



NOTICE OF JOINT PUBLIC HEARING

BEDFORD COUNTY BOARD OF SUPERVISORS BEDFORD COUNTY PLANNING COMMISSION

PROPOSED AMENDMENTS TO THE BEDFORD COUNTY
ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE

NOTICE OF INTENT TO CONSIDER PROPOSED ZONING ORDINANCE AMENDMENTS FOR RECOMMENDATION AND ADOPTION

The Bedford County Planning Commission (the “Planning Commission”) and the Bedford County Board of Supervisors (the “Board of Supervisors”) will hold a Joint Public Hearing in the Gibson Memorial Auditorium at the Bedford Science and Technology Center, located at 600 Edmund Street, Bedford, Virginia, on Monday, February 11, 2013, at 7:30 p.m., to consider proposed comprehensive amendments (the “Zoning Ordinance Amendments”) to the Bedford County Zoning Ordinance and amendments to the Bedford County Subdivision Ordinance. At the Joint Public Hearing, the Planning Commission will receive public comment and consider its recommendation to the Board of Supervisors with respect to the proposed Zoning Ordinance Amendments and the Subdivision Ordinance Amendments. The Board of Supervisors will receive public comment, consider the recommendation of the Planning Commission, and consider matters relating to the adoption of the Zoning Ordinance Amendments and the Subdivision Ordinance Amendments.

DESCRIPTIVE SUMMARY OF THE PROPOSED ACTION

The proposed Zoning Ordinance Amendments includes comprehensive amendments to the Bedford County Zoning Ordinance including: amendments to the regulations governing the agricultural, residential, commercial and industrial districts;

amending the regulations of the Commercial Overlay District, a special purpose overlay district; amending the regulations governing screening, landscaping and buffer yards; and other provisions as described below. The Planning Commission and the Board of Supervisors will also consider amendments to the Bedford County Subdivision Ordinance as described below.

Agricultural Districts – Proposed Regulation Changes

Cluster Option

The proposed Zoning Ordinance Amendments provide for a cluster development option for the subdivision of property in the AP-Agricultural Rural Preserve District (the “AP District”) and the AR-Agricultural Residential District (the “AR District”). The proposed cluster development option provides for the creation of lots in addition to those that would be allowed in a traditional lot subdivision and more flexibility in site design. The cluster development option also provides for the preservation of more open space than in a traditional lot subdivision, and more compact development that allows for more cost effective infrastructure. The cluster option allows for more density of development and use in some circumstances. The Zoning Ordinance Amendments provide for a maximum of seven clustered development lots in a subdivision in the AP District and a maximum of fourteen clustered development lots in a subdivision in the AR District. The Zoning Ordinance Amendments provide for clustered development lots ranging in size from a minimum of one acre to a maximum of two acres. The cluster development option provides for design standards governing the preservation of agricultural land, minimizing impacts on neighboring lands, road access, appearance, landscaping, street widths and alignment, parking, streetscape, and other matters.

Lot Size and Area Regulations

The Zoning Ordinance Amendments propose reducing the minimum lot area requirement in the AP District from three acres to one acre and reducing the minimum lot area requirement in the AR District from 1.5 acre to one acre. These changes will allow an increase in the allowed density because of the reduced minimum lot size requirements. The Zoning Ordinance Amendments propose reducing the minimum lot frontage requirement from 200 feet to 100 feet in the AP District and reducing the minimum lot frontage requirement from 150 feet to 100 feet in the AR District. The Zoning Ordinance Amendments further propose reducing the minimum front, side, and rear yard setback requirements in the AP District and the AR District to correspond more appropriately with the proposed reduced one acre minimum lot sizes. The Zoning Ordinance

Amendments propose increasing the maximum lot coverage regulations in the AP District and the AR District to be more compatible with the proposed one acre minimum lot size.

