



# Zoning Ordinance

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## ARTICLE I. - GENERAL PROVISIONS

### *Sec. 30-1. - Authority and citation.*

This ordinance, to be cited as the Bedford County Zoning Ordinance, or as the "zoning ordinance", is hereby ordained, enacted and published by the Bedford County Board of Supervisors, pursuant to Code of Virginia, tit. 15.2, ch. 22, as amended. All provisions contained herein, together with the official zoning map, shall constitute the complete zoning ordinance, a copy of which is on file in the department of community development.

(Ord. No. O120913-10, 12-9-2013)

### *Sec. 30-2. - Jurisdiction.*

The provisions of this ordinance shall apply to all property within the unincorporated portions of Bedford County, Virginia, including any property within the county that may be assessed in an adjoining jurisdiction.

(Ord. No. O120913-10, 12-9-2013)

### *Sec. 30-3. - Purpose.*

The zoning regulations and districts set forth in this ordinance are for the general purpose of implementing the comprehensive plan of Bedford County. They are designed to achieve the general purposes of promoting the health, safety, and general welfare of the public, and of further accomplishing the objectives of Section 15.2-2200 of the Code of Virginia, as amended. To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:

- (1) Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- (2) Reduce or prevent congestion in the public streets;
- (3) Facilitate the creation of a convenient, attractive, and harmonious community;
- (4) Facilitate the provision of adequate police, fire protection, disaster evacuation, civil defense, transportation, water, sewer, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- (5) Protect against destruction of or encroachment upon historic buildings or areas;
- (6) Protect against one (1) or more of the following: overcrowding of land; undue density of population in relation to the community facilities existing or available; obstruction of light or air; hazards and danger and congestion in travel and transportation; or loss of life, health, or property from fire, flood, panic, or other hazards;
- (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;
- (8) Provide for the preservation of agricultural and forested lands and other lands of significance for the protection of the natural environment;
- (9) Protect approach slopes and other safety areas of licensed airports;
- (10) Promote the creation and preservation of affordable housing for the meeting of current and future needs of the locality as well as a reasonable proportion of the current and future needs of the of the planning district within which the locality is situated; and
- (11) Protect surface and groundwater resources.

(Ord. No. O120913-10, 12-9-2013)

**State law reference**— Code of Virginia, §§ 15.2-2200, 15.2-2280 and 15.2-2283.

*Sec. 30-4. - Zoning map.*

The zoning map is composed of the several maps and digital source files, and all dimensions, symbols, notations, and designations shown on the maps and in the digital source files as maintained by the department of community development, and is incorporated by reference as part of this chapter. The zoning map also may exist in an analog zoning map book.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-5. - Application of regulations.*

No building, structure or land, or parts thereof, shall be used, occupied or constructed except in conformity with all the regulations specified in this chapter. Permitted and special uses are listed by district in the Permitted Use Table in article III. Any use not specifically designated as a listed permitted use or special use shall be deemed to be prohibited. Where the regulations of this chapter may be in conflict with one another, or with the regulations of other chapters of the County Code, the more restrictive regulation shall apply.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-6. - Zoning administrator; powers and duties.*

- (a) The county administrator, or his designee, shall serve as the zoning administrator. The zoning administrator shall be responsible for the enforcement and interpretation of this ordinance.
- (b) The zoning administrator, or his designee, shall have the following powers and duties:
  - (1) *Zoning permit.* To approve or deny a zoning permit for the erection, construction, reconstruction, moving, adding to or alteration of any structure, or the establishment of any land use. The zoning administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.
  - (2) *Certificate of zoning compliance.* To approve or deny a certificate of zoning compliance.
  - (3) *Collect fees.* To collect any fees required or set forth in this ordinance.
  - (4) *Making and keeping records.* To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.
  - (5) *Inspection of buildings or land.* To inspect any building or land to determine if violations of this chapter have been committed or exist.
  - (6) *Enforcement.* To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.
  - (7) *Request assistance.* To request the assistance of other local and state officials or agencies in the administration and enforcement of this ordinance.
  - (8) *Interpretation.* To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability.
- (c) The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include: (1) ordering in writing the remedying of any condition found in violation of the ordinance; (2) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Code of Virginia, § 15.2-2311, as amended; and (3) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under Code of Virginia, § 15.2-2307, as amended.
- (d) The zoning administrator is authorized to grant a modification from any building setback provision contained in the zoning ordinance if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other

properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. The procedures for granting such a modification shall comply with Code of Virginia, § 15.2-2286(A)(4), as amended. The decision of the zoning administrator shall constitute a decision within the purview of Code of Virginia, § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section and article I of this ordinance.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-7. - Establishment of districts.*

(a) The following are established as Bedford County zoning districts:

<b>Agricultural Districts:</b>	
AP	Agricultural/Rural Preserve District
AR	Agricultural/Residential District
AV	Agricultural Village Center District
<b>Residential Districts:</b>	
R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	Medium Density Multifamily Residential District
R-4	High Density Multifamily Residential District
PRD	Planned Residential Development District
R-MH	Manufactured Home Overlay District
RCO	Residential Cluster Overlay District (Reserved)
<b>Commercial Districts:</b>	
NC	Neighborhood Commercial District
C-1	Office District

C-2	General Commercial District
PCD	Planned Commercial Development District
<b>Industrial Districts:</b>	
I-1	Low-Intensity Industrial District
I-2	Higher-Intensity Industrial District
PID	Planned Industrial Development District
<b>Special Purpose Districts:</b>	
HO	Historic Overlay District
PO	Park Overlay District
AO	Airport Overlay District
ECO	Emergency Communications Overlay District
RRCO	Roanoke River Conservation Overlay District
WHP	Well-head Protection Overlay District
CO	Corridor Overlay District

The location and boundaries of these zoning districts are shown on the official zoning map.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-8. - Interpretation of district boundaries.*

Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, rights-of-way, or alleys shall be construed to follow such centerlines.

- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines, except that the zoning designation of any platted lot shall extend to the centerline of any adjacent street, right-of-way or alley.
- (3) Boundaries indicated as following centerlines of bodies of water shall be construed as following such centerlines. In the event such centerlines move as a result of natural forces, the boundary shall also move.
- (4) Where there is uncertainty concerning the location of a district boundary not resolved by the application of the above rules, the zoning administrator may interpret the official zoning map in such a way as to carry out the purpose and intent of this ordinance.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-9. - Zoning permits.*

- (a) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:
  - (1) Patios at grade, driveways, and sidewalks.
  - (2) Fences, provided their location and design conform to article V of this ordinance.
  - (3) Satellite dishes.
  - (4) The construction of a roof over an existing porch, stoop or deck which does not result in a change in the square footage of the structure.
- (b) It shall be the responsibility of the applicant to provide any information necessary for the zoning administrator to determine that the proposed use, building, or structure complies with all provisions of this ordinance.
- (c) For any use, building, or structure requiring an approved site development plan, no zoning permit shall be issued until such time as a site development plan is submitted, reviewed, and approved in accordance with article V of this ordinance.
- (d) For uses or structures not requiring an approved site development plan, the zoning administrator shall determine, in accordance with this ordinance, the type of information necessary to review the permit. At a minimum, a minor site plan shall be required meeting the standards contained in article V of this ordinance.
- (e) All zoning permits issued shall be valid for a period of six (6) months, unless the structure, use, or activity for which the permit was issued has commenced. Upon written request received prior to the expiration date of an issued zoning permit, the zoning administrator may grant one (1) extension not exceeding six (6) months from the expiration date of the permit, provided that the structure, use, and or activity complies with all applicable provisions of the ordinance at the time the permit extension request is received and approved.
- (f) The zoning administrator shall have the authority to approve the format and content of all zoning applications and other forms used in the administration and enforcement of the zoning ordinance.

(Ord. No. O120913-10, 12-9-2013; Ord. No. O021014-05, pt. V, 2-10-2014; Ord. No. O021317-05, pt. I, 2-13-2017)

*Sec. 30-9-1. Building permits; relation to zoning.*

No building permit for the extension, erection, or alteration of any building or structure shall be issued before an application has been made and a zoning permit issued. No building or structure shall be occupied or used until a certificate of zoning compliance has been issued.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-10. - Certificates of zoning compliance.*

- (a) A certificate of zoning compliance shall be required for any of the following:
  - (1) Occupancy or use of a building hereafter erected, enlarged, or structurally altered.
  - (2) Change in the use or occupancy of an existing building.
  - (3) Occupancy or change in the use of vacant land except for the raising of crops and other agricultural uses not involving structures. Forestry operations shall not require a certificate if such operations comply with the provisions of article IV of this ordinance.
  - (4) Any change in use of a nonconforming use, or any alteration of a nonconforming building or structure.
- (b) No such occupancy, use, or change in use shall take place until a certificate of zoning compliance has been issued by the zoning administrator. Such certificate shall certify that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. Upon application of the owner or an authorized agent, the county shall issue the certificate of zoning compliance for any building, structure, or lot, provided, that the county finds such building, structure, or lot is in conformity with all applicable provisions of this ordinance and all other applicable county laws.
- (c) The zoning administrator shall approve or deny any application for a certificate of zoning compliance within seven (7) days of an application being filed. If denied, the county shall advise the owner or owner's agent the reasons for the denial, and the specific actions required on the part of the owner before the certificate of zoning compliance can be issued.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-10-1. Temporary or partial certificates of zoning compliance.*

- (a) In situations where a building, structure, or property must be occupied or used prior to completion of all improvements required by county law, the county may issue a temporary or partial certificate of zoning compliance for the property upon application by the owner or authorized agent. Temporary or partial certificates of zoning compliance shall be valid for a period not to exceed eight (8) months, during which time all improvements required by county law must be made.
- (b) The county shall not issue any temporary or partial certificate of zoning compliance unless:
  - (1) The site and building is in a safe and usable condition, free from conditions that might endanger the health, safety, or welfare of persons using the site; and
  - (2) The owner or authorized agent provides to the county a performance guarantee, requiring approved completion of all unfinished work and improvements. This guarantee shall be payable to the county, in an amount determined by the county to be sufficient to insure satisfactory completion of all improvements required and related to the development. The performance guarantee may be in the form of a corporate surety bond, cashiers check, or irrevocable letter of credit. The county attorney shall approve the form and language of any instrument submitted;
  - (3) The zoning administrator shall have the authority to waive the performance guarantee if the unfinished improvements have an estimated value of less than five hundred dollars (\$500.00).
  - (4) The zoning administrator shall have the authority to grant an extension to the temporary certificate of zoning compliance, provided all performance guarantees remain in effect.

(Ord. No. O120913-10, 12-9-2013)

*Secs. 30-11, 30-12. - Reserved.*

*Sec. 30-13. - General procedural requirements.*

- (a) The specific procedures required for reviewing various applications differ. Generally, the procedures for all applications have (3) three common elements: submittal of a complete application, including applicable information and payment of the required fee; review of the submittal by designated officials, commissions, and boards; and action to approve, approve with conditions, or deny the

application. Submittal dates or filing deadlines are established by the requirements of the specific application.

- (b) Current application materials shall be made available in the department of community development. Applications shall be accompanied by payment of all fees and charges as set forth in the fee schedule established by the board of supervisors. Applications that require a public hearing pursuant to this chapter or the Code of Virginia (1950), as amended, shall be filed by a deadline as established by the applicable commission or board.
- (c) The zoning administrator shall review any application filed pursuant to this chapter for completeness. Nonpayment of required fees shall deem an application incomplete. Prior to processing an application pursuant to this chapter, the applicant shall be required to produce satisfactory evidence that any delinquent real estate taxes have been paid.
- (d) Applications for amendments to the ordinance and applications for a special use permit may be filed together provided that each application constitutes a separate public hearing.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-14. - Amendments to ordinance.*

- (a) The board of supervisors may amend, supplement or change the zoning regulations, district boundaries or classification of property whenever the public necessity, convenience, general welfare, or good zoning practice requires. The initiation of this process shall be as follows:
  - (1) Any zoning text amendment shall be initiated by resolution of the board of supervisors or motion of the planning commission. Any county officer or other person may request that the board of supervisors or the commission initiate a zoning text amendment. The board of supervisors shall consider citizen initiated zoning text amendments at the first regular meeting of the board during the months of May and October each year or at such other specified intervals of the year as may be established by resolution of the board. Such amendment proposals must be filed in writing with the zoning administrator no less than thirty (30) days prior to the specified meeting date. Upon favorable consideration of such text amendment, the board shall initiate the amendment by resolution as set out herein.
  - (2) Any proposed zoning map amendment shall be initiated by: (i) resolution of the board of supervisors; (ii) motion of the planning commission; or (iii) by application of owner, contract purchaser with the owner's written consent, or the owner's agent thereof, of the property which is the subject of the proposed zoning map amendment. Any application submitted shall be in writing and submitted to the zoning administrator using the application form approved for such purpose.
- (b) The zoning administrator shall establish and maintain the amendment application materials. These application materials shall, at a minimum, include any information the zoning administrator deems necessary for the planning commission and board of supervisors to evaluate adequately the amendment request. A concept plan shall accompany all map amendment requests. A concept plan shall include at a minimum what is required of site development plans in article V.
- (c) If any amendment application is withdrawn at the written request of the applicant to the zoning administrator subsequent to the planning commission's recommendation on the application, or if the board of supervisors denies any amendment application submitted for its review, the county shall not consider substantially the same application for the same property within one (1) year of the application's withdrawal or the board of supervisors' action. The zoning administrator shall have the authority to determine whether new applications submitted within this one-year period are substantially the same. In making any such determination the zoning administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.
- (d) An amendment application may be put on hold upon written request of the applicant and agreement by the planning commission or the board of supervisors. This hold shall not exceed six (6) months. This request shall state reasons for said extension. The applicant shall make a written request to the

zoning administrator to reactivate the amendment application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of subsection (c) above. Any remaining fees would be due at said time.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-14-1. Planning commission study and action.*

- (a) All proposed amendments to the zoning ordinance shall be referred by the board of supervisors to the planning commission for study and recommendation. The planning commission shall study proposals to determine:
  - (1) The need and justification for the change.
  - (2) When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the planning commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.
  - (3) The relationship of the proposed amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.
  - (4) Whether the proposed amendment conforms to the general guidelines and policies contained in the county comprehensive plan.
- (b) Prior to making any recommendation to the board of supervisors on a proposed amendment to the zoning ordinance, the planning commission shall advertise and hold a public hearing in accordance with the provisions of Section 15.2-2204 of the Code of Virginia, as amended. The cost of all public advertisements shall be the responsibility of the applicant. This hearing may be held jointly with the board of supervisors.
- (c) The planning commission shall review the proposed amendment and report its findings and recommendations to the board of supervisors along with any appropriate explanatory materials within ninety (90) days from the first meeting of the planning commission after the proposed zoning ordinance amendment is referred to the planning commission. Failure of the planning commission to report to the board of supervisors within ninety (90) days shall be deemed a recommendation of approval. If the planning commission does not report within ninety (90) days, the board of supervisors may act on the amendment without the recommendation of the planning commission. In its initiating resolution to the planning commission, the board of supervisors retains the right to reduce the planning commission's time to report its finding and recommendation to the board of supervisors to sixty (60) days from the first meeting of the planning commission after the proposed zoning ordinance amendment is referred to the planning commission.
- (d) Any recommendation of the planning commission shall be deemed advisory, and shall not be binding on the board of supervisors.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-14-2. Board of supervisors study and action.*

- (a) Before enacting any proposed amendment to the zoning ordinance, the board of supervisors shall hold a public hearing as required by Code of Virginia, § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant. After holding this hearing, the board of supervisors may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by Code of Virginia, § 15.2-2204. Amendment to the zoning ordinance shall be by ordinance of the board of supervisors. The board of supervisors shall take action on the proposed amendment within twelve (12) months from the date of application, unless the applicant agrees to a longer period of time or withdraws the amendment application.

- (b) The clerk of the board of supervisors shall transmit to the zoning administrator official notice of any board of supervisors' action modifying the zoning ordinance. The zoning administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the zoning ordinance text or map.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-14-3. Posting of property.*

- (a) Notwithstanding any advertising requirements imposed by Code of Virginia, § 15.2-2204, as amended, any proposed map amendment, special use permit, variance, or any other type of review as elsewhere specified in this ordinance shall have public notice signs posted on the subject property by the county.
- (b) Signs shall be posted on the subject property at least fourteen (14) days prior to the planning commission's public hearing and shall remain posted until the board of supervisors has acted on the application or the application has been withdrawn.
- (c) There shall be at least one sign posted along each public right-of-way abutting the property. For properties that lack any public right-of-way, the location and number of signs shall be determined by the zoning administrator.
- (d) Each sign shall state that the subject property is subject to a public hearing and explain how to obtain additional information about the public hearing. All signs erected must be posted within ten (10) feet of the adjacent right-of-way, and must be clearly visible from same.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-14-4. Posting of property; exemptions.*

The following exemption shall apply to the provisions of section 30-14-3:

- (1) The posting of property shall not be required for any action initiated by a resolution of the board of supervisors, if the action encompasses more than twenty-six (26) parcels of land.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-15. - Conditional zoning; generally.*

- (a) In accordance with the authority granted to Bedford County per Code of Virginia, § 15.2-2298, as amended, the owner of property for which an amendment is requested may voluntarily proffer in writing reasonable conditions, in addition to the applicable regulations for the requested zoning district. All proffered conditions must be signed by the owner of the property.
- (b) Bedford County's acceptance of proffers pursuant to this authority shall be in accordance with the procedures and standards contained in Code of Virginia, § 15.2-2298, as amended.
- (c) All conditions proffered by the owner shall meet the following standards:
  - (1) The rezoning itself must give rise for the need for the conditions.
  - (2) The conditions shall have a reasonable relation to the rezoning.
  - (3) The conditions shall be in conformity with the comprehensive plan.
  - (4) The conditions must be clearly understood and enforceable.
  - (5) The conditions must not require or allow a design or standard that is less restrictive than the general provisions of this ordinance.
- (d) Any such conditions should be submitted prior to the start of the planning commission's public hearing on the amendment. All conditions shall be submitted prior to the start of the board of supervisors' public hearing, and shall also be submitted in accordance with any adopted board of supervisors' policy pertaining to the submittal of proffers. The board may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the

overall proposal. If proffered conditions which substantially modify the nature or impact of the proposed use are made by the owner after the planning commission's recommendation on the amendment, the zoning administrator shall recommend to the board of supervisors that the amendment be referred back to the planning commission for further review and action. The planning commission shall have the authority to schedule a new public hearing for any request so referred. The applicant shall be responsible for all advertising costs associated with the new public hearing.

- (e) The planning commission and the board of supervisors shall not be obligated to accept any or all of the conditions made by the property owner.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-15-1. Enforcement of conditions.*

- (a) The zoning administrator shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

- (1) The ordering in writing of the remedy of any noncompliance with such conditions.
- (2) The bringing of legal action to insure compliance with such conditions.
- (3) Requiring a guarantee satisfactory to the zoning administrator in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions; or a contract for the construction of such improvements, and the contractor's guarantee, in like amount and so conditioned; which guarantee shall be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

- (b) Failure of a property owner to meet all conditions accepted by the board of supervisors shall constitute cause to deny approval of a site development plan, or deny issuance of a zoning permit, building permit, or certificate of zoning compliance, as may be appropriate.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-15-2. Records of conditions.*

The zoning map shall show by an appropriate symbol on the map the existence of conditions attached to the zoning on the map. The zoning administrator shall keep and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating the conditions in addition to the regulations provided for in a particular zoning district or zone.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-15-3. Review of zoning administrator's decisions.*

Any zoning applicant, or any other person aggrieved by a decision of the zoning administrator made pursuant to the provisions of section 30-15, may petition the board of supervisors for the review of the decision of the zoning administrator. All such petitions for review shall be filed with the zoning administrator and clerk of the board of supervisors within thirty (30) days from the date of the decision for which review is sought. All such petitions shall specify the grounds upon which the petitioner is aggrieved.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-15-4. Amendments and variations of conditions.*

- (a) Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the board of supervisors shall be considered an amendment to the zoning ordinance, and shall be reviewed pursuant to the provisions contained in section 30-14
- (b) There shall be no amendment or variation of conditions created pursuant to the provisions of this ordinance until after a public hearing by the planning commission and board of supervisors

advertised pursuant to the provisions of Code of Virginia, § 15.2-2204, as amended. The cost of all public advertisements shall be the responsibility of the applicant.

(Ord. No. O120913-10, 12-9-2013)

Secs. 30-16—30-18. - Reserved.

Sec. 30-19. - Special use permits; applicability and purpose.

- (a) The procedures and standards contained in this section shall apply to all uses specifically permitted as special uses in the district regulations found elsewhere in this ordinance.
- (b) This category of uses known as special uses is established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location, and conditions imposed by the board of supervisors be compatible with existing and future uses in a district.
- (c) The review and subsequent approval or disapproval of a special use permit by the board of supervisors shall be considered a legislative act, and shall be governed by the procedures thereof.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-19-1. General standards.*

- (a) The zoning administrator shall not accept a special use permit application for a lot or parcel that does not comply with the minimum requirements contained in the use and design standards for that use. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the zoning administrator shall thereafter accept the special use permit application for the consideration of the planning commission and board of supervisors.
- (b) No special use permit shall be issued except upon a finding of the board of supervisors that in addition to conformity with any standards set forth in article IV, Use and Design Standards, the proposed special use conforms with the following general standards. These standards shall be met either by the proposal made in the original special use permit application, or by the proposal as modified or amended as part of the review of the application by the planning commission and the board of supervisors:
  - (1) The proposal as submitted or modified shall conform to the comprehensive plan of the county, or to specific elements of the plan, and to official county policies adopted in relation thereto, including the purposes of the zoning ordinance.
  - (2) The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impacts.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-19-2. Application requirements.*

- (a) An application for a special use permit may be initiated by:
  - (1) Resolution of the board of supervisors; or
  - (2) Motion of the planning commission; or
  - (3) Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property for which a special use permit is requested.
- (b) The applicant for a special use permit shall provide, at the time of application, information and or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to

demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood in terms of public health, safety, or general welfare.

- (c) All applications submitted for special use permits shall show the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown at the time of the original application. The applicant shall have the responsibility to show that the proposal meets all of the applicable specific and general standards for the use.
- (d) The zoning administrator shall establish and maintain the special use permit application materials. At a minimum these materials shall require the submittal of a concept plan.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-19-3. Review and action.*

- (a) The department of community development shall review all special use permit applications submitted. This review shall evaluate the proposal against the comprehensive plan and the specific and general standards for the requested use. The department of community development shall make a report of its findings to the planning commission. This report shall contain all information pertinent to the evaluation of the request.
- (b) The planning commission shall review and make recommendations to the board of supervisors concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with Code of Virginia, § 15.2-2204, as amended. This hearing may be held jointly with the board of supervisors. Posting of the property shall be in accordance with section 30-14-3 of this ordinance. The planning commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the special use, public comment received at the hearing, and the information and evaluation of the department of community development. In making a recommendation to the board of supervisors, the planning commission may recommend any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.
- (c) The board of supervisors may grant or deny any applicant a special use permit after notice is given and a public hearing is held in accordance with Code of Virginia, § 15.2-2204, as amended. No action on any special use permit shall be taken until the board of supervisors has received the recommendation of the planning commission. In granting a special use permit, the board of supervisors may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-19-4. Time limitations.*

- (a) Within ninety (90) days from the date that the proposed special use permit application is referred to the planning commission, unless a longer period shall have been established by mutual agreement between the board of supervisors and the planning commission in a particular case, the planning commission shall review the proposed application and report its findings and recommendation to the board of supervisors along with any appropriate explanatory materials. Failure of the planning commission to report to the board of supervisors within ninety (90) days shall be deemed a recommendation of approval. If the planning commission does not report within ninety (90) days, the board of supervisors may act on the application without the recommendation of the planning commission.

- (b) The board of supervisors shall hold a public hearing and approve or deny any special use permit application within twelve (12) months after receiving the planning commission's recommendation. Failure to act on any permit within this twelve-month period shall be deemed denial of the permit.
- (c) Any special use permit granted shall be null and void two (2) years after approval by the board of supervisors if the use or development authorized by the permit is not commenced to a degree that, in the opinion of the zoning administrator, clearly establishes the intent to utilize the granted special use permit in a period of time deemed reasonable for the type and scope of improvements involved.
- (d) Special uses which are approved by the board of supervisors shall run with the land, except that:
  - (1) Activities or uses approved by a special use permit which are discontinued for a period of more than two (2) consecutive years shall not be reestablished on the same property unless a new special use permit is issued in accordance with this ordinance.
  - (2) A special use permit shall be void, if at the time of the commencement of the authorized use, activity, or structure, the site for which the permit has been granted contains other uses or activities not in place at the time of the issuance of the special use permit.
- (e) If any special use permit application is withdrawn at the request of the applicant subsequent to the planning commission's recommendation on the permit, or if the board of supervisors denies any application submitted for its review, the county shall not consider any application for the same special use, on the same property, within one (1) year of the permit withdrawal or the board of supervisors' action.
- (f) The zoning administrator shall not accept any special use permit application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the zoning administrator shall thereafter accept the special use permit application for the consideration of the planning commission and board of supervisors.
- (g) A special use permit application may be put on hold upon written request of the applicant and agreement by the planning commission or the board of supervisors. This hold shall not exceed six (6) months. This request shall state reasons for said extension. The applicant shall make a written request to the zoning administrator to reactivate the special use permit application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of subsection (e) above. Any remaining fees would be due at said time.

(Ord. No. O120913-10, 12-9-2013)

#### Sec. 30-20. - Fees.

Administrative review fees for permits and procedures specified by this ordinance shall be established by the board. A schedule of these fees is available in the department of community development.

(Ord. No. O120913-10, 12-9-2013)

#### Sec. 30-21. - Enforcement.

- (a) The zoning administrator may, as necessary, solicit the assistance of other local and state officials and agencies to assist with enforcement of this ordinance.
- (b) Upon becoming aware of any violation of any provisions of this ordinance, the zoning administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the zoning administrator has specified in such notice, the zoning administrator shall institute such action as may be necessary to terminate the violation.
- (c) If the zoning administrator is not able to obtain compliance within such reasonable time as set forth in the written notice of violation, civil and/or criminal procedures may be initiated in accordance with county law.

(Ord. No. O120913-10, 12-9-2013)

Sec. 30-22. - Penalties.

*Sec. 30-22-1. Criminal penalties.*

Any violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of not less than ten dollars (\$10.00), nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00), nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand five hundred dollars (\$1,500.00).

(Ord. No. O120913-10, 12-9-2013)

**State law reference**— Code of Virginia, § 15.2-2286(A)(5).

*Sec. 30-22-2. Civil penalties.*

- (a) Any violation of any provision of this ordinance, excluding any zoning violation resulting in injury to any persons, shall be deemed an infraction and may be punishable by a civil penalty of no less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for the initial summons or not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each additional summons.
- (b) Each day during which any violation of the provisions scheduled above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall any such violation arising from the same set of operative facts result in civil penalties which exceed a total of five thousand dollars (\$5,000.00).
- (c) The designation of a particular violation of this ordinance as an infraction under this section shall preclude the prosecution of such as a criminal misdemeanor, except for any violation resulting in injury to any person or persons, which may be so prosecuted as well.
- (d) The provisions of this section shall supplement the provisions of section 30-24 et seq. of this ordinance dealing with the board of zoning appeals. Use of these provisions shall stay any proceeding under this section.

(Ord. No. O120913-10, 12-9-2013)

**State law reference**— Code of Virginia, § 15.2-2209.

Sec. 30-23. - Procedure for special review of public service projects.

Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted plan, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in Code of Virginia, § 56-265.1(b) (1950), as amended, within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been

submitted to and approved by the planning commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by Code of Virginia, § 15.2-2204 (1950), as amended.

(Ord. No. O120913-10, 12-9-2013)

**State law reference—** Code of Virginia, § 15.2-2232.

*Sec. 30-23-1. Submittal of application.*

If a project is subject to the special review as determined in section 30-23 herein, an application shall be submitted in writing to the zoning administrator and shall be accompanied by two (2) copies of the application of the proposed project and with such other reasonable information shown thereon as shall be required by the zoning administrator. The zoning administrator shall submit said application to the planning commission. No fee shall be required for a special review of public service projects.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-23-2. Planning commission action.*

After review of the application, the planning commission shall recommend approval or disapproval of the proposed project. Prior to its decision, the planning commission may hold a public hearing in accordance with Code of Virginia, § 15.2-2204 (1950), as amended, if such public hearing would be in the best interest of the county. The planning commission shall communicate its findings to the board of supervisors including written reasons for said action. Failure of the planning commission to act within sixty (60) days of the submission of the application shall be deemed approval.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-23-3. Board of supervisors action.*

The board of supervisors may overrule the action of the planning commission by a vote of a majority of the membership thereof.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-23-4. Appeals.*

The owner or owners, or their agents, may appeal the decision of the planning commission to the board of supervisors within ten (10) days after the decision of the planning commission. The appeal shall be by written petition to the board of supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within sixty (60) days from its filing. A majority vote of the board of supervisors shall overrule the planning commission.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-24. - Nonconforming uses and structures; generally.*

- (a) Within the zoning districts established by this ordinance, or by future amendments which may later be adopted, there exist, or may exist lots, parcels, structures, uses of land and structures, and characteristics of site design and/or use which were lawful before this ordinance was adopted or amended, but which would be prohibited under the terms of this ordinance or future amendment. Such structures, uses, and characteristics, or any combination thereof, are considered nonconformities, and are hereby declared by the board of supervisors to be inconsistent with the character of the districts in which they occur.
- (b) Nonconformities are permitted to remain until removed, discontinued, or changed to conform to the provisions of this ordinance. It is the intent of this ordinance that the continuance of nonconformities should not be indefinite, and that the nonconforming uses, structures, or characteristics should gradually be removed.

- (c) Nothing shall be construed to grant conforming status to uses or structures that existed as legal nonconforming uses prior to the adoption of this section or amendment thereto, unless such uses and structures now conform to all applicable provisions of this ordinance.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-24-1. Nonconforming uses of buildings, structures or land.*

- (a) Where, at the effective date of this ordinance or amendment thereto, lawful use exists of buildings, structures, or land, individually or in combination, which use is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued provided:
  - (1) The use is not discontinued for more than two (2) years; however, if the use has been discontinued for more than two (2) years, but the site has been actively marketed in the interim, then that particular use or building shall be considered grandfathered and allowed to continue. Sufficient documentation of the marketing effort throughout the entire time period must be provided to the zoning administrator;
  - (2) The use is not converted or replaced, in whole or in part, by a use permitted in the district regulations;
  - (3) The buildings or structures containing the nonconforming use are maintained in their then structural condition.
- (b) No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel unoccupied by such use at the time of the adoption or subsequent amendment of this ordinance.
- (c) No building or structure not conforming to the requirements of this ordinance shall be erected in connection with the nonconforming use of land.
- (d) Where nonconforming use status applies to a building or structure, removal of the building or structure shall eliminate the nonconforming status of the building or structure or land.
- (e) Any legally established use which existed prior to the adoption of this ordinance or any subsequent amendments shall not be considered a nonconforming use where a special use permit is now required for establishment of such use. The use shall be allowed to continue operation, as well as reconstruct or structurally alter the building or structure without the necessity of obtaining a special use permit. However, approval of a special use permit shall be required, in accordance with section 30-19, when either of the conditions below are present, in the opinion of the zoning administrator:
  - (1) There is a fifty (50) percent or greater net increase (either one (1) time or cumulative) in the square footage of the use or structure proposed for expansion or enlargement; or
  - (2) The expansion or enlargement will substantially alter the site design and layout as it relates to circulation, parking, or other site characteristics so as to adversely affect surrounding properties.
- (f) A manufactured home park legally established prior to June 1, 1986 that is not designated with the R-MH overlay district shall be allowed to continue operation in conformance with the provisions contained in subsection 30-82-9(l), provided the use as a park has not been discontinued for a period of more than two (2) years.
- (g) Notwithstanding subsections (a) through (f) above, nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD Manufactured Housing Code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD Manufactured Housing Code. Any such replacement home shall retain the valid nonconforming status of the prior home.

(Ord. No. O120913-10, 12-9-2013; Ord. No. O 072522-04, Pt. I)

*Sec. 30-24-2. Expansion of Nonconforming uses of buildings, structures, or land with LUGS special use permit approval.*

- (a) A nonconforming use shall be allowed a fifty (50) percent increase (either one (1) time or cumulative) in the square footage of the use or structure in existence at the time of the initial adoption of this ordinance. Where, at the effective date of this ordinance or amendment thereto, a lawful use exists through a special use permit under LUGS of buildings, structures, or land, individually or in combination, which is planned for modification, such modification must adhere to the following procedure:
  - (1) All applications for modifications must be presented to the department of community development. All applications must be accompanied by maps, plans, surrounding property owner information, or other materials which will further detail the proposed modification.
  - (2) Adjoining property owners shall be given written notice and an opportunity to respond to the proposed modification within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said proposal in writing within the time specified above, the request shall be transferred to the planning commission and original approving board for public hearing and action.

(Ord. No. O120913-10, 12-9-2013; Ord. No. O 072522-04, Pt. I)

*Sec. 30-24-3. Expansion of Nonconforming uses of buildings, structures, or land established prior to adoption of LUGS.*

- (a) Any legal nonconforming use which was established prior to the adoption of LUGS (October 1989) may be allowed a greater than fifty (50) percent net increase (either one (1) time or cumulative) in the square footage of the use or structure proposed for expansion or enlargement provided a special use permit is approved in accordance with section 30-19

(Ord. No. O120913-10, 12-9-2013; Ord. No. O 072522-04, Pt. I)

*Sec. 30-24-4. Nonconforming buildings and structures.*

- (a) Where a lawful building or structure exists at the time of passage or amendment of this ordinance, which could not be built under the terms of this ordinance by reason of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the building or structure, or its location on a lot, such building or structure may be continued so long as it remains otherwise lawful provided:
  - (1) No building or structure shall be enlarged in any way which increases or extends its nonconformity.
  - (2) Any building or structure which is moved for any reason or for any distance shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - (3) This section does not apply to nonconforming signs.
- (b) If a nonconforming building or structure is destroyed or damaged by a natural disaster or act of God, such building or structure may be repaired, rebuilt or replace to eliminate or reduce the nonconforming features to the extent possible without the need to obtain a variance. If such structure or building is damaged greater than fifty (50) percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the county's floodplain ordinance. Unless such building or structure is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the

declaration, then the owner shall be given an additional two (2) years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph

(Ord. No. O120913-10, 12-9-2013; Ord. No. O 072522-04, Pt. I)

*Sec. 30-24-5. Nonconforming site designs.*

If a zoning permit is requested for any type of modification to an existing structure or site, no legal nonconforming site design plan that has been approved and/or constructed prior to the adoption of this ordinance shall be required to comply in full with the provisions of this ordinance. Only those site improvements directly related to or affected by the modified use, structure, or activity shall be required to comply in full with the provisions of this ordinance.

(Ord. No. O 072522-04, Pt. I)

*Sec. 30-24-6. Nonconforming lots of record.*

- (a) A lot of record that is nonconforming due to lack of adequate frontage, width, depth, or area may be developed, provided the development proposed on the lot is in accordance with the applicable use and design standards contained in the district regulations.
- (b) Any lot of record that is nonconforming because it has no public street frontage may be developed, or an existing structure on the lot may be expanded, provided the county reviews and grants a special use permit for the proposed development, expansion, and use in accordance with the standards and procedures contained in section 30-19 of this ordinance. This provision shall not apply to the use and development of such parcels for any agricultural and forestry use type, or for single-family or two-family dwellings.

(Ord. No. O 072522-04, Pt. I)

*Sec. 30-25. - Establishment of vested rights.*

- (a) As provided in Code of Virginia, § 15.2-2307, as amended, nothing in this ordinance shall be construed to discontinue any vested right except as described section 30-24 of this article.
- (b) Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this ordinance or amendments thereto, and upon which actual building construction was carried out diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has begun in preparation for rebuilding, such activities shall be deemed actual construction provided the work has been carried out diligently.
- (c) A landowner's rights shall be deemed vested in a land use and shall not be affected by an amendment to this ordinance when the landowner:
  - (1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project.
  - (2) Relies in good faith on the significant affirmative governmental act.
  - (3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.
- (d) For purposes of this section, the following are deemed to be significant affirmative governmental acts allowing development of a specific project:
  - (1) The governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment.
  - (2) The governing body has approved an application for a rezoning for a specific use or density.
  - (3) The governing body has granted a special exception or use permit with conditions.

- (4) The board of zoning appeals has approved a variance.
- (5) The governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances.
- (6) The governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property.
- (7) The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under Code of Virginia, § 15.2-2311(C).
- (e) In conjunction with the request for approval of a site plan, subdivision or building permit, the zoning administrator may make findings of facts, and, with concurrence of the county attorney, conclusions of law regarding determinations of vested rights accruing under Code of Virginia, § 15.2-2307.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26. - Board of zoning appeals.*

- (a) The board of zoning appeals shall consist of seven (7) who are residents of Bedford County who shall be appointed by the circuit court in accordance with the provisions of Code of Virginia, § 15.2-2308, and shall have such powers and duties as set forth in Code of Virginia, § 15.2-2309.
- (b) No member shall hold any public office; however one (1) member may be a member of the planning commission.
- (c) A member whose term expires shall continue to serve until his successor qualifies and is appointed.
- (d) The secretary of the board of zoning appeals shall notify the circuit court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the circuit court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- (e) Any member may be removed for malfeasance or nonfeasance in office, or for other just cause, by the circuit court hearing to be held after at least fifteen (15) days notice.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26-1. Rules of procedure.*

- (a) The board of zoning appeals shall develop, adopt, and maintain by-laws that govern its operation.
- (b) The board of zoning appeals shall elect a chairman and vice-chairman from its own membership who shall serve annual terms and may succeed themselves. The board of zoning appeals may elect as its secretary either one of its members or a qualified individual who is not a member of the board of zoning appeals. A secretary who is not a member of the board of zoning appeals shall not be entitled to vote on matters before the board of zoning appeals.
- (c) The board of zoning appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once each year.
- (d) All meetings of the board of zoning appeals shall be open to the public.
- (e) Any member of the board of zoning appeals shall be disqualified to act upon a matter before the board of zoning appeals with respect to property in which the member has an interest.
- (f) The meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as a quorum of the board of zoning appeals may determine.
- (g) The chairman, or in his absence, the vice-chairman or acting chairman, may administer oaths and compel the attendance of witnesses.
- (h) A quorum shall be at least four (4) members.

- (i) A favorable vote of at least four (4) members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board of zoning appeals is required to pass.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26-2. Powers and duties.*

- (a) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative office was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.
- (b) Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

- (c) To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
- (d) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by §15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- (e) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
- (f) To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

- (g) To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.
- (h) The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Ord. No. O120913-10, 12-9-2013; Ord. No. O-091415-08, pt. I, 9-14-2015)

*Sec. 30-26-3. Applications for variances.*

Applications for variances may be made by any property owner, tenant, government official, department, board or bureau of the county. All applications shall be submitted to the zoning administrator in accordance with rules adopted by the board of zoning appeals. All applications and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board of zoning appeals who shall place the application on the agenda to be acted upon by the board of zoning appeals within ninety (90) days of the filing of the application. No such application shall be heard except after notice and hearing as provided by Code of Virginia, § 15.2-2204, as amended. The zoning administrator

shall transmit notice of the variance application to the planning commission, which may send a recommendation to the board of zoning appeals, or appear as a party at the hearing.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26-4. Applications for appeals.*

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the zoning administrator, or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this ordinance. Appeals must be made within thirty (30) days after the entry of the decision appealed by filing with the zoning administrator and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of zoning appeals all of the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of zoning appeals that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by the board of zoning appeals, or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26-5. Procedures for variances and appeal.*

- (a) The board of zoning appeals shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to all parties of interest, and decide the same within ninety (90) days of the filing of the appeal. In exercising its power, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from.
- (b) The concurring vote of the majority of the entire board of zoning appeals shall be necessary to reverse any order, decision, requirement, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which the board of zoning appeals is required to pass under the terms of this ordinance, or to effect any variance from this ordinance.
- (c) The board of zoning appeals shall keep minutes of its proceedings and other official actions which shall be filed in the department of planning. All records shall be public records. The chairman of the board of zoning appeals, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(Ord. No. O120913-10, 12-9-2013)

*Sec. 30-26-6. Certiorari to review decision of board of zoning appeals.*

- (a) Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.
- (b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- (c) Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before

the board of zoning appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

- (d) The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

- (e) In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.
- (f) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.
- (g) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.
- (h) In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.
- (i) Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

(Ord. No. O120913-10, 12-9-2013; Ord. No. O-091415-08, pt. I, 9-14-2015)

*Sec. 30-26-7. Board of zoning appeals, ex parte communications, proceeding. (§ 15.2-2308.1)*

- (a) The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

- (b) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.
- (c) For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.
- (d) This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.

(Ord. No. O-091415-08, pt. I, 9-14-2015)

Sec. 30-27. - Reserved.

## ARTICLE II. - DEFINITIONS

Sec. 30-28. - Definitions.

(a) The following rules for general construction of language shall apply to this ordinance:

The specific shall control the general.

The word "person" includes a "firm, association, organization, partnership, corporation, trust, company," as well as an "individual."

Any words pertaining to gender shall be interchangeable and/or neutral in gender. The word "he" shall mean "she", and "she" shall mean "he".

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.

The word "shall" is mandatory; the word "may" or "should" is permissive.

The term "zoning administrator", "planning administrator", "chief planner" or "administrator" shall hereafter refer to the official charged with the enforcement of this ordinance.

All public officials, bodies, and agencies referred to in this ordinance are those of Bedford County, Virginia, unless otherwise specifically indicated.

(b) Terms that are not specifically defined in this section or elsewhere in the zoning ordinance shall be defined according to Webster's Third New International Dictionary of the English Language Unabridged (hereinafter "Webster's Third Dictionary").

(c) For the purposes of this ordinance, the words and phrases listed below in this section shall have the meanings described below:

*Accessory apartment:* A second dwelling unit within a detached single-family dwelling which is clearly incidental and subordinate to the main dwelling. An ancillary apartment is considered an accessory apartment.

*Accessory building or structure:* A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building. (i.e., garage, satellite dish, above ground pool, well house)

*Accessory use:* A use of land or a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use. (i.e., garage for equipment repair)

*Administrative services:* Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices.

*Administrator, zoning:* The official charged with the enforcement of this ordinance.

*Adult entertainment:* An establishment offering goods and services of an adult nature which includes the selling and rental of publications and other material of a sexual nature (i.e., adult book stores, adult video rental stores, adult theaters, adult nightclubs).

*Affected property owner:* The owner of any property upon which the proposed development will have a positive or negative impact.

*Agriculture:* The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture.

*Agricultural product sign:* Any sign displayed for the purpose of advertising agricultural products produced on the premises where the sign is displayed.

*Agricultural services:* An establishment primarily engaged in providing services specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

*Agricultural subdivision:* Agricultural zoned land where divisions of parcels are at least twenty (20) acres in size and have direct access to a public road over a road of record existing October 1, 1989.

*Agritourism activity:* Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

*Airport:* Smith Mountain Lake, New London, or any other licensed public-use, government, or military airport within the boundary of the county.

*Airport elevation:* The highest point on any usable landing surface expressed in feet above mean sea level.

*Air quality:* The specific measurement in the ambient air of a particular air pollutant at any given time.

*Alley:* Narrow passageway, greater than ten (10) feet in width, behind buildings.

*Alteration:* Any change or rearrangement in the adaptability, external appearance, or supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

*Alternative discharging sewage systems:* Any device or system which results in a point source surface discharge of treated sewage which is installed as a replacement system for a pre-existing individual single-family dwelling with flows less than or equal to one thousand five hundred (1,500) gallons per day on a yearly average. These systems are regulated by the Virginia Department of Health under a general Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Virginia Department of Environmental Quality, Division of Water. Systems which exceed one thousand five hundred (1,500) gallons shall be prohibited and shall not be considered a "utility service, major" as described in this ordinance.

