

## ARTICLE III - DISTRICT REGULATIONS

### SEC. 30-32 AP AGRICULTURAL/RURAL PRESERVE DISTRICT

#### Sec. 30-32-1 Purpose

The AP, Agricultural/Rural Preserve district consists of land primarily used as farmland, woodlands, and widely scattered residential development located within the rural service area. Also found in these areas are lands with steep slopes and groundwater recharge areas. Many of the county's unique natural and scenic resources are found in this type of district. The purpose of the AP district is to maintain areas essentially in their rural state, and attempt to protect sensitive and unique land resources from degradation. This may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses. Non-farm residents should recognize that they are located in an agricultural environment where the right-to-farm has been established as county policy. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

#### Sec. 30-32-2 Permitted Uses

Permitted uses shall be as listed in Section 30-79.

#### Sec. 30-32-3 Site Development Regulations

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV, Use and Design Standards.

#### (A) Minimum lot requirements

1. All lots, regardless of sewer and water provisions
  - a. Area: 3 acres (130,680 square feet).
  - b. Frontage: 200 feet on a publicly owned and maintained street.

#### (Ord. of 06.14.99)

#### (B) Minimum setback requirements

1. Principal structure:
  - 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.
- c. Side yards:
  - i. Combined side yards: 50 feet.
  - ii. Side yard minimum: 15 feet.

**(Ord. of 09.08.03)**

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

**(Ord. of 09.08.03)**

**(C) Maximum height of structures**

- 1. All structures (except silos): 45 feet.
- 2. Silos: 100 feet.

**(D) Maximum coverage**

- 1. Building coverage: 5 percent of the total lot area.
- 2. Maximum building coverage of nonconforming lots: 10 percent of the total lot area.
- 3. Lot coverage: 20 percent of the total lot area.

**(E) Maximum subdivisions of a single tract allowed**

Up to five separate lots, provided each lot meets the requirements of this section. The maximum of five lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than five lots shall require a rezoning as set forth in Article I.

**(Ord. of 06.14.99; Ord. of 07.09.07)**

**SEC. 30-33 (RESERVED)**

**SEC. 30-34 AR AGRICULTURAL/RESIDENTIAL DISTRICT**

**Sec. 30-34-1 Purpose**

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 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 suitable for low density residential development and other compatible land uses.

**Sec. 30-34-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-34-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

- 1. All lots, regardless of sewer and water provisions.
  - a. Area: 1.5 acre (65,340 square feet).
  - b. Frontage: 150 feet on a publicly owned and maintained street.

(B) Minimum setback requirements

- 1. Principal structure:
  - 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.

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

**(Ord. of 09.08.03)**

(C) Maximum height of structures

All structures: 45 feet.

(D) Maximum coverage

- 1. Building coverage: 10 percent of the total lot area.
- 2. Lot coverage: 30 percent of the total lot area.

(E) Maximum subdivisions of a single tract allowed

Up to ten separate lots, provided each lot meets the requirements of this section. The maximum of ten lots shall include any further subdivision of these newly subdivided lots. The subdivision of more than ten lots shall require a rezoning as set forth in Article I.

**SEC. 30-35 (RESERVED)**

**SEC. 30-36 AV AGRICULTURAL VILLAGE CENTER DISTRICT**

**Sec. 30-36-1 Purpose**

The purpose of the AV, Village Center district is to establish areas which will serve as the focal point for cultural and commercial activity of the rural service areas of the county. The density recommended for these areas is intended to average between one and three units per acre. Small country stores, family restaurants, and similar small service and personal service businesses, in addition to public and institutional buildings such as schools, post offices, and places of religious assembly, are commonly found at these crossroads locations. The AV district brings a sense of community to the surrounding rural areas, with an emphasis on providing the essential goods and services to rural residents, but are not intended as employment destinations for urban residents. New development should therefore be carefully considered for its compatibility with the surrounding development and the purpose and intent of the AV district. Any expansion of these areas should be contiguous to existing Village Center areas to avoid leap-frog commercial development. Similarly additional development may warrant additional public services, such as community sewer and water systems.

**Sec. 30-36-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-36-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

- 1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
- 2. Lots served by either public sewer or water, or both:
  - a. Area: 20,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.

(B) Minimum setback requirements

- 1. Front yard:
  - a. Principal structures: 35 feet.
  - b. Accessory structures: 35 feet or behind the front building line, whichever distance is less.

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.
3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

(C) Maximum height of structures

All structures: 35 feet.

(D) Maximum coverage

1. Building coverage: 30 percent of the total lot area.
2. Lot coverage: 75 percent of the total lot area.

**(Ord. of 06.14.99)**

**SEC. 30-37 ... 30-40 (RESERVED)**

**SEC. 30-41 R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**Sec. 30-41-1 Purpose**

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 to three 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 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.

**Sec. 30-41-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-41-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

1. All lots served by private well and sewage disposal systems:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
  - c. Lot Width: 100 feet.
2. Lots served by either public sewer or water:
  - a. Area: 20,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Lot Width: 75 feet.
3. All lots served by both public sewer and water:
  - a. Area: 10,000 square feet.
  - b. Frontage: 60 feet on a publicly owned and maintained street.
  - c. Lot Width: 60 feet.

(B) Minimum setback requirements

1. Front yard:
  - a. Principal structures: 30 feet.
  - b. Accessory structures: 30 feet or behind the front building line, whichever distance is less.
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.
3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.
5. 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: 35 feet.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 30 percent of the total lot area for all buildings and 7 percent for accessory buildings.
2. Lot coverage: 50 percent of the total lot area.

**SEC. 30-42 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**Sec. 30-42-1 Purpose**

The purpose of the R-2, Medium Density District is to establish areas in the county within the urban service area where existing low-middle to middle density residential development (typically three to six units per acre) is primarily located and land areas which appear generally appropriate for such development. The R-2 district is intended to provide reasonable protection to existing single family residential neighborhoods, while accommodating a diversity of alternative housing options. R-2 areas are designated based on access to roads, sewer and water, and schools with suitable capacity to accommodate development at the stated density. Older neighborhoods where smaller platted lot sizes exist are also included where opportunities exist for additional in-fill development.

**Sec. 30-42-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-42-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

1. All lots served by private well and sewage disposal systems:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
  - c. Lot Width: 100 feet.
2. Lots served by either public sewer or water:
  - a. Area: 20,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Lot Width: 75 feet.
3. Lots served by both public sewer and water:
  - a. Area: 10,000 square feet.
  - b. Frontage: 60 feet on a publicly owned and maintained street.
  - c. Lot Width: 60 feet.

(B) Minimum setback requirements

1. Front yard:
  - a. Principal structures: 30 feet.
  - b. Accessory structures: 30 feet or behind the front building line, whichever distance is less.
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.
3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.
5. 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: 35 feet.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 30 percent of the total lot area for all buildings and 7 percent for accessory buildings.
2. Lot coverage: 50 percent of the total lot area.

**SEC. 30-43 ... 30-44 (RESERVED)**

**SEC. 30-45 R-3 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

**Sec. 30-45-1 Purpose**

The purpose of the R-3, Medium Density Multi-family Residential district is to provide areas in the county within the urban service area where existing middle-high density residential development (typically four to twelve units per acre) has been established and land areas which generally appear to be appropriate for such development. The R-3 is designated based on access to major streets, sewer and water, and schools with suitable capacity to accommodate development at the stated density, and where parcel sizes allow for well-planned residential development. R-3 areas designated in this district are also intended to serve as a buffer between less intensive residential areas and more intensive office, commercial and industrial areas and districts. A variety of housing densities and styles is encouraged in order to permit a diversity and flexibility in design and layout. Additional standards are established to provide for amenities in higher density developments.

**Sec. 30-45-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-45-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

1. All lots served by private well and sewage disposal systems:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
  - c. Lot Width: 100 feet.
2. Lots served by either public sewer or water:
  - a. Area: 20,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Lot Width: 75 feet.
3. All lots served by both public sewer and water:
  - a. Area: 10,000 square feet.
  - b. Frontage: 60 feet on a publicly owned and maintained street.
  - c. Lot Width: 60 feet.

4. For minimum lot size and permitted densities for multi-family dwellings and townhouses refer to Article IV, Use and Design Standards.

(B) Minimum setback requirements

1. Front yard:
  - a. Principal structures: 30 feet.
  - b. Accessory structures: 30 feet or behind the front building line, whichever distance is less.
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 rear building line and 10 feet when in front of the front building line.
3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

(C) Maximum height of structures

1. Height limitations:
  - a. Principal structures: 35 feet.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 35 percent of the total lot area for all buildings and 7 percent for accessory buildings.
2. Lot coverage: 60 percent of the total lot area.

**SEC. 30-46 R-4 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT****Sec. 30-46-1 Purpose**

The purpose of the R-4, High Density Multi-family Residential district is to provide areas in the county within the urban service area where existing high density residential development (typically twelve to eighteen units per acre) has been established and land areas which generally appear to be appropriate for such development. R-4 areas should serve as a buffer between less intensive and more intensive districts. R-4 areas are designated based on direct access to major streets, and where sewer, water, and schools, and other public services have suitable capacity to accommodate development at the stated density. An additional consideration is that the parcel sizes allow for well planned residential development. A variety of housing densities and styles is encouraged in order to permit a diversity and flexibility in design and layout. Additional standards are established to provide for amenities in higher density developments.

**Sec. 30-46-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-46-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

**(A) Minimum lot requirements**

1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
  - c. Lot Width: 100 feet.
2. Lots served by either public sewer or water:
  - a. Area: 20,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Lot Width: 75 feet.
3. Lots served by both public sewer and water:
  - a. Area: 10,000 square feet.
  - b. Frontage: 60 feet on a publicly owned and maintained street.
  - c. Lot Width: 60 feet.
4. For minimum lot size and permitted densities for multi-family dwellings and townhouses refer to Article IV, Use and Design Standards.

(B) Minimum setback requirements

1. Front yard:
  - a. Principal structures: 30 feet.
  - b. Accessory structures: 30 feet or behind the front building line, whichever distance is less.
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.
3. Rear yard:
  - a. Principal structures: 10 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

(C) Maximum height of structures

1. Height limitations:
  - a. Principal structures: 45 feet. Principal structures may exceed the principal height limitation provided a special use permit is approved in accordance with Section 30-19.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 35 percent of the total lot area for all buildings and 7 percent for accessory buildings.
2. Lot coverage: 75 percent of the total lot area.

**SEC. 30-47 PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT****Sec. 30-47-1 Purpose**

The purpose of this 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 PRD district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations by encouraging ingenuity, imagination and high quality design to create a superior living environment for the residents of the planned community. Incorporation of significant areas of open space is a primary component of these provisions as a means to maintain critical natural and cultural resources, balanced with development at densities which compensate, or in certain situations reward with bonuses, for maintenance of these resources. The PRD district is particularly appropriate for parcels which contain a number of constraints to conventional development. In addition to an improved quality of design, the PRD district creates an opportunity to reflect changes in the technology of land development, provide opportunities for new approaches to home ownership, and provide for an efficient use of land which can result in reduced development costs.

**Sec. 30-47-2 Permitted Uses**

- (A) Permitted uses shall be as listed in Section 30-79. However, no use shall be permitted except in conformity with the uses specifically included in the final master plan approved pursuant to Section 30-47-5.
- (B) Other use types which are not listed above and which are determined to be appropriate and compatible with the proposed development and surrounding uses may be permitted as special uses in the PRD district where they are specifically proposed in the initial preliminary master plan and approved pursuant to Section 30-47-5.

**Sec. 30-47-3 Site Development Regulations**

- (A) Each planned residential development shall be subject to the following site development standards.
  - 1. Minimum acreage required to create a new planned residential district or a planned residential development within an existing planned residential district shall be 10 acres of contiguous land or land which is adjacent to an existing Planned Residential Development.
  - 2. Minimum lot sizes for allowable uses in this district shall be as shown for the same use in Article IV. Townhouses and two family dwellings shall comply with the requirements as set forth for an R-2 zoning district in Article IV. Multi family dwellings shall comply with the requirements as set forth for an AV zoning district in Article IV. Single family dwellings shall comply with the site development regulations as set forth for an R-2 zoning district in Article III.
  - 3. Commercial and office uses may be constructed concurrently with the residential uses, provided the percentage of commercial uses does not exceed either the percentage of residential development or the maximum gross area development of 10%.

4. Minimum common open space and/or recreational areas: 15 percent of the gross area of the PRD district.
5. Criteria for all open space:
  - a. Minimum countable open space: 5,000 contiguous square feet.
  - b. Minimum horizontal dimension: 50 feet, except that areas with a horizontal distance of not less than 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.
  - c. Common open space shall not include proposed street right-of-ways, open parking areas, driveways, or sites reserved for schools or places of religious assembly.
  - d. Common open space and/or recreational areas shall be of an appropriate nature and location to serve the residents of the district.
6. Open space bonus: 5 percent increase in gross density for each additional 5 percent of open space to a maximum gross space bonus of 25 percent.
7. A 7.5 percent bonus to the gross density may be approved by the zoning administrator when a historic site will be preserved and maintained as an integral part of the development proposal. The historic site must be included in the county Historic Resources Inventory and meet one of the following:
  - a. The historic site shall be listed on the Virginia Landmarks Register and the National Register of Historic Places;
  - b. The historic site shall have been determined to be eligible for listing on the registers cited in a. above by the State Review Board for Historic Preservation; or,
  - c. The historic site shall have been officially designated by the board of supervisors as having county or local significance.
8. Maximum area for commercial and/or office uses: 10 percent of the gross area of the PRD. In addition, the following standards shall apply:
  - a. Commercial and office uses shall be expressly designed for the service and convenience of the PRD;
  - b. Commercial and office uses shall be screened and landscaped so as to be compatible with adjoining residences;
  - c. Commercial and office uses may be constructed concurrently with the residential uses, provided the percentage of commercial uses does not exceed either the percentage of residential development or the maximum gross area development of 10%.

- 9. Minimum setback requirements shall be specifically established during the review and approval of the master plan. The following guidelines shall be used in establishing the building spacing and setbacks:
  - a. Building spacing shall provide privacy within each dwelling unit;
  - b. Building spacing shall ensure that each room has adequate light and air;
  - c. Areas between buildings used as service yards, storage of trash, or other utilitarian purposes should be designed so as to be compatible with adjoining dwellings;
  - d. Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.
- 10. Streets in the PRD district shall be designed and constructed to meet VDOT and county standards, unless specifically modified and approved by the board of supervisors.
- 11. In order to promote safe ingress and egress for the development, the minimum separation distance between entrances to the public right-of-way shall be 300 feet, except for single-family dwellings which shall front internal streets. Additional access between adjoining lots such as frontage roads and shared parking areas are strongly encouraged.
- 12. Maximum height of structures: 45 feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with Section 30-19.

**(Ord. of 09.08.03)**

**Sec. 30-47-4 Relationship to Existing Development Regulations**

All zoning regulations shall apply to the development of the PRD, unless modified in the approval of the final master plan.

**Sec. 30-47-5 Application Process**

- (A) 1. Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall meet to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.
- 2. In areas presently designated PRD, Planned Residential Development District, no amendment to this ordinance or rezoning is required to develop a planned residential development and the planned residential development plan may be approved administratively as the site development plan, provided the other requirements of this section are met.

