



AGENDA
BEDFORD COUNTY PLANNING COMMISSION

County Administration Board Room
122 E. Main Street, Bedford, VA
Tuesday, August 18, 2020
7:00 p.m. – Regular meeting

Comment(s) for the Citizen Comment Period can be sent to the following address if you are unable to attend: pcpubliccomments@bedfordcountyva.gov.

1. Approval of Agenda
2. Citizen Comment Period
3. Old Business - Rezoning Application RZ050002
Proffer Modification Request
4. New Business - Zoning Text Amendments
5. Adjourn

Rezoning Application
RZ050002
Proffer Modification

Presenter: Jordan Mitchell
540-586-7616 ext. 1393
540-586-2059 (fax)
jmitchell@bedfordcountyva.gov



COUNTY OF BEDFORD, VIRGINIA

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

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

TO: Planning Commission
Patrick Skelley, County Attorney

FROM: Jordan Mitchell, Interim Director 

DATE: August 11, 2020

SUBJECT: Rezoning Application #RZ050002 - Revised Proffer Amendment

The Planning Commission (“Commission”) held a public hearing for a proffer amendment to rezoning application #RZ050002 (Constantine Rosko) at their regularly scheduled meeting on July 21, 2020. After closing the public hearing and discussing the proffer amendment, the applicant’s representative requested to offer a revised proffer that would limit the use of the property to residential uses only. Prior to the Commission taking action on the request, staff requested a signed revised proffer amendment from the property owner to ensure compliance with Section 30-15 of the Zoning Ordinance. The Commission tabled a decision on the application by a vote of 6-0.

The applicant has provided the following revised proffer amendment request (see attachment) to rezoning application #RZ050002:

- 9) Any development of Tax Map Number 114-A-82 shall be in compliance with the regulations of the AV district, except that development shall be limited to the residential uses only as permitted therein. Tax Map Number 114-A-82 shall not be subject to any other proffer associated with rezoning application #RZ050002.

Staff has reviewed the revised proffer and found it acceptable and compliant with the requirements of Section 30-15 of the Zoning Ordinance. This proffer would be added to the existing list of proffers (see attachment) for rezoning application #RZ050002 if approval of the revised proffer is recommended for acceptance by the Commission.

Staff looks forward to discussing the revised proffer amendment with the Commission on August 18, 2020. If you have any questions or concerns prior to your regular meeting, please contact me at (540) 586-7616 or jmitchell@bedfordcountyva.gov.

Attachments

- Revised Proffer Statement (Signed)
- RZ050002 Signed Ordinance (Proffers listed)

At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia, held at the Bedford County Administration Building on the 14th day of February 2005, beginning at 7:30 p.m.

Philip Thompson, Director of Planning, appeared before the Board and stated that on December 13, 2004, the Board of Supervisors held a public hearing on a rezoning application proposed by Constantine Rosko. The rezoning application requests to change the zoning designation of approximately 48.3 acres from AR, Agricultural/ Residential, to AV, Agricultural Village Center, to allow the construction of a 42-lot subdivision. The applicant already has approval of a preliminary subdivision plan for 53 lots for this property. The public hearing consisted of: a staff presentation outlining the staff report; a presentation by the applicant; public comments and testimony; and an opportunity for the applicant to address any comments made during the public hearing.

After the public hearing, the Board of Supervisors postponed action on the application until its January 24, 2005 meeting. On January 24, 2005, the Board discussed the proposed rezoning application and postponed action until its February 14, 2005 meeting.