*Amateur radio tower:* A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

*Amenities:* Manmade or natural features which enhance or make more attractive a particular site for development.

*Animal shelter:* A facility in which the principal activity is the temporary housing of animals placed there for adoption or disposal in a manner regulated by the Virginia Comprehensive Animal Laws, with such use owned, operated, or maintained by a public body, or by a nongovernmental entity including, but not limited to, an established duly-incorporated humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization devoted to the welfare, protection and humane treatment of animals.

*Antique shops:* Places offering primarily antiques for sale. An antique for the purposes of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.

*Approach surface:* A surface, whose design standards are referenced in section 30-72 of this ordinance, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 30-72 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach transitional, horizontal and conical zones:* The airspace zones set forth in section 30-72 of this ordinance.

*Archery range, outdoor:* The commercial use of land for archery target practice, temporary competitions, and educational purposes. Excluded from this use type shall be general hunting, and unstructured and non-recurring discharging of archery equipment on private property with the property owner's permission. This use is for the exclusive purpose of archery.

*Arterial, minor:* A highway linking cities and large towns, providing an integrated network for intrastate and intercounty service, supplementing the principal arterial system so that all geographic areas are within a reasonable distance of an arterial highway, and intended as routes that have minimum interference to through movement.

*Arterial, principal:* A highway providing an integrated network of roads that connect principal metropolitan areas and serve virtually all urban areas with a population greater than twenty-five thousand (25,000), and serving long distance travel demands such as state-wide and interstate travel.

*Asphalt plant:* An establishment engaged in manufacturing or mixing of paving materials derived from asphalt mixtures or tar.

*Auction house:* The use of a building and/or land for the temporary storage and sale on-premises of new and/or used goods by means of request or invitation for bids. Animals for sale shall not be allowed. The sale of inoperable motor vehicles as regulated by this ordinance shall also not be allowed. The temporary storage of items on-premises for auction shall not exceed thirty (30) days.

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

*Automobile graveyard:* Any lot or parcel, or part thereof, which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found, as defined in Code of Virginia, § 33.1-348 (1950), as amended.

*Automobile parts/supply, retail:* Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services.

*Automobile repair services, major:* Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

*Automobile repair services, minor:* Repair of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

*Automobile rental/leasing:* Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

*Automobile service station:* Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repair.

*Aviation facilities, general:* Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

*Aviation facilities, private:* Any area of land used or intended for the landing and taking-off of aircraft for personal use of the tenant or owner of the site, not available for public use or commercial operations. Aircraft includes helicopters, all fixed-wing planes and gliders, but not hang gliders.

*Awning:* A shelter constructed of rigid or nonrigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

*Base flood/100-year flood:* A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

*Base flood elevation (BFE):* The Federal Emergency Management Agency designated 100-year water surface elevation.

*Base map:* A document on which property lines are depicted to the most accurate scale available.

*Basement:* A story partly underground and having at least one-half of its height above the average adjoining grade on all sides of the building or structure.

*Bed and breakfast:* A dwelling in which not more than five (5) bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

*Best management practices:* A practice or combination of practices that is determined by the appropriate state agencies to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. The Virginia Best Management Practices Handbooks are available from the Virginia Department of Environmental Quality, Division of Water.

*Board:* The term board shall refer to the Board of Supervisors of Bedford County, Virginia, unless otherwise specifically indicated.

*Boarding house:* A dwelling unit, or part thereof, in which lodging is provided by the owner or operator who resides on the premises to three (3) or more but less than fourteen (14) boarders. Included in this use type are rooming houses and tourist homes.

*Board of zoning appeals:* The term board of zoning appeals shall refer to the Bedford County Board of Zoning Appeals, also referred to in this ordinance as BZA and board of appeals.

*Broadcasting tower:* A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar, or microwaves, and similar types of devices. Excluded are amateur radio towers, which are described separately.

*Building:* Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

*Building code:* The Virginia Uniform Statewide Building Code adopted by the board of supervisors and any amendments thereto.

*Building coverage:* That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

*Building, height of:* The vertical distance measured from the average adjoining grade on all sides of the building or structure to: in the case of flat roofs, the level of the highest point of the roof or top of the

building or structure; in the case of a mansard roof the deck line; and in the case of pitched roofs, including hipped, gable, and gambrel roofs, the mean level between the eaves and the highest point of the roof. Height requirements shall be in compliance with article III herein.

*Building line:* The line, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way, or in the case of the rear building line, farthest from the street right-of-way. See definition of "Lot frontage".

*Building inspector:* The building official appointed by the board of supervisors to administer and enforce the provisions of the building code, or his designated representative or agent.

*Building, main:* A building in which is conducted the main or principal use of the lot on which said building is situated.

*Building permit:* A permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the county building code.

*Business or trade schools:* A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university, or as a home occupation.

*Business support services:* Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

*Camp:* A use which primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

*Campgrounds:* Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles and/or tents.

*Campsite:* A designated plot of ground within a campground intended or used for the exclusive occupancy by a tent, recreational vehicle, or a vacation cottage.

*Car wash:* Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

*Cellar:* A story having more than one-half of its height below average adjoining grade on all sides of the building or structure.

*Cemetery:* Land used or dedicated to the burial of the dead, including columbaria, crematoriums, mausoleums, necessary sales and maintenance facilities. Mortuaries and funeral homes shall be included when operated within the boundary of such cemetery.

*Certificate of zoning compliance:* For the purposes of this ordinance, official certification that premises conform to all applicable provisions of the zoning ordinance and may be lawfully used or occupied.

*Change of use:* Any use which is not identical to the previous use of a building or land.

*Chimney:* a vertical structure incorporated into a building and enclosed a flue or flues that carry off smoke or gas fumes; including the part of such a structure extending above a roof.

*Church:* A building or structure, or group of buildings or structures, together with the surrounding area of land, which by design and construction are primarily intended for the conducting of religious services, day care/educational services and accessory uses associated therewith, and which are operated exclusively for such purposes on a nonprofit basis and are exempt from taxation pursuant to Code of Virginia, § 58.1-5617, as amended.

*Civic club:* A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. Civic club organizations include but are not limited to rural clubs, masonic clubs, private and nonprofit clubs, such as the YMCA.

*Circuit court:* The Circuit Court of Bedford County, Virginia.

*Clinic:* A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

*Cluster:* A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

*Collector, major:* A highway providing service to any major traffic generator not served by the arterial system, providing links to the higher classified highway routes, and serving as an important intra-county travel corridor.

*Collector, minor:* A highway collecting traffic from local roads, bringing all developed areas within a reasonable distance of a collector road, providing service to small communities, and linking important local traffic generators with the rural area.

*Colocate:* To locate with another user on an existing structure such as a tower, power, phone or light pole or stanchion; water tank or stand pipe, building or steeple, billboard sign or similar structure.

*Commercial delivery:* The delivery of goods, products, materials, or other items associated with a home occupation by any means other than that which would normally deliver to a residential neighborhood (i.e., U.S. Postal Service, UPS, Federal Express, etc.)

*Commercial feedlots (confined animal feeding operation):* A site where animals are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, and where the number of animals so confined include more than three hundred (300) slaughter or feeder cattle, two hundred (200) mature dairy cattle, seven hundred fifty (750) swine, one hundred fifty (150) horses, or thirty thousand (30,000) laying hens or broilers, or any other site designated by the Virginia Department of Environmental Quality, Division of Water as a "concentrated or intensified animal feeding operation" pursuant to the permit regulations for Virginia Pollution Discharge Elimination System and Virginia Pollution Abatement Permit Programs.

*Commercial indoor amusement:* Establishments which provide multiple coin-operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin-operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

*Commercial indoor entertainment:* Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, concert or music halls.

*Commercial indoor sports and recreation:* Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities, and indoor shooting ranges.

*Commercial outdoor entertainment:* Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

*Commercial outdoor sports and recreation:* Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

*Commercial use:* Any activity that is included in the following Standard Industrial Classification Code, 1987: 1500—1531, 1710—1760, 1793, 4100 (except 4150 and 4170), 4400, 4500, 4700, 4800, 5010,

5020, 5040, 5060 (except 5063), 5090 (except 5093), 5140, 5180, 5190, 5200—6700 (except 5980), 7000, 7200, 7300 (except 7353), 7500, 7600, 7800 to 8400, and 8600 to 8900 (except 8730).

*Commission:* The term commission shall mean the Planning Commission of Bedford County, Virginia.

*Communications services:* Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as major utility services or broadcasting towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

*Community recreation:* A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

*Compatible:* Capable of existing together in harmony.

*Composting:* The agricultural process by which organic wastes (i.e., yard trimmings, food wastes, manures) are combined in proper ratios; adding bulking agents (i.e., wood chips), as necessary, to provide air space; controlling temperature, moisture and oxygen to achieve accelerated decomposition; thus producing a stable humus material.

*Condominium:* A building or group of buildings, created pursuant to Virginia Condominium Act of 1974, Chapter 4, section 55-79.39 et seq., Code of Virginia (1950) as amended, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be considered a residential (multifamily dwelling), commercial, office or industrial use based on the primary intended use of the building or buildings.

*Conference center:* Facilities used for business or professional conferences, wedding receptions, special events, seminars, and training programs, which may include accommodations for sleeping, eating, and recreation.

*Conical surface:* A surface, whose design standards are referenced in section 30-72 of this ordinance, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

*Consensus:* An unanimous agreement between the developer and affected property owners that the proposed project is compatible as determined by the presiding officer (formal voting prohibited).

*Construction sales and services:* Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

*Construction yards:* Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

*Consumer repair services:* Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

*Contiguous development:* Areas where adjacent properties are developed.

*Convenience store:* Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall include sales of various fuels. Typical uses include neighborhood markets and country stores.

*Correction facilities:* A public or privately operated use providing housing and care for individuals legally confined for violation of criminal law, designed to isolate those individuals from a surrounding community.

*County:* Shall mean Bedford County, Virginia.

*County comprehensive plan:* A document prepared and adopted in accordance with Code of Virginia, §§ 15.2-2223—15.2-2232, as amended, for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county.

*Cove:* A lake inlet of at least one hundred (100) feet as measured from the closed end of the inlet to a line linking the two (2) sides of the open end. The width of the open end must be at least fifty (50) feet wide.

*Crisis center:* A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings for a length of time not to exceed thirty (30) days.

*Cul-de-sac:* A street with only one (1) outlet, terminating in a circular turning area.

*Cultural services:* A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences.

*Custom manufacturing:* Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln.

*Dance hall:* Establishments in which more than ten (10) percent of the total floor area is designed or used as a dance floor; and where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

*Day care center:* Any facility operated for the purpose of providing care, protection and guidance to five (5) or more individuals during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four-hour period.

*Deck:* A structure, without a roof, directly adjacent to a principal building which has an average elevation of thirty (30) inches or greater from finished grade. A deck may be constructed of any materials.

*Dedication:* The transfer of private property to public ownership upon written acceptance.

*Developed land:* Any change to the land from its natural state other than property which is primarily devoted to agricultural use.

*Developer:* Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this ordinance to bring about development for the individual or another; includes the term "subdivider".

*Development:* A tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three (3) or more residential dwelling units. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

*Development plan:* Development plan shall be the same as "minor site plan" in article V, section 30-100-1.

*Dock:* A piling-mounted stationary or floating platform extending into the water and used as a landing place for boats or promenade or to protect or form a cove. The term dock shall include walkway, catwalk, wharf, piling, bulkhead, boat house and other similar structures.

*Domestic chickens:* The keeping of chickens located in principal residential zoning districts as an accessory use for the purpose of providing individual households in urban environments the opportunity to produce fresh eggs for personal household consumption.

*Domestic use:* Normal family or household use of water, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

*Driveway:* A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

*Dwelling:* Any building or portion thereof which is designed for or used for residential purposes.

*Dwelling, multifamily:* A building or portion thereof which contains three (3) or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, and apartments for elderly housing.

*Dwelling, single-family:* A site-built or modular building designed for or used exclusively as one (1) dwelling unit for permanent occupancy.

*Detached:* A single-family dwelling which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

*Attached:* Two (2) single-family dwellings sharing a common wall area, each on its own individual lot.

*Dwelling, two-family (Duplex):* The use of an individual lot for two (2) dwelling units which share at least one (1) common wall, each occupied by one (1) family.

*Dwelling unit:* One (1) or more rooms in a residential building or in a mixed building which is arranged, designed, used or intended for use by one (1) family and connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

*Easement:* A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, corporation or another person or entity.

*Educational facilities, college/university:* An educational institution authorized to award associate, baccalaureate or higher degrees.

*Educational facilities, primary/secondary:* A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

*Emergency Housing:* A manufactured home or recreational vehicle used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with article IV.

*Emission, minimal (Class B source):* Any stationary source whose uncontrolled emissions are less than one hundred (100) tons of any pollutant per year.

*Emission, moderate (Class A2 source):* Any stationary source whose uncontrolled emissions while operating at the design capacity are equal to or exceed one hundred (100) tons of any regulated pollutant per year but whose actual emissions are less than one hundred (100) tons per year.

*Emission, severe (Class A1 source):* Any stationary source whose actual emissions or potential emission while operating at the design capacity are equal to or exceed one hundred (100) tons of any pollutant per year.

*Engineer:* An engineer registered by the Commonwealth of Virginia.

*Equipment sales and rental:* Establishments primarily engaged in the sale, service or rental of tools, trucks, tractors, construction equipment, agricultural implements, party supplies, and similar industrial equipment, and the rental of temporary office/storage trailers. Included in this use type are the incidental storage, maintenance, and servicing of such equipment.

*Establishment:* Any business, enterprise or other land use permitted by this ordinance.

*Family:* One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption or guardianship, or under appropriate foster care, no such family shall contain over four (4) persons; but further provided, that domestic servants employed and housed on the premises shall not be counted as a family or families.

*Family day care home:* A single-family dwelling in which more than five (5) but less than thirteen (13) individuals, are received for care, protection and guidance during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.

*Family, immediate:* Any person who is a naturally or legally defined offspring, spouse, sibling, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.

*Family subdivision:* A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner with only one (1) such division allowed per family member.

*Farm employee housing:* A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multifamily dwelling(s) for seasonal employees in connection with an orchard or other agricultural use which relies on seasonal employees who must be housed.

*Farmers market:* A building, structure or place at which farmers and other individuals sell agricultural, horticultural, or aquacultural produce and merchandise directly to consumers. Additional merchandise may include garden accessories, baked goods, floral supplies, seasonal and similar items directly related to the principal use.

*Feed lot:* An enclosure used for the concentrated confinement and housing of livestock or poultry for their commercial feeding and fattening not incidental to normal agricultural use.

*Financial institutions:* Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on-site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and automatic teller machines (ATMs).

*Flea market:* An occasional or periodic market held in an open area or structure with on-site restroom facilities and on-site parking where groups of individual sellers offer goods for sale to the public.

*Flood:*

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion and undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in (1)a of this definition.

*Flood hazard areas:* The maximum area of the floodplain which is likely to be flooded once every one hundred (100) years or for which mud slides can be reasonable anticipated.

*Flood, 100-year:* A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

*Floodplain:* (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or, (2) an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

*Flood-prone area:* Any land area susceptible to being inundated by water from any source.

*Floodway:* The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

*Floor area, finished:* The sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of six and one-half (6½) feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

*Floor area, gross:* The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two (2) buildings, from the centerline of such common wall. In particular, floor area includes:

- (1) Basement space, except such space in a basement which has at least one-third of its height below grade level, and which is located in a residential building with not more than two (2) stories entirely above grade level;
- (2) Elevator shafts or stairwells at each floor;
- (3) Floor space in penthouse;
- (4) Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more;
- (5) Floor space in interior balconies or mezzanines;
- (6) Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- (7) Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded;
- (8) Floor space in accessory buildings except for floor space used for accessory off-street parking.

Floor area of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
- (2) Elevator or stair bulkheads, accessory water tanks, or cooling towers;
- (3) Uncovered steps;
- (4) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet;
- (5) Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
- (6) Unenclosed floor space used for permitted or required accessory off-street parking spaces;
- (7) Floor space used for accessory off-street loading berths;
- (8) Floor space used for mechanical equipment.

*Forestry operations:* The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the county, which shall be considered accessory to the development of the property.

*Food Truck or Trailer:* A street vending unit that is self-contained, readily movable trailer or motorized wheeled vehicle, currently registered with the Virginia Division of Motor Vehicles, designed and equipped to serve food that is prepared and made ready for consumption at the point of sale that is removed each day from the location where the food is sold.

*Frontage width:* (See Lot, frontage.)

*Funeral services:* Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes, mortuaries or crematories.

*Garage, private:* A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles. No facilities for mechanical service or repair of a commercial nature shall be permitted in a private garage.

*Garden center:* Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and hardscape materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores and lawn and garden centers. Routine lawn maintenance that includes mowing, landscaping, and planting shall be incidental to the use.

*Gasoline station:* Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. This may also include minor automobile repair services. See also "Automobile service station".

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

*Glare:* The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

*Golf course:* Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto. Driving ranges established as a principal use are excluded from this use type.

*Group home:* An establishment providing accommodations, counseling, guidance, supervision or similar services to minor or persons in need of assistance.

*Guidance services:* A use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four-hour day.

*Halfway house:* An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

*Hazard to air navigation:* An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the commonwealth.

*Hazardous waste:* Solid or liquid waste which, because of concentration, quantity, physical, chemical or infectious characteristics:

- (1) May cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- (2) May pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed; or
- (3) Is identified by United States Environmental Protection Agency as hazardous.

*Health department:* The Bedford County Health Department or its designated agent or representative.

*Height:* For the purpose of determining the height limits in all zones set forth in section 30-72 of this ordinance and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

*Height, wind energy system:* With regard to wind energy system, the height above grade of the fixed portion of the tower, including the turbine and blades (or other moving parts, depending on the technology used).

*Highway department:* The Virginia Department of Transportation, or its designated agent or representatives.

*Highway, primary:* All state highways in the "state highway system" so designated by the Commonwealth Transportation Board under requirements of Code of Virginia, § 33.1-25 (1950), as amended.

*Highway, secondary:* All roads of the Commonwealth of Virginia not currently in the primary system of state highways as provided for in Code of Virginia, § 33.1-67 (1950), as amended.

*Home beauty/barber salon:* Incidental use of a single-family dwelling for hair styling or barbering, established and conducted in accordance with article IV, Use and Design Standards.

*Home for adults:* An establishment that provides shelter and services which may include meals, housekeeping, and personal care assistance primarily for the elderly. Residents are usually functionally impaired and socially isolated but otherwise in good health. They are able to maintain a semi-independent life style, not requiring the more extensive care of a nursing home.

*Home occupation:* An accessory use of a dwelling unit, located either in the main building or an accessory building, for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a dwelling unit. Home occupations must be conducted in accordance with article IV, Use and Design Standards.

*Type I:* A home occupation of an intensity suitable for the more densely established residential areas typically found in the urban areas of the county.

*Type II:* A home occupation of an intensity suitable for agricultural and rural areas of the county.

*Horizontal surface:* A horizontal plane, whose design standards are referenced in section 30-72 of this ordinance, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

*Hospital:* A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

*Hotel/motel/motor lodge:* A building or group of attached or detached buildings containing lodging units for monetary compensation by transients for the day, week, or month and/or non-transients for more than a month. Such uses shall include a lobby, clerk's desk or counter and facilities for registration and keeping of records relating to guests. In addition, such uses should contain or provide one (1) or more of the following: ice/vending/snack machines, gift or other personal service-type shops, fitness/workout rooms, outdoor recreation amenities, meeting/conference rooms, maid/cleaning services, restaurant, and laundry facilities.

*Household pet:* Animals that are kept for personal use or enjoyment within the home. Household pet shall include, but is not limited to, dogs, cats, birds, and rodents.

*Humane society:* Any incorporated nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

*Industrial/commercial park development:* A form of development characterized by a unified site design for a variety of commercial and industrial uses, open space buffers, and a mix of building types in which flexibility is given to project planning by allowing for the specific land uses to be determined as the market/need arises.

*Industrial use, heavy:* Any activity that is included in the following Standard Industrial Classification Code, 1987: 1000, 1200—1700 (except 1500, 1710—1760, 1793, 1799), 2000—2200, 2400—2600, 2800—3500, 3700, 4600, 4900, 5050, 5093, 5170 and 7353.

*Industrial use, light:* Any activity that is included in the following Standard Industrial Classification Code, 1987: 1541, 1542, 1799, 2300, 2700, 3600, 3800, 3900, 4200, 5030, 5063, 5070, 5080, 5160, 5980 and 8730.

*Industry, Type I:* Enterprises engaged in the processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be assembling electrical appliances, bottling and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, and the production of items made of stone, metal or concrete.

*Industry, Type II:* Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

*Industry, Type III:* An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, natural resources are mined or quarried, and hazardous waste is treated or stored as the establishment's principal activity.

*Institutional use:* A nonprofit or quasi-public use, such as a church, library, or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose.

*Junk:* Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel and other old or scrap ferrous or nonferrous material.

*Junkyard:* An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk; or for the maintenance or operation of an automobile graveyard.

*Kennel, commercial:* The boarding, breeding, raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

*Kennel, private:* The keeping, breeding, raising, showing or training of three (3) or more dogs over six (6) months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

*Laboratories:* Establishments primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental and forensic laboratories, X-ray services, and pharmaceutical laboratories only involved in research and development. Excluded are any laboratories which mass produce one (1) or more products directly for the consumer market.

*Land disturbing activity:* Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

*Landfill, construction debris:* The use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations consisting of stumps, wood, brush, and leaves.

*Landfill, rubble:* The use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be nonreactive, and includes rubble, concrete, broken bricks and block.

*Landfill, sanitary:* An engineered land burial facility for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations. Its purpose is to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

*Landscaping:* The improvement of the appearance of an area by the planting of trees, grass, shrubs or other plant materials, or by the alteration of the contours of the ground.

*Landscaping and lawn care services:* Establishments or places of business engaged in the provision of routine lawn maintenance including mowing, landscaping and planting. Retail sale of equipment, plantings, or mulch are not considered to be in this category, see "Garden center".

*Laundry:* Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

*Life care facility:* A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home-type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

*Livestock market:* A commercial establishment wherein livestock are collected for sale and auctioned off.

*Loading space, off-street:* Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

*Lot:* A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, by metes and bounds, or as otherwise permitted by law, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land whether in a subdivision or a development (see Figure A).

*Lot, corner:* A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

*Lot coverage:* That area of a lot which is covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to stormwater. Gravel parking areas shall be considered impervious. Lot coverage can be expressed in a ratio. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit. It is the ratio of this area to the total area of the lot.

*Lot depth:* The average distance between the front and rear lot lines.

*Lot, double frontage:* A lot, other than a corner lot, which has frontage on more than one (1) street other than an alley. Double frontage lots may be referred to as through lots.

*Lot, frontage:* The distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way, except where the lot is along a principal stream or body of water, the frontage may be along the water, but in no case shall setbacks from the road be less than the required front yard setback for the proposed principal or accessory structure. All sides of a lot which abuts a street shall be considered frontage. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

*Lot, interior:* A lot, other than a corner lot, which has only one (1) frontage on a street other than an alley.

*Lot, irregular:* A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

*Lot line (property line):* The boundary of a lot.

*Lot of record:* A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's Office of the Circuit Court of Bedford County.

*Lot, pipestem:* A "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

*Lot, width of:* The average distance between side lot lines.

*Manufactured home:* A structure "subject to federal regulation", which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Code of Virginia, § 36-85.3 (1950)) See also "Mobile home".

*Manufactured home, accessory:* A manufactured home that is subordinate to a single-family dwelling or a manufactured home on a single lot and meets the additional criteria contained in article IV.

*Manufactured home park:* A parcel of land at least five (5) acres in size on which a minimum of ten (10) developed stands are in existence for lease or condominium ownership and two (2) mobile or manufactured homes are occupied as separate residences. A manufactured home park is also referred to as a mobile home park.

*Manufactured home sales:* Establishments primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts and equipment.

*Marina:* Shall mean and include, but not be limited to, any installation operating under public or private ownership, which provides dockage or moorage for boats (exclusive of paddle, canoe or rowboats). Provides through sale, rental, or fee basis, any boat, equipment, storage, supplies, or service (fuel, electricity, water, sewage, food or repairs) for the convenience of the public or its lessee, renters, or users of its facilities. Overnight accommodation on houseboats shall be allowed. Boat washes and restaurant facilities shall be permitted. An area for marine construction equipment and supplies is permitted. Also allowed are laundry facilities, bathhouses, picnic areas and playgrounds.

*Meat packing and related industries:* The processing of meat products and byproducts, primarily for commercial purposes, directly from live animals or offal from dead animals.

*Meeting hall:* A building designed for public or private assembly for special events or regularly scheduled programs, and available to the general public for a fee. "Meeting hall" includes banquet halls, reception halls, and wedding halls.

*Microbrewery:* A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on- or off-premises, with a capacity of not more than fifteen thousand (15,000) barrels per year. The development may include other uses such as a restaurant as otherwise permitted in the zoning district.

*Mini-cell:* A WCF consisting of a support structure and the associated equipment. The support structure shall not exceed the average height of trees on the site or in the vicinity plus fifteen (15) feet. The equipment shall blend in with surrounding uses and any wiring shall be painted to match the pole.

*Mini-warehouse:* A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of four hundred (400) square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

*Mobile home:* A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (Code of Virginia, § 46-2-100 (1950)) See also "Manufactured home".

*Mobile or manufactured home lot:* A parcel of land within the boundaries of a mobile or manufactured home park provided for the placement of a single or double-wide mobile or manufactured home and the exclusive use of its occupants.

*Modular home:* A dwelling unit constructed on-site in accordance with the Virginia Uniform Statewide Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. See also, "Dwelling, single-family".

*Natural resource:* Includes soil, sand, gravel, stone or other mineral (other than oil and gas) naturally formed on or beneath the surface of the earth.

*Natural watercourse:* Any natural stream, river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

*Nonconforming building:* Any building the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

*Nonconforming lot:* A lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

*Nonconforming structure:* Any pre-existing structure or object of natural growth which is inconsistent with the provisions or any amendment of this ordinance (section 30-23).

*Nonconforming use:* A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

*Nonresidential use:* A building or structure not used for residential purposes.

*Nonrural use:* The use of land, buildings or structures for other than a rural use.

*Not-for-profit:* An organization or activity which has obtained nontaxable status from the U.S. Internal Revenue Service.

*Nursing home:* A use providing bed care and in-patient services for persons requiring regular medical attention, including hospice care, but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

*Obstruction:* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height or penetrates an surface or zone floor, set forth in section 30-72 of this ordinance.

*Office, general:* Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, travel, or other business offices;

organization and association offices; or law, architectural, engineering, accounting or other professional offices.

*Office, medical:* Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

*Off-street parking area:* Space provided for vehicular parking outside the dedicated street right-of-way.

*Open space:* Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space, or refuse storage space. Open space may include, recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

*Open space, common:* Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate. Open space may include recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

*Outdoor gathering:* Any temporary organized gathering expected to attract either five hundred (500) throughout the course of the event or two hundred and fifty (25) or more people at any time in open spaces outside an enclosed structure. Included in this use type would be music festivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks or on public school property shall not be included within this use type. Church functions and County-sponsored events are exempt from this section, as well as functions held at private event centers which have previously received approval by the Board of Supervisors for outdoor-related events (e.g wedding venues and conference centers).

*Outdoor storage:* The keeping, in other than a building, of any goods, materials or merchandise on the same parcel for more than twenty-four (24) consecutive hours.

*Overlay district:* A district established by this ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

*Owner:* Any person, agent, firm, corporation or partnership having a legal or equitable interest in the property.

*Park and ride facility:* A publicly owned, short-term, parking facility for commuters.

*Parking facility, surface/structure:* Use of a site for surface parking or a parking structure unrelated to a specific use which provides one (1) or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

*Patio:* A level surfaced area directly adjacent to a principal building which has an average elevation of not more than thirty (30) inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

*Pawn shop:* A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

*Permit:* A document issued by Bedford County Department of Planning and/or Department of Building Inspections allowing a person to begin an activity provided for in this ordinance.

*Permitted use:* Use or activity which because of it's nature and impact is allowed to occur within a designated zoning or regulating district as a use by right or a special use.

*Personal improvement services:* Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

*Personal services:* Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

*Petroleum storage facility:* A structure constructed above ground for the purpose of storing and distributing petroleum and ethanol, such facility having a storage capacity in excess of fifty thousand (50,000) gallons, or connected to a pipeline directly.

*Place of worship:* A building or structure, or group of buildings or structures, together with the surrounding land, which by design and construction are primarily intended for the conduct of religious services, day care/educational services, and accessory uses associated therewith, and which are operated exclusively for such purposes on a nonprofit basis and are exempt from taxation pursuant to Code of Virginia, § 58.1-3607 (1950), as amended.

*Planned unit development:* A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

*Plat:* The schematic representation of land divided or to be divided.

*Pollutant or pollution:* Any material that causes the alteration of the physical, chemical or biological properties of any state waters, public or private water supplies, land or air in a manner that is: (a) harmful or detrimental or injurious to the public health, safety or welfare, or the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that: (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration or discharge or deposit to state waters by other owners is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the state water control board, are "pollution" for the terms and purposes of this ordinance.

*Porch:* A roofed open area, which may be glazed or screened, usually attached to or part of, and with direct access to or from, a building.

*Post office:* Postal services directly available to the consumer operated by the United States Postal Service.

*Prescriptive easement:* As used in this ordinance, an easement granted the Virginia Department of Transportation for the construction and maintenance of public roads owned by said department.

*Presiding officer:* A person appointed by the commission or board to preside at public meetings or hearings.

*Primary surface:* A surface, whose design standards are referenced in section 30-72 of this ordinance, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on a runway centerline.

*Principal building or structure:* A building or structure in which the primary use of the lot on which the building is located is conducted.

*Principal use:* The main use of land or structures as distinguished from a secondary or accessory use.

*Proffer:* An offer or proposal by which the property owner, or his agent, commits himself to additional requirements or restrictions on his property.

*Public:* Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state or federal government.

*Public assembly/use:* Facilities owned and operated by a public or quasi-public agency accommodating public assembly for sports, amusement or entertainment purposes. Typical uses include, auditoriums, sports stadiums, convention facilities, fairgrounds, and incidental sales and exhibition facilities.

*Public maintenance and service facilities:* A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

*Public parks and recreational areas:* Publicly owned and operated parks, picnic areas, playgrounds, indoor or outdoor athletic facilities, game preserves and open spaces.

*Public service authority:* Bedford County Public Service Authority.

*Public well:* A well that has fifteen (15) or more connections or twenty-five (25) or more people on one (1) well.

*Railroad facilities:* Railroad yards, equipment servicing facilities and terminal facilities.

*Recreational vehicle:* A vehicle which can be towed, hauled or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. Recreational vehicles shall include travel trailers, pick-up campers, motorhomes, tent trailers or similar devices used for temporary mobile housing and shall also include boats. The term "recreational vehicle" does not include mobile or manufactured homes.

*Recreational vehicle parks:* Facilities for recreational vehicles, pick-up coaches, motorhomes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

*Recreational vehicle sales and service:* Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

*Recycling centers and stations:* A receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to take voluntarily source separated materials for recycling.

*Religious assembly:* Religious assembly is the gathering of two (2) or more persons according to religious belief and occurring within a structure or upon property with the consent of the property owner. Such assembly is a protected right under the First Amendment to the U.S. Constitution, and further guarded by the Religious Land Use and Institutionalized Persons Act of 2000, as amended. Religious assembly includes any religious exercise of religion, whether or not compelled by, or central to, a system of religious belief as protected under RLUIPA.

*Religious assembly resolution panel:* A voluntary panel that may review requirements of the zoning ordinance or subdivision ordinance when a religious assembly or religious exercise contends such regulation violates the religious rights protected by the First Amendment to the U.S. Constitution or to the Religious Land Use and Institutionalized Persons Act of 2000, as amended. RLUIPA prohibits zoning and landmarking laws that: Treat churches or other religious assemblies on less than equal terms with nonreligious institutions; discriminates against any assemblies or institutions on the basis of religion; denomination; totally excludes religious assemblies from a jurisdiction; or unreasonably limit religious assemblies, institutions or structures within a jurisdiction.

*Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA):* A federal law asserting that government shall not impose or implement land use regulations that: (a) excludes religious assemblies from a jurisdiction; or (b) unreasonably limits religious assemblies, institutions or structures within a jurisdiction, and where government shall not impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

*Replacement cost:* The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.

*Resident engineer:* The resident engineer for Bedford County, Virginia, employed by Virginia Department of Transportation, or his designated agent.

*Residential human care facility:* A building used as a family care home, foster home, or group home serving not more than eight (8) individuals (plus one or more resident counselors or other staff), not related by blood or marriage, who are mentally ill, intellectually disabled, aged, infirm, or otherwise disabled, pursuant to Code of Virginia, § 15.2-2291, as amended. For purposes of this definition, “residential facility” means any group home or other residential facility for which the Department of Behavioral Health and Development Services is the licensing authority, as well as any assisted living facility or residential facility for which the Department of Social Services is the licensing authority. Excluded from this definition are drug or alcohol rehabilitation centers, halfway houses and similar uses.

*Residential use:* A building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple-family dwellings, mobile or manufactured homes, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels; but not including monasteries, convents, transient accommodations such as hotels, motels, tourist cabins, or recreation vehicle parks, or that part of a mixed building used for any nonresidential use, except accessory to residential uses.

*Resource extraction:* A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

*Restaurant, drive-in or fast-food:* An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter, a drive-up or drive-through service facility or offers curbside service.

*Restaurant, family:* An establishment engaged in the preparation of food and beverages containing no more than two thousand (2,000) gross square feet and characterized primarily by table service to customers in nondisposable containers. Typical uses include cafes, coffee shops and small restaurants.

*Restaurant, general:* An establishment engaged in the preparation of food and beverages containing more than two thousand (2,000) gross square feet and characterized primarily by table service to customers in nondisposable containers.

*Resubdivision:* A professionally prepared drawing of the creation of new lots or parcels from existing lots or parcels on a subdivision plat recorded in the office of the clerk of the circuit court.

*Retail sales:* Sale or rental with incidental service of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically by definition.

*Revised plat:* A professionally prepared drawing of changes to items (setback lines, easements, etc.) on an existing subdivision plat recorded in the office of the clerk of the circuit court.

*Right-of-way:* A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

*Right-of-way line:* The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

*Right-of-way, state owned:* The right-of-way owned by the Virginia Department of Transportation on which public roads are constructed and maintained.

*Runway:* A specified area on an airport prepared for landing and takeoff of aircraft.

*Rural use:* An activity defined as an agricultural use, agricultural services use or a forestry operation.

*Safety services, private:* Uses for the conduct of safety and emergency services for the primary benefit of the public, privately owned and operated, including emergency medical and ambulance services.

*Safety services, public:* Uses for the conduct of safety and emergency services for the primary benefit of the public, publicly owned and operated or financially supported by the municipality, including police and fire protection services and emergency medical and ambulance services.

*Salvage vehicle:* Any vehicle that has been purchased either by a salvage dealer for use as parts only or by a demolisher for scrap only; or any motor vehicle which either has been crushed, flattened, or otherwise reduced to such as state that its restoration would require the replacement of three (3) or more of the following major component parts: front clip assembly (fenders, grille, hood, bumper, and related parts), engine, transmission, rear clip assembly (quarter panels, floor panel assembly), or doors.

*Salvage yard:* Any lot or parcel, or part thereof, including automobile graveyards, where a salvage vehicle, or parts thereof, are located for the purposes of resale as parts or as salvage only.

*Sanitary or solid waste management facility:* Any facility or zoning lot used for: (1) the disposal of solid waste materials by abandonment, discarding, dumping, reduction, burial, incineration or any other means, including accessory uses such as recycling, cogeneration, and methane recovery, or (2) a transfer station for solid waste storage or collection at which solid waste is transferred from collection vehicles to hauling vehicles, including but not limited to trucks, trains and tandem trailers, for transportation to a central solid waste management facility for disposal or resource recovery. This definition does not include transportable waste receptacles of commercial solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, shopping centers, motels, hotels, multiple residences, picnic grounds and day-use recreational areas. This definition does not include recycling bins. See also "Landfill, sanitary", "Recycling centers and stations" and "Transfer station".

*Sanitary or solid waste management facility, private:* A sanitary waste management facility that is not a public sanitary or solid waste management facility, and which is owned and operated by a private entity for the purpose of handling solid waste generated only by such private entity. See also "Landfill, sanitary", "Recycling centers and stations" and "Transfer station".

*Sanitary or solid waste management facility, public:* A sanitary waste management facility owned or operated by or on behalf of Bedford County or a regional solid waste management authority of which Bedford County is a member. See also "Landfill, sanitary", "Recycling centers and stations" and "Transfer station".

*Schools, private:* Any building or group of buildings the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

*Schools, public:* The system of free public primary, elementary and secondary schools established pursuant to Code of Virginia, § 22.1-2, as amended.

*Scrap and salvage services:* Places of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

*Screening:* A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to obscure substantially, but not necessarily totally, visual impacts between adjoining uses.

*Setback:* The minimum distance by which any building or structure must be separated from a street right-of-way or lot line. For setback purposes, the right-of-way or lot line, from which the setback is measured, for property abutting prescriptive easements or private roads, shall be twenty-five (25) feet from and parallel to the centerline of the prescriptive easement or private road.

*Setback line:* A line parallel to a street or lot line and extending the full width or length of the lot for a specified distance at all points from the property line, and thus defining an area on which no building or structures or portions thereof may be constructed.

*Sewerage system:* A collection of sewers with all its appurtenances, combined so as to operate together and serve a designated area for the purpose of receiving and disposing of sewage.

*Sewerage system, on-site (septic tank system):* A sewerage system designed not to result in a point source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the health department.

*Sewer system, public:* Any sewer system, regardless of size, which is either owned and operated by either a local government or its approved agent or authority or which is defined as a public system and is approved by the Bedford County Public Service Authority and the Virginia Department of Health. Approval shall include approval of the system itself (design, construction) and provision for its operation and maintenance.

*Shooting range, outdoor:* The commercial use of land for the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and unstructured and non-recurring discharging of firearms on private property with the property owner's permission.

*Shopping center:* A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided on-site, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

*Short term rental:* a residence, in part or in whole, that is (i) is offered in exchange for a charge for 30 days or less, and (ii) lawfully registered and permitted for such use. Examples of a residence include a building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels.

*Shoreline:* The area immediately adjacent to any state water, including lakes, ponds, and streams. More specifically, the line where open waters abut wetlands or fastlands during non-flood and non-drought periods. The normal shoreline of Leesville and Smith Mountain Lakes shall be defined as the full pond elevation of each (seven hundred ninety-five-foot elevation on Smith Mountain and six hundred thirteen-foot on Leesville Lake).

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a public business, a commodity, or product, which are visible from any public way and used as an outdoor display.

*Sign area:* A square, rectangle, triangle, circle, or other geometric configuration, encompassing the entire advertising area, excluding architectural trim and structural supports.

*Sign height:* The vertical distance measured from grade to the highest portion of the sign or sign structure.

*Sign setback:* The minimum distance required between any property line and any portion of a sign or sign structure.

*Sign structure:* The supports, uprights, bracing or framework of any structure exhibiting a sign, be it single-faced, double-faced, V-type or otherwise.

*Sign, attached:* Any sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is parallel to the building element to which it is attached. Attached signs have only one (1) face visible from a public right-of-way.

*Sign, awning:* A type of attached sign painted on, printed on, or otherwise affixed to the surface of an awning.

*Sign, banner:* A sign applied to cloth, paper, flexible plastic, or fabric of any kind and generally intended to be displayed on a temporary basis.

*Sign, business:* A sign which directs attention to a profession or business conducted, or to a commodity, service activity or entertainment sold or offered, upon the premises where the sign is located, or in the building to which the sign is affixed.

*Sign, commercial:* A sign informing or advertising products or activities for sale or profit.

*Sign, construction:* A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

*Sign, directional:* Any sign displayed for the direction and convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances or the like.

*Sign, freestanding:* A sign which is supported by structures or supports in or upon the ground and is independent of any support from any building.

*Sign, gateway:* A freestanding sign located at or near the entrances to a local jurisdiction. Such sign shall be restricted to the identification of the local jurisdiction, notification of civic, social or service organizations and items of public interest.

*Sign, home occupation:* A sign associated with home occupation uses as provided for elsewhere in this ordinance.

*Sign, identification:* A permanent on-premises sign displaying only the name of a subdivision, multifamily housing project, shopping center, industrial park, office park, church, school, public or quasi-public facility or similar type use.

*Sign, illuminated:* Any sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

*Sign, monument:* A freestanding sign directly affixed to a structure built on-grade in which the sign and the structure are an integral part of one another.

*Sign, neighborhood identification:* A freestanding sign displaying the name of an established neighborhood as a distinctive area by custom and/or usage and is recognized throughout the local jurisdiction. Signs identifying civic, social, and/or service organizations may be incorporated into the total area of the sign structure.

*Sign, off-premises:* A sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject not specific to the premises upon which it is located. Any sign which directs attention to a message, or business, commodity, activity, service or product not conducted, sold, or offered upon the premises where the sign is located. These signs may also be known as location signs, billboards, outdoor advertising signs, or general advertising signs.

*Sign, on-premises:* Any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located. On-premises signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

*Sign, political campaign:* A sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body.

*Sign, portable:* A freestanding temporary sign that is designed to be moved easily, and is not permanently affixed to the ground.

*Sign, projecting:* A sign that is affixed directly to a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building, and whose face is roughly perpendicular to the building element to which it is attached.

*Sign, public service:* A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event when conducted by or for the benefit of any civic, religious, educational or charitable cause; provided that the sign shall be displayed no longer than twenty-one (21) days per calendar year.

*Sign, roof:* A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

*Sign, suspended:* A sign that is suspended from a wall, roof, canopy, awning, marquee, mansard wall, parapet wall, or porch of a building by means of brackets, hooks or chains, and the like, and whose face is roughly perpendicular or parallel to the building element to which it is attached.

*Sign, temporary:* Any sign, banner, pennant, valance, or advertising display applying to a seasonal or brief activity constructed of cloth, canvas, light fabric, cardboard, wallboard, or other materials with or without frames intended to be displayed for a period of not more than thirty (30) days. For the purposes of these regulations, on-premises real estate signs and signs displayed on active construction projects shall be considered temporary when displayed in accordance with article V herein.

*Sign, wall:* A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign which does not project more than twelve (12) inches from such building or structure.

*Signs, historic site:* A sign erected and maintained by a public agency, or nonprofit historical society, that identifies the location of, and provides information about, a historic place or event.

*Solid waste:* Any of those materials defined as "solid waste" in Part III, Solid Waste Management Regulations, Department of Waste Management, Commonwealth of Virginia, and as amended.

*Special use:* A permitted use with characteristics different from by-right uses in that zoning district which may, nevertheless, be compatible with those by-right uses under special conditions and with adequate public review. See section 30-19.

*Stable, commercial:* The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies.

*Stables, private:* The keeping, breeding, or raising of horse or ponies exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

*Standard industrial classification (SIC):* A multi-digit code utilized by the federal executive office of management and budget to classify establishments by type of activity in which they are engaged.

*Stoop:* A platform, without a roof, located at the entrance of a building with sufficient area to facilitate the ingress and egress to the building.

*Story:* That portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

*Stream:* Any flowing body of water defined on the USGA 7.5-Minute Topographic Quadrangle Maps with a solid blue line.