3. Where planned residential developments are proposed in areas not zoned accordingly, an amendment to this ordinance or a rezoning is required and the provisions of the subsection shall apply.
- (B) The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to Section 30-15 of this ordinance. Once the board of supervisors has approved the final master plan, all accepted proffers shall constitute conditions pursuant to Section 30-15.
- (C) To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:
1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
  2. Existing zoning, land use, and ownership of each parcel proposed for the district.
  3. A general statement of planning objectives to be achieved by the PRD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific man-made and natural characteristics located on the site.
  4. A description and analysis of existing site conditions, including information on topography, archeological and historic resources, natural water courses, floodplains, unique natural features, tree cover areas, etc.
  5. A land use plan designating specific uses for the site, both residential and non-residential uses, and establishing site development regulations, including setback, height, building coverage, lot coverage, and density requirements.
  6. A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities and location and general design of parking and loading facilities. General information on the trip generation, ownership and maintenance and proposed construction standards for these facilities should be included. A Traffic Impact Analysis may be required by the zoning administrator.
  7. A public services and utilities plan providing requirements for and provision of all utilities, sewers, and other facilities to serve the site.
  8. An open space plan, including areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed buffer areas proposed around the perimeter of the site. Information on the specific design and location of these areas and their ownership and maintenance should be included.
  9. Generalized statements pertaining to architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.

10. A development schedule indicating the location, extent and sequence of proposed development. Specific information on development of the open space, recreational areas, and non-residential uses should be included.
- (D) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the planning commission for review and analysis. The planning commission shall review this information and make a report of its findings to the board of supervisors. The planning commission shall as part of its review hold a public hearing pursuant to Section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the planning commission public hearing.
- (E) The planning commission shall make a report of its findings to the board of supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The planning commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the planning commission to make a report of its findings to the board of supervisors within this period shall constitute a planning commission recommendation of approval.
- (F) If the planning commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the board of supervisor's review and action shall be delayed until such changes are made and submitted for review.
- (G) The board of supervisors shall review the preliminary master plan, and act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Section 30-15 of this ordinance. The plan approved by the board of supervisors shall constitute the final master plan for the PRD. Once approved by the board of supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PRD district.

**(Ord. of 06.14.99)**

**Sec. 30-47-6 Revisions to Final Master Plan**

- (A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements of Section 30-47-5. Major revisions include, but are not limited to changes such as:
1. Any increase in the density of the development;
  2. Substantial change in circulation or access;
  3. Substantial change in the mixture of dwelling unit types included in the project;
  4. Substantial changes in grading or utility provisions;
  5. Substantial changes in the mixture of land uses or an increase in the amount of land devoted to non-residential purposes;

- 6. Reduction in the approved open space, landscaping or buffering;
  - 7. Substantial change in architectural or site design features of the development;
  - 8. Any other change that the zoning administrator finds is a major divergence from the approved final master plan.
- (B) All other changes in the final master plan shall be considered minor amendments. The zoning administrator, upon receipt of a written request of the owner, may approve such minor amendments.
- 1. If the zoning administrator fails to act on a request for a minor amendment to the master plan within 15 calendar days, it shall be considered approved.
  - 2. A request which is disapproved by the zoning administrator shall be considered a major amendment and shall be subject to the approval process outlined above for such amendments.

**Sec. 30-47-7 Approval of Preliminary and Final Site Development Plans**

- (A) Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site development plans for approval. Final site development plans for any phase or component of the PRD that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction.
- (B) Subdivision review under the subdivision regulations will be carried out simultaneously with the review of a planned residential development under this section. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations, as determined by the zoning administrator.
- (C) Preliminary and final site development plans submitted for review shall in compliance with the final master plan approved by the board of supervisors. Bedford County shall review and approve or disapprove any final site development plan within 60 days of its submittal.
- (D) No Planned Residential Development shall be approved and no work shall be authorized on construction until all property included in the final master plan is in common ownership.

**(Ord. of 07.08.02)**

**Sec. 30-47-8 Failure to Begin Development**

Failure of the applicant to submit a preliminary site development plan for at least one portion of the planned residential development within 18 months of the approval of the final master plan shall constitute an application on the part of applicant to rezone the PRD to the district designations in effect prior to the approval of the final master plan.

**Sec. 30-47-9 Control Following Approval of Final Development Plans**

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure that the development schedule is generally complied with. The provision and construction of all of the common open space and

public and recreational facilities shown on the final development plan must proceed at the same rate as the construction of dwelling units. If the zoning administrator finds that the development schedule has not been followed, no permits, except for the above mentioned facilities, shall be issued until the developer complies with the development schedule, unless the developer has provided a performance bond or similar instrument to guarantee that such common open space and/or public and recreational facilities will be provided for at a specific date.

**Sec. 30-47-10 Existing Planned Unit Developments**

Any Planned Unit Development approved under procedures in force before the effective date of this Ordinance shall be designated as Planned Residential Development Districts and shall be governed by requirements or restrictions applicable at the time of their approval.

**SEC. 30-48 R-MH MANUFACTURED HOUSING OVERLAY DISTRICT****Sec. 30-48-1 Purpose**

The provisions of the R-MH Manufactured Housing Overlay District are designed to increase opportunities for affordable housing alternatives, to recognize modern advances in manufactured housing technology, and to promote cost effective site development. The R-MH overlay district provides locations where manufactured housing communities may harmoniously develop in residential areas in which a mix of other affordable housing types -- multi-family apartments, duplexes, townhouses, and compact detached housing - - may also develop. Furthermore, this district provides for institutional support services, such as schools, churches, parks, and community clubs within residential neighborhoods, yet protects against the intrusion of incompatible commercial and industrial uses.

**Sec. 30-48-2 Permitted Uses**

- (A) Permitted uses shall be as listed in Section 30-79.
- (B) The following uses are allowed only by Special Use Permit pursuant to Section 30-19, in addition to those uses permitted by Special Use Permit in the underlying zoning district. An asterisk (\*) indicates additional, modified, or more stringent standards are listed in Article IV, Use and Design Standards, for those specific uses.

1. Residential Uses  
Manufactured Home Park \*

**Sec. 30-48-3 Site Development Regulations**

- (A) All uses permitted by right or permitted with a special use permit in the underlying zoning district shall conform to the site development regulations for that district, in addition to any additional standards required by this ordinance.
- (B) For the Site Development Standards for Manufactured Home Subdivisions and Parks refer to Article IV, Use and Design Standards.

**Sec. 30-48-4 Designation and Process for Creation of Overlay**

- (A) The R-MH District shall be considered an overlay to the underlying zoning district designations as shown on the Official Zoning Map. This district may be approved as an overlay district to the AP, AR, AV, R-1, R-2, R-3, R-4, PRD, PCD, and PID District provisions by the board of supervisors pursuant to Section 30-14. The MH designation shall be prefixed on the Official Zoning Map by the notation of the District with which it combined (e.g. an R-MH District overlaying an R-1 District shall carry the R-MH District designation).
- (B) Notwithstanding the requirements of Section 30-14, all applicants for an R-MH designation shall also submit as part of their application, a preliminary plan. This preliminary plan shall constitute a proffer of conditions, pursuant to Section 30-15 of this ordinance, and shall show the location of the following:
1. The layout and design of the manufactured home subdivision or park including the location of all manufactured home lots, office, service, and community facilities.

2. The location of all recreation areas, and information on how they shall be developed. Area calculations shall be provided.
  3. All existing and proposed public and private streets or pathways. Minor and collector streets shall be designated.
  4. All proposed parking areas.
- (C) If the R-MH district is approved by the board of supervisors, a site development plan meeting the procedures and standards of Section 30-90 shall be submitted prior to construction.

**(Ord. of 02.11.02)**

**SEC. 30-49 RCO RESIDENTIAL CLUSTER OVERLAY DISTRICT (RESERVED)**

**SEC. 30-50 (RESERVED)**

**SEC. 30-51 NC NEIGHBORHOOD COMMERCIAL DISTRICT****Sec. 30-51-1 Purpose**

The purpose of the NC district is to provide for the development of low intensity retail sales and service establishments developed either as a coordinated unit or on individual parcels which primarily serve the residents of a geographically limited neighborhood or residential area. The total district size should be no more than three acres and expansion beyond this size should be limited. Neighborhood Commercial districts are most appropriately found along or near a residential collector street or minor arterial roadway which serves the residents of a particular subdivision or cluster of residences. NC areas should also be served by public sewer and water. In order to enhance the general character of the district, its function of neighborhood service, and its compatibility with residential surroundings, building heights, the size of certain uses, and characteristics are all limited.

**Sec. 30-51-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-51-3 Site Development Standards**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

**(A) Minimum lot requirements**

1. For all lots:
  - a. Area: 20,000 square feet.
  - b. Frontage: 100 feet on a publicly owned and maintained street.

**(B) Minimum setback requirements**

1. Front yard: 30 feet for all buildings, structures and parking areas.
2. Side yard: 15 feet for all buildings.
3. Rear yard: 25 feet for all structures, 35 feet when adjoining a residential use.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

**(C) Maximum height of structures**

1. Height limitations:
  - a. Principal structures: 30 feet, including rooftop mechanical equipment.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 35 percent of the total lot area for all buildings and 7 percent for accessory buildings.
2. Lot coverage: 65 percent of the total lot area.

**SEC. 30-52 (RESERVED)**

**SEC. 30-53 C-1 OFFICE DISTRICT****Sec. 30-53-1 Purpose**

The purpose of the C-1 Office District is to provide for the development of attractive and efficient office uses in the urban service area which serve both community and county-wide needs. The C-1 district allows for varying intensities of office development as part of either a planned office complex or, to a limited degree, small scale office uses. Retail uses are permitted, to a limited extent, where they are supportive of the office environment.

The C-1 districts are most appropriately found along or near major arterial streets where existing commercial development has occurred and/or where commercial zoning has been established, or near existing residential development where it would serve as a logical buffer strip between conflicting land use types. Site development standards are intended to ensure compatibility with adjacent land uses.

**Sec. 30-53-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-53-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

**(A) Minimum lot requirements**

1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
2. Lots served by either public sewer or water, or both:
  - a. Area: 15,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.

**(B) Minimum setback requirements**

1. Front yard:
  - a. Principal structures: 30 feet, or 20 feet when all parking is located behind the front building line.
  - b. Accessory structures: behind front building line.

2. Side yard:
  - a. Principal structures: 10 feet on any one side, with a combined total on both sides of at least 25 feet.
  - b. Accessory structures: 10 feet behind the front building line, or 3 feet behind rear building line.
3. Rear yard:
  - a. Principal structures: 15 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

(C) Maximum height of structures

1. Height limitations:
  - a. Principal structures: 45 feet. Principal structures may exceed the principal structure height limitation provided a special use permit is approved in accordance with Section 30-19.
  - b. Accessory structures: 15 feet.

(D) Maximum coverage

1. Building coverage: 50 percent of the total lot area.
2. Lot coverage: 80 percent of the total lot area.

**SEC. 30-54 C-2 GENERAL COMMERCIAL DISTRICT**

**Sec. 30-54-1 Purpose**

The purpose of the C-2 district is to provide locations for a variety of commercial and service related activities within the urban service area serving a community of several neighborhoods or large areas of the county. This district is intended for general application throughout the county. General Commercial Districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population.

The C-2 district permits a wide variety of retail and service related uses. Site development regulations are designed to ensure compatibility with adjoining land uses.

**Sec. 30-54-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-54-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

(A) Minimum lot requirements

- 1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
- 2. Lots served by either public sewer or water, or both:
  - a. Area: 15,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.

(B) Minimum setback requirements

- 1. Front yard:
  - a. Principal structures: 30 feet, or 20 feet when all parking is located behind the front building line.
  - b. Accessory structures: behind front building line.
- 2. Side yard: None.
- 3. Rear yard:
  - a. Principal structures: 15 feet.
  - b. Accessory structures: 3 feet.

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

(C) Maximum height of structures

1. Height limitations:
  - a. Principal structures: 45 feet. In all of the locations, principal structures may exceed the principal structure height limitation provided a special use permit is approved in accordance with Section 30-19.
  - b. Accessory structures: actual height of principal structure.

**(Ord. of 06.14.99)**

(D) Maximum coverage

1. Building coverage: 50 percent of the total lot area.
2. Lot coverage: 90 percent of the total lot area.

**SEC. 30-55 (RESERVED)**

**SEC. 30-56 INT INTERCHANGE DISTRICT (RESERVED)**

**SEC. 30-57 PCD PLANNED COMMERCIAL DEVELOPMENT DISTRICT****Sec. 30-57-1 Purpose**

The intent of the Planned Commercial Development (PCD) district is to promote the efficient use of commercial land by allowing a wide range of land uses of various densities and flexible application of development controls. The goals may be accomplished while also protecting surrounding property, the natural features, and scenic beauty of the land.

The Planned Commercial Development district is provided in recognition that many commercial, office and residential establishments seek to develop within unified areas, usually under single ownership or control. Because these concentrations of retail, service, and office establishments are generally stable and offer unified internal arrangement and development, potentially detrimental design effects can be recognized and addressed during the review of the development. For these reasons, the provisions for the PCD allow greater development latitude. Districts should be proposed and planned for areas that provide for adequate development and expansion space, controlled access points, landscaped parking areas, and public utilities. Development of the PCD will take place in general accordance with an approved master plan, which may allow for clustering of uses and densities in various areas of the site.

Planned Commercial Development districts should be a visual asset to the community. Buildings within the district are to be architecturally similar in style and the relationship among individual establishments should be harmonious. The site should be well landscaped and parking and loading areas are to be screened.

**Sec. 30-57-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79. However, no use shall be permitted except in conformity with the uses specifically included in the final master plan as approved pursuant to Section 30-57-6. Existing or proposed residential uses shall be limited to not more than 30% of the total acreage contained within the parcel, at the time of enactment of this ordinance.

**Section 30-57-3 Site Development Regulations**

- (A) Each Planned Commercial Development shall be subject to the following site development standards.
1. Minimum acreage required to create a new planned commercial district or a planned commercial development within an existing planned commercial district shall be 5 acres or contiguous land or land which is adjacent to an existing Planned Commercial Development.
  2. Minimum lot sizes for allowable uses in this district shall be as shown for the same use in Article IV. Townhouses and two family dwellings shall comply with the requirements as set forth for an R-2 zoning district in Article IV. Multifamily dwellings shall comply with the requirements as set forth for an AV zoning district in Article IV. Single family dwellings shall comply with the site development regulations as set forth for an R-2 zoning district in Article III.

3. Minimum front setbacks: All structures proposed to front on existing public streets external to the PCD shall be located a minimum of 30 feet from the existing public right-of-way.
4. Lots within the PCD district shall comply with the buffer yard requirements of Section 30-92-4 of this ordinance and the minimum standards as set forth below.
5. Lot coverage:
  - a. Lots served by a private well and sewage disposal system:
    1. Area: 1.5 acres (65,340 square feet).
    2. Frontage: 100 feet on a publicly owned and maintained street.
  - b. Lots served by either public water or sewer, or both:
    1. Area: 20,000 square feet.
    2. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Maximum lot coverage shall be determined through the preliminary development plan process but in no case shall exceed 75%.
6. Public streets in the PCD district shall be built in accordance with VDOT and Bedford County standards. In reviewing the PCD preliminary master plan, the planning commission may recommend, and the board of supervisors may approve, one or more private streets within the proposed district. Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary master plan.
7. The applicant may propose a reduction to the number of parking spaces required by this ordinance for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential.
8. Maximum height of structures: 45 feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with Section 30-19.
9. Utilities shall be placed underground.
10. Arrangement of areas:
  - a. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PCD, in addition to achieving these development standards, shall be accomplished in accordance with an approved final master plan to assure compatibility with the existing and future land use in the vicinity.
  - b. Areas designed for future expansion or not intended for immediate improvement or development shall be specified as reserve areas on the preliminary development plan. The future use and the limitations on

future use of such area shall be specified, or else such areas shall not be included as part of the PCD application. Reserve areas included in the PCD shall be landscaped or otherwise maintained in a neat and orderly manner.

