
- f. Memo – Bedford County Department of Fire & Rescue graduates the first Citizen’s Emergency Preparedness Academy Participants
- g. Request – Authorization is requested for a Joint Public Hearing on July 8th, 2013 between the Board of Supervisor and the Planning Commission for a Zoning Text Amendment regarding “Commercial Outdoor Entertainment” in the AP District (this would be a part of the regular Board meeting).
- h. Notice – The Reversion Commemoration Event will be held on Monday, July 1st, 2013 (time and venue to be announced at a later date).

(8) APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

(9) COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS

- a. Closed Session pursuant to Section 2.2-3711 (A) (29), to discuss the awarding of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically a contract for reassessment services, and Section 2.2-3711 (A) (3) for consideration of the acquisition of real property, where discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the public body, specifically land for the Stewartsville Solid Waste Convenience Site.

(10) COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS

(11) PENDING MATTERS

(12) UPCOMING MEETINGS

- June 24 – Regular Meeting at 7:30 P.M.
- July 8 - Regular Meeting at 7:30 P.M. (Work session at 5:00 P.M.)
- July 22 – Regular Meeting at 7:30 P.M.

5:00 P.M. – WORK SESSION

Board of Supervisors: Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Roger Cheek, District 3; Tammy Parker, District 7

Absent: Annie Pollard, District 6

Staff Present: Mark K. Reeter, Frank Rogers, Carl Boggess and Brigitte Petersen

Chairman Arrington called the work session to order, and turned the meeting over to Mr. Bob White, Deputy Director with the Region 2000 Local Government Council. Mr. White addressed the Board with an update on the preliminary cost and benefit analysis for regionalizing the County’s libraries with the City of Lynchburg and Campbell County. He briefly reviewed the anticipated cost savings, and noted that the preliminary analysis estimates a combined cost benefit savings of \$450,000.00 for the regional system over the current system. Mr. White stated that an operational analysis is the next step and that the three localities would divide the cost of this next study (estimated to total \$66,000.00).

Supervisor Martin said he was looking for greater detail with savings specific to Bedford County; Mr. White replied that he could not supply that information at this time. He noted that those types of details would be revealed by the operational analysis.

In response to a question from Supervisor Thomasson, Mr. White stated they have not delved into facility savings at this time, as the localities are already maintaining their own library facilities. He said they would get into a greater level of detail as part of the operational analysis, and stated that not all costs would be shared between the three localities. Supervisor Thomasson expressed his concern that regionalizing the system could bring added expenses to the County. Mrs. Peggy Bias, Library Director stated that things specific to a locality (building repairs, etc.) would be the sole responsibility of that locality, not everyone in the regional system.

Chairman Arrington commented that the point of this work session is to look at these issues and then decide if the Board wants to move forward with the \$66,000.00 expenditure to get more analysis. He said that the Bedford library model is the model the proposed regionalized system is being patterned after.

In response to a question from Supervisor Parker, Mrs. Bias stated that State funding is granted taking into account three factors, one of which is whether or not a library is regional. Mrs. Bias said that currently the City and County operate as a regional system, which will change after July 1st, 2013; however, reversion will reserve a percentage of state funding for Bedford for 15 years.

Supervisor Parker pointed out that under the proposed regionalized system, Bedford would gain 7 more full-time employees and lose part-time workers, which would result in more expenses due to health care, etc., and asked if the increase in employees would be split between the three participating localities. Mr. White responded that the details for that would be worked out as part of the operational study. Supervisor Parker stated that she had compared the proposed benchmark to what the County is paying currently, and to restructure the positions as proposed with a 3-way split, Bedford would only net a savings of \$37,499.00 (as compared to Lynchburg's savings of \$201,000.00 and Campbell's savings of \$80,800.00). Vice-Chairman Sharp commented that if it isn't an even split and is prorated, the savings will be even less.

There followed a brief discussion between members of the Board regarding the benefits to Bedford's library versus the other library systems involved in this study, with Mr. White commenting that the operational analysis was needed to bridge what is understood to be the gap in the information the Board needs to make a final decision. Chairman Arrington asked how this all fits under the umbrella of the C.I.P; Mr. Frank Rogers, Deputy County Administrator, responded that library facility needs will need to be considered in the C.I.P.

Vice-Chairman Sharp asked if Lynchburg has eliminated the \$25 charge to use their library to Bedford and Campbell County residents; Mr. White said Lynchburg plans to discuss that. Vice-Chairman Sharp said it would definitely be a goodwill gesture. Mrs. Bias clarified that Bedford charges a "reciprocal fee" to residents of other localities that utilize County libraries if their home localities also charge a fee to people outside their locality.

Mrs. Bias pointed out that it wasn't easy to figure out an equitable and fair budget breakdown, as all three localities use different budget methods. In response to a question from Chairman Arrington, Mr. White said that they expect the operational analysis to take four to six months. In response to a question from Supervisor Parker, Mr. White stated they would be making this same presentation to Lynchburg's City Council, and that Campbell County's Board has agreed to proceed with the operational analysis.

Vice-Chairman Sharp asked what type of action needed to be taken this evening. Mr. Reeter responded that the Board could wait to see what Lynchburg decides to do, and then put this on the June 24th agenda for the Board's consideration. Supervisor Martin commented that he feels we should make decisions based upon what Bedford County needs, not what another county decides; he said the Board should decide tonight whether to move forward with the study. Chairman Arrington noted there is no way to know what the full savings will be without the further operational analysis, and stated that Mrs. Bias has confirmed that the Library Board would cover Bedford's share of \$22,000.00 for the continued analysis.

Mrs. Bias noted that the likely reason for Bedford's lower costs and savings (as compared to Lynchburg and Campbell) is that Bedford already operates as a regional library.

Supervisor Parker asked if it would be an option to partner solely with Campbell County, since we're trying to maintain a regional system to ensure a larger percentage of state funding. Vice-Chairman Sharp said this would probably reduce the savings, since the expenses would be divided by two localities instead of three. Mrs. Bias noted that citizens want to use the closest library, regardless of where it is located, so it may not be beneficial to citizens to partner only with Campbell.

Supervisor Martin asked where the \$22,000.00 that the Library Board has made available for Bedford's share of the study is coming from. Mrs. Bias stated that, because Bedford currently operates as a regional library between the City and the County, they were able to qualify for a federal "e-rate reimbursement" for funds they are paying out for computers. These funds have been used for capital improvements, and the remaining funds are being offered for the analysis cost.

Supervisor Cheek stated that since he has been on the Board, the Board has discussed regional projects approximately four times. The regional radio system that the County is a partner in is based out of Lynchburg, where it works very well. However, the County has paid \$11 million and has a lot of problems with the system. He stated that the County got the short end of the stick in that partnership, and also in the partnership with the regional jail. Supervisor Cheek said he has been through regionalization before, and he doesn't see anything in this proposal that really excites him.

Chairman Arrington received consensus from the Board to add this issue to their agenda for the regular meeting later this evening.

Mrs. Bias noted that this will be the last time she will address the Board, as she is retiring at the end of June, and introduced the Interim Library Director, Jenny Novalis, to the Board.

There being no other questions or comments from the Board, Chairman Arrington called for a motion to adjourn. Supervisor Thomasson made the motion, which passed by acclamation at 5:51 p.m.

The Board moved into the board conference room for dinner.

7:30 P.M. – REGULAR MEETING

Board of Supervisors: Steve Arrington, Chairman – District 5; John Sharp, Vice-Chairman, District 4; Bill Thomasson, District 1; Curry Martin, District 2; Roger Cheek, District 3; Annie Pollard, District 6; Tammy Parker, District 7

Staff Present: Mark K. Reeter, Frank Rogers, Carl Boggess, Tim Wilson, Sheldon Cash, Mike Brown, Mike Miller and Brigitte Petersen

Chairman Arrington welcomed those in attendance; a moment of silence was held and the Pledge of Allegiance was said.

(1) APPROVAL OF AGENDA

Mr. Mark K. Reeter, County Administrator, read the changes to the agenda as follows:

- Revision: Under Attorney Reports, #9a, the Closed Session has been revised to also include Section 2.2-3711 (A) (3) for consideration of the acquisition of real property, where discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the public body, specifically land for the Stewartsville Solid Waste Convenience Site.
- Addition: Under Action Items, #6e, Consideration of a request from the Sheriff's Department to submit a grant application in the amount of \$350,913.00 for the Internet Crimes Against Children Task Force Continuation Grant. (*Resolution #R0613-064*)
- Addition: Under Action Items, #6f, Consideration of a request for funding for an Operational Study for a regional library.

Supervisor Cheek made a motion to approve the agenda as amended; motion passed by acclamation.

(2) FIFTEEN MINUTE CITIZEN COMMENT PERIOD

- Mrs. Jackie Davis, citizen from Thaxton, addressed the Board with a prayer.
- Mr. Ted Jennings, citizen from Bedford, addressed the Board with a request for the Board to review the County's noise ordinance. He stated that he has a neighbor that routinely disrupts the peace. Mr. Jennings also stated that he would like to know what control the Board has over ABC licenses; Chairman Arrington and Attorney Boggess both stated that these licenses are issued through the State ABC Board. Chairman Arrington stated that he was aware of the noise concern, and has turned the issue over to staff for review.
- Mr. Billy Hackworth, citizen from Bedford, thanked the Board for not putting School Resource Officers in the schools. Mr. Hackworth then reiterated his concerns that the movie "Finding Faith" was not an accurate depiction of the events as described in the film. He requested that the Board look into the issue, and take action if they find his concerns to be true. Chairman Arrington encouraged Mr. Hackworth to speak with Sheriff Brown regarding his concerns.

(3) APPROVAL OF CONSENT AGENDA

There were no Consent Agenda items for this agenda.

(4) APPROVAL OF MINUTES

Supervisor Cheek made a motion to approve the minutes for May 20, 2013 as presented; motion passed by acclamation.