*Street:* A strip of land comprising the entire area within the right-of-way which: (1) is an existing state or municipal roadway; or, (2) is shown on a plat recorded or approved pursuant to law; or, (3) is approved by other official action. Unless otherwise indicated, the term "street" shall refer to both public and private streets. The word "street" includes road, thoroughfare, parkway, avenue, lane, boulevard, expressway, highway, place, throughway, square, alley, or however designated with the above mentioned right-of-way.

*Street centerline:* A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

*Street, private:* Any road, street, highway or other means of vehicular access to a parcel of land not dedicated or intended for public use.

*Street, public:* A strip of land comprising the entire area within the right-of-way intended for public use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot and which is presently a portion of the highway department's street and road system, or is a proposed addition

to the highway department's street and road system in which case the improvement of which shall meet the construction standards of the highway department.

*Structure:* Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.

*Studio, fine arts:* A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer.

*Subdivider:* A person owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who may have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing, or executing the legal requirements of the subdivision.

*Subdivision:* Division of any tract, parcel or lot of land into two (2) or more parts at one (1) time or any extended period of time; except, however:

- (1) The term "subdivision" shall not include a bona fide division or partition of agricultural land for agricultural purposes, provided no new streets are required.
- (2) The zoning administrator shall permit the separation of one (1) parcel from a tract of land without complying with all requirements of this ordinance if it is: (a) not in conflict with the general meaning and purpose of the ordinance; and (b) no new streets are required to serve the parcel.
- (3) The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as defined herein.

*Subdivision, planned residential:* A development constructed on a tract of at least five (5) acres, planned and developed as an integral residential neighborhood unit. The subdivision shall consist of five (5) or more lots of five (5) acres or less, each lot designed and intended for the placement of a residential dwelling.

*Surplus sales:* Businesses engaged in the sale of used or new items, involving regular or periodic outdoor display of merchandise for sale. Typical uses include factory outlets or discount businesses with outdoor display.

*Surveyor:* A land surveyor or engineer certified under Code of Virginia, §§ 54.1-400—54.1-411 (1950), as amended.

*Tattoo:* To puncture the skin with a needle and insert indelible colors so as to leave permanent marks or designs.

*Tattoo parlor:* Any place, shop or establishment wherein the practice of tattooing is engaged in or carried out, and shall include all portions of the premises under control of the owner or manager thereof, which portions are used in part or in whole for the conducting of the business.

*Temporary family health care structure:* A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person. The structure is primarily assembled at a site other than the site of installation and limited to one (1) occupant who shall be the mentally or physically impaired person.

*Tower, wind energy system:* With regard to wind energy system, the structure on which the wind energy system is mounted.

*Townhouse:* A grouping of three (3) or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common walls.

*Townhouse lot:* A lot upon which a townhouse is or is to be erected.

*Transfer station:* Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is to be transferred to a landfill.

*Transitional surfaces:* Surfaces, whose design standards are referenced in section 30-72 of this ordinance, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

*Transportation terminal:* A facility for loading, unloading and interchange of passengers, baggage and incidental freight or package express between modes of ground or water transportation, including bus terminals, railroad stations, marinas and public transit facilities.

*Truck stop:* An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

*Truck terminal:* A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck, primarily for commercial purposes rather than as an activity incidental to another purpose. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

*Turbine, wind energy system:* The parts of the wind energy system including the blades, generator and tail, and other moving parts depending on the technology used.

*Use:* The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and or which it is or may be used, occupied, or maintained.

*Use-by-right:* (See also "Permitted use".)

*Use, temporary:* Any commercial use which is conducted for a period not exceeding thirty (30) consecutive days and which is not re-established within a period of ninety (90) days.

*Utility services, major:* Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community wastewater treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. This use does not include alternative energy services/systems (including, but not limited to, wind, hydro, solar, etc.) that may be defined separately in this ordinance.

*Utility services, minor:* Services which are necessary to support development within the immediate vicinity and involve only minor structures. Including in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are all major utility services which were in existence prior to the adoption of this ordinance.

*Variance:* In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of the ordinance would unreasonable restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

*Vegetation:* Any object of natural floral growth.

*Vegetative buffer:* Perennial vegetation established or left undisturbed adjacent to the shoreline of a watercourse intended to filter out sediment and other nonpoint source pollutants from runoff before it reaches a watercourse. Also includes vegetation along property lines.

*Veterinary hospital/clinic:* Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

*Vineyard:* The growing and harvesting of grapes.

*Warehousing and distribution:* Uses including storage, warehousing and distribution of goods within enclosed structures, or outdoors, primarily for commercial purposes rather than as an activity incidental to another purpose. Typical uses include wholesale distributors, storage warehouses, moving and storage firms.

*Water system:* A system for distribution of potable water from the source of supply to the consumer. The term may include but is not limited to, sources, collection, treatment, and storage of water.

*Water system, public:* Any water system, regardless of size, which is either owned and operated by either a local government or its approved agent or authority or which is defined as a public system and is approved by the Bedford County Public Service Authority and the Virginia Department of Health. Approval shall include approval of the system itself (design, construction, source adequacy) and provision for its operation and maintenance.

*Waters, state:* All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

*Wayside stand:* An establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on property owned by the operator elsewhere in the county. The stand is a building or structure located within one hundred (100) feet of a street or road for the sole purpose of selling agricultural or horticultural products grown within the county. Agricultural goods produced on other properties owned or leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer and must be in compliance with article IV, Use and Design Standards.

*Wind energy system, small:* A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of no more than twenty (20) kW, which will be used primarily to reduce on-site consumption of utility power.

*Winery:* The manufacturing, bottling, and sale of products grown and harvested from a vineyard or orchard. Commercial uses such as gift shops and restaurants associated with the winery shall be allowed by special use permit only. See article III, section 30-79.

*Wireless communication facility (WCF):* All infrastructure and equipment including but not limited to, antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground equipment, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

*Class 1 -* Wireless communication facilities with a height less than or equal to forty (40) feet above ground level (AGL).

*Class 2 -* Wireless communication facilities with a height greater than forty (40) feet but less than or equal to eighty (80) feet above ground level (AGL).

*Class 3 -* Wireless communication facilities with a height greater than eighty (80) feet but less than or equal to one hundred twenty (120) feet above ground level (AGL).

*Class 4 -* Wireless communication facilities with a height greater than one hundred twenty (120) feet but less than or equal to two hundred (200) feet above ground level (AGL).

*Wireless communication system:* A system providing communication functions such as, radio, radiotelephone, television, cellular phone, personal communications systems (PCS), specialized mobile radio systems (SMR), and similar functions, that does not utilize a standard line system, usually including a network of communication facilities providing coverage to a specific area or region.

*Yard:* A space on the same lot with a main building, such being open, unoccupied, and unobstructed by buildings from ground to sky, except where encroachments and accessory buildings are expressly permitted.

*Yard, buffer:* A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

*Yard, front:* An open, unoccupied space on the same lot with the main structure, extending the full width of the lot and situated between the right-of-way line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the right-of-way line. Covered porches, decks or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required front yard.

*Yard, rear:* An open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. Covered porches, decks or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required rear yard.

*Yard sales:* The sale of used items for residential use. The sale of these items can take place in an accessory structure but mainly take place outside. These sales are further regulated as miscellaneous use types in article IV of this ordinance.

*Yard, side:* An open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. Covered porches, decks or stoops, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required side yard.

*Zone:* All areas provided for in section 30-72 of this ordinance, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in section 30-72 of this ordinance.

(Ord. of 2-26-2001, App. A; Ord. of 2-11-2002; Ord. of 7-8-2002; Ord. of 9-13-2004; Ord. No. O1115-269, 11-15-2006; Ord. No. O 0307-64, 3-26-2007; Ord. No. O-0508-112(R), 5-27-2008; Ord. No. O-1108-241, 11-12-2008; Ord. No. O-0211-32(R), 2-28-2011; Ord. No. O-0312-28, 5-26-2012; Ord. No. O-0213-024, pt. I, 2-25-2013; Ord. No. O-0413-042, pts. I—VI, 4-22-2013; Ord. of 6-10-2013, pts. III, V, VII; Ord. No. O0713-087, art. II, 7-22-2013; Ord. No. O-120814-02, pt. I, 12-8-2014; Ord. No. O-051115-05, pt. I, 5-11-2015; Ord. No. O-071315-08, pt. I, 7-13-2015; Ord. No. O-091415-08, pt. I, 9-14-2015; Ord. No. O-091415-09, pt. I, 9-14-2015; Ord. No. O-032816-03, pt. I, 3-28-2016; Ord. No. R-061316-08, 6-13-2016; Ord. No. O021317-05, pt. II, 2-13-2017; Ord. No. O-032717-05, pt. I, 3/27/2017; Ord. No. O042318-05, pt. I, 4-23-2018; Ord. No. O07231808, pt. I, 7-23-2018; Ord. No. O011419-07, pt. I, 1-14-2019; Ord. No. O-091321-06, Pt. I, 09-13-2021; Ord. No. O-112221-04, Pt. I, 11-22-2021; Ord. No. O 072522-04, Pt. II; Ord. No. O 110722-10, Pt I, 11-7-2022)

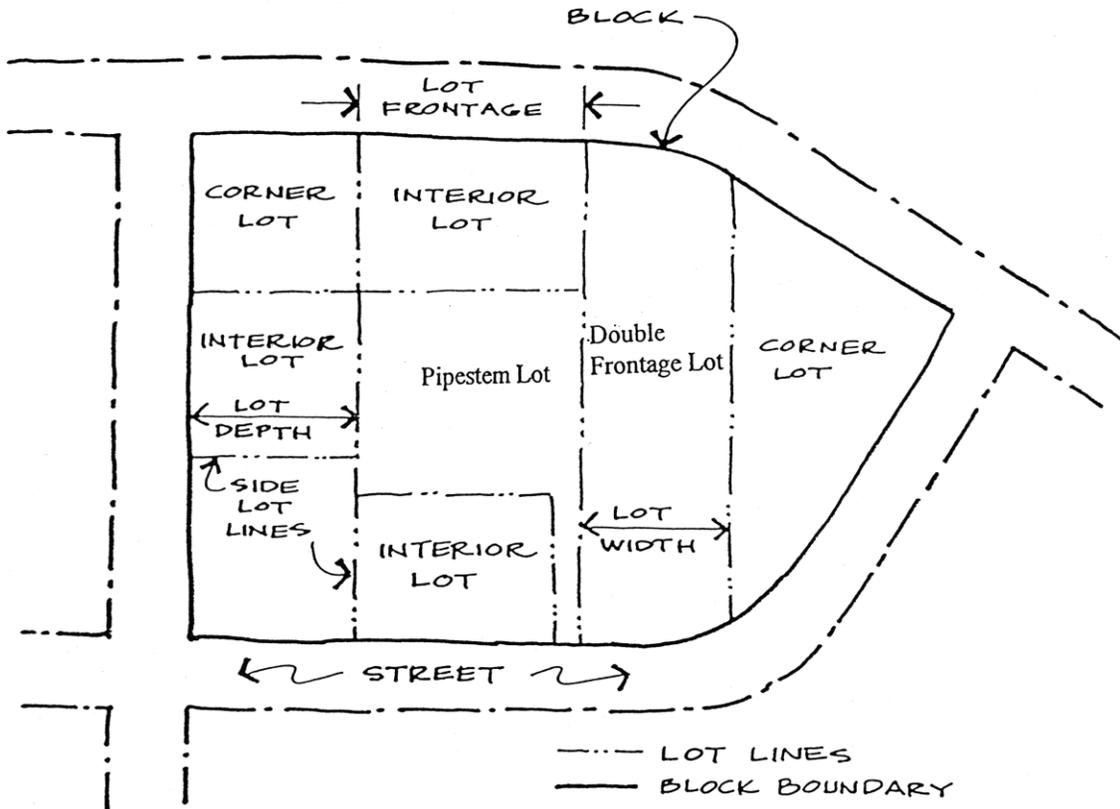


Figure A: Lot Types and definitions

Figure B: Lot Yards with Various Configurations

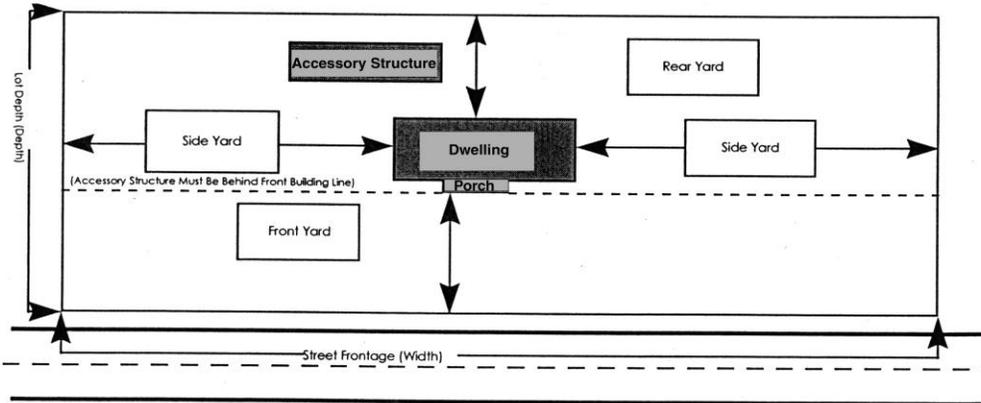
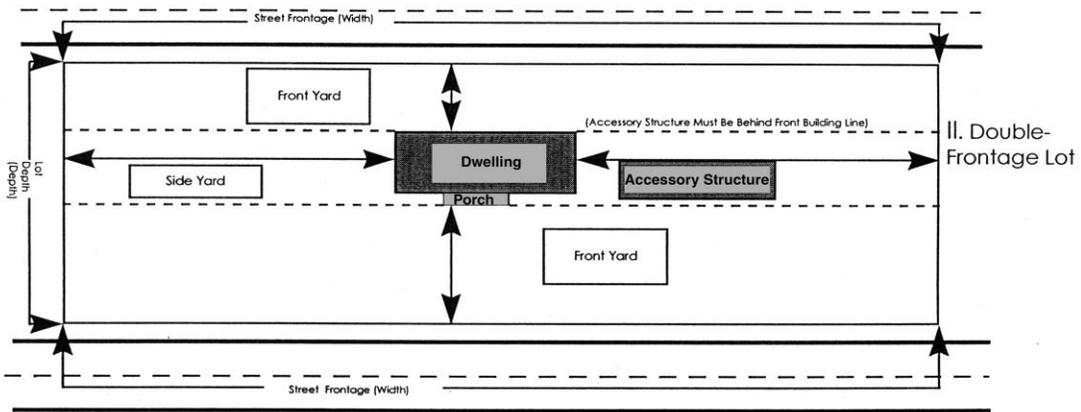
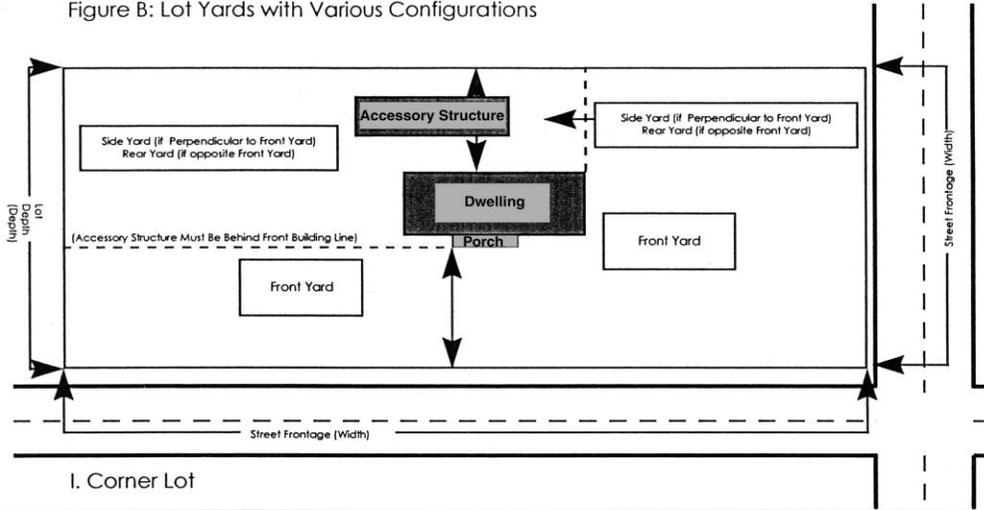


Figure B: Lot Yards with Various Configurations

Secs. 30-29—30-31. - Reserved.

### 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. Nonfarm 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: One and one-half (1.5) acres (sixty-five thousand three hundred forty (65,340) square feet), with the exception that the minimum area for a family subdivision lot as defined and regulated by this ordinance shall be one (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred fifty (150) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

(1) Front yard:

- a. Principal structures: Thirty-five (35) feet.
- b. Accessory structures: Thirty-five (35) feet or behind the front building line, whichever distance is less.

(2) Side yard:

- a. Principal structures: Ten (10) feet.
- b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

- a. Principal structures: Twenty-five (25) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, the front yard setbacks shall apply to all streets.

(c) *Maximum height of structures:*

- (1) All structures (except silos): Forty-five (45) feet.
- (2) Silos: One hundred (100) feet.

(d) *Maximum subdivisions of a single tract allowed:*

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

- (2) *Cluster development option.*

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

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

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

- a. Maximum number of residential lots: Seven (7) lots.
- b. Minimum residential lot size: One (1) acre.
- c. Maximum residential lot size: Two (2) acres.
- d. Open space provisions: A minimum area of twenty (20) contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

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

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

- g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right-of-way.
- h. Cluster design standards:
  - 1. The purpose of the cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the county's agricultural landscape.
  - 2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
  - 3. The design and location of the cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
  - 4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.
  - 5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the agricultural zoning district.
  - 6. Access to the cluster shall be from a single internal road.
  - 7. The appearance of a cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
  - 8. Landscaping that defines the access road along its entire length shall be provided.
  - 9. The cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
  - 10. Strong provision should be made for walking as opposed to vehicular connections within the cluster.
  - 11. Street widths, alignments, and parking shall be scaled to the size of the cluster.
  - 12. The streetscape of the cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
  - 13. Where a cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the cluster.
  - 14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

(Ord. of 2-26-2001, App. A; Ord. of 9-8-2003; Ord. No. O-0707-156, 7-9-2007; Ord. of 6-10-2013, pt. V; Ord No. O-071116-09, 7-11-2016, pt. I)

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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred (100) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

(1) Front yard:

- a. Principal structures: Thirty-five (35) feet.
- b. Accessory structures: Thirty-five (35) feet or behind the front building line, whichever distance is less.

(2) Side yard:

- a. Principal structures: Ten (10) feet.
- b. Accessory structures: Ten (10) feet when between the front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.

(3) Rear yard:

- a. Principal structures: Twenty-five (25) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, the front yard setbacks shall apply to all streets.

(c) *Maximum height of structures:*

All structures: Forty-five (45) feet.

(d) *Maximum subdivisions of a single tract allowed:*

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

(2) *Cluster development option.*

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

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

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

- a. Maximum number of residential lots: Fourteen (14) lots.
- b. Minimum residential lot size: One (1) acre.
- c. Maximum residential lot size: Two (2) acres.
- d. Open space provisions: A minimum area of twenty (20) contiguous acres within the development shall be provided as permanent open space. Open space may include active or passive recreational uses, agricultural and silviculture uses, and may be held in either public or private ownership. Such dedication and ownership of the open space must be submitted to and approved by the zoning administrator.

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

- e. Maximum number of clusters: One (1) per parcel.
- f. Clustering of permitted lots between parent parcels: A landowner with multiple contiguous parent parcels may cluster the number of permitted lots from any one (1) parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection are met.
- g. Minimum road frontage width: Seventy-five (75) feet at the edge of the right-of-way.
- h. Cluster design standards:
  - 1. The purpose of the cluster development option is to minimize the loss of productive agricultural land; and maintain the visual quality of the county's agricultural landscape.
  - 2. All plans shall minimize the use of tillable soils for development and maximize the use of sloped and forested areas, which are otherwise less productive for agricultural uses.
  - 3. The design and location of the cluster shall minimize the impacts to neighboring agricultural operations and hunting so as not to restrict the rights of adjacent landowners.
  - 4. The applicant shall show that the agricultural land remaining after subdivision is suitable for a commercially viable agricultural enterprise.

5. Clusters shall be located so as to leave large blocks of open agricultural land throughout the agricultural zoning district.
6. Access to the cluster shall be from a single internal road.
7. The appearance of a cluster from an external public road shall be that of a grouping of farm buildings in that they are clustered together and obviously a use subsidiary to the prime use of the land - agriculture.
8. Landscaping that defines the access road along its entire length shall be provided.
9. The cluster shall be planned and designed as a single unit with careful consideration given to the relationship of structures to one another, landscaping, buffering, screening, views, light and air, and internal circulation.
10. Strong provision should be made for walking as opposed to vehicular connections within the cluster.
11. Street widths, alignments, and parking shall be scaled to the size of the cluster.
12. The streetscape of the cluster shall be designed in detail to avoid repetitious setbacks, driveways, elevations, and landscaping.
13. Where a cluster incorporates an existing historic building, building heights, exterior features, and building arrangement shall be harmonious with the historic structure. Street widths, alignments, and parking shall be scaled to the size of the cluster.
14. Any deed restrictions shall include language recognizing that the lots are in an agricultural area and refer to the right to farm law.

(Ord. of 2-26-2001, App. A; Ord. of 9-8-2003; Ord. of 6-10-2013, pt. V; Ord No. O-071116-09, 7-11-2016, pt. I)

Sec. 30-35. - Reserved.

Sec. 30-36. - AV 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 (1) and three (3) 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- (2) Lots served by either public sewer or water, or both:
  - a. Area: Twenty thousand (20,000) square feet.
  - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

- (1) Front yard:
  - a. Principal structures: Thirty-five (35) feet.
  - b. Accessory structures: Thirty-five (35) feet or behind the front building line, whichever distance is less.
- (2) Side yard:
  - a. Principal structures: Ten (10) feet.
  - b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.
- (3) Rear yard:
  - a. Principal structures: Twenty-five (25) feet.
  - b. Accessory structures: Three (3) feet.
- (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.

(c) *Maximum height of structures:*

All structures: Thirty-five (35) feet.

(Ord. of 2-26-2001, App. A; Ord No. O-071116-09, 7-11-2016, pt. I)

Secs. 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 (1) to three (3) units per acre, and land which appears appropriate for such development. The R-1 district is intended to provide the highest degree of protection from potentially incompatible uses and residential development of a significantly different density, size, or scale, in order to maintain the health, safety, appearance, and overall quality of life of existing and future neighborhoods.

In addition to 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
  - c. Lot Width: One hundred (100) feet.
- (2) Lots served by either public sewer or water:
  - a. Area: Twenty-one thousand seven hundred eighty (21,780) square feet.
  - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
  - c. Lot width: Seventy-five (75) feet.
- (3) All lots served by both public sewer and water:
  - a. Area: Fifteen thousand (15,000) square feet.
  - b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
  - c. Lot Width: Sixty (60) feet.

(b) *Minimum setback requirements:*

- (1) Front yard:
  - a. Principal structures: Thirty (30) feet.
  - b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.
- (2) Side yard:
  - a. Principal structures: Ten (10) feet.
  - b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.
- (3) Rear yard:
  - a. Principal structures: Twenty-five (25) feet.
  - b. Accessory structures: Three (3) feet.
- (4) Where a lot fronts on more than one (1) 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: Thirty-five (35) feet.
  - b. Accessory structures: Thirty-five (35) feet.

(Ord. of 2-26-2001, App. A; Ord. of 6-10-2013, pt. II; Ord No. O-071116-09, 7-11-2016, pt. I; Ord. No. O 110722-09, Pt. I)

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 (3) to six (6) 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
  - c. Lot width: One hundred (100) feet.
- (2) Lots served by either public sewer or water:
  - a. Area: Twenty thousand (20,000) square feet.
  - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
  - c. Lot width: Seventy-five (75) feet.
- (3) Lots served by both public sewer and water:
  - a. Area: Ten thousand (10,000) square feet.
  - b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
  - c. Lot width: Sixty (60) feet.

(b) *Minimum setback requirements:*

- (1) Front yard:
  - a. Principal structures: Thirty (30) feet.
  - b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.
- (2) Side yard:
  - a. Principal structures: Ten (10) feet.
  - b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.
- (3) Rear yard:
  - a. Principal structures: Twenty-five (25) feet.

- b. Accessory structures: Three (3) feet.
- (4) Where a lot fronts on more than one (1) 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: Thirty-five (35) feet
    - b. Accessory structures: Thirty-five (35) feet.

(Ord. of 2-26-2001, App. A; Ord. of 6-10-2013, pt. II; Ord No. O-071116-09, 7-11-2016, pt. I)

Secs. 30-43—30-44. - Reserved.

Sec. 30-45. - R-3 Medium density multifamily residential district.

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

The purpose of the R-3, Medium density multifamily residential district is to provide areas in the county within the urban service area where existing middle-high density residential development (typically four (4) to twelve (12) 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
    - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
    - c. Lot width: One (100) feet.
  - (2) Lots served by either public sewer or water:
    - a. Area: Twenty thousand (20,000) square feet.
    - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
    - c. Lot width: Seventy-five (75) feet.
  - (3) All lots served by both public sewer and water:
    - a. Area: Ten thousand (10,000) square feet.

- b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
  - c. Lot width: Sixty (60) feet.
- (4) For minimum lot size and permitted densities for multifamily dwellings and townhouses refer to article IV, Use and Design Standards.
- (b) *Minimum setback requirements:*
  - (1) Front yard:
    - a. Principal structures: Thirty (30) feet.
    - b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.
  - (2) Side yard:
    - a. Principal structures: Ten (10) feet.
    - b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind rear building line and ten (10) feet when in front of the front building line.
  - (3) Rear yard:
    - a. Principal structures: Twenty-five (25) feet.
    - b. Accessory structures: Three (3) feet.
  - (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.
- (c) *Maximum height of structures:*
  - (1) Height limitations:
    - a. Principal structures: Thirty-five (35) feet.
    - b. Accessory structures: Thirty-five (35) feet.

(Ord. of 2-26-2001, App. A; Ord. of 6-10-2013, pt. II; Ord No. O-071116-09, 7-11-2016, pt. I)

Sec. 30-46. - R-4 High density multifamily residential district.

*Sec. 30-46-1. Purpose.*

The purpose of the R-4, High density multifamily residential district is to provide areas in the county within the urban service area where existing high density residential development (typically twelve (12) to eighteen (18) 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
    - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
    - c. Lot width: One hundred (100) feet.
  - (2) Lots served by either public sewer or water:
    - a. Area: Twenty thousand (20,000) square feet.
    - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
    - c. Lot width: Seventy-five (75) feet.
  - (3) Lots served by both public sewer and water:
    - a. Area: Ten thousand (10,000) square feet.
    - b. Frontage: Sixty (60) feet on a publicly owned and maintained street.
    - c. Lot width: Sixty (60) feet.
  - (4) For minimum lot size and permitted densities for multifamily dwellings and townhouses refer to article IV, Use and Design Standards.
- (b) *Minimum setback requirements:*
- (1) Front yard:
    - a. Principal structures: Thirty (30) feet.
    - b. Accessory structures: Thirty (30) feet or behind the front building line, whichever distance is less.
  - (2) Side yard:
    - a. Principal structures: Ten (10) feet.
    - b. Accessory structures: Ten (10) feet when between front and rear building lines and three (3) feet when behind the rear building line and ten (10) feet when in front of the front building line.
  - (3) Rear yard:
    - a. Principal structures: Ten (10) feet.
    - b. Accessory structures: Three (3) feet.
  - (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.
- (c) *Maximum height of structures:*
- (1) Height limitations:
    - a. Principal structures: Forty-five (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: Fifteen (15) feet.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004; Ord No. O-071116-09, 7-11-2016)

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 ten (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. 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) 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 ten (10) percent.
  - (4) Minimum common open space and/or recreational areas: Fifteen (15) percent of the gross area of the PRD district.
  - (5) Criteria for all open space:
    - a. Minimum countable open space: Five thousand (5,000) contiguous square feet.
    - b. Minimum horizontal dimension: Fifty (50) feet, except that areas with a horizontal distance of not less than twenty (20) feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.
    - c. Common open space shall not include proposed street rights-of-way, 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: Five (5) percent increase in gross density for each additional five (5) percent of open space to a maximum gross space bonus of twenty-five (25) percent.
  - (7) A seven and one-half (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 (1) 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 subsection 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: Ten (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 ten (10) percent.
- (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 three hundred (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: Forty-five (45) feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with section 30-19

(Ord. of 9-8-2003; Ord. of 9-13-2004)

*Sec. 30-47-4. Relationship to existing development regulations.*

- (a) 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 applicable requirements of this section are met for residential uses in the permitted use table only. No master plan shall be approved administratively in such areas.

Planning Commission review is required for any proposed development that includes non-residential uses that are listed as by-right (R) or by-right with more stringent standards as specified in article IV (R\*) in the permitted use table for areas presently designated as PRD without master plan approval. Application shall be made to the Zoning Administrator and follow the application procedures outlined in Section 30-14(b) of the Zoning Ordinance. The Planning Commission shall hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950), as amended, prior to rendering a decision to approve or deny the proposed development. The Planning Commission shall transmit that decision to the Board of Supervisors, within sixty (60) days of their decision, who shall have the authority to overrule the Planning Commission approval/denial of the application by a majority vote after hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950). The owner(s) or their agent(s) may appeal a Planning Commission decision of denial by following the appeal process outlined in Sec. 30-23-4 of the Zoning Ordinance.

- (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 manmade 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 nonresidential 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 nonresidential 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 Code of Virginia, § 15.2-2204, 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 ninety (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 sixty (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 ninety (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. No. O 072522-04, Pt. II)

*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 nonresidential 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 fifteen (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 sixty (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.

*Sec. 30-47-8. Failure to begin development.*

Failure of the applicant to submit a preliminary site development plan for at least one (1) portion of the planned residential development within eighteen (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.

(Ord. of 2-26-2001, App. A; Ord. of 7-8-2002)

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 (multifamily 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.

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, or 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 2-26-2001, App. A; Ord. of 2-11-2002)

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 (3) 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: Twenty thousand (20,000) square feet.
- b. Frontage: One hundred (100) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

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

(c) *Maximum height of structures:*

(1) Height limitations:

- a. Principal structures: Thirty (30) feet, including rooftop mechanical equipment.
- b. Accessory structures: Fifteen (15) feet.

(d) *Maximum coverage:*

- (1) Building coverage: Thirty-five (35) percent of the total lot area for all buildings and seven (7) percent for accessory buildings.
- (2) Lot coverage: Sixty-five (65) percent of the total lot area.

(Ord. of 2-26-2001, App. A)

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: One (1) acre (Forty-three thousand five hundred sixty (43,560) square feet).
- b. Frontage: One hundred (100) feet on a publicly owned and maintained street.

(2) Lots served by either public sewer or water, or both:

- a. Area: Fifteen (15,000) square feet.
- b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

(1) Front yard:

- a. Principal structures: Thirty (30) feet, or twenty (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: Ten (10) feet on any one (1) side, with a combined total on both sides of at least twenty-five (25) feet.
- b. Accessory structures: Ten (10) feet behind the front building line, or three (3) feet behind rear building line.

(3) Rear yard:

- a. Principal structures: Fifteen (15) feet.
- b. Accessory structures: Three (3) feet.

(4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.

(c) *Maximum height of structures:*

- (1) Height limitations:
  - a. Principal structures: Forty-five (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: Fifteen (15) feet.

(d) *Maximum coverage:*

- (1) Building coverage: Fifty (50) percent of the total lot area.
- (2) Lot coverage: Eighty (80) percent of the total lot area.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004)

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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- (2) Lots served by either public sewer or water, or both:
  - a. Area: Fifteen thousand (15,000) square feet.
  - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.

(b) *Minimum setback requirements:*

- (1) Front yard:
  - a. Principal structures: Thirty (30) feet, or twenty (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: Fifteen (15) feet.
  - b. Accessory structures: Three (3) feet.

- (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.
- (c) *Maximum height of structures:*
  - (1) Height limitations:
    - a. Principal structures: Forty-five (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: actual height of principal structure.
- (d) *Maximum coverage:*
  - (1) Building coverage: Fifty (50) percent of the total lot area.
  - (2) Lot coverage: Ninety (90) percent of the total lot area.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004)

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. Residential uses shall be limited to no more than 30% of the total acreage contained within the parcel proposed as a planned commercial development.

(Ord. of 6-14-1999, #28)

*Sec. 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 five (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 thirty (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: One and one-half (1.5) acres (sixty-five thousand three hundred forty (65,340) square feet).
      - 2. Frontage: One hundred (100) feet on a publicly owned and maintained street.
    - b. Lots served by either public water or sewer, or both:
      - 1. Area: Twenty thousand (20,000) square feet.
      - 2. Frontage: Seventy-five (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 seventy-five (75) percent.
  - (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 (1) 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: Forty-five (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 three hundred (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 marshal to insure compliance with the standards set forth by the National Fire Protection Association, or NFPA.

(Ord. of 9-8-2003; Ord. of 9-13-2004)

*Sec. 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 (100) 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.

*Sec. 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.

*Sec. 30-57-6. Application process.*

- (a)
  - (1) The time frames outlined in section 30-57 are the maximum time frames mandated by the Code of Virginia. Bedford County will make every reasonable effort to complete the application process within a shorter time frame.
  - (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 residential development plan may be approved administratively as the site development plan, provided the other applicable requirements of this section are met. No master plan shall be approved administratively in such areas.

Planning Commission review is required for any proposed development that includes residential uses that are listed as by-right (R) or by-right with more stringent standards as specified in article IV (R\*) in the permitted use table for areas presently designated as PCD without master plan approval. Application shall be made to the Zoning Administrator and follow the application procedures outlined in Section 30-14(b) of the Zoning Ordinance. The Planning Commission shall hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950), as amended, prior to rendering a decision to approve or deny the proposed development. The Planning Commission shall transmit that decision to the Board of Supervisors, within sixty (60) days of their decision, who shall have the authority to overrule the Planning Commission approval/denial of the application by a majority vote after hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950). The owner(s) or their agent(s) may appeal a Planning Commission decision of denial by following the appeal process outlined in Sec. 30-23-4 of the Zoning Ordinance.

- (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 Code of Virginia, § 15.2-2204, 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 ninety (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 sixty (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 ninety (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. No. O 072522-04, Pt. III)

*Sec. 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 fifteen (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. 30-57-8. 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 sixty (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.

*Sec. 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 (1) portion of the planned commercial development district within twenty-four (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.

*Sec. 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.

(Ord. of 2-26-2001, App. A; Ord. of 7-8-2002)

*Secs. 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 nonconforming 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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.

- (2) Lots served by either public sewer or water, or both:
  - a. Area: Fifteen thousand (15,000) square feet.
  - b. Frontage: Seventy-five (75) feet on a publicly owned and maintained street.
- (b) *Minimum setback requirements:*
  - (1) Front yard: Thirty (30) feet, or twenty (20) feet when all parking is located behind the front building line.
  - (2) Side yard:
    - a. Principal structures: Ten (10) feet.
    - b. Accessory structures: Behind front building line and three (3) feet from side line.
  - (3) Rear yard:
    - a. Principal structures: Fifteen (15) feet.
    - b. Accessory structures: Three (3) feet.
  - (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.
- (c) *Maximum height of structures:*
  - (1) Height limitations:
 

All structures: Forty-five (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: Fifty (50) percent of the total lot area.
  - (2) Lot coverage: Ninety (90) percent of the total lot area.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004)

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: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- (2) Lots served by either public sewer or water, or both:
  - a. Area: Twenty thousand (20,000) square feet.
  - b. Frontage: One hundred (100) feet on a publicly owned and maintained street.
- (b) *Minimum setback requirements:*
  - (1) Front yard: Thirty (30) feet, or twenty (20) feet when all parking is located behind the front building line.
  - (2) Side yard:
    - a. Principal structures: Ten (10) feet.
    - b. Accessory structures: Behind front building line and three (3) feet from side line.
  - (3) Rear yard:
    - a. Principal structures: Fifteen (15) feet.
    - b. Accessory structures: Three (3) feet.
  - (4) Where a lot fronts on more than one (1) street, front yard setbacks shall apply to all streets.
- (c) *Maximum height of structures:*
  - (1) Height limitations:
 

All structures: One hundred twenty-five (125) 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: Seventy-five (75) percent of the total lot area.
  - (2) Lot coverage: Ninety (90) percent of the total lot area.

(Ord. of 2-26-2001, App. A; Ord. of 9-13-2004; Ord. of 6-10-2013, pt. IV)

**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 fifteen (15) percent of the total acreage contained within the parcel, at the time of enactment of this ordinance.

*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 fifteen (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. 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 PID shall be located a minimum of thirty (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: One and one-half (1.5) acres (sixty-five thousand three hundred forty (65,340) square feet).
      - 2. Frontage: One hundred (100) feet on a publicly owned and maintained street.
    - b. Lots served by either public water or sewer, or both:
      - 1. Area: Twenty thousand (20,000) square feet.
      - 2. Frontage: Seventy-five (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 seventy-five (75) percent.
  - (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: Forty-five (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 (40) 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 three hundred (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 marshal to insure compliance with the standards set forth by the National Fire Protection Association, or NFPA.

(Ord. of 9-8-2003; Ord. of 9-13-2004)

*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 (100) 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 time frames outlined in the section are the maximum time frames mandated by the Code of Virginia. Bedford County will make every reasonable effort to complete the application process within a shorter time frame.
  - (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 applicable requirements of this section are met that exclude residential uses in the permitted use table. No master plan shall be approved administratively in such areas.

Planning Commission review is required for any proposed development that includes residential uses that are listed as by-right (R) or by-right with more stringent standards as specified in article IV (R\*) in the permitted use table for the permitted use table in areas presently designated as PID without master plan approval. Application shall be made to the Zoning Administrator and follow the application procedures outlined in Section 30-14(b) of the Zoning Ordinance. The Planning Commission shall hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950), as amended, prior to rendering a decision to approve or deny the proposed development. The Planning Commission shall transmit that decision to the Board of Supervisors, within sixty (60) days of their decision, who shall have the authority to overrule the Planning Commission approval/denial of the application by a majority vote after hold a public hearing in accordance with Code of Virginia §15.2-2204 (1950). The owner(s) or their agent(s) may appeal a Planning Commission decision of denial by following the appeal process outlined in Sec. 30-23-4 of the Zoning Ordinance.

- (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 watercourses, 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 Code of Virginia, § 15.2-2204, 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 ninety (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 sixty (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 ninety (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. No. O 072522-04, Pt. IV)

*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 fifteen (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 sixty (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 (1) portion of the planned residential development within twenty-four (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.

(Ord. of 2-26-2001, App. A; Ord. of 7-8-2002)

Secs. 30-64—30-66. - Reserved.

Sec. 30-67. - PD-1 Planned development district.

*Sec. 30-67-1. Purpose.*

- (a) 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.
- (b) 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.
- (c) 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:

- (1) Compact development with defined edges and a distinct neighborhood center.
- (2) Human scale buildings and streets that are pedestrian and transit oriented.
- (3) 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.
- (4) A mix of housing styles, types, and sizes to accommodate households of all ages, sizes and incomes.
- (5) 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.
- (6) Public transit options as viable alternatives to the automobile by allowing building types, densities and land use groupings that support transit.
- (7) Preservation and adaptive use of existing buildings with historical significance or architectural features that enhance the visual character of the community.
- (8) Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods.
- (9) 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. No. R-1111-148R1, 12-12-2011)

*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. No. R-1111-148R1, 12-12-2011)

*Sec. 30-67-3. Site development regulations.*

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

- (1) *Acreage requirement.* Minimum acreage required to create a planned development district shall be forty (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.
- (2) *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.
- (3) *Lot coverage.* Maximum lot coverage shall be established during the review and approval of the preliminary master plan but in no case shall exceed seventy-five (75) percent. However lot coverages over seventy-five (75) percent may be approved for mixed use neighborhood centers only if deemed necessary to achieve superior design quality and to promote viable public transit.
- (4) *Building setbacks and spacing.*

- a. Minimum front setbacks: All structures proposed to front on existing public streets external to the PD-1 shall be located a minimum of thirty (30) feet from the existing public right-of-way.
  - b. 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:
    - 1. Building spacing shall provide privacy within each dwelling unit;
    - 2. Building spacing shall ensure that each room has adequate light and air;
    - 3. 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;
    - 4. Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.
- (5) *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 forty-five (45) feet in height will need to be justified in order to receive approval.
- (6) *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 facade of a building for all sides visible from a public right-of-way.
- (7) *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 (1) 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 three (3) feet and six (6) feet) and sidewalk on both sides of the street.
- Alleyways shall have a minimum twenty-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 one hundred (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.
- (8) *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.
- a. 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.
  - b. Culs-de-sac shall not exceed ten (10) percent of the total length of streets in the PD-1 district or five hundred (500) feet in length. Alleys are exempt from this calculation.
  - c. Installation of roundabouts, as opposed to traffic signals at major intersections, shall be used where feasible to facilitate traffic movement and enhance the streetscape.

- (9) *Block size.* Street layouts must provide for rectilinear or curvilinear blocks that are generally in the range of two hundred— four hundred (200)—(400) feet deep by three hundred—six hundred (300)—(600) feet long, measured along the interior edge of the street right-of-way, except where prohibited by natural grade.
- (10) *Lot access.*
- a. All lots shall front on a public or private street or on a square or plaza.
  - b. The use of rear alleys is encouraged; alleys shall serve only the rear or sides of lots or uses.
- (11) *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 three hundred (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 (100) 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.
- (12) *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.
- (13) *Loading areas.* Loading areas shall be screened from public view and shall not be placed in front yards.
- (14) *Pedestrian facilities.* The planned development should be designed at a walkable scale. In residential areas, sidewalks shall be a minimum of five (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 six (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 six (6) feet. Sidewalks or trails outside of the public right-of-way shall be located within a permanent easement at least eight (8) feet in width. Additional pedestrian facilities (benches, pocket parks, trash receptacles, etc.) should be incorporated into all areas of the planned development.
- (15) *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 (twelve (12) feet to fifteen (15) feet in height) shall be installed by the developer on both sides of the street with a maximum average spacing of seventy-five (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).
- (16) *Open space.* Minimum common open space and/or recreational areas shall be fifteen (15) percent of the gross area of the PD-1 district. For developments with a density greater than eight (8) units per acre in the residential areas, the minimum common open space and/or recreational areas shall be thirty (30) percent of the residential areas of the PD-1 district.

Common open space shall not include proposed street rights-of-way, 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.

- (17) *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 (1) tree per forty (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 (1) tree per forty (40) feet of street frontage, with a goal of achieving tree canopy coverage of between thirty (30) percent and seventy (70) percent. 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 two hundred (200) spaces, an additional landscaped area in the parking area of three hundred (300) square feet shall be provided for every fifty (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.

- (18) *Arrangement of areas.*

- a. 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.
- b. 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.

- (19) *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 twenty-four (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.

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

- (21) *Miscellaneous.*

- a. Any outside storage area shall be fully screened so that no materials so stored are visible from the public right-of-way.
- b. Fences shall not be placed in front yards except as necessary for security purposes or on individual lots where decorative fencing, not to exceed three (3) feet 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. No. R-1111-148R1, 12-12-2011)

*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.

(Ord. No. R-1111-148R1, 12-12-2011)

*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 manmade 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 watercourses, floodplains, unique natural features, tree cover areas, etc.
  - (5) A land use plan designating specific uses for the site, both residential and nonresidential 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 nonresidential 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 Code of Virginia, § 15.2-2204, 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 ninety (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 sixty (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 twelve (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.

(Ord. No. R-1111-148R1, 12-12-2011)

*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:

- (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 lot coverage or the amount of land devoted to nonresidential 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.

(Ord. No. R-1111-148R1, 12-12-2011)

*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 forty-five (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.