**AN ORDINANCE TO AMEND AND READOPT THE BEDFORD COUNTY
ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT DESIGNATION
OF A PORTION OF PROPERTY IDENTIFIED AS TM#114-A-82 FROM AR,
AGRICULTURAL/RESIDENTIAL, TO AV, AGRICULTURAL VILLAGE CENTER**

BE IT HEREBY ORDAINED, that the Bedford County Zoning Ordinance is hereby amended and readopted by changing the zoning district designation of a portion of property identified as TM#114-A-82 from AR, Agricultural/Residential, to AV, Agricultural Village Center, with the following proffered conditions:

1. The property will be developed in substantial conformance with the submitted rezoning plan, revision dated 11-15-04, as prepared by Perkins & Orrison, Inc.
2. Uses for the proposed lots shall be limited to single family residential dwellings and residential accessory uses/structures.
3. No home shall be permitted to be constructed on any lot that contains less than 3,000 square feet of finished living space for a two story house, or 2,500 feet for a one story house.
4. Architectural standards for all homes and accessory structures are to be primarily brick or stone, with Hardi Plank or similar cement fiber siding product covering less than half of the building exterior. Architectural grade shingles or better roof material must be used. There shall be no exposed concrete CMU foundations. Homes shall be of a generally traditional appearance, in keeping with other finer homes in the area.
5. Along the Bellevue Road lots, the developer agrees to dedicate public right-of-way extending 25' from the centerline.
6. The project will be developed in two phases: the first being the 12 lots along Bellevue Road, and the second being lots accessed off of Route 221 (not including the Trivium house).

7. A right turn lane and taper will be constructed on Route 221 at the proposed entrance.
8. Along the southern and eastern boundaries of the rezoned lots, a 50-foot buffer will remain undisturbed. If disturbance is required, then a double row of evergreen trees, 12' on center, 6' tall at planting, shall be installed along or near the property line for the entire length of the disturbed area.

Severability

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

Effective Date

This ordinance is effective upon adoption.

After reviewing the public testimony, the public record, the Planning Commission's recommendation, the goals and objectives of the County's Comprehensive Plan and Section 30-3 of the Zoning Ordinance, Supervisor Bashore made a motion to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of a portion of property identified as TM# 114-A-82 from AR, Agricultural/Residential, to AV, Agricultural Village Center, with proffers, as indicated on the attached ordinance.

Voting yes: Mr. Cheek, Dr. Bashore, Mr. Pollard, Mr. Neudorfer and Mr. Arrington

Voting no: None

Absent: Mr. Lowry, Mr. Wheeler

Adopted Unanimously.

A Copy-Teste:


Kathleen D. Guzi
Interim County Administrator

Zoning Text Amendments




COUNTY OF BEDFORD, VIRGINIA

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

DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF PLANNING

TO: Planning Commission
Patrick Skelley, County Attorney

FROM: Jordan Mitchell, Interim Director 

DATE: August 11, 2020

SUBJECT: Zoning Ordinance Text Amendments

The Planning Commission (“Commission”) discussed staff proposed Subdivision and Zoning Ordinance amendments at their regularly scheduled meeting on July 21, 2020. The Commission requested that staff bring the following to their regularly meeting on August 18, 2020:

- 1) Information from Virginia Department of Health (“VDH”) on private sewage disposal systems in relation to townhouse, multifamily dwelling, and microbrewery uses
- 2) Staff recommended Short Term Rental use general standards text amendments
- 3) Planned Residential Development (“PRD”) district- list of uses for discussion purposes (what should or should not be permitted in the district)

Staff has provided (see attachment) a recommended Short Term Rental use ordinance for the Commission to review. In order to address the request for a review of the permitted uses in the PRD district, staff has provided (see attachment) a list of all of the uses that are currently permitted by-right and by special use in the PRD zoning district. In addition to that information, a recommended ordinance amendment option (see attachment) to address the issue on parcel(s) that were zoned PRD without a master plan has been included. Information from the VDH is forthcoming and staff will present that to the Commission at the meeting on August 18, 2020.

Staff looks forward to discussing the requested information regarding text amendments with the Commission on August 18, 2020. If you have any questions or concerns prior to your regular meeting, please contact me at (540) 586-7616 or jmitchell@bedfordcountyva.gov.

