



**AGENDA**  
**BEDFORD COUNTY PLANNING COMMISSION**

**County Administration Board Room**  
**122 E. Main Street, Bedford, VA**  
**Tuesday, February 19, 2019**  
**6:00 pm – Dinner - 7:00 p.m. – Regular meeting**

1. Annual Organization Meeting
  - a) Call to order and determination of quorum by Parliamentarian
  - b) Nominations and Election – Chair
  - c) Nominations and Election – Vice Chair
  - d) Appointment – Secretary
  - e) Adoption of 2019 - 2020 meeting schedule & inclement weather resolution
  - f) Adoption of 2018 Annual Report
2. Approval of Agenda
3. Citizen Comment Period
4. Public Hearing:
  - a) Zoning Ordinance Text Amendments      Signage  
Fences  
Off –Street Parking  
Wireless Communication Facility  
Bus Shelter - Multifamily Dwelling and  
Townhouses
5. Old Business
6. New Business
7. Adjourn

**2019 – 2020  
Meeting Schedule**

**&**

**Inclement Weather  
Resolution**



**A RESOLUTION ADOPTING THE PLANNING COMMISSION MEETING  
SCHEDULE FOR CALENDAR YEARS 2019 - 2020**

**WHEREAS**, the adopted bylaws of the Bedford County Planning Commission provide that the Planning Commission at its annual organizational meeting, to be held in February of each year, shall by resolution prescribe its regular meeting days; and

**WHEREAS**, said bylaws additionally provide that the Planning Commission shall meet in accordance with §15.2-2214 of the Code of Virginia;

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby adopt the following schedule of meeting dates, location, and times for Calendar Years 2019 - 2020:

Tuesday, February 19<sup>th</sup>

Tuesday, April 16<sup>th</sup>

Tuesday, June 18<sup>th</sup>

Tuesday, August 20<sup>th</sup>

Tuesday, October 15<sup>th</sup>

Tuesday, December 17<sup>th</sup>

Tuesday, March 19<sup>th</sup>

Tuesday, May 21<sup>st</sup>

Tuesday, July 16<sup>th</sup>

Tuesday, September 17<sup>th</sup>

Tuesday, November 19<sup>th</sup>

**Tuesday, January 21st 2020**

**Meeting Time and Location** (unless otherwise stated)

3<sup>rd</sup> Tuesday of each month - 7:00 p.m.

Bedford County Administration Building Board Room

122 East Main Street Bedford, Virginia

**BE IT STILL FURTHER RESOLVED**, that the Planning Commission Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Planning Commission members to attend a regular meeting, the regular meeting shall be continued until the next regularly scheduled meeting, with the exception of holidays, following the date of the regularly scheduled meeting. Such continuation shall be communicated to the members of the Planning Commission and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

**ADOPTED**, this 19th day of February, 2019 on motion made by Mr. XXXXX seconded by Mr. , and carried by a X - X vote.

# **Planning Commission**

**Draft  
2018 Annual Report**

# DRAFT



# Planning Commission

## ANNUAL REPORT TO THE BOARD OF SUPERVISORS FOR 2018

### MEETINGS/MEMBERS

#### Organizational Meeting

The Planning Commission held its Organizational Meeting on February 20, 2018. Tom Woodford was elected Chairman and David Mays was elected Vice-Chairman. Gregg Zody, Director of Community Development, was elected to serve as Secretary for the Commission.

#### Members

The Planning Commission welcomed Mr. Ron Steele to represent District 3.

#### Meetings

The Planning Commission held nine meetings in 2018. One of the nine meetings was a joint meeting with the Board of Supervisors which included a work session prior to the meeting.

#### Joint work session/meeting with Board of Supervisors (BOS)

05-14-18 - Work session regarding:

- (1) Where Are We Now - Brief review of residential development between 2008 and 2018
- (2) Where and how do we want to grow - Future Land Use Map discussion
- (3) Where is the infrastructure - BRWA's current and long-range sewer/water plans
- (4) Next Steps
- (5) Consideration of a Growth Cost Model study

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## COMPREHENSIVE PLAN AMENDMENTS

The Planning Commission amended the Comprehensive Plan as follows:

Initiated by or File #	Amendment	PC Recommendation	BOS Action
Planning Staff 08-21-18	<b>2030 Comprehensive Plan Amendment</b> initiated by the Bedford County Board of Supervisors. The proposed amendments are as follows: 1) the Future Land Use Map to incorporate the Forest-New London Urban Development Area boundaries; and 2) incorporating the Forest-New London Urban Development Area descriptive text in Chapter 14, "Future Land Use Designation", page 161; and 3) adopt by reference the Draft Report February 2018 Bedford County Urban Development Areas study, as recommended by staff.	Approval Vote: 5-1 08-21-18	Denied Vote: 6-0 09-24-18 O 092418-08

## AMENDMENTS TO SUBDIVISION ORDINANCE

The Planning Commission reviewed the following text amendments to the Subdivision Ordinance as reflected below:

Initiated by	Amendment	PC Recommendation	BOS Action
Planning Staff 06-19-18 10-16-18	<b><u>Family subdivisions</u></b> - Amend Section 31-4 of the Bedford County Subdivision Ordinance to add “aunt”, “uncle”, “niece” and nephew” to the definition of immediate family.	Approval Vote: 7-0 10-16-18	To BOS in 2019

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## AMENDMENTS TO ZONING ORDINANCE

### Text Amendments

The Planning Commission reviewed and made recommendations to the Board of Supervisors on the following text amendments to the Zoning Ordinance:

Initiated by	Amendment	PC Recommendation	BOS Action
Planning Staff 01-16-18 03-20-18	<p><b><u>Manufactured Home -</u></b></p> <p>1A. Amending Section 30-82-5(b), Manufactured Home. This amendment removes the prohibition of manufactured homes being erected, installed, occupied, sold, or constructed prior to July 1, 1976.</p>	Approval Vote: 6-0 03-20-18	Adopted Vote: 6-0 04-23-18 O 042318-04
	<p>1B. Amending Sec. 30-82-7(c), Manufactured home, Class A. This amendment removes allowance of manufactured homes (both singlewide and double wide) under certain conditions in the R-1 district (and R-2, if a single-wide manufacture home) based on a percentage of existing Class A (double- wide) manufactured homes in the R-1 district (and R-2, if a single-wide manufacture home) and within a certain distance of the proposed manufactured home placement. Class A manufactured homes would still be permitted in the R-2 district.</p>	Approval Vote: 6-0 03-20-18	This item not presented to the BOS per the County Administrator
	<p>2. Removing Sec. 30-82-6, Manufactured Home, Accessory. which currently allows the placement of manufactured homes in the AP, AR, and AV zoning districts as an accessory structure for family members under certain conditions. This amendment removes the permitted use of accessory manufactured homes.</p>	Approval Vote: 6-0 03-20-18	Adopted Vote: 6-0 04-23-18 O 042318-04
	<p>3. Amending Sec. 30-81-3, Farm Housing to remove reference to Sec. 30-82-6 (Manufactured Home, Accessory).</p>	Approval Vote: 5-1 03-20-18	Adopted Vote: 6-0 04-23-18 O 042318-04

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Initiated by:	Amendment	PC Recommendation	BOS Action
Planning Staff 02-20-18 03-20-18	<b><u>Hotel</u></b> - Amending Section 30-28 (Definitions) to remove the stipulation for "Hotels" that at least 50% of the use must be for transient occupancy. Staff recommends that the use should be defined as 100% transient occupancy.	Approval Vote: 5-1 03-20-18	Adopted Vote: 5-1 04-23-18 O 042318-05
Planning Staff 03-20-18 04-17-18	<b><u>Master Plan Safety Valve</u></b> - Amending Sections 30-47-6, 30-57-7, 30-63-7 & 30-67-6 to allow a planned unit development master plan amendment to proceed through administrative and/or public hearing after a period of time sixty (60 days) if the owner of the master plan has failed to authorize or deny a amendment request by the property owner within a planned unit development.	Approval Vote: 7-0 04-17-18	Adopted Vote: 7-0 05-14-18 O 051418-03
Planning Staff 03-20-18 04-17-18 06-19-18	<b><u>Hotel, motel, lodge, extended stay</u></b> - Amending Sections 30-28 and 30-79-2 of the Bedford County Zoning Ordinance to define "Hotel, motel, motor lodge, extended stay" to allow non-transient occupancy for more than thirty (30) days in a hotel, motel, and motor lodge where the tenant's permanent address is located elsewhere.	Approval Vote: 7-0 06-19-18	Adopted Vote: 7-0 07-23-18 O 072318-08
Planning Staff 04-17-18 09-18-18 10-16-18	<b><u>Food Trucks</u></b> – Amend Sections 30-28 and 30-79; establishing Section 30-85-28 of the Bedford County Zoning Ordinance to define “Food Trucks” and allow by right in certain zoning districts with use and design standards (R*); and establish use and design standards for food trucks.	Approval Vote: 6-0 10-16-18	To BOS in 2019
Planning Staff 06-19-18 08-21-18 09-18-18	<b><u>Bed &amp; Breakfast</u></b> – Amend Section 30-28 and 30-85-9 of the Bedford County Zoning Ordinance to bring the definition and the use and design standards in line with the Code of Virginia.	Recommended to move to public hearing 09-21-18. Postponed 01-15-19 until General Assembly finalizes	To BOS in 2019
Planning Staff 06-19-18 10-16-18	<b><u>Historic Overlay</u></b> – Amend Section 30-70-4 of the Bedford County Zoning Ordinance to remove the Board of Zoning Appeals and replace with Board of Supervisors as the governing body to consider special use permit in the Historic Overlay District.	Approval Vote: 6-0 10-16-18	To BOS in 2019



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Initiated by:	Amendment	PC Recommendation	BOS Action
Planning Staff 06-19-18 10-16-18	<u><b>Landscaping Bond</b></u> – Amend Section 30-92-3(b) of the Bedford County Zoning Ordinance to add an exemption for a developer to not have to post a landscaping maintenance bond for site plan approvals with required landscaping estimates that are less than \$2,000.	Approval Vote: 6-0 10-16-18	To BOS in 2019
Planning Staff 09-18-18 10-16-18	<u><b>Temporary Storage Containers</b></u> – Amend Section 30-28 & 30-79; establishing Section 30-87-11 of the Bedford County Zoning Ordinance to define “Temporary Portable Storage Containers” and allow by right in certain zoning districts with use and design standards (R*); and establish use and design standards for temporary portable storage containers.	Approval Vote: 5-1 10-16-18	Staff withdrew in 2018
Planning Staff 10-16-18	<u><b>Amend Evergreen Tree Type</b></u> – Amend Section 30-92-4(c) of the Bedford County Zoning ordinance to amend the standards and specifications table by replacing intermediate evergreen trees with small evergreen trees in the Tree Type column of the table.	Approval Vote: 6-0 10-16-18	To BOS in 2019
Planning Staff 06-19-18 10-16-18	<u><b>Amend definition of immediate family</b></u> – Amend Section 30-28 of the Bedford County Zoning Ordinance to add “aunt”, “uncle”, “niece” and “nephew” to the definition of immediate family.	Approved Vote: 6-0 10-16-18	To BOS in 2019

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## MAP AMENDMENTS

The Planning Commission reviewed a request for a master plan revision and held public hearings on the following zoning map amendments:

Initiated by or File #	Amendment	PC Recommendation	BOS Action
RZ180003 West Crossing, LLC 02-20-18	<p>Rezoning Application #RZ180003 is a request by West Crossing, LLC (Greg H. Lester) to amend Proffer #1 from the approved proffers for Farmington at Forest, Phase 2 (RZ070007) specifically for the section identified as Section 20 currently under development. Proffer 1 currently states:</p> <ol style="list-style-type: none"> <li>1. The property will be developed in substantial compliance with the Preliminary Master Plan. The maximum number of living units shall not exceed 636. This is approximately 60% of the number of units under the present R-2 zoning. The owner reserves the right to alter the plan in the following manner:                             <ol style="list-style-type: none"> <li>a. Reduce the total number of units</li> <li>b. Increase the size of lots</li> <li>c. Reconfigure street and lot layout</li> <li>d. Adjust the mix of housing types to respond to market demands</li> <li>e. Adjust the amount of open space, however, a minimum of 50 acres of open space will be provided</li> </ol> </li> </ol> <p>The removal of this proffer would permit a change in the approved Master Plan for Farmington at Forest, Phase 2, Section 20 which would eliminate eighty-four (84) one-story 4-plexes and allow forty-one (41) single family dwelling units, forty-eight (48) condominiums, and twelve (12) townhouse units, which will result in a decrease of twenty-four (24) multi-family/townhouse units, and an increase of twenty-one (21) single family dwellings, for a overall increase in dwelling units from 636 to 666 dwelling units, which will result in an increase of thirty (30) additional dwelling units.</p>	Approval Vote: 7-0 02-20-18	Adopted Vote: 7-0 03-26-18 O 032618-04

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	<p>The property is zoned PRD (Planned Residential Development District). The purpose of the PRD district is to provide for the development of planned residential communities that incorporate a variety of housing options as well as certain limited commercial and office uses designed to serve the inhabitants of the district. The subject parcel is located along Glade Springs Boulevard, within Farmington at Forest, Phase 2, Section 20.</p> <p>The applicant is also requesting a major revision to the approved Master Plan related to RZ070007 for an increase in the density of the development, in accordance with Section 30-47-6 of the Bedford County Zoning Ordinance. Tax Map Number: 99-A-27.</p>		
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Initiated by or File #	Amendment	PC Recommendation	BOS Action
Board of Supervisors 03-26-18 04-17-18	Zoning map amendments for the following 44 parcels with road frontage along Thomas Jefferson Road (Route 811) and Forest Road (Route 221) to be rezoned from C-1 (General Office District) to C-2 (General Commercial District): Tax Map Numbers 117-A-139, 117-A-148A, 117A-2-1, 117A-2-2, 117A-2-3, 117A-2-4A, 117A-2-5A, 117A-2-6A, 117A-2-7A, 117A-2-8A, 117A-2-9A, 117A-2-10A, 117A-2-11A, 117A-2-12A, 117A-2-13A, 117A-2-14A, 117A-2-15A, 117A-2-16A, 117A-2-17A, 117A-2-18A, 117A-2-19A, 117A-2-20A, and 117A-2-21A, owned by Melvin L. Harris; Tax Map Numbers 117-A-140, 117-A-141, and 117-A-142, owned by KPAT Lane LLC; Tax Map Number 117-A-34, owned by David R. and Sharon A. George; Tax Map Number 117-A-34A, owned by Sidney B. Jr. & Debra Allen; Tax Map Number 117-9-2, owned by Darrell W. Lilly Inc.; Tax Map Number 117-9-3, owned by T&K Rentals LLC; Tax Map Number 117-9-4, owned by D. W. Rentals LLC; Tax Map Number 117-9-5, owned by J. C. Laughlin Builder Inc.; Tax Map Number 117-A-33, owned by the County of Bedford; Tax Map Number 117-A-33A, owned by Forest Presbyterian Church; Tax Map Numbers 117-A-7, and 117-A-3A, owned by Forest Baptist Church; Tax Map Number 117-A-96, owned by MET Properties LLC; Tax Map Number 117-A-97 (portion), owned by Edmund Poindexter; Tax Map Number 117-A-112, owned by Stuckey Investments LLC; Tax Map Number 117-A-102, owned by Zion Hill Baptist Church; Tax Map Number 117-A-105, owned by Rachel S. & Hubert E. Logan; Tax Map Number 117-A-122, owned by Otterview Inc.; Tax Map Number 117-A-145A, owned by Mark Allen Morrison; Tax Map Number 117-A-112, owned by Stuckey Investments LLC; and Tax Map Number 117-A-138, owned by Stanley R. & Louise Graeff, C/o Aubrey May.	Approval Vote: 7-0 04-17-18	Adopted Vote: 5-0 05-29-18 O 052918-14