- 11. In order to promote safe ingress and egress for the development, the minimum separation distance between entrances to the public right-of-way shall be 300 feet. Additional access between adjoining lots, such as frontage roads and shared parking lots, are strongly encouraged.
- 12. Fire Prevention Systems and Hydrants: The placement of fire hydrants or other fire prevention systems shall be reviewed by the local Fire Marshall to insure compliance with the standards set forth by the National Fire Protection Association, or NFPA.

**(Ord. of 06.14.99)**

**Section 30-57-4 Site Development Recommendations**

- (A) The Planned Commercial Development district should be designed and developed to be a visual asset to Bedford County. Since the relationship of the development and community and the prospects for economic success of the project have much to do with the physical character of the development, these following factors shall be considered in reviewing a Planned Commercial District application.
  - (1) The principal entrance into the PCD district should be sufficiently landscaped to comply with the purposes of this district. In addition, the first one-hundred linear feet of street, leading through this principal entrance into the PCD, should have a landscaped median of sufficient width and planting density to meet the purposes of this district.
  - (2) Parking within the PCD should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping factors.

**Section 30-57-5 Relationship to Existing Development Regulations**

All zoning regulations shall apply to the development of the PCD district, unless modified by the board of supervisors in the approval of the final master plan.

**Section 30-57-6 Application Process**

- (A)
  - 1. The timeframes outlined in Section 30-57 are the maximum timeframes mandated by the Code of Virginia. Bedford County will make every reasonable effort to complete the application process within a shorter timeframe.
  - 2. In areas presently designated PCD, Planned Commercial Development District, no amendment to this ordinance or rezoning is required to develop a planned commercial development and the planned commercial development plan may be approved administratively as the site development plan, provided the other requirements of this section are met.

3. Where planned commercial developments are proposed in areas not zoned accordingly, an amendment to this ordinance or a rezoning is required and the provisions of the subsection shall apply.
- (B) Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall meet to discuss the requirements of Section 30-57. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of the meeting.
- (C) Any application to rezone land to the PCD designation shall constitute an amendment to the zoning ordinance pursuant to Section 30-14. The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to Section 30-15 of this ordinance. Once the board of supervisors has approved the final master plan, all accepted proffers shall constitute conditions pursuant to Section 30-15.
- (D) To initiate an amendment, the applicant shall complete a rezoning application. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum the information shall include:
1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
  2. Existing zoning, land use and ownership of each parcel proposed for the district.
  3. A general statement of planning objectives to be achieved by the PCD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.
  4. A description and analysis of existing site conditions, including information on topography, historic resources, natural water courses, floodplains, unique natural features, tree cover areas, known archeological resources, etc.
  5. The proposed conceptual location and number of structures within each land use of the proposed development.
  6. The gross square footage for each use type proposed in the PCD.
  7. The proposed size, location and use of other portions of the tract, including landscaping and parking.
  8. A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks, and the relationship to existing and proposed external streets and traffic patterns. General information on the trip generation, ownership, maintenance and proposed construction standards for these facilities should be included. A Traffic Impact Analysis may be required by the zoning administrator.

9. If a reduction to the number of parking spaces is requested, a justification for this request shall be submitted. Based on adequate justification, the planning commission may recommend, and the board may approve such a reduction.
  10. Reserved.
  11. The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.
  12. Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, landscaping, etc.
  13. Signage in the proposed PCD shall be in accordance with Article V.
- (E) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the planning commission for review and analysis. The planning commission shall review this information and make a report of its findings to the board of supervisors. The planning commission shall as part of its review hold a public hearing pursuant to Section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the planning commission public hearing.
- (F) The planning commission shall make a report of its findings to the board of supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The planning commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the planning commission to make a report of its findings to the board of supervisors within this period shall constitute a planning commission recommendation of approval.
- (G) If the planning commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the board of supervisor's review and action shall be delayed until such changes are made and submitted for review.
- (H) The board of supervisors shall review the preliminary master plan, and after holding a public hearing act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Section 30-15 of this ordinance. The plan approved by the board of supervisors shall constitute the final master plan for the PCD. Once approved by the board of supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PCD district.

**(Ord. of 06.14.99)**

**Section 30-57-7 Revisions to Final Master Plan**

- (A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements of Section 30-57-6. Major revisions include, but are not limited to changes such as:
1. Any significant increase in the density of the development;
  2. Substantial change in circulation or access;
  3. Substantial change in grading or utility provisions;
  4. Substantial changes in the mixture of land uses;
  5. Substantial change in architectural or site design features of the development;
  6. Any other change that the zoning administrator finds is a major divergence from the approved final master plan.
- (B) All other changes in the final master plan shall be considered minor amendments. The zoning administrator, upon receipt of a written request of the owner, may approve such minor amendments.
1. If the zoning administrator fails to act on a request for a minor amendment to the master plan within 15 calendar days, it shall be considered approved.
  2. A request which is disapproved by the zoning administrator shall be considered a major amendment and shall be subject to the approval process outlined above for such amendments.

**Section 30-57-8 Approval of Preliminary and Final Site Development Plans**

- (A) Following the approval of the final master plan, the applicant or authorized agent, shall be required to submit preliminary and final site development plans for approval. Final site development plans for any phase or component of the PCD that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction.
- (B) It is the intent of this section that subdivision review under the subdivision regulations be carried out simultaneously with the review of a PCD under Section 30-52-8. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations, as determined by the zoning administrator.
- (C) Preliminary and final site development plans submitted for review shall be in compliance with the final master plan approved by the board of supervisors. Bedford County department of planning shall review and approve or disapprove any final site development plan within 60 days of its submittal.
- (D) No Planned Commercial Development district shall be approved and no work shall be authorized on construction until all property included in the final master plan is in common ownership.

**(Ord. of 07.08.02)**

**Section 30-57-9 Failure to Begin Development**

Unless an extension is granted by the zoning administrator, failure of the applicant to submit a preliminary site development plan for at least one portion of the Planned Commercial Development district within 24 months of the approval of the final master plan, shall constitute an application on the part of applicant to rezone the PCD to the district designations in effect prior to the approval of the final master plan.

**Section 30-57-10 Control Following Approval of Final Development Plans**

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure compliance with the submitted development schedule.

**SEC. 30-58 ... 30-60 (RESERVED)**

**SEC. 30-61 I-1 LOW-INTENSITY INDUSTRIAL DISTRICT****Sec. 30-61-1 Purpose**

The purpose of the I-1, Industrial district is to provide areas within the urban service area which are suitable for less intensive industrial activities. I-1 areas are primarily designated based on the suitability of the land in terms of slope and freedom from flooding, as well as the availability of adequate sewer and water capacity, access to arterial road network, and proximity to rail and airport facilities or the interstate highway system. Distributing these areas throughout the county in a planned manner to create employment centers within close proximity to residential growth areas and reduce heavy traffic generation of industrial uses is encouraged. Since land with suitable characteristics for less intensive industrial development is limited in the county, a high degree of protection is promoted where industrial development is located adjacent to existing or future residential areas. The conversion and/or redevelopment of existing non-conforming uses in this district which are unrelated to industrial needs is also encouraged.

**Sec. 30-61-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-61-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

**(A) Minimum lot requirements**

1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
2. Lots served by either public sewer or water, or both:
  - a. Area: 15,000 square feet.
  - b. Frontage: 75 feet on a publicly owned and maintained street.

**(B) Minimum setback requirements**

1. Front yard: 30 feet, or 20 feet when all parking is located behind the front building line.
2. Side yard:
  - a. Principal structures: 10 feet.
  - b. Accessory structures: behind front building line and 3 feet from side line.

3. Rear yard:
  - a. Principal structures: 15 feet.
  - b. Accessory structures: 3 feet.
4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

(C) Maximum height of structures

Height limitations:

All structures: 45 feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with Section 30-19.

(D) Maximum coverage

1. Building coverage: 50 percent of the total lot area.
2. Lot coverage: 90 percent of the total lot area.

**SEC. 30-62 I-2 HIGHER-INTENSITY INDUSTRIAL DISTRICT****Sec. 30-62-1 Purpose**

The purpose of the I-2, Industrial district is to provide areas within the urban service area which contain existing more intensive industrial uses or are suitable for such activities. I-2 areas are designated based on the suitability of the land in terms of slope and freedom from flooding and the relative remoteness and absence of substantial residential development which could be adversely affected by such development. In addition, the availability of adequate sewer and water capacity, access to arterial road network, and proximity to rail and airport facilities or the interstate highway system are major considerations. Distributing these areas throughout the county in a planned manner to create employment centers within close proximity to residential growth areas and reduce heavy traffic generation of industrial uses is encouraged.

**Sec. 30-62-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79.

**Sec. 30-62-3 Site Development Regulations**

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV - Use and Design Standards.

**(A) Minimum lot requirements**

1. Lots served by private well and sewage disposal system:
  - a. Area: 1 acre (43,560 square feet).
  - b. Frontage: 100 feet on a publicly owned and maintained street.
2. Lots served by either public sewer or water, or both:
  - a. Area: 20,000 square feet.
  - b. Frontage: 100 feet on a publicly owned and maintained street.

**(B) Minimum setback requirements**

1. Front yard: 30 feet, or 20 feet when all parking is located behind the front building line.
2. Side yard:
  - a. Principal structures: 10 feet.
  - b. Accessory structures: behind front building line and 3 feet from side line.
3. Rear yard:
  - a. Principal structures: 15 feet.
  - b. Accessory structures: 3 feet.

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

(C) Maximum height of structures

Height limitations:

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

(D) Maximum coverage

1. Building coverage: 75 percent of the total lot area.
2. Lot coverage: 90 percent of the total lot area.

**SEC. 30-63 PID PLANNED INDUSTRIAL DEVELOPMENT DISTRICT****Sec. 30-63-1 Purpose**

The Planned Industrial Development (PID) district is established primarily for light and medium industrial uses. Supporting accessory uses and facilities, such as office and commercial establishments, are also permitted. The PID district is intended to be designed with a park-like atmosphere that complements surrounding land uses by means of appropriate siting of buildings, controlled access points, attractive and harmonious architecture, and effective landscape buffering. The PID district is intended to provide flexibility in design and site lay out, allow latitude in combining different use types within a single development, and provide the developer with incentives to create an aesthetically pleasing and functional planned development.

In addition, the intent of the Planned Industrial Development (PID) district is to provide certain industries that are clean and environmentally efficient the opportunity to locate in an area of like industries, in what is generally known as an industrial park developed under a complete comprehensive master plan. Standards are provided for landscaping, buffering and open space to encourage high technology industries and to ensure a park-like atmosphere. Important in determining the location and size of a PID are the accessibility of the location, the availability of public utilities, public safety services and the suitability of the topography for industrial purposes.

**Sec. 30-63-2 Permitted Uses**

Permitted uses shall be as listed in Section 30-79. However, no use shall be permitted except in conformity with the uses specifically included in the final master plan approved pursuant to Section 30-63-6. Existing or proposed residential uses shall be limited to no more than 15% of the total acreage contained within the parcel, at the time of enactment of this ordinance.

**(Ord. of 06.14.99)**

**Sec. 30-63-3 Site Development Regulations**

- (A) Each planned industrial development shall be subject to the following site development standards.
1. Minimum acreage required to create a new planned industrial district or a planned industrial development within a planned industrial district shall be 15 acres of contiguous land or land which is adjacent to an existing Planned Industrial Development.
  2. Minimum lot sizes for allowable uses in this district shall be as shown for the same use in Article IV. Townhouses and two family dwellings shall comply with the requirements as set forth for an R-2 zoning district in Article IV. Multi family dwellings shall comply with the requirements as set forth for an AV zoning district in Article IV. Single family dwellings shall comply with the site development regulations as set forth for an R-2 zoning district in Article III.
  3. Minimum front setbacks: All structures proposed to front on existing public streets external to the PID shall be located a minimum of 30 feet from the existing public right-of-way.

4. Lots in the PID district shall comply with the buffer yard requirements of Section 30-92-4 of this ordinance.
5. Lot coverage:
  - a. Lots served by a private well and sewage disposal system:
    1. Area: 1.5 acres (65,340 square feet).
    2. Frontage: 100 feet on a publicly owned and maintained street.
  - b. Lots served by either public water or sewer, or both:
    1. Area: 20,000 square feet.
    2. Frontage: 75 feet on a publicly owned and maintained street.
  - c. Maximum lot coverage shall be determined through the preliminary development plan process but in no case shall exceed 75%.
6. Streets in the PID district shall be public in accordance with VDOT and Bedford County standards.
7. The applicant may propose a reduction to the number of parking spaces required by this ordinance for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand, and expansion potential.
8. Maximum height of structures: 45 feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with Section 30-19.
9. Arrangement of areas:
  - a. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PID, in addition to achieving these development standards, shall be accomplished in accordance with an approved final master plan to assure compatibility with the existing and future land use in the vicinity.
  - b. All areas designed for future expansion or not intended for immediate improvement or development shall be specified as reserve areas in the preliminary master plan. The future use and the limitations on future use of such area shall be specified, or else such areas shall not be included as part of the PID application. Reserve areas included in the PID shall be landscaped or otherwise maintained in a neat and orderly manner.
10. Accessory structures shall not exceed forty percent of the gross floor area of the principal structure.

11. Every structure in the PID shall be a fully enclosed building of permanent construction. Any outside storage area shall be fully screened so that no materials so stored are visible at any lot line or public right-of-way.
12. Lighting: Lighting shall comply with Section 30-94 of this ordinance.
13. Utilities: Utilities shall be underground unless the type of service necessary for normal activities of the industry or business shall prohibit underground installation.
14. In order to promote safe ingress and egress for the development, the minimum separation distance between entrances to the public right-of-way shall be 300 feet. Additional access between adjoining lots such as frontage roads and shared parking lots are strongly encouraged.
15. Fire Prevention Systems and Hydrants: The placement of fire hydrants or other fire prevention systems shall be reviewed by the local Fire Marshall to insure compliance with the standards set forth by the National Fire Protection Association, or NFPA.

**(Ord. 06.14.99)**

**Sec. 30-63-4 Site Development Recommendations**

- (A) The Planned Industrial Development district should be designed and developed as an industrial park with high standards for landscaping, buffering, and open space. To ensure a park-like atmosphere the following site development recommendations are made.
  - (1) The principal entrance into the PID district should be sufficiently landscaped to comply with the purposes of this district. In addition, the first one hundred linear feet of street, leading through this principal entrance into the PID, should have a landscaped median of sufficient width and planting density to meet the purposes of this district.
  - (2) Parking within the PID should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping factors.
  - (3) Loading areas should be screened from public view and should not be placed in front yards.
  - (4) Fences should not be placed in front yards except as necessary for security purposes. Fencing should be uniform and well kept.

**Sec. 30-63-5 Relationship to Existing Development Regulations**

All zoning regulations shall apply to the development of the PID district, unless modified by the board of supervisors in the approval of the final master plan.

**Sec. 30-63-6 Application Process**

- (A)
1. The timeframes outlined in the section are the maximum timeframes mandated by the Code of Virginia. Bedford County will make every reasonable effort to complete the application process within a shorter timeframe.
  2. In areas presently designated PID, Planned Industrial Development District, no amendment to this ordinance or rezoning is required to develop a planned industrial development and the planned industrial development plan may be approved administratively as the site development plan, provided the other requirements of this section are met.
  3. Where planned industrial developments are proposed in areas not zoned accordingly, an amendment to this ordinance or a rezoning is required and the provisions of this subsection shall apply.
- (B) Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall meet to discuss the requirements of Section 30-63. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of the meeting.
- (C) Any application to rezone land to the PID designation shall constitute an amendment to the zoning ordinance pursuant to Section 30-14. The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to Section 30-15 of this ordinance. Once the board of supervisors has approved the final master plan, all accepted proffers shall constitute conditions pursuant to Section 30-15.
- (D) To initiate an amendment, the applicant shall complete a rezoning application. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:
1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
  2. Existing zoning, land use and ownership of each parcel proposed for the district.
  3. A general statement of planning objectives to be achieved by the PID district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific human-made and natural characteristics located on the site.
  4. A description and analysis of existing site conditions, including information on topography, historic resources, natural water courses, floodplains, unique natural features, tree cover areas, known archeological resources, etc.