(Ord. No. R-1111-148R1, 12-12-2011)

*Sec. 30-67-8. Failure to begin development.*

Failure of the applicant to submit a preliminary site development plan for at least one (1) portion of the planned development within eighteen (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.

(Ord. No. R-1111-148R1, 12-12-2011)

*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.

(Ord. No. R-1111-148R1, 12-12-2011)

Sec. 30-68. - Reserved.

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 thirty (30) percent 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 seventy (70) percent 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 seventy (70) percent/thirty (30) percent ratio.
    - d. So long as the seventy (70) percent/thirty (30) percent 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 species 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 Code of Virginia, § 15.2-2204.
  - (e) The commission shall make a report of its findings to the board of supervisors within ninety (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.
  - (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. No. O 0307-64, 3-26-2007)

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 supervisors.

*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: Twenty-five (25) feet.
    - b. Accessory structures: Twenty-five (25) feet from any lot line.
  - (3) Rear yard:
    - a. Principal structures: Twenty-five (25) feet.
    - b. Accessory structures: Twenty-five (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: Thirty (30) feet.
  - (2) Accessory structures: Twenty-five (25) feet.
  - (3) Silos: One hundred (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 (5) parking spaces on an impervious surface, the equivalent area of one (1) 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 (1/3) of the islands shall have a deciduous tree of at least three-inch diameter. Where there are less than three (3) islands, there shall be at least one (1) 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.

(Ord. of 2-26-2001, App. A, Ord. No. O011419-07, pt. II, 1-14-2019)

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.

*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 Code of Virginia, § 15.2-2204. 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 ninety (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 sixty (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 ninety (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 sixty (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 (1) portion of the park within five (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.

(Ord. of 2-26-2001, App. A; Ord. No. O 0307-64, 3-26-2007)

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 Code of Virginia, § 15.2-2994.

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

The provisions of this section shall apply to all property within five thousand one hundred (5,100) 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 Code of Virginia, tit. 15.2, ch. 22, and specifically to satisfy the requirements of Code of Virginia, § 15.2-2294 (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 IV and V of this ordinance. An area located in more than one (1) 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 subsection 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 subsection 30-72-9(d).
- (c) Whenever the zoning administrator determines that a nonconforming structure has been abandoned or more than fifty (50) 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 subsection 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.

(Ord. of 2-26-2001, App. A)

*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 one hundred (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.

(Ord. of 2-26-2001, App. A)

*Sec. 30-74. - Reserved.*

*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 premises 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 five hundred (500) feet landward from shoreline of the Roanoke River, and all lands located five hundred (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 two thousand five hundred (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.

*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 subsection 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 one hundred (100) feet of the shoreline of the Roanoke River, whichever is less.
- (b) Vegetative buffers:
  - (1) General provisions:
    - a. A one-hundred-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 one-hundred-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 fifty (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 fifty (50) percent of the available lot depth if best management practices are utilized.
    - c. Whenever the applicant proposes to reduce the one-hundred-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 one-hundred-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. Runoff 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 one-hundred-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 one-hundred-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 one-hundred-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 one-hundred-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 one-hundred-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 two thousand five hundred (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 two thousand five hundred (2,500) square feet shall comply with all county erosion and sediment control requirements.

(Ord. of 2-26-2001, App. A)

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 thousand-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 five hundred (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.

(Ord. of 2-26-2001, App. A)

Sec. 30-77. - CO Corridor overlay district.

*Sec. 30-77-1. Purpose.*

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 and landscaping.

(Ord. of 6-10-2013, pt. VI; Ord. No. O021014-05, pt. II, 2-10-2014)

*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 the most restrictive regulation shall apply.
- (b) The corridor overlay district shall be located along the following routes, in both directions, in their entirety within the jurisdiction of Bedford County. The boundary of the district shall consist of a line two hundred (200) feet from the edge of the right-of-way, on both sides of the road, and running parallel to that right-of-way. The entire area within these lines shall constitute the corridor overlay district.

Routes comprising the corridor overlay district:

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

(Ord. of 6-10-2013, pt. VI)

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

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

(Ord. of 6-10-2013, pt. VI)

*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 two hundred (200) feet of the corridor right-of-way shall be eliminated; and
  - (4) All "clear-cut" areas shall be: replanted with trees during an accepted planting season; replanted through natural regeneration; or reseeded, for agricultural purposes at a rate equal to or greater than the county's typical seeding requirements found in the erosion and sediment control ordinance, within one hundred twenty (120) days of the cessation of the timbering activities.
- (c) Detached single family residential structures and applicable accessory uses and structures are permitted where the underlying zoning district is C-2 along US 460 corridor, east of Magnolia Drive and west of Wheatland Road; and along the US 460 corridor between Quarterwood Road and Carter Hollow Road; and along US 24 corridor between Drewrys Hill Road and St. Clair's Lane.
- (d) Civic, Office, and Commercial Uses listed in the Permitted Use Table (Sec. 30-79-2) may be permitted, after approval of a Special Use Permit is granted through 30-19, when the underlying zoning district does not permit the use. Use and design standards for each proposed use from Article IV of the Zoning Ordinance shall apply.

(Ord. of 6-10-2013, pt. VI; Ord. No. O-052615-03, Pt. I, 5-26-2015; Ord. No. O-062220-05, Pt. 1, 06-22-2020))

*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.

(Ord. of 6-10-2013, pt. VI, Ord. No. O 110722-10, Pt. IV)

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

- (a) *Parking:*
- (1) It should be recognized that the requirements of this section are in addition to the off-street parking, stacking and loading requirements of section 30-91-1, and the most restrictive regulation shall apply.
  - (2) All uses except single-family residential, with greater than ten (10) parking spaces:

- a. Natural islands, for the placement of trees, shrubs, flowers, or mulch beds, shall be required, in the parking area. Each island shall contain a minimum area of fifty (50) square feet.
- b. The required area of natural islands shall be calculated by multiplying the number of spaces by ten (10). For example, a parking area with a total of twenty (20) spaces would be required to have natural islands with a total area of at least two hundred (200) square feet; a parking area with forty (40) spaces would be required to have natural islands with a total of at least four hundred (400) square feet, etc.
- c. Any parking area adjacent to any street shall have a Type A landscaping between the street and parking area.

(Ord. of 2-26-2001, App. A; Ord. of 7-8-2002; Ord. of 6-10-2013, pt. VI; Ord. No. O021014-05, pt. II, 2-10-2014)

Sec. 30-78. - Reserved.

Sec. 30-79. - Permitted uses by district.

Sec. 30-79-1. Purpose.

The purpose of this table is to show the uses permitted in each of the zoning districts. Specific requirements for districts and uses are found in article III and article IV herein.

Sec. 30-79-2. Permitted use table.

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

"R" Indicates a use by right

"S" Indicates a special use

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

Please note that a parcel(s) zoned PRD, PCD, and PID may require special approval by the Planning Commission that are listed as "R" or "R\*" uses in the permitted use table. See Sections 30-47-5 (PRD), 30-57-6 (PCD), or 30-67-6 (PID) of this ordinance.

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
<b>Agricultural and Forestry Uses</b>																	
Agriculture	R	R	R														R
Agritourism	R	R	R														
Commercial Feedlots	R*	R*													S*		
Farm Employee Housing	R*	R*															
Farmers Market	R	R	R	R*	R*			R*		R*	R*	R	R*	R*		R*	R*
Forestry Operations	R*	R*															
Livestock Market	S*	S*	S*								S*						
Sawmill	S	S															
Sewage Sludge Storage	S																

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Stable, Commercial	R*	R*	R*	S*				S*				R*	S*			S*	R*
Stable, Private	R*	R*	R*	R*	R*			S*					S*			S*	
Wayside Stand	R*	R*	R*							R*	R*	R*	R*				
<b>Residential Uses</b>																	
Accessory Apartment	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*		S*			S*	
Domestic Chickens				R*	R*	R*	R*	R*									
Home Beauty/Barber Salon	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*		R*			R*	
Home Occupation, Type I				R*		R*			R*								
Home Occupation, Type II	R*	R*	R*														
Kennel, Private	R*	R*	R*	R*	R*			R*					R*			R*	
Manufactured Home	R*	R*	R*	R*	R*				R*								
Manufactured Home, Class A	R*	R*	R*	R*	R*	R*	R*	R*	R*				R*			R*	
Manufactured Home, Accessory	R*	R*	R*														
Emergency Housing	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Manufactured Home Park								S*	R*				S*			S*	
Multifamily Dwelling			S*		S*	R*	R*	R*		R*			S*			S*	
Residential Human Care Facility	R	R	R	R	R	R	R	R									
Single-Family Dwelling, Attached			R*	R*	R*	R*	R*	R*					R*			R*	
Single-Family Dwelling, Detached	R	R	R	R	R	R	R	R					R			R	
Single-Family Dwelling, Detached (Zero Lot Line Option)				R*	R*	R*	R*	R*					R*			R*	
Temporary Family Health Care Structure	R*	R*	R*	R*	R*	R*	R*	R*					R*			R*	
Townhouse			S*		S*	R*	R*	R*					S*			S*	
Two-Family Dwelling (Duplex)			R*		R*	R*	R*	R*		R*	R*		R*			R*	
<b>Civic Uses</b>																	
Administrative Services	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Animal Shelter	S*	S*	S*								S*	S*	S*	S*	S*	S*	
Camps	S*	S*	S*														R*

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Cemetery	S*	S*	S*	S*	S*	S*	S*			S*	S*		S*			S*	
Civic Clubs			R*					R*		R*	R*	R*	R*			R*	
Community Dock	S*	S*		S*	S*			S*					S*				
Community Recreation	R*	R*	R*	R*	R*	R*	R*	R*	R*			R*	R*			R*	
Correctional Facilities	S																
Crisis Center	R	R	R	R	R	R	R	R		R	R	R	R			R	
Cultural Services	S	S	R	S	S	S	S	S		R	R	R	R	R	R	R	R
Day Care Center	S*	S*	R*	S*	S*	S*	S*	R*		R*	R*	R*	R*	R*	R*	R*	
Educational Facilities, College/University			R*					R*		R*	R*	R*	R*			R*	
Educational Facilities, Primary/Secondary	S*	S*	R*	S*	S*	S*	S*	R*		R*	R*	R*	R*	R*	R*	R*	
Family Day Care Home	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*	R*	R*	R*	R*	R*	
Guidance Services			R							R	R	R	R			R	
Halfway House			S								S		S			S	
Home for Adults		S	S					S		S	S	S	S			S	
Life Care Facility			S					S		S	S		S			S	
Nursing Home			S					S		S	S		S			S	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Park and Ride Facility	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*	R*	R*	R*	R*	R*	
Post Office	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R
Public Assembly	S		S					S		S	R	S	S			S	R
Public Maintenance and Service Facility	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R*
Public Parks and Recreational Areas	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*	R*	R*	R*	R*	R*	R*
Religious Assembly	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	S*	S*	S*	R*
Safety Services, Private	S*	S*	R*	S*	S*	S*	S*	R*		R*	R*	R*	S*	R*	R*	S*	R*
Safety Services, Public	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Utility Services, Major	S*	S*	S*	S*	S*	S*	S*	S*		S*	S*	S*	S*	R*	R*	S*	
Utility Services, Minor	R	R	R	R	R	R	R	R		R	R	R	R	R	R	R	R
<b>Office Uses</b>																	
Clinic	S*	S*	S*					R*		R*	R*	R*	R*			R*	
Financial Institutions			R*					R*		R*	R*	R*	R*	R*	R*	R*	R*
General Office			R*					R*		R*	R*	R*	R*	R*	R*	R*	R*
Laboratories			S					S		S	R	S	S	R	R	R	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Medical Office	S*	S*	R*					R*		R*	R*	R*	R*	R*	R*	R*	
<b>Commercial Uses</b>																	
Adult Entertainment											S*						
Agricultural Services	R*	R*	R*					S*			R*	S*	R*		R*	R*	
Antique Shops		S*	R*					R*			R*		R*			R*	R*
Auction House	R	R	R								R		R				
Automobile Dealership											R*		R*			R*	
Automobile Graveyard															S		
Automobile Parts/Supply, Retail			S*								R*	S*	R*			R*	
Automobile Repair Services, Major											S*	S*	S*	R*	R*	S*	
Automobile Repair Services, Minor			S*								R*		R*	R*	R*	R*	R*
Automobile Rental/Leasing			S								R		R			R	S
Bed and Breakfast	R*	R*	R*	S*	S*	S*	S*	S*		S*	R*	S*	S*			S*	
Boarding House			S		S	R	R	S			R		S			S	
Business or Trade Schools			R					R		R	R		R	R	R	R	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Business Support Services			R					R		R	R		R	R	R	R	R*
Campgrounds	S*	S*	S*					S*			S*		S*			S*	R*
Carwash			S*					S*			R*	R*	R*			S*	
Commercial Indoor Amusement			S					S			R	S	R	S	S	R	R
Commercial Indoor Entertainment			S					S			R	S	R	R	R	R	R
Commercial Indoor Sports and Recreation			S					S		S	R	S	S	S	S	S	R
Commercial Outdoor Entertainment			S					S			R		S	S	S	S	R
Commercial Outdoor Sports and Recreation			S					S		S	S		S	S	S	S	R
Communications Services			S							R	R		R	R	R	R	R
Conference Center	S*	S*	R*							R*	R*						
Construction Sales and Services			S*								R*	S*	R*	R*	R*	R*	
Consumer Repair Services			R					R			R	R	R	R	R	R	
Convenience Store			S*					R*			R*	R*	R*	R*	R*	R*	R*

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Dance Hall			S					S			S		S			S	
Equipment Sales and Rental			S*								S*		S*		R*	R*	S*
Flea Market	S		R								R			R	R		
Food Truck			R*					R*		R*	R*	R*	R*	R*	R*	R*	R*
Funeral Service			R					R		R	R		R			R	
Garden Center	R*	R*	R*								R*	S*	R*	R*	R*	R*	
Gasoline Station			S*					R*			R*	S*	S*	R*	R*	S*	R*
General Store	R*	R*															
General Store with Fuel Sales	S	S															
Golf Course	S*	S*			S*	S*	S*	R*					R*			R*	R*
Hospital			R					R			R		R			R	
Hotel/Motel/Motor Lodge			R*					R*			R*		R*	R*	R*	R*	R*
Kennel, Commercial	R*	S*	S*					S*			R*	S*	R*	R*	R*	R*	
Landscaping and Lawn Care Services			S*								R*	S*	R*	R*	R*	R*	
Laundry											R		R	R	R	R	
Manufactured Home Sales			S*								R*		S*	R*	R*	R*	
Marina		S						S		S	S		R				R

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Meeting Hall	S*	S*	R*	S*	S*			S*		R*	R*		R*				
Microbrewery											R		R	R	R	R	
Mini-warehouse											R*		R*	R*	R*	R*	
Pawn Shop											R	S	R	R	R	R	
Personal Improvement Services			R					R		R	R		R	R	R	R	
Personal Services			R					R		R	R	R	R	R	R	R	
Recreational Vehicle Sales and Services			S*								R*		R*	R*	R*	R*	
Restaurant, Drive-in and Fast-Food			S*					R*		S*	R*	S*	R*	R*	R*	R*	R*
Restaurant, Family			R*					R*			R*	R*	R*			R*	R*
Restaurant, General			R*					R*			R*		R*			R*	R
Retail Sales			R					R		S	R	R	R	R	R	R	R*
Studio, Fine Arts			R					R		R	R	R	R	R	R	R	R
Surplus Sales											R		S	R	R	S	
Tattoo Parlor											R		R				
Truck Stop			S*								S*		S*	S*	S*	S*	
Veterinary Hospital/Clinic	R	R	R					R		R	R	R	R	R	R	R	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
<b>Industrial Uses</b>																	
Asphalt Plant															S*	S*	
Composting	R*	R*												R*	R*	R*	
Construction Yards	S*		S*								R*	R*	R*	R*	R*	R*	
Custom Manufacturing	R*	S*	R*					S*		R*	R*	S*	R*	R*	R*	R*	
Industry, Type I			R					S			S		S	R	R	R	
Industry, Type II														S	R	S	
Industry, Type III															S	S	
Landfill, Sanitary	S													S	S	S	
Meat Packing and Related Industries															S	S	
Railroad Facilities															R	R	
Recycling Centers and Stations	S*	S*	S*								S*	S*	S*	S*	R*	S*	
Resource Extraction	S*	S*												S*	S*	S*	
Scrap and Salvage Yards															S*	S*	

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP	
Transfer Stations	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*		
Transportation Terminal			S								S		S	R	R	S		
Truck Terminal														R	R	R		
Warehouse and Distribution													R	R	R	R		
Winery	S*	S*	S*										R*	R*	R*	R*		
<b>Miscellaneous Uses</b>																		
Amateur Radio Tower	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	
Archery Range, outdoor	R*	R*	R*															
Aviation Facilities, General													S	S	S	S		
Aviation Facilities, Private	S*	S*	S*					S*					S*	S*	S*	S*		
Broadcasting Tower, Radio	S*		S*							S*	S*			S*	S*			
Outdoor Gatherings	R*	R*	R*	R*	R*	R*	R*	R*		R*	R*	R*	R*	R*	R*	R*		
Parking Facility			S*					S*		R*	R*		R*	R*	R*	R*		
Shooting Range, Outdoor	S*	S*												S*				

USES	AP	AR	AV	R-1	R-2	R-3	R-4	PRD	RMH	C-1	C-2	NC	PCD	I-1	I-2	PID	EP
Transportation Terminal																	R*
Wind Energy System, Small	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Wireless Communication Facility, Class 1	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*	R*
Wireless Communication Facility, Class 2	R*	R*	R*	S*	S*	S*	S*	S*	S*	R*	R*	R*	R*	R*	R*	R*	
Wireless Communication Facility, Class 3	R*	R*	R*							S*	S*	S*	S*	S*	S*	S*	S*
Wireless Communication Facility, Class 4	R*	R*	R*							S*	S*	S*	S*	S*	S*	S*	S*

(Ord. of 7-9-2001; Ord. of 2-26-2001, App. A; Ord. of 2-11-2002; Ord. of 3-7-2005; Ord. No. O-0307-64, 3-26-2007; Ord. No. O-0707-169, 7-23-2007; Ord. No. O-0508-111(R), 5-27-2008; Ord. No. O-0508-112(R), 5-27-2008; Ord. No. O-1108-241, 11-12-2008; Ord. No. O-1108-242, 11-12-2008; Ord. No. O-0211-32(R), 2-28-2011; Ord. No. O-0911-139, 9-26-2011; Ord. No. O-0312-28, 5-26-2012; Ord. No. O-0213-024, pt. II, 2-25-2013; Ord. No. O-0413-042, pts. I—VII, 4-22-2013; Ord. of 6-10-2013, pts. III, V; Ord. No. O0713-087, pt. III, 7-22-2013; Ord. No. O-120814-02, pt. II, 12-8-2014; Ord. No. O-051115-05, pt. I, 5-11-2015; Ord. No. O-071315-08, pt. II, 7-13-2015; Ord. No. O-032816-03, pt. I, 3-28-2016; Ord. No. O-061316-09, 6-13-2016; Ord. No. O-032717-05, pt. II, 3/27/2017; Ord. No. O07231808, pt. II, 7-23-2018; Ord. No. O042219-04, pt. V, 4-22-2019; Ord. No. O-042621-06, Pt. V, 04-26-2021; Ord. No. O-091321-06, Pt. II, 09-13-2021; Ord. No. O-112221-04, Pt. II, 11-22-2021; Ord. No. O 072522-04, Pt. V; Ord. No. O 110722-10, Pt. II, 11-7-2022)

## ARTICLE IV. - USE AND DESIGN STANDARDS

Sec. 30-80. - Use and design standards.

- (a) The standards contained in the district regulations in article III shall apply to all of the following use types, unless specifically modified and/or superseded by the use and design standards below.
- (b) The standards listed as general standards shall apply in all districts in which the use type is permitted by right or permitted replace subject to approval of a special use permit, as indicated in article III, District Regulations.
- (c) Where a specific zoning district is indicated, the standards listed below shall apply to that zoning district, in addition to any general standards listed for that use.

Sec. 30-81. - Agricultural and forestry uses.

*Sec. 30-81-1. Reserved.*

*Sec. 30-81-2. Commercial feedlots (confined animal feeding operations).*

- (a) Commercial feedlots shall be prohibited in all AV districts.
- (b) General standards:
  - (1) Minimum setbacks:
    - One hundred fifty (150) feet from the right-of-way of any public road or road of record.
    - Two hundred fifty (250) feet from any property line other than the above right-of-way.
    - Three hundred (300) feet from any dwelling for dairy/beef cattle and poultry, and five hundred (500) feet for swine.
    - One thousand (1,000) feet from platted residential subdivisions, residentially zoned districts, mobile home parks, public schools, hospitals, churches, county and community recreation areas, and public facilities.
    - Two hundred fifty (250) feet from blue line streams; one thousand (1,000) feet from public water sources.
  - (2) Minimum acreage requirements for dairy/beef cattle, poultry or swine operations shall be as determined by Virginia Department of Environmental Quality and the Nutrient Management Plans as approved by department of conservation and recreation. In the case of differing acreage requirements, the greater shall apply.
  - (3) Any commercial feedlot proposed shall prepare and follow a nutrient management plan for responsible and environmentally safe management of all animal wastes. Such plan shall be approved by the Virginia Department of Environmental Quality, Department of Conservation and Recreation, and any other required agencies.
  - (4) Commercial feedlots shall be laid out and established consistent with the design recommendations and standards set forth in the most recent issue of Best Management Practices Handbook of the Virginia Department of Environmental Quality.

(Ord. No. O060914-05, pt. I, 6-9-2014)

*Sec. 30-81-3. Farm employee housing.*

- (a) *General standards:*
  - (1) A manufactured home (singlewide or doublewide), shall be permitted as an accessory use to an agricultural use exclusively for a farm employee, and his/her.

- (2) No more than one (1) farm employee dwelling for every twenty-five (25) acres of land, or portion thereof, in the agricultural use shall be permitted.
- (3) Multifamily housing may be constructed for orchards and other agricultural uses which rely on temporary seasonal employees. Such housing shall only be used for accommodating temporary seasonal employees during periods of their employment as a farm employee of the orchard or other agricultural use.
- (4) All farm employee housing shall comply with the setback requirements for a principal structure of the applicable zoning district.

(Ord. No. O042318-04, pt. III, 4-23-2018)

*Sec. 30-81-3.5. Farmers market.*

- (a) Intent: Farmer's markets provide the opportunity to sell and purchase fresh, locally grown and produced goods by providing a direct market for those products within the community.
  - (1) *General standards:*
    - a. A farmer's market may be accessory to an existing commercial, civic or agricultural use.
    - b. All farmer's markets shall comply with state and federal regulations.

(Ord. No. O-0413-042, pt. I, 4-22-2013)

*Sec. 30-81-4. Forestry operations.*

- (a) *General standards:*
  - (1) The following restrictions shall apply to the establishment and operation of a temporary sawmill:
    - a. A temporary sawmill shall only be established to process timber cut from the parcel on which the temporary sawmill is located or on immediately adjacent parcels.
    - b. A special use permit shall be required from the board of supervisors, in accordance with article I, for periods in excess of six (6) months.
    - c. A temporary sawmill shall be located at least two hundred (200) feet from any residence located on an adjoining property.
    - d. No processing, milling, finishing or artificial means of drying green lumber shall be associated with a temporary sawmill.
    - e. Green lumber and all other products and by-products from the temporary sawmill shall be removed from the site at least every sixty (60) days.
    - f. Buildings associated with a temporary sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing or drying of green lumber.

*Sec. 30-81-4.5. Livestock market.*

- (a) *General standards:*
  - (1) In considering a special use permit for such use, the board of supervisors may set additional standards, including but not limited to the following elements:
    - a. Surface materials and design for access roads, on-site roads, parking, loading and other vehicle facilities.
    - b. Control of dust, odors and pests.
    - c. Minimum required acreage of the use.
    - d. Noise generated by the operation.

e. Hours of operation.

- (2) Screening of the site shall be sufficient to ensure a minimal visual impact on adjacent uses, and the board shall impose conditions sufficient to provide such assurance, which may include, but not be limited to, fencing, berming, preservation of existing vegetation, additional vegetation, entrance design and location, and the design, bulk and height of structures.
- (3) Adequate fencing shall be provided around the perimeter of the facility for the purpose of livestock containment.
- (4) No structure, livestock barns or storage areas shall be located closer than three hundred (300) feet to adjacent lot line, exclusive of parking.
- (5) Such uses shall utilize the most direct access available from a state maintained road, adequate in capacity to serve the traffic generated by the operation.
- (6) Manure storage and disposal must comply with all Department of Environmental Quality (DEQ) and Virginia Department of Health requirements. No on-site disposal of chemicals or hazardous materials is permitted. Any such materials shall be disposed of at a site permitted to receive such materials.
- (7) Disposal of dead animals shall be handled in an approved manner as specified by the division of animal health and the state veterinarian.
- (8) A livestock market does not include a slaughter house.

(Ord. No. O-0413-042, pt. IV, 4-22-2013)

*Sec. 30-81-5. Stables, private.*

(a) *General standards:*

- (1) Maximum animal density: One (1) animal per fenced acre. One (1) acre per residence shall be subtracted from the total acreage to determine the number of animals allowed on each parcel.
  - (2) Stables and corrals shall comply with all the setback requirements for accessory buildings.
  - (3) Stables shall properly manage animal waste so as to not create a nuisance or health hazard to adjoining or nearby property owners.
  - (4) Perimeter of all animal confinement areas shall be adequately fenced.
- (b) In the AP, AR, AV, PCD, and PID districts the minimum lot size shall be two (2) acres.
- (c) In the R-1 and R-2 districts the minimum lot size shall be three (3) acres.

(Ord. of 9-8-2003; Ord. No. O-120814-02, pt. III, 12-8-2014)

*Sec. 30-81-6. Stable, commercial.*

(a) *General standards:*

- (1) Minimum lot size: Five (5) acres.
- (2) Maximum animal density: One (1) animal per fenced acre.
- (3) Minimum setback for stables and riding arenas: Fifty (50) feet from all property lines.
- (4) Accessory tack shops not exceeding one thousand (1,000) square feet are permitted in conjunction with commercial stables.
- (5) Commercial stables shall prepare and follow a management plan for responsible and environmentally safe management of all animal wastes. Such plan shall be approved, when required, by the Virginia Department of Environmental Quality, Division of Water. Animal waste shall not create a nuisance or health hazard to adjoining property owners.
- (6) Perimeter of all animal confinement areas shall be adequately fenced.

(Ord. of 9-8-2003)

*Sec. 30-81-7. Wayside stands.*

(a) *General standards:*

- (1) Front yard setback: Thirty-five (35) feet from any public right-of-way.
- (2) Goods and/or merchandise shall be produced on the site of the stand, on adjoining contiguous property or on other properties owned or leased by the owner of the site on which the wayside stand is located.
- (3) Entrances and exits to roads shall be clearly delineated, shall be so located as to provide safe ingress and egress from roads, and shall be approved by the Virginia Department of Transportation.
- (4) Size limitation for stands: One thousand five hundred (1,500) square feet.
- (5) Side and rear yard setbacks shall comply with the requirements of the underlying zoning district for accessory structure.

*Sec. 30-81-8. Sewage sludge storage.*

- (a) There shall be no storage of sewage sludge in the county except in districts noted on the permitted use table.
- (b) A special use permit shall not be required for storage of sewage sludge on a farm as long as such sludge is being stored: (i) solely for land application on that farm; and (ii) for a period no longer than forty-five (45) days. For the purpose of this section "farm" shall be defined as contiguous tracts of land titled in the name of the same owner.
- (c) Only class A or B biosolids shall be placed into storage facilities.
- (d) In order for a special use permit to be issued, the applicant shall present evidence that the storage of sewage sludge in the proposed facility will not adversely affect the public health, safety and welfare of its citizens and the environment.
- (e) The requirements of this section regarding storage of sewage sludge shall be in addition to the local testing and monitoring ordinance permitted under Code of Virginia, § 62.1-44.19:3C., as may be adopted by the board of supervisors as part of chapter 7 of this Code from time to time.

(Ord. of 2-11-2002; Ord. No. O-0707-172(R), 7-23-2007)

*Sec. 30-82. - Residential uses.*

*Sec. 30-82-1. Accessory apartments.*

- (a) *Intent.* Accessory apartments afford an opportunity for the development of small rental units designed to meet the special housing needs of single persons, persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for home owners with changing economic conditions and/or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to recognize formally previously established apartments and provide for improved safety and physical appearance.
- (b) *General standards:*
  - (1) An accessory apartment shall only be considered as an accessory use to a detached single-family residence, and no accessory apartment shall be located in any structure other than the principal structure on the lot, except as otherwise permitted in subsection (c) below.
  - (2) Maximum floor area: Upon completion of the construction, the accessory apartment shall not contain more than fifty (50) percent of the finished floor area of the principal dwelling located on

the same lot, but in no case shall the accessory apartment exceed one thousand (1,000) square feet.

- (3) Only one (1) accessory apartment shall be allowed on any one (1) lot or parcel, and the owner of the property shall reside on the premises.
  - (4) Exterior entrances to the apartment shall be located so as to appear as a single-family dwelling.
  - (5) Minimum floor area of the apartment: Three hundred (300) square feet.
  - (6) One (1) parking space shall be required in addition to required parking for the principal dwelling.
- (c) Additional standards in the AP, AR, and AV districts:
- (1) An accessory apartment may be permitted in a building other than the principal building provided:
    - a. The parcel meets the minimum lot size requirement for the district in which it is located.
    - b. The building in which it is located complies with all setback requirements for a principal building.
- (d) Additional standards in the C-1 and C-2 district, independent of the general standards above:
- (1) The accessory apartment shall be allowed only in the same structure as, and in conjunction with, an associated civic, office, or commercial use type.
  - (2) The civic, office or commercial use type must occupy at least fifty (50) percent of the gross floor area of the structure.

(Ord. of 6-10-2013, pt. V)

*Sec. 30-82-1.6. Domestic chickens.*

(a) *General standards:*

- (1) *Accessory use:* The keeping of domestic chickens shall be permitted only as an accessory use to an already existing principal residential use located on the same lot.
- (2) *Maximum number of chickens:* Eighteen (18) chicken hens. No roosters shall be allowed.
- (3) *Confinement:* All chickens shall be kept in a securely enclosed coop and fenced area at all times and shall not be permitted to roam at-large.
- (4) *Minimum lot area requirement:* One-quarter acre (ten thousand eight hundred ninety (10,890) square feet).
- (5) *Use location and minimum setbacks:* The keeping of chickens and related accessory structures shall only be allowed in the defined rear yard of the property. The minimum setback distance from adjoining side and rear property lines for the accessory chicken coop structure and fenced area shall be fifteen (15) feet.

(Ord. No. O-0213-024, pt. III, 2-25-2013)

*Sec. 30-82-2. Home beauty/barber salon.*

- (a) Intent. A small-scale beauty and/or barber shop may be permitted within a residential dwelling. The standards for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.
- (b) In the AP, AR, and in all residential districts, including residential use types in the PRD, PCD, and PID, the following standards shall apply:
  - (1) The salon shall be limited to one (1) chair only.
  - (2) The retail sale of beauty and barber supplies shall be allowed as an accessory use to the permitted beauty or barber shop use.

- (c) In the AV, C-1 and C-2 districts, a home beauty/barber salon shall be limited to no more than two (2) chairs.

(Ord. of 6-10-2013, pt. III)

*Sec. 30-82-3. Home occupations, Type I and Type II.*

- (a) *Intent.* These provisions are adopted in recognition that certain small-scale commercial activities may be appropriate accessory uses within residential dwellings. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes, and must be consistent with the predominant residential character of the property and/or surrounding neighborhood. In addition, these provisions are intended to limit the size of such home occupations so as to not create an unfair competitive advantage over businesses located in commercially zoned areas.

- (b) *General standards:*

- (1) More than one (1) home occupation may be permitted provided the total maximum floor area requirement is not exceeded. The maximum floor area permitted for a home occupation(s) shall be fifty (50) percent of the finished floor area of the dwelling unit. An accessory building or structure may be used with the home occupation, provided the total floor area devoted to the home occupation in the accessory structure and dwelling unit combined does not exceed fifty (50) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed twenty (20) percent of the finished floor area.
- (2) No dwelling or structure shall be altered, occupied or used in a manner which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
- (3) There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. The sale of firearms and ammunition shall be permitted as a home occupation.
- (4) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. In addition, the lot or property on which the home occupation is conducted shall not have any parking spaces added to it during the time the home occupation is being conducted, nor shall any parking space be used that was not customarily or regularly used prior to that time.
- (5) The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.
- (6) No equipment or process shall be used in a home occupation which creates noise in excess of sixty (60) dB(A) measured at the property line, or vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or through common walls. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
- (7) No activity in conjunction with a home occupation shall be conducted before 7:00 a.m. or after 10:00 p.m. that adversely impacts or disturbs adjoining property owners.
- (8) One (1) person who is not a permanent resident of the dwelling may be engaged or employed in the home occupation.
- (9) Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one time.

- (c) *Additional standards, Type I home occupations:*

- (1) The home occupation shall not involve the commercial delivery of materials or products to or from the premises.
  - (2) There shall be no display or storage of goods or products visible from the public or private right-of-way or adjacent property.
  - (3) Baby sitting for five (5) or less children shall be permitted.
  - (4) No sign may be placed on the property advertising the home occupation.
  - (5) No advertising through local media, including telephone books, and flyers shall call attention to the residential address of the home occupation.
- (d) *Additional standards, Type II home occupations:*
- (1) One (1) non-illuminated sign, a maximum of two (2) square feet in area, shall be permitted per dwelling, regardless of the number of home occupations within the dwelling. Any sign must conform with the provisions of article V of the zoning ordinance.

(Ord. No. O-042621-06, Pt. II, 04-26-2021)

*Sec. 30-82-4. Kennel, private.*

- (a) *General standards:*
- (1) Minimum lot size: One (1) acre.
  - (2) A private kennel shall be permitted only when accessory to a single-family dwelling.
  - (3) Exterior runs, pens and other confined areas designed to house four (4) or more animals shall be set back at least twenty-five (25) feet from any property line. For the purposes of this section, perimeter fencing of a yard shall not be considered a confined area.

*Sec. 30-82-5. Manufactured home.*

- (a) *Intent.* Manufactured homes provide a viable and affordable housing option for a segment of the county's population. This housing option is provided in areas predominately of agricultural and forest use with minimal requirements, consistent with the state code. This option is also provided under certain design criteria in more residentially developed areas where they will not conflict with developments planned for site-built dwellings.
- (b) *General standards on individual lots outside manufactured home parks:*
- (1) A manufactured home located outside of a mobile home park shall be allowed to remain subject to the provisions for nonconforming uses contained in article I of this ordinance.
  - (2) The manufactured home shall be mounted on and anchored to a permanent foundation, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code. (c) *Additional standards in R-1 and R-2 districts:*

*Intent.* The intent of this section is to allow manufactured homes in areas that were originally developed for manufactured housing but are now zoned R-1 or R-2. This section is not intended to allow for the expansion of these areas but to allow for infill development.

- (1) The zoning administrator may be authorized to allow manufactured homes in R-1 and R-2 districts if the following standards and guidelines are met:
  - a. Seventy (70) percent of the homes in the surrounding area are manufactured homes or manufactured homes (Class A).
  - b. Fifty (50) percent of the parcels in the surrounding area have functioning housing units on them.
  - c. Surrounding areas for subsections (a) and (b) above, shall be defined as a platted subdivision containing twenty-five (25) lots or more or an area encompassing one

thousand five hundred (1,500) feet from each property line, as determined by the zoning administrator.

(Ord. of 3-7-2005; Ord. No. O120913-10, 12-9-2013; Ord. No. O042318-04, pt. I, 4-23-2018)

*Sec. 30-82-6. Manufactured homes, accessory.*

(a) *Intent.* These regulations are adopted in recognition that certain families would benefit from living arrangements that allowed family members to reside in close proximity to each other but in separate dwelling units on the same lot.

(b) *General standards:*

(1) The accessory manufactured home shall be located on the same lot as a principal dwelling. The principal structure may be a manufactured home meeting the requirements of this ordinance.

(2) The accessory manufactured home shall only be occupied by:

a. A person or persons immediately related to the person or family in the principal dwelling. For the purposes of this section, "immediately related" shall be any person or persons who are natural or legally defined offspring, sibling, parent, or grandparent of the owner of the principal dwelling; or

(3) The accessory manufactured home and the principal dwelling shall be located on the same lot of record. For each proposed accessory manufactured home, the lot of record must contain adequate acreage to meet the minimum lot size for the principal structure and each accessory manufactured home within the district in which it is located. For example, one principal structure in the Agricultural Preservation District must have a minimum lot size of 1.5 acres, and each accessory manufactured shall also have 1.5 acres.

(4) The accessory manufactured home must be located behind the building line of the principal dwelling and shall meet the minimum side and rear yard setback requirements for principal structures in the district in which it is located.

(5) The accessory manufactured home shall be anchored, stabilized, and skirted in accordance with the provisions of the Virginia Uniform Statewide Building Code.

(6) The accessory manufactured home shall have its own septic system unless the existing septic system has adequate capacity, whereupon proof from the Virginia Department of Health shall be presented when applying for the accessory manufactured home.

(Ord. No. O042318-04, pt. II, 4-23-2018)

(c) *Special application procedures:*

(1) Persons interested in obtaining a permit to install an accessory manufactured home shall make application to the zoning administrator, who shall have the authority to review and decide upon all applications.

(2) In considering any application for an accessory manufactured home, the zoning administrator may visit the proposed site to view the proposed location and the character of the surrounding area. In making a determination to issue or deny any application, the zoning administrator shall consider all of the following factors:

a. The purposes of the zoning ordinance outlined in article I.

b. The effect of the proposed accessory manufactured home on the conservation of surrounding properties and their values, and its effect on the existing use and character of the property.

c. The general land use compatibility of the accessory manufactured home in relation to surrounding properties.

(3) If the zoning administrator determines that the proposal does not conform to any of the location, use or design standards contained in the above, the zoning administrator shall deny the

application and notify the applicant in writing. Any such denial may be appealed to the board of zoning appeals.

- (4) If the zoning administrator determines that the proposal conforms to the provisions of this section, the zoning administrator shall mail a first class letter to all adjacent property owners notifying each owner of the county's intent to issue a permit for the accessory manufactured home. All parties shall be given fifteen (15) days from the date of the notice to object formally in writing to the issuance of the permit. If an objection is filed, it shall be considered an appeal of the decision of the zoning administrator, and shall be considered by the board of zoning appeals. The person filing the appeal shall be responsible for all required application and legal ad costs.
- (5) If no interested party objects within fifteen (15) days of the date of the notice to the adjacent property owners, the zoning administrator may approve the accessory manufactured home permit.

*Sec. 30-82-7. Manufactured home, Class A.*

- (a) *Intent.* Manufactured homes provide a viable and affordable housing option for a segment of the county's population. This housing option is provided in areas predominately of agricultural and forest use with minimal requirements, consistent with the state code. This option is also provided under certain design criteria in more residentially developed areas where they will not conflict with developments planned for site-built dwellings.
- (b) *General standards:*
  - (1) No manufactured homes shall have the tow assembly, wheels and axles removed and be mounted on and anchored to a permanent foundation in accordance with the provisions of the Virginia Uniform Statewide Building Code.
  - (2) The manufactured home shall have a minimum width of twenty-three (23) feet.
  - (3) The manufactured home shall be covered with a non-reflective material customarily used on a site-built dwelling, such as but, not limited, to lap siding, plywood, brick, stone, or stucco.
  - (4) The roof shall be covered with non-reflective materials, such as but not limited to, fiberglass shingles, asphalt shingles, or wood shakes.
  - (5) The manufactured home shall be declared a permanently affixed dwelling and taxed as real estate.
- (c) *Additional standards in R-1 district:*

*Intent:* The intent of this section is to allow manufactured homes (Class A) in areas that were originally developed for manufactured housing but are now zoned R-1. This section is not intended to allow for the expansion of these areas but to allow for infill development.

- (1) The zoning administrator may be authorized to allow manufactured homes in R-1 district if the following standards and guidelines are met:
  - a. Seventy (70) percent of the homes in the surrounding area are manufactured homes (Class A).
  - b. Fifty (50) percent of the parcels in the surrounding area have functioning housing units on them.
  - c. Surrounding areas for subsections (1)a. and (1)b. above, shall be defined as a platted subdivision of record, as it existed as of December 1, 2013, containing twenty-five (25) lots or more or an area encompassing one thousand five hundred (1,500) feet from each property line, as determined by the zoning administrator. Consistent with the above statement of intent, the expansion of areas for the permitting of manufactured homes as contemplated by this subsection shall not be allowed by the creation of new lots, the

expansion of existing subdivision boundaries, or by any other means deemed by the zoning administrator to circumvent this regulation.

(Ord. of 3-7-2005; Ord. No. O120913-10, 12-9-2013)

*Sec. 30-82-8. Emergency Housing.*

- (a) *Intent.* These regulations are adopted in recognition that temporary emergency housing options may be necessitated by fire, flood, or other unforeseen and sudden acts of nature.
- (b) *General standards:*
  - (1) The zoning administrator may authorize the emergency use of a manufactured home or recreational vehicle on a lot if the building official certifies that the permanent dwelling on the lot has been lost or destroyed by a fire, flood, or other unforeseen and sudden act of nature, and as a result is uninhabitable.
  - (2) Only one (1) emergency manufactured home or recreational vehicle shall be permitted on any lot of record. It shall be located on the same lot as the destroyed dwelling, and must be occupied only by the person, persons, or family, whose dwelling was destroyed.
  - (3) The emergency manufactured home or recreational vehicle shall meet all setback and yard requirements for the district in which it is located. It shall be anchored and stabilized in accordance with the provisions of the Virginia Uniform Statewide Building Code. The zoning administrator shall have the authority to waive this requirement if valid reasoning is given due to lot constraints.
  - (4) The emergency manufactured home or recreational vehicle must be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete. A final certificate of zoning compliance for the reconstructed dwelling shall not be issued until the emergency manufactured home or recreational vehicle is removed from the site.
  - (5) The zoning administrator may approve of a temporary permit (valid for 180 days) for the placement of an emergency manufactured home or recreational vehicle prior to the issuance of a permit for the reconstruction or replacement of the uninhabitable dwelling.
- (c) *Federal disasters.* Where the President of the United States has declared a federal disaster, the zoning administrator, upon consent of the county administrator, may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their homes. In such cases, all zoning and building code requirements shall be waived in favor of FEMA standards. The period for temporary placement of manufactured homes shall be twelve (12) months, unless FEMA authorizes an extension for an additional twelve (12) months.

(Ord. No. O 110722-10, Pt. III, 11-7-2022)

*Sec. 30-82-9. Manufactured home park*

- (a) *General standards:*
  - (1) Minimum tract size for any new or expanding park: 5 contiguous acres.
  - (2) Minimum frontage for any new or expanding park: 50 feet on a publicly owned and maintained street.
  - (3) Maximum density for any new or expanding park served by a public water and sewer system: 7 dwelling units per gross acre. Lower densities may be required if the park is not served by public water and sewer.
  - (4) In a manufactured home park the manufactured home shall be less than 19 feet in width and shall otherwise comply with the requirements of this Article.