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Initiated by or File #	Amendment	PC Recommendation	BOS Action
RZ180005 Hanwah Azdel, Inc. 04-17-18	Rezoning Application #RZ180005 is a request by Hanwah Azdel, Inc. to reclassify the zoning designation of a 2.762-acre portion of a 12.001-acre parcel, Tax Map Number 118-A-14B, and a 1.651-acre portion of an 11.600-acre parcel, Tax Map Number 118-A-8A from R-3 (Medium Density Multi-Family Residential) to I-2 (Higher Intensity Industrial District).	Approval Vote: 7-0 04-17-18	Adopted Vote: 5-0 05-29-18
RZ180006 David Wayne Nelson 05-14-18	Rezoning Application #RZ180006 is a request by David Wayne Nelson to reclassify the zoning designation of a 1.5-acre portion of a 10.12-acre parcel, Tax Map Number 86-A-43 from AP (Agricultural/Rural Preserve) to C-2 (General Commercial). The future land use designation is Agricultural/Natural Resource Stewardship in the 2030 Bedford County Comprehensive Plan Future Land Use Map.	Approval Vote: 5-0 05-14-18	Adopted Vote: 7-0 05-14-18 O 051418-01
RZ180007 Everett Road Investments LLC 06-19-18	Rezoning Application #RZ180007 is a request by Everett Road Investments, LLC to rezone a 92.28-acre portion of Tax Map Number 115-A-13 from AR (Agricultural/Residential district) to R-1 (Low Density Residential district). The future land use designation for the subject property is Residential in the 2030 Bedford County Comprehensive Plan Future Land Use Map.	Denial Vote: 3-4 06-19-18	Adopted Vote: 7-0 09-24-18 O 092418-07 (info to BOS amended after PC vote)
RZ180009 460 West LLC 06-19-18	Rezoning Application #RZ180009 is a request made by 460 West, LLC to rezone a 2.52-acre parcel (Tax Map Number 152-A-37D) and a 4.46-acre parcel (Tax Map Number 152-A-37E) from split-zoned AV (Agricultural Village Center district) and R-1 (Low-Density Residential district) to I-1 (Low-Intensity Industrial district) totaling 6.98 acres. The future land use designation for the subject parcels is Commercial/Light Industrial in the 2030 Bedford County Comprehensive Plan Future Land Use Map.	Approval Vote: 7-0 06-19-18	Adopted Vote: 7-0 07-23-18 O 072318-07

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Initiated by or File #	Amendment	PC Recommendation	BOS Action
RZ180010 Logan and Brandie Thomas 06-19-18	Rezoning Application #RZ180010 is a request by Logan and Brandie Thomas to rezone a 50.498-acre portion of Tax Map Number 134-A-11 from R-1 (Low Density Residential district) to AR (Agricultural/Residential district). The future land use designation for the subject property is Residential in the 2030 Bedford County Comprehensive Plan Future Land Use Map.	Approval Vote: 7-0 06-19-18	Adopted Vote: 7-0 07-23-18 O 072318-05a
RZ180007 08-21-18	Rezoning Application #RZ180007 is a request by Everett Road Investments, LLC to rezone a 52.4-acre portion of Tax Map Number 115-A-13 from AR (Agricultural/Residential district) to R-1 (Low Density Residential district). The future land use designation for the subject property is Residential in the 2030 Bedford County Comprehensive Plan Future Land Use Map. The purpose of the AR district is to maintain these areas essentially in their rural state, consistent with the level of services anticipated by the county. These areas are generally characterized by very low density residential and institutional uses mixed with smaller parcels that have historically contained agricultural uses, forest land and open space outside the urban service area. These areas provide an opportunity for rural living in convenient proximity to urban services and employment. Agricultural uses should be encouraged to be maintained however, over time these areas are expected to become increasingly residential in character, with residential development becoming the dominant use over agricultural and more rural type uses. The R-1, Low-density residential district is established for areas of the county within the urban service area with existing low-middle density residential development, with an average density of from one (1) to three (3) units per acre, and land which appears appropriate for such development. The R-1 district is intended to provide the highest degree of protection from potentially incompatible uses and residential development of a significantly different density, size, or scale, in order to maintain the health, safety, appearance, and overall quality of life of existing and future neighborhoods. In addition to	Approval Vote: 5-1 08-21-18	Adopted Vote: 6-0 09-24-18 O 092415-07

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	<p>single-family residences, only uses of a community nature which are generally deemed compatible and permitted in the R-1 district. This would include parks and playgrounds, schools, and other similar neighborhood activities. The applicant is proposing to subdivide the 52.4-acre portion of the property (approximately 50+/- lots) for the construction of stick built homes on each lot (“Dwelling, Single-Family Detached” use). The property is located on Everett Road (Route 622), adjoining property addressed as 2841 Everett Road to the north. The subject property is currently owned by Rita Creasy Moorefield and June Masencup and is 85.2 acres in size according to the application. Voluntary proffers have not been offered by the applicant. This application was previously heard by the Planning Commission on June 19, 2018. Due to the applicant amending their application by reducing the amount of acreage proposed to be rezoned, the amended application will be heard by the Planning Commission followed by a public hearing on August 21, 2018.</p>		
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<b>SPECIAL USE PERMITS</b>
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The Planning Commission held public hearings on the following Special Use Permit applications:

Initiated by or File #	Request	PC Recommendation	BOS Action
SU180002 Sweetwater Park, LLC 02-20-18	Special Use Permit Application #SU180002, Sweetwater RV Park, LLC (Shannon R. Cox) requests a Special Use Permit for the expansion of an existing campground for twenty-seven (27) additional recreational vehicle campsites in a AR (Agricultural Residential) zoning district. The 10.00 acre parcel of property is located adjacent to 4488 and 4474 White House Road, along the south side of White House Road (Route 608), approximately 0.39 miles south of the intersection with Route 654 (Radford Church Road). The existing campground was subject to a previously approved Special Use Permit (SU110001) that was approved by the Bedford County Board of Supervisors on November 22, 2010 on a 10.413 acre parcel of property identified as Tax Map Number 234- A-31C, and contains eighteen (18) recreational vehicle sites, six (6) tent campsites, a 24' x 65' camp store containing a game room, utility room, office, snack bar and bath house, a 24' x 41.5' caretaker house, and recreational amenities. Tax ID # 234-A-31E	Approval Vote: 5-2 02-20-18	Adopted Vote: 7-0 03-26-18 R 032618-05



