

October 25, 2011

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., October 25, 2011.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei (arrived at 7:07 p.m.)

Members absent: Councilman Guy E. Murray, Jr., and Councilman Steve C. Rush

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on October 11, 2011, were approved as distributed.

City Manager Kolakowski reported on the following:

- A new event, sponsored by Bedford Main Street, will be held on October 29: Booford, a Halloween celebration for all of the children of the area will be held at the Farmer's Market.
- A commemoration is being held this evening for recognizing the importance of people being aware of domestic violence and the efforts by many people to prevent that.

The Mayor invited people to the Booford event – he will be in the dunking booth.

Mayor Tharp reported that Councilwoman Flood and he participated in the NAACP Freedom Fund Banquet recently, which was highly and enthusiastically attended.

The Mayor announced that Councilwoman Flood is having knee replacement surgery on November 2.

Councilman Vest stated the Finance Committee met and gave the City Manager permission to go ahead and work on the State registration for the town's logo.

Mayor Tharp opened the Public Hearing to consider an amendment to the City of Bedford Land Development Regulations at 7:01 p.m.

The Notice of Public Hearing follows:

PUBLIC HEARING NOTICE

Notice is hereby given of a public hearing to be held by the Planning Commission at 5:30 p.m. on Thursday, October 6, 2011 and by City

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Council at 7:00 p.m. on Tuesday, October 25, 2011 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

To consider an amendment to Article XII, Subdivisions Procedures of the City of Bedford Land Development Regulations for relocation or vacation of boundary lines as authorized by Section 15.2-2275 of the Virginia Code. The request is being made by the City of Bedford Department of Planning and Community Development

Information regarding this request is on file in the office of Planning & Community Development.

As there were no comments, the Mayor closed the Public Hearing at 7:01 p.m.

Mr. Bart Warner, Assistant City Manager, explained the amendment is an administrative matter coming from the Planning Commission dealing with the way that subdivisions are vacated and modified. Section 15.2-2275 of the Code of Virginia of 1950, as amended, authorizes local governments to authorize ministerial and administrative approval of proposed re-subdivisions in certain cases.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by the following roll call vote, Council adopted the ordinance amending Section 1207 of the Land Development Regulations. Roll call vote follows:

Councilwoman Flood	aye
Councilman Murray	absent
Councilman Rush	absent
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Mayor Tharp	aye

The ordinance follows as adopted:

Ordinance No. 11-9

**AN ORDINANCE AMENDING SECTION 1207 OF THE
CITY OF BEDFORD LAND DEVELOPMENT REGULATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD,
VIRGINIA:**

Section 1. That new sub sections 1207.02 and 1207.03 be added and that Section 1207 be amended and re-enacted as follows:

1207. Vacation of ~~Plats or Streets~~ *and Modification of Plats*

1207.01 ~~Vacation of a plat shall be in accordance with the applicable section of the Code of Virginia. Any subdivision plat or part thereof which has been recorded may be vacated in accordance with the provisions of the Code of Virginia, 1950, as amended.~~

1207.02 *The Zoning Administrator may approve the vacation, relocation, or alteration of boundary lines on existing plats; (a) as part of an otherwise valid subdivision or re-subdivision or (b) by recordation of a deed approved in writing on its face by the Zoning Administrator. The plat or deed shall refer to the recorded plat by which the vacated lot lines were originally created. Such approval by the Zoning Administrator shall not involve the relocation or alteration of streets, alleys, easements for public passage or other public areas. No easements or utility rights of way shall be relocated or altered without the express consent of all persons holding any interest thereon.*

1207.3 *The provisions of Section, 1207.02, are intended to permit ministerial review by the Zoning Administrator without the necessity of Commission review and Council approval of preliminary and final plats where minor revisions or alterations or adjustments to plats are proposed to correct boundary line errors or where interior boundary lines are vacated for the purpose of increasing the size of adjacent lots without creating new or additional lots and without creating a lot smaller than that specified for the zoning district. Such subdivisions need not be required to meet the requirements of Subdivision Design Standards as specified in Article XIII of this Ordinance.*

Section 2. That subsection 1208.03 be repealed and that Section 1208 be amended and re-enacted as follows:

1208 ~~Variances and Modifications~~

1208.01 Variances for Planned Residential Development. Council may allow changes or modification of lot size, setback or use regulations in approving Planned Residential Development applications as provided for in Section 606 provided that no such change shall be granted which will have the effect of nullifying the intent and purpose of the remainder of this Ordinance, the Land Use Plan, or any other pertinent regulations or City ordinances.

1208.2 Special Variances for Non-Residential Subdivisions. Due to the nature of non-residential subdivisions, and the need of the subdivider to provide lot sizes in accordance with the required specifications of prospective buyers, the Council may vary procedural requirements of this Ordinance to permit presentation of Preliminary Plats with blocks but not lots shown, provided

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that at least two separate parcels shall be presented. The subdivider shall then present Final Plats as lots are formed.

~~1208.03 Subdivisions for Increasing the Size of a Single Lot Any subdivision made for the purpose of increasing the size of an adjacent parcel without creating a new lot, and not resulting in the creation of a lot smaller than that specified for the zoning requirements for that area, shall be subject to the approval of the Zoning Administrator, and need not meet the requirements of the Subdivision Design Standards as specified in Article XIII of this Ordinance.~~

Section 3. This ordinance shall be effective upon enactment.

Mayor Tharp adjourned the meeting at 7:03 p.m.