5. The proposed conceptual location and number of structures within each land use of the proposed development.
  6. The gross square footage for each use type proposed in the PID.
  7. The proposed size, location and use of other portions of the tract, including landscaping and parking.
  8. A traffic circulation plan, including the location of access drives, parking and loading facilities, pedestrian walks and the relationship to existing and proposed external streets and traffic patterns. General information on trip generation, vehicle classification, ownership, maintenance, and proposed construction standards for these facilities should be included. A Traffic Impact Analysis may be required by the zoning administrator.
  9. Reserved.
  10. The proposed schedule of site development. At a minimum, the schedule should include an approximate commencement date for construction and a proposed build-out period.
  11. Generalized statements pertaining to architectural design principles and guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, signage plans, landscaping, etc.
- (E) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the planning commission for review and analysis. The planning commission shall review the information and make a report of its findings to the board of supervisors. The planning commission shall as part of its review hold a public hearing pursuant to Section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the planning commission public hearing.
- (F) The planning commission shall make a report of its findings to the board of supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The planning commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the planning commission to make a report of its findings to the board of supervisors within this period shall constitute a planning commission recommendation of approval.
- (G) If the planning commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the board of supervisor's review and action shall be delayed until such changes are made and submitted for review.
- (H) The board of supervisors shall review the preliminary master plan, and after holding a public hearing act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Section 30-15 of this ordinance. The Plan approved by the board of supervisors shall constitute the final master plan for the PID. Once approved by the

board of supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PID district.

**(Ord. of 06.14.99)**

**Sec. 30-63-7 Revisions to Final Master Plan**

- (A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements of Section 30-63-6. Major revisions include, but are not limited to changes such as:
1. Any significant increase in the density of the development;
  2. Substantial change in circulation or access;
  3. Substantial change in grading or utility provisions;
  4. Substantial changes in the mixture of land uses;
  5. Substantial change in architectural or site design features of the development;
  6. Any other change that the zoning administrator finds is a major divergence from the approved final master plan.
- (B) All other changes in the final master plan shall be considered minor amendments. The zoning administrator, upon receipt of a written request of the owner, may approve such minor amendments.
1. If the zoning administrator fails to act on a request for a minor amendment to the master plan within 15 calendar days, it shall be considered approved.
  2. A request which is disapproved by the zoning administrator shall be considered a major amendment and shall be subject to the approval process outlined above for such amendments.

**Sec. 30-63-8 Approval of Preliminary and Final Site Development Plans**

- (A) Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site development plans for approval. Final site development plans for any phase or component of the PID that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction.
- (B) It is the intent of Section 30-63 that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned industrial development under this section. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations, as determined by the zoning administrator.
- (C) Preliminary and final site development plans submitted for review shall be in compliance with the final master plan approved by the board of supervisors. Bedford County shall review and approve or disapprove any final site development plan within 60 days of its submittal.

- (D) No Planned Industrial Development shall be approved and no work shall be authorized on construction until all property included in the final master plan is in common ownership.

**Sec. 30-63-9 Failure to Begin Development**

Unless an extension is granted by the zoning administrator, failure of the applicant to submit a preliminary site development plan for at least one portion of the planned residential development within 24 months of the approval of the final master plan, shall constitute an application on the part of applicant to rezone the PID to the district designations in effect prior to the approval of the final master plan.

**Sec. 30-63-10 Control Following Approval of Final Development Plans**

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure that the development is in general compliance with the submitted schedule.

**SEC. 30-64 ... 30-66 (RESERVED)**

## SEC. 30-67 PD-1 PLANNED DEVELOPMENT DISTRICT

### Sec. 30-67-1 Purpose

The purpose of this district is to promote the efficient use of land by allowing a wide range of land uses at various densities and allowing the flexible application of development controls, while protecting surrounding property, natural and cultural resources, and the scenic beauty of the land.

The PD-1 district is intended to allow greater flexibility than is generally possible under conventional zoning district regulations by encouraging ingenuity, imagination and high quality design. Incorporation of significant areas of open space is a primary component of this district. The PD-1 district is particularly appropriate for parcels which contain a number of constraints to conventional development. The PD-1 district is intended to implement development within Urban Development Areas (UDAs) as defined in the Comprehensive Plan. In addition to an improved quality of design, the PD-1 district creates an opportunity to reflect changes in the technology of land development, provide opportunities for new approaches to home ownership, and provide for an efficient use of land which can result in reduced development costs.

The Planned Development shall be a visual asset to the community. The appropriate siting of buildings, controlled access points, attractive and harmonious architecture, and effective landscape buffering shall be characteristics of these planned communities. The PD-1 district should have a variety of uses (commercial, employment and residential) and should not be utilized only to increase residential densities. Development within the PD-1 district shall promote:

- (A) Compact development with defined edges and a distinct neighborhood center.
- (B) Human scale buildings and streets that are pedestrian and transit oriented.
- (C) A mix of uses, including residential, commercial, civic, and open space uses located close to one another to reduce traffic congestion, travel demand and dependence on automobiles.
- (D) A mix of housing styles, types, and sizes to accommodate households of all ages, sizes and incomes.
- (E) A system of, interconnected streets with sidewalks, bikeways and transit that offer multiple routes and transportation alternatives for motorists, pedestrians and bicyclists, and that provide for the connection of those streets to existing and future developments.
- (F) Public transit options as viable alternatives to the automobile by allowing building types, densities and land use groupings that support transit.
- (G) Preservation and adaptive use of existing buildings with historical significance or architectural features that enhance the visual character of the community.
- (H) Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods.

(I) Design and development consistent with the county's comprehensive plan.

For the purposes of this section, "neighborhood center" shall be a distinct, contiguous area and shall contain the designated focal point of the PD-1 District. The neighborhood center shall contain residential, civic, commercial and open space uses.

(Ord. of 06.13.05)

**Sec. 30-67-2 Permitted Uses**

Permitted uses shall be those uses specifically included in the final master plan approved pursuant to Section 30-67-5.

(Ord. of 06.13.05)

**Sec. 30-67-3 Site Development Regulations**

Each planned development shall be subject to the following site development standards.

- (A) **Acreage requirement.** Minimum acreage required to create a planned development district shall be 40 acres of contiguous land. Land under common ownership, but separated by an existing public street may be counted in total; however, this is not desirable. Land adjacent to an existing PD-1 district, regardless of size, may be incorporated into the development if reviewed and approved following the procedures and requirements of Section 30-67-5.
- (B) **Lot sizes, lot frontage and density.** Minimum lot sizes for allowable uses, minimum lot frontage requirements, and residential densities shall be established during review and approval of the preliminary master plan.
- (C) **Lot coverage.** Maximum lot coverage shall be established during the review and approval of the preliminary master plan but in no case shall exceed 75%. However lot coverages over 75% may be approved for mixed use neighborhood centers only if deemed necessary to achieve superior design quality and to promote viable public transit.
- (D) **Building setbacks and spacing.**
  - (1) **Minimum front setbacks:** All structures proposed to front on existing public streets external to the PD-1 shall be located a minimum of 30 feet from the existing public right-of-way.
  - (2) **Minimum setback and spacing requirements shall be specifically established during the review and approval of the preliminary master plan. The following guidelines shall be used in establishing the building spacing and setbacks:**
    - (a) Building spacing shall provide privacy within each dwelling unit;
    - (b) Building spacing shall ensure that each room has adequate light and air;
    - (c) Areas between buildings used as service yards, storage of trash, or other utilitarian purposes should be designed so as to be compatible with adjoining dwellings;

- (d) Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.
- (E) **Height of buildings/structures.** The height of buildings and structures shall be established during the review and approval of the preliminary master plan. Buildings and structures over 45 feet in height will need to be justified in order to receive approval.
- (F) **Architectural standards.** Planned developments shall complement and enhance the best characteristics of surrounding communities. A variety of architectural features and building materials should be utilized to provide the development with a unique character, while maintaining compatibility with the surrounding area's architecture. Architectural renderings shall be submitted with the rezoning application and any subsequent site development plan(s) for different phases of the development. The renderings shall include the features, materials, and the articulation of the façade of a building for all sides visible from a public right-of-way.
- (G) **Streets.** Streets in the PD-1 district shall be built in accordance with VDOT and Bedford County standards. In reviewing the preliminary master plan, the Planning Commission may recommend, and the Board of Supervisors may approve, one or more private streets within the proposed district. Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary master plan. Street sections in the PD-1 district shall be designed to serve multiple purposes, including motor vehicles, pedestrians and bicycles. A typical street section should include a planting strip (between 3 feet and 6 feet) and sidewalk on both sides of the street.

Alleyways shall have a minimum 20-foot right-of-way. Dead end alleys are not permitted unless approved by the Board of Supervisors through a waiver approved at the time of rezoning, but in no circumstances shall an alley have a dead end length of over 100 feet. Dead end alleys shall have hammerhead turnarounds.

Bicycle traffic shall be accommodated through the provision of designated, well-marked bicycle lanes and /or paths suitable for bicycle traffic.
- (H) **Grid network.** The transportation system in the PD-1 district shall be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape.
  1. Proposed streets within the PD-1 district shall be extended to the boundary lines of the parcel being developed and terminated with stub outs to provide access to adjacent tracts not presently being subdivided or developed.
  2. Cul-de-sacs shall not exceed ten percent (10%) of the total length of streets in the PD-1 district or 500 feet in length. Alleys are exempt from this calculation.
  3. Installation of roundabouts, as opposed to traffic signals at major intersections, shall be used where feasible to facilitate traffic movement and enhance the streetscape.
- (I) **Block size.** Street layouts must provide for rectilinear or curvilinear blocks that are generally in the range of 200-400 feet deep by 300-600 feet long, measured along the interior edge of the street right-of-way, except where prohibited by natural grade.
- (J) **Lot Access.**
  - 1) All lots shall front on a public or private street or on a square or plaza.

- 2) The use of rear alleys is encouraged; alleys shall serve only the rear or sides of lots or uses.
- (K) **Entrances.** In order to promote safe ingress and egress for the development, the minimum separation distance between entrances to the existing public right-of-way shall be 300 feet, except for single-family dwellings which shall front internal streets, squares or plazas. Additional access between adjoining lots such as frontage roads and shared parking areas are strongly encouraged. The principal entrance into the PD-1 district shall be sufficiently landscaped to comply with the purposes of this district. In addition, the first one hundred linear feet of street, leading through this principal entrance into the PD-1, shall have a landscaped median of sufficient width and planting density to meet the purposes of this district.
- (L) **Parking.** The applicant may propose a reduction to the number of parking spaces required by this ordinance for each use type, if justified. This proposal will be reviewed with consideration given to potential future uses of the site, parking demand and expansion potential. The use of shared parking arrangements shall be encouraged. Parking should be located to the side or rear of the principal structures on the lot, wherever feasible. During review, consideration will be given to topographical constraints, innovative site design, buffering and landscaping factors. The use of on-street parking is also encouraged, provided that the design and placement of such spaces are approved by the Virginia Department of Transportation (VDOT). On-street as well as off-street parking spaces may be counted toward satisfying the use-based parking requirements contained within Article V, Section 30-91 of this ordinance.
- (M) **Loading areas.** Loading areas shall be screened from public view and shall not be placed in front yards.
- (N) **Pedestrian facilities.** The planned development should be designed at a walkable scale. In residential areas, sidewalks shall be a minimum of 5 feet in width if separated from the curb by a planting strip and shall be on both sides of the street. If the sidewalk directly abuts the curb, it shall be a minimum of 6 feet in width and the planting strip shall begin at the outside face of the sidewalk. In industrial areas, sidewalks may be replaced with a paved trail with a minimum width of 6 feet. Sidewalks or trails outside of the public right-of-way shall be located within a permanent easement at least 8 feet in width. Additional pedestrian facilities (benches, pocket parks, trash receptacles, etc.) should be incorporated into all areas of the planned development.
- (O) **Lighting.** Exterior lighting shall follow Section 30-94 of this ordinance. Street lighting shall be provided along all public streets. Generally, more, low-intensity lights, as opposed to fewer, high-intensity lights, shall be used. Pedestrian scaled decorative street lights (12' to 15' in height) shall be installed by the developer on both sides of the street with a maximum average spacing of 75 feet on center. Floodlights or directional lights (maximum 100-watt metal halide bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other lots, the street or direct light out of the PD-1 district. Floodlighting shall not be used to illuminate building walls (i.e. lights should not be placed on the ground so that a beam of light is directed upward).
- (P) **Open Space.** Minimum common open space and/or recreational areas shall be 15 percent of the gross area of the PD-1 district. For developments with a density greater than 8 units per acre in the residential areas, the minimum common open space and/or recreational areas

shall be 30 percent of the residential areas of the PD-1 district. Common open space shall not include proposed street right-of-ways, open parking areas, driveways, or sites reserved for schools or places of religious assembly. Common open space and/or recreational areas shall be of an appropriate nature and location to serve the residents of the district.

- (Q) **Landscaping/Buffer Yards.** Planned development districts shall be well landscaped and have a park-like atmosphere. The overall composition and location of landscaping shall complement the scale of the development and its surroundings. Minimum landscaping requirements shall generally follow those set forth in Section 30-92 of this ordinance. Street trees shall be required in all residential areas and shall be planted on both sides of the street at a minimum of one tree per 40 feet of street frontage. Canopy street trees shall be planted along both sides of all streets at an average center to center spacing based on the mature spread of the particular street tree, a minimum of one tree per 40 feet of street frontage, with a goal of achieving tree canopy coverage of between 30% and 70%. Trees may be clustered and do not have to be evenly spaced. Street trees planted to meet these requirements shall be native species; no understory trees shall be used as street trees. A consistent variety and species of street tree shall be maintained by street, but adjacent streets shall diversify species as a precaution against blight. Existing invasive species of trees shall be removed, as shall existing exotic species of trees, unless the local urban forester from the Virginia Department of Forestry shall determine that the exotic species poses no risk to native species and is suitable as a street tree.

Parking area interior landscaping shall follow Section 30-92-4 of this ordinance. In large parking areas containing more than 200 spaces, an additional landscaped area in the parking area of 300 square feet shall be provided for every 50 spaces or fraction thereof.

Maintenance and replacement of landscaping and buffer yards shall be the responsibility of the property owner or property owners' association.

(R) **Arrangement of areas:**

- (1) The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PD-1, in addition to achieving these development standards, shall be accomplished in accordance with an approved final master plan to assure compatibility with the existing and future land use in the vicinity.
  - (2) Areas designed for future expansion or not intended for immediate improvement or development shall be specified as reserve areas on the preliminary master plan. The future use and the limitations on future use of such area shall be specified, or else such areas shall not be included as part of the PD-1 application. Reserve areas included in the PD-1 shall be landscaped or otherwise maintained in a neat and orderly manner.
- (S) **Utilities.** Planned development districts shall be served by public water and public sewer systems. If existing public water and public sewer facilities are not available to the property, then the applicant/developer shall provide assurances that such facilities will be in place within a reasonable period of time not to exceed 24 months. Final subdivision plats and/or final site development plans will not be approved until public water and public sewer are available. Unless a waiver is granted by the Board of Supervisors at the time of rezoning, underground utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be required and shall be located to the rear of properties in alley rights-of-way or the rights-of-way of minor streets and not along the streetscape frontage.

