



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the ___ day of _____, beginning at 7:30 p.m.

MEMBERS:

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

VOTE:

On motion of Supervisor _____, which carried by a vote of _____, the following was adopted:

**AN ORDINANCE AMENDING THE BEDFORD COUNTY ZONING ORDINANCE
AND BEDFORD COUNTY SUBDIVISION ORDINANCE**

BE IT HEREBY ORDAINED, by the Board of Supervisors of Bedford County, Virginia, that the following amendments to the Bedford County Zoning Ordinance and Bedford County Subdivision Ordinance be adopted 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: ~~15~~ 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: ~~15~~ 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 30-54-3(C)(1)(a), Maximum Height of Principal Structures, C-2 District**, be amended as follows:

(C) Maximum height of structures:

(1) Height limitations:

a. Principal structures: ~~45 feet. In all locations, principal structures may exceed the principal structure height limitation provided a special use permit is approved in accordance with Section 30-19. When adjoining property zoned R-1 or R-2 District, forty-five (45) feet, including rooftop mechanical equipment. The maximum height may be increased, provided each required side and rear yard adjoining the R-1 or R-2 District is increased two (2) feet for each foot in height over forty-five (45) feet. In all other locations the height is unlimited unless otherwise restricted by this ordinance.~~

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.~~
 - 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 include 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 include 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:

<u>(E) Commercial Use Types</u>	
<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 acres (~~130,680~~ 43,560 square feet)
- b. Frontage: ~~200~~ 100 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.~~

~~3~~2. Lot coverage: ~~20~~ 75 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~~ 75 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 5 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 5 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,~~
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 surfaces within street yards shall be kept to a minimum. Other surfaces shall be in grass, appropriate ground cover, or mulched.~~

e. ~~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):~~

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

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~~(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.~~

~~(1) 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

<p>30 Feet Front Yard</p>	<p>2 rows of a combination of trees and shrubs, staggered and spaced no greater than 7 feet apart in Front Street Yard</p>	<p>10% of Parking Area Landscaped (In addition to requirements in Sec. 30-92.4)</p>	<p>10% decrease in allowed freestanding sign area + 10% decrease in facade signs area</p>
	<p>Parking is allowed in the side yard as an option for a front yard variance</p>	<p>Parking is allowed in the side yard as an option for a front yard variance</p>	<p>Parking is allowed in the side yard as an option for a front yard variance</p>
<p>10 Feet Side Yard</p>	<p>1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased</p>	<p>5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92.4)</p>	<p>10% decrease in allowed freestanding sign area + 10% decrease in facade signs area</p>
<p>15 Feet Rear Yard</p>	<p>1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased</p>	<p>5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92.4)</p>	<p>10% decrease in allowed freestanding sign area + 10% decrease in facade signs area</p>
<p>Increase in Height</p>	<p>For each foot over the allowable maximum, all yards (side,</p>	<p>5% of Parking Area Landscaped (In addition to</p>	

	rear, & buffer) must be increased 2 feet	requirements in Sec. 30-92.4)
10% Increase in Building /Lot Coverage	8% of the Total Required Landscaped Area	
20% Increase in Building /Lot Coverage	9% of the Total Required Landscaped Area	
30% Increase in Building /Lot Coverage	10% of the Total Required Landscaped Area	

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.~~
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.~~
- ~~6~~5. 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.
- ~~7~~6. 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.
- ~~8~~7. 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. The sale of firearms shall be permitted as a home occupation.~~
3. There shall be no display or storage of goods or products visible from the public or private right-of-way or adjacent property.
4. 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.~~
65. No sign may be placed on the property advertising the home occupation.
76. No advertising through local media, including telephone books, and flyers shall call attention to the residential address of the home occupation.
- ~~87. 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.~~

~~5~~1. 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.

~~2. The sale of firearms shall be permitted as a home occupation.~~

PART VII.

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 evergreen shrubs</u>
<u>D</u>	<u>- 8' screen</u> <u>- 30' buffer yard</u> <u>- Large deciduous and large evergreen trees</u>	<u>- 75' buffer yard</u> <u>- Large deciduous and large evergreen trees, small evergreen trees, and one row of evergreen 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 and should be able to provide shade at the time of planting or when the tree reaches maturity. 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 ~~E-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.