Supervisor Cheek made a motion to approve the minutes for May 28, 2013 as presented; motion passed by acclamation.

(5) PUBLIC HEARINGS / PUBLIC APPEARANCES

There were no public hearings or public appearances for this meeting.

(6) ACTION ITEMS

(6a) Mr. Frank Rogers, Deputy County Administrator, addressed the Board with a request for approval of the VDOT Six-Year Secondary Road Improvement Plan. Mr. Rogers briefly reviewed the process that led to this evening's request, and opened the floor to questions from the Board.

In response to a question from Supervisor Pollard, Mr. Todd Daniels, VDOT Residency Administrator, stated that Saunders Grove Road was not added to the plan this year. Mr. Daniels stated that it was still on the list, but not included in the plan.

Supervisor Pollard made a motion to approve Resolution #R0613-060.

WHEREAS, the County annually works with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

NOW, THEREFORE, BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in Bedford County and of the citizens residing on the Secondary System, said Secondary Six-Year is hereby approved as presented.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Motion passed.

(6b) Mr. Mark K. Reeter, County Administrator, addressed the Board with a request for approval of the Voluntary Settlement Agreement between the City/Town of Bedford and Bedford County for the Blue Ridge Regional Jail. Mr. Reeter stated that, after reversion, Bedford County will assume authority of specific areas for arrests, et cetera.

Supervisor Cheek made a motion to approve Resolution #R0613-062.

WHEREAS, the Blue Ridge Regional Jail Authority (“Authority”) was formed in 1994 to provide a regional jail system for the Counties of Bedford, Campbell, Halifax and the Cities of Bedford and Lynchburg; and

WHEREAS, the above jurisdictions adopted the Blue Ridge Regional Jail Authority Amended and Restated Service Agreement (the “Service Agreement”) dated 26 June 1997; and

WHEREAS, the Counties of Amherst and Appomattox became members of the Authority on 1 July 2007; and

WHEREAS, the City of Bedford and the County of Bedford have entered into a Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the

County of Bedford (the “Voluntary Settlement Agreement”) dated 14 August 2012, under which the City’s reversion to town status takes effect on 1 July 2013; and

WHEREAS, Section 6.11 of the Voluntary Settlement Agreement states that “The City and the County are members of the Blue Ridge Regional Jail Authority (the “Jail Authority”). The County shall assume all liabilities of the City to the Jail Authority accruing from and after the effective date of the transition of the City to town status, including those liabilities arising under the Jail Authority Service Agreement, dated 10 November 1994, as amended. As of such effective date, all then-existing City inmates shall be deemed inmates of the County”; and

WHEREAS, pursuant to Section 53.1-95.5 of the Code of Virginia and Section 6.8 of the Service Agreement the Member Jurisdictions must unanimously agree to allow the City of Bedford to withdraw as a member of the Authority.

NOW, THEREFORE BE IT RESOLVED, that the County of Bedford hereby agrees to all allow the City of Bedford to withdraw as a member jurisdiction from the Blue Ridge Regional Jail Authority; and

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized to enter into a Withdrawal Agreement to affect the withdrawal.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Motion passed.

(6c) Mr. Frank Rogers, Deputy County Administrator, addressed the Board with a request from the Bedford Historical Society to submit an application to the Virginia Department of Historic Resources for continuation of the “Barns of Bedford” initiative. He clarified that there are no required local matching funds, and that the request before the Board is due to the requirement of the application for partnership with the applicant’s locality.

Supervisor Thomasson made a motion to approve Resolution #R0613-061.

WHEREAS, the Bedford Historical Society has initiated a survey of farms, barns and other agricultural outbuildings in the County; and

WHEREAS, to continue that project into Phase II, the Historical Society would like to seek grant funding from the Department of Historic Resources; and

WHEREAS, the grant application requires that the County participate on any grant application from the Historical Society; and

WHEREAS, if any requested grant funds are awarded any local matching requirement will be funded by the Bedford Historical Society; and

WHEREAS, responsibility for leading the administration of the grant will be the Bedford Historical Society's; and

WHEREAS, the Board sees great merit in documenting the County's agricultural history;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby authorize staff to proceed in partnership with the Bedford Historical Society, in pursuit of grant funds for Phase II of the "Barns of Bedford" survey project.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Motion passed.

(6d) Mr. Frank Rogers, Deputy County Administrator, addressed the Board with a request for funding for an operational analysis as it relates to the regional library study to consolidate library services, noting that this item was discussed earlier in the Board's work session and was added to the agenda for this evening's regular meeting at the Supervisor's direction. He said that the Library Board has the \$22,000.00 in their budget to cover the County's portion of the consultant's fee.

Supervisor Parker noted that this would not be a decision on whether or not the County would become part of a regionalized system; rather, it is giving the Board more detail so they can make an informed decision as to whether this would be a worthwhile partnership for Bedford. She said she is not opposed with moving forward with this study.

Chairman Arrington summarized the discussion in the work session for those in attendance. Supervisor Pollard commented that she is not in favor of regionalizing the libraries and does not want to waste time and funding collecting information for further study. Supervisor Martin said that the big winner in this plan is Lynchburg, with Bedford tax dollars supporting the Lynchburg libraries. He said the Bedford library model is what they are after, and he will not vote in favor of this proposal.

Chairman Arrington reiterated that at this point we do not know what the full savings will be until the operational analysis is completed.

Supervisor Thomasson said that the savings for Bedford County, as revealed in the study to date, only amounts to \$37,000.00 out of a projected \$450,000.00 for all the localities combined, and questioned whether this was worth giving our libraries up to a regional system.

Vice-Chairman Sharp noted that the County would still retain the ownership of the facilities, and that at this point we don't know how much more could be saved until the further analysis is done. He said if the study comes back with only \$37,000.00 in total savings for Bedford, then he would not be interested in regionalization either, but until the study is done we have no way of knowing.

Chairman Arrington stated that there were two primary questions regarding this issue: first, will the quality be the same or enhanced by regionalization, and second, what are the savings? He said the savings are the primary reason this was being looked at by all three localities, and in order to know what those savings are we need to finish the study or stop the process right now.

Supervisor Thomasson said the \$22,000.00 offered by the Library Board could be better spent on other library needs rather than a regional library system, and asked to table this action. Chairman Arrington asked if the intention was to table this action and bring it back for consideration on June 24th; Supervisor Thomasson responded in the negative and said he wanted to put the motion to rest.

Supervisor Thomasson made a motion to deny permission to go any further with the Regional Library Study.

Voting yes: Mr. Thomasson, Mr. Martin, Mr. Cheek and Mrs. Pollard

Voting no: Mr. Sharp, Mrs. Parker and Mr. Arrington

Motion passed.

(6e) Lieutenant Mike Harmony addressed the Board with a request from the Sheriff's Department to submit an application in the amount of \$350,913.00 for the Internet Crimes Against Children Task Force Continuation Grant. Lieutenant Harmony stated that these funds have been applied for and received for the past 13 years, and asked if the Board had any questions.

Supervisor Thomasson made a motion to approve Resolution #R0613-064.

WHEREAS, Lieutenant Mike Harmony with the Bedford County Sheriff's Office has prepared a grant application per the instructions of the Comptroller of the U. S. Department of Justice; and

WHEREAS, the application is requesting \$350,913.00 to provide overtime, travel, rent, and equipment during the period July 1, 2013 to June 30, 2014; and

WHEREAS, the grant does not require any local match and all grant funds are received on a reimbursement basis; now

THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors does hereby authorize the submission of a grant application in the amount of \$350,913.00 to the U. S. Department of Justice.

Voting yes: Mr. Thomasson, Mr. Cheek, Mr. Sharp, Mr. Arrington, Mrs. Pollard and Mrs. Parker

Voting no: None

Abstained: Mr. Martin

Motion passed.

(6f) Mr. Tim Wilson, Director of Community Development, addressed the Board for approval of an Ordinance amending the regulations of the Bedford County Zoning Ordinance and Subdivision Ordinance. Mr. Wilson briefly reviewed the process that led to this evening's request, noting the following issues that were not finalized in the last meeting that were added as place-holders in this evening's ordinance:

- Minimum lot size requirement in the AP district – there had been a lot of discussion regarding whether it should be one acre or 1.5 acres as recommended by the Planning Commission. At this time, the Ordinance shows a one-acre lot size, but the Board can decide to modify this before adopting the ordinance this evening.
- How divisions of lots are counted or not counted – the Ordinance stated Agricultural subdivisions would count towards the maximum number of allowed divisions in both AR and AP districts (no more than 10 lots in the AR; no more than 5 lots in the AP). The Ordinance before the Board this evening excludes the AG lots from being counted those divisions, which is the current practice of the County.
- A private street alternative to be offered in the clustered subdivision option – currently such roads have to be constructed to a public standard and then dedicated and maintained publically. Changing this would require re-advertisement of the text amendment to this portion of the zoning ordinance.

Mr. Wilson stated all other changes from the last meeting's work session have been incorporated into the Ordinance that is before the Board for approval this evening, and will take effect immediately upon adoption.

Supervisor Parker requested clarification on the AG subdivisions as they are now, and not including them in the cuts. Attorney Carl Boggess responded that the Board is not including those because the Ordinance says in the definition of subdivisions that it is not a division of agricultural land if it is more than 20 acres and is used for agricultural purposes.

Vice-Chairman Sharp requested that, since we cannot determine what is a parent lot and what is a child lot, and to avoid some of the unintended consequences associated with this determination, he suggested the Ordinance be adopted with a 1.5 acre minimum lot size in the AP district with 150' of road frontage.

Supervisor Pollard stated that when the zoning ordinance was originally adopted, a lot of property was down-zoned in the County. She said the Supervisors have been reviewing this for over five years; we can always go back and fix something if it isn't working. She said we don't have enough growth in the County at this point for the one acre lot size to be an issue.