- (5) A Type C buffer yard, as defined in Article V of this ordinance, shall be installed along the side and rear perimeter of the park. No square footage allocated to a manufactured home lot shall be located within any portion of a required buffer yard.
- (b) *Minimum lot requirements:*
- (1) Minimum area for each lot: 4,000 square feet, which shall be clearly marked on the ground by permanent flush stakes.
  - (2) Minimum width for each lot: 40 feet.
- (c) *Minimum setback requirements:*
- (1) Front yard, from any interior driveway or street: 20 feet.
  - (2) Front yard, from any perimeter driveway or street: 30 feet.
  - (3) From side of lot: 5 feet.
  - (4) From rear of lot: 10 feet.
  - (5) From any other manufactured home: 26 feet.
  - (6) Accessory buildings: behind front face of the manufactured home based on the front yard; AND, 3 feet from any boundary of lot.
- (d) *Additional lot improvements:*
- (1) Each manufactured home lot shall have a pad constructed for the placement of a manufactured home in full compliance with the area, lot, and setback requirements of this section.
  - (2) All manufactured homes shall be anchored to the pad in accordance with the provisions of the Virginia Uniform Statewide Building Code.
  - (3) Each manufactured home shall be skirted with a durable material.
- (e) *Outdoor living areas and storage facilities:*
- (1) A private outdoor living and service area shall be provided. These outdoor areas shall meet the following:
    - a. Contain at least 300 square feet;
    - b. Contain hard surface patio of at least 100 square feet, unless the lot exceeds 6,000 square feet; and,
    - c. Assure reasonable privacy and visual appeal through the use of walls, fences, and/or plantings around the perimeter of this area.
  - (2) Each manufactured home lot shall be provided with a minimum of 300 cubic feet of storage area. This shall be accomplished by one of the following:
    - a. Common storage areas available within the park; or,
    - b. Within an accessory structure installed by the park owner or management, or required of the occupant of the lot by the park owner or management.
- (f) *Recreation areas:*
- (1) Minimum usable space for recreational areas: 8 percent of the gross area of the manufactured home park.
  - (2) Criteria for all recreational areas:
    - a. Minimum countable 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. Space shall not include manufactured home lots, buffer yards, street right-of-ways, open parking areas, or driveways.
  - d. Recreational areas shall include passive and active facilities and be of an appropriate nature and location to serve the residents of the park. This may include facilities such as recreation centers, swimming pools, tennis and basketball courts, and similar facilities.
- (3) Maintenance of the designated recreation areas shall be the responsibility of the park management.
- (g) *Management office, service, and community facilities:*
  - (1) An office area, devoted solely to the management of the park shall be allowed within the manufactured home park.
  - (2) Retail convenience sales, located and designed to serve the daily needs of only the park residents are allowed within a manufactured home park provided:
    - a. Such sales must be located within the same building as the management office, and must not exceed 50 percent of the total gross floor area of the building.
    - b. No business signs associated with these sales are displayed on the exterior of the building, or are otherwise displayed to be visible from any public right-of-way. No other forms of advertising shall be used that are intended to market the convenience sales to non-park residents.
  - (3) Service facilities such as laundries, and owner provided storage areas may be provided within the park to serve primarily the needs of the residents. These facilities may be combined in the same building as the park's management office, or may be located in other areas of the park.
- (h) *Streets and walkways:*
  - (1) Private streets shall no be allowed within a manufactured home park provided the surfacing materials and design comply with all applicable county standards for such streets, or to VDOT secondary road standards, whichever are more restrictive.
  - (2) The private street system shall provide convenient circulation by means of minor streets (serving 40 or fewer manufactured home lots), and collector streets (serving more than 40 manufactured home lots). Street widths shall be as follows:
    - a. Collector streets with parking on both sides: 36 feet wide.
    - b. Collector street with no parking: 30 feet wide.
    - c. Minor streets with parking on one side: 28 feet wide.
    - d. Minor streets with no parking: 20 feet wide.
    - e. One-way minor streets with no parking: minimum of 11 feet wide.
  - (3) Cul-de-sacs on private streets shall have a minimum diameter of 80 feet.
  - (4) The maximum gradient shall be 12 percent for private collectors streets, and 16 percent for private minor streets.
  - (5) Manufactured home lots not served by a public or private street may be served by a walkway, trail or bikeway, provided such pathway serves the front, rear, or side of the manufactured home lots. Each pathway shall be constructed of a hard-surface, or gravel material, and shall have a minimum width of three feet.
- (i) *Parking:*
  - (1) Each manufactured home lot shall have the equivalent of two parking spaces. At least one of these spaces shall be provided on the manufactured home lot, unless the lot is accessed by a pathway as provided in this article.

- (2) All other parking spaces shall be:
  - a. Provided within 150 feet of the manufactured home to be served;
  - b. Located within a common parking area; and,
  - c. Designed and constructed to meet county standards.
- (3) Parking spaces shall be provided for the management office, and other community facilities to serve the convenience and needs of the residents.
- (4) Additional parking spaces, not required by this section may be provided along certain private streets where adequate width is provided, as specified.
- (j) *Utilities:*
  - (1) All new utility lines within the park shall be placed underground.
  - (2) Parks shall be served by public water and sewerage systems.
- (k) *Refuse disposal:*
  - (1) Refuse disposal shall be the responsibility of park management. Common refuse areas shall be provided throughout the park. All refuse areas shall be screened with a solid, durable material meeting the requirements of this ordinance.
- (l) In manufactured home parks established prior to June 1, 1986, existing manufactured homes may be replaced with manufactured home consistent with this article provided all of the following standards are met:
  - (a) The manufactured home meets the side and rear setbacks for accessory structures, as specified in the underlying zoning district, from the property line of the park;
  - (b) The manufactured home is anchored and skirted in accordance with the provisions of the Virginia Statewide Uniform Building Code prior to occupancy.

*Sec. 30-82-10. Reserved.*

*Sec. 30-82-11. Multifamily dwelling.*

- (a) *Intent.* The following minimum standards are intended to accommodate multifamily dwellings, ensuring adequate separation and other design characteristics to create a safe and healthy residential environment while protecting adjoining uses which are less intensive.
- (b) *General standards:*
  - (1) Minimum front yard setback: Thirty (30) feet from any street right-of-way for all structures.
  - (2) Minimum side yard setback: Twenty (20) feet for principal structures.
  - (3) Additional setbacks in the form of a buffer yard shall be required in accordance with article V where the property adjoins a less intensive zoning district.
  - (4) Each multifamily building shall be separated by forty (40) feet between facing living areas. This separation may be reduced to twenty (20) feet when both multifamily buildings contain windowless walls.
  - (5) Where buildings are placed at right angles (ninety (90) degrees) to one another and both interior walls are windowless, the minimum separation of buildings shall be twenty (20) feet.
  - (6) Standards for open space and recreational areas required below:
    - a. Shall be in addition to any buffer yard required under article V of this ordinance;
    - b. Shall be in addition to, and not be located in, any required front, side or rear yard setback;
    - c. Shall have a horizontal dimension of at least fifty (50) feet, except that areas with a horizontal distance of not less than twenty (20) feet shall be counted as open space

provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.;

- d. Shall not include proposed street rights-of-ways, open parking areas, driveways, or sites reserved for other specific uses; and
- e. Shall be of an appropriate nature and location to serve the residents of the multifamily development.

(7) One (1) structure may be permitted for tenants/property owners to wait for transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirements. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.

(c) *Additional standards in the AV district:*

- (1) Minimum lot size: Twenty thousand (20,000) square feet for the first dwelling unit, plus five thousand (5,000) square feet for each additional unit.
- (2) Maximum density: Eight (8) dwelling units per acre.
- (3) When adjoining a lot containing a single-family dwelling, a Type C buffer yard as described in article V shall be provided.
- (4) Common open space and recreational areas required: Five (5) percent of the total lot area for parcels of two (2) to five (5) acres, and ten (10) percent for parcels over five (5) acres. No open space is required for parcels under two (2) acres.
- (5) Minimum rear yard setback: Twenty five (25) feet for the principal structure(s)

(d) *Additional standards in the R-3 district:*

- (1) Minimum lot size: Seven thousand two hundred (7,200) square feet for the first dwelling unit, plus three thousand six hundred thirty (3,630) square feet for each additional unit.
- (2) Maximum density: Twelve (12) dwelling units per acre.
- (3) The property shall be served by public sewer and water.
- (4) Common open space and recreational areas required: Five (5) percent of the total lot area for parcels of two (2) to five (5) acres, and ten (10) percent for parcels over five (5) acres. No open space is required for parcels under two (2) acres.
- (5) Minimum rear yard setback: Twenty five (25) feet for the principal structure(s)

(e) *Additional standards in the R-4 district:*

- (1) Minimum lot size: Seven thousand two hundred (7,200) square feet for the first dwelling unit, plus one thousand eight hundred fifteen (1,815) square feet for each additional unit.
- (2) Maximum density: Twenty-four (24) dwelling units per acre.
- (3) The property shall be served by public sewer and water.
- (4) Common open space and recreational areas required: Five (5) percent of the total lot area for parcels of two (2) to five (5) acres, and ten (10) percent for parcels over five (5) acres. No open space is required for parcels under two (2) acres.
- (5) Minimum rear yard setback: Twenty five (25) feet for the principal structure(s). For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Additionally, the principal structure shall be located a minimum of ten (10) feet from the eight-hundred foot (800') contour. Walkways and steps are exempt from rear yard requirements.

(f) *General standards in the C-1 district, independent of the general standards above:*

- (1) The multifamily use shall be allowed only in the same structure as, and in conjunction with, an associated civic, office or commercial use type.

- (2) The civic, office or commercial use type must occupy at least fifty (50) percent of the gross floor area of the structure.
- (3) Minimum rear yard setback: Twenty five (25) feet for the principal structure(s)  
(Ord. No. O042219-04, pt. VI, 4-22-2019, Ord. No. O022420-10, pt. I, 2/24/2020)

*Sec. 30-82-12. Single-family, detached (zero lot line option).*

- (a) Intent. The following zero lot line provisions are intended to offer greater flexibility in providing a variety of housing options to meet the changing demands and needs of the public, while providing standards which afford a reasonable degree of protection for surrounding properties.
- (b) In the R-1, R-2, R-3 or R-4 districts and residential use types in the PCD, PRD and PID, within a common development, one (1) interior yard per lot may be equal to zero (0) for single-family detached dwellings, subject to the following additional criteria:
  - (1) Minimum tract size of the common development: Three (3) acres or on tracts less than three (3) acres with a special use permit from the board of zoning appeals pursuant to article I.
  - (2) The minimum lot size, frontage and front and rear yard setbacks required in the district regulations may be reduced up to twenty (20) percent, provided:
    - a. The lot is an interior lot and does not adjoin a lot outside of the common development designated for zero lot line use; or
    - b. The lot adjoins a Type C or greater buffer yard; or
    - c. The lot adjoins land zoned as commercial or industrial.
  - (3) Minimum side yard opposite the zero yard: Fifteen (15) feet.
  - (4) No two (2) dwelling units built under these provisions shall be attached along the common property line (See Single-family, attached).
  - (5) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
  - (6) No windows, doors, or other openings shall be permitted in the wall of a building which faces the designated zero lot line within five (5) feet of the property line.
  - (7) A perpetual five (5) foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property line. This easement shall be kept clear of structures or any other improvement which would infringe on the use of the easement, with the exception of freestanding walls and fences. This easement shall be shown on the plat and incorporated into each deed transferring title to the property.
  - (8) A copy of the plat approved by the subdivision agent of the county shall be submitted to the zoning administrator. The zoning administrator shall make the appropriate notation on the official zoning map that the affected lots have been approved for zero lot line dwellings.

*Sec. 30-82-13. Single-family dwelling, attached.*

- (a) Intent. The following provisions are intended to offer greater flexibility in providing a variety of housing options to meet the changing demands and needs of the public. The standards below are intended to accommodate new developments of attached single-family dwellings, as well as to allow attached single-family dwellings as in-fill development on scattered sites in existing residential areas.
- (b) General standards within a common development containing three (3) or more acres:
  - (1) The minimum lot size, frontage and front and rear yard setbacks required in the district regulations may be reduced up to twenty (20) percent, provided:

- a. The lot is an interior lot and does not adjoin a lot outside of the common development designated for attached single-family dwellings; or
  - b. The lot adjoins a Type C or greater buffer yard; or
  - c. The lot adjoins land zoned as commercial or industrial.
- (2) Minimum side yard opposite the common lot line between two (2) attached dwellings: Fifteen (15) feet.
- (3) A copy of the plat approved by the subdivision agent of the county shall be submitted to the zoning administrator. The zoning administrator shall make the appropriate notation on the official zoning map that the affected lots have been approved for attached dwellings.
- (c) General standards on existing lots or in new developments containing less than three (3) acres: Minimum side yard opposite the common lot line between two (2) attached dwellings: Fifteen (15) feet.
- (d) Public street frontage shall not be required for any proposed lot of record platted for single-family attached development within R-3 and R-4 districts.

*Sec. 30-82-14. Townhouses.*

- (a) Intent. It is the intent of this section that townhouses be allowed in areas where they are or may be appropriately intermingled with other compatible types of housing. The purpose of the following design standards is to ensure the efficient, economical, comfortable and convenient use of land and open space and serve the public purposes of zoning by providing an alternative to conventional arrangements of yards and buildable areas.
- (b) General standards:
- (1) All townhouse developments shall be served by public sewer and water.
  - (2) The facades of townhouses in a group shall be varied by changed front yards and variations in design so that no more than four (4) abutting townhouses will have the same front yard setback and the same or essentially the same architectural treatment of facades and roof lines.
  - (3) The minimum separation between any building containing a group of five (5) or more townhouse units shall be forty (40) feet from any other townhouse building. The minimum separation between any building containing a group of four or fewer townhouse units shall be twenty (20) feet from any other building containing a group of four (4) or fewer townhouses.
  - (4) The height of all townhouses shall be limited to forty-five (45) feet. Accessory buildings shall not exceed fifteen (15) feet.
  - (5) Accessory structures for townhouse units shall be permitted only in rear yard areas and shall be no larger than ten (10) feet by ten (10) feet in area.
  - (6) Only one (1) yard, either the front yard or the rear yard, or in the case of an end unit, the side yard, shall be improved with a driveway or other impermeable surface intended for the storage of motor vehicles or for access to a garage, or other parking areas.
  - (7) The maximum building and lot coverage requirements applying to townhouses shall be computed for the site of the entire development.
  - (8) Public street frontage shall not be required for any proposed lot of record platted for townhouse development within R-3 and R-4 districts. In the AV and R-2 districts, the applicant shall designate as part of the special use permit application, the location of any lot that is not proposed to front on a public street.
  - (9) One (1) structure may be permitted for tenants/property owners to wait for transportation (School Bus, Public Transit, etc.) that does not have to meet any setback requirements. This structure is limited to a maximum size of 500 square feet and must be placed in a location that is acceptable to the Virginia Department of Transportation.

(c) Additional standards in the AV district:

- (1) Maximum gross density: Eight (8) townhouse units per acre.
- (2) Minimum parcel size: Twenty thousand (20,000) square feet for the first dwelling unit, plus five thousand four hundred forty-five (5,445) square feet for each additional unit.
- (3) Front yard setbacks for each group of townhouse units: An average of fifteen (15) feet, and not be less than ten (10) feet for any individual townhouse unit. No common parking area, common driveway or street right-of-way shall be permitted within the required front yard area.
- (4) A side yard setback of fifteen (15) feet shall be provided for each end residence in any group of townhouses adjoining a property boundary of the development, or a street right-of-way, private drive, parking area or walkway intended for the common use of townhouse occupants.
- (5) Minimum rear yard setback: Twenty-five (25) feet.
- (6) Minimum lot size for individual townhouse lots: Two thousand (2,000) square feet for interior lots and two thousand five hundred (2,500) square feet for end lots.
- (7) Minimum width for individual townhouse lots: Twenty (20) feet, measured from center of wall to center of wall, or outside of end wall.
- (8) Maximum number in a group or block of townhouses: Four (4) townhouse units.
- (9) The maximum building and lot coverage shall comply with the requirements for the AV district.
- (10) When a townhouse development adjoins a single-family dwelling, a Type C buffer yard as described more fully in article V shall be provided.

(d) Additional standards in the R-2 district:

- (1) Maximum gross density: Eight (8) townhouse units per acre.
- (2) Minimum parcel size: Twenty thousand (20,000) square feet for the first dwelling unit, plus five thousand four hundred forty-five (5,445) square feet for each additional unit.
- (3) Front yard setbacks for each group of townhouse units: An average of fifteen (15) feet, and not be less than ten (10) feet for any individual townhouse unit. No common parking area, common driveway or street right-of-way shall be permitted within the required front yard area.
- (4) A side yard setback of fifteen (15) feet shall be provided for each end residence in any group of townhouses adjoining a property boundary of the development. Where a group of townhouses adjoin private drive or parking area or walkway intended for the common use of townhouse occupants, the side yard setback shall be ten (10) feet.
- (5) Minimum rear yard setback: Twenty-five (25) feet.
- (6) Minimum lot size for individual townhouse lots: Two thousand (2,000) square feet for interior lots and two thousand five hundred (2,500) square feet for end lots.
- (7) Minimum width for individual townhouse lots: Eighteen (18) feet, measured from center of wall to center of wall or outside end wall.
- (8) Maximum number in a group or block of townhouses: Ten (10) townhouse units.
- (9) Maximum coverage for townhouse developments:
  - a. Building coverage: Thirty-five (35) percent.
  - b. Lot coverage: Sixty (60) percent.

(e) Additional standards in the R-3 district:

- (1) Maximum gross density: Twelve (12) townhouse units per acre.
- (2) Minimum parcel size: Seven thousand two hundred (7,200) square feet for the first dwelling unit, plus three thousand six hundred thirty (3,630) square feet for each additional unit.

- (3) Front yard setbacks for each group of townhouse units: An average of fifteen (15) feet, and not be less than ten (10) feet for any individual townhouse unit. No common parking area, common driveway or street right-of-way shall be permitted within the required front yard area.
  - (4) A side yard setback of fifteen (15) feet shall be provided for each end residence in any group of townhouses adjoining a property boundary of the development. Where a group of townhouses adjoin a private drive or parking area or walkway intended for the common use of townhouse occupants, the side yard setback shall be ten (10) feet.
  - (5) Minimum rear yard setback: Twenty-five (25) feet.
  - (6) Minimum lot size for individual townhouse lots: One thousand eight hundred (1,800) square feet for interior lots and two thousand three hundred (2,300) square feet for end lots.
  - (7) Minimum width for individual townhouse lots: Eighteen (18) feet, measured from center of wall to center of wall or outside end wall.
  - (8) Maximum number in a group or block of townhouses: Ten (10) townhouse units.
  - (9) Maximum coverage for townhouse developments:
    - a. Building coverage: Forty (40) percent.
    - b. Lot coverage: Sixty-five (65) percent.
- (f) Additional standards in the R-4 district:
- (1) Maximum gross density: Eighteen (18) townhouse units per acre.
  - (2) Minimum parcel size: Seven thousand two hundred (7,200) square feet for the first dwelling unit, plus two thousand four hundred twenty (2,420) square feet for each additional unit.
  - (3) Front yard setback for each group of townhouse units: an average of fifteen (15) feet, and not less than ten (10) feet for any individual townhouse unit. Common parking areas, driveways, and rights-of-way may be permitted within the front yard setback.
  - (4) A side yard setback of fifteen (15) feet shall be provided for each end residence in any group of townhouses adjoining a property boundary of the development. Where a group of townhouses adjoin a private drive or parking area or walkway intended for the common use of townhouse occupants, the side yard setback shall be ten (10) feet.
  - (5) Minimum rear yard setback: Twenty-five (25) feet.
  - (6) Minimum lot size for individual townhouse lots: One thousand six hundred (1,600) square feet for interior lots and two thousand one hundred (2,100) square feet for end lots.
  - (7) Fifty (50) percent of the individual townhouse lots shall be allowed to have a minimum width of fourteen (14) feet, measured from center of wall to center of wall. The remaining lots shall have a width greater than fourteen (14) feet.
  - (8) Maximum number in a group or block of townhouses: Ten (10) townhouse units.
  - (9) Maximum coverage for townhouse developments:
    - a. Building coverage: Forty-five (45) percent.
    - b. Lot coverage: Seventy (70) percent.

(Ord. No. O042219-04, pt. VI, 4-22-2019)

*Sec. 30-82-15. Two-family dwelling.*

- (a) In the AV district the minimum lot size shall be thirty thousand (30,000) square feet.
- (b) In the R-2, R-3 and R-4 districts the minimum lot size shall be ten thousand (10,000) square feet.
- (c) General standards in the C-1 and C-2 districts:

- (1) The two-family dwelling use shall be allowed only in the same structure as, and in conjunction with, an associated civic, office, or commercial use type.
- (2) The civic, office, or commercial use type must occupy at least fifty (50) percent of the gross floor area of the structure.

(Ord. of 2-26-2001, App. A; Ord. of 2-11-2002; Ord. of 7-8-2002; Ord. of 9-13-2004; Ord. of 6-10-2013, pt. II; Ord. No. O-120814-02, pt. III, 12-8-2014)

Sec. 30-83. - Civic uses.

Sec. 30-83-0.5. *Animal shelter.*

(a) *General standards:*

- (1) If associated kennels for the shelter are located indoors in a solid masonry structure, no silencer shall be required. If associated kennels are in a frame structure or outdoors, the animal shelter shall install and operate a kennel silencer.
- (2) Animal waste shall be disposed of in a manner acceptable to the Virginia Department of Health.
- (3) Crematoria or land burial of animals in association with an animal shelter shall be prohibited on the site.
- (4) The minimum area required for an animal shelter shall be two (2) acres.
- (5) All facilities associated directly with the animal shelter, whether indoors or outdoors, shall be set back a minimum of one hundred (100) feet from any property line.
- (6) When adjoining a residential use type, a Type C, Option 2 buffer in accordance with article V, shall be provided along the property line which adjoins the residential use type.
- (7) All daytime outdoor runs and pens associated with an animal shelter shall be set back a minimum of one hundred (100) feet from any property line.

Sec. 30-83-1. *Camps.*

(a) *General standards:*

- (1) Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V, along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences.

(b) *Additional standards in the AP districts:*

- (1) The minimum area for a camp shall be ten (10) contiguous acres.
- (2) Multiple structures may be constructed on the property, such as cabins, lodges, and other facilities typical of a camp provided that all structures comply with the setback requirements for a principal structure from adjoining property lines.
- (3) Each building intended to accommodate members shall be accessible via an all weather road suitable to accommodate emergency vehicles serving the property.
- (4) One (1) year-round residence, including a manufactured home, may be constructed as a caretakers home in addition to other facilities on the property.

Sec. 30-83-2. *Cemetery.*

(a) *General standards:*

- (1) Minimum parcel size: Ten (10) acres.
- (2) No interment shall occur within twenty-five (25) feet of the property line.

- (b) Any cemetery associated with a place of religious assembly on the same or adjoining parcel or for the burial of members of a family on private property shall be exempt from general standards in subsection (a)(1) above, and the necessity of obtaining a special use permit provided the following:
  - (1) The owners of any residence located within two hundred fifty (250) feet, excluding residences separated by a public street, consent in writing to the proposed cemetery; and
  - (2) The cemetery is located at least three hundred (300) feet from any public property containing a well used in connection with a public water supply; and
  - (3) The location is sufficiently documented, in the opinion of the zoning administrator, and recorded in the office of the clerk of circuit court to inform adequately prospective and future property owners of the presence and location of such cemeteries.

*Sec. 30-83-3. Civic clubs.*

When a club adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-83-3.5. Community dock location.*

- (a) *Intent.* The intent of this section is to establish standards and guidelines for the construction of community docks and similar structures on or over the waters of the commonwealth; and to promote safe navigation and use of the water.
- (b) Such docks and similar structures shall not be approved unless the following standards are met:
  - (1) The dock extends channelward less than one-third of the distance across a cove or channel; and
  - (2) The dock extends channelward from the closed end of a cove less than forty (40) feet beyond the ten-foot water depth; and
  - (3) The dock is separated by a minimum of thirty (30) feet from an existing dock or a minimum fifteen (15) from an existing dock at the closed end of the cove; and
  - (4) The dock does not encroach into the extended property lines of an adjoining lot or if it does, the owner of the adjoining lot indicates in writing his understanding and approval of the proposed dock design and encroachment.
  - (5) The proposed dock does not encroach closer than thirty (30) feet to a public channel marker or other navigational aid.
- (c) The county will not accept an application for a special use permit for a dock or similar structure unless the applicant has received approval of the dock by Appalachian Power and/or the Federal Energy Regulatory Commission (FERC).

*Sec. 30-83-4. Community recreation.*

Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed, large evergreen trees shall be required in a location appropriate to screen adjoining residences.

*Sec. 30-83-5. Day care center.*

- (a) *General standards:*
  - (1) All day care centers shall comply with the minimum standards for day care centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
  - (2) A certificate of zoning compliance to operate a day care center shall be approved, provided that a license to operate a day care center from the Virginia Department of Social Services is

approved prior to beginning operation of the center. Failure to maintain a valid license approved by the Virginia Department of Social Services shall be considered a violation of this ordinance.

*Sec. 30-83-6. Educational facilities, college/university, primary/secondary.*

(a) *General standards:*

- (1) Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.
  - (2) Any area constructed in conjunction with an educational facility intended for the overnight storage of school buses which adjoins a residential use type shall provide Type C buffer yard as specified in article V of this ordinance.
- (b) In the AR district, the maximum building coverage shall be twenty (20) percent and the maximum lot coverage fifty (50) percent of the total lot area.

*Sec. 30-83-7. Family day care home.*

(a) *General standards:*

- (1) Family day care homes, where applicable, shall comply with the minimum standards for family day care homes established by the Virginia Department of Social Services, as may be amended.
- (2) When a license is required, a copy of the license to operate a family day care home approved by the Virginia Department of Social Services shall be presented to the zoning administrator prior to the issuance of a certificate of zoning compliance to operate a family day care home.

*Sec. 30-83-8. Park and ride facility.*

Park and ride facilities shall be exempt from all maximum building and lot coverage requirements contained in this ordinance.

*Sec. 30-83-8(a). Public maintenance and service facilities.*

- (a) In the EP district, these facilities shall be used to service and maintain only EP district properties and/or access thereto.

*Sec. 30-83-9. Public parks and recreational areas.*

Any outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.

*Sec. 30-83-10. Religious assembly.*

(a) *General standards:*

- (1) Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V, along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.
- (2) When a place of religious assembly adjoins a residential use type, a Type C buffer yard in accordance with article V, shall be provided between the parking area(s) and the residential use type.

- (3) Exterior lighting shall comply with section 30-94 of the zoning ordinance.
- (b) In the AP and AR districts, the maximum building coverage shall be twenty (20) percent and the maximum lot coverage, fifty (50) percent of the total lot area.
- (c) *Additional standards in the I-1, I-2 and PID districts:* All new or proposed worship facilities and assemblies require a special use permit within these districts. The special use permit provides an opportunity to assess the potential impact on public health, safety and well-being and allows an opportunity to assess whether a substantial burden is being imposed on the applicant.
- (d) *Religious assembly resolution panel:* Should an applicant allege the strict application of zoning or subdivision regulations intentionally, unintentionally or unnecessarily impedes religious exercise, imposes a substantial burden or appears to violate the First Amendment to the U.S. Constitution and/or the Religious Land Use and Institutionalized Persons Act of 2000, a review process is established to assess such impact.
- (1) The review panel is a voluntary option available to an applicant who alleges that a substantial burden or conflict with prevailing law is felt to exist. A panel review process is provided herein.
- a. Nothing in this ordinance shall prohibit an aggrieved party from electing not to use the panel and instead seek relief in an appropriate court of law.
  - b. With the concurrence of the applicant, a voluntary panel will be assembled to review the grievance.
  - c. The objective of the panel is to determine if opposing positions of the county and applicant might be amicably reconciled.
  - d. Composition of the panel:
    1. The applicant shall designate two (2) persons to present its issues.
    2. The planning commission shall appoint two (2) representatives of which one (1) or more may be a commission member. These two (2) appointees shall represent the county.
    3. These four (4) panel members shall together agree upon a fifth appointee who will complete the composition of the panel.
    4. The panel is authorized to establish a meeting date, time and location in accordance with state law. The panel shall review the grievance and based upon a determination of a simple majority of those assembled, may recommend actions appropriate to its findings.
    5. The zoning administrator shall attend meetings of the resolution panel in an advisory capacity, as such he shall have the right to participate in discussions and to answer questions, and however, he shall not be allowed to vote.
    6. A record of the panel minutes, and any recommendations shall be maintained by the division of planning.
    7. The panel may present its report to the planning commission who shall make such information available to the board of supervisors.
    8. The planning commission and/or the board of supervisors may request that the panel appear at a meeting to review its report.
  - e. If warranted, either the planning commission or board of supervisors may initiate amendment(s) to the zoning and/or subdivision ordinances.

*Sec. 30-83-11. Safety services, private/public.*

When a safety services establishment adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-83-12. Utility services, major.

(a) General standards:

- (1) In considering an application for a special use permit, the planning commission and board of supervisors shall consider the justification for the location of the proposed utility service and any alternative locations which maybe available.
- (2) The minimum lot size may be reduced as part of approval of the special use permit provided all setback and yard requirements are met and all other dimensional requirements are achieved.
- (3) The height limitation contained in each district may be increased as part of the approval of the special use permit, subject to any other height limitation contained in article III.
- (4) No major utility service shall be located within one hundred (100) feet of an existing residence.
- (5) Except in the I-1 and I-2 districts, outdoor storage of materials and equipment, except during construction of the utility facility, shall be prohibited in association with a major utility service, unless specifically requested and approved as part of the special use permit. In the I-1 and I-2 districts outdoor storage areas shall comply with the screening provisions contained in article V.
- (6) Buildings and facilities shall be designed and constructed to be compatible with the surrounding area, so that these facilities or structures will not adversely affect nearby properties.
- (7) Except in the I-1 and I-2 districts, Type D screening and buffering consistent with article V of this ordinance shall be required, unless specifically modified as a part of the approved special use permit.
- (8) All sewer and water utility services shall be publicly owned and operated by a government agency unless otherwise recommended by the public service authority and approved by the board of supervisors.
- (9) Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the comprehensive plan.

(Ord. of 2-26-2001, App. A; Ord. of 3-7-2005; Ord. No. O 0307-64, 3-26-2007; Ord. No. O-0508-111(R), 5-27-2008; Ord. No. O-0508-112(R), 5-27-2208; Ord. No. O-1108-241, 11-12-2008; Ord. of 6-10-2013, pt. IX)

Sec. 30-84. - Office uses.

Sec. 30-84-1. General office.

When a general office use adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-84-2. Medical office.

When a medical office use adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-84-3. Financial institutions.

- (a) General standards: All drive-through windows shall conform to the standards for drive-through facilities contained in article V.
- (b) Additional standards in the AV district: When a financial institution adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(Ord. of 2-26-2001, App. A)

Sec. 30-85. - Commercial uses.

*Sec. 30-85-1. Adult entertainment.*

Any adult entertainment shall be a minimum of two hundred fifty (250) feet from any residence, church, school, day care facility or park.

*Sec. 30-85-2. Agricultural services.*

- (a) In the AP, AR, AV, and NC districts, any outdoor storage area for agricultural equipment awaiting repair which is visible from a public right-of-way or an adjoining property shall be provided with a Type C buffer yard in accordance with article V. When the storage area and/or repair facilities are clearly visible from a residence on an adjoining property a Type D buffer yard shall be provided.
- (b) In the C-2, PRD, PCD, I-2, and PID districts any outdoor storage area for agricultural equipment awaiting repair shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.

*Sec. 30-85-3. Antique shops.*

- (a) *General standards:* When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.
- (b) *In the AR and AV districts:*
  - (1) Antique shops shall not exceed three thousand (3,000) square feet in gross floor area.
  - (2) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-85-4. Automobile dealership.*

- (a) *General standards:*
  - (1) Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required in appendix C.
  - (2) A ten-foot planting strip shall be provided adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen, or small deciduous tree shall be planted every thirty (30) linear feet. Such planting materials shall otherwise comply with the landscaping requirements contained in article V.
  - (3) The storage and/or display of motor vehicles in the planting strip required above shall be prohibited.
  - (4) Exterior display or storage of new or used automobile parts is prohibited.
  - (5) Body and fender repair services are permitted provided:
    - a. The area devoted to such services do not exceed twenty (20) percent of the gross floor area.
    - b. The repair facilities are at least one hundred fifty (150) feet from any adjoining residential district.
    - c. Any spray painting takes place within a structure designed for that purpose and approved by the Bedford County Building Official.
    - d. Any vehicle awaiting body repair or painting, or is missing major mechanical or body parts, or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.

(Ord. of 6-10-2013, pt. III)

Sec. 30-85-5. Reserved.

**Editor's note—**

Part III of an ordinance adopted June 10, 2013, rescinded § 30-85-5, entitled "Automobile dealership, used".

Sec. 30-85-5(a). *Automobile rental/leasing.*

(a) In the EP district, these facilities shall be permitted only with a special use permit.

Sec. 30-85-6. *Automobile repair services, major.*

(a) *General standards:*

- (1) All vehicles stored on the premises in excess of seventy-two (72) hours shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.
- (2) Body and fender repair services shall be subject to the following:
  - a. The repair facilities are at least one hundred fifty (150) feet from any adjoining residential district.
  - b. Any spray painting takes place within a structure designed for that purpose and approved by the Bedford County Building Official.
- (3) Exterior display or storage of new or used automobile parts is prohibited.

Sec. 30-85-7. *Automobile repair services, minor.*

(a) *General standards:*

- (1) Exterior display or storage of new or used automobile parts is prohibited.
- (2) Equipment and vehicles stored overnight on the premises shall be behind the front building line or at least thirty-five (35) feet from the public right-of-way, whichever is greater.

(b) *Additional standards in the AV district:*

- (1) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.
- (2) The site shall front directly on and have direct access to a publicly owned and maintained street.

(c) *Additional standards in the EP district:*

- (1) There shall be a maximum of four (4) service bays, one (1) of which may be oversized to permit a bus or recreational vehicle to pull through for service.
- (2) Where adjoining a residential or civic use type, a Type D, vegetative buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.
- (3) No independent advertising through local media shall call attention to the Explore Park location of the business.

(Ord. of 6-10-2013, pt. IX)

Sec. 30-85-8. *Automobile parts/supply, retail.*

(a) *General standards:*

- (1) Exterior display or storage of new or used automobile parts is prohibited.

- (2) Equipment and vehicles stored overnight on the premises shall be behind the front building line or at least thirty-five (35) feet from the public right-of-way, whichever is greater.

(b) *Additional standards in the AV district:*

- (1) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.
- (2) The site shall front directly on and have direct access to a publicly owned and maintained street.

*Sec. 30-85-9. Bed and breakfast.*

(a) *General standards:*

- (1) The owner, owner's family, or owner's representative shall reside on the same parcel occupied by the bed and breakfast establishment.
- (2) No more than five (5) guest sleeping rooms shall be utilized for a bed and breakfast establishment.
- (3) Any building erected, enlarged or modified to accommodate a bed and breakfast shall maintain the appearance of a single-family residence. No rooms shall have direct entrance or exit to the outside of the building, except that emergency exits when required by the fire marshal may be provided for emergency purposes only.
- (4) Guests may stay no more than thirty (30) consecutive nights in any one (1) calendar year. The operator of the bed and breakfast shall maintain a log of all guests, including their name, address, license plate number, and length of stay, and shall make the log available to county staff upon request.
- (5) Meals shall be provided only to overnight guests and no cooking shall be permitted in guest rooms.
- (6) Required parking areas for guests and employees shall be provided on-site.
- (7) Health department approval for sewage disposal, water supply, and kitchen facilities shall be submitted prior to issuance of a certificate of zoning compliance.

(Ord. of 9-8-2003)

*Sec. 30-85-9(a). Business support services.*

- (a) In the EP district, no independent advertising through local media shall call attention to the Explore Park location of the business.

*Sec. 30-85-10. Campground.*

(a) *General standards in the AP, AR, AV, PRD, C-2, PCD and PID districts:*

- (1) The minimum area for a campground shall be ten (10) contiguous acres.
- (2) Each campsite shall be set back a minimum distance of fifty (50) feet from the perimeter property line of the campground.
- (3) The maximum density shall be fourteen (14) sites per gross acre. Each campsite designed for recreational vehicles shall have a minimum space of two thousand (2,000) square feet with a minimum width of thirty (30) feet. Areas devoted solely for tent camping shall provide at least four hundred (400) square feet per campsite.
- (4) Vacation cottages may be constructed within a campground provided that a minimum land area of four thousand (4,000) square feet is designated solely for the first dwelling unit in a cottage, with an additional two thousand (2,000) square feet of land area provided for each additional dwelling unit within the cottage. The maximum floor area of a cottage shall be thirty (30) percent of the site.

- (5) The primary access road shall be paved in accordance with the latest editions of the Virginia Department of Transportation's Subdivision Street Requirements Manual. Such paving shall extend from the public street right-of-way to the entrance station. Interior roads and access to individual sites shall consist at a minimum of an all-weather gravel surface. All interior roads shall be eighteen (18) feet minimum width for two-way travel or ten (10) feet minimum width for one-way travel. No campsite shall have direct access to a public street.
- (6) One (1) manufactured home, or single-family residence, established pursuant to this ordinance, may be located in a campground as a caretaker's residence.
- (7) The following uses and activities shall be prohibited at a campground:
  - a. The sale, storage, use or occupancy of any manufactured home, except as provided above.
  - b. The sale of recreational vehicles and the storage of unoccupied units not in a condition for safe occupancy.
- (8) Indoor and outdoor recreational facilities are permitted for the exclusive use of campground tenants. At least fifteen (15) percent of the campground area shall be developed and improved for recreational uses. In calculating the required area, common walkways and related landscaping may be included, provided that such space is at least twenty (20) feet in width. At least half of the required recreation area shall be for active recreation, such as swimming pools, ball fields, and play lots for small children. No developed recreational areas shall be located within the required yard setbacks for the district.
- (9) Retail sales for the convenience of campground tenants are permitted. Items are limited to food, concessions, recreational supplies, personal care items, and other items clearly supportive of campground tenants' needs.
- (10) Guests may stay no more than one hundred eighty (180) nights in any one (1) calendar year. The operator of a campground shall maintain a log of all guests, including their name, address, license plate number, and length of stay, and shall make the log available to county staff upon request.
- (11) The site shall have direct access to a publicly owned and maintained street.

*Sec. 30-85-11. Car wash.*

(a) *General standards:*

- (1) Car wash facilities shall comply with article V's stacking spaces and drive-through facilities requirements.

*Sec. 30-85-12. Clinic.*

When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-85-12.5. Conference center.*

(a) *General standards:*

- (1) Hours of operation shall be limited to 9:00 a.m. to 12:00 midnight.
- (2) Such use shall utilize the most direct access available from a state maintained road, adequate in capacity to serve the traffic generated by the operation. There shall be no more than one (1) point of access to a state maintained road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) Weddings, meetings, and private parties may be held outdoors. Such uses may be held within a building approved for the banquet/event facility use. The maximum number of attendees is

based on the occupancy of the event space as determined by the Uniform Statewide Building Code.

- (4) Outdoor music and entertainment shall not be allowed after 11:00 p.m.

(Ord. No. O-0413-042, pt. II, 4-22-2013)

*Sec. 30-85-13. Construction sales and services.*

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen or small deciduous tree shall be planted every thirty (30) linear feet. Such plantings shall otherwise comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of goods and materials in the planting strip required above shall be prohibited.
- (3) All exterior storage areas of goods and materials shall be fenced.

*Sec. 30-85-14. Convenience store.*

(a) *General standards:*

- (1) Limited sale of foods prepared on the premises may be allowed provided no more than twenty (20) percent of the floor areas is devoted to seating facilities. Seating areas in excess of this shall constitute a fast-food restaurant.
- (2) Exterior display of merchandise for sale is allowed under the following conditions:
  - a. On a paved walkway within three (3) feet of the building.
  - b. Ice machines and soft drink vending machines, in operating condition, shall be stored under roofed areas.
- (3) The display of vehicles "for sale" is prohibited.

(b) *Additional standards in the NC district:*

- (1) No convenience store shall exceed two thousand (2,000) square feet of gross floor area.
- (2) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(c) *Additional standards in the AV district:*

- (1) No convenience store shall exceed three thousand (3,000) square feet of gross floor area.
- (2) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(d) *Additional standards in the EP district:*

- (1) No convenience store shall exceed three thousand (3,000) square feet of gross floor area.
- (2) Where adjoining a residential or civic use type, a Type D, vegetative buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.
- (3) No independent advertising through local media shall call attention to the Explore Park location of the business.

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-85-15. Equipment sales and rentals.*

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen or small deciduous tree shall be planted every thirty (30) linear feet. Such plantings shall other comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of goods and materials in the planting strip required above shall be prohibited.
- (3) All exterior storage areas of goods and materials shall be fenced.

*Sec. 30-85-16. Garden center.*

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen or small deciduous tree shall be planted every thirty (30) linear feet. Such plantings shall other comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of goods and materials in the planting strip required above shall be prohibited.
- (3) All exterior storage areas of goods and materials shall be fenced.

- (b) *Additional standards in the AP, AR and AV districts:* When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-85-17. Gasoline station.*

- (a) *General standards:* Bulk storage of fuel shall be pursuant to the standards established by the National Fire Prevention Association (NFPA) and the U.S. Environmental Protection Agency (EPA).

(b) *Additional standards in the AV and NC districts:*

- (1) No more than four (4) stations designed for dispensing fuel shall be located on-site.
- (2) Fuel dispensers shall be located at least thirty (30) feet from any public street right-of-way, and shall be located at least one hundred (100) feet from any adjoining residential use type.
- (3) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(c) *Additional standards in the EP district:*

- (1) No more than four (4) fueling islands designed for dispensing fuel shall be located on-site.
- (2) Where adjoining a residential or civic use type, a Type D, vegetative buffer yard in accordance with article V shall be provided along the property line which adjoins the residential or civic use type.
- (3) No independent advertising through local media shall call attention to the Explore Park location of the business.

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-85-17.5. General store.*

(a) *General standards:*

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

(Ord. of 6-10-2013, pt. V)

*Sec. 30-85-18. Golf course.*

When the clubhouse, parking areas or maintenance facilities adjoin a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-85-19. Kennel, commercial.*

(a) *General standards:*

- (1) Each commercial kennel shall install and operate a kennel silencer.
- (2) Animal waste shall be disposed of in a manner acceptable to the department of health.
- (3) Crematoria or land burial of animals in association with a commercial kennel shall be prohibited.

(b) *Additional standards in the AP, AR, and AV districts:*

- (1) The minimum area required for a commercial kennel shall be two (2) acres.
- (2) All facilities associated directly with the commercial kennel, whether indoors or outdoors, shall be set back a minimum of one hundred (100) feet from any property line.
- (3) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(c) *Additional standards in the C-2 district:* All outdoor runs, training areas, and pens associated with a commercial kennel shall be set back a minimum of one hundred (100) feet from any property line.

(Ord. of 9-8-2003)

*Sec. 30-85-20. Landscaping and lawn care services.*

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen, or small deciduous shall be planted every thirty (30) linear feet. Such plantings shall also additionally comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of goods and materials in the planting strip required above shall be prohibited.
- (3) All exterior storage areas of goods and materials shall be fenced and screened from view.

(b) *Additional standards in the AV district:* When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

*Sec. 30-85-20.5. Meeting hall.*

(a) *General standards:*

- (1) Any outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one (1) row of small evergreen trees in accordance with article V along the property line adjoining the residential use type. Where nighttime lighting of such areas is proposed large evergreen trees shall be required in a location appropriate to screen adjoining residences.
- (2) When a meeting hall adjoins a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

(Ord. No. O-0413-042, pt. III, 4-22-2013)

Sec. 30-85-21. Mini-warehouse.