(T) **Fire Prevention Systems and Hydrants.** The placement of fire hydrants or other fire prevention systems shall be reviewed by the local Fire Marshall to insure compliance with the standards set forth by the National Fire Protection Association, or NFPA.

(U) **Miscellaneous.**

- (1) Any outside storage area shall be fully screened so that no materials so stored are visible from the public right-of-way.
- (2) Fences shall not be placed in front yards except as necessary for security purposes or on individual lots where decorative fencing, not to exceed 3' in height, is used as an architectural element to separate private yards from public sidewalks, squares or plazas. Fencing shall be uniform and well kept.

(Ord. of 06.13.05)

#### Sec. 30-67-4 Relationship to Existing Development Regulations

All zoning regulations shall apply to the development of the PD-1, unless modified in the approval of the final master plan.

#### Sec. 30-67-5 Application Process

- (A) Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall meet to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.
- (B) To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:
  1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
  2. Existing zoning, land use, and ownership of each parcel proposed for the district.
  3. A general statement of planning objectives to be achieved by the PD-1 district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific man-made and natural characteristics located on the site.
  4. A description and analysis of existing site conditions, including information on topography, archeological and historic resources, natural water courses, floodplains, unique natural features, tree cover areas, etc.

5. A land use plan designating specific uses for the site, both residential and non-residential uses, and establishing site development regulations, including setback, height, building coverage, lot coverage, and density requirements.
  6. A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, transit and other circulation facilities and location and general design of parking and loading facilities. General information on the trip generation, ownership and maintenance and proposed construction standards for these facilities should be included. A Traffic Impact Statement may be required per County or Virginia Department of Transportation guidelines.
  7. A public services and utilities plan providing requirements for and provision of all utilities, sewers, and other facilities to serve the site.
  8. An open space plan, including areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed buffer areas proposed around the perimeter of the site. Information on the specific design and location of these areas and their ownership and maintenance should be included.
  9. Architectural renderings and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.
  10. A development schedule indicating the location, extent and sequence of proposed development. Specific information on development of the open space, recreational areas, and non-residential uses shall be included. Common community amenities shall be completed in sequence with residential and commercial areas.
- (C) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the Planning Commission for review and analysis. The Planning Commission shall review this information and make a report of its findings to the Board of Supervisors. The Planning Commission shall as part of its review hold a public hearing pursuant to Section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the Planning Commission public hearing.
- (D) The Planning Commission shall make a report of its findings to the Board of Supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The Planning Commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the Planning Commission to make a report of its findings to the Board of Supervisors within this period shall constitute a Planning Commission recommendation of approval.
- (E) If the Planning Commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the Board of Supervisor's review and action shall be delayed until such changes are made and submitted for review.
- (F) The Board of Supervisors shall review the preliminary master plan, and act to approve or deny the plan within 12 months from the date of application. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts. The plan approved by the Board of Supervisors shall constitute the final master plan for the PD-1.

Once approved by the Board of Supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PD-1 district.

**Sec. 30-67-6 Revisions to Final Master Plan**

All revisions to the final master plan shall be reviewed by the Planning Commission. The Planning Commission shall determine if the revisions to the final master plan are major or minor. Major revisions shall be reviewed and approved following the procedures and requirements of Section 30-67-5. Minor revisions shall be reviewed and approved by the Planning Commission. Major revisions include, but are not limited to changes such as:

- (A) Any increase in the density of the development;
- (B) Substantial change in circulation or access;
- (C) Substantial change in the mixture of dwelling unit types included in the project;
- (D) Substantial changes in grading or utility provisions;
- (E) Substantial changes in the mixture of land uses or an increase in lot coverage or the amount of land devoted to non-residential purposes;
- (F) Reduction in the approved open space, landscaping or buffering;
- (G) Substantial change in architectural or site design features of the development;
- (H) Any other change that the zoning administrator finds is a major divergence from the approved final master plan.

**Sec. 30-67-7 Approval of Preliminary and Final Site Development Plans**

- (A) Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site development plans for approval. Final site development plans for any phase or component of the PD-1 that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction.
- (B) Subdivision review under the subdivision regulations will be carried out simultaneously with the review of a planned development under this section. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations.
- (C) Preliminary and final site development plans submitted for review shall be in compliance with the final master plan approved by the Board of Supervisors. Bedford County shall review and approve or disapprove any final site development plan within 45 days of the monthly filing deadline.
- (D) No Planned Development shall be approved and no work shall be authorized on construction until all property included in the final master plan is in common ownership.

**Sec. 30-67-8 Failure to Begin Development**

Failure of the applicant to submit a preliminary site development plan for at least one portion of the planned development within 18 months of the approval of the final master plan, shall constitute an application on the part of applicant to rezone the PD-1 to the district designations in effect prior to the approval of the final master plan.

**Sec. 30-67-9 Control Following Approval of Final Development Plans**

The zoning administrator shall periodically inspect the site and review all building permits issued for the development to ensure that the development schedule is generally complied with. The provision and construction of all of the common open space and public and recreational facilities shown on the final development plan must proceed at the same rate as the construction of dwelling units. If the zoning administrator finds that the development schedule has not been followed, no permits, except for the above mentioned facilities, shall be issued until the developer complies with the development schedule, unless the developer has provided a performance bond or similar instrument to guarantee that such common open space and/or public and recreational facilities will be provided for at a specific date.

**SEC. 30-69 EP EXPLORE PARK DISTRICT.****Sec. 30-69-1. Purpose.**

- (A) The purpose of this district is to establish an area within the county that is designated and reserved solely for activities associated with the Explore Park, (hereafter referred to as the Park). These district regulations are designed to permit current Park uses while facilitating, through adequate public review, the development of the Park as a family destination resort which incorporates significant natural areas within its boundaries. The regulations are designed to ensure that the facilities and services are adequate to ensure the safe and efficient operation of the Park with a minimum of impact on the surrounding neighborhood and the larger community.

**Sec.30-69-2. Applicability.**

These regulations shall only apply to land in the County of Bedford owned or leased by the Virginia Recreational Facilities Authority (VRFA), Virginia Living Histories, Inc., and to any facilities, and/or operations on such land.

**Sec.30-69-3: Permitted Uses.**

- (A) Permitted uses shall be as listed in Section 30-79.
- (B) Within the Park, there shall be limits on developed areas in order to ensure that at least 30% of the acreage of the Park, within the jurisdiction of the County of Bedford, consists of open space, forested space, trails, buffers or natural areas. To achieve that objective, those uses which are identified in Section 30-79 shall not exceed 70% of the Park's acreage in the County of Bedford.
1. Calculation of Developed Area ratio
    - a. Buildings and other structures, streets and other impervious surfaces, filling, grading, and excavating shall be included in the calculation of developed area.
    - b. Any pasture, crop land, forested areas, trails, ponds other than stormwater detention areas, recreated natural features, buffers and similar open or yard areas shall not be calculated as developed areas.
    - c. During site development review, the limits of disturbance for each development shall be identified in order to calculate developed areas. In addition, the identification and calculation of open space, forested space, trails, buffers and natural areas shall be provided on an ongoing basis in order to confirm compliance with the 70%/30% ratio.
    - d. So long as the 70%/30% ratio is maintained, the location of open space, forested space, trails, buffers or natural areas may be shifted as development proceeds. However, required buffers between adjoining owners may not be shifted.

**Sec. 30-69-4. Rezoning Application Process.**

- (A) Prior to submitting an application for review and approval under these provisions the applicant and the county staff shall confer to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process.
- (B) Any application to rezone land to the EP district shall constitute an amendment to the zoning ordinance pursuant to Section 30-14. Once the board of supervisors has approved the master plan described below, all submitted and accepted proffers shall constitute conditions pursuant to the provisions of this ordinance. Development shall occur in substantial conformity with the specifics set out in the master plan.
- (C) To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information which shall constitute a master plan. All information submitted shall be of sufficient clarity, detail, and scale to clearly and accurately identify the location, nature and character of the proposed district. The information shall include:
1. A legal description of the proposed site. This may be a metes and bounds description and plat, or a tabular summary of all tax map parcels proposed for rezoning. If tax parcels are used, a composite plan shall be submitted, showing the limits of the proposed district and the location of each parcel within the district. Should survey or title work disclose that any parcel or portions thereof were erroneously included in the rezoning application, then the applicant may remove said parcels from the application without invalidating the rezoning of the other submitted parcels.
  2. Current information on the existing zoning and land use of each parcel proposed for the Park.
  3. A topographical survey of the proposed site including information on flood plains and natural water courses.
  4. Minimum buffers between the Park and its neighbors and general details on the landscaping within such buffers.
  5. Information on open space, including how such space might be utilized for hiking, biking and riding trail or other park uses.
  6. Generalized statements pertaining to architectural and community design guidelines.
  7. Description of transportation objectives, identifying current and proposed connections with state maintained roads with maintenance responsibility for non-state maintained roads identified.
  8. Information on proposed plans for public utilities.
  9. Inventory of historic resources.

- (D) The completed rezoning application and supporting master plan shall be submitted to the planning commission for review and analysis. The commission shall review this information and make a report of its findings to the board of supervisors. The commission shall as part of its review hold a public hearing pursuant to section 15.2-2204 of the Code of Virginia, as amended.
- (E) The commission shall make a report of its findings to the board of supervisors within 90 days from the date that the proposed zoning ordinance amendment is referred to the planning commission, unless the applicant requests, or agrees to an extension of this time frame. The commission's report shall recommend approval, approval with modifications, or disapproval of the master plan for the Park. Failure of the commission to make a report of its findings to the board of supervisors within this period shall constitute a commission recommendation of approval.
- (F) If the commission recommends denial of the rezoning application and supporting master plan or approval with modifications, the applicant shall, upon its request, have up to sixty (60) days to make any modifications. If the applicant desires to make any modifications to the master plan, the board of supervisors' review and action shall be delayed until such changes are made and submitted to the board of supervisors for review.
- (G) The board of supervisors shall review the master plan and act to approve or deny the plan within ninety (90) days from the date of the planning commission's action unless the applicant requests or agrees to an extension of this time frame. The plan approved by the board of supervisors shall constitute the approved master plan for the Park. Once approved by the board of supervisors, the administrator shall authorize the revisions to the official zoning map to indicate the establishment of the EP district.
- (H) Major revisions to the master plan shall be reviewed and approved following the procedures and requirements of this Section 30-69-4.
- (I) Following the approval of the master plan (which approval signifies that the proposed site is rezoned to the EP district), the applicant shall be required to submit preliminary and final site development plans prior to construction for approval. Final site development plans for any phase or component of the Park that involves the construction of structures or facilities shall be approved prior to the issuance of a building and zoning permit and the commencement of construction.

**(Ord. of 03.26.07)**

**SEC. 30-70 HO HISTORIC OVERLAY DISTRICT**

**Sec. 30-70-1 Purpose**

The purpose of this district is to recognize, preserve, and encourage the continued appropriate development of historic resources in designated areas by establishing standards for development and allowable uses that will insure such development. While much of the area in these districts may remain virtually unchanged other sections may need to change to serve the best interest of the area and its environs and the surrounding property owners. Typical uses within this district include restoration and reconstruction of historic structures, related residential, educational, administrative, maintenance, public assembly, festival activities, and limited supporting commercial activities.

**Sec. 30-70-2 Creation of Overlay**

The district shall be an overlay to the underlying zoning districts. The requirements of this section shall be supplementary to and take precedence over those of any underlying district and serve as guidelines to development within the district. Where the specific requirements of this section and those in Articles III and V are different, the requirements of this section shall apply.

**Sec. 30-70-3 Existing Structure and Land Uses**

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

**Sec. 30-70-4 Permitted Uses**

(A) The following uses shall be permitted by right within this district.

- (1) Museums, visitors centers and learning centers.
- (2) Restoration and reconstruction of historic structures related to the nature and purpose of this district.
- (3) Shops and facilities associated with the nature of the proposed district, such as, gift shops, book stores, snack shops, and the related parking and access facilities.
- (4) Administrative and maintenance facilities directly related to the district.
- (5) Agricultural or other period activities, meeting the requirements of this section.
- (6) Interpretive or other educational structures, which shall be considered accessory structures.
- (7) Public activities, promotions, festivals, celebrations, or other similar events.
- (8) Staff housing and educational center-related accommodations.
- (9) Bed and breakfasts in existing single family dwellings.
- (10) Single family dwellings and expansion thereto for occupancy by existing property owners.

- (B) Uses not listed as a use by right shall be considered under the special use process and allowed following recommendation by the planning commission and approval by the board of zoning appeals.

**Sec 30-70-5 Site Development Regulations**

(A) Minimum lot requirements

All lots shall meet the minimum lot size and frontage requirements of the underlying zoning district, regardless of water and sewer provisions.

(B) Minimum setback requirements

- 1. Front yard shall meet the requirements of the underlying zoning district or Corridor Overlay District where applicable.
- 2. Side yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 25 feet from any lot line.
- 3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 25 feet.
- 4. The expansion of a legally established nonconforming structure into the required side or rear yard setback shall be permitted provided the expansion does not encroach into the required yard setback a greater distance than the existing encroachment, and provided the landscaping requirements of this section are met.

(C) Maximum height of structures

- 1. Principal structures: 30 feet.
- 2. Accessory structures: 25 feet.
- 3. Silos: 100 feet.

(D) Lighting

- 1. All lighting shall be directed and reflected away from public roads and adjacent property.
- 2. All lighting, including street lighting, shall be of a minimal acceptable type and intensity.

(E) Landscaping and fences

To provide adequate screening from adjacent properties, any new structure development, restoration of existing structures, or access facilities such as roads, parking facilities or walking paths, within seventy (70) feet of any property line shall be screened as provided in Article V. This district shall be considered a C-2 General Commercial Use, in determining the type of screening required between adjacent zoning districts.

(F) Signage

1. Signage requirements in Article V of this ordinance shall not apply to signs such as directional signs, historical markers, or narrative signs within the confines of this district, except that no sign shall be erected within thirty-five (35) feet of any residential lot.
2. All other signs shall meet the sign requirements of the underlying zoning district or Corridor Overlay District where applicable.

(G) Parking

For every five parking spaces on an impervious surface, the equivalent area of one parking space shall be provided as a vegetative island. Such islands shall be landscaped with plants compatible with the area and at least one third of the islands shall have a deciduous tree of at least three inch diameter. Where there are less than three islands, there shall be at least one with a tree.

(H) Agrarian Period or Primitive Village Activities

1. Bedford County recognizes that there may be some limited agricultural or colonial village-type activities associated with this district. The purpose of this section is to limit the impacts of these activities on adjacent properties.
2. Agrarian Activities:
  - a. The keeping or running of livestock or other animals within twenty-five (25) feet of adjacent properties shall be screened as required by 30-77-6(E) and fenced.
  - b. The number of livestock or other animals allowed shall be kept to the absolute minimum required for demonstration purposes. The sale of animals or animal products is prohibited.
  - c. Other traditional activities (blacksmith, shoe cobbler, etc.) shall be allowed provided any noise, light, or vibration generated by the uses does not leave the boundaries of the property.

**SEC. 30-71 PO PARK OVERLAY DISTRICT****Sec. 30-71-1 Purpose**

The purpose of this district is to establish areas within the county that are designated and reserved solely for activities associated with a major recreational or other type of park. These district regulations are designed to permit a wide variety of park activities. In addition, they are designed to ensure, through adequate public review, that areas surrounding Smith Mountain Lake, and any other major recreational or other type of park are afforded any protections necessitated by the parks' development and operation. They are also designed to ensure that public facilities and services are planned and are adequate to ensure the safe and efficient operation of the parks with a minimum of impact on the surrounding neighborhood and the larger community.