Supervisor Pollard made a motion to adopt Ordinance #O 0613-063 as presented.

Voting yes: Mr. Arrington and Mrs. Pollard

Voting no: Mrs. Parker, Mr. Thomasson, Mr. Martin, Mr. Sharp and Mr. Cheek

Motion failed.

Vice-Chairman Sharp made a motion to adopt Ordinance #O 0613-063, amended to show the minimum lot size increased to 1.5 acres and 150' road frontage in the AP district.

BE IT HEREBY ORDAINED by the Board of Supervisors of Bedford County, Virginia, that after having conducted a duly advertised public hearing and upon receiving the recommendation forwarded by the Bedford County Planning Commission, that the regulations of the Bedford County Zoning Ordinance and Bedford County Subdivision Ordinance be amended and readopted as follows:

PART I. That **Section 30-14(A), AMENDMENTS TO ORDINANCE**, be amended as follows:

(A) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the board of supervisors may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments proposing changes to either the regulations or maps of the zoning ordinance may be initiated by:

(1) Resolution of the board of supervisors;

(2) Motion of the planning commission;

(3) Petition by a property owner. ~~Petition~~ A petition to change the zoning map may only be submitted by ~~of~~ the owner, contract purchaser with the owner's written consent, or the owner's agent thereof, of the property which is the subject of the proposed zoning map amendment.

Any petition submitted shall be in writing and ~~shall be addressed~~ submitted to the zoning administrator, ~~board of supervisors, or planning commission.~~ using the application form approved for such purpose.

PART II. That **Section 30-41-3(C)(1)(b), Maximum height of accessory structures, R-1 District** be amended as follows:

b. Accessory structures: ~~15-~~ 35 feet.

That **Section 30-42-3(C)(1)(b), Maximum height of accessory structures, R-2 District** be amended as follows:

b. Accessory structures: ~~45~~ 35 feet.

That **Section 30-45-3(C)(1)(b), Maximum height of accessory structures, R-3 District** be amended as follows:

b. Accessory structures: ~~45~~ 35 feet.

That **Section 30-82-15(A), Two-family Dwelling**, be corrected to rescind reference to permitting in R-1 District as follows:

(A) In the AV ~~and R-1 districts~~ district the minimum lot size shall be 30,000 square feet.

PART III. That **Section 30-28(C), DEFINITIONS**, be amended to modify the definition for *automobile dealership, new* and to rescind the definition for *automobile dealership, used* to provide for a single use and definition for *automobile dealership* as follows:

AUTOMOBILE DEALERSHIP, ~~NEW~~: The use of any building, land area or other premises for the display of new and used automobiles, trucks, vans or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

~~**AUTOMOBILE DEALERSHIP, USED:** Any lot or establishment where three (3) or more used motor vehicles, including automobiles, trucks and motorcycles are displayed at one (1) time for sale.~~

That **Section 30-79-2, Permitted Use Table, Commercial Uses**, be amended to delete *Automobile Dealer, New* and *Automobile Dealer, Used* and to list *Automobile Dealer* as a single use permitted by right, with specified standards, (R*) in C-2, PCD and PID zoning districts.

That **Section 30-85-4, Automobile Dealership, New** be amended as follows:

Sec. 30-85-4. Automobile Dealership, ~~New~~.

That **Section 30-85-5, Automobile Dealership, Used** be rescinded in its entirety.

That **Section 30-91-9(E), Minimum Parking Required, Commercial Use Types**, be amended to modify *Automobile Dealership* as follows:

(E) Commercial Use Types	
Automobile Dealership, New	See Schedule A

Automobile Dealership, Used	See Schedule A
---	--------------------------------

That **Section 30-91-12, Minimum Loading Spaces Required**, be amended to modify *Automobile Dealership* as follows:

USES	NUMBER OF LOADING SPACES
Retail Sales, Personal Services, New and Used —Automobile Dealerships, and Restaurants.	Up to 15,000 sq. ft. = 1 space; 15,001 to 40,000 sq. ft. = 2 spaces; 40,001 to 100,000 sq. ft. = 3 spaces;

That **Section 30-82-2(B)(3), Home Beauty/Barber Salon**, be amended as follows:

- (A) Intent. ~~Under certain unique circumstances, a~~ A small-scale beauty and/or barber shop may be ~~an appropriate use permitted~~ within a residential dwelling. The standards ~~and procedure~~ for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.
- (B) In the AP, AR, and in all residential districts, including residential use types in the PRD, PCD, and PID, the following standards shall apply:
 - ~~1. The applicant shall submit documentation that an infirmity exists which prevents either the salon operator or a permanent occupant of the dwelling unit from regularly leaving the dwelling to pursue gainful employment.~~
 - 2.1. The salon shall be limited to one (1) chair only.
 - 3-2. The retail sale of beauty and barber supplies shall be ~~prohibited~~ allowed as an accessory use to the permitted beauty or barber shop use.
- (C) In the AV, C-1 and C-2 districts, a home beauty/barber salon shall be limited to no more than two (2) chairs.

PART IV. That **Section 30-62-3(C), Site Development Regulations, Maximum height of structures, I-2 District**, be amended as follows:

- (C) Maximum height of structures

Height limitations:

All structures: ~~75-125~~ feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with Section 30-19.

PART V. That **Section 30-32-3(E), Maximum number of subdivisions of a single tract allowed, AP Agricultural/Rural Preservation District**, be amended as follows:

(E) Maximum subdivisions of a single tract allowed.

(1) Traditional Lot Division

Up to five (5) separate lots, provided each lot meets the requirements of this section. This five (5) lot maximum shall exclude a maximum of ten (10) family subdivision lots and shall exclude agricultural subdivision lots as both are defined and regulated by this Ordinance and the provisions of the Bedford County Subdivision Ordinance. The maximum of five (5) lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than five (5) lots may be permitted pursuant to the Cluster Development Option as provided for in this subsection, or shall otherwise require a rezoning as set forth in article I.

(2) Cluster Development Option

The purpose of the cluster development option is to provide flexibility in site design in order to encourage natural resource and open space preservation, preservation of agriculturally zoned land for agricultural purposes, the cost efficient provision of infrastructure, and allow appropriate design solutions for unique site conditions. Use of the cluster development option is voluntary.

The cluster development option permits additional lots in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the AP District pertain to the cluster development option.

The cluster development option may be used on any legally divisible parcel in the AP District. All cluster developments must legally and permanently subdivide all lots at the time of initial development application.

a. Maximum number of residential lots: Seven (7) lots.

b. Minimum residential lot size: One (1) acre.

c. Maximum residential lot size: Two (2) acres.

d. Open space provisions: A minimum area of 20 contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

Open space established for purposes of meeting the requirements of this cluster development provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space. However, other impervious surfaces and non-agricultural buildings, exclusive of those listed above, are prohibited on the open space.

e. Maximum Number of Clusters: One (1) per parcel.

f. Clustering of permitted lots between parent parcels: A landowner with multiple contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.

g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right of way.

h. Cluster Design Standards:

1. The purpose of the Cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the County's agricultural landscape.
2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
3. The design and location of the Cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the Agricultural Zoning District.
6. Access to the Cluster shall be from a single internal road.
7. The appearance of a Cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
8. Landscaping that defines the access road along its entire length shall be provided.

9. The Cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
10. Strong provision should be made for walking as opposed to vehicular connections within the Cluster.
11. Street widths, alignments, and parking shall be scaled to the size of the Cluster.
12. The streetscape of the Cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
13. Where a Cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the Cluster.
14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

That **Section 30-34-3(E), Maximum number of subdivisions of a single tract allowed, AR Agricultural/Residential District**, be changed to provide for an exception for *family subdivision* lots in what is to be newly referenced as a “Traditional Lot Division” option, and to provide for an added *Cluster Development Option* as follows:

(E) Maximum subdivisions of a single tract allowed.

(1) Traditional Lot Subdivision

Up to ten (10) separate lots, provided each lot meets the requirements of this section. This ten (10) lot maximum shall exclude a maximum of ten (10) family subdivision lots and shall exclude agricultural subdivision lots as both defined and regulated by this Ordinance and the provisions of the Bedford County Subdivision Ordinance. The maximum of ten (10) lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than ten (10) lots may be permitted pursuant to the Cluster Development Option as provided for in this subsection, or shall otherwise require a rezoning as set forth in article I.

(2) Cluster Development Option

The purpose of the cluster development option is to provide flexibility in site design in order to encourage natural resource and open space preservation, preservation of agriculturally zoned land for agricultural purposes, the cost efficient provision of infrastructure, and allow appropriate design solutions for unique site conditions. Use of the cluster development option is voluntary.

The cluster development option permits additional lots in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the AR District pertain to the cluster development option.

The cluster development option may be used on any legally divisible parcel in the AR District. All cluster developments must legally and permanently subdivide all lots at the time of initial development application.

a. Maximum number of residential lots: Fourteen (14) lots.

b. Minimum residential lot size: One (1) acre.

c. Maximum residential lot size: Two (2) acres.

d. Open space provisions: A minimum area of 20 contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

Open space established for purposes of meeting the requirements of this cluster development provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space. However, other impervious surfaces and non-agricultural buildings, exclusive of those listed above, are prohibited on the open space.

e. Maximum Number of Clusters: One (1) per parcel.

f. Clustering of permitted lots between parent parcels: A landowner with multiple contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.

g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right of way.

h. Cluster Design Standards:

1. The purpose of the Cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the County's agricultural landscape.

2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
3. The design and location of the Cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the Agricultural Zoning District.
6. Access to the Cluster shall be from a single internal road.
7. The appearance of a Cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
8. Landscaping that defines the access road along its entire length shall be provided.
9. The Cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
10. Strong provision should be made for walking as opposed to vehicular connections within the Cluster.
11. Street widths, alignments, and parking shall be scaled to the size of the Cluster.
12. The streetscape of the Cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
13. Where a Cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the Cluster.
14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

That **Section 30-79-2, Permitted Use Table, Commercial Uses**, be amended to add *General Store*, as a permitted use by right subject to use standards (R*) in the AP and AR zoning districts; and to add *General Store, with fuel sales* as a permitted use by special use permit (S) in the AP and AR zoning districts.