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<b>Initiated by or File #</b>	<b>Request</b>	<b>PC Recommendation</b>	<b>BOS Action</b>
SU180003 Verizon Wireless 06-19-18	<p>Special Use Permit Application #SU180003 is a request by Verizon Wireless to establish a “Wireless Communication Facility, Class IV” use within a 75’ x 75’ lease area on Tax Map Number 149-A-23. The applicant is proposing to construct a 150 foot above ground level (“AGL”) monopole tower within a 60’ x 60’ security fenced compound area with twelve (12) stand-off panel type antennas co-located on the tower at 144 feet AGL. Verizon has indentified the need for this site as part of a larger project to expand Verizon’s network services into areas of Bedford County that currently have marginal level of wireless coverage while also providing additional wireless network capacity to support existing sites. The subject property is located at 1285 Flagstone Loop, a private road that is accessible from E. Lynchburg Salem Turnpike (Route 460), approximately 1.72 miles east of the Town of Bedford. The property is 75.74 acres in size according to the concept plan and County real estate information.</p>	Approval Vote: 7-0 06-19-18	Adopted Vote: 7-0 07-23-18 R 072318-06
SU180004 Logan and Brandie Thomas 06-19-18	<p>Special Use Permit Application #SU180004 is a request by Logan and Brandie Thomas to establish a “Conference Center” use on a 50.498-acre portion of Tax Map Number 134-A-11. The applicant is proposing to construct a barn structure for indoor weddings (also intends to have outdoor weddings on the property), a guest cottage, and associated parking with the proposed “Conference Center” use. The subject property, located at the corner of Terrace View Road (Route 705) and Bellevue Road (Route 643), is 97.625 acres in size, according to the concept plan. The subject property is currently owned by Terrace View Farm &amp; Land, LLC.</p>	Approval Vote: 7-0 06-19-18	Adopted Vote: 7-0 07-23-18 R 072318-5b

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## SPECIAL REVIEW PROJECTS

The Planning Commission held a public hearing on the following Special Review project application:

<b>Initiated by or File #</b>	<b>Amendment</b>	<b>PC Recommendation</b>	<b>BOS Action</b>
SRP180001 Bedford County Dept of Public Works 06-19-18	Special Review Project SRP180001 - The Bedford County Department of Public Works requests a determination pursuant to Virginia Code § 15.2-2232 and Section 30-23 of the Bedford County zoning ordinance to determine whether relocating a convenience center on tax map # 107-A-101A (adjacent to the former Thaxton Elementary School), in District 7 is “substantially in accord with the adopted comprehensive plan” of Bedford County.	Approval Vote: 7-0 06-19-18	No action required by BOS

# **Proposed Zoning Ordinance Text Amendments**

**Signage**

**Fences**

**Off-Street Parking**

**Wireless Communication**

**Facilities**

**Bus Shelter -Multi-Family**

**Dwelling and Townhouses**

**Presenter: Jordan Mitchell**

**540-586-7616 ext 1393**

**540-586-2059 (fax)**

**[jmitchell@bedfordcountyva.gov](mailto:jmitchell@bedfordcountyva.gov)**



# COUNTY OF BEDFORD, VIRGINIA

COUNTY ADMINISTRATION BUILDING  
122 EAST MAIN STREET, SUITE G-03  
BEDFORD, VIRGINIA 24523

GREGG ZODY  
DIRECTOR

## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

**TO:** Planning Commission

**THROUGH:** Gregg Zody, Director of Community Development *GZ*

**FROM:** Jordan Mitchell, Planner *JM*

**DATE:** February 6, 2019

**SUBJECT:** Public Hearing – Zoning Ordinance Text Amendments (Signage, Off-Street Parking, Fences, Wireless Communication Facilities, Multifamily Dwelling, and Townhouses)

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Planning staff has been working on zoning ordinance revisions to address concerns that we have seen through implementing the ordinance, changes to the Code of Virginia, and listening to concerns from citizens and the development community. Staff proposed the following text amendments to address such concerns for discussion at the Planning Commission's regular meeting on January 15, 2019. The following text amendments were initiated by the Planning Commission on January 15, 2019:

- 1) Amend the signage regulations for parcels that have more than one use but do not qualify as a shopping center or multi-tenant retail sales structure. This amendment will allow for an increase in the maximum height by 25% (up to a maximum of 20 feet in height) in order to accommodate signage for each use.
- 2) Amend the design of fences on properties occupied with residential uses to permit a fence of any height, located in the front of the building line of the dwelling. Currently this Section of the ordinance prohibits any type of fence from exceed 4 feet in height on properties with residential uses.
- 3) Amend the construction standards for off-street parking to exempt agricultural uses and civic uses (in the AP, AR, and AV zoning districts) from being required to construct and maintain a parking area surface that is in accordance with the Virginia Department of Transportation's latest edition of Subdivision Streets Requirements Manuel. This amendment will permit such uses to utilize gravel parking areas instead of being required to surface treat or pave the required off-street parking area.
- 4) Amend Schedule B in the required off-street parking section of the ordinance to allow for greater flexibility for the development community to calculate a minimum parking requirement for a use(s) using an acceptable industry publication or a traffic study.
- 5) Amend the Permitted Use Table to permit a "Wireless Communication Facility, Class 4" use as a use by right with general standards (R\*) in the AP, AR, and AV zoning districts. Currently this use is permitted through a special use permit with general standards (S\*) in the AP, AR, and AV.
- 6) Amend the general use standards for "Wireless Communication Facility (WCF), Class 1, Class 2, Class 3 and Class 4" uses due to changes to the Code of Virginia (§15.2-2316.4:1 through §15.2-2316.4:3).
- 7) Amend the general use standards for "Multifamily Dwellings" and "Townhouses" to permit a

# COUNTY OF BEDFORD, VIRGINIA

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## DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

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structure for the property owners/tenants to provide for a shelter to wait for transit (School Bus, Public Transportation, etc.) without having to meet a required setback. This structure is limited to a maximum of 500 square feet in size.