(a) *General standards:*

- (1) The minimum lot size shall be two (2) acres.
- (2) The minimum front yard setback shall be thirty-five (35) feet.
- (3) No security fencing, security gate, or other obstruction to vehicle access shall be permitted in the required front yard setback or in any buffer yard required pursuant to article V.
- (4) All interior driveways shall be at least twenty-six (26) feet wide when cubicles open onto one (1) side only and at least thirty (30) feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. When interior drives are specified to be "one-way only" the widths shall be at least twenty-six (26) feet wide. Adequate turning radiuses shall be provided, where appropriate, for a thirty-foot long single unit truck or moving van. Materials and design shall otherwise conform to the standards contained in latest edition of the Virginia Department of Transportation Subdivision Street Requirement Manual and appendix C.
- (5) No door openings for any cubicle shall be constructed facing any residentially zoned property.
- (6) The following uses shall be prohibited:
  - a. Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
  - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - d. The establishment of a transfer and storage business.
  - e. The storage of flammable, highly combustible, explosive or hazardous materials shall be prohibited.
- (7) Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a ten-foot landscaped area consisting of small evergreen trees and evergreen shrubs in accordance with article V.
- (8) Accommodations for a live-in manager shall be permitted.

(b) *Additional standards in the AR district:*

- (1) The minimum front yard setback shall be fifty (50) feet.
- (2) No door openings for a cubicle shall be constructed facing any residential use type.
- (3) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.

Sec. 30-85-22. Manufactured home sales.

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen or small deciduous tree shall be planted every thirty (30) linear feet. Such planting materials shall otherwise comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of manufactured homes in the planting strip required above shall be prohibited.

- (3) The storage of manufactured homes on the premises which are not suitable for occupancy shall be prohibited.
- (4) Temporary or permanent occupancy of manufactured homes on the premises shall be prohibited.

*Sec. 30-85-23. Recreational vehicle sales and service.*

(a) *General standards:*

- (1) A ten-foot planting strip shall be provided along the frontage adjacent to any public street right-of-way. Within this planting strip, one (1) large deciduous, large evergreen or small deciduous tree shall be planted every thirty (30) linear feet. Such planting materials shall otherwise comply with the landscaping requirements contained in article V.
- (2) The storage and/or display of recreational vehicles in the planting strip required above shall be prohibited.
- (3) Any recreational vehicle which is missing major mechanical or body parts or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.

*Sec. 30-85-24. Restaurant, family.*

(a) *General standards:*

- (1) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.
- (2) Health department approval for sewage disposal, water supply and kitchen facilities shall be submitted prior to issuance of a building permit for a family restaurant.

*Sec. 30-85-25. Restaurant, general.*

(a) *General standards:*

- (1) When adjoining a residential use type, a Type C buffer yard in accordance with article V shall be provided along the property line which adjoins the residential use type.
- (2) Health department approval for sewage disposal, water supply and kitchen facilities shall be submitted prior to issuance of a building permit for a general restaurant.

*Sec. 30-85-26. Restaurant, drive-in and fast-food.*

(a) *General standards:*

- (1) All drive-through windows shall comply with the standards for drive-through facilities contained in article V.
- (2) A special use permit shall not be required for any fast-food restaurant that is located within a shopping center (excluding out parcels) and which does not propose drive-in or curbside service.

(b) *In the EP district:*

- (1) A special use permit shall be required only if drive-through facilities are part of the drive-in or fast-food restaurant.

*Sec. 30-85-26(a). Retail sales.*

*In the EP district:*

1. A special use permit shall be required for any retail sales use, building or structure that exceeds fifty thousand (50,000) square feet of gross floor area.

*Sec. 30-85-26.5. Temporary family health care structure.*

(a) For purposes of this section:

- (1) A "caregiver" is an adult who provides care for the mentally or physically impaired person within the commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person who is being cared for.
- (2) A "mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two (2) or more activities of daily living, as defined in Code of Virginia, § 63.2-2200, as certified in a writing provided by a physician licensed by the commonwealth.

(b) General standards:

- (1) Only one (1) temporary family healthcare structure shall be permitted on a lot or parcel of land accessory to a primary residence.
- (2) A temporary family healthcare structure shall comply with the side and rear principle structure setback requirements in the zoning district for which it is located.
- (3) The temporary family healthcare structure shall be limited to three hundred (300) gross square feet and comply with the applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.).
- (4) Placing the temporary family healthcare structure on a permanent foundation shall not be permitted.
- (5) Any temporary family healthcare structure may be connected to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- (6) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (7) Any temporary family health care structure installed pursuant to this section shall be removed within thirty (30) days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. For the purposes of this section, "mentally or physically impaired person" shall be a person who is a resident of Virginia and who requires assistance with two (2) or more activities of daily living, as defined in Code of Virginia, § 63.2-2200, as certified in a writing provided by a physician licensed by the commonwealth.
- (8) The zoning administrator may at his discretion request evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(Ord. No. O-0413-042, pt. V, 4-22-2013)

*Sec. 30-85-27. Truck stop.*

The truck stop site shall be a minimum of ten (10) acres.

(Ord. of 2-26-2001, App. A; Ord. of 7-8-2002; Ord. No. O 0307-64, 3-26-2007; Ord. No. O-0907-188, 9-24-2007)

*Sec. 30-85-28. Food Trucks*

All mobile vehicles providing retail sales of food (food trucks, food trailers or food carts) shall comply with the regulations of this section. These regulations do not apply to "meal on wheels" program vehicles, ice cream trucks or food home delivery services.

(a) *Districts where allowed*

- (1) Mobile food trucks and trailers for retail sales of food shall be limited to the AV, PRD, C1, C2, NC, PCD, PD1, I1, I2, and PID districts.
- (2) Mobile food carts for retail sales of food shall be limited to the AV, PRD, C1, C2, NC, PCD, PD1, I1, I2, and PID districts.

(b) *Location Criteria*

- (1) Food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
- (2) Food trucks, trailers and carts shall not be located within any area of the lot or parcel that impedes, endangers, or interferes with pedestrian or vehicular.
- (3) Food trucks, trailers and carts shall not be located in any right of way, nor obstruct any easement.
- (4) Food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours or operation do not coincide with those of the food truck business. Nor shall any retail sales - food truck occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
- (5) Food Trucks, trailers and carts shall not occupy or limit access to any handicap accessible parking space.

(c) *Mobile food vehicle operations*

- (1) No mobile food vehicle shall use flashing or moving lights as part of its operation.
- (2) When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in the cases of emergency.
- (3) The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. Vendors shall remove all waste and trash from their approved location and the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalk, streets, or other public space. Under no circumstance shall grease be released or disposed of in BRWAs sanitary sewer system nor a private septic system.
- (4) All equipment required for the operation shall be contained within, attached to or within ten (10) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall be in compliance with all applicable County, State and Federal Health Department sanitary regulations.

(d) *Authorization*

- (1) A zoning permit shall be obtained by the vendor prior to operations of a mobile food vehicle and shall be renewed annually.
- (2) Application approval does not grant or entitle the exclusive use of a location to the mobile food vehicle applicant.
- (3) The zoning permit shall include signed authorization from the property owner for any lot or parcel proposed to accommodate a mobile food vehicle.
- (4) Prior to the issuance of the zoning permit, the vendor shall provide evidence of all necessary permits authorizing the preparation and sales of food within Bedford County.

- (5) If at any time evidence is provided that the lot or parcel is being used other than in compliance with these regulations, the property owner may be cited for the violation of this zoning ordinance.
- (6) Copies of the zoning permit and all applicable permits shall be kept in the food truck, trailer or cart at all times.

*Sec. 30-85-29. Hotel/Motel/Motor Lodge*

- (a) (1) The owner/operator shall keep records of all guests and their length of stay for each calendar year. At the request of the zoning administrator, the records shall be provided to ensure compliance with the zoning ordinance.
- (b) Non-Transient Unit Requirements
  - (1) Hotel/Motel/Motor lodge uses that will provide for non-transient lodging shall require approval of a special use permit prior to submittal of the site plan.
  - (2) The applicant shall designate the amount of units within a building(s) for non-transient occupancy when applying for the special use permit.

(Ord. No. O-112221-04, Pt. III, 11-22-2021)

*Sec. 30-86. - Industrial uses.*

*Sec. 30-86-1. Asphalt plants.*

- (a) *General standards:*
  - (1) A Type D buffer yard shall be required in accordance with article V.
  - (2) In considering a special use permit request for an asphalt plant, in addition to the special use permit standards contained in article I of this ordinance, the board of zoning appeals shall specifically consider and set standards for the following:
    - a. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.
    - b. Specific measures to control dust during the construction and operation of the plant.
    - c. Specific levels of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise.

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-86-2. Composting.*

- (a) *General standards:*
  - (1) The area designed for composting shall be located greater than three hundred (300) feet from all property boundaries.
  - (2) The area designated for composting is located more than one thousand (1,000) feet from any occupied dwelling not located on the same property as the composting area.
  - (3) The area designated for composting is not located within an area designated as a floodplain as defined in the Code of Virginia.
  - (4) The area designated for composting is located more than three hundred (300) feet from any body of water.
  - (5) The agricultural operation has at least one (1) acre of ground suitable to receive yard waste for each one hundred fifty (150) cubic yards of finished compost generated annually.

- (6) The total time for the composting process and storage of the material being composted or has been composted shall not exceed eighteen (18) months prior to its field application or sale as a horticultural or agricultural product.

*Sec. 30-86-3. Construction yards.*

- (a) *General standards:* All materials stored on the premises overnight shall be placed in a storage yard. The storage yard shall be fully screened from surrounding views in accordance with article V, and shall be set back at least one hundred (100) feet from any adjoining residential district.
- (b) *In the AV district, the following standards shall apply:*
  - (1) The maintenance and repair of all vehicles and equipment shall be conducted within an enclosed building.
  - (2) In considering a special use permit request for a construction yard, in addition to the above standards and the general special use permit standards contained in article I of this ordinance, the board of zoning appeals may consider and set standards for the following:
    - a. The provisions for screening of any vehicles, equipment, materials and storage yard, and screening and buffering, in accordance with article V, of the entire construction yard.
    - b. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.
    - c. Specific measures to control dust on the site.
    - d. Specific levels of noise permitted on the site, as measured at adjacent property lines.
    - e. Limit the hours of operation.

*Sec. 30-86-4. Custom manufacturing.*

- (a) *General standards:*
  - (1) A custom manufacturing establishment shall meet all the requirements for a principal structure.
  - (2) All activities associated with a custom manufacturing establishment, other than loading and unloading, shall be conducted within an enclosed building.
- (b) *Additional standards in the AP, AR, and AV districts:*
  - (1) Maximum square footage for a custom manufacturing establishment: Three thousand (3,000) square feet.
  - (2) When there is a residential use type on an adjoining lot, a Type C buffer yard in accordance with article V shall be provided along the common property line.
  - (3) The site shall front directly on and have direct access to a publicly owned and maintained street.
- (c) *Additional standards in the AP and AR districts:*
  - (1) The custom manufacturing establishment shall be accessory to a single-family dwelling.
  - (2) No custom manufacturing establishment shall be located on lot containing less than three (3) acres.

*Sec. 30-86-5. Recycling centers and stations.*

- (a) *General standards:*
  - (1) Where receptacles for recyclable materials are located outside of a building, they shall be located so as to not disrupt or interfere with on-site traffic circulation, required fire lanes or required parking, loading, or stacking areas.

- (2) A specific circulation pattern shall be established to provide safe and easy access to recycling receptacles. Adequate space shall be provided for the unloading of recyclable materials.
- (3) A regular schedule for picking up recycled materials shall be established and maintained.
- (4) The site shall be maintained free of litter.
- (5) Where receptacles for recyclable materials are located outside of a building, they shall be screened from public view in accordance with article V.

*Sec. 30-86-6. Resource extraction.*

(a) *General standards:*

- (1) No surface mining or extraction activity shall be conducted within one hundred (100) feet of the exterior property line nor within two hundred (200) feet of any residential property or planned residential subdivision. The setback shall not be used for any purpose during the period of excavation, including overburden and spoil storage, except the minimum necessary for access roads.
- (2) Access to the site shall be located so that truck traffic does not travel through any planned residential development, and shall otherwise be located to have as little as possible impact on residentially developed areas.
- (3) Access roads shall be maintained in a dust-free manner. All access roads shall be constructed so as to intersect as nearly as possible at right angles with public streets and roads.
- (4) Off-street parking areas adequate for all employees' vehicles and trucks shall be provided.
- (5) In addition to the application requirements for a special use permit, a master plan of the proposed site shall be submitted for consideration. This plan shall specify all physical changes or improvements to the property, methods for controlling drainage, runoff, and potential ponding on the site, erosion and sediment control measures to be employed, an evaluation of the impact of the proposed activity on groundwater resources, methods for securing the site from illegal entry, proposed access routes and impacts on public roads, a phasing plan including time frames for the extraction activities, and proposed reclamation and re-use of the site upon completion of the mining or excavation activity.

*Sec. 30-86-7. Scrap and salvage yards.*

(a) *General standards:*

- (1) All scrap and salvage materials, and all associated vehicles and equipment stored on the premises overnight shall be placed in a totally enclosed building or in a fenced storage yard. The storage yard shall be fully screened from surrounding views in accordance with article V, and shall be set back at least one hundred (100) feet from any adjoining residential district.
- (2) The site development and operation shall be in accordance with all of the regulations of the Virginia Department of Environmental Quality.
- (3) No land development activities shall be undertaken until the appropriate permits are approved by the Virginia Department of Environmental Quality.

*Sec. 30-86-8. Transfer station.*

(a) *General standards:*

- (1) Any transfer station shall be either owned, operated, and/or approved by Bedford County.
- (2) The site development and operation shall be in accordance with all of the regulations of the Virginia Department of Environmental Quality, including special conditions, for a transfer station.
- (3) No land development activities shall be undertaken until the appropriate permits are approved by the Virginia Department of Environmental Quality.

Sec. 30-86-9. Winery.

(a) General standards:

- (1) All activities associated with the winery, other than loading and unloading, shall be conducted within an enclosed building.
- (2) A winery establishment shall meet all the requirements for a principal structure.
- (3) When there is a residential use type on an adjoining lot, a Type C buffer yard in accordance with article V shall be provided along the common property line.
- (4) The site shall front directly on and have direct access to a publicly owned and maintained street.

(Ord. of 2-26-2001, App. A)

Sec. 30-87. - Miscellaneous uses.

Sec. 30-87-1. Amateur radio tower.

(a) General standards:

- (1) An amateur radio tower shall be considered as an accessory structure and shall comply with the minimum setback requirements for the respective zoning district.
- (2) The minimum setback requirement from the base of the tower to any residential structure on an adjoining lot shall be at least equal to forty (40) percent of the height of the tower, measured from the closest structural member of the tower (excluding guy lines). Guy lines shall be exempt from the minimum setback requirements in side and rear yards for the respective zoning district, but shall comply with the setback requirements for the front yard.
- (3) More than one (1) tower shall be permitted provided all setback requirements have been met.
- (4) Towers shall be illuminated as required by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), but no lighting shall be incorporated if not required by either agency.
- (5) All amateur radio towers shall comply with any additional requirements established in the airport overlay district in article III and the emergency communications overlay district in article III.

(b) In all agricultural, residential, industrial, and commercial zoning districts where amateur radio towers are permitted, the following additional standards shall apply: The maximum height permitted by right for an amateur radio tower shall be two hundred (200) feet. Any tower which exceeds this height may be permitted only after obtaining a special use permit in accordance with article I of this ordinance and the additional criteria established under subsection (c) for such permits below.

(c) Where a special use permit is required by this ordinance, the following criteria shall be considered:

- (1) Any tower proposed within two (2) miles of any general or commercial airport, or located at a ground elevation at or above two thousand (2,000) feet, average mean sea level, shall be referred to the operator/manager of the airport for review and comment prior to taking action on the special use permit application. Comments shall also be submitted from the Federal Aviation Administration (FAA) where FAA approval is otherwise required by law.
- (2) In accordance with the FCC's Memorandum Opinion and Order in PRB-1 also known as "Amateur Radio Preemption", 101 FCC2d 952 (1985), local regulation of amateur radio towers shall consider the following:
  - a. The FCC, in regulating and licensing amateur radio stations and operators, is operating under basic federal objectives which preempt certain local regulations which preclude amateur communications;
  - b. Restrictions on the placement, screening, or height of towers based on health, safety or aesthetic considerations must reasonably accommodate amateur communications.

- c. Restrictions must represent the minimum practicable regulation to accomplish the purpose of the district in which the tower is proposed, as well as the purpose of this ordinance as contained in article I.

- (3) The specific height of the amateur radio tower shall be established as a condition of the special use permit.

*Sec. 30-87-2. Aviation facilities, private.*

(a) *General standards:*

- (1) Written approval shall be obtained from the state department of aviation, and when located within five (5) miles of any commercial airport, written approval from the Federal Aviation Administration.
- (2) No flight strip or heliport shall be located within five hundred (500) feet of any adjoining residential structure, other than residences planned in conjunction with the private aviation facility.
- (3) Buildings and structures, such as hangars and maintenance sheds, shall be considered accessory uses to the private airport, but shall otherwise comply with all requirements for a principal building or structure.
- (4) Nighttime use and operation of a private airport shall be prohibited unless specifically approved as part of the special use permit.

*Sec. 30-87-3. Wireless communication facility (WCF), Class 1, Class 2, Class 3 and Class 4.*

- (a) *Intent:* To provide for the siting of wireless communication facilities (WCFs) by establishing guidelines for the construction and modification of towers and associated equipment in accord with the strategic plan for commercial wireless telecommunication facilities, a component of the comprehensive plan. The established guidelines are designed to reduce the adverse impacts and encourage stealth techniques through the placement of towers in locations with appropriate vegetative cover or through alternative tower designs.

(b) *For purposes of this section:*

- (1) A "distributed antenna system (DAS)" is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- (2) A "stealth structure" is any structure designed to conceal or disguise antenna structures and antennas associated with wireless communication facilities including but not limited to, tree poles, flag poles, silos and "lookout" towers.

(c) *General standards:*

- (1) All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the county, state or federal government with the authority to regulate WCFs. If regulations change and WCFs are required to comply with such changes, the owners of the WCFs governed by this ordinance shall bring WCF(s) into compliance within six (6) months of the effective date of such change in standards or regulations. Failure to comply shall constitute grounds for the removal of the WCFs at the owner's expense.
- (2) WCFs shall be considered either a principal or accessory use.
- (3) WCFs shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and designs chosen must cause the least disturbance to the surrounding view.
- (4) WCFs shall meet the following aesthetic requirements:

- a. WCFs shall, subject to any applicable FAA standard, be of a neutral color and subject to staff approval so as to reduce visual obtrusiveness. The appearance shall be maintained in the approved neutral color.
  - b. The design of buildings and related structures within the WCF compound area shall, to the extent possible, use materials and colors that will blend into the natural setting and surrounding trees.
  - c. If a WCF is installed on a structure other than a tower (i.e., water tower, light pole, etc.), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) The county reserves the right to employ the services of a wireless telecommunications consultant to review all WCF applications. All applicable costs will be the responsibility of the applicant.
- (6) WCFs that exceed 50 feet above ground level shall meet the following setback requirements:
- a. The minimum setback requirement from the base of the tower to any primary or occupied structure on the subject parcel shall be at least equal to forty (40) percent of the height of the tower, measured from the closest structural member of the tower. Guy lines shall be exempt from the minimum setback requirement in side and rear yards for the respective zoning district, but shall comply with the setback requirements for the front yard.
  - b. Certification shall be provided that the tower will not fall onto any adjoining property in the event of failure or collapse of the structure.
  - c. For any building or structure associated with a WCF, the minimum setback from any property line abutting a road right-of-way shall be fifty (50) feet and in all other instances shall be no less than twenty-five (25) feet.
  - d. More than one (1) tower shall be permitted provided all setback requirements have been met.
- (7) Buildings and support equipment associated with WCFs shall comply with the following requirements:
- a. The cabinet or structure shall not be more than twelve (12) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
  - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10) percent of the roof area.
  - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (8) No advertisement signs shall be allowed on a WCF. Signs of no more than one (1) square foot containing ownership, operational and name plate data shall be allowed.
- (9) WCF applications in a PCTDA location as defined in the strategic plan for commercial wireless telecommunications facilities, a component of the comprehensive plan, shall not be exempt from administrative approval or obtaining special use permit approval. Such application will be classified based on the height of the proposed WCF (Class 1-4) and subject to the permitted use table requirements by district.
- (d) *Uses by right:* The uses listed in this section are deemed to be uses by right subject to administrative approval. The following provisions shall govern the issuance of approvals for WCFs:
- (1) WCFs located on property owned, leased, or otherwise controlled by Bedford County provided a license or lease authorizing such WCF(s) has been approved by Bedford County or collocated on an existing WCF(s).

- (2) The collocation of WCFs on existing WCFs. The collocation must be accomplished in a manner consistent with the following:
    - a. The WCF which is modified or reconstructed to accommodate the collocation of an additional WCF shall be of the same WCF type as the existing WCF(s).
    - b. A WCF which is being rebuilt to accommodate the collocation of an additional WCF may be moved on-site within fifty (50) feet of its existing location. Once the WCF is rebuilt to accommodate the collocation, only one (1) WCF may remain on the site.
  - (3) Installing a cable microcell network (distributed antenna system or DAS) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of WCFs.
  - (4) WCF upgrades/equipment maintenance of existing wireless provider on WCF.
- (e) *Special application requirements for uses by right:*
- (1) Sufficient copies of the wireless facility site development plan that show the type and height of the proposed WCF, proposed means of access, setbacks from the property lines, elevation drawing of the proposed WCF and any other structures and any other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
  - (2) A cover letter that outlines what the applicant is proposing to do on-site.
  - (3) Any cost associated with the review of the application by the county and/or its consultant shall be paid by the applicant at submittal.
  - (4) A structural analysis may be requested by the zoning administrator in order to complete a review of an application.
  - (5) The zoning administrator may request additional information if needed while reviewing an application for administrative approval. Failure to provide the requested information shall result in the denial of the application.
- (f) *Uses by special use permits:*
- (1) Applications for special use permits under this section shall be subject to the procedures and requirements for allowable uses under article I of this ordinance.
  - (2) In granting a special use permit, the planning commission may recommend and the board of supervisors may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjoining properties.
  - (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
  - (4) The maximum height of any WCF shall be made a condition of approved special use permits. Lightning rods shall be exempt from the maximum height calculation.
- (g) *Special application requirements for special use permits:* In addition to any information required for applications pursuant to the Bedford County Zoning Ordinance, applicants for a special use permit for WCFs shall submit the following information:
- (1) A scaled site plan clearly indicating the location, type and height of the proposed WCF, on-site land uses, adjacent land uses (including when adjacent to other jurisdictions), master plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed WCF and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this ordinance.
  - (2) Legal description of the parent tract and leased parcel (if applicable).

- (3) The setback distance between the proposed WCF and the nearest residential unit and platted residential properties. This is not required for WCFs that are 50 feet or less above ground level.
  - (4) The applicant shall also identify the type of construction of the existing WCF(s) and the owner/operator of the existing WCF(s), if known.
  - (5) A landscape plan showing specific landscape materials. The board of supervisors may waive this requirement if it deems appropriate upon applicant request with sufficient justification. This is not required for WCFs that are 50 feet or less above ground level.
  - (6) Method of security fencing (no less than six (6) feet in height) with anti-climbing device, and finished color and, if applicable, the method of camouflage and illumination. The board of supervisors may waive this requirement if it deems appropriate upon applicant request.
  - (7) A description of compliance with all applicable federal, state or local laws. This is not required for WCFs that are 50 feet or less above ground level.
  - (8) A statement by the applicant as to whether construction of the WCF will accommodate collocation of additional antennas. This is not required for WCFs that are 50 feet or less above ground level.
  - (9) Identification of the entities providing the backhaul network for the WCF(s) described in the application and other cellular sites owned or operated by the applicant in the county.
  - (10) A description of the suitability of the use of existing WCFs, other structures or alternative technology not requiring the use of WCFs or structures to provide the services under consideration.
  - (11) A description of the feasible location(s) of future WCFs within Bedford County based upon existing physical, engineering, technological, or geographical limitations in the event the proposed WCF is erected.
  - (12) A cost estimate for removal of the WCF and facilities from the site. This is not required for WCFs that are 50 feet or less above ground level.
  - (13) A copy of the initial lease.
  - (14) A description, including mapping at an appropriate scale, of the search area and coverage objective. This is not required for WCFs that are 50 feet or less above ground level.
  - (15) A map depicting all collocation candidates in search area, along with the RF analysis documentation as to their suitability. This is not required for WCFs that are 50 feet or less above ground level.
  - (16) High quality photo simulations of the site and proposed WCF.
- (h) *Additional standards for Class 1, Class 2, Class 3, and Class 4 wireless communication facilities in districts where permitted by right:*
- (1) The siting of any new antenna support structure associated with by right WCFs shall follow the application requirements listed in subsection 30-87-3(g). Such towers would be exempt from any requirements listed in section 30-19
- (i) *Removal of abandoned WCFs:* Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such WCF shall remove the same within ninety (90) days of receipt of notice from Bedford County notifying the owner of such abandonment. If there are two (2) or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.
- (j) *Nonconforming WCFs:*
- (1) WCFs that are constructed, and/or installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

- (2) Pre-existing WCFs shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing WCFs. New construction other than routine maintenance on pre-existing WCFs shall comply with the requirements of this ordinance.
  - (3) Notwithstanding subsection 30-87-3(j), bona fide nonconforming WCFs that are damaged or destroyed may be rebuilt without having to first obtain a special use permit. The type, height, and location of the WCFs on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the WCFs shall be deemed abandoned as specified in subsection 30-87-3(j).
- (k) *Denial of a new WCF application:* the applicant shall be notified of any tower that is denied in accordance with The Code of Virginia, §15.2-2316.4:2. The reason for the denial shall be made clear in such notification.

(Ord. No. O0713-087, art. IV, 7-22-2013; Ord. No. O042219-04, pt. VI, 4-22-2019)

*Sec. 30-87-4. Outdoor gatherings.*

(a) *General standards:*

- (1) Outdoor gatherings are required to obtain a temporary use permit and any other county required permits. The petitioner shall submit information indicating the individuals and/or parties sponsoring the event, the nature of the gathering, the events, displays and/or entertainment scheduled, the number of tickets to be sold, an estimate of the total number of people expected to attend, and the dates for which the permit is requested. It is the petitioner's (organizer, sponsor, or property owner) responsibility to submit the application at least three weeks in advance for timely review of the application by all affected agencies and approved by the Planning Department.
- (2) In addition, a detailed plan shall be submitted of all facilities to be provided in accordance with the following guidelines:
  - a. Adequate provisions for sanitation facilities, garbage and trash collection and disposal, and facilities for providing food, water, and lodging for persons at the gathering shall be provided.
  - b. The sponsors shall provide for adequate medical facilities, fire protection, and security of the site.
  - c. Adequate on-site parking shall be provided for all employees and patrons of the gathering. The parking layout shall be determined in advance of the festival, adequately marked on the site and shall be supervised during the festival in such a manner as to provide safe and convenient access to all patrons and employees, and to accommodate emergency service vehicles. Alternative off-site parking areas are permissible, provided that documented evidence of shuttle vehicles will be utilized to transport attendees to and from the gathering.
  - d. Adequate off-site circulation and traffic controls to provide safe ingress and egress to the gathering without burdening the existing road network or substantially disrupting the normal flow of traffic.
  - e. Any lighting installed for the gathering shall be directed away from adjoining properties and public rights-of-way, and shall not exceed one (1) foot candle measured at the property boundary of the site.
  - f. The level of any music and other noise created by the gathering shall be directed away from any adjoining residence and may be specifically limited by the board of zoning appeals.

*Sec. 30-87-5. Parking facilities.*

Surface parking facilities containing twenty-five (25) or more spaces shall include landscaped medians, peninsulas or planter islands. Such landscaped areas shall constitute no less than ten (10) percent of the total paved area. They shall be planned, designed and located to channel traffic flow, facilitate stormwater management, and define and separate parking areas and aisles. Each landscaped area shall be planted with a deciduous tree with a minimum diameter of one (1) inch at the time of planting in accordance with article V.

*Sec. 30-87-6. Shooting ranges, outdoor.*

(a) *General standards:*

- (1) The perimeter property line and the site or area used as a shooting range or match shall be fenced, posted every fifty (50) feet and otherwise restricted so that access to the site is controlled to insure the safety of patrons, spectators, and the public at large.
- (2) The Sheriff of Bedford County shall review and approve the design and layout of any shooting range or match as to its safety to patrons of the range as well as surrounding property owners. As a general guideline, the following distances shall be maintained unless modified in writing by the county sheriff:
  - a. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall not be less than one thousand (1,000) feet;
  - b. Where a backstop is utilized to absorb the discharged load, the minimum distance may be two hundred (200) feet; and
  - c. No firing point shall be located within one hundred (100) feet of an adjoining property line.

*Sec. 30-87-7. Transportation terminal.*

(a) In the EP district the following standards shall apply:

- (1) This use is provided to allow various visitor transportation access options to be constructed within the park.
- (2) Typical uses include train depot, marina, bus loading and unloading areas, and visitor shuttle services.

*Sec. 30-87-8. Wind energy system, small.*

- (a) *Intent.* The purpose of this section is to regulate the placement, construction and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy systems. This section does not intend to unreasonably interfere with the development of independent renewable energy sources but to provide an efficient means for evaluation and review.
- (b) *Applicability.* The requirements set forth in this section shall govern the siting of small wind energy systems used to generate electricity which may be connected to the utility grid pursuant to Virginia's Net Metering Laws (Virginia Admin. Code, § 56-594) or serve as an independent source of energy.
- (c) *Siting requirements.* Small wind energy systems should be properly sited to be unobtrusive to the traveling public or adjoining properties. The requirements for siting and construction of all small wind energy systems regulated by this ordinance shall include the following:
  - (1) Small wind energy systems (towers and turbines) shall maintain a finish that minimizes visual obtrusiveness. Examples of acceptable finishes are nonreflective white, off-white, gray, or pale blue finishes. A photo simulation may be required at the request of the planning commission or board of supervisors if a special use permit is required.

- (2) Two (2) small wind energy systems may be permitted on one (1) parcel. If more than two (2) systems are requested, a special use permit shall be applied for and approved in accordance with section 30-19
  - (3) Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.
  - (4) A sign stating words to the effect of "Danger - High Voltage" or "Caution - Electrical Shock Hazard" shall be placed on the tower to deter unauthorized climbing.
  - (5) No other sign, writing, or picture shall be allowed on any tower unless the information is required for safety regarding the system or identification of the turbine manufacturer, facility owner and operator.
  - (6) Noise levels associated with small wind energy systems shall not exceed the noise levels required in the Bedford County Noise Ordinance, chapter 14, as measured at the closest property line. However, the level may be exceeded during short-term events such as utility outages and/or severe windstorms.
  - (7) The applicant shall provide evidence in writing that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected, customer-owned electricity generator. Acceptable proof of notification may be in the form of a letter or standardized form from the electric utility provider.
  - (8) The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity from the power grid.
  - (9) Anemometer(s) necessary to estimate available wind shall be allowed on a temporary basis without a zoning permit. Temporary in this instance is twelve (12) months. After wind estimates are achieved, the anemometer shall be removed.
  - (10) The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 Virginia Admin. Code § 5-315-60.
  - (11) The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15, and subsequent revisions governing said emissions.
  - (12) If it is determined that a proposed small wind energy system could impact the view shed of the Blue Ridge Parkway, then parkway officials shall be notified of the application for their comment. Comments received will be taken as advisory only.
- (d) *General standards.*
- (1) *Height.*
    - a. The wind energy system height shall not exceed a maximum height of eighty-five (85) feet. Structures may exceed the height limitation provided a special use permit is approved in accordance with section 30-19
    - b. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
    - c. The minimum distance between the ground and any moving parts utilized on a small wind energy system shall be ten (10) feet, as measured at the lowest point of the arc of the blades or other moving part of the turbine. The base of the tower shall not be climbable for a distance of ten (10) feet.
  - (2) *Setbacks.* The following setbacks shall apply to the installation of wind turbines and/or wind energy facilities (table):

Minimum Lot Size	Minimum Setback Requirements <sup>1</sup>		
	Occupied Buildings (Subject Property)	Property Lines	Public/Private Right-of-Way
1.0 acre	No minimum setback	Height <sup>2</sup> of tower plus 15 ft. plus the minimum zoning district setback	Height <sup>2</sup> of tower plus 15 ft. plus the minimum zoning district setback

<sup>1</sup> Measured from the center of wind turbine base to the property line, right-of-way, or nearest point on the foundation of an occupied building.

<sup>2</sup> Height includes tower and blade length, measuring the blade length height as the highest point of the blade arc.

Setbacks shall be calculated by adding the height of the proposed tower, plus fifteen (15) feet, plus the minimum zoning district setback required for a primary structure. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.

- (3) *Accessory structures.* Wind energy systems shall be treated as accessory structures. If required by the manufacturer of the wind energy system, the height of any associated accessory structure necessary to house equipment related to the wind energy system shall not exceed ten (10) feet in height. The structure shall be lockable against unauthorized access yet accessible as required by the utility company.

(e) *Review process.*

- (1) Should a request for a new wind energy system meet all of the siting requirements and general standards set forth in the above sections, a special use permit shall not be required after review by the zoning administrator. The zoning administrator, or their agent, shall first determine through a zoning permit application if a wind energy system request meets the minimum standards for by-right placement of the system. If the determination is made that all of the siting requirements and general standards are met, a zoning permit shall then be issued.
- (2) For wind energy systems that do not meet the minimum siting requirements and general standards above, a special use permit shall be required before placement of the system. The applicant shall apply for and must be granted a special use permit in accordance with section 30-19
- (3) Prior to constructing any wind energy system, the applicant shall apply for and receive a zoning permit in accordance with section 30-9

(f) *Federal and state requirements.*

- (1) *Compliance with Uniform Statewide Building Code:* Building permit applications for wind energy systems shall be accompanied by standard drawings of the specific wind turbine structure, including the tower, base, and footings. These drawings shall show compliance with the Uniform Statewide Building Code. For systems not designed by a wind system manufacturer, an engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted. Wind energy

systems shall be constructed according to the plans submitted for review and subsequently approved. In addition, the system shall be installed per manufacturer's instructions.

- (2) *Compliance with FAA Regulations:* Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - (3) *Compliance with National Electric Code:* Building permit applications for wind energy systems shall be accompanied by a schematic of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
  - (4) *Compliance with regulations governing energy net metering:* Wind energy systems connected to the utility grid must comply with the 20 Virginia Admin. Code § 5-315, regulations governing energy net metering.
- (g) *Maintenance and removal of wind energy systems.*
- (1) The applicant shall maintain the wind energy system in good condition. Maintenance shall, at a minimum, be done per manufacturer's instructions. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The applicant/system owner shall be responsible for the cost of maintaining the wind energy system and the cost of repairing any damage occurring as a result of operation and construction.
  - (2) Upon finding by the county that the wind system has not been maintained according to the manufacturer's design specifications resulting in disrepair, repairs shall be made by the owner to meet the manufacturer's design specifications, federal, state and local safety standards or be removed within six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the county instructing the owner to remove the abandoned wind energy system. Costs for removal shall not be borne by the county.

*Sec. 30-87-9. Broadcasting towers, radio.*

(a) *General standards:*

- (1) The location and permitting of radio broadcasting towers shall be subject to the requirements and provision of subsection 30-87-3(c), General requirements, and subsection 30-87-3(g), Specific requirements, of the wireless communication overlay district. The zoning administrator, when determined necessary, shall have the ability to either add to or waive certain informational requirements of these sections after a pre-application review of the proposed development and consultation with the applicant.
- (2) The maximum height of any broadcasting tower shall be made a condition of the special use permit.
- (3) The minimum setback requirement from the base of the broadcasting tower to any residential structure or property line shall be at least equal to one hundred ten (110) percent of the height of the tower, measured from the closest structural member of the tower (excluding guy lines).
- (4) More than one (1) tower shall be permitted provided all setback requirements have been met.
- (5) Towers shall be illuminated as required by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA), but no lighting shall be incorporated if not required by either agency, other than essential security lighting.
- (6) Any tower proposed within two (2) miles of any general or commercial airport, or located at a ground elevation at or above two thousand (2,000) feet, average mean sea level, shall be referred to the operator/manager of the airport for review and comment. Comments shall also be submitted from the Federal Aviation Administration (FAA) where FAA approval is otherwise required by law.

- (7) All broadcasting towers shall comply with any additional requirements established in the airport overlay district in article III and the emergency communications overlay district in article III.

*Sec. 30-87-10. Outdoor Archery Range.*

- (a) Outdoor archery ranges may be permitted as a by-right use in the AP, AR, and AV districts provided:
  - (1) Targets shall not be located closer than 200 feet to the boundary of any residential, commercial, or industrial district or nearer than 300 feet to any residence, except for those structures located on the subject property
  - (2) Ranges shall be designed to ensure the safety of users and passers-by.
  - (3) A plot plan shall be submitted to staff for review and approval indicating the placement of the range and target sites demonstrating compliance with #1 and #2.

(Ord. of 2-26-2001, App. A; Ord. No. O 0307-64, 3-26-2007; Ord. No. O-0211-32(R), 2-28-2011; Ord. No. O-0911-139, 9-26-2011; Ord. No. O0713-087, art. IV, 7-22-2013; Ord. No. O-032816-03, pt. I, 3-28-2016)

*Sec. 30-88. - Accessory uses and structures.*

As defined in article II, accessory uses and structures may be commonly found and associated with principal use types. Principal uses which are allowed by right or by special use may include accessory uses and activities, provided such accessory uses and activities are appropriate and incidental to the principal use, and provided they are designed and located in accordance with the intent and provisions of this ordinance.

*Sec. 30-88-1. Accessory uses; agricultural use types.*

- (a) Agricultural use types may include the following accessory uses, activities, or structures on the same site or lot:
  - (1) Parking associated with a principal use.
  - (2) The storage of agricultural equipment, products, or materials associated with the principal use.
  - (3) Temporary sawmills in accordance with applicable use and design standards.
  - (4) Other uses and activities necessarily and customarily associated with purpose and function of agricultural use types, as determined by the zoning administrator.
  - (5) The production of compost.

*Sec. 30-88-2. Accessory uses: residential use types.*

- (a) Residential use types may include the following accessory uses, activities, or structures on the same site or lot:
  - (1) Private garages and parking for the principal use.
  - (2) Recreational activities and uses used by residents, including structures necessary for such uses.
  - (3) Playhouses, gazebos, incidental household storage buildings, swimming pools, and other similar accessory structures.
  - (4) Garage or yard sales provided that such sales occur no more than two (2) days in a two-month period.
  - (5) Other uses and activities necessarily and customarily associated with purpose and function of residential use types, as determined by the zoning administrator.

- (6) Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within thirty (30) days of issuance of the final certificate of occupancy for the project.

*Sec. 30-88-3. Accessory uses: Civic use types.*

- (a) Civic use types may include the following accessory uses, activities or structures on the same site or lot:
  - (1) Parking for the principal use.
  - (2) Accessory dwellings commonly associated with or necessitated by the location and operation of the principal use.
  - (3) Food services operated incidental to the principal use and operated primarily for the convenience of employees, residents, or users of the principal use. Typical examples include cafeterias and dining halls.
  - (4) Convenience commercial facilities clearly incidental to the principal use and operated primarily for the convenience of employees, residents, and users of the principal use. Typical examples include museum gift shops, college bookstores, or snack bars clearly incidental to the principal use.
  - (5) Other uses and activities necessarily and customarily associated with purpose and function of civic use types, as determined by the zoning administrator.
  - (6) Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within thirty (30) days of issuance of the final certificate of occupancy for the project.

*Sec. 30-88-4. Accessory uses; office use types.*

- (a) Office use types may include the following accessory uses, activities or structures on the same site or lot:
  - (1) Parking for the principal use.
  - (2) Recreational facilities available only to the employees of the office use type.
  - (3) Day care facilities available only to the employees of the office use type.
  - (4) Other uses and activities necessarily and customarily associated with purpose and function of office use types, as determined by the zoning administrator.
  - (5) One (1) accessory dwelling unit occupied by employees responsible for the security of the use.
  - (6) Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within thirty (30) days of issuance of the final certificate of occupancy for the project.

*Sec. 30-88-5. Accessory uses; commercial use types.*

- (a) Commercial use types may include the following accessory uses, activities or structures on the same site or lot:
  - (1) Parking for the principal use.
  - (2) Accessory storage buildings or areas.
  - (3) One (1) accessory dwelling unit occupied by employees responsible for the security of the use.
  - (4) Other uses and activities necessarily and customarily associated with purpose and function of commercial use types, as determined by the zoning administrator.

- (5) Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within thirty (30) days of issuance of the final certificate of occupancy for the project.

*Sec. 30-88-6. Accessory uses; industrial use types.*

- (a) Industrial use types may include the following accessory uses, activities, or structures on the same site or lot:
  - (1) Parking for the principal use.
  - (2) Recreational facilities available only to the employees of the industrial use type.
  - (3) Day care facilities available only to the employees of the industrial use type.
  - (4) Cafeterias and sandwich shops available only to the employees of the industrial use type.
  - (5) Incidental retail sale of goods associated with the industrial use type, provided the square footage does not exceed ten (10) percent of the gross floor area or three thousand (3,000) square feet, whichever is less.
  - (6) One (1) accessory dwelling unit occupied by employees responsible for the security of the use.
  - (7) Other uses and activities necessarily and customarily associated with purpose and function of industrial use types, as determined by the zoning administrator.
  - (8) Construction office or trailer associated with active construction on a site. A construction office or trailer shall be removed from an active construction site within thirty (30) days of issuance of the final certificate of occupancy for the project.

(Ord. of 2-26-2001, App. A)

Sec. 30-89. - Reserved.

## ARTICLE V. - DEVELOPMENT STANDARDS

### Sec. 30-90. - Site development plans.

- (a) A site development plan shall be required and shall be submitted for the following:
- (1) New development in every zoning district, including uses approved as special uses, except for single-family and two-family dwelling units on individual lots, and agricultural uses (not to include "Sawmill" and "Livestock Market" uses)..
  - (2) The conversion of any single-family or two-family dwelling unit to any other use, or a higher intensity residential use, or the conversion of any building or property to a different use category (e.g., commercial to industrial).
  - (3) New public buildings, except for minor utility services.
  - (4) Uses involving a structure requiring review by the planning commission under Code of Virginia, § 15.2-2232, as amended.
  - (5) Additions or modifications to buildings or uses, except single-family dwelling units, two-family dwelling units, and agricultural uses (not to include "Sawmill" and "Livestock Market" uses), resulting in an increase of 1,500 square feet or greater in the area of the site. In instances where there is a cumulative increase of greater than 1,500 square feet within a year from the first approval of a minor site plan, a site development plan shall be required.
  - (6) The conversion of any property from fee-simple ownership to a condominium form of ownership.
  - (7) The use or development of any parcel conditionally rezoned, where any of the conditions accepted and attached to the parcel apply to the physical arrangement or design of the site.
- (b) Site development plans required by the county shall be prepared by a professional engineer, architect, or land surveyor who is registered by the Commonwealth of Virginia and is conducting their practice in accordance with Code of Virginia, § 54.1-400 et seq., as amended. More stringent requirements may be established by the Bedford County Code or the Code of Virginia. This requirement may be waived by the director of planning if the type, scale, and/or location of the proposed development does not necessitate such plans.
- (c) Any use or development permitted by this ordinance for which a site development plan is not required shall submit a minor site plan in accordance with the standards contained in article V of this ordinance.

(Ord. No. O021317-05, pt. III, 2-13-2017)

### Sec. 30-90-1. *Information required.*

- (a) The following information shall be required on site development plans submitted to the county for review:
- (1) Location of the lot or parcel by vicinity map (one mile minimum). Site development plans shall also contain a north arrow, original date, revision dates, and graphical scale.
  - (2) Property lines of the parcel proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limits of development line shall also be shown.
  - (3) The name and address of the property owner and/or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan shall be on the plan.
  - (4) The tax parcel number(s) of parcels proposed for development and depicted on the site development plan.