(Ord. of 03.26.07)

**Sec. 30-71-2 Applicability**

These regulations shall only apply to land owned by a government entity and to any facilities, and/or operations on such land, after review and approval by the board of supervisors.

**Sec. 30-71-3 Permitted Uses**

The applicant shall have the authority to plan and propose all uses within the park. However, approved uses and activities within the park shall be restricted to those uses and activities planned and shown on the preliminary master plan, reviewed, and approved by the board of supervisors under the provisions of this ordinance.

**Sec. 30-71-4 Relationship to Existing Development Regulations**

All zoning related site development regulations shall apply to the development of the park, unless such regulations are modified as a condition of the approved preliminary master plan.

**Sec. 30-71-5 Application Process**

- (A) Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall confer to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process.
- (B) Any application to rezone land to the PO designation, shall constitute an amendment to the zoning ordinance pursuant to Section 30-14. The written and graphic information submitted by the applicant as part of the application process shall constitute proffers pursuant to Section 30-15 of this ordinance. Once the preliminary master plan is approved by the board of supervisors, all accepted proffers shall constitute conditions pursuant to Section 30-15.
- (C) To initiate an amendment, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient

clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:

1. A legal description of the proposed site. This may be a metes and bounds description and plat, or a tabular summary of all tax parcels proposed for rezoning. If tax parcels are used, a composite plan shall be submitted, showing the limits of the proposed district, and the location of each parcel within the district.
2. Current information on the existing zoning and land use of each parcel proposed for the district.
3. If future additions to the district are envisioned, a concept plan showing their location shall be submitted. This concept plan shall show the relationship of these parcels to the proposed district, and their intended use, if known.
4. A description and analysis of existing site conditions, including information on topography, archeological and historic resources, natural water courses, floodplains, unique natural features, tree cover areas, etc. A general statement of planning objectives is to be included indicating how the development and use of the site will address the management and preservation of these features.
5. A generalized land use plan. This plan shall in schematic form show the proposed location of all major land use or activity areas. For each area designated, information shall be provided in written and/or graphic form that describes the nature and character of the improvements or activities proposed. This information shall be of sufficient detail to clearly portray the intended use and design objectives.
6. For planned activity areas devoted to office, retail, restaurant, lodging, education, conference, or other similar types of commercial activities, information shall be provided on the maximum intensity, size or number of such activities, their generalized location and operating characteristics, and a generalized phasing plan for their construction. The size and scale of all retail, restaurant, and lodging facilities shall be limited to serve a support function to the larger purposes of the park.
7. Generalized statements pertaining to architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, heights, lighting plans, treatment of outside storage areas, etc.
8. The general arrangements envisioned for the management and control of uses and activities not directly owned by the applicant shall be included. This information shall address the general nature of such uses, and the nature of any control proposed to be exercised.
9. A description of vehicular transportation and circulation objectives. This information should include information on proposals and limitations on parking areas, and public, emergency, service, and construction access. General information on the proposed construction standards for these facilities should be included. The generalized location of all existing or proposed major roads within the district should be shown, and information concerning their specifications

provided. All points of connection to existing state maintained roads should be designated along with the intended use of each access point. Where access to existing state maintained roads is proposed to be limited, design and operational characteristics intended to limit use should be described.

10. Information on expected vehicle trip generation shall be included. Trip information shall be presented by phase of construction, and type of trip, i.e., public, employee, service, etc.
  11. Planning objectives for on-site pedestrian or bicycle circulation should be included, with a generalized location for external points of connection. Generalized time frames for the construction of such facilities, if any, should be included.
  12. Statements of planning objectives and conceptual designs for perimeter areas of the district. If buffer yards are proposed at specific points, the design and location of these buffer areas shall be included. Specific activities for all buffer areas shall be included.
  13. Information on all proposed plans for public utilities, including their conceptual design, location, and areas to be served. If public utilities are to be provided in phases, each phase should be indicated, with an envisioned time frame for its design and construction.
  14. General information on employment levels within the district by phase, should be provided indicating the expected number and type of employees.
  15. Information on any anticipated noise, odor, air pollution, water pollution, or other environmental impacts of the district, and a plan to address these impacts.
- (D) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the planning commission for review and analysis. The planning commission shall review this information and make a report of its findings to the board of supervisors. The planning commission shall as part of its review hold a public hearing pursuant to section 15.2-2204 of the Code of Virginia, as amended. The proposed district shall be posted with signs indicating the date and time of the planning commission public hearing.
- (E) The planning commission shall make a report of its findings to the board of supervisors within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The planning commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan for the park. Failure of the planning commission to make a report of its findings to the board of supervisors within this period shall constitute a planning commission recommendation of approval.
- (F) If the planning commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the board of supervisors' review and action shall be delayed until such changes are made and submitted for review.

- (G) The board of supervisors shall review the preliminary master plan, and act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to Section 30-15 of this ordinance. The plan approved by the board of supervisors shall constitute the final master plan for the park. Once approved by the board of supervisors, the zoning administrator shall authorize the revisions to the official zoning map to indicate the establishment of the PO district.

**Sec. 30-71-6 Revisions to Final Master Plan**

- (A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements of Section 30-71-5 above. Major revisions, as determined by the zoning administrator may include, but not be limited to changes such as:
1. Either (a) the addition of major new land uses or activities not planned at the time of the approval of the final master plan, or (b) the substantial relocation of uses or activities shown on the approved final master plan.
  2. The acquisition of property by the applicant, if such property is intended to be incorporated and used as part of the park activities.
  3. Any transportation or road alignment changes resulting in any change in the location of public access to the park, or substantial changes in the location or number of service and employee access locations.

**Sec. 30-71-7 Approval of Preliminary and Final Site Development Plans**

- (A) Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site development plans for approval. Final site development plans for any phase or component of the park that involves the construction of structures or facilities, shall be approved prior to the issuance of a building and zoning permit, and the commencement of construction. Standards for preliminary and final site development plans are found in a document entitled Land Development Procedures, available in the department of planning.
- (B) Preliminary and final site development plans submitted for review shall be substantially in accordance with the final master plan approved by the board of supervisors. Bedford County shall review and approve or disapprove any final site development plan within 60 days of its submittal. Administrative review of these plans shall ensure compliance with the approved final master plan.

**Sec. 30-71-8 Failure to Begin Development**

Failure of the applicant to submit a preliminary site development plan for at least one portion of the park within 5 years of the approval of the final master plan, shall constitute an application on the part of the applicant to rezone the PO to the district designations in effect prior to the approval of the final master plan.

**SEC. 30-72 AO AIRPORT OVERLAY DISTRICT**

**Sec. 30-72-1 Purpose**

The purpose of the following provisions is to protect the safety of air navigation and the public investment in air navigation facilities in portions of air space above and around licensed public-use, government, and military airports. These requirements are adopted pursuant to Section 15.2-2994, Code of Virginia, (1950), as amended.

**Sec. 30-72-2 Applicability**

The provisions of this section shall apply to all property within 5100 feet of any runway of any licensed public-use, government, or military airport, including, but not limited to, New London and Smith Mountain Lake Airports.

**Sec. 30-72-3 Specific Requirements**

The specific provisions and wording of the Airport Safety Zoning Ordinance are found in Appendix E of this document. This appendix is the legal code for this section and is not for informational purposes only.

**Sec 30-72-4 Preamble**

- (A) This ordinance regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the airports in Bedford County by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

The ordinance is adopted pursuant to the authority conferred by Chapter 22 of Title 15.2, and specifically to satisfy the requirements of Section 15.2-2294 of the Code of Virginia, (1950), as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Bedford County; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared:

1. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That the county of Bedford derives economic development and enhanced intrastate commerce from Smith Mountain Lake, New London, and any other licensed public-use, government, and military airports within the county, when such airports and their surrounding vicinity is held strictly to the highest possible safety standards; and
4. That the prevention of these obstructions should be accomplished to the extent legally possible, by the exercise of the police power without compensation.

### **Sec. 30-72-5 Airport Safety Zones**

In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of Bedford County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Smith Mountain Lake, New London, or any other licensed public-use, government, or military airport within the county. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Articles 4 and 5 of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

"Airport zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

"Approach zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

"Transitional zone": A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

"Conical zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

### **Sec. 30-72-6 Airport Safety Zone Height Limitations**

- (A) Except as otherwise provided in this ordinance, in any zone created by this ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in Section 30-72-5 of this ordinance at any point.
- (B) The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

### **Sec 30-72-7 Use Restrictions**

- (A) Notwithstanding any other provision of this ordinance, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:
  1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
  2. Diminish the ability of pilots to distinguish between airport lights and other lights;

3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create the potential for bird strike hazards; or
6. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering or aircraft in the vicinity of and intending to use the airport.

**Sec. 30-72-8 Nonconforming Uses**

- (A) Except as provided in this section and Section 30-72-9 of this ordinance, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.
- (B) Notwithstanding the provision this section, the owner of any existing nonconforming structure or vegetation, is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the zoning administrator to indicate to operators of aircraft the presence of that airport construction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

**Sec. 30-72-9 Permits and Variances**

- (A) Except as provided in this section, no structure shall be erected or otherwise established in any zone created by this ordinance unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired with and sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless a variance has been approved as provided in Section 30-72-9 (D).
- (B) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto other than with relief as provided for in Section 30-72-9 (D).
- (C) Whenever the zoning administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in Section 30-72-9 (D).
- (D) Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this ordinance may apply for a variance from such regulations to the Bedford County board of zoning appeals. Such application shall be properly advertised and be reviewed and considered in a public hearing. Prior to being

considered by the Bedford County board of zoning appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance.

- (E) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the zoning administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the Bedford County board of zoning appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.
- (F) Applications for permits and variances shall be made on forms available from the zoning administrator, with such forms allowing for enough specific detail such that proper analysis can be given the request.

**SEC. 30-73 ECO EMERGENCY COMMUNICATIONS OVERLAY DISTRICT****Sec. 30-73-1 Purpose**

This overlay district is established for the general purpose of protecting the health, safety, and general welfare of the public by restricting the height of certain structures and objects of natural growth which lie within established fire, police and emergency services communication corridors. Such structures and objects can interfere with routine and emergency communications which are necessary to protect against the loss of life, health, or property.

**Sec. 30-73-2 Creation of Overlay**

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 provisions.

**Sec. 30-73-3 Emergency Communication Zones**

Emergency Communication Zones are hereby established. These zones shall include all of the land lying beneath and within 100 feet to either side of the transmission paths of emergency communications from a microwave transmission system. The Emergency Communications Zones are shown on a map entitled "Bedford County Emergency Communications Zoning Map," prepared under the direction of the Technical Services Officer for the Fire and Rescue Department. The Emergency Communications Zoning Map shall be kept as a supplement to the Official Zoning Map.

**Sec. 30-73-4 Height and Use Limitations**

- (A) No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow to a height which could obstruct the transmission of emergency communications.
- (B) No use may be made of any property which would create interference with the transmission of emergency communications.

**Sec. 30-73-5 Permits**

- (A) Any application for a building permit for construction on any property located within an Emergency Communication Zone shall be referred to the Technical Services Officer of the Fire and Rescue Department.
- (B) The applicant shall satisfy the Technical Services Officer that the proposed structure will comply with the height and use limitations of this section.

**Sec. 30-73-6 Appeals**

Any decision of the Technical Services Officer with regards to the requirements of this section shall be considered a decision of the zoning administrator, and may be appealed to the board of zoning appeals pursuant to the provisions of this ordinance.

**SEC. 30-74 FO FLOODPLAIN OVERLAY DISTRICT****Sec. 30-74-1 Purpose**

- (A) The purpose of the floodplain district requirements is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
  2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
  3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and
  4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

**Sec. 30-74-2 Warning and Disclaimer of Liability**

The degree of flood protection required by these requirements is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. These requirements do not imply that areas outside the floodplain districts and any land uses will be free from flooding or flood damage, and shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.

**Sec. 30-74-3 Basis of Floodplain Districts**

- (A) Floodplain districts shall include areas subject to inundation by water of the one hundred (100) year flood. The basis for the delineation of floodplain district boundaries shall be the Flood Insurance Study for Bedford County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 1978, in which the boundaries of the floodplain districts are shown on the flood boundary and floodway map which is declared to be a part of this ordinance and which shall be kept on file at the zoning administrator's office.
1. District Boundary Changes. The delineation of any of the floodplain districts may be revised by the board of supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the US Army Corps of Engineers, or other qualified agency or individual, documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
  2. Interpretation of District Boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. A person questioning or contesting the location of the district boundary shall be given a reasonable

opportunity to present a case to the board of zoning appeals and may submit his own technical evidence.

#### **Sec. 30-74-4 Establishment of Floodplain Districts**

- (A) The floodplain areas within the county are hereby divided into three districts: Floodway District, Flood-Fringe District, and Approximated Floodplain District.
1. The Floodway District is delineated for purpose of this ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the above referenced Flood Insurance Study and shown on the flood boundary and floodway map, or flood insurance rate map.
  2. The Flood-Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this district shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the flood boundary and floodway map, or flood insurance rate map.
  3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year flood plain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year evaluation cannot be determined for this area using other sources of data, such as the US Army Corps of Engineers Floodplain Information Reports and US Geological Survey Flood Prone Quadrangles, then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, and computations shall be submitted in sufficient detail to allow a thorough review by the board of supervisors.

#### **Sec. 30-74-5 Floodplain District Activities**

- (A) The activities within the floodplain districts shall include:
1. Floodway District. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities, as required herein. The following uses and activities may be permitted provided that they do not require structures, fill, or storage of materials and equipment:
    - a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- b. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching, and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
  - c. Accessory residential uses, such as yard areas, gardens, play areas, and previous loading areas.
  - d. Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, and airport landing strips.
2. Flood-Fringe District. In the Flood-Fringe District, the development and/or use of land shall be permitted in accordance with the regulations herein provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
  3. Approximated Floodplain District. In the Approximated Floodplain District, the development and/or use of land shall be permitted in accordance with the regulations herein provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one foot at any one point. The engineering principle - equal reduction of conveyance - shall be used to make the determination of increased flood heights.

#### **Sec. 30-74-6 General Requirements**

- (A) All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a compliance permit as required in this ordinance. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, such as the county building code. Prior to the issuance of any such permit, the zoning administrator and building inspector shall require all applications to include compliance with all applicable state and federal laws.
- (B) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (C) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse or stream within the county, approval shall be obtained from the Division of Soil and Water Conservation (Department of Conservation and Recreation). A permit from the U. S. Corps of Engineers and the Marine Resources Commission and/or a certification from the State Water Control Board may be necessary. A joint permit application is available from anyone of these three organizations. Further notification of the proposal shall be given to all affected adjacent jurisdictions. Copies of such notifications shall be provided to the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.

- (D) All applications for development in a floodplain district and all building permits issued for the floodplain shall incorporate the following information:
1. For structures that have been elevated, the elevation of the lowest floor (including basement).
  2. For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.
  3. The elevation of the one hundred (100) year flood.
  4. Topographic information showing existing and proposed ground elevations.
- (E) The placement of any mobile or manufactured home, except in an existing mobile or manufactured home park or subdivision, within the Floodway District is specifically prohibited. Any mobile or manufactured home located in such existing park or subdivision must be placed on a permanent foundation, elevated so that the lowest floor is above the base flood elevation, and anchored according to the requirements of the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
- (F) Any recreational vehicle placed or located on the same site for 180 or more consecutive days shall adhere to the same requirements as applicable to mobile or manufactured homes herein.