**Zoning Ordinance Text Amendments  
Winter 2019**

That **Zoning Ordinance Section 30-93-13, Freestanding signage regulations by use**, be amended to add subsection “E” to permit a 25% increase in the height of a freestanding signage (up to 20 feet in height) for a property having multiple uses that were not approved as a shopping/multi-tenant retail center.

Sec. 30-93 Signs

Sec. 30-93-13 Freestanding signage regulations by use

(e) Lots with multiple uses that are not approved as a shopping/multi-tenant retail center may increase the freestanding height permitted through Sec. 30-93-13(c) and Sec. 30-93-13(d) by 25% for each additional use (up to a maximum height of 20 feet) in order to accommodate freestanding signage for each use on the lot.

That **Zoning Ordinance Section 30-100-9, Location and design of fences**, be amended to permit a fence of any height that is located in the front of the building line by remove subsection “B”.

Sec. 30-100 Miscellaneous

Sec. 30-100-9. Location and design of fences.

(a) Except as provided for in sections 30-92 and 30-100-8, fences may be constructed in any location, on any lot.

~~(b) On any lot occupied by a residential use type, fences located in front of the building line shall not exceed four (4) feet in height.~~

That **Zoning Ordinance Section 30-91-6(a), Construction standards**, be amended to permit agricultural uses and civic uses in the AP, AR, and AV zoning districts from having to pave or surface treat the off-street parking and stacking areas.

Sec. 30-91 Off-street parking, stacking, and loading

Sec. 30-91-6 Construction standards

(a) All off-street parking and stacking areas with fifteen (15) or more parking spaces, including aisles, stacking spaces, and driveways, except for those required for agricultural uses, civic uses (in the AP, AR, and AV zoning districts), single-family and two-family dwellings,

shall be constructed and maintained with a surface in accordance with the Virginia Department of Transportation's latest edition of the Subdivision Streets Requirements Manual.

That **Zoning Ordinance Section 30-91-9, Required off-street parking**, be amended alter how Schedule B can be used as an alternate required parking calculation that is derived from an acceptable industry publication (i.e. Institute of Transportation Engineers, Urban Land Institute, American Planning Association) or from a study prepared by a traffic engineering firm.

Sec. 30-91-9 Required off-street parking.

*Schedule B:*

~~Specific requirements shall be determined by the administrator based on requirements for similar uses, location of proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the board of zoning appeals. In lieu of using the Minimum Parking Requirements table or Schedule A in Sec. 30-91-9, parking requirements for a use(s) may be calculated through using acceptable industry publications (i.e. Insitute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or from a study prepared by a traffic engineering firm. Once the study is submitted, the findings are reviewed by the Zoning Adminstrator to set a minimum parking requirement for a use(s) based on the information provided.~~

That **Zoning Ordinance Section 30-79-2, Permitted Use Table**, be amended to permit “Wireless Communication Facility, Class 4” use by-right with general use standards (R\*) in the AP, AR, and AV zoning districts.

Sec. 30-79-2 Permitted Uses Table

Permitted uses by district shall be as shown in the following table where:

"R" Indicates a use by right

"S" Indicates a special use

"\*" Indicates more stringent standards as specified in article IV

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
<b>Miscellaneous Uses</b>																	
Wireless Communication facility, Class 4	RS*	RS*	RS*							S*	S*	S*	S*	S*	S*	S*	S*

That **Zoning Ordinance Section 30-87-3, Wireless Communication Facility (WCF), Class 1, Class 2, Class 3 and Class 4**, be amended to remove requirements for special use permit submittals in accordance with changes to Virginia State Code (§15.2-2316.4:1 through §15.2-2316.4:3).

Sec. 30-87-3 Wireless Communication Facility (WCF), Class 1, Class 2, Class 3 and Class 4

- (a) *Intent:* To provide for the siting of wireless communication facilities (WCFs) by establishing guidelines for the construction and modification of towers and associated equipment in accord with the strategic plan for commercial wireless telecommunication facilities, a component of the comprehensive plan. The established guidelines are designed to reduce the adverse impacts and encourage stealth techniques through the placement of towers in locations with appropriate vegetative cover or through alternative tower designs.
- (b) *For purposes of this section:*
  - (1) A "distributed antenna system (DAS)" is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
  - (2) A "stealth structure" is any structure designed to conceal or disguise antenna structures and antennas associated with wireless communication facilities including but not limited to, tree poles, flag poles, silos and "lookout" towers.
- (c) *General standards:*
  - (1) All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the county, state or federal government with the authority to regulate WCFs. If regulations change and WCFs are required to comply with such changes, the owners of the WCFs governed by this ordinance shall bring WCF(s) into compliance within six (6) months of the



effective date of such change in standards or regulations. Failure to comply shall constitute grounds for the removal of the WCFs at the owner's expense.

- (2) WCFs shall be considered either a principal or accessory use.
- (3) WCFs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and designs chosen must cause the least disturbance to the surrounding view.
- (4) WCFs shall meet the following aesthetic requirements:
  - a. WCFs shall, subject to any applicable FAA standard, be of a neutral color and subject to staff approval so as to reduce visual obtrusiveness. The appearance shall be maintained in the approved neutral color.
  - b. The design of buildings and related structures within the WCF compound area shall, to the extent possible, use materials and colors that will blend into the natural setting and surrounding trees.
  - c. If a WCF is installed on a structure other than a tower (i.e., water tower, light pole, etc.), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) The county reserves the right to employ the services of a wireless telecommunications consultant to review all WCF applications. All applicable costs will be the responsibility of the applicant.
- (6) WCFs that exceed 50 feet above ground level shall meet the following setback requirements:
  - a. The minimum setback requirement from the base of the tower to any primary or occupied structure on the subject parcel shall be at least equal to forty (40) percent of the height of the tower, measured from the closest structural member of the tower. Guy lines shall be exempt from the minimum setback requirement in side and rear yards for the respective zoning district, but shall comply with the setback requirements for the front yard.
  - b. Certification shall be provided that the tower will not fall onto any adjoining property in the event of failure or collapse of the structure.
  - c. For any building or structure associated with a WCF, the minimum setback from any property line abutting a road

right-of-way shall be fifty (50) feet and in all other instances shall be no less than twenty-five (25) feet.