That **Section 30-85, Use and Design Standards, Commercial Uses**, be amended to list *General Store* as follows:

General Store

(A) General Standards:

General store shall be a use permitted by right where the applicant can document and have verified by the Zoning Administrator that the proposed site for which application is being made has previously been developed and used for general store or other similar retail sale use. Where prior general store use of a site cannot be verified, application for general store shall be by special use permit subject to review and approval by the Board of Supervisors as provided for in Article I of this Ordinance.

That **Section 30-28(C), DEFINITIONS**, be amended to add and define the term *General Store* as follows:

GENERAL STORE: A single store of not more than two thousand (2,000) square feet of gross floor area, which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. [General stores may additionally include fuel sales.](#)

That **Section 30-91-9(E), Minimum Parking Required, Commercial Use Types**, be modified to add *General Store* as follows:

(E) Commercial Use Types	
<u>General Store</u>	<u>1 space per 200 sq. ft. for 1st 1,000 sq. ft., plus 1 space for each additional 175 sq. ft.</u>

That **Section 30-32-3(A)(1), Minimum lot requirements, AP District**, be amended as follows:

(A) Minimum lot requirements

1. All lots, regardless of sewer and water provisions
 - a. Area: ~~3-1.5~~ acres (~~130,680-65,340~~ square feet), with the exception that the minimum area for a family subdivision lot as defined and regulated by this ordinance shall be 1 acre (43,560 square feet).
 - b. Frontage: ~~200-150~~ feet on a publicly owned and maintained street.

That **Section 30-32-3(B), Minimum Setback Requirements, AP District**, be amended as follows:

(B) Minimum setback requirements

1. ~~Principal structure~~ Front yard:

a. Principal structures: 35 feet.

b. Accessory structures: 35 feet or behind the front building line, whichever distance is less.

~~a. Front yard/rear yard:~~

~~i. Combined front yard and rear yard: 110 feet.~~

~~ii. Minimum front yard: 50 feet.~~

~~iii. Minimum rear yard: 25 feet.~~

~~b. Front yard/side yard (applies to corner lots):~~

~~i. Combined front yard and side yard: 100 feet.~~

~~ii. Minimum front yard: 50 feet.~~

~~iii. Minimum side yard: 15 feet.~~

2. Side yard:

a. Principal structures: 10 feet.

b. Accessory structures: 10 feet when between front and rear building lines and 3 feet when behind the rear building line and 10 feet when in front of the front building line.

~~c. Side yards:~~

~~i. Combined side yards: 50 feet.~~

~~ii. Side yard minimum: 15 feet.~~

~~2. Accessory structure:~~

a. ~~Front yard: 75 feet or behind the front building line, whichever distance is less.~~

b. ~~Side yard: 10 feet.~~

c. ~~Rear yard: 10 feet.~~

3. ~~Front yard setback on Virginia Route 43 shall be 150 feet.~~

3. Rear yard:

a. Principal structures: 25 feet.

b. Accessory structures: 3 feet.

4. Where a lot fronts on more than one street, the front yard setbacks shall apply to all streets.

That **Section 30-32-3(D), Maximum Coverage, AP District**, be amended as follows:

(D) Maximum Coverage

1. Building coverage: ~~5-~~30 percent of the total lot area.

~~2. Maximum building coverage of nonconforming lots: 10 percent of the total lot area.~~

~~32.~~ Lot coverage: ~~20-~~50 percent of the total lot area.

That **Section 30-34-3(A)(1), Minimum lot requirements, AR District**, be modified to reduce the minimum lot area requirement as follows:

(A) Minimum lot requirements

1. All lots, regardless of sewer and water provisions

a. Area: ~~1.5-~~1 acres (~~65,340-43,560~~ square feet)

b. Frontage: ~~150-~~100 feet on a publicly owned and maintained street.

That **Section 30-34-3(B), Minimum Setback Requirements, AR District**, be amended as follows:

(B) Minimum setback requirements

1. ~~Principal structure~~ Front yard:

a. Principal structures: 35 feet.

b. Accessory structures: 35 feet or behind the front building line, whichever distance is less.

~~a. Front yard/rear yard:~~

~~i. Combined front yard and rear yard: 75 feet.~~

~~ii. Minimum front yard: 35 feet.~~

~~iii. Minimum rear yard: 25 feet.~~

~~b. Front yard/side yard (applies to corner lots):~~

~~i. Combined front yard and side yard: 70 feet.~~

~~ii. Minimum front yard: 35 feet.~~

~~iii. Minimum side yard: 15 feet.~~

2. Side yard:

a. Principal structures: 10 feet.

b. Accessory structures: 10 feet when between the front and rear building lines and 3 feet when behind the rear building line and 10 feet when in front of the front building line.

~~c. Side yards:~~

~~i. Combined side yards: 40 feet.~~

~~ii. Side yard minimum: 15 feet.~~

~~2. Accessory structure:~~

~~a. Front yard: 50 feet or behind the front building line, whichever distance is less.~~

~~b. Side yard: 10 feet.~~

~~c. Rear yard: 10 feet.~~

3. Rear Yard:

a. Principal structures: 25 feet.

b. Accessory structures: 3 feet.

3.4. Where a lot fronts on more than one street, the front yard setbacks shall apply to all streets.

That **Section 30-34-3(D), Maximum Coverage, AR District**, be amended as follows:

(D) Maximum Coverage

1. Building coverage: 40-30 percent of the total lot area.
2. Lot coverage: 30-50 percent of the total lot area.

That **Section 30-82-1(C), Accessory Apartments, Additional Standards in the AP and AR Districts**, be amended as follows:

(C) Additional standards in the AP, ~~and AR,~~ and AV districts:

1. An accessory apartment may be permitted in a building other than the principal building provided:
 - a. The parcel ~~contains a minimum of 3 acres~~ meets the minimum lot size requirement for the district in which it is located.
 - b. The building in which it is located complies with all setback requirements for a principal building.

That **Subdivision Ordinance Article 5.11, Lot frontage, and Article 6.1, Frontage on improved roads**, be amended as follows:

5.11 – Lot frontage.

Every lot shall front on a public street, except as provided for in the Zoning Ordinance, family subdivision lots, agricultural subdivision lots, and lots served by private access easements as specifically provided for in this ordinance. ~~(including family conveyances and agricultural divisions)~~. Every lot shall have the minimum road frontage according to its respective zoning district.

6.1 - Frontage on improved roads.

Except for family subdivisions, agricultural subdivisions, and minor subdivisions utilizing private access easements as described in this section ~~and agricultural subdivisions~~, no subdivision shall be approved unless the area to be subdivided has frontage on and access from:

1. An existing road or street in the VDOT system.
2. A street shown upon an approved plat recorded in the clerk of the circuit court's office. Such road or street must be suitably improved as required by VDOT regulations, specifications, or orders, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these regulations.

3. A private access easement. A private access easement providing ingress and egress to an existing dedicated and maintained public street may be used for minor subdivision lots located in Agricultural/Rural Preserve (AP) and Agricultural/Residential (AR) Zoning Districts subject to the following provisions:

- a. No more than 2 lots shall be allowed access by means of private access easement.
- b. Such easement shall be at least 40 feet in width and designated for the purpose of road construction, related storm water conveyance and controls, and the locating of utilities serving the proposed lots.
- c. Private access easements shall be subject to the street naming and street sign installation requirements of Section 6.18 of this ordinance.
- d. The entrance of such easement onto the public roadway when proposed to serve 2 or more lots or residences shall require a valid entrance permit or other appropriate approval issued by the Virginia Department of Transportation.
- e. When the use of a private access easement not meeting the minimum standards of the Virginia Department of Transportation for inclusion in the secondary system of state highways is proposed, the following statement shall prominently appear on all plats, deeds and future conveyances: "The private access easement in this subdivision does not meet state standards, is not intended for inclusion in the system of state highways, and will not be constructed, maintained, or allocated any funding for such purposes by either the Virginia Department of Transportation or Bedford County, Virginia. The maintenance of the private access easement shown hereon shall be the responsibility of the private landowners whose lots are served by said private access easement."

PART VI. That **Section 30-77, CO CORRIDOR OVERLAY DISTRICT**, be amended as follows:

Sec. 30-77. CO Corridor overlay district.

Sec. 30-77-1. Purpose.

The corridor overlay district, CO, recognizes the value of the various scenic viewsheds, natural resources, and vital transportation corridors within Bedford County. These are considered assets by the county. The various features represent areas or corridors of population and economic growth, draw people from in and outside of Bedford County, facilitate movement from one area to another, and are in many instances, the very reasons why people have chosen to live here. They are vital parts of the county, and many are pleasant to behold and experience, and contribute to the sense of well-being and happiness. ~~Goals of the plan include the promotion and preservation of these areas. In that spirit, t~~The corridor overlay district has been established in order that the viewsheds and natural resources of Bedford County will be preserved now and for future generations while, at the same time, facilitating responsible development.

In recognition of these visually or otherwise sensitive areas, this district has been established in order to regulate development along particular (transportation) corridors in close proximity to the resource or viewshed. Of particular concern along these corridors are continued visibility, ~~density of development, height limitations, setbacks from the roadway, lighting,~~ landscaping, and signage.

Sec. 30-77-2. Creation of overlay.

- (a) The requirements of this section shall be considered an overlay to the underlying zoning district designations as shown on the official zoning map. As overlay regulations, this section shall be supplemental to the underlying zoning district requirements contained in article III of this ordinance. In the instances where the specific requirements of this section and those in articles III and V are different ~~(i.e., front yard setbacks, parking landscaping, etc.)~~, the most restrictive regulation shall apply.
- (b) The corridor overlay district shall be located along the following routes, in both directions, in their entirety within the jurisdiction of Bedford County. The boundary of the district shall consist of a line two hundred (200) feet from the edge of the right-of-way, on both sides of the road, and running parallel to that right-of-way. The entire area within these lines shall constitute the corridor overlay district.