- (5) The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.
- (6) The nature of the land use(s) proposed for the site.
- (7) The zoning district designation of the parcel(s) proposed for development, and the zoning designation and current land use of adjacent parcels.
- (8) The names, route numbers and locations of existing and proposed public or private streets, alleys, and easements on or adjacent to the site. The centerlines or boundary of adjacent rights-of-way shall also be shown.
- (9) The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown.
- (10) All special use permit conditions and/or proffers accepted pursuant to Article I shall be shown on the plan.
- (11) Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angles of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance.
- (12) The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures. Lot and building coverages shall be provided.
- (13) The number of stories, floor area, and building height of each building proposed. If more than one (1) land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
- (14) For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
- (15) Reserved.
- (16) The location of proposed or required fire lanes and signs if required by the Division of Building.
- (17) The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two-foot contour intervals.
- (18) Detailed utility plans and calculations shall be submitted for sites for which public water and sewer will be provided or for sites on which existing utilities will be modified. The public service authority shall have the authority to set the standards for such plans.
- (19) An erosion and sedimentation control plan and detail sheet shall be submitted for site developments involving the grading disturbance of ten thousand (10,000) square feet of area or greater.
- (20) A detailed stormwater management plan and calculations shall be submitted. The erosion and sediment control program administrator shall determine the requirements for such plans. At a minimum, these plans shall contain information that shows:
  - a. Spot elevations of proposed building corners, finished floor elevations, entrances, driveway and parking lot limits, and culvert inverts.
  - b. The benchmark location and USGS elevation, where available.
- (21) The location of existing and proposed freestanding signs on the parcel.
- (22) The location and type of proposed exterior site lighting, including height of poles and type of fixtures.

- (23) The location of any 100-year floodplain and floodway on the site, and the relationship of buildings and structures to this floodplain and floodway. See article III.
  - (24) The location of required or proposed buffer yards, screening, fencing, and site landscaping. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.
  - (25) For any development of five (5) acres or more at least one (1) Second-Order Class I control point tied to the National Geodetic Networks shall be established and permanently marked by a set monument. It shall conform to the "Geometric Geodetic Accuracy Standards and Accuracy Specifications for using GPS Relative Positioning Techniques" published by the Federal Geodetic Control Council (FGCC) Version 5.0, and subsequent revisions. The digital data associated with this monument shall be provided in a format approved by the county. The monument and data shall be certified by a licensed engineer for accuracy and correctness.
  - (26) The County CAD block shall be placed on the cover sheet of the site plan in the lower left-hand corner. The size of the CAD block shall be approximately 1/8 of the cover sheet size.
- (b) The director of planning may waive the requirement that any of this information be shown on a submitted plan, if in his opinion such information is not necessary to insure conformance with county ordinances or standards.

(Ord. No. O021317-05, pt. III, 2-13-2017)

*Sec. 30-90-2. Format of plans.*

- (a) Site plans shall be submitted on sheets no greater in size than thirty (30) by forty-two (42) inches. A sheet size of twenty-four (24) by thirty-six (36) inches is preferred. The scale of the plans shall not be greater than one (1) inch equals ten (10) feet, or less than one (1) inch equals fifty (50) feet. Plans shall be designed using an engineering scale. The director of planning may approve a lesser scale such as one (1) inch equals one hundred (100) feet provided sufficient detail is provided to insure compliance with all applicable requirements of this ordinance and any other requirement or ordinance of the county or commonwealth.
- (b) If more than one (1) sheet is used to supply the information required by this ordinance, sheets shall be numbered, and matched lines shall be provided, when appropriate, to clearly indicate where the plans join.
- (c) Prior to final approval by the county, site development plans shall be signed by the owner or developer of the parcel(s) proposed for development and shall be notarized. The signature shall certify that the owner/developer is aware of the site design requirements imposed by the site development plan and other applicable county codes, and shall further certify that the owner/developer agrees to comply with these requirements, unless modified in accordance with local law.

*Sec. 30-90-3. Administrative procedures and requirements.*

- (a) The director of planning shall have the administrative authority to establish county procedures for site development plan review and approval. No procedure so established shall set a lesser standard than is legislated in this ordinance.
- (b) The director of planning shall coordinate the county review of any site development plan submitted in accordance with county administrative procedures, and shall have the authority to request opinions or decisions from other county departments, agencies, or authorities of the Commonwealth of Virginia, or from other persons as may from time to time be consulted.
- (c) Prior to the submittal of a site development plan, the zoning administrator shall require the submittal of a concept plan that shall be reviewed by the technical review committee (TRC). Submittal deadline(s)/meeting scheduling for TRC, and the concept plan requirements shall be established by the zoning administrator.

- (d) A minimum number of complete sets of site development plans shall be submitted for review as determined prior to the submittal by staff. A review fee shall be required for any site development plan submitted. The director of planning shall establish procedures for the collection of these fees.
- (e) The county shall review and approve or disapprove any site development plan submitted for its review within forty-five (45) days of the monthly filing deadline with the director of planning. If an unapproved site development plan is returned to the applicant or other agent of the property owner due to lack of required information on the plan, or because the design or standards proposed on the site development plan do not meet the provisions of this ordinance or other applicable county standards, the forty-five-day time period shall begin again with the resubmittal of the plan to the county.
- (f) Comments offered by the director of planning or his/her agent on a proposed site development plan shall remain effective for a period of six (6) months from the date of issuance. After this period, the comments and the site development plan shall become void unless substantial progress has been made by the developer to address the comments.
- (g) Approval of a site development plan pursuant to the provisions of this ordinance shall expire five (5) years from the date of approval in accordance with Code of Virginia, § 15.2-2258, as amended, unless building and/or zoning permits have been obtained for the development.
- (h) No building or zoning permit shall be issued by any county official for any building, structure or use depicted on a required site development plan, until such time as the plan is approved by the county.
- (i) Reserved.
- (j) No change, revision, or erasure shall be made on any pending or approved site development plan, nor on any accompanying data sheet where approval has been endorsed on the plan or sheets, unless authorization for such changes is granted in writing by the director of planning. The director of planning shall consult with all applicable departments or agencies prior to approving the change.

(Ord. of 3-7-2005; Ord. No. O021317-05, pt. III, 2-13-2017)

*Sec. 30-90-4. Minimum standards and improvements required.*

- (a) Any improvement required by this ordinance, or any other ordinance of Bedford County, shall be installed at the cost of the developer unless other agreements have been reached between the developer, the county, the Virginia Department of Transportation, and/or any other governmental agency.
- (b) Prior to the approval of a site development plan, the applicant shall execute an agreement to construct required or proposed improvements located with public rights-of-way or easements or any such improvement connected to any public facility. The applicant shall also file a performance guarantee with surety acceptable to the county in the amount of the estimated cost of the improvements plus twenty (20) percent contingency, as determined by the director of planning. The owner's performance guarantee shall not be released until the construction has been inspected and accepted by the county and the Virginia Department of Transportation, as applicable.
- (c) Proposed lot sizes, buildings, or uses shown on site development plans shall conform to the provisions of this ordinance. Nonconforming lots of record, buildings, or uses may be developed in accordance with article I of this ordinance.
- (d) Proposed parking areas, travel lanes, access drives, and loading spaces shown on site development plans shall be designed, located, and constructed in accordance with section 30-91 of this ordinance.
- (e) Utilities shown on site development plans, shall be placed underground and shall conform to applicable county ordinances.
- (f) Stormwater management facilities shown on site development plans shall conform to applicable county ordinances as determined by the erosion and sediment control program administrator.
- (g) Erosion and sedimentation control plans shall be designed and implemented in accordance with the County Code.

- (h) Proposed exterior site lighting shall be in accordance with section 30-94 of this ordinance.
- (i) Required buffer yards, screening, and/or landscaping shown on site development plans shall be designed and located in accordance with this article.

(Ord. of 2-26-01, App. A)

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

*Sec. 30-91-1. Purpose.*

These regulations are intended to provide off-street parking, stacking and loading facilities in proportion to the need created by each use. These regulations are intended to provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner and to minimize external effects on adjacent land uses.

*Sec. 30-91-2. General regulations for parking.*

- (a) In the AP, AR, and AV and in all residential districts:
  - (1) Except for vehicles parked within multifamily developments, all recreational vehicles, boats, and utility trailers shall be parked outside of the district's designated yard setbacks. RV's boats/trailers and jet skis/trailers may not be parked or stored on public property, on a public or private street or cul-de-sac, or within any street right-of-way. Within multifamily developments, boats, recreational vehicles, and utility trailers may be parked outside provided a screened storage area is provided.
  - (2) No truck or commercial vehicle with, or designed to have, more than two (2) rear wheels shall be parked overnight, except while loading or unloading on such premises. No construction machinery shall be parked overnight unless the machinery is incidental to improving the premises. These provisions shall not apply to pickup body type trucks, or to vehicles essential for an agricultural use associated with the premises.
- (b) No recreational vehicle shall be used for living or business purposes, or connected to utility services except for maintenance purpose or as otherwise provided for in this ordinance.
- (c) All required off-street parking spaces shall be located on the same lot as the structure or use, except under the following conditions:
  - (1) All required parking spaces are on a contiguous lot under the same ownership or in a permanent parking easement on adjacent property.
  - (2) Such required spaces are within five hundred (500) feet walking distance of a building entrance or used and such spaces do not require pedestrians to cross a minor arterial or greater highway.
  - (3) Contiguous lots providing off-street parking for more than one (1) use shall provide sufficient spaces to comply with the parking requirements for all uses.
- (d) Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing, conforming buildings; or for enlargements of existing structures.
- (e) For enlargements of existing structures or uses which do not conform to these regulations, required parking must equal the sum of those spaces furnished by the use prior to the enlargement and the number of spaces required by these regulations for any additional use area.

(Ord. No. O-061316-07, 6-13-16)

*Sec. 30-91-3. Spaces for disabled parking.*

- (a) The number of nonresidential parking spaces reserved for the disabled shall comply with the following table and with the Virginia Uniform Statewide Building Code, as amended.

Total Off-Street Parking Required	Parking for Disabled Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

- (b) All spaces for disabled parking shall have minimum dimensions of thirteen (13) feet by twenty (20) feet.
- (c) Spaces for disabled parking shall be the closest to a building entrance for which they are provided, and shall be connected thereto by a paved surface with no less than five (5) feet of unobstructed width. At no point shall the gradient exceed on [one (1)] foot rise or fall in twenty (20) feet, except in the case of ramps which shall comply with the Virginia Uniform Statewide Building Code.
- (d) Spaces shall be clearly marked with both pavement marking and above ground signs.

*Sec. 30-91-4. Permitted locations.*

- (a) Off-street parking spaces that are located on the ground and open to the sky may be located in any required yard unless otherwise required for screening, buffering, landscaping, or other provisions in the County Code.
- (b) Parking structures and carports shall be subject to the minimum yard setback requirements applicable in the zoning district in which the structure is located.

*Sec. 30-91-5. Access.*

- (a) All off-street parking spaces shall provide safe and convenient access to a street. If any such spaces are contiguous to a public street, the public street side of such space shall be curbed.
- (b) Whenever a development abuts a street which is included in the State System of Primary Highways or a road designated as "arterial", the following conditions shall be met:
  - (1) A reverse frontage and/or combined access concept shall be utilized such that no site has exclusive access to the arterial highway at intervals of less than one (1) access point every five hundred (500) feet, measured from the centerlines of the entrance(s).
  - (2) If reverse frontage or combined access cannot be provided, the site shall be limited to one (1) exclusive access point, or for shopping centers, one (1) exclusive access point per five hundred (500) feet of road frontage.
- (c) Aisles between rows of parking spaces shall comply with the geometric design standards in section 207.08 of the Public Street and Parking Design Standards and Specifications.
- (d) Parking lot access driveways leading to and from the street where no parking is provided on either side shall meet the following requirements:
  - (1) For driveways serving thirty (30) or less parking spaces, the minimum width shall be eighteen (18) feet, exclusive of curbs.
  - (2) For driveways serving more than thirty (30) parking spaces, the minimum width shall be twenty (20) feet, exclusive of curbs.
  - (3) For one-way drives specifically designed for only one-way use, the minimum width shall be ten (10) feet, exclusive curbs.
- (e) Whenever parking is proposed adjacent to a structure, an emergency access aisle shall be properly marked.

*Sec. 30-91-6. Construction standards.*

- (a) All off-street parking and stacking areas with fifteen (15) or more parking spaces, including aisles, stacking spaces, and driveways, except for those required for agricultural uses, civic uses (in the AP, AR, and AV zoning districts), single-family and two-family dwellings, shall be constructed and maintained with a surface in accordance with the Virginia Department of Transportation's latest edition of the Subdivision Streets Requirements Manual.
- (b) Off-street parking areas, including aisles and driveways may, upon approval of the director of planning, be exempt from this provision if such facilities are for a temporary purpose. However, such areas shall be graveled and maintained in accordance with standards approved by the director of planning.
- (c) Off-street parking for Flea Markets and Conference Centers (in the AP, AR, and AV zoning districts) may be graveled or remain in grassy condition. A preventative maintenance plan shall be submitted to and approved by the director of planning which shall illustrate erosion and sediment control measures to ensure no erosion will impact adjacent property, waterways, or roads.

(Ord. No. O-051115-05, pt. I, 5-11-2015; Ord. No. O042219-04, pt. III, 4-22-2019; Res. No. 062220-03, 9-28-2020)

*Sec. 30-91-7. Parking space dimensions.*

- (a) All off-street parking spaces and areas shall comply with the geometric design standards in appendix C.
- (b) Where parking spaces lie adjacent to landscaped areas, the paved depth of all stalls may be decreased by two (2) feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required sidewalk.
- (c) Compact vehicle parking will be permitted under the following criteria:

- (1) Compact spaces shall be located in groups of five (5) or more contiguous spaces, be appropriately identified by markings and be located in a manner affording the same convenience as standard spaces.
- (2) Dimensions for compact space are set forth in appendix C.
- (3) If the total parking requirement is twenty (20) to one hundred (100) spaces, twenty-five (25) percent of the spaces may be designated for small/compact car use.
- (4) If the total parking requirement is more than one hundred (100) spaces, thirty (30) percent of the spaces may be designated for small/compact car use.

*Sec. 30-91-8. General criteria for determining parking.*

- (a) When a building includes a combination of uses as set forth in this section, the required parking will be the sum of the required parking for each use.
- (b) Where the parking requirement for a particular use is not defined in this section, and where no similar use is listed, the zoning administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the board of zoning appeals.
- (c) All references to square feet (sq. ft.) in the parking requirements below shall mean the square feet of gross floor area, unless specifically stated otherwise.
- (d) All references to maximum occupancy shall mean the maximum occupancy as determined pursuant to section 806.0 of the Virginia Uniform Statewide Building Code.
- (e) Where a fractional space results during calculation of required parking, the required number of parking spaces shall be constructed to be the next highest whole number.
- (f) For residential use types, the primary residential unit requirement is two (2) spaces per dwelling unit regardless of whether the residential type is single-family or multifamily. Accessory residential uses shall require one (1) additional space added to the number of spaces required for the primary residential unit calculation.

(Ord. No. O021014-05, pt. I, 2-10-2014)

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

USE TYPE	PARKING REQUIRED
<i>(a) Agricultural and Forestry Use Types</i>	
Livestock Market	A net parking area equal to 30 percent of the gross floor area of all buildings
Stable, Commercial	1 space per employee on major shift, plus 1 space for every four animals stables
Wayside Stand	1 space per 100 sq. ft., 3 spaces minimum

USE TYPE	PARKING REQUIRED
<i>(b) Residential Use Types</i>	
Primary Residential - Farm Employee Housing, Manufactured Home, Manufactured Home Park, Multifamily Dwelling, Single-Family Dwelling, Townhouse, Two-Family Dwelling	2 spaces per dwelling unit
Accessory Residential - Accessory Apartment; Bed and Breakfast; Boarding House; Family Day Care Home; Home Beauty/Barber Salon; Home Occupation, Type I & Type II; Manufactured Home, Accessory	1 additional space over that required by the Primary Residential dwelling unit(s)
Residential Human Care Facility	2 additional spaces per facility
<i>(c) Civic &amp; Assembly Use Types</i>	
Assembly Use Type - Auction House; Business or Trade Schools; Civic Clubs; Commercial Indoor Amusement; Conference Center; Dance Hall; Day Care Center; Educational Facilities, Primary/Secondary; Funeral Home; Meeting Hall; Public Assembly; Religious Assembly; Restaurant, Family; Restaurant, General	1 space per 3 persons based on maximum occupancy or attendees
Crisis Center, Halfway House, Home for Adults, Hospital, Nursing Home	1 space per 3 persons of residential capacity, plus 1 space for each employee on major shift
Safety Services	3 spaces per vehicle based at facility
<i>(d) Office Use Types</i>	
Medical Office, Clinic	3 spaces per examination or treatment room, plus 1 space per employee on major shift including doctors
Laboratories	1 space per 1 employee based on maximum occupancy load, plus 1 per company vehicle

USE TYPE	PARKING REQUIRED
<i>(e) Commercial Use Types</i>	
Automobile Repair Services	2 spaces per service bay, plus 1 space per employee on major shift
Campgrounds	1 space at each campsite, plus spaces required for other uses
Car Wash	1 space per employee on major shift, plus required stacking spaces
Commercial Entertainment - Indoor or Outdoor	1 space per 3 seats or similar accommodations, plus 1 space per 2 employees on major shift
Commercial Sports and Recreation - Indoor or Outdoor	
Bowling Alley	4 spaces per alley, plus 1 space per employee on major shift
Miniature Golf	1.5 spaces per hole
Swimming Pool	1 space per 100 sq. ft. of water surface
Tennis and Other Court Games	4 spaces per court, plus 1 space per employee on major shift
Other Indoor or Outdoor Sports	1 space per 3 persons based on maximum occupancy load, plus 1 space per employee on major shift.
Convenience Store	1 space per 200 sq. ft., which may include any gas pump spaces provided 5 other spaces are furnished

USE TYPE	PARKING REQUIRED
Hotel/Motel/Motor Lodge	1 space per guest accommodation, plus 4 spaces per 50 guest rooms, plus spaces as required for other uses
Microbrewery	1 space per 1,000 sq. ft., plus 1 space per employee on a major shift, plus parking for additional uses when applicable
Restaurant, Drive-in or Fast-Food	
With Seats	1 space per 4 seats, plus 1 space per 4 employees on major shift, plus required stacking space
Without Seats	1 space per 60 sq. ft., plus required stacking space
Retail Sales - Antique Shops; Business Support Services; Consumer Repair Services; Cultural Services; Farmers Market; General Store; Kennel, Commercial; Laundry; Pawn Shop; Personal Improvement Services; Personal Services	1 per 250 sq. ft.
Veterinary Hospital/Clinic	1 space per 300 sq. ft.
Flea Market	1 space per 500 sq. ft.
<i>(f) Industrial Use Types</i>	
Meat Packing Industries	1 space per employee on major shift, plus 1 per company vehicle
Resource Extraction	1 space per employee on major shift, plus 1 per company vehicle

(Ord. No. O0413-042, pts. I—VI, 4-22-2013; Ord. of 6-10-2013, pts. III, V; Ord. No. O021014-05, pt. I, 2-10-2014; Ord. No. O-051115-05, pt. I, 5-11-2015)

*Schedule A:*

The schedule sets forth minimum parking requirements for uses with elements having different functions or operating characteristics.

Function of Element	Requirement
Office or Administrative Activity	1 space per 300 sq. ft.
Indoor Sales, Display or Service Area	1 space per 500 sq. ft.
Motor Vehicle Service Bays	2 spaces per service bay
Outdoor Sales, Display or Service Area	1 space per 2,000 sq. ft.
General Equipment Servicing or Manufacturing	1 space per 1,000 sq. ft.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 sq. ft.

*Schedule B:*

In lieu of using the Minimum Parking Requirements table or Schedule A in Sec. 30-91-9, parking requirements for a use(s) may be calculated through using acceptable industry publications (i.e. Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or from a study prepared by a traffic engineering firm. Once the study is submitted, the findings are reviewed by the Zoning Administrator to set a minimum parking requirement for a use(s) based on the information provided.

(Ord. No. O042219-04, pt. IV, 4-22-2019)

*Sec. 30-91-10. Stacking spaces and drive-through facilities.*

- (a) Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:
  - (1) Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movement, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
  - (2) Drive-through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
  - (3) Approach lanes for drive-through facilities shall have the following minimum widths:
    - a. One (1) lane = Twelve (12) feet.
    - b. Two (2) or more lanes = Ten (10) feet per lane.
  - (4) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

- (5) Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
  - (6) Each stacking space shall be a minimum of ten (10) feet by twenty (20) feet.
- (b) Stacking spaces shall be provided as follows:
- (1) Financial institutions with drive-through windows: Eight (8) stacking spaces for the first drive-through window and two (2) stacking spaces for each additional window.
  - (2) Car wash: Four (4) stacking spaces per bay/stall for self-service establishments, and five (5) stacking spaces per bay/stall for an automated establishment.
  - (3) Drive-in or fast-food restaurant: Six (6) stacking spaces per drive-through window measured from the order board or station.
  - (4) All other uses: Three (3) stacking spaces for each window.

*Sec. 30-91-11. Off-street loading, generally.*

(a) *General provisions:*

- (1) All required off-street loading spaces shall be located on the same lot as the structure or use.
- (2) All off-street loading spaces and their appurtenant aisles and driveways shall not be reduced in any manner except upon approval by the zoning administrator when a change in land use or building size reduces the total number of loading spaces required.
- (3) No loading space or berth shall be located within forty (40) feet of the nearest point of intersection of the edge of adjoining travelway or the ultimate right-of-way of adjoining streets.
- (4) No loading space or berth shall be located within the front yard setback applicable in any agricultural, residential or commercial district.
- (5) No required off-street loading area shall be used to meet the space requirement for off-street parking, and no loading area shall interfere with the free circulation within the off-street parking area.
- (6) All off-street loading space shall have safe and convenient access to a street. If any such spaces are contiguous to a street, the street side of such space shall be curbed.
- (7) All off-street loading areas, including aisles and driveways, shall be constructed and maintained with a dustless surface in accordance with construction standards presented in the ordinance.
- (8) All off-street loading spaces shall comply with the geometric standards in this section.
- (9) When a building includes a combination of uses as set forth in this section, the required number of loading spaces will be the sum of the required loading spaces for each use. In no case shall the development be required to provide in excess of five (5) loading spaces.
- (10) Where the loading requirement for a particular use is not defined in this section, and where no similar use is listed, the zoning administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of proposed use, expected demand generated by the proposed use for loading spaces, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the board of zoning appeals.
- (11) All references to square feet (sq. ft.) in the off-street loading requirements below shall mean the square feet of gross floor area, unless specifically stated otherwise.

*Sec. 30-91-12. Minimum loading spaces required.*

Minimum off-street loading spaces shall comply with the table below for those uses listed:

**REQUIRED NUMBER OF LOADING SPACES**

<b>USES</b>	<b>NUMBER OF LOADING SPACES</b>
Office, Commercial and Civic Use Types, Restaurant	Up to 15,000 sq. ft. = 1 space
	15,001 to 100,000 sq. ft. = 3 spaces
	100,001 to 1.0 million sq. ft. and over = 6 spaces
Industrial Use Types	Up to 40,000 sq. ft. = 1 space
	40,001 to 70,000 sq. ft. = 2 spaces
	70,001 to 110,000 sq. ft. = 3 spaces
	110,001 to 160,000 sq. ft. = 4 spaces
	160,001 to 240,000 sq. ft. = 5 spaces
	Each additional 100,000 sq. ft. = 1 additional space
Aviation Facilities, Hospitals,	Up to 100,000 sq. ft. = 1 space
Hotel/Motel/Motor Lodge, Nursing Homes,	100,001 to 200,000 sq. ft. = 2 spaces
Shooting Range	200,001 sq. ft. and over = 3 spaces

(Ord. of 6-10-2013, pt. III; Ord. No. O021014-05, pt. I, 2-10-2014)

*Sec. 30-91-13. Modifications to parking space and loading space requirements.*

To avoid excessive surpluses which increase impervious surfaces and to prevent on-street parking, the number of required parking spaces and loading spaces shall not be provided in quantities above or below the number required by this section, except as provided below:

- (1) The zoning administrator may allow, on a case-by-case basis, parking spaces and/or loading spaces above or below the required number for a particular use and project, for good cause shown by the applicant based upon the scale and impact of the project, subject to the following provisions:

- a. The zoning administrator's authority to hear and decide modifications to the required number of parking spaces or loading spaces shall be limited to twenty-five (25) percent of the required number of spaces for which modification is sought.
  - b. The request shall be in writing to the zoning administrator.
  - c. Documentation justifying the request shall be submitted from an acceptable industry publication (i.e., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or from a study prepared by a traffic engineering firm.
- (2) Requested parking space or loading space modifications exceeding twenty-five (25) percent of the required number shall only be heard and decided by variance application to the board of zoning appeals.

(Ord. of 2-26-01, App. A; Ord. O-0312-28, 5-26-2012; Ord. No. O021014-05, pt. I, 2-10-2014)

Sec. 30-92. - Screening, landscaping, and buffer yards.

*Sec. 30-92-1. Purpose.*

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

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

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-92-2. Administration.*

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

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-92-3. Landscape bonding requirements.*

- (a) *Performance bonds.* The zoning administrator shall require that landscaping shown on an approved landscaping plan be either installed or sufficiently bonded to guarantee installation, prior to the issuance of a certificate of occupancy.
  - (1) The performance bond shall be for an amount equal to one hundred twenty (120) percent of the value of the required plants and the costs of installation as determined by the zoning administrator following consideration of an estimate prepared by a landscape contractor, which estimate must be obtained by the developer and supplied to the zoning administrator at the time a request for issuance of a certificate of zoning compliance is made.
  - (2) The performance bond shall be released when all required plantings have been installed in accordance with the final approved landscape plan, as determined by the zoning administrator.
- (b) *Maintenance bonds.* A maintenance bond shall be posted by the developer in favor of the county if bond amount is more than \$2,000. If the landscaping is installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted prior to the issuance of said certificate. If the landscaping is bonded for installation, rather than installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted when the materials are planted and before the performance bond is released.
  - (1) The maintenance bond shall be in the amount of one-third of the value of the performance bond, and shall be held for a period of twelve (12) months following the planting date. When existing plantings are preserved in lieu of required new plantings, the bond shall be calculated according to the replacement value of plantings that meet the minimum requirements of this article.
  - (2) At the end of the twelve-month time period, the bond shall be released if all plantings are in healthy condition, as determined by the zoning administrator. Thereafter, landscaping shall be maintained in a healthy condition by the current owner of the property on which such materials are planted, or property owners' association (where applicable) and replaced when necessary. Replacement materials shall conform to the original landscape plan.

(Ord. of 6-10-2013, pt. IX; Ord. No. O011419-07, pt. III, 1-14-2019)

*Sec. 30-92-4. Standards and specifications.*

- (a) *Where buffer yards are required by this ordinance, the following shall apply:*
  - (1) Buffer yards shall be reserved solely for screening and landscaping. No proposed building, building addition, structure, parking area, or any other type of physical land improvement shall be located in a buffer yard. Notwithstanding the above, a driveway entrance or a public road may cross a buffer yard if it is necessary for safe and convenient access to the building site. The buffer yard may be within the setback yard unless specifically stated elsewhere within this ordinance.
  - (2) When a proposed buffer yard has a variation in elevation of greater than ten (10) vertical feet at any point, the required screening or landscaping within the yard shall be placed to maximum the effectiveness of the screening or landscaping, as determined by the zoning administrator.
  - (3) The maximum slope of any required buffer yard shall be 2:1 (Horizontal: Vertical). Sufficient vegetation and groundcover shall be established and maintained on any slope to ensure stabilization.
- (b) *Where screening is required by this ordinance, the following shall apply:*
  - (1) Screening shall be constructed of a durable material. It shall be installed within a required buffer yard and shall be continuously maintained so as to meet the intent of this section.
  - (2) Acceptable screening materials include stockade fences, decorative masonry walls, brick walls, and earth berms. Alternative materials may be approved if in the opinion of the zoning administrator, their characteristics and design are equivalent to or exceed the standards of this section.

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

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

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

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

(Ord. of 6-10-2013, pt. IX; Ord. No. O011419-07, pt. IV, 1-14-2019 )

Sec. 30-92-5. Buffer yards between properties, lots, and/or zoning districts.

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

**TABLE 1. Adjoining District Buffer Table**  
**Site Zoning**

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

Notes:

Blank boxes in the table indicate no required buffer yard.

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

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

**TABLE 2. Buffer Yard Table**

<b>Buffer Yard Category</b>	<b>Structural Buffer Option</b>	<b>Vegetative Buffer Option</b>
A	- 6' screen	- 7' buffer yard
	- 5' buffer yard	- one row of small evergreen trees
	- 6' screen	- 20' buffer yard
B	- 10' buffer yard, small evergreen trees	- small evergreen trees, and one row evergreen shrubs
	- 6' screen	- 35' buffer yard
C	- 20' buffer yard	- Large evergreen trees, small evergreen trees, and one row of evergreen shrubs
	- Large and small evergreen trees	
D	- 8' screen	- 75' buffer yard
	- 30' buffer yard	- Large deciduous and large evergreen trees, small evergreen trees, and one row of evergreen shrubs
	- Large deciduous and large evergreen trees	

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-92-6. Parking area landscaping.*

- (a) *Planting strip.* Where a new, expanded, or reconfigured parking area is proposed adjacent to a public street right-of-way, a planting strip shall be established between the parking area and the adjacent right-of-way. The planting strip shall have a minimum width of six (6) feet. Within the planting strip the following is required between the parking area and adjacent public street right-of-way:
  - (1) One (1) large deciduous tree, large evergreen tree, or small deciduous tree shall be planted every twenty-five (25) linear feet within the planting strip.

- (2) One (1) evergreen shrub shall be planted every five (5) linear feet within the planting strip.
- (b) *Interior landscaping in parking area.* The following provisions are intended to require that the parking area be landscaped with trees and vegetative groundcover. Such areas shall be planned, designed, and located to channel traffic, facilitate stormwater management, and define and separate parking areas and aisles. The following is required to meet the interior landscaping requirements:
  - (1) Interior landscaping shall be calculated as eighteen (18) square feet per new paved parking space. The interior landscaping area shall be a minimum of one hundred eighty (180) square feet. Parking areas with less than fifteen (15) parking spaces are exempt from the interior landscaping requirement. Loading spaces are not included in the interior landscaping calculations.
  - (2) Expanded parking that exceeds ten (10) parking spaces shall comply with new paved parking space calculations/requirements.
  - (3) One (1) large deciduous tree is required within each landscaped area. The remainder of the landscaped area must be filled with shrubs or other vegetative material.
  - (4) No parking area shall include a line of more than ten (10) spaces without having an interior landscaped area.
  - (5) Landscaping shall not block the view of motorists at driveway intersections.

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-92-7. Other screening requirements.*

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

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

(Ord. of 6-10-2013, pt. IX)

*Sec. 30-92-8. Modifications.*

- (a) Screening, landscaping and buffer yards required by this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the zoning administrator if the zoning administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties:
  - (1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section;
  - (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect;
  - (3) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site;
  - (4) The topography of adjacent and surrounding sites as to render required screening ineffective at maturity.
- (b) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by this section. However, to achieve the

intent of this section, the zoning administrator may approve an alternative location and design for required screening and plantings.

- (c) When a property abuts an adjacent jurisdiction, the zoning administrator shall determine the specific screening and buffering requirements, if any, along the boundary after consideration of the zoning designation and/or land use of the adjacent property.
- (d) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, buffer yard and screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the zoning administrator.
- (e) The area of any required buffer yard shall not be required to exceed ten (10) percent of the site proposed for development. In such cases, the zoning administrator shall allow the width or location of certain buffer yards to be reduced or eliminated. The zoning administrator shall require additional landscaping and/or screening within the remaining buffer yards, or elsewhere on the site.
- (f) No landscaping or screening shall be required which in the opinion of the zoning administrator interferes with traffic safety.

(Ord. of 2-26-01, App. A; Ord. of 6-10-2013, pt. IX)

#### Sec. 30-93. - Signs.

##### *Sec. 30-93-1. Purpose.*

- (a) These regulations are intended to define, permit, and control the use of signs. They have been established by the board of supervisors to achieve the following community goals and objectives:
  - (1) Protect the health, safety, and welfare of the public.
  - (2) Promote the economic growth of Bedford County by creating a community image that is conducive to attracting new business and industrial development.
  - (3) Distribute equitably the privilege of using the public environs to communicate private information.
  - (4) Permit reasonable legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk, density, and area.
  - (5) Promote the safety of persons and lot by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment.
  - (6) Ensure that signs do not obstruct fire-fighting efforts, and do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs.
  - (7) Provide for the reasonable advertising of business and civic products and services, with recognition of the effects of signage on the character of the community.
  - (8) Control visual clutter, and encourage high professional standards in sign design and display.
  - (9) Establish clear procedures for the administration and enforcement of this ordinance.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

##### *Sec. 30-93-2. Permitted signs.*

- (a) Any sign displayed in Bedford County shall comply with:
  - (1) All provisions of the Bedford County Zoning Ordinance; and
  - (2) All applicable provisions of the Uniform Statewide Building Code and all amendments thereto; and

- (3) All state and federal regulations pertaining to the display of signage.
- (b) If any two (2) or more sections of the above referenced regulations are in conflict, the provision that provides the most restrictive standard shall apply.

*Sec. 30-93-3. Exempted signs.*

- (a) The following signs shall be exempted from regulation, and may be displayed within Bedford County without obtaining a sign permit. However, an electrical permit shall be required for any sign requiring or incorporating electrical service:
  - (1) Official traffic signs or similar regulatory devices owned, erected and maintained by a duly constituted governmental body.
  - (2) Signs required to be displayed or maintained by law or governmental order, rule, or regulation.
  - (3) Memorial tablets or signs, provided they are displayed by a public or quasi-public agency.
  - (4) Directional signs provided that each such sign does not exceed six (6) square feet per sign, and no such sign shall contain any advertising matter.
  - (5) Street address signs, not exceeding ten (10) square feet in size.
  - (6) Non-illuminated signs, not more than three (3) square feet in area warning trespassers or announcing lot as posted.
  - (7) Signs displayed on a truck, bus, or other vehicle while in use in the normal conduct or business. This section shall not be interpreted to permit the parking for display purposes a vehicle to which a sign is attached or the use of such a vehicle as a portable sign.
  - (8) Flags and insignias of any government.
  - (9) On-premises real estate signs in residential or agricultural zoning districts not exceeding five (5) square feet in area, or on-premises real estate signs in commercial or industrial zoning districts not exceeding sixteen (16) square feet in area. On-premises real estate signs larger than these exempted allowances may be installed as temporary signs in accordance with subsection 30-93-8(b).
  - (10) Clocks that display time and temperature through the use of mechanical means or the controlled display of lights, provided these devices do not display any other message.
  - (11) Political campaign signs provided that they are located outside of the public right-of-way, are a maximum of thirty-two (32) square feet.
  - (12) Signs displayed between Thanksgiving and Christmas associated with the sale of Christmas trees and wreaths.
  - (13) Signs on the inside of establishments, except those signs specified in subsections 30-93-4(a)(5) and (7), which shall not be excluded.
  - (14) On-premises agricultural signs associated with the seasonal and/or incidental sale of such products on lot where the primary land use is residential or agricultural, provided such signs do not exceed sixteen (16) square feet in area.
  - (15) Signs that are displayed by or promote civic, religious, educational, or charitable organizations or causes, provided such signs are displayed no longer than thirty (30) days per calendar year.
  - (16) Gateway signs are exempt provided the total area of the sign does not exceed thirty-two (32) square feet. The height of the sign shall be limited to ten (10) feet.

(Ord. of 9-13-2004; Ord. No. O-052615-03, Pt. II, 5-26-2015; Ord. of 3-7-2005; Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-4. Prohibited signs.*

- (a) The following signs are prohibited within Bedford County:

- (1) Any sign that due to its size, location, color, or illumination obscures a sign displayed by a public authority for the purpose of giving traffic or safety instructions or directions.
- (2) Any sign that contains or consist of pennants, ribbons, spinners, or other similar moving devices.
- (3) Any sign, except an official public notice, which is nailed, tacked, posted, or in any other manner attached to any utility pole, or structure supporting wire, cable, or pipe; or to public lot of any description.
- (4) Any sign located within a public right-of-way, except for signs displayed by a duly constituted governmental authority.
- (5) Flashing or revolving lights, or beacons intended to direct attention to a location, building or service, or any similar device otherwise displayed that imitates by its design or use, emergency service vehicles or equipment.
- (6) Any sign that simulates an official traffic sign or signal, and which contains the words "STOP", "GO", "SLOW", "CAUTION", "DANGER", "WARNING", or similar words.
- (7) Any sign or portion thereof that rotates, or otherwise moves through the use of electrical or wind power. This prohibition does not include the changing of messages on electronic message boards.
- (8) Signs advertising activities or products that are illegal under federal, state, or county law.
- (9) Any sign that obstructs any building door, window, or other means of egress.
- (10) Any electrical sign that does not display the UL, ETL, CSA, or ULC label, unless such sign is constructed, installed, and inspected in accordance with subsection 30-93-9(b).
- (11) Signs or sign structures that are erected on, or extend over, a piece of a lot without the expressed written permission of the lot owner or the owner's agent.
- (12) Any sign that due to its size, location, or height obstructs the vision of motorists or pedestrians at any intersection, or similarly obstructs the vision of motorists entering a public right-of-way from private lot, group of numerals, where the symbols or numbers are meant to be read as a unit.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-5. Sign permits.*

- (a) Except as provided in section 30-93-3, no sign may be erected or displayed in Bedford County without an approved sign permit. Applications for a sign permit may be obtained from the Bedford County Department of Planning. Signs that are not visible from a public right-of-way do not have to conform to the provisions of section 30-93-13, District regulations, and the square footage of such signs shall not be included when calculating allowable signage on a lot.
- (b) Any owner of a parcel of land upon which a sign is to be displayed, or any authorized agent of such owner may apply for a sign permit.
- (c) Every application for a sign permit shall include a sketch of the lot indicating the lot frontage. The application shall also include the square footage of all existing signs on the lot, and the area, size, structure, design, location, lighting, and materials for the proposed signs. In addition, the zoning administrator may require that the application contain any other information that is necessary to ensure compliance with, or effectively administer, these regulations.
- (d) A nonrefundable sign permit fee is due and payable with the filing of a sign permit application. More than one (1) sign on one (1) building or group of buildings located on the same parcel of land may be included on one (1) application provided that all such signs be applied for at one (1) time. A single temporary sign permit may be used for more than one (1) temporary sign of for up to four (4), thirty-day display periods per calendar year, provided the temporary signs requested are for the same business.

- (e) After the issuance of an approved sign permit, the applicant may install and display any such sign or signs approved. Once installed, the zoning administrator may inspect the sign(s) for conformance with the approved sign permit and this ordinance. If the displayed sign(s), due to size, location, height, or number do not conform to the information on the approved sign permit, or the applicable standards of this ordinance, the zoning administrator shall notify the applicant in accordance with section 30-21
- (f) Any sign permit issued shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within (6) months of the date the permit was approved.
- (g) Maintenance, repair, or restoration of nonconforming signs shall be in accordance with section 30-93-11. If the value of such work exceeds fifty (50) percent of its replacement value, it shall only be authorized after the approval of a sign permit application.

(Ord. of 6-10-2013, pt. VIII; Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-6. Measurement of sign area and distances.*

- (a) Sign area shall be calculated as follows:
  - (1) The area of a suspended, attached, or projecting sign, where the letters, numerals, or symbols are on a sign surface which is hung or affixed to a structure, shall be the total area of the hung or affixed surface.
  - (2) The area of an attached sign where the sign consists of words, symbols, or numerals painted on or affixed to a wall, fence, or other building element shall be the entire area within a continuous perimeter enclosing the extreme limits of each word, group of words, symbol, numeral, groups of symbols, or groups of numerals, where the symbols or numbers are meant to be read as a unit.
  - (3) The area of a freestanding sign shall be the total area of all surfaces (excluding poles or other support structures) visible from the public right-of-way. For double or multi-faced signs, only the area of surfaces visible at any one time, at any one (1) point on the public right-of-way shall be measured when calculating sign area.
  - (4) The area of monument-type freestanding signs shall be determined by: (1) the size of the copy area; (2) visual breaks in the structural components of the sign; and/or (3) variation in the monuments color scheme.
  - (5) For the purpose of computing sign area, only one (1) side of a "V-Type", or double-faced sign shall be considered.
- (b) The minimum separation between freestanding signs shall be the shortest distance between two (2) signs, measured in a straight line.
- (c) In situations where these criteria do not provide guidance in determining sign area or minimum separation, the zoning administrator shall make the determination.

*Sec. 30-93-8. Temporary signs.*

- (a) Any persons wishing to display a temporary sign must apply for a sign permit pursuant to section 30-93-5. Except as provided in subsections (b) and (c) below, pertaining to real estate and construction signs, temporary signs shall comply with the following standards:
  - (1) Each legally established agricultural, civic, office, commercial, industrial, and miscellaneous use on a lot shall be allowed to display a temporary sign a maximum of four (4) times per calendar year (each time shall not exceed thirty (30) days). Businesses that wish to display temporary signage in excess of these provisions may apply for a permanent sign permit which shall be evaluated against the applicable district standards.
  - (2) Only one (1) portable sign may be displayed on a lot or at a shopping center, at any one time. Any portable sign display shall have a minimum sign setback of fifteen (15) feet from the edge of the right-of-way or any other lot line.

- (3) No business or establishment shall display more than two (2) temporary signs simultaneously and the total square footage of any temporary signs displayed at one time shall not exceed sixty (60) square feet.
- (b) Real estate signs greater than sixteen (16) square feet in commercial or industrial zoning districts or greater than five (5) square feet in agricultural or residential zoning districts may be installed on a lot provided that each such sign does not exceed ninety-six (96) square feet in area, and has a minimum sign setback of fifteen (15) feet from any public right-of-way. All real estate signs must be removed within fourteen (14) days after the lot has been sold or leased.
- (c) On-premises construction signs may be installed on active construction sites. No construction sign shall exceed ninety-six (96) square feet in area. Any such sign must have a minimum sign setback of fifteen (15) feet from any public right-of-way. All construction signs must be removed from a construction site prior to the issuance of a certificate of zoning for the building or project.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-9. Illuminated signs.*

- (a) Signs may be illuminated either through the use of backlighting or direct lighting provided the following standards are met:
  - (1) Information on any illumination proposed as part of a sign must be provided by the applicant on the sign permit application.
  - (2) No light from any illuminated sign shall cause direct glare into or upon any building other than the building to which the sign is related.
  - (3) No light from any illuminated sign shall cause direct glare on to any adjoining lot, or any adjoining right-of-way.
- (b) Any sign containing electrical components shall conform to current UL, ETL, CSA, or ULC standards and display a label from one of these recognized testing labs; or as an alternative, shall be designed and constructed to standards that would allow one (1) of the above referenced labels to be affixed and thereafter inspected by Bedford County to insure compliance with these standards.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-10. Projecting and suspended signs.*

- (a) No projecting or suspended sign shall extend more than six (6) feet from any wall or other structure to which it is affixed, nor shall any such sign have a setback of less than fifteen (15) feet from the nearest public right-of-way.
- (b) The bottom edge of any projecting or suspended sign must be at least seven (7) feet above the ground if located above any publicly accessible walkway or driveway.
- (c) No projecting or suspended sign shall project or suspend over an adjoining lot, without the expressed written consent of the adjoining lot owner.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-11. Nonconforming signs.*

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

- (b) The addition of lighting or illumination to a nonconforming sign, shall constitute an expansion of a nonconforming structure, and shall not be permitted under these regulations.
- (c) Nonconforming signs may remain, provided they are kept in good repair, except for the following:
  - (1) A nonconforming sign which is destroyed or damaged to the extent fifty (50) percent of its replacement value shall not be altered, replaced, or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty (50) percent or less of its replacement value, the sign may be restored within two (2) years of the damage or destruction, but shall not be enlarged in any manner.
  - (2) A legal nonconforming sign structure or use shall be considered abandoned and must be removed if the business for which the sign was erected has not been in operation for a period of at least two (2) years. Following the expiration of this two-year period the abandoned nonconforming sign shall be removed by the owner of the property on which it is located upon notification by the county to do so. After reasonable attempt to notify the lot owner, the county through its own agents or employees may enter the lot upon which the sign is located and remove any such sign when the owner has refused to do so. The cost of removal shall be chargeable to the owner of the lot.
    - a. Whenever a change of zoning occurs by petition of the owner, contract purchaser with the owner's consent, or the owner's agent upon a lot which contains a nonconforming on-premises sign, such sign shall not be permitted without being modified in such a manner as to be in full compliance with these sign regulations.

