

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.