Routes comprising the corridor overlay district:

Route 24	Route 221
Route 43	Route 460
Route 122	Route 501

Sec. 30-77-3. Existing structure and land uses.

- (a) The provisions of this article shall apply only to structures constructed and land uses established or modified after the effective enactment date of this ordinance.

Sec. 30-77-4. Permitted uses.

- (a) The uses permitted in the corridor overlay district shall be the same as those permitted in the underlying zoning district except as prohibited below.
- (b) Forestry operations shall be permitted subject to the following provisions:
 - (1) The property must be located in an AP or AR zoning district;
 - (2) The property must be enrolled in the county's land use assessment program;
 - (3) All brush, logs, and other residential debris within two hundred (200) feet of the corridor right-of-way shall be eliminated; and
 - (4) All "clear-cut" areas shall be: replanted with trees during an accepted planting season; replanted through natural regeneration; or reseeded, for agricultural purposes at a rate equal to or greater than the county's typical seeding requirements found in the erosion and sediment control ordinance, within one hundred twenty (120) days of the cessation of the timbering activities.

Sec. 30-77-5. Prohibited uses.

- (a) The following use types and uses shall be prohibited within the corridor overlay district:
 - (1) Type III industries.
 - (2) Scrap and salvage services.
 - (3) Utility services, major.
 - (4) Wireless communications facilities (except for colocations and mini-cells).

Sec. 30-77-6. Site development regulations.

- ~~(a) A development plan shall be submitted to the department of planning prior to any activity being done on the site. See article V, section 30-100-1.~~
- ~~(b) Minimum setback requirements:~~

- (1) Front yard:
 - a. Principal structures: Seventy (70) feet from the edge of the right-of-way.
 - b. Accessory structures: Behind the front building line.
 - c. Parking, loading, or other disturbed land: Seventy (70) feet from the edge of the right-of-way.

- (2) Side yard:
 - a. Principal structures: Twenty (20) feet.
 - b. Accessory structures: Twenty (20) feet.

- (3) Rear yard:
 - a. Principal structures: Twenty five (25) feet.
 - b. Accessory structures: Ten (10) feet.

- (4) The expansion of a legally established nonconforming structure into the required side or rear yard shall be permitted provided the expansion does not encroach into the required yard any greater than the existing encroachment.

(c) Maximum height of structures:

- (1) Height limitations:
 - a. Principal structures: Thirty five (35) feet.
 - b. Accessory structures: Fifteen (15) feet.

(d) Maximum coverage:

- (1) Building coverage: Thirty (30) percent of the total lot area for all buildings and seven (7) percent for accessory buildings.
- (2) Lot coverage: Forty five (45) percent of the total lot area.

(e) Lighting:

- (1) All lighting shall be directed and reflected away from public roads and adjacent property.

~~(2) All lighting shall be of a minimal acceptable type and intensity.~~

~~(f) Landscaping and fences:~~

~~(1) Residential lots:~~

~~a. All landscaping and plantings shall be designed so as not to impede sight distance at the entrance to the property.~~

~~b. Removal of healthy trees over eighteen (18) inches in diameter shall be prohibited except in the building footprint area, construction activity area, rights of way or private drives, utility easements, and septic areas.~~

~~c. Any wall or fence in the front yard shall be constructed in durable fashion with a finish surface of wood, brick, stone, or other decorative material as approved by the zoning administrator. No wall or fence shall exceed six (6) feet in height.~~

~~d. In order to encourage the placement of appealing landscaping and fencing, the zoning administrator shall have the authority to reduce the required front yard setback by up to forty (40) percent if the following standards are met:~~

~~1. Landscaping consisting of one (1) tree per fifteen (15) feet of street frontage and one (1) shrub per five (5) feet of street frontage planted in creative groupings. The trees may be a combination of evergreens, and large and small deciduous trees, and both trees and shrubs must meet the size requirements for screening, landscaping, and buffer yards in article V;~~

~~2. The construction of flower/mulch beds of a total area of at least one hundred (100) square feet in exchange for a tree as stated above; or~~

~~3. The construction of other landscaping features (i.e. fountains, ponds, gazebos, etc.) visible from the street, may be substituted for a portion of 1., subject to approval by the zoning administrator.~~

~~(2) Commercial, industrial, or institutional lots (including churches). It should be noted that these requirements are in addition to screening, landscaping, and buffer yard standards in article V, and that the most restrictive regulation shall apply:~~

~~a. All landscaping and plantings shall be designed to maintain or create a pleasant, open, uncluttered streetscape, while still allowing adjacent uses to be easily located and their purpose and function determined from the street.~~

~~Landscaping shall not impede sight distances at intersections or the readability of allowable signs.~~

~~b. Setback yards facing streets shall be known as street yards and shall meet the following requirements:~~

- ~~1. Removal of healthy hardwood trees eight (8) inches in diameter and over shall be prohibited, except in rights of way and easements when necessary, drives, walks, approved parking, drainfields, and similar areas.~~
- ~~2. Where existing trees are preserved, brush and undergrowth shall be cleared and removed and remaining trees "limbed up" to a height of eight (8) feet to promote visibility of adjacent land uses.~~
- ~~3. Where existing vegetation is not sufficient to meet standards or cannot be maintained, landscaping and planting consisting of at least one (1) tree per fifteen (15) feet of street frontage and one (1) shrub per five (5) feet of street frontage planted in creative groupings. The trees may be a combination of evergreens, and large and small deciduous trees, and both trees and shrubs must meet the size requirements for screening, landscaping and buffer yards in article V.~~
- ~~4. Impervious services within street yards shall be kept to a minimum. Other surfaces shall be in grass, appropriate ground cover, or mulched.~~

~~c. Street yard requirements:~~

- ~~1. Landscaping consisting of one (1) tree per fifteen (15) feet of street frontage and one (1) shrub per five (5) feet of street frontage planted in creative groupings. The trees may be a combination of evergreens, and large and small deciduous trees, and both trees and shrubs must meet the size requirements for screening, landscaping, and buffer yards in article V.~~
- ~~2. The maximum area of impervious surface within the required street yard, excluding any vehicle entranceway, shall be fifteen (15) percent.~~
- ~~3. All other surface of the street yard shall be seeded, grassed, or mulched.~~

- d. ~~Removal of healthy trees over eighteen (18) inches in diameter shall be prohibited except in the building footprint area, construction activity area, rights-of-way or private drives, parking and loading areas, utility easements, and septic areas.~~

- e. ~~Any wall or fence in the front yard shall be constructed in durable fashion with a finish surface of wood, brick, stone, or other decorative material as approved by the zoning administrator. No wall or fence shall exceed six (6) feet in height.~~

- f. ~~In order to encourage the placement of appealing landscaping and fencing, the zoning administrator shall have the authority to increase the required maximum building coverage up to thirty (30) percent if the following additional landscaping standards are met:~~
 - 1. ~~The landscaping must be placed in the front and/or street yard.~~

 - 2. ~~The coverage may be increased if the landscaping requirements below are met. (This is in addition to any required screening and/or landscaping):~~

Increase in Building Coverage Allowed	Increase in Landscaping Required
10 Percent	8 Percent of Total Required Landscaped Area
20 Percent	9 Percent of Total Required Landscaped Area
30 Percent	10 Percent of Total Required Landscaped Area

~~(g)~~ (a) Signage:

(1) It should be recognized that these requirements are in addition to signs requirements of section 30-93, and the most restrictive regulation shall apply.

(2) The following signs shall be allowed in the CO district:

Business signs: Each business shall be allowed only one (1) freestanding sign with a maximum area of thirty-two (32) square feet.

Identification signs: A maximum area of twenty (20) square feet shall be allowed per use.

Home occupation signs: A maximum area of four (4) square feet shall be allowed per home occupation, or group of home occupations within one home.

Historic site signs: A maximum area of twenty (20) square feet shall be allowed per sign.

Shopping center signs: One (1) shopping center sign is allowed. The sign shall be freestanding and shall be encased in a structure architecturally similar to that of the main building.

The maximum area of the sign shall be two hundred (200) square feet. Where a shopping center sign is used, no other frontage signs will be allowed.

Temporary signs shall be allowed in accordance with article V.

(3) No freestanding sign shall be located within seventy-five (75) feet of any other freestanding sign on an adjacent or adjoining lot.

(4) All signs shall be set back at least twenty-five (25) feet from the centerline of the right-of-way or at the property line, whichever is greater.

(5) No freestanding sign shall exceed ten (10) feet in height.

(6) All signs shall be constructed of or have a border constructed of wood, brick, masonry, or other materials as approved by the zoning administrator.

(7) Neon lighting shall be prohibited; lighting shall be such that reflection towards the road is minimized; flashing lights of any type are prohibited.

- (8) Awning signs, banner signs, projecting signs, roof signs, suspended signs, and any other type of sign attached or painted to any portion of the principal building are permitted with a maximum aggregate area equal to twenty (20) percent of the area of the building facade facing the front property line, or four hundred (400) square feet, whichever is less.

~~(h)~~ (b) Parking:

- (1) It should be recognized that the requirements of this section are in addition to the off-street parking, stacking and loading requirements of section 30-91-1, and the most restrictive regulation shall apply.
- (2) All uses except single-family residential, with greater than ten (10) parking spaces:
 - a. Natural islands, for the placement of trees, shrubs, flowers, or mulch beds, shall be required, in the parking area. Each island shall contain a minimum area of fifty (50) square feet.
 - b. The required area of natural islands shall be calculated by multiplying the number of spaces by ten (10). For example, a parking area with a total of twenty (20) spaces would be required to have natural islands with a total area of at least two hundred (200) square feet; a parking area with forty (40) spaces would be required to have natural islands with a total of at least four hundred (400) square feet, etc.
 - c. Any parking area adjacent to any street shall have a Type A landscaping between the street and parking area.