- d. More than one (1) tower shall be permitted provided all setback requirements have been met.

(7) Buildings and support equipment associated with WCFs shall comply with the following requirements:

- a. The cabinet or structure shall not be more than twelve (12) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
- b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10) percent of the roof area.
- c. Equipment storage buildings or cabinets shall comply with all applicable building codes.

(8) No advertisement signs shall be allowed on a WCF. Signs of no more than one (1) square foot containing ownership, operational and name plate data shall be allowed.

(9) WCF applications in a PCTDA location as defined in the strategic plan for commercial wireless telecommunications facilities, a component of the comprehensive plan, shall not be exempt from administrative approval or obtaining special use permit approval. Such application will be classified based on the height of the proposed WCF (Class 1-4) and subject to the permitted use table requirements by district.

(d) *Uses by right:* The uses listed in this section are deemed to be uses by right subject to administrative approval. The following provisions shall govern the issuance of approvals for WCFs:

- (1) WCFs located on property owned, leased, or otherwise controlled by Bedford County provided a license or lease authorizing such WCF(s) has been approved by Bedford County or collocated on an existing WCF(s).
- (2) The collocation of WCFs on existing WCFs. The collocation must be accomplished in a manner consistent with the following:
  - a. The WCF which is modified or reconstructed to accommodate the collocation of an additional WCF shall be of the same WCF type as the existing WCF(s).

- b. A WCF which is being rebuilt to accommodate the collocation of an additional WCF may be moved on-site within fifty (50) feet of its existing location. Once the WCF is rebuilt to accommodate the collocation, only one (1) WCF may remain on the site.
  - (3) Installing a cable microcell network (distributed antenna system or DAS) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCFs.
  - (4) WCF upgrades/equipment maintenance of existing wireless provider on WCF.
- (e) *Special application requirements for uses by right:*
  - (1) Sufficient copies of the wireless facility site development plan that show the type and height of the proposed WCF, proposed means of access, setbacks from the property lines, elevation drawing of the proposed WCF and any other structures and any other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
  - (2) A cover letter that outlines what the applicant is proposing to do on-site.
  - (3) Any cost associated with the review of the application by the county and/or its consultant shall be paid by the applicant at submittal.
  - (4) A structural analysis may be requested by the zoning administrator in order to complete a review of an application.
  - (5) The zoning administrator may request additional information if needed while reviewing an application for administrative approval. Failure to provide the requested information shall result in the denial of the application.
- (f) *Uses by special use permits:*
  - (1) Applications for special use permits under this section shall be subject to the procedures and requirements for allowable uses under article I of this ordinance.
  - (2) In granting a special use permit, the planning commission may recommend and the board of supervisors may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjoining properties.

- (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
  - (4) The maximum height of any WCF shall be made a condition of approved special use permits. Lightning rods shall be exempt from the maximum height calculation.
- (g) *Special application requirements for special use permits:* In addition to any information required for applications pursuant to the Bedford County Zoning Ordinance, applicants for a special use permit for WCFs shall submit the following information:
- (1) A scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses, adjacent land uses (including when adjacent to other jurisdictions), master plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed WCF and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
  - (2) Legal description of the parent tract and leased parcel (if applicable).
  - (3) The setback distance between the proposed WCF and the nearest residential unit and platted residential properties. This is not required for WCFs that are less than 50 feet above ground level.
  - (4) The applicant shall also identify the type of construction of the existing WCF(s) and the owner/operator of the existing WCF(s), if known.
  - (5) A landscape plan showing specific landscape materials. The board of supervisors may waive this requirement if it deems appropriate upon applicant request with sufficient justification. This is not required for WCFs that are less than 50 feet above ground level.
  - (6) Method of security fencing (no less than six (6) feet in height) with anti-climbing device, and finished color and, if applicable, the method of camouflage and illumination. The board of supervisors may waive this requirement if it deems appropriate upon applicant request.
  - (7) A description of compliance with all applicable federal, state or local laws. This is not required for WCFs that are less than 50 feet above ground level.
  - (8) A statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas. This is

not required for WCFs that are less than 50 feet above ground level.

- (9) Identification of the entities providing the backhaul network for the WCF(s) described in the application and other cellular sites owned or operated by the applicant in the county.
- (10) A description of the suitability of the use of existing WCFs, other structures or alternative technology not requiring the use of WCFs or structures to provide the services under consideration.
- (11) A description of the feasible location(s) of future WCFs within Bedford County based upon existing physical, engineering, technological, or geographical limitations in the event the proposed WCF is erected.
- (12) A cost estimate for removal of the WCF and facilities from the site.
- (13) A copy of the initial lease. This is not required for WCFs that are less than 50 feet above ground level.
- (14) A description, including mapping at an appropriate scale, of the search area and coverage objective. This is not required for WCFs that are less than 50 feet above ground level.
- (15) A map depicting all collocation candidates in search area, along with the RF analysis documentation as to their suitability. This is not required for WCFs that are less than 50 feet above ground level.
- (16) High quality photo simulations of the site and proposed WCF.