Calculation of the Number of Lots Allowed

The Zoning Ordinance Amendments propose revising how the maximum number of lots that can be created through the traditional lot subdivision of property are calculated in the AP District and the AR District. The present regulations allow a maximum of five lots to be created in a traditional subdivision in the AP District and a maximum of ten lots to be created in the AR District. The present regulations, however, exclude “agricultural subdivision lots” from calculating the total number of allowed lots. The proposed Zoning Ordinance Amendments do not propose changing these total lot numbers, but provide that previously excluded “agricultural subdivision lots” are to be counted in calculating the maximum number of allowed lots. The proposed Zoning Ordinance Amendments further provide that “family subdivision” lots, up to a maximum of ten such family subdivision lots, shall be excluded in calculating the maximum number of lots in a traditional lot subdivision.

Additional Uses

The Zoning Ordinance Amendments propose adding a new category of use permitted by right for a “General Store” and a new category of use permitted as a special use for a “General Store, with fuel sales”, in the AP District and the AR District. The Zoning Ordinance Amendments propose definitions, parking regulations, and general use and design standards for these new use categories.

The Zoning Ordinance Amendments propose amending the use and design regulations to allow the “Accessory Apartment” use in the AV-Agricultural Village District as well as in the AP District and the AR District, as allowed under the current Zoning Ordinance. The Zoning Ordinance Amendments also propose decreasing the minimum lot size for the Apartment Accessory use from three acres to the minimum lot area requirement of the zoning district in which the Apartment Accessory use is to be located.

Residential Districts – Proposed Regulation Changes

The Zoning Ordinance Amendments propose increasing the maximum allowed height of accessory structures from 15 feet to 35 feet in the R-1 Low Density Residential District, the R-2 Medium Density Residential District, and the R-3 Medium Density Multi-Family Residential District.

The Zoning Ordinance Amendments propose amending Zoning Ordinance § 38-82-15(A) to remove a mistaken reference to the “R-1 District” as a district in which two-family dwelling units are allowed.

The Zoning Ordinance Amendments propose amending the regulations for the “Home Beauty/Barber Salon” use by eliminating the requirement that a salon operator must be infirm and unable to work outside of the home and to rescind the prohibition on beauty and barber supply sales.

Commercial and Industrial Districts– Proposed Regulation Changes

The Zoning Ordinance Amendments propose increasing the maximum allowed height of principle structures in the C-2 General Commercial District by removing the height limitations under the current Ordinance. The Zoning Ordinance Amendments do not specify a maximum height for such principle structures, except in cases in which adjoining property is classified R-1 Low Density Residential or R-2 Medium Density Residential. In such cases, the maximum allowed height will be 45 feet, which may be increased above 45 feet by right if additional side and rear yards setback distances are provided.

The Zoning Ordinance Amendments propose increasing the maximum allowed height of structures in the I-2 Higher Intensity Industrial District from 75 feet to 125 feet.

The Zoning Ordinance Amendments propose combining the existing separate use categories of “New Automobile Dealership” and “Used Automobile Dealership” uses into a single use category entitled “Automobile Dealership”, with definitions, parking requirements, and use requirements based on the standards for the New Automobile Dealership use under the existing Zoning Ordinance.

Corridor Overlay District Regulation Changes

The Zoning Ordinance Amendments propose repealing and rescinding some of the provisions of the Corridor Overlay District regulations. The Corridor Overlay District is a special purpose overlay district under the existing Zoning Ordinance that applies to properties located along major transportation corridors in Bedford County. The Corridor Overlay District in the existing Zoning Ordinance provides for site development regulations addressing site development plans, setbacks, height, lot coverage, lighting, landscaping, screening, signage, parking, and administrative variances. The Corridor Overlay District, under the existing Ordinance, is located along Routes 24, 43, 122, 221, 460 and 501, in their entirety, within Bedford County, covering an area of 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 areas subject to the Corridor Overlay regulations under the existing