~~(i) Administrative variances to standards allowed: Bedford County recognizes that there may be existing lots within the corridor overlay district that, because of their size, depth, width, or other feature, would be rendered unusable by the strict administration of the standards contained in this section. Additionally, the county also recognizes that the intent of this section can be supported without detriment to its spirit through the implementation of alternative standards. To this end, the following standards, subject to approval by the zoning administrator, may be applied to uses in the corridor overlay district in place of the previous standards. The options listed below should be considered as minimum requirements. Alternative proposals to these standards may be considered and are subject to approval by the zoning administrator, if the proposals support the general spirit of the corridor overlay district.~~

~~(l) The zoning administrator shall have the authority to decrease the setback/structure height requirements providing the standards on the following table are met.~~

(2) The zoning administrator shall have the authority to increase the maximum building coverage or maximum lot coverage up to thirty (30) percent providing the following additional landscaping standards are met:

- a. The landscaping must be evenly dispersed between front, rear, and side yards.
- b. The coverage may be increased if the landscaping requirements on the following table are met. (This is in addition to any required screening and/or landscaping).

OPTIONS FOR VARIANCES IN SETBACKS, HEIGHTS, AND LOT AND BUILDING COVERAGES

Alternative Setback/Height	Option 1	Option 2	Option 3
60 Feet Front Yard	1 tree per 10 feet of street frontage and 1 shrub per 5 feet of street frontage in Street Yard	5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)	10% decrease in allowed freestanding sign area + 5% decrease in facade signs area
50 Feet Front Yard	2 rows of a combination of trees and shrubs, staggered and spaced no greater than 7 feet apart in Street Yard	7% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)	10% decrease in allowed freestanding sign area + 10% decrease in facade signs area
40 Feet Front Yard	2 rows of a combination of trees and shrubs, staggered and spaced no greater than 7 feet apart in Street Yard	8% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)	10% decrease in allowed freestanding sign area + 10% decrease in facade signs area
30 Feet Front Yard	2 rows of a combination of trees and shrubs, staggered and spaced no greater than 7 feet apart in Front Street Yard	10% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)	10% decrease in allowed freestanding sign area + 10% decrease in facade signs area
	Parking is allowed in the side yard as	Parking is allowed in the	Parking is allowed in the

	an option for a front yard variance	side yard as an option for a front yard variance	side yard as an option for a front yard variance
<u>10 Feet Side Yard</u>	<u>1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased</u>	<u>5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)</u>	<u>10% decrease in allowed freestanding sign area + 10% decrease in facade signs area</u>
<u>15 Feet Rear Yard</u>	<u>1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased</u>	<u>5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)</u>	<u>10% decrease in allowed freestanding sign area + 10% decrease in facade signs area</u>
<u>Increase in Height</u>	<u>For each foot over the allowable maximum, all yards (side, rear, & buffer) must be increased 2 feet</u>	<u>5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)</u>	
<u>10% Increase in Building/Lot Coverage</u>	<u>8% of the Total Required Landscaped Area</u>		
<u>20% Increase in Building/Lot Coverage</u>	<u>9% of the Total Required Landscaped Area</u>		
<u>30% Increase in Building/Lot Coverage</u>	<u>10% of the Total Required Landscaped Area</u>		

PART VII. That **Section 30-28, DEFINITIONS**, be amended to modify the term *Family* to change the number of unrelated persons allowed to occupy a dwelling from 8 to 4 as follows:

FAMILY: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption or guardianship, or under appropriate foster care, no such family shall contain over ~~eight (8)~~ four (4) persons, but further provided that

domestic servants employed and housed on the premises shall not be counted as a family or families.

That **Section 30-82-3(B), Home Occupations, Type I and Type II, General Standards**, be amended as follows:

(B) General standards:

1. More than one (1) home occupation may be permitted provided ~~the total floor area used for all home occupations do not exceed the applicable Type I or Type II standard~~ the total maximum floor area requirement is not exceeded. The maximum floor area permitted for a home occupation shall be 25 percent of the finished floor area of the dwelling unit. An accessory building or structure may be used with the home occupation, provided the total floor area devoted to the home occupation in the accessory structure and dwelling unit combined does not exceed 25 percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed 10 percent of the finished floor area.
2. No dwelling or structure shall be altered, occupied or used in a manner which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
3. There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. ~~The sale of firearms as a home occupation shall be prohibited.~~ The sale of firearms and ammunition shall be permitted as a home occupation.
4. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. In addition, the lot or property on which the home occupation is conducted shall not have any parking spaces added to it during the time the home occupation is being conducted, nor shall any parking space be used that was not customarily or regularly used prior to that time.
- ~~5. The home occupation shall not involve the commercial delivery of materials or products to or from the premises.~~
65. The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.
76. No equipment or process shall be used in a home occupation which creates noise in excess of sixty (60) dB(A) measured at the property line, or vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or through common walls. In the

case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.

~~87.~~ No activity in conjunction with a home occupation shall be conducted before 7:00 a.m. or after 10:00 p.m. that adversely impacts or disturbs adjoining property owners.

~~8.~~ One person who is not a permanent resident of the dwelling may be engaged or employed in the home occupation.

~~9.~~ Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one time.

That **Section 30-82-3(C), Additional Standards, Type I Home Occupations**, be amended as follows:

- ~~1.~~ The maximum floor area permitted for a home occupation shall be ten (10) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed five (5) percent of the finished floor area. The home occupation shall not involve the commercial delivery of materials or products to or from the premises.
- ~~2.~~ No one other than permanent residents of the dwelling shall be engaged or employed in such occupation.
- ~~23.~~ There shall be no display or storage of goods or products visible from the public or private right-of-way or adjacent property.
- ~~34.~~ The sale of goods or products produced on the premises, or providing services which involve the consumer coming to the premises shall be limited to no more than eight (8) customers or vehicles per day. Baby sitting for five (5) or less children shall be permitted.
- ~~5.~~ Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one time and shall not exceed ten (10) students in any one-week period.
- ~~46.~~ No sign may be placed on the property advertising the home occupation.
- ~~57.~~ No advertising through local media, including telephone books, and flyers shall call attention to the residential address of the home occupation.
- ~~8.~~ An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed ten (10) percent of the finished floor area of the dwelling unit.

That **Section 30-82-3(D), Additional Standards, Type II Home Occupations**, be amended as follows:

- ~~1. The maximum floor area permitted for a home occupation shall be twenty five (25) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed ten (10) percent of the finished floor area.~~
- ~~2. One (1) person who is not a permanent resident of the dwelling may be engaged or employed in the home occupation.~~
- ~~3. An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed twenty five (25) percent of the finished floor area of the dwelling unit.~~
- ~~4. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one time and shall not exceed ten (10) students in any one-week period.~~
51. One (1) non-illuminated sign, a maximum of two (2) square feet in area, shall be permitted per dwelling, regardless of the number of home occupations within the dwelling. Any sign must conform with the provisions of article V of the zoning ordinance.

PART VIII. That **Section 30-93-11, Nonconforming signs**, be reassigned from Section 30-93 Signs to Section 30-23, Nonconforming Uses and Structures, and that these regulations be modified to extend the time period for the repair of damaged signs from 90 days to 2 years, and to add regulations pertaining to the removal of signs for uses discontinued pursuant to state code as follows:

Sec. ~~30-93-11~~ 30-23-6. Nonconforming signs.

(a) Any sign which was lawfully in existence at the time of the effective date of this ordinance which does not conform to the provisions herein, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain except as qualified in subsection (c), below. No nonconforming sign shall be enlarged, extended, structurally reconstructed, or altered in any manner; except a sign head may be changed so long as the new head is equal to, or reduced in height, sign area, and/or projection, and so long as the sign is not changed from an on-premises sign to an off-premises sign.

(b) The addition of lighting or illumination to a nonconforming sign, shall constitute an expansion of a nonconforming structure, and shall not be permitted under these regulations.

(c) Nonconforming signs may remain, provided they are kept in good repair, except for the following:

(1) A nonconforming sign which is destroyed or damaged to the extent fifty (50) percent of its replacement value shall not be altered, replaced, or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty (50) percent or less of its replacement value, the sign may be restored within ~~ninety (90) days~~ 2 years of the damage or destruction, but shall not be enlarged in any manner.

(2) ~~A nonconforming on-premises sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding fifty (50) percent of the principal structure's value. A legal nonconforming sign structure or use shall be considered abandoned and must be removed if the business for which the sign was erected has not been in operation for a period of at least 2 years. Following the expiration of this two year period the abandoned nonconforming sign shall be removed by the owner of the property on which it is located upon notification by the county to do so. After reasonable attempt to notify the property owner, the county through its own agents or employees may enter the property upon which the sign is located and remove any such sign when the owner has refused to do so. The cost of removal shall be chargeable to the owner of the property.~~

~~(1) (3)~~ Whenever a change of zoning occurs by petition of the owner, contract purchaser with the owner's consent, or the owner's agent upon a lot which contains a nonconforming on-premises sign, such sign shall not be permitted without being modified in such a manner as to be in full compliance with these sign regulations.

That **Section 30-93-5(G), Sign Permits**, be changed as follows:

(G) Maintenance, repair, or restoration of nonconforming signs shall be in accordance with section ~~30-93-11~~ 30-23-6. If the value of such work exceeds fifty (50) percent of its replacement value, it shall only be authorized after the approval of a sign permit application.

That **Section 30-93-12, Damaged or neglected signs**, be modified to correctly identify the zoning administrator as the enforcement official as follows:

Sec. 30-93-12. Damaged or neglected signs.