~~(17) TOWAIR Determination results for FAA registration.~~

(h) *Additional standards for Class 1, Class 2, Class 3, and Class 4 wireless communication facilities in districts where permitted by right:*

~~(1) WCF antenna support structures shall be constructed of wood in the R-1, R-2, R-3, R-4 and PRD zoning districts.~~

(12) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in subsection 30-87-3(g). Such towers would be exempt from any requirements listed in section 30-19

~~(i) Additional standards in the AP, AR, AV and NC districts for Class 2 wireless communication facilities:~~

~~(1) WCFs shall be reviewed administratively if less than ten (10) feet above the surrounding tree line. WCFs that are sited in open areas would not meet the requirement of "stealth techniques" in subsection (i)(2) below, and would be subject to the special use permit approval process for WCFs.~~

~~(2) If the zoning administrator through administrative review determines the proposed WCF does not use stealth techniques to reduce the impact of the WCF on surrounding properties and view sheds, a special use permit shall be required.~~

~~(3) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in subsection 30-87-3(g). Such towers would be exempt from any requirements listed in section 30-19~~

(ij) *Removal of abandoned WCFs:* Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WCF shall remove the same within ninety (90) days of receipt of notice from Bedford County notifying the owner of such abandonment. If there are two (2) or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

(jk) *Nonconforming WCFs:*

(1) WCFs that are constructed, and/or installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Pre-existing WCFs shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing WCFs. New construction other than routine maintenance on pre-existing WCFs shall comply with the requirements of this ordinance.

(3) Notwithstanding subsection 30-87-3(j), bona fide nonconforming WCFs that are damaged or destroyed may be rebuilt without having to first obtain a special use permit. The type, height, and location of the WCFs on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the WCFs shall be deemed abandoned as specified in subsection 30-87-3(j).

(k) *Denial of a new WCF application: the applicant shall be notified of any tower that is denied in accordance with The Code of Virginia, §15.2-2316.4:2. The reason for the denial shall be made clear in such notification.*

That **Zoning Ordinance Section 30-82-11, Multifamily dwelling**, be amended to permit a structure for those living within an apartment

complex to use to wait for the Bus that does not have to meet a reduced setback requirement so that it may be closer to the roadway. Structure shall be limited in size and quantity.

Sec. 30-82 Residential Uses

Sec. 30-82-11 Multifamily dwelling

(a) *Intent.* The following minimum standards are intended to accommodate multifamily dwellings, ensuring adequate separation and other design characteristics to create a safe and healthy residential environment while protecting adjoining uses which are less intensive.

(b) *General standards:*

- (1) Minimum front yard setback: Thirty (30) feet from any street right-of-way for all structures.
- (2) Minimum side yard setback: Twenty (20) feet for principal structures.
- (3) Minimum rear yard setback: Twenty-five (25) feet for principal structures.
- (4) Additional setbacks in the form of a buffer yard shall be required in accordance with article V where the property adjoins a less intensive zoning district.
- (5) Each multifamily building shall be separated by forty (40) feet between facing living areas. This separation may be reduced to twenty (20) feet when both multifamily buildings contain windowless walls.
- (6) Where buildings are placed at right angles (ninety (90) degrees) to one another and both interior walls are windowless, the minimum separation of buildings shall be twenty (20) feet.
- (7) Standards for open space and recreational areas required below:
  - a. Shall be in addition to any buffer yard required under article V of this ordinance;
  - b. Shall be in addition to, and not be located in, any required front, side or rear yard setback;
  - c. Shall have a horizontal dimension of at least fifty (50) feet, except that areas with a horizontal distance of not less than twenty (20) feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.;

- d. Shall not include proposed street rights-of-ways, open parking areas, driveways, or sites reserved for other specific uses; and
  - e. Shall be of an appropriate nature and location to serve the residents of the multifamily development.
- (8) One (1) structure may be permitted for tenants/property owners to wait for the transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirement. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.

That **Zoning Ordinance Section 30-82-14, Townhouses**, be amended to permit a structure for those living within a Townhouse community to use to wait for the Bus that does not have to meet a reduced setback requirement so that it may be closer to the roadway. Structure shall be limited in size and quantity.

Sec. 30-82 Residential Uses  
Sec. 30-82-14 Townhouses

- (a) Intent. It is the intent of this section that townhouses be allowed in areas where they are or may be appropriately intermingled with other compatible types of housing. The purpose of the following design standards is to ensure the efficient, economical, comfortable and convenient use of land and open space and serve the public purposes of zoning by providing an alternative to conventional arrangements of yards and buildable areas.
- (b) General standards:
  - (1) All townhouse developments shall be served by public sewer and water.
  - (2) The facades of townhouses in a group shall be varied by changed front yards and variations in design so that no more than four (4) abutting townhouses will have the same front yard setback and the same or essentially the same architectural treatment of facades and roof lines.
  - (3) The minimum separation between any building containing a group of five (5) or more townhouse units shall be forty (40) feet from any other townhouse building. The minimum separation between any building containing a group of four or fewer townhouse units shall be twenty (20) feet from any other building containing a group of four (4) or fewer townhouses.



- (4) The height of all townhouses shall be limited to forty-five (45) feet. Accessory buildings shall not exceed fifteen (15) feet.
- (5) Accessory structures for townhouse units shall be permitted only in rear yard areas and shall be no larger than ten (10) feet by ten (10) feet in area.
- (6) Only one (1) yard, either the front yard or the rear yard, or in the case of an end unit, the side yard, shall be improved with a driveway or other impermeable surface intended for the storage of motor vehicles or for access to a garage, or other parking areas.
- (7) The maximum building and lot coverage requirements applying to townhouses shall be computed for the site of the entire development.
- (8) Public street frontage shall not be required for any proposed lot of record platted for townhouse development within R-3 and R-4 districts. In the AV and R-2 districts, the applicant shall designate as part of the special use permit application, the location of any lot that is not proposed to front on a public street.
- (9) One (1) structure may be permitted for tenants/property owners to wait for the transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirement. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.