(Ord. of 6-10-2013, pt. VIII; O120913-10, 12-9-2013; Ord. No. O021317-05, pt. IV, 2-13-2017)

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

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

(Ord. of 6-10-2013, pt. VIII)

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

- (a) For the purpose of this section:
  - (1) A "monument sign" is a freestanding sign generally having a low profile with little (12 inches or less above grade) to no open space between the ground and the sign constructed of masonry, wood, or other similar materials.
  - (2) A "pylon sign" is a freestanding sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign is 6 feet or more above grade.
  - (3) "Freestanding sign" shall not include a billboard regulated under (Sec. 30-93-15(a)).
- (b) *Maximum amount of freestanding signs.* Only one (1) freestanding sign shall be permissible (either monument or pylon only) on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2).
- (c) *Monument sign.* The following table contains the requirements for the placement of a freestanding, monument style, sign on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2):

	Civic and Office Use	Commercial Use	Industrial Use	Miscellaneous Use
Maximum Square Footage	32	40	48	32

Maximum Sign Height	10 feet	10 feet	12 feet	8 feet
Minimum Setback*	5 feet	5 feet	5 feet	10 feet

\*setback is taken from the edge of the public right-of-way.

- (d) *Pylon sign.* The following table The following table contains the requirements for the placement of a freestanding, pylon sign on a lot with a legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2):

	Office Use	Commercial Use	Industrial Use	Miscellaneous Use
Maximum Square Footage	24	32	32	24
Maximum Sign Height	15 feet	20 feet	20 feet	15 feet
Minimum Setback*	15 feet	15 feet	15 feet	20 feet

\*setback is taken from the edge of the public right-of-way.

- (1) Pylon signs are not permissible on properties which adjoin the public right-of-ways of Route 24, Route 43, Route 460, Route 122, Route 221, and Route 501.
- (e) Lots with multiple uses that are not approved as a shopping/multi-tenant retail center may increase the freestanding height permitted through Sec. 30-93-13(c) and Sec. 30-93-13(d) by 25% for each additional use (up to a maximum height of 20 feet) in order to accommodate freestanding signage for each use on the lot.

(Ord. of 9-13-2004; Ord. No. O021317-05, pt. IV, 2-13-2017; Ord. No. O042219-04, pt. I, 4-22-2019)

*Sec. 30-93-14. Facade signage regulations for civic, office, commercial, and industrial uses*

- (a) Awning signs, banner signs, projecting signs, suspended signs, and any other type of sign attached or painted to any portion of the principle building are permitted with maximum aggregate area equal to twenty-five percent (25%) of the area of the building façade facing the front lot line, or 400 square feet, whichever is less.
- (b) *Maximum amount of building facade signs.* Only four (4) façade signs (to include awning, banner, projecting, suspended, and any other sign attached or painted to any portion of the principal building) shall be permissible for each legally establish use from the corresponding use categories listing in the permitted use table (section 30-79-2).

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-15. Special signage districts and regulations.*

- (a) *Billboards.*

Any legally established Billboard that was in existence prior to February 13, 2017, shall not be considered non-conforming and permitted to be repaired, altered, or converted to an electronic message billboard (subject to the restrictions of Section 30-93-15(g)(2)). The billboard shall not be enlarged, extended, or increased in height. However, this paragraph is not intended to prohibit upgrades in the efficiency of lighting of any sign, or the addition of solar panels to a billboard.

- (b) *Shopping/multi-tenant retail centers.*

- (1) Within shopping center square footage that existed prior to the adoption of this ordinance, new or existing businesses may modify or replace their existing attached signs provided the area of the modified or new signage is equal to or less than the original displayed signage. Modifications to freestanding signs shall be in accordance with the district regulations.
  - (2) Notwithstanding the provisions of subsection 30-93-13, shopping/multi-tenant uses shall be allowed one (1) freestanding, monument style, sign at the main entrance to the shopping center not exceeding two-hundred (200) square feet in area and twenty-five (25) feet in height. Should the shopping/multi-tenant use have multiple entrances from public roadways, each additional entrance, excluding the main entrance, may have an additional thirty-two (32) square foot freestanding, monument style, sign with a maximum height of ten (10) feet.
- (c) *Planned development.* A signage plan shall be submitted as part of any proposal for a planned residential development (PRD), planned commercial development (PCD), or planned industrial development (PID) as authorized elsewhere in this ordinance. The signage plan shall be part of the required preliminary development plan. All signage plans shall be of sufficient detail to allow the commission and board to judge the compatibility of the proposed signage with the character of the proposed PRD, PCD, or PID. At a minimum, all signage plans shall provide information on the general size, location, style, color, and materials of all signs proposed. In evaluating the PRD, PCD, or PID proposal, the commission and board shall consider the appropriateness of the proposed signage plan in relation to the character of the proposed development, and the surrounding area.
- (d) *Airport overlay district.* The allowable height of signs within any established airport overlay district shall be governed by the height restriction for that district, or the height restriction imposed by the applicable district regulation, whichever is more restrictive.
- (e) *Lots without public street frontage.* Lots without public street frontage that existed upon the effective date of this ordinance shall be allowed freestanding signage based upon the applicable district regulations as provided for in sections 30-93-13 and 30-93-14 of this ordinance for legally established uses. One (1) freestanding sign may be placed on an adjoining lot that is not in common ownership or containing the legally established use so long as the sign is placed at the entrance to the applicable civic, office, commercial, industrial, or miscellaneous use with proof of obtaining a permanent sign easement from the adjoining lot owner.
- (f) *Neighborhood identification signs.* Signs giving the place name of a neighborhood established as a distinctive area by custom and/or usage and is recognized throughout the local jurisdiction shall be allowed in all zoning districts. Such signs shall meet the following criteria:
- (1) Sign height shall be not greater than ten (10) feet
  - (2) Sign area shall not exceed thirty-two (32) square feet.
  - (3) Sign structure shall not exceed seventy-two (72) square feet.
  - (4) Civic, social, and/or service organization logos may be displayed within the sign structure. The area of each organizational sign shall not exceed four (4) square feet and this area must be incorporated into the overall square footage for the sign area (thirty-two (32) square feet).
  - (5) All signs shall be constructed of or have a border constructed of wood, brick, masonry, or other materials as approved by the zoning administrator.
  - (6) Illumination of neighborhood signs as permitted, however, lighting shall be such that reflection towards the road is minimized. Neon lighting shall be prohibited. Flashing lights of any kind are prohibited.
- (g) *Electronic message board signs*
- (1) Electronic message boards are permissible as a smaller secondary feature to a freestanding sign and placed at a lower elevation than the main sign.
  - (2) Messages displayed on an electronic message board can change but are limited to a delay between messages of at least 5 seconds, except for billboards. Section 30-93-4 applies to all signage displayed on electronic message boards.

- (3) The area of the electronic message board is included in the maximum square footage calculation for the total allowable freestanding sign area.

(Ord. of 9-3-2004; Ord. No. O-120814-02, pt. IV, 12-8-2014; Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-93-16. Variances.*

Requests for variances to these sign regulations shall follow the procedures outlined in section 30-24 of the zoning ordinance. The board of zoning appeals, in considering any variance request, shall follow the guidelines of this section, and Code of Virginia, § 15.2-2309, as amended. The power to grant variances does not extend to an economic hardship related to the cost, size or location of a new sign, or to the convenience of an applicant, nor should it be extended to the convenience of regional or national businesses which propose to use a standard sign when it does not conform to the provisions of this section.

(Ord. of 2-26-01, App. A; Ord. of 7-8-2002, Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-94. - Exterior lighting.*

- (a) The following exterior lighting standards shall apply to all uses and developments requiring a site development-plan pursuant to section 30-90 of this ordinance:
  - (1) All exterior lighting fixtures shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles.
  - (2) All lighting fixtures on canopy structures shall be recessed.
  - (3) Standard NEMA dusk-to-dawn lights shall be installed with a shield. Shields shall also be installed on street lights, lights in parking lots, and on any lighting in residential areas. Any other lighting type shall be approved by the zoning administrator.
  - (4) Parking lot light poles, canopy structures, and other similar structures in commercial and industrial areas shall not exceed twenty-five (25) feet in height.
- (b) All exterior lighting fixtures within residential zoning districts shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential properties. The lighting intensity at adjoining residential properties shall not exceed 0.5 foot candles.

(Ord. of 2-26-01, App. A; Ord. of 3-7-2005)

*Secs. 30-95—30-99. - Reserved.*

*Sec. 30-100. - Miscellaneous.*

*Sec. 30-100-1. Minor site plans.*

A minor site plan shall be submitted, prior to the approval of a zoning permit, for any new or expanded use or development not requiring a site development plan or a concept plan. Minor site plans shall be legibly drawn and shall clearly indicate the area, shape and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.

(Ord. No. O021317-05, pt. IV, 2-13-2017)

*Sec. 30-100-2. Yard, setback, height, and distance between buildings requirements.*

- (a) The lot area and yards required for any use or structure shall be permanently maintained, and shall not be counted as the required lot area for any other use or structure.

- (b) Required yards shall remain free of all uses or structures except for the following:
  - (1) Fences, walls and landscaping shall be allowed in yards provided that sight triangles are maintained per section 30-100-8. Driveways and parking areas shall also be allowed.
  - (2) Eaves, cornices, window sills, belt courses, bay windows, and chimneys may project into a required yard a distance not to exceed two (2) feet. Cantilevered building overhangs shall not be allowed to project into a required setback area.
  - (3) Patios and stoops shall be allowed within all required setback areas. Decks shall comply with all district setback requirements.
  - (4) Accessory structures shall be allowed in accordance with the regulations for such structures.
- (c) Height limitations contained in articles III and IV of this ordinance shall not apply to barns or silos associated with an agricultural use, church spires, belfries, residential chimneys, flag poles, residential television antennae, or fire station hose towers, except, as may apply in the airport overlay district or the emergency communications overlay district.
- (d) A structure built over the common lot line, between two (2) lots under the same ownership, will in effect combine these lots and they will hereafter function as one (1) lot for the purpose of calculating setbacks for new construction activity related to the structure (including decks, porches, and any additions to the structure).
- (e) The following minimum distance between main buildings located on the same lot or parcel shall be required unless otherwise specified within this ordinance or the county building code:
  - (1) Front to front arrangement: .....40 feet
  - (2) Front to rear arrangement: .....50 feet
  - (3) Rear to rear arrangement: .....30 feet
  - (4) Side to side arrangement: .....20 feet
  - (5) All other combinations: .....20 feet

(Ord. No. O-042621-06, Pt. III, 04-26-2021)

*Sec. 30-100-3. Frontage requirements on culs-de-sac.*

The minimum lot frontage on the arc of a cul-de-sac shall be no less than thirty (30) feet in all zoning districts.

*Sec. 30-100-4. Pipestem lots; prohibition of irregular lots.*

- (a) On pipestem lots, as defined in article II, no building or structure shall be permitted in the stem portion of the lot. In addition, the front lot line of such lots, for the purposes of the front yard setback requirement, shall be that line of the pipe portion of the lot closest to and parallel to the street right-of-way.
- (b) The creation of irregular lots, as defined in article II of this ordinance, shall be prohibited. No lot shall be platted or modified pursuant to the provisions of the Bedford County Subdivision Ordinance, that due to its geometric characteristics, result in the creation of an irregular lot.

*Sec. 30-100-5. Single-family detached dwellings; number permitted on a single lot.*

Only one (1) single-family detached dwelling shall be permitted on any lot. The zoning administrator can waive any requirement(s) in the zoning and subdivision ordinance in order to facilitate the subdivision of any existing lot that has two (2) or more single-family detached dwellings.

(Ord. No. O-042621-06, Pt. I V, 04-26-2021)

*Sec. 30-100-6. Public utility lots.*

Well lots, tank lots, stormwater detention area lots, utility pumping station lots, and similar types of public utility lots may be created in compliance with the terms of this ordinance and the Bedford County Subdivision Ordinance, notwithstanding the frontage, width, area, and other design standards for lots found in article III of this ordinance. Any such lot proposed for platting, shall be clearly designated on a subdivision plat reviewed and approved by Bedford County. This plat shall contain notations and covenants that clearly restrict the use of the lot for the above-cited purposes. Further, the plat shall clearly indicate that no employment shall be allowed at these lots except for the routine and necessary maintenance of the public facilities.

*Sec. 30-100-7. Corner and double frontage lots, orientation of yards.*

On corner and double frontage lots, the front, rear, and side yards shall be determined by the zoning administrator. A rear yard shall always be opposite a front yard.

*Sec. 30-100-8. Establishment of sight triangles.*

- (a) To promote visibility for pedestrians and the operators of motor vehicles, a clear sight triangle shall be established at the intersecting rights-of-way of any two (2) public streets. The legs of this sight triangle shall be twenty (20) feet in length. They shall begin at the point of intersection of the two (2) street rights-of-way, and shall extend twenty (20) feet along each right-of-way line. The triangle shall be formed by connecting the endpoints of these two (2) lines.
- (b) Within this sight triangle nothing in excess of three (3) feet in height shall be constructed, placed, or permanently parked. In addition, no vegetative plantings within the triangle shall be allowed to grow to a height of greater than three (3) feet.
- (c) Nothing in this section shall imply the necessity of removing obstructions within this sight triangle, provided that these obstructions were installed or planted prior to the effective date of this ordinance. Routine trimming of shrubbery violating this height requirement shall be required, if the trimming will not endanger the health of the species.

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

- (a) Except as provided for in sections 30-92 and 30-100-8, fences may be constructed in any location, on any lot.
- (b) On any lot in a residential zoning district (R-1, R-2, R-3, R-4, and PRD) with a residential use, fences located in front of the building line shall not exceed six (6) feet in height.

(Ord. No. O042219-04, pt. II, 4-22-2019; Ord. No. O-042621-06, Pt. V, 04-26-2021)

*Sec. 30-100-10. Standards and procedures for review of condominiums.*

- (a) A subdivision plat shall be submitted to Bedford County for any new residential, commercial or industrial condominium development, including the conversion of any existing development to the condominium form of ownership. This plat shall meet all standards for subdivision plats. Plats shall be reviewed by the director of planning who shall approve the plat provided it meets the provisions of this ordinance and the Bedford County Subdivision Ordinance.
- (b) An approved owners' association shall be established for all condominium projects having individually owned structures or units, and common areas and facilities. The purpose of this association is for the provision of upkeep and maintenance of common areas and facilities. The director of planning shall review the provisions of the association to insure compliance with this section.

*Sec. 30-100-11. Family exemption; permitted locations and standards.*

- (a) As may be otherwise provided for in Bedford County Subdivision Ordinance, family exemption subdivisions pursuant to Code of Virginia, §§ 15.2-2241 through 15.2-2246, as amended, shall be allowed in all agricultural and residential districts.

- (b) Such lots shall be allowed in all agricultural and residential districts and shall be exempt from the minimum road frontage requirements for the district in which it is located, but shall otherwise comply with the following requirements:
  - (1) The lot shall be approved by Bedford County Health Department for on-site sewage disposal, in accordance with the county subdivision ordinance, prior to the recordation of the lot;
  - (2) The lot shall conform with the floodplain overlay district provisions contained in chapter 9 of this ordinance; and
  - (3) The lot shall meet the minimum lot size requirements of the district in which it is located. The parent parcel must meet the minimum lot size requirements of the district in which it is located. In the AP and AR districts, the zoning administrator may reduce the minimum lot size requirement by fifty (50) percent provided the lot being created and the parent parcel both have occupied dwelling units that existed on the property prior to January 1, 2001.

*Sec. 30-100-12. Reserved.*

*Sec. 30-100-13. Dock location.*

- (a) This section is intended for docks on or over the waters of the commonwealth. Community docks as defined in article II of this ordinance, shall follow the requirements of section 30-83-3.5. Bedford County recognizes that docks on Smith Mountain Lake and Leesville Lake are within the purview of Appalachian Power and as such seeks to regulate docks consistently with its requirements.
- (b) Before any person erects, constructs, reconstructs, moves, or structurally expands any dock or similar structure, he/she shall apply for a zoning permit, prior to the issuance of a building permit. Issuance of the required Bedford County permits is dependent upon approval of the dock by Appalachian Power.

*Sec. 30-100-14. Shoreline protection.*

- (a) The purpose and intent of this section is to establish requirements to protect the waters of the commonwealth. The following requirements shall be adhered to within two hundred (200) feet of the normal shoreline of any body of water:
  - (1) All developments including single-family dwellings shall adhere to the county's soil erosion and sediments control ordinance prior to the approval of the electrical service meter, except for the provision of access, utilities or similar uses.
  - (2) On Smith Mountain Lake, no grading, clearing, nor construction shall occur within twenty-five (25) feet on a horizontal plane from the normal shoreline (seven hundred ninety-five-foot elevation) or below the eight hundred-foot elevation, which ever is greater, in order to create a protected area. A notation to this effect shall be shown on all approved site plans and subdivision plats. This requirement excludes docks, marinas, other similar structures, and approved shoreline protective measures.
  - (3) On Leesville Lake, no grading, clearing, nor construction shall occur within twenty-five (25) feet on a horizontal plane from the normal shoreline (six hundred thirteen-foot elevation) or below the six hundred twenty-foot elevation, whichever is greater, in order to create a protected area. A notation to this effect shall be shown on all approved site plans and subdivision plats. This requirement excludes docks, marinas, other similar structures, and approved shoreline protective measures.

*Sec. 30-100-15. Inoperable motor vehicles.*

- (a) It shall be unlawful for any person to keep on any property within zones R-1, R-2, R-3, PRD, AP, AR, AV, and in the CO district, unless within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer, or semitrailer as defined in Code of Virginia, § 46.2-100, which is inoperable; however, two (2) such inoperable vehicles may be kept outside a fully enclosed building or structure provided they are shielded or screened from view by covers. As used

in this section, an "inoperable motor vehicle" means any motor vehicle which is not in operating condition; or which a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

(b) It is further provided that:

- (1) The owners of property within zones R-1, R-2, R-3, PRD, AP, AR, AV, and in the CO district shall at such time or times as the locality prescribes, remove there from any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure or otherwise shielded or screened from view;
- (2) Such locality through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice, has failed to do so;
- (3) In the event such locality, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, such locality may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle;
- (4) The cost of any such removal and disposal shall be collected by the locality as taxes are collected; and
- (5) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the locality.

(Ord. of 9-8-2003)

*Sec. 30-100-16. Job site waste/debris containers.*

All job sites shall be required to provide waste/debris containers for both human waste and construction debris.

*Sec. 30-100-17. Public facility lots.*

Lots for public safety services, public solid waste management facilities, and similar types of public facility lots owned or operated by or on behalf of Bedford County may be created in compliance with the terms of this ordinance and the Bedford County Subdivision Ordinance, notwithstanding the frontage, width, area, and other design standards for lots found in article III of this ordinance. Any such lot proposed for platting, shall be clearly designated on a subdivision plat reviewed and approved by Bedford County. This plat shall contain notations and covenants that clearly restrict the use of the lot for the above-cited purposes.

*Sec. 30-100-18. Short-term rentals.*

The following regulations shall apply to all short-term rentals on parcels for any period less than thirty (30) days of residential dwelling units in the AP, AR, AV, R-1, R-2, C1, C2, PCD, and PRD zoning districts:

- (1) The owner of a dwelling unit to be used for short-term rental shall apply for a zoning permit to be approved and issued in conformance with this section - prior to utilizing the dwelling unit for short-term rental.
- (2) For dwelling units served by a privately operated sewage disposal system within five hundred feet (500') of the seven-hundred and ninety-five foot (795') elevation contour of Smith Mountain Lake, all applicants for new permits shall provide a copy of the approved health department sewage disposal system permit serving the dwelling and evidence of the septic tank being pumped out or inspected within five (5) years shall be submitted with the zoning permit application.

Upon the effective date of this ordinance, staff will notify affected property owners or their agents requesting proof that the septic system has been pumped out or inspected within five years from the said effective date, and every five years thereafter. Bedford County may revoke a permit for repeated noncompliance with the performance standards. A copy of the permit shall be supplied to the rental agency and rental agent. The property owner and rental agent shall be required to present this permit when requested. The property owner and rental agent shall, upon demand, be responsible to assure compliance with all requirements of this section.

The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of two (2). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Bedford County Department of Building Inspections.

- (3) There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such short-term rentals. Signage is limited to one (1) non-illuminated sign, and signage is limited to a maximum of two (2) square feet in area, shall be permitted per dwelling in the R-1 and R-2 districts; and sixteen (16) square feet in area in the AP, AR, and AV zoning districts. Any sign must conform with the provisions of article V of the zoning ordinance.
- (4) All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multifamily dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of roads at any time.
- (5) There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
- (6) (a) An owner's failure to register a short-term rental property (including single and multiple rooms in a residential structure) with the County will result in a civil penalty of \$500 per violation.  
  
(b) Unless and until the subject property is registered, and any penalty imposed under subsection (a) is paid in full, the subject property may not be offered as a short-term rental.  
  
(c) Upon three or more violations of any applicable state or local laws, ordinances or regulations as relating to a specific property offered for short-term rental (including, but not limited to, the requirement to register any such property), the County may prohibit such property from being registered and offered as a short-term rental.
- (7) No person shall be required to register a short-term rental pursuant to this section if such property is already licensed, permitted, or registered with the County as rental property.

(Ord. of 2-26-01, App. A; Ord. of 7-9-2001; Ord. of 2-11-2002; Ord. of 7-8-2002; Ord. of 12-13-2004; Ord. No. O-0508-111(R), 5-27-2008; Ord. No. O-0511-57, 5-23-2011; Ord. No. O021014-05, pt. III, 2-10-2014; Ord. No. O021014-05(2), 2-10-2014; Ord. No. O-061316-05, 6-13-2016; Ord. No. O112717-05, pt. II, 12-11-2017, effective 1-1-2018)

**APPENDIX A. - BEDFORD COUNTY ZONING ORDINANCE SITE DEVELOPMENT REGULATIONS**

Zone	Description	Min Lot Requirements			Min Setback Requirements			Max Height	Max Coverage		Units/Acre
		Area	Front	Width	Front	Side	Rear		Bldg.	Lot	
AP	Agricultural/Rural Preserve	1.5 Ac.	150'	150'	35'	10'	25'	45'	N/A	N/A	<1
AR	Agricultural/Residential	1 Ac.	100'	100'	35'	10'	25'	45'	N/A	N/A	<1
AV	Agricultural Village Center	1 Ac.	100'	100'	35'	10'	25'	35'	N/A	N/A	1 - 3
		20,000 SF	75'	75'	35'	10'	25'	35'	N/A	N/A	
R1	Low Density Residential	1 Ac.	100'	100'	30'	10'	25'	35'	N/A	N/A	1 - 3
		20,000 SF	75'	75'	30'	10'	25'	35'	N/A	N/A	
		10,000 SF	60'	60'	30'	10'	25'	35'	N/A	N/A	
R2	Medium Density Residential	1 Ac.	100'	100'	30'	10'	25'	35'	N/A	N/A	1 - 6
		20,000 SF	75'	75'	30'	10'	25'	35'	N/A	N/A	
		10,000 SF	60'	60'	30'	10'	25'	35'	N/A	N/A	
R3	Medium Density Multifamily Residential	1 Ac.	100'	100'	30'	10'	25'	35'	N/A	N/A	6 - 12

		20,000 SF	75'	75'	30'	10'	25'	35'	N/A	N/A	
		10,000 SF	60'	60'	30'	10'	25'	35'	N/A	N/A	
R4	High Density MultiFamily Residential	1 Ac.	100'	100'	30'	10'	10'	45'/UL	N/A	N/A	
		20,000 SF	75'	75'	30'	10'	10'	45'/UL	N/A	N/A	12 - 24
		10,000 SF	60'	60'	30'	10'	10'	45'/UL	N/A	N/A	
PRD	Planned Residential Development	10 Ac. Contiguous			According to Approved Site Plan						5 Excluding Bonus
RMH	Manufactured Housing Overlay	Based on Underlying Zone									
NC	Neighborhood Commercial	20,000 SF	100'	100'	30'	15'	25'/35'R	30'	35%	65%	
C1	Office	1 Ac.	100'	100'	30'/20'P	10'/25'	15'	45'/UL	50%	80%	
		15,000 SF	75'	75'	30'/20'P	10'/25'	15'	45'/UL	50%	80%	
C2	General Commercial	1 Ac.	100'	100'	30'/20'P	None	15'	45'/UL	50%	90%	
		15,000 SF	75'	75'	30'/20'P	None	15'	45'/UL	50%	90%	
PCD	Planned Commercial Development	5 Ac. Contiguous			30'	Adjacent Use		45'		75%	
I1	Low Intensity Industrial	1 Ac.	100'	100'	30'/20'P	10'	15'	45'/UL	50%	90%	

		15,000 SF	75'	75'	30'/20'P	10'	15'	45'/UL	50%	90%	
I2	High Intensity Industrial	1 Ac.	100'	100'	30'/20'P	10'	15'	125'/UL	75%	90%	
		20,000 SF	100'	100'	30'/20'P	10'	15'	125'/UL	75%	90%	
PID	Planned Industrial Development	15 Ac. Contiguous			30'	Adjacent Use		45'/UL		75%	
EP	Explore Park	According to Approved Site Plan									
AO	Airport Overlay										
ECO	Emergency Communications Overlay										
RRCO	Roanoke River Conservation Overlay										
FO	Floodplain Overlay	(repealed 7/12/2010)									
WHP	Well Head Protection Overlay										
CO	Corridor Overlay	Underlying Zoning District (6/10/2013)									
WCO	Wireless Communications Overlay										

**APPENDIX B. - WELL HEAD PROTECTION LOCATIONS**

PRIVATE WATER SYSTEM ID#	PRIVATE WATER SYSTEM NAME	LATITUDE	LONGITUDE
5019057	Beachwood Shores Subdivision	37.1386	-79.6522
5019071	Big Island Elementary School	37.5331	-79.3656
5019080	Body Camp	37.2236	-79.5189
	Elementary School	37.2242	-79.5158
		37.2278	-79.5189
5019100	Casaloma Subdivision	37.3772	-79.3681
5019125	Cherry Hill Estates	37.2686	-79.8139
		37.2689	-79.8139
5019150	Bedford County Jail	37.1439	-79.6175
	Annex	37.1386	-79.6197
5019165	Cedar Hills Mobile Home Park	37.3983	-79.2556
5019175	Mariner's Landing	37.0950	-79.5706
		37.0936	-79.5697
5019180	VDOT	37.3175	-79.4800
		37.3517	-79.4906
5019333	The Waterways	37.0658	-79.5689
		37.0658	-79.5653

PRIVATE WATER SYSTEM ID#	PRIVATE WATER SYSTEM NAME	LATITUDE	LONGITUDE
5019340	Georgia Pacific-NTNC	37.5356	-79.3606
		37.5354	-79.3605
		37.5353	-79.3603
		37.5332	-79.3615
5019350	Gross Point	37.0661	-79.5683
	Subdivision	37.0494	-79.5683
5019360	Harbor Ridge	37.1819	-79.7117
5019370	Quesenberry Mobile Home Park	37.2483	-79.7019
5019379	Hardy Road Trailer Park, Section 2	37.2628	-79.8356
5019380	Hardy Road Trailer Park, Section 1	37.2628	-79.8356
5019425	Hillcrest Subdivision	37.3325	-79.5692
5019430	Hillcrest Trailer Park	37.2825	-79.8389
5019465	Huddleston Elementary School	37.1639	-79.4722
5019500	Isle of Pines Subdivision	37.0997	-79.6267
5019600	Lake Estates Subdivision	37.0728	-79.5944
5019617	Landmark Mobile Home Village	37.1953	-79.6850
5019620	Liberty High School	37.3722	-79.4983

PRIVATE WATER SYSTEM ID#	PRIVATE WATER SYSTEM NAME	LATITUDE	LONGITUDE
5019626	Liberty Apartments	37.3750	-79.4958
5019655	Moneta Elementary School	37.1858	-79.6119
5019665	Meadow Run Trailer Park	37.3383	-79.4953
5019675	Montvale Water, Inc.	37.4024	-79.7401
		37.4025	-79.7404
5019685	Mountain View Shores	37.0639	-79.5461
	Subdivision	37.0578	-79.5569
5019700	Oakridge Trailer Park	37.2758	-79.8369
5019710	Otter Ridge Elementary School	37.3647	-79.4347
5019725	Big Island Community	37.5333	-79.5442
5019735	Paradise Point Estates	37.1525	-79.6692
5019745	Peaksview Trailer	37.2994	-79.3622
	Court	37.2992	-79.3575
		37.2989	-79.3564
		37.2992	-79.3539
5019782	Smith Mountain Lake State Park, Visitor's Center	37.0775	-79.6156
5019783	Smith Mountain Lake State Park, Boat Ramp	37.0953	-79.6033
5019784	Smith Mountain Lake State Park, Picnic Area	37.0953	-79.6033

PRIVATE WATER SYSTEM ID#	PRIVATE WATER SYSTEM NAME	LATITUDE	LONGITUDE
5019786	Smith Mountain Lake State Park, Primitive Campground	37.1006	-79.5803
5019789	Staunton River High	37.2417	-79.6236
	School	37.2417	-79.6119
5019791	Stewartsville Elementary School	37.2717	-79.7906
5019798	Thaxton Elementary School	37.3452	-79.4667
5019800	Timber Ridge Subdivision	37.3389	-79.4506
5019865	Twin Oaks Trailer Park	37.2542	-79.7044
5019875	Valley Mills Crossing	37.0619	-79.5600
5019980	Forty Acres Subdivision	37.1039	-79.5986
ENSAT TW-C2	J.W. Development, Inc.	37.0956	-79.5647
5019878	VA Ridge Subdivision	37.2342	-79.8178
		37.2307	-79.8155
		37.2352	-79.8188

(Amend. of 6-4-2009)

**APPENDIX C. - GENERAL PARKING DIMENSIONS**

TABLE I

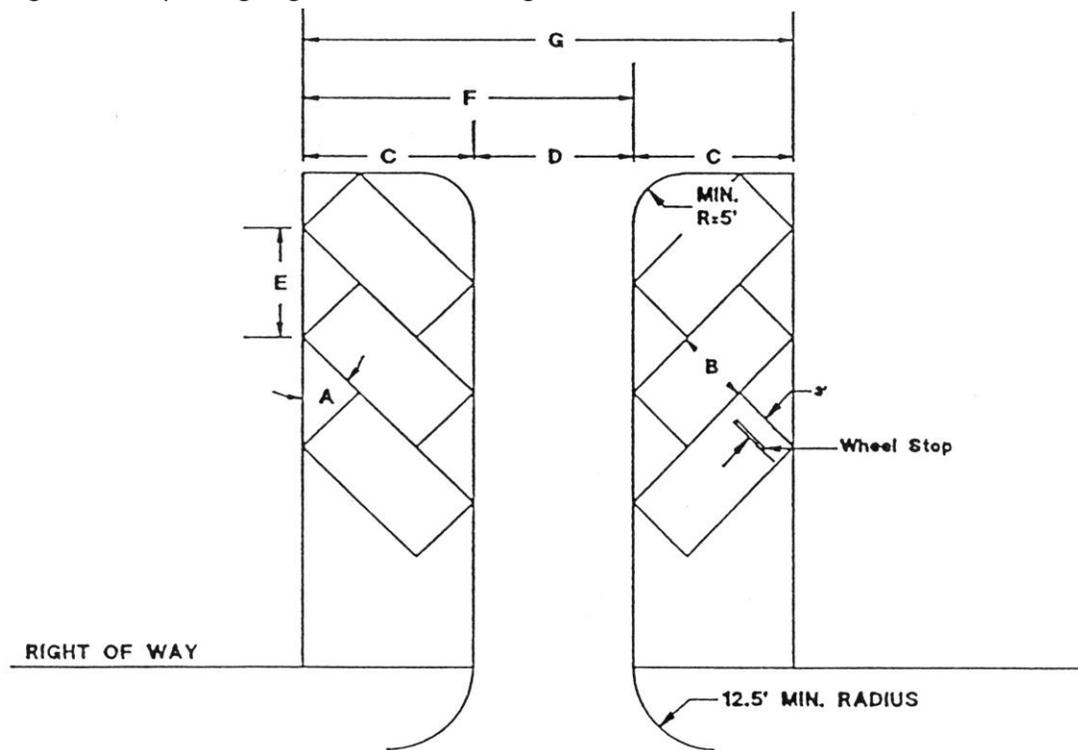
A PARKING ANGLE	B STALL WIDTH	C STALL DEPTH	*D AISLE WIDTH	E CURB LENGTH	F HALF BAY	G FULL BAY
0 ST	9.0'	20.0'	12.0'	22.0'	32.0'	52.0'
0 SM	9.0'	20.0'	12.0'	20.0'	32.0'	52.0'
30 ST	9.0'	17.8'	12.0'	18.0'	29.8'	*47.6'
30 SM	9.0'	15.9'	12.0'	16.0'	27.9'	*43.8'
45 ST	9.0'	20.5'	13.0'	12.7'	33.5'	*54.1'
45 SM	9.0'	18.4'	13.0'	11.3'	31.4'	*49.8'
60 ST	9.0'	21.8'	18.0'	10.4'	39.8'	*61.6'
60 SM	9.0'	20.7'	18.0'	9.2'	28.7'	*59.4'
90 ST	9.0'	20.0'	24.0'	9.0'	44.0'	64.0'
90 SM	9.0'	18.0'	24.0'	8.0'	42.0'	60.0'

NOTES:

ST indicates standard cars

SM indicates small cars

\*Dimensions are for one-way movement. Two-way movement requires a minimum 24 foot aisle width regardless of parking angle and dimensions given in Table I above.



**APPENDIX D. - EXAMPLES OF SCREENING MATERIALS**

It should be noted that these are merely guidelines designed to assist the developer in meeting the screening and buffer yards requirements, and this plant list is not exclusive. Please note that several plants overlap into more than one category.

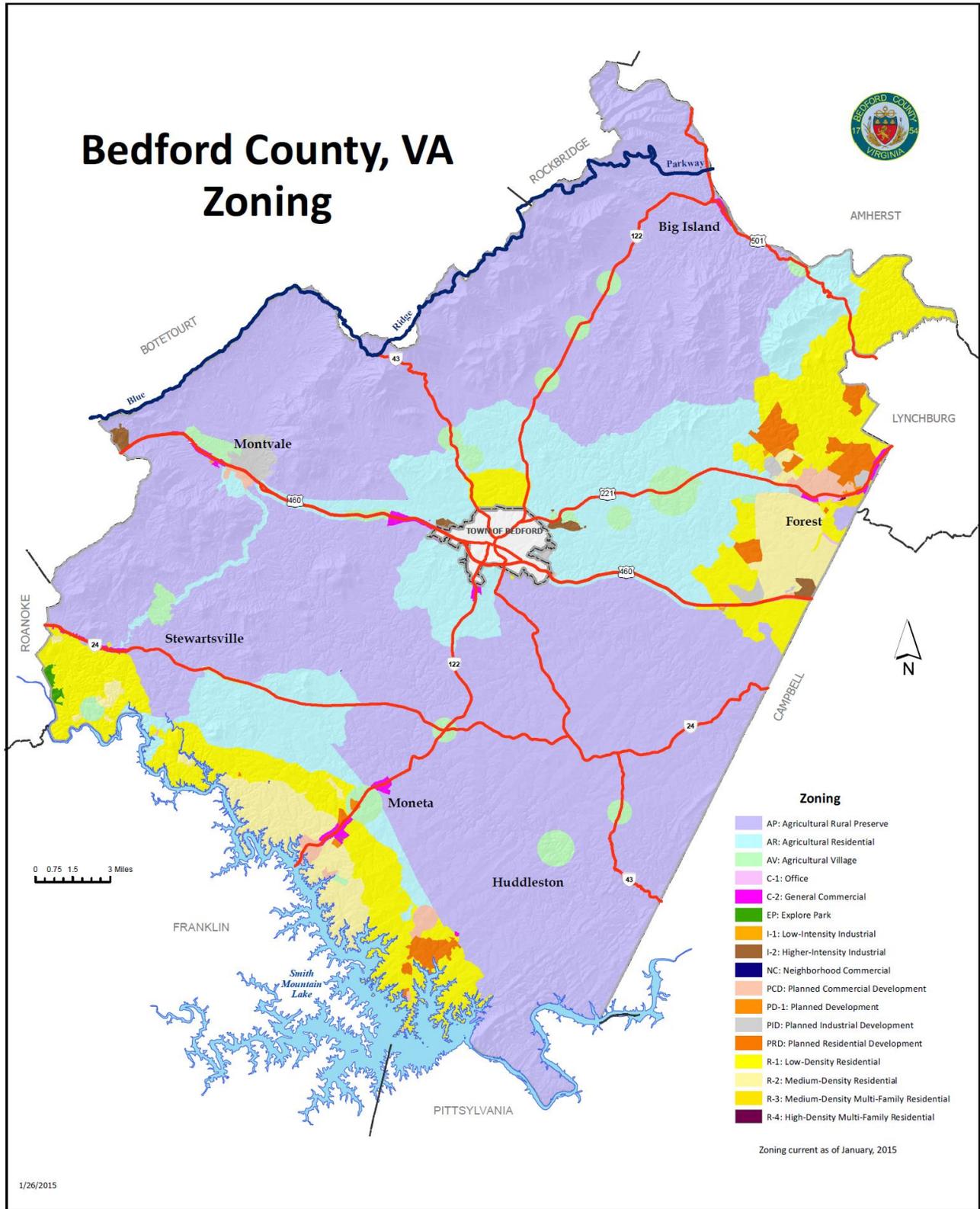
Type of foliage Category	Proper Name	Common Name
Evergreen Shrubs	Ilex Cornuta "Burfordi" nana	Dwarf Burford Holly
	Junipers Chinensis "Hetzi"	Hetzi Juniper
	Abelia × Grandiflors	Glossy Abelia and cultivars
	Berberis Julianne	Julienne Barberry
	Illicium Parvifolium	Star Anise
	Ilex crenata "Steed's" et al	Steed's upright holly
	Ilex crenata "rotundafolia"	Round Leaf Holly
	Ilex × Merseveae hybrids	Merserve hollies
	Ligustrum Lucidium	Glossy Privit
	Eounymous "Manhattan"	Manhattan euonymous
Small Evergreen Trees	Ilex × Nellie Stevens'	Nellie Stevens' Holly
	Eleagnus pungens "Fruitlandi"	Silverberry
	Myrica pennsylvatica	Northern Bayberry
	Illicium Parviflorum	Anise Tree
	Ulmus parviflora	Lacebark elms & hybrids
	Cryptomeria	Cryptomeria

	Pinus thunbergiana	Japanese Black Pine
	Prunus laurocerasus	Cherry Laurel
	Photina × fraseri	Red tip photina
Large Evergreen Trees	Cupressocypariss	Leyland Cypress
	Crytomeria japonica	Japanese Cedar
	Magnolia Grandiflora	Southern Magnolia
	Tsuga Canadensis	Canadian Hemlock
	Pinus Strobus	White Pine
	Picea abies	Norway Spruce
	Picea pungens	Colorado Spruce
	Cedrus deadora	Deadora Cedar
	Juniperus virginianna	Eastern red cedar
	Illex opaca	American Holly
Small Deciduous Tree	Halesia	Carolina Silverbell
	Hamamelis	Witch Hazel
	Cornus Kousa	Chinese dogwood
	Cornus Florida	Flowering dogwood
	Stewartia	False Camelia
	Styrax	Japanese snowbell
	Carpinus Betulus	Hornbeam

	Prunus subhirtilla pendula	Weeping cherry
	Lagerstromia indica	Crepe myrtle
	Acer palmatum	Japanese maples
	Katsura Japonica	Katsura tree
	Oxydendron arboreum	Sourwood
	Chionanthus	Fringe tree
	Magnolia Stellata	Star magnolia
	Magnolia soulangiana	Tulip magnolia (& hybrids)
	Malus species	Crabapples
	Franklinia	Franklin tree
	Crataegus phaenopyrum	Washington Hawthorn
	Amelanchier	Serviceberry
	Cercis canadensis	Redbud
	*Ulmus parvifolia	Lacebark elm & hybrids
	*Qurercus robur	English oak
	*Betulus species	Birch
	*Prunus surrulata "Kwanzan"	Kwanzan cherry
	*Prunus yoedensis	Yoshino cherry
	*Pyrus Calleriana cultivars	Bradford, Chanticleer, etc.
Large Deciduous Trees	Acer rubrum & cultivars	Red Sunset et al

	Quercus palustrus	Pin Oak
	Quercus phellos	Willow oak
	Quercus alba	White oak
	Quercus bicolor	Swamp white oak
	Quercus shumardi	Shumard oak
	Gleditsia triacanthos	Honeylocust & cultivars
	Platanus occidentalis	Sycamore
	Plantanus × acerifolia	London Plane tree
	Liriodendron tulipifera	Tulip Poplar
	Liquidamber	Sweet Gum
	Ginko biloba	Ginko (preferably female)
	Zelkova serrata	Zelkova
	Fagus species	Beech
	Fraxinus species	Ash cultivars
	Metasequoia glyptostroboides	Dawn redwood
	Tilia Cordata	Little leaf linden celtivars
*indicates trees that can be used in small or large deciduous tree category.		

APPENDIX E. - MAP OF BEDFORD COUNTY ZONING DISTRICTS



**APPENDIX F. - AREA OF BEDFORD COUNTY ZONING DISTRICTS**

Adopted Effective: 12:00 Midnight November 30, 1998

Zoning District	Percent of County	Acres	Square Miles
AP	60.69	296,750	463.7
AR	17.42	85,164	133.1
AV	2.11	10,331	16.1
C-1	0.13	623	0.9
C-2	0.47	2,298	3.6
I-2	0.56	2,738	4.3
NC	0.03	147	0.2
PCD	1.13	5,525	8.6
PID	0.38	1,854	2.9
PO	0.44	2,151	3.4
PRD	1.16	5,672	8.9
R-1	10.01	48,945	76.5
R-2	5.33	26,062	40.7
R-3	0.06	296	0.5
RMH	0.08	391	0.6
	100.00	488,947	764.0

**APPENDIX G. - FEE SCHEDULE ZONING AND SUBDIVISION ORDINANCES**

Rezoning	(1) \$300 + \$5/AC	Zoning Permit	\$50
Special Use	(1) \$300	Home Occupation Permit	\$50
Variance	(1) \$200	Temporary Use Permit	\$50
Subdivision	(2) \$150 + \$10/LOT	Floodplain Determination	\$50
Appeal of Decision	(1) \$150	Zoning Compliance Letter	\$50
Site Plan	(2) \$300 + \$10/AC	DMV License Renewal	\$0*
Vacation of Plat	\$150		
1 Plus cost of required notifications			
2 Plus \$25 for additional reviews of submittals returned for corrections			
*Cost for permit repealed on 2/22/99 by the BOS.			