**Sec. 30-74-7 Existing Structures in Floodplain Districts**

- (A) A structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued by vested right, subject to the following conditions:
1. Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement of flood heights is fully offset by accompanying improvements.
  2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a flood plain district, to an extent or amount of less than fifty (50) percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.
  3. The modification, alteration, repair, reconstruction, or improvement of a kind to a structure and/or use, regardless of its location in a flood plain district, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the county building code.
  4. Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

**Sec. 30-74-8 Design Criteria for Utilities and Facilities**

- (A) Sanitary Sewer Facilities. All new replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations of flood waters into the systems and discharges from the systems into the flood waters, shall be located and constructed to minimize or eliminate flood damage and impairment.

- (B) Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- (C) Drainage Facilities. All storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The board of supervisors may require a primarily underground system to accommodate larger, less frequent floods. Drainage plans shall be consistent with facilities discharge of excess runoff onto adjacent properties.
- (D) Utilities. All utilities such as gas lines, electrical and telephone systems being in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- (E) Streets and Sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

**Sec. 30-74-9 Appeals Procedures for Administrative Decisions regarding Floodplain District Requirements**

- (A) Any person aggrieved by a decision of the zoning administrator or building inspector with respect to the provisions of this section herein has the right to appeal to the board of zoning appeals in accordance with Sections 30-24 herein. In addition to provisions of Section 30-24 herein, the following factors shall be considered:
1. In passing upon applications for a variance to the requirements herein, the board of zoning appeals shall satisfy the following factors:
    - a. The danger to life and property due to increased flood heights or velocities caused by encroachments, such as no compliance permit shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood.
    - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
    - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
    - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
    - e. The importance of the services provided by the proposed facility to the community.
    - f. The requirements of the facility for a waterfront location.
    - g. The availability of alternative locations not subject to flooding for the proposed use.

- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - j. The safety of access to the property in time of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - m. Such other factors which are relevant to the purposes of this ordinance.
2. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a compliance permit to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and adequacy of the plans for protection and other related matters, within the limits of funds appropriated by the governing body.
  3. Variances shall only be granted after the board of zoning appeals has determined that the granting of such variance will not result in: (1) unacceptable or prohibited increases in flood heights; (2) additional threats to public safety; (3) extraordinary public expense; (4) create nuisances; (5) cause fraud or victimization of the public; or (6) conflict with local laws or ordinances.
  4. Variances shall only be granted after the board of zoning appeals has determined that the variance will be minimum relief to any hardship.
  5. The board of zoning appeals shall notify the applicant for a variance in writing that the granting of a variance to construct a structure below the one hundred (100) year flood evaluation: (1) increases risks to life and property; and (2) will result in increased premium rates for flood insurance.
  6. A record of the above notification, as well as all actions on the requested variances, including justification for their issuance, shall be maintained, and any variances which are granted shall be noted in the annual report submitted to the Federal Insurance Administration.

**SEC. 30-75 RRCO ROANOKE RIVER CONSERVATION OVERLAY DISTRICT****Sec. 30-75-1 Purpose**

The intent of this section is to establish a Conservation Overlay District along the Roanoke River. The purpose is to recognize and designate the river corridor as a cultural and recreational resource, critical floodway, water source, and important natural habitat worthy of coordinated conservation efforts and to take those measures necessary to protect this resource. This is consistent with the 1988 Comprehensive Plan as amended.

It is the premise of these provisions that certain specific land uses pose a danger to this water resource and should be avoided. In addition, through careful planning and design, clearing and grading activities or similar activities that disturb or destroy site vegetation can be minimized, with the goal that the natural vegetation, features, and qualities of sites and properties along the Roanoke River corridor will be retained to the maximum extent possible. Finally, through implementation of additional erosion and sediment control practices, the maintenance and installation of buffer strips of natural vegetation, and use of Best Management Practices, the impacts of excessive soil loss and adverse effects of non-point source pollutants on the water quality of the Roanoke River can be minimized.

**Sec. 30-75-2 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.
- (B) The Roanoke River Conservation Overlay District shall consist of all lands located 500 feet landward from shoreline of the Roanoke River, and all lands located 500 feet landward of the shoreline of the North Fork of the Roanoke River to its intersection with State Route 697 (Sandy Ridge Road).

**Sec. 30-75-3 Applicability and Administration**

- (A) Within the Conservation Overlay District any land disturbing activity exceeding 2,500 square feet shall comply with the requirements of the Erosion and Sediment Control Ordinance of the county of Bedford, unless exempted or waived in accordance with Section 30-75-6 below.
- (B) The Conservation Overlay District shall be administered through the Site Plan Review process required under Section 30-90 of this ordinance. Land disturbing activity not subject to Site Plan Review shall be administered through existing zoning permit processes in conjunction with the requirements of the Erosion and Sediment Control Ordinance requirements.
- (C) Nothing in the district shall in any way affect full compliance with the requirements of the Floodplain Overlay District contained in Section 30-74.

**Sec. 30-75-4 Permitted Uses and Use Restrictions**

- (A) The uses permitted in the Conservation Overlay District shall be governed by the underlying zoning district in which the property is located as shown on the official zoning maps, except as otherwise prohibited below.
- (B) The following uses shall be prohibited within the Roanoke River Conservation Overlay District:
1. Commercial Feedlots.
  2. Drilling for oil or gas.
  3. Sanitary landfill.
  4. Construction debris landfill.
  5. Minor or major automobile repair services. This prohibition shall not pertain to the continuation or expansion of such uses in existence at the time of adoption of these provisions provided a waiver is obtained pursuant to Section 30-75-6(B).
  6. Scrap and salvage services.
  7. Underground storage of any chemical or petroleum products for commercial or industrial purposes. This prohibition shall not pertain to the continuation or expansion of such uses in existence at the time of adoption of these provisions provided a waiver is obtained pursuant to Section 30-75-6(B).
  8. The application, depositing, spreading or spraying of any hazardous or toxic chemical and/or biological materials or substances from an industrial source, except that herbicides, insecticides, fungicides, and pesticides may be applied upon the land or on animals in accordance with the manufacturer's directions by an individual properly licensed by the Virginia Department of Agriculture & Consumer Services.
  9. Land application of sewage sludge or effluent and associated activities, and/or reclamation of sewage and industrial wastes. This prohibition shall not pertain to approved Waste Water Treatment Plants.

**Sec. 30-75-5 Development Regulations**

- (A) Setbacks - Except as otherwise provided in this section, no building or structure, nor any fences and/or walls, other than those determined to be necessary by the zoning administrator, shall be constructed:
1. In the 100 year floodplain, or
  2. Within 100 feet of the shoreline of the Roanoke River, whichever is less.

(B) Vegetative Buffers -

1. General Provisions:

- a. A 100-foot vegetative buffer area shall be retained and maintained if present or established and maintained where it does not exist. This buffer area shall minimize the adverse effects of land use activities on the Roanoke River and aquatic life by retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.
- b. In lieu of the 100 foot buffer area, an alternative buffer area may be employed, if approved by the zoning administrator. The reduced buffer areas may either:
  - i. Consist of a combination of buffer area not less than 50 feet in width, and appropriate Best Management Practices located landward of the buffer area, or
  - ii. If the lot was existing at the time of adoption of this ordinance and does not contain sufficient depth to provide the required buffer strip, the buffer strip may be reduced to 50% of the available lot depth if Best Management Practices are utilized.
- c. Whenever the applicant proposes to reduce the 100 foot vegetative buffer area, the Erosion and Sediment Control Plan shall show how the proposed reduction, in combination with Best Management Practices, achieves at least the equivalent water quality protection, pollutant removal, and water resource conservation effect of a 100-foot buffer area.
- d. The required vegetated buffer area shall be located adjacent to and landward of the Roanoke River shoreline.
- e. Within the required buffer area, no vegetation may be cleared or otherwise significantly disturbed, no grading or excavation work may be performed, and no structures, fill, paving, or other materials may be placed except as shown on the approved Erosion and Sediment Control Plan.
- f. Run off from new development shall be directed towards areas covered with vegetation for surface infiltration catch basins, avoiding channeling and preventing concentrated flows of surface water. Piped storm sewers may be permitted only where other methods are determined to be unfeasible by the zoning administrator.

2. Performance Criteria:

- a. In order to maintain the functional value of the buffer area, indigenous vegetation shall be preserved to the maximum extent possible.
- b. Removal of vegetation within the required buffer area will be allowed only in accordance with the following provisions:

- i. Trees may be pruned or removed as necessary to provide limited sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering non-point source pollution from runoff.
- ii. Dead, diseased, or dying trees may be removed and silvicultural thinning may be conducted based upon the best available technical advice of a professional forester.
- c. All exposed areas within the required buffer area shall be revegetated with appropriate riparian, erosion controlling plant material. Riparian vegetation is plant material which naturally occurs along the river and is suited to the conditions within the community.
- d. With the approval of the zoning administrator in consultation with the department of planning, riprap or other manmade materials may be used in conjunction with vegetation to stabilize riverbanks only where it is shown that vegetation alone will not stabilize the bank.
- e. Access paths shall be constructed and surfaced so as to effectively control erosion.

(C) Agricultural Buffer Area Requirements -

- 1. On land in agricultural use, a 100-foot vegetative buffer area shall be retained and maintained if present or established and maintained where it does not exist.
- 2. Agricultural lands in hayland or pasture land uses shall be deemed to comply with buffer area requirements as long as that portion of the hayland or pasture land within the 100-foot buffer is managed in accordance with the Best Management Practices Handbook for Agriculture.
- 3. The agricultural buffer area may be reduced as follows:
  - a. To a minimum width of fifty (50) feet when Best Management Practices which meet specifications of the Best Management Practices Handbook for Agriculture are applied on the adjacent land, provided that the combination of the reduced buffer area and Best Management Practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area; or
  - b. To a minimum of twenty-five (25) feet when a soil and water quality conservation plan, as approved by the Soil and Water Conservation District, has been implemented on the adjacent land, provided that the combined buffer area and Best Management Practices achieve water quality protection at least the equivalent of that provided by the 100-foot buffer in the opinion of the Soil and Water Conservation District Board. Such plan shall be based on the Best Management Practices Handbook for Agriculture and accomplish water quality protection consistent with this ordinance.

- 4. The agricultural buffer area shall be managed to prevent channeling or concentrated flows of surface water from breaching the buffer area.
- 5. The Best Management Practices Handbook for Agriculture is intended to provide a list of options for meeting buffer area requirements. Without preference to a given practice, a selected Best Management Practice or combination of practices may be used to achieve the equivalent of the 100-foot buffer.

**Sec. 30-75-6 Exemptions and Waivers**

(A) Exemptions -

The following development activities are exempt from the requirements of the Conservation Overlay District:

- 1. Any land disturbing activity under 2,500 square feet in area; or
- 2. Any maintenance, alteration, use or improvement to an existing structure not changing or affecting quality, rate, volume, or location of surface water discharge, or involving the destruction of sensitive natural resources as determined by the zoning administrator; or
- 3. Emergency removal of debris resulting from floods or other natural disasters, as deemed appropriate by the Director of Engineering and Inspections; or
- 4. Silvicultural operations that adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."

(B) Waivers -

A waiver of the requirements of the ordinance may be obtained from the zoning administrator for installation of remedial lot stabilization, public roads, water dependent structures, utilities, rail lines, water wells, passive recreation, historic preservation, archaeological activities, other public activities, and those uses specifically eligible for a waiver as cited in Section 30-75-4. A waiver may be obtained by submitting an application on forms supplied by the zoning administrator and shall contain the following information:

- 1. The name, address and telephone number of the developer and owner;
- 2. A description and a drawing of the proposed development;
- 3. The location of the development; and
- 4. Any other information required by the zoning administrator that is reasonably necessary to evaluate the proposed development.

The zoning administrator may grant a waiver if the application demonstrates that:

- 1. Any required permits, except those to which this waiver specifically applies, shall have been issued;

2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;
3. The intended use does not conflict with nearby planned or approved uses; and
4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all county erosion and sediment control requirements.

**SEC. 30-76 WHP WELL-HEAD PROTECTION OVERLAY DISTRICT**

**Sec. 30-76-1 Purpose**

The purpose of the Well-head Protection (WHP) Overlay District is to prevent contamination of public wells, public wellfields, and other groundwater resources that are used as sources of public drinking water. This District will promote the health, safety, and general welfare of the community by protecting the groundwater supply within the county.

**Sec. 30-76-2 Designation of Well-Head Protection Overlay District**

The governing body of Bedford County, Virginia hereby establishes and delineates on the Zoning District Maps the Well-head Protection Overlay District, to be referred to on the Zoning District Maps by the symbol WHP. This district shall consist of all land within a 1000-foot radius of any identified Well-head protection site.

**Sec. 30-76-3 Existing Structures and Land Uses**

The provisions of this article shall apply only to structures constructed and land uses established after the effective enactment date of this ordinance.

**Sec. 30-76-4 Use of Agricultural and Household Chemicals**

To further the purposes of this District and prevent contamination of public drinking waters in Bedford County, it is recommended that agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals, be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with the Commonwealth of Virginia Department of Environmental Quality, Hazardous Waste Management Regulations.

**Sec. 30-76-5 Permitted Uses**

The uses permitted in the Well-Head Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 30-76-6.

**Sec. 30-76-6 Prohibited Uses**

- (A) The following use types and uses shall be prohibited within the Well-head Protection Overlay District: unless the developer can prove; to the satisfaction of the county, Public Service Authority and appropriate state and federal agencies, that such use will not pollute, damage or otherwise harm the well head site, the well heal or the underlying aquifer; in which case such use may be allowed within 500 feet of the well head.
  - (1) Industry, Type III.
  - (2) Landfill, Sanitary.
  - (3) Landfill, Construction Debris.
  - (4) Commercial Feedlots.

- (5) Automobile Repair Services, Minor.
- (6) Automobile Repair Services, Major.
- (7) Scrap and Salvage Services.
- (8) Resource Extraction.
- (9) Underground storage of any chemical or petroleum products for commercial or industrial purposes. This prohibition shall not pertain to the continuation or replacement of such uses in existence at the time of adoption of these provisions.
- (10) Land application of industrial wastes.
- (11) The outdoor, uncovered stockpiling of road salt or other deicing chemicals, as a principal use of the property, shall be prohibited.

**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 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 43
- Route 122
- Route 221
- Route 460
- Route 501

**Sec. 30-77-3 Existing Structure and Land Uses**

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, laps, and other residential debris within 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 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 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.

(A) Minimum setback requirements

- 1. Front yard:
  - a. Principal structures: 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: 70 feet from the edge of the right-of-way.
- 2. Side yard:
  - a. Principal structures: 20 feet.
  - b. Accessory structures: 20 feet.

3. Rear yard:
  - a. Principal structures: 25 feet.
  - b. Accessory structures: 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.

(B) Maximum height of structures

1. Height limitations:
  - a. Principal structures: 35 feet.
  - b. Accessory structures: 15 feet.

(C) Maximum coverage

1. Building coverage: 30 % of the total lot area for all buildings and 7 % for accessory buildings.
2. Lot coverage: 45 % of the total lot area.

(D) 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.

(E) 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 18 inches in diameter shall be prohibited except in the building footprint area, construction activity area, right-of-ways 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 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 40% if the following standards are met:

(1) Landscaping consisting of 1 tree per 15 feet of street frontage and 1 shrub per 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 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 street-scape, 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 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 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 tree per 15 feet of street frontage and 1 shrub per 5 feet of street frontage planted in creative groupings. The trees may be a combination of evergreens, and large and small deciduous trees, and both trees and shrubs must meet the size requirements for Screening, Landscaping and Buffer Yards in Article V.