Ordinance are also subject to the district regulations applicable to the underlying zoning district designations for those areas. Provisions proposed to be repealed and rescinded from the Corridor Overlay District regulations include: § 30-77-6, subsection (a) (development plan submittal); subsection (b) (minimum setback requirements for structures); subsection (c) (maximum height of structures); subsection (d) (maximum coverage for buildings and lot area); subsection (e) (lighting); subsection (f) (landscaping and fences applicable to residential, commercial, industrial and/or institutional uses); and subsection (i) (administrative variances to district standards). The provisions of the existing Ordinance addressing forestry operations, certain prohibited uses, signage, and parking in the Corridor Overlay District will remain in effect.

Other Proposed Zoning Regulation Changes

The Zoning Ordinance Amendments propose rescinding certain screening, landscaping and buffer yard regulations and enacting new screening, landscaping and buffer yard regulations. The proposed amendments include: reducing the number and types of situations which require buffer yards based on differences in zoning between adjoining properties; providing for specific bonding requirements and procedures; converting regulations previously stated in a narrative form into the form of tables to allow for the easier use and understanding of those regulations; parking area landscaping regulations; and administrative provisions.

The Zoning Ordinance Amendments propose amending §30-14, Amendments to Ordinance, to provide specifically that property owners may apply for amendments either to the text regulations or maps of the Zoning Ordinance.

The Zoning Ordinance Amendments propose amending the defined term “Family” to reduce the number of unrelated persons in a family unit from 8 persons to 4 persons.

The Zoning Ordinance Amendments propose amending the use and design standards for Home Occupation Type I and Type II uses: to increase the maximum size of Type I, Home Occupation from 10% to 25% of the finished floor area of the dwelling, including the use of accessory buildings; to allow one employee who does not reside in the home for Type I Home Occupation uses; to remove the prohibition on commercial deliveries from the regulations for Type II Home Occupations; to rescind the prohibition on firearm sales from both the Type I and Type II Home Occupation; to rescind the limit on the number of students for lessons in applied arts from the regulations for both Type I and Type II Home Occupation uses.

The Zoning Ordinance Amendments propose amending the nonconforming sign provisions to increase the time allowed for the replacement or repair of damaged nonconforming signs from ninety days to two years and to incorporate other mandatory provisions from the Code of Virginia relating to nonconforming signs.

The Zoning Ordinance Amendments propose amending § 30-93-12 to identify the Zoning Administrator as the enforcement official for signage regulations under the Zoning Ordinance rather than the chief code enforcement officer.

Subdivision Ordinance – Proposed Regulations Changes

The proposed amendments would provide for a “Private Access Easement” exception to the regulations in the Subdivision Ordinance requiring that proposed subdivision lots must have frontage on either an existing Virginia Department of Transportation (“VDOT”) road or a new road meeting VDOT’s specifications. The Private Access Easement exception would apply only to Minor Subdivisions in the AP District and the AR District serving a maximum of five lots. The proposed amendments provide that such Private Access Easements must be a minimum of forty feet in width and must be privately owned, constructed and maintained.

Conclusion

The Board of Supervisors and the Planning Commission Joint Public Hearing will be held at the Gibson Memorial Auditorium at the Bedford Science and Technologies Center located at 600 Edmund Street, Bedford, Virginia on Monday, February 11, 2013 at 7:30 p.m. A copy of the full text of the proposed Zoning Ordinance Amendments and the Subdivision Ordinance Amendments are available for public inspection at the offices of the County Administrator and the Department of Community Development, both located in the Bedford County Administration Building, 122 East Main Street, Bedford, Virginia 24523. Persons with questions and seeking additional information on the proposed amendments may also call Planning Division staff with the Department of Community Development at telephone (540) 586-7616, Monday through Friday, 8:30 a.m. – 5:00 p.m. Persons affected may appear at the Joint Public Hearing and will be provided an opportunity to present their views. The Board of Supervisors may make appropriate changes or corrections to the proposed amendments after Public Hearing and review.