The ~~chief code enforcement officer of Bedford County~~ zoning administrator shall have the authority to order the removal, without compensation, of any sign or sign structure that due to neglect or damage poses a clear danger to health, safety, and welfare of the public.

PART IX. That all current regulations found under **Section 30-92, SCREENING, LANDSCAPING, AND BUFFER YARDS** be rescinded in their entirety and the following new regulations be adopted in their place:

SEC. 30-92 SCREENING, LANDSCAPING, AND BUFFER YARDS

Sec. 30-92-1 Purpose

To facilitate the creation of convenient, attractive and harmonious community; to enhance property values; to preserve the unique character of the County; to reduce the amount and improve the quality of stormwater runoff; to prevent soil erosion; to reduce energy consumption; to screen incompatible adjacent uses; and to provide transition between neighboring properties. It is the general purpose of these provisions to:

1. Set minimum standards that will ease the transition between zoning districts of different intensities.
2. Provided visual and noise buffers between certain land use and adjoining activities.
3. Promote the protection of the natural environment through plantings that absorb gaseous emissions and improve air quality.
4. Protect viewsheds and create visually appealing development.
5. Encourage innovation in landscape and architectural design.

Sec. 30-92-2 Administration

- A) These provisions and requirements shall apply to buildings and developments requiring a site development plan pursuant to this article. The Board of Supervisors and Planning Commission shall also have the authority to apply any of these requirements as a condition of a special use permit.
- B) Landscaping required by this ordinance shall be planted during an opportune planting season as approved by the zoning administrator, and shall be in place and in good condition prior to a final certificate of zoning compliance being issued for the site. Required landscaping shall remain alive and in good condition in perpetuity. After the final certificate of zoning compliance has been issued for a site, it shall be the property owner's responsibility to maintain required screening, landscaping, and buffer yards.
- C) These regulations supplement screening, landscaping or buffer yard requirements for specific land uses as may be described in Article IV, Use and Design Standards. Where a conflict may exist between standards, the more stringent standard shall apply.
- D) Written decisions of the zoning administrator regarding these provisions may be appealed to the board of zoning appeals pursuant to Article I of this ordinance.

Sec. 30-92-3 Landscape Bonding Requirements

- (A) Performance bonds. The zoning administrator shall require that landscaping shown on an approved landscaping plan be either installed or sufficiently bonded to guarantee installation, prior to the issuance of a certificate of occupancy.

- (1) The performance bond shall be for an amount equal to 120% of the value of the required plants and the costs of installation as determined by the zoning administrator following consideration of an estimate prepared by a landscape contractor, which estimate must be obtained by the developer and supplied to the zoning administrator at the time a request for issuance of a certificate of zoning compliance is made.
 - (2) The performance bond shall be released when all required plantings have been installed in accordance with the final approved landscape plan, as determined by the zoning administrator.
- (B) Maintenance bonds. A maintenance bond shall be posted by the developer in favor of the county. If the landscaping is installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted prior to the issuance of said certificate. If the landscaping is bonded for installation, rather than installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted when the materials are planted and before the performance bond is released.
- (1) The maintenance bond shall be in the amount of one-third (1/3) of the value of the performance bond, and shall be held for a period of twelve (12) months following the planting date. When existing plantings are preserved in lieu of required new plantings, the bond shall be calculated according to the replacement value of plantings that meet the minimum requirements of this article.
 - (2) At the end of the twelve-month time period, the bond shall be released if all plantings are in healthy condition, as determined by the zoning administrator. Thereafter, landscaping shall be maintained in a healthy condition by the current owner of the property on which such materials are planted, or property owners' association (where applicable) and replaced when necessary. Replacement materials shall conform to the original landscape plan.

Sec. 30-92-4 Standards and Specifications

- (A) Where buffer yards are required by this ordinance, the following shall apply:
1. Buffer yards shall be reserved solely for screening and landscaping. No proposed building, building addition, structure, parking area, or any other type of physical land improvement shall be located in a buffer yard. Notwithstanding the above, a driveway entrance or a public road may cross a buffer yard if it is necessary for safe and convenient access to the building site. The buffer yard may be within the setback yard unless specifically stated elsewhere within this ordinance.
 2. When a proposed buffer yard has a variation in elevation of greater than 10 vertical feet at any point, the required screening or landscaping within the yard shall be placed to maximum the effectiveness of the screening or landscaping, as determined by the zoning administrator.

3. The maximum slope of any required buffer yard shall be 2:1 (Horizontal: Vertical). Sufficient vegetation and ground cover shall be established and maintained on any slope to ensure stabilization.

(B) Where screening is required by this ordinance, the following shall apply:

1. Screening shall be constructed of a durable material. It shall be installed within a required buffer yard and shall be continuously maintained so as to meet the intent of this section.
2. Acceptable screening materials include stockade fences, decorative masonry walls, brick walls, and earth berms. Alternative materials may be approved if in the opinion of the zoning administrator, their characteristics and design are equivalent to or exceed the standards of this section.

(C) Where landscaping is required by this ordinance, the following shall apply:

1. Existing vegetation within buffer yards shall be considered as a substitute for otherwise required landscaping if in the opinion of the zoning administrator the type, size, and density of the existing vegetation complies with the following standards and the intent of this section.
2. If spacing requirements are not specified, required landscaping shall be arranged within a buffer yard and/or street yard to achieve the intent of this section.
3. The Chart below shall be used to determine tree spacing, the minimum height at planting and the ultimate height at maturity.

<u>Tree Type</u>	<u>Tree Spacing in Buffer Yard</u>	<u>Minimum Height at Planting (Above Grade)</u>	<u>Ultimate height at Maturity (Above Grade)</u>
<u>Small Deciduous</u>	<u>15 linear feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Large Deciduous*</u>	<u>30 linear feet</u>	<u>N/A</u>	<u>50 feet</u>
<u>Evergreen Shrub</u>	<u>5 feet on center or less</u>	<u>1.5 feet</u>	<u>6 feet</u>
<u>Intermediate Evergreen Tree</u>	<u>10 linear feet</u>	<u>4 feet</u>	<u>12 feet</u>
<u>Large Evergreen Tree</u>	<u>20 linear feet</u>	<u>5 feet</u>	<u>50 feet</u>

* Large deciduous trees shall have a minimum diameter of 2 inches at the time of planting measured 6 inches above the crown of the tree.

Sec. 30-92-5 Buffer Yards Between Properties, Lots, and/or Zoning Districts

In the case where adjoining properties or lots are zoned differently, the following tables shall be used to determine the type of buffer yard that is required between the adjoining properties or lots.

TABLE 1 Adjoining District Buffer Table

Site Zoning

<u>Adjoining District</u>	<u>MFR</u>	<u>PRD</u>	<u>NC</u>	<u>C-1, C-2</u>	<u>PCD</u>	<u>I-1</u>	<u>I-2</u>	<u>PID</u>
<u>AP **</u>	<u>A</u>	<u>*</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>AR **</u>	<u>B</u>	<u>*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>AV</u>	<u>A</u>	<u>*</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>R-1, R-2</u>	<u>B</u>	<u>*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>R-3, R-4</u>		<u>*</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>PRD</u>				<u>*</u>	<u>*</u>	<u>C</u>	<u>D</u>	<u>C</u>
<u>NC</u>						<u>B</u>	<u>C</u>	<u>C</u>
<u>C-1, C-2</u>						<u>B</u>	<u>C</u>	<u>C</u>
<u>PCD</u>						<u>B</u>	<u>C</u>	<u>C</u>

Notes: Blank boxes in the table indicate no required buffer yard.

* Indicates zoning administrator shall determine required buffer yard based upon proposed and existing development.

** Indicates buffer yard requirements for districts adjoining the AP and AR districts do not allow structural buffer options.

TABLE 2 Buffer Yard Table

<u>Buffer Yard Category</u>	<u>Structural Buffer Option</u>	<u>Vegetative Buffer Option</u>
<u>A</u>	<u>- 6' screen</u> <u>- 5' buffer yard</u>	<u>- 7' buffer yard</u> <u>- one row of small evergreen trees</u>
<u>B</u>	<u>- 6' screen</u> <u>- 10' buffer yard, small evergreen trees</u>	<u>- 20' buffer yard</u> <u>- small evergreen trees, and one row evergreen shrubs</u>
<u>C</u>	<u>- 6' screen</u> <u>- 20' buffer yard</u> <u>- Large and small evergreen trees</u>	<u>- 35' buffer yard</u> <u>- Large evergreen trees, small evergreen trees, and one row of</u>

		<u>evergreen shrubs</u>
<u>D</u>	<u>- 8' screen</u>	<u>- 75' buffer yard</u>
	<u>- 30' buffer yard</u>	<u>- Large deciduous and large</u>
	<u>- Large deciduous and large</u>	<u>evergreen trees, small evergreen</u>
	<u>evergreen trees</u>	<u>trees, and one row of evergreen</u>
		<u>shrubs</u>

Sec. 30-92-6 Parking Area Landscaping

(A) Planting Strip

Where a new, expanded, or reconfigured parking area is proposed adjacent to a public street right-of-way, a planting strip shall be established between the parking area and the adjacent right-of-way. The planting strip shall have a minimum width of six feet. Within the planting strip the following is required between the parking area and adjacent public street right-of-way:

1. One large deciduous tree, large evergreen tree, or small deciduous tree shall be planted every 25 linear feet within the planting strip.
2. One evergreen shrub shall be planted every 5 linear feet within the planting strip.

(B) Interior Landscaping in Parking Area

The following provisions are intended to require that the parking area be landscaped with trees and vegetative ground cover. Such areas shall be planned, designed, and located to channel traffic, facilitate stormwater management, and define and separate parking areas and aisles. The following is required to meet the interior landscaping requirements:

1. Interior landscaping shall be calculated as 18 square feet per new paved parking space. The interior landscaping area shall be a minimum of 180 square feet. Parking areas with less than 15 parking spaces are exempt from the interior landscaping requirement. Loading spaces are not included in the interior landscaping calculations.
2. Expanded parking that exceeds 10 parking spaces shall comply with new paved parking space calculations/requirements.
3. One (1) large deciduous tree is required within each landscaped area. The remainder of the landscaped area must be filled with shrubs or other vegetative material.
4. No parking area shall include a line of more than 10 spaces without having an interior landscaped area.
5. Landscaping shall not block the view of motorists at driveway intersections.