Attachments

Short Term Rental Ordinance (August 2020)
PRD District Permitted Use List
PRD Ordinance (August 2020)

Zoning Ordinance
Short Term Rental Ordinance
August 2020

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 ~~requestingshall submit~~ proof that the septic system has been pumped out or inspected within five years from the said effective date, and every five years thereafter ~~to keep the issued permit valid~~. 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 of~~ 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 ~~that is 18 or older 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.~~

~~(56) (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.~~

(67) 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.

Zoning Ordinance
Planned Residential Development (PRD) Permitted Uses
August 2020

The following is a list of uses that are permitted in the PRD zoning district for discussion purposes:

By-right uses (* notes general standards for use):

Agricultural and Forestry Uses

Farmers Market*

Residential Uses

Accessory Apartment*

Domestic Chickens*

Home Beauty/Barber Salon*

Home Occupation, Type I*

Private Kennel*

Manufactured Home, Class A*

Manufactured Home, Emergency*

Multifamily Dwelling*

Residential Human Care Facility

Single Family Dwelling, Attached*

Single Family Dwelling, Detached

Single Family Dwelling, Detached (Zero Lot Line Option)*

Temporary Family Healthcare Structure*

Townhouse*

Two-Family Dwelling (Duplex)*

Civic Uses

Administrative Services

Civic Clubs*

Community Recreation*

Crisis Center

Day Care Center*

Educational Facilities College/University*

Educational Facilities Primary/Secondary*

Family Day Care Home*

Park and Ride Facility*

Post Office

Public Maintenance and Service Facility

Public Parks and Recreational*

Religious Assembly*

Safety Service, Private*

Safety Service, Public*

Utility Services, Minor

Office Uses

Clinic*

Financial Institutions*

General Office*

Medical Office*

Commercial Uses

Antique Shops*
Business or Trade Schools
Business Support Services
Consumer Repair Services
Convenience Store*
Food Truck*
Funeral Services
Gasoline Station*
Golf Course*
Hospital
Hotel/Motel/Motor Lodge
Hotel/Motel/Motor Lodge, Extended Stay
Personal Improvements Services
Personal Services
Restaurant, Drive-in and Fast Food*
Restaurant, Family*
Restaurant, General*
Retail Sales
Studio, Fine Arts
Veterinary Hospital/Clinic

Miscellaneous Uses

Amateur Radio Tower*
Outdoor Gathering*
Wind Energy System, Small*
Wireless Communication Facility, Class 1*

Special uses (* notes general standards for use):

Agricultural and Forestry Uses

Stable, Commercial*
Stable, Private*

Residential Uses

Manufactured Home Park*

Civic Uses

Community Dock*
Cultural Services
Home for Adults
Life Care Facility
Nursing Home
Public Assembly
Utility Services, Major*

Office Uses

Laboratories

Commercial Uses

Agricultural Services*

Bed and Breakfast*
Boarding House
Campground*
Carwash*
Commercial Indoor Amusement
Commercial Indoor Entertainment
Commercial Indoor Sports and Recreation
Commercial Outdoor Entertainment
Commercial Outdoor Sports and Recreation
Dance Hall
Kennel, Commercial*
Marina
Meeting Hall*

Industrial Uses

Custom Manufacturing*
Industry, Type I
Transfer Station*

Miscellaneous Uses

Aviation Facilities, Private*
Parking Facility*
Wireless Communication Facility, Class 2*

Zoning Ordinance
Planned Residential Development (PRD) District Ordinance
August 2020

That **Section 30-47-5, Application process**, be amended to clarify a process of approval for a new development on property that is presently zoned PRD without a master plan or planned unit development plan approval:

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),~~ without a final master plan or planned unit development approval, no amendment to this ordinance or rezoning is required to develop a planned residential development with only residential use(s) that are permissible in Section 30-79-2. ~~and~~ ~~The~~ planned residential development plan may be approved administratively through the applicable process for the use(s). ~~as the site development plan, provided the other requirements of this section are met. All other uses that are not residential uses listed in Section 30-79-2 shall require approval of a special use permit, through Section 30-19, prior to the approval of a site development plan.~~
- (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.