(4) Impervious services within street yards shall be kept to a minimum. Other surfaces shall be in grass, appropriate ground cover, or mulched.

c. Street Yard requirements:

(1) Landscaping consisting of 1 tree per 15 feet of street frontage and 1 shrub per 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 15%.

(3) All other surface of the street yard shall be seeded, grassed, or mulched.

d. Removal of healthy trees over 18 inches in diameter shall be prohibited except in the building footprint area, construction activity area, right-of-ways 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 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 30% 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):

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

(F) 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 1 freestanding sign with a maximum area of 32 square feet.

**Identification Signs:** A maximum area of 20 square feet shall be allowed per use.

**Home Occupation Signs:** A maximum area of 4 square feet shall be allowed per home occupation, or group of home occupations within one home.

**Historic Site Signs:** A maximum area of 20 square feet shall be allowed per sign.

**Shopping Center Signs:** One 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 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 75 feet of any other freestanding sign on an adjacent or adjoining lot.
4. All signs shall be set back at least 25 feet from the centerline of the right-of-way or at the property line, whichever is greater.
5. No freestanding sign shall exceed 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 percent (20%) of the area of the building facade facing the front property line, or 400 square feet, whichever is less.

(G) 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 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 50 square feet.
  - b. The required area of natural islands shall be calculated by multiplying the number of spaces by 10. For example, a parking area with a total of 20 spaces would be required to have natural islands with a total area of at least 200 square feet; a parking area with 40 spaces would be required to have natural islands with a total of at least 400 square feet, etc.
  - c. Any parking area adjacent to any street shall have a Type A landscaping between the street and parking area.

(H) 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 30% 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).

**(Ord. of 06.14.99; Ord. of 07.08.02)**

## 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
	All required parking must be in the side/rear yard	All required parking must be in the side/rear yard	All required parking must be in the side/rear yard
30 Feet Front Yard	2 rows of a combination of trees and shrubs, staggered and spaced no greater than 7 feet apart in Front Street Yard	10% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)	10% decrease in allowed freestanding sign area + 10% decrease in facade signs area
	All required parking must be in the side/rear yard	All required parking must be in the side/rear yard	All required parking must be in the side/rear yard
	10% decrease in allowed sign area	10% decrease in allowed sign area	5% of Parking Area Landscaped (In addition to requirements in Sec. 30-92-4)
10 Feet Side Yard	1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased	5% 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
15 Feet Rear Yard	1 tree per 10 feet of street frontage and 1 shrub per 5 feet along side yard line being decreased	5% 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
Increase in Height	For each foot over the allowable maximum, all yards (side, rear, & buffer) must be increased 2 feet	5% of Parking Area Landscaped (In addition to 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		

**SEC. 30-78 WCO WIRELESS COMMUNICATION OVERLAY DISTRICT****Sec. 30-78-1 Purpose**

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication facilities (WCFs). The goals of this section are to: protect residential areas and land uses from potential adverse impacts of WCFs; encourage the location of WCFs in non-residential areas; encourage users of WCFs to locate them, to the extent possible, in areas where the adverse impact on the county is minimal; encourage users of WCFs to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; enhance the ability of the providers of telecommunications services to provide such services to the county quickly, effectively, efficiently, and unobtrusively; consider the public health and safety of WCFs; and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of WCF structures. In furtherance of these goals, Bedford County shall give due consideration to Bedford County's Comprehensive Plan, existing land uses, and environmentally sensitive areas in approving sites for the location of WCFs.

(Ord. of 06.26.00)

**Sec. 30-78-2 Creation of Overlay**

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 Article III are different, the most restrictive regulation shall apply.

**Sec. 30-78-3 Applicability**

- (A) New Wireless Communications Facilities. All new WCFs in Bedford County shall be subject to these regulations, except as provided inclusively in B through D below.
- (B) Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, under 100 feet in height, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (C) Preexisting Towers or Antennas. Preexisting WCFs shall not be required to meet the requirements of this ordinance, other than the requirements of Section 30-78-4 (F) and (G).
- (D) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one WCF. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**Sec. 30-78-4 General Requirements**

- (A) Principal or Accessory Use. WCFs may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a WCF on such lot.

- (B) Lot Size. For purposes of determining whether the installation of a WCF complies with development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the WCFs may be located on leased parcels within such lot.
- (C) Inventory of Existing Sites. Each applicant for a WCF shall provide to the zoning administrator an inventory of its existing WCFs or sites approved for WCFs, that are either within Bedford County or within one mile of the border thereof, including specific information about the location, height, and design of each WCF. The zoning administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Bedford County, provided, however that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (D) Aesthetics. WCFs shall meet the following requirements:
1. WCFs shall, subject to any applicable standards of the FAA, be of neutral color, and subject to staff approval so as to reduce visual obtrusiveness. The appearance shall be maintained in a neutral color.
  2. At a WCF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  3. If an WCF is installed on a structure other than a WCF, 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.
- (E) Lighting. WCFs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (F) State or Federal Requirements. 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 such standards and regulations are changed, then the owners of the WCFs governed by this ordinance shall bring such WCFs into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCFs at the owner's expense.
- (G) Building Codes: Safety Standards. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for WCF that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Bedford County concludes that a WCF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the WCF, the owner shall have 30 days to bring such WCF into compliance with such standards. Failure to bring such WCF into compliance within said 30 days shall constitute grounds for the removal of the WCF at the owner's expense.

- (H) Measurement. For purposes of measurement, WCF setbacks shall be calculated and applied to facilities located in Bedford County.
- (I) Not Essential Services. WCFs shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (J) Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice in accordance with the standards set forth in Section 15.2 -2204 of Virginia State Code and subsequent Bedford County regulations.
- (K) Signs. No advertising signs shall be allowed on a WCF. Signs of no more than one square foot containing ownership, operational, and name plate data shall be allowed.
- (L) Buildings and Support Equipment. Buildings and support equipment associated with WCFs shall comply with the requirements of Section 30-78-7.
- (M) Multiple WCF Plan. Bedford County encourages the users of WCFs to submit a single application for approval of multiple WCF sites. Applications for approval of multiple sites shall be given priority in the review process.
- (N) Yearly Occupation Permit Required. In an effort to assure the health, safety, and general welfare of the citizens of Bedford County, the county hereby establishes a yearly occupation permit system for all WCFs built on or after the enactment of this ordinance. The permit shall be the responsibility of the owner of the WCF and not any lessee. Application shall consist of:
1. A statement that the structure is being utilized as approved.
  2. A roster of lessees or colocators on the WCF.
  3. A description of any maintenance/improvements activities performed in that calendar year (i.e., painting, replacing guy wires, and other servicing)
  4. An application fee as established by the planning department of Bedford County.
  5. All applications must be submitted by no later than June 30 of each calendar year.  
Failure to comply with this section shall constitute grounds for removal of the WCFs at the owner's expense.
- (O) Reduction of WCF Height in Accordance with Needs and Technology. In the event that the business climate, corporate needs, financial situations, technology, or any other conditions render the height of an existing WCF unnecessary, the owner of the WCF shall reduce the height of that tower to the lowest possible level without compromising its level of service, or the level of service of any colocators or show cause why such action should not be taken.

#### **Sec. 30-78-5 Uses By Right**

- (A) General. 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. Each applicant for approval shall apply to the zoning administrator providing the information set forth in Sections 30-78-6(B.1) and 30-78-6(B.3-B.8) of this ordinance and a non-refundable fee as established by the board of supervisors of Bedford County to reimburse the county for the costs of reviewing the application.
2. The zoning administrator shall review the application and determine if the proposed use complies with Sections 30-78-4 and 30-78-6(B.3 - B.6) of this ordinance.
3. The zoning administrator shall approve or deny each application in writing within 60 days after receipt thereof. If the zoning administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
4. In connection with any such approval, the zoning administrator may administratively allow the reconstruction of an existing WCF to monopole construction.

(B) List of Approved Uses. The following uses may be approved by the zoning administrator after conducting an administrative review:

1. WCFs located on property owned, leased, or otherwise controlled by Bedford County provided a license or lease authorizing such WCFs has been approved by Bedford County or colocated on an existing WCFs.
2. Locating WCFs on existing structures or WCFs consistent with the terms of subsections (a) and (b) below.
  - (a) WCFs on existing structures. Any WCF which is not attached to a WCF may be approved by the zoning administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
    - (1) The WCF is compatible with the structure’s architectural design;
    - (2) The WCF complies with all applicable FCC and FAA regulations; and
    - (3) The WCF complies with all applicable building codes.
  - (b) WCFs on existing WCFs. To minimize adverse visual impacts, collocation of WCFs by more than one carrier on existing WCFs shall take precedence over the construction of new WCFs. A WCF which is attached to an existing WCF may be approved by the zoning administrator, provided it meets with the standards below. The collocation must be accomplished in a manner consistent with the following:
    - (1) A 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.
    - (2) Onsite location.
      - (i) A WCF which is being rebuilt to accommodate the collocation of an additional WCF may be moved onsite within 50 feet of its existing location.
      - (ii) After the WCF is rebuilt to accommodate collocation, only one WCF may remain on the site.

- 3. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCFs.

**(Ord. of 06.26.00; Ord. of 07.24.00)**

**Sec. 30-78-6 Special Use Permits**

(A) General. The following provisions shall govern the issuance of special use permits for WCFs by the board of supervisors:

- 1. If the WCF is not a use-by-right under Section 30-78-5 of this ordinance, then a special use permit shall be required for the construction or placement of a WCF.
- 2. Applications for special use permits under this section shall be subject to the procedures and requirements of allowable uses under Article I of this ordinance. Additionally, all WCF special use applications shall be reviewed by the Bedford County board of supervisors.
- 3. In granting a special use permit, 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.
- 4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- 5. An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by the Bedford County board of supervisors to reimburse the county for the costs of reviewing the application.

(B) Specific Requirements.

- 1. Information Required. 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:
  - (a) 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.
  - (b) Legal description of the parent tract and leased parcel (if applicable).
  - (c) The setback distance between the proposed WCF and the nearest residential unit and platted residential properties.
  - (d) 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.
  - (e) A landscape plan showing specific landscape materials.

- (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - (g) A description of compliance with Sections 30-78-4(C), (D), (E), (F), (G), (H), (K), (N), and all applicable federal, state or local laws.
  - (h) A statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas.
  - (i) 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.
  - (j) 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.
  - (k) 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.
  - (l) A cost estimate for removal of the WCF and facilities from the site.
  - (m) A copy of the initial lease.
  - (n) A description, including mapping at an appropriate scale, of the search area and coverage objective.
  - (o) A map depicting all collocation candidates in search area, along with the RF analysis documentation as to their suitability.
  - (p) High quality photo simulations of the site and proposed WCF.
2. Factors Considered in Granting Special Use Permits for WCFs. In addition to any standards for consideration of allowable uses under the zoning ordinance, the board of supervisors shall consider the following factors in determining whether to issue a special use permit, although the board of supervisors may waive or reduce the burden on the applicant of one or more of these criteria if the board concludes that the goals of this ordinance are better served thereby:
- (a) Height of the proposed WCF;
  - (b) Proximity of the WCF to residential structures and residential properties;
  - (c) Nature of uses on adjacent and nearby properties;
  - (d) Surrounding topography;
  - (e) Surrounding tree coverage and foliage;
  - (f) Design of the WCF, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- (g) Proposed ingress and egress; and
  - (h) Availability of suitable existing WCFs, other structures, or alternative technologies not requiring the use of WCFs.
3. Availability of Suitable Existing WCFs, Other Structures, or Alternative Technology. No new WCF shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of supervisors that no existing WCF, structure or alternative technology can accommodate the applicant's needs. An applicant shall submit information requested by the board of supervisors related to the availability of suitable existing WCFs, other structures or alternative technology. Evidence submitted to demonstrate that no existing WCF, structure or alternative technology can accommodate the applicant's proposed needs may consist of any of the following:
- (a) No existing WCFs or structures are located within the geographic area which meet applicant's engineering requirements.
  - (b) Existing WCFs are not of sufficient height to meet applicant's engineering requirements, nor can their height be increased per Section 30-78-5(B.3.b).
  - (c) Existing WCFs or structures do not have sufficient structural strength to support applicant's proposed WCFs and related equipment.
  - (d) The applicant's proposed WCFs would cause electromagnetic interference with the WCF on the existing WCFs or structures, or the WCF's on the existing WCFs would cause interference with the applicant's proposed WCF.
  - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing WCF or structure or to adapt an existing WCF or structure for sharing are unreasonable. Costs exceeding new WCF development are presumed to be unreasonable.
  - (f) The applicant demonstrates that there are other limiting factors that render existing WCFs and structures unsuitable.
  - (g) The applicant demonstrates that an alternative technology that does not require the use of WCFs or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new WCFs development shall not be presumed to render the technology unsuitable.
4. Setbacks. The owner of each WCF shall provide certification that the WCF will not fall onto any neighboring property in the event of failure or collapse of the structure.
5. Security fencing. WCFs shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the board of supervisors may waive such requirements, as it deems appropriate.
6. Landscaping. The following requirements shall govern the landscaping surrounding WCF's for which a special use permit is required; provided, however, that the board of supervisors may waive such requirements if the goals of this ordinance would be better served thereby.

- (a) WCFs facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.
  - (b) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived.
  - (c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
7. Local government access. Owners of towers shall provide the county colocation opportunities without the compensation as a community benefit to improve radio communications for county departments and emergency services provided it does not conflict with the colocation requirements stated herein.
  8. Review fees. Any costs associated with the review of the application and associated data for the county, by a licensed engineer, shall be paid by the applicant.

**(Ord. of 06.26.00)**

**Sec. 30-78-7 Buildings or Other Equipment Storage**

- (A) WCFs Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with WCFs shall comply with the following:
  1. The cabinet or structure shall not contain more than 228 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 228 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  2. 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 10 percent of the roof area.
  3. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (B) WCFs Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with WCFs shall be located in accordance with the following:
  1. On residential property, the equipment cabinet or structure may be located:
    - (a) In a front or side yard provided the cabinet or structure is no greater than 12 feet in height or 240 square feet of gross floor area and the cabinet/structure is located a minimum of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
    - (b) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 240 square feet in gross floor area and the cabinet/structure is located a minimum

- of 15 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
2. On commercial or industrial property the equipment cabinet or structure shall be no greater than 15 feet in height or 640 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
  3. WCFs Located on Towers. The related unmanned equipment structure shall not contain more than 640 square feet of gross floor area or be more than 15 feet in height, and shall be located in accordance with the minimum yard requirements established under the zoning ordinance.
- (C) Modification of Building Size Requirements. The requirements of subsections (A) and (B) above may be modified by the zoning administrator in the case of administratively approved uses or by the board of supervisors in the case of uses permitted by special use.

**Sec. 30-78-8 Removal of Abandoned WCFs**

Any WCF that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such WCF shall remove the same within 90 days of receipt of notice from Bedford County notifying the owner of such abandonment. Failure to remove an abandoned WCF within said 90 day shall be grounds to remove the tower or antenna at the owner's expense. The expense of the removal will be deducted from the bond posted at the time of construction of the WCF, and any cost in excess shall be the responsibility of the owner. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

**Sec. 30-78-9 Nonconforming Uses**

- (A) Not Expansion of Nonconforming Use. 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.
- (B) Preexisting WCFs. Preexisting 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 preexisting WCFs. New construction other than routine maintenance on preexisting WCFs shall comply with the requirements of this ordinance.
- (C) Rebuilding Damaged or Destroyed Nonconforming WCFs. Notwithstanding Section 30-78-9, 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 onsite 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 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 Section 30-78-8.27.

(Ord. of 06.26.00)