Sec. 30-92-7 Other Screening Requirements

The following provisions are required to screen surrounding views that may not be screened through Article IV of this ordinance:

- (A) All refuse service (dumpster/containers) and outdoor storage areas in all zoning districts shall be screened from surrounding views.
- (B) Rooftop mechanical equipment shall be screened. In addition, ground level mechanical equipment shall be screened or landscaped.
- (C) Commercial and industrial use types shall screen all articles and materials stored, maintained, repaired, processed, erected, fabricated, dismantled, or salvaged. Articles available for retail sale by a commercial use type shall be exempt from this requirement.

Sec. 30-92-8 Modifications

- (A) Screening, landscaping and buffer yards required by this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the zoning administrator if the zoning administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties:
 - 1. Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section;
 - 2. Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect;
 - 3. The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site;
 - 4. The topography of adjacent and surrounding sites as to render required screening ineffective at maturity.
- (B) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by this section. However, to achieve the intent of this section, the zoning administrator may approve an alternative location and design for required screening and plantings.
- (C) When a property abuts an adjacent jurisdiction, the zoning administrator shall determine the specific screening and buffering requirements, if any, along the boundary after consideration of the zoning designation and/or land use of the adjacent property.
- (D) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, buffer yard and screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the zoning administrator.

(E) The area of any required buffer yard shall not be required to exceed 10 percent of the site proposed for development. In such cases, the zoning administrator shall allow the width or location of certain buffer yards to be reduced or eliminated. The zoning administrator shall require additional landscaping and/or screening within the remaining buffer yards, or elsewhere on the site.

(F) No landscaping or screening shall be required which in the opinion of the zoning administrator interferes with traffic safety.

That **Section 30-83-12(A)(7), General standards, Major Utility Services**, be amended as follows:

7. Except in the I-1 and I-2 districts, Type ~~F-D~~ screening and buffering consistent with article V of this ordinance shall be required, unless specifically modified as a part of the approved special use permit.

That **Section 30-85-7 (C)(2), Minor Automobile Repair Service, Additional standards in the EP District**, be amended to reflect proposed changes in buffer yard standards as follows:

- (2) Where adjoining a residential or civic use type, a Type ~~F D~~, ~~Option 2 vegetative~~ buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.

That **Section 30-85-14(D)(2), Convenience Store, Additional standards in EP District**, be amended to reflect proposed changes in buffer yard standards as follows:

- (2) Where adjoining a residential or civic use type, a Type ~~F D~~, ~~Option 2 vegetative~~ buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.

That **Section 30-85-17(C)(2), Gasoline Station, Additional standards in EP District**, be amended to reflect proposed changes in buffer yard standards as follows:

- (2) Where adjoining a residential or civic use type, a Type ~~F D~~, ~~Option 2 vegetative~~ buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.

That **Section 30-86-1(A)(1), Asphalt Plants, General Standards**, be amended to reflect proposed changes in buffer yards as follows:

- (1) A Type ~~F-D~~ buffer yard shall be required in accordance with article V.

PART X. Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

This ordinance shall become effective immediately upon its adoption.

Voting yes: Mrs. Parker, Mr. Thomasson, Mr. Martin, Mr. Sharp and Mr. Cheek

Voting no: Mr. Arrington and Mrs. Pollard

Motion passed.

(7) BOARD COMMENTS, COMMITTEE REPORTS, REQUESTS AND RECOMMENDATIONS

Supervisor Cheek stated that a citizen on Wheats Valley Road has requested assistance with speed enforcement; Chairman Arrington concurred that they have a discussion with the Sheriff regarding this issue.

Vice-Chairman Sharp stated a citizen has contacted him regarding water that is flooding onto his property from a road above him, and has requested assistance from VDOT. Mr. Frank Rogers stated that he has met with the citizen, and stated that VDOT is moving towards addressing these types of projects through revenue sharing projects. Mr. Rogers explained the history of this issue, stating that he has met with the property owner to discuss what his options might be. While he can request to have an application worked through the VDOT Revenue Road Sharing program for funding, Mr. Rogers stated this is probably not a priority for VDOT and most likely not the most viable resolution to the problem. He noted that this would be a complex fix, and there is trouble at this point determining who should be responsible for funding the solution.

Vice-Chairman Sharp expressed his frustration with this issue, as it is not a problem originally of the property-owner's making. Mr. Daniel, VDOT Residency Administrator, addressed the Board by summing up the drainage problem details at this property for the Board. Mr. Daniel explained this is not a high priority for the revenue sharing program due to the nature of the problem and the fact that this is not an issue directly related to a road problem.

Chairman Arrington stated that he, Supervisor Thomasson and the County Administrator met last Wednesday as the Water and Sewer Committee with the Projects the Projects and Policies Committee of the PSA to discuss several items, including the potential for bringing water out of Smith Mountain Lake, and noted that this is an ongoing discussion.

Mr. Mark K. Reeter, County Administrator, drew the Board's attention to item #7g, a request for a Joint Public Meeting with the Planning Commission on July 8th, and item #7h, the Reversion Commemoration Event scheduled for July 1st.

Chairman Arrington stated that the Chairman and Vice-Chairman of the Planning Commission will not be able to attend on July 8th for the Public Hearing. While there would still be a quorum representing the Planning Commission, Chairman Arrington felt the meeting should be moved to allow for the attendance of these Commissioners. Mr. Reeter clarified that the Board wishes to proceed with the traditional Planning Commission meeting, then the Board of Supervisors to keep this matter moving.

Attorney Boggess noted that Supervisor Parker has identified an important point that was left out of the earlier motion and vote on the zoning text amendments. He said Vice-Chairman Sharp's motion referenced a 1.5 acre minimum lot size in the AP preserve district because of the re-subdivision concerns, but there is not a concern if you have a family subdivision. Attorney Boggess stated that the thought was to stick with the one acre minimum lot size for the family subdivision. He suggested re-voting with this clarification, stating that the 1.5 acre minimum lot size would be applicable in the AP district with the exception of the allowable family subdivision.

Vice-Chairman Sharp re-submitted his motion to re-adopt Ordinance #O 0613-063, amended to show the minimum lot size increased to 1.5 acres and 150' road frontage in the AP district, with the exception of family subdivisions which would allow a minimum lot size of one acre.

Supervisor Pollard stated her opposition to this and questioned why a family gets ten lots when everyone else only gets five, and said this is a matter of being fair to property owners.

Voting yes: Mrs. Parker, Mr. Thomasson, Mr. Martin, Mr. Sharp and Mr. Cheek

Voting no: Mr. Arrington and Mrs. Pollard

Motion passed.

(7a) The Board was given the Bedford Communications reports for April 2013 for review.

(7b) The Board was given the Bedford County Planning Commission meeting minutes for April 2 and April 16, 2013 for review.

(7c) The Board was given the Bedford Regional Water Authority Board meeting minutes from April 23, 2013 for review.

(7d) The Board was given the Bedford County Department of Social Services Board meeting minutes from April 18, 2013 for review.

(7e) The Board was given the Bedford County Library Board of Trustees meeting minutes from June 4, 2013 for review.

(7f) The Board was given a memo regarding the Bedford County Department of Fire & Rescue graduating the first Citizen's Emergency Preparedness Academy Participants.

(7g) Mr. Reeter requested authorization for a Joint Public Hearing on July 8th, 2013 between the Board of Supervisors and the Planning Commission for a Zoning Text Amendment regarding “Commercial Outdoor Entertainment” in the AP District (this would be a part of the regular Board meeting).

(7h) The Board was given notice that the Reversion Commemoration Event will be held on Monday, July 1st, 2013 (time and venue to be announced at a later date).

(8) **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES** – There were no appointments needed at this time.

(9) **COUNTY ATTORNEY REPORTS, REQUESTS AND RECOMMENDATIONS**

(9a) **Vice-Chairman Sharp made a motion to go into Closed Session** pursuant to Section 2.2-3711 (A)(29), to discuss the awarding of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically a contract for reassessment services; and Section 2.2-3711 (A) (3) for consideration of the acquisition of real property, where discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the public body, specifically land for the Stewartsville Solid Waste Convenience Site.

Motion passed by acclamation.

Supervisor Thomasson made a motion to go back into regular session; motion passed by acclamation.

Whereas, the Bedford County Board of Supervisors has convened a Closed Meeting on this the 10th day of June 2013, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, §2.2-3712 of the Code of Virginia requires a certification by the Bedford County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

Now, Therefore Be It Resolved on this 10th day of June 2013, that the Bedford County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Bedford County Board of Supervisors.

MEMBERS:

Steve Arrington, Chairman
John Sharp, Vice-Chairman
Bill Thomasson
Curry W. Martin
Roger W. Cheek
Annie S. Pollard
Tammy Parker

VOTE:

Yes
Yes
Yes
Yes
Yes
Yes
Yes

(10) COUNTY ADMINISTRATOR’S REPORTS, REQUESTS AND RECOMMENDATIONS – Mr. Reeter had nothing to report at this time.

(11) PENDING MATTERS – There were no pending matters.

(12) UPCOMING MEETINGS

- June 24, 2013 – Regular meeting at 7:30 P.M.
- July 8, 2013 – Regular meeting at 7:30 P.M. (Work session 5:00–6:45 P.M.)
- July 22, 2013 – Regular meeting at 7:30 P.M.

Supervisor Parker made a motion to adjourn the meeting; motion passed by acclamation at 9:56 p.m.

Chairman