

ZONING ORDINANCE COMMITTEE

January 5, 2022
ELECTRONIC MEETING
9:00 AM TO 11:00 AM

NOTICE OF ELECTRONIC MEETING: Due to the ongoing COVID-19 pandemic, this [Zoning Ordinance Committee](http://www.loudoun.gov/remoteparticipation) meeting will be conducted as an Electronic Meeting pursuant to the adopted Continuity Ordinance adopted by the Board of Supervisors on March 16, 2021. Members of the public are strongly encouraged to view and participate in the meeting by electronic or other means, in furtherance of the Governor's Executive Orders and social distancing directives. This meeting will be conducted in the WebEx Events platform. Login/call-in information will be posted to www.loudoun.gov/remoteparticipation prior to the meeting.

1. Call to Order/Review Agenda
2. Approval of Action Reports for December 1 and December 15, 2021
3. Public Input
4. Disclosures
5. Status Updates on Other Zoning Ordinance Amendmentsⁱ (ZOAM)
 - a) ZOAM-2018-0001: Short-term Residential Rentals: Draft text has been finalized for the public outreach portion of the project; the project team has begun scheduling public outreach sessions with stakeholder groups beginning in mid-January; anticipate public outreach to occur in January and February.
 - b) ZOAM-2020-0002: Cluster Subdivision Regulations: Conceptual updates and six questions presented to the Zoning Ordinance Committee on December 1, 2021; draft text is expected to be distributed to ZOC before the January 5, 2022 meeting, currently under inter-agency review; public outreach to occur in early 2022; anticipate coming back before ZOC in February.
 - c) ZOAM-2021-0002: Airport Impact Overlay District: Public outreach information session held on December 13, 2021; staff working on revised draft text; a comprehensive plan amendment and zoning map amendment will be included in the referral, the Zoning Ordinance Committee will be included in that referral; Resolution of Intent to Amend to follow the 45-day referral process at which point the Board may choose to refine their guidance to staff.

- d) ZOAM-2021-0003: Traffic Data Collection and Warrant Study Fees
Resolution of Intent to Amend was presented and adopted by the Board of Supervisors on December 7, 2021; staff will present to the Zoning Ordinance Committee on February 16, 2022.
- 6. ZOAM-2020-0001: Zoning Ordinance Rewrite
 - a) Development Standards Draft Sections:
 - § 5.03 Natural and Environmental Resource Standards
 - § 5.06 Tree Planting, Replacement, and Preservation
 - § 5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans
- 7. Subcommittees
 - a) Assignments and Schedule
- 8. New Business
- 9. Upcoming Meetings
 - a) Electronic meeting. Wednesday, January 19, 2022, 9:00 AM.
- 10. Adjourn

ⁱ View project documents at www.loudoun.gov/lola.

ACTION REPORT
ZONING ORDINANCE COMMITTEE
December 1, 2021

The content of any statements, updates, or discussions associated with the items and actions noted below can be obtained by listening to the meeting via the following link: https://loudoun.granicus.com/player/clip/6822?view_id=78&redirect=true

CALL TO ORDER/REVIEW AGENDA (ADDITIONS/DELETIONS)

Chair Kevin Ruedisueli moved that the Zoning Ordinance Committee convene the December 1, 2021, meeting as an electronic meeting pursuant to the Virginia Freedom of Information Act in response to the COVID-19 Pandemic. (14 members participating remotely at time of motion.)

PUBLIC INPUT

Written comments regarding the Zoning Ordinance Amendment Cluster Subdivision and Prime Agricultural Soil were provided by:

- Georjan Overman, Director, Loudoun Local Business League,
- John Ellis, Chair, Save Rural Loudoun and
- Chris Van Vlack, Past President, Farm Bureau; current employee for Loudoun Soil and Water Conservation District; and grain farmer.

Related documents: www.loudoun.gov/zoningordinancecommittee

Committee Member Maura Walsh-Copeland provided background on Chris Van Vlack. She stated based upon his experience his comments should weigh very heavily.

Committee Member Charles Houston agreed with comments stating it would be helpful to have a sketch of a desired cluster layout.

Committee Member Walsh-Copeland added it would be helpful to know who represented the Loudoun Local Business League.

DISCLOSURES

Committee Member Eric Zicht disclosed he had a number of applications with the County. He stated he would not participate in the rural clusters discussion.

APPROVAL OF ACTION REPORTS FOR NOVEMBER 3 AND NOVEMBER 17, 2021

Vice-Chair Michael Capretti moved that the Zoning Ordinance Committee approve the Action Reports for November 3 and 17, 2021. (Seconded by Maura Walsh-Copeland as modified. The motion passed via roll call vote 12-0-5-2: Jean Ault, Sam Chapman, Packie Crown, Colleen Gillis, and Tia Walbridge absent for the vote; Ross Stevens and Eric Zicht abstained.)

STATUS UPDATES ON OTHER ZONING ORDINANCE AMENDMENTS (ZOAM)

Deputy Zoning Administrator Ryan Reed provided the following status updates:

- a) ZOAM-2018-0001: Short Term Residential Rentals
Edited draft under internal review; referral agencies currently reviewing; anticipate public outreach next month.

Staff contacts: Mark Stultz and Ethan Strickler

- b) ZOAM-2020-0001: Zoning Ordinance Rewrite
Signs section scheduled to come before the committee on December 15, 2021.

Staff contacts: Mark Stultz and Judi Birkitt

- c) ZOAM-2021-0002: Airport Impact Overlay District
Working on revised draft text; public outreach scheduled for December 13, 2021; presenting to the Board of Supervisors in early 2022.

Staff contacts: Mark Stultz and Josh Peters

- d) ZOAM-2021-0003: Traffic Study Fees
Presenting the Resolution of Intent to Amend to the Board of Supervisors on December 7, 2021; to be presented to the committee at a future date.

Staff contacts: Mark Stultz, Judi Birkitt, and Jaspreet Sethi

ZOAM-2020-0002: CLUSTER SUBDIVISION AND PRIME AGRICULTURAL SOIL

Senior Planner Jacob Hambrick reviewed the major concepts for the Cluster Subdivision Regulations. He facilitated discussion and asked for feedback on the following six questions:

1. Should the size of the preservation farm lot be based on minimum acreage of the subdividing tract or based on a percentage of the subdividing tract?
2. Should we permit smaller preservation farm lots provided they are contiguous with other preservation farm lots to allow for less expensive lots for smaller scale agricultural operations?

3. On the preservation farm lot, should we allow livestock operations, or should that use be reserved for non-prime farmland soil?
4. What should the minimum acreage of prime farmland soils be on a developing parcel to trigger the requirement of a preservation farm lot?
5. Should the cluster lots retain a maximum size requirement given that 70% of the land area must be in preservation farm lots, rural economy lots, and open space? Does it matter if a developer wants to allow larger cluster lots?
6. Should the size of the rural economy lot be a minimum of 15 acres or be allowed to be smaller in size given the addition of the preservation farm lot?

General topics included: voting on choices prior to committee discussion, calculating the number of acres of prime agricultural soil the County seeks to preserve, related comprehensive plan goals, location and cost of communal septic systems, rural economy lot versus rural preservation lot, prescriptive language enforcing bad design, allowance of grazing livestock on farmland, the size of the cluster lots, enforcement of HOA covenants, simplicity versus flexibility, creating design guidelines, being more creative/taking a different approach, merging open space and farm preservation lots.

Link to full discussion:

https://loudoun.granicus.com/player/clip/6822?meta_id=202373

NEW BUSINESS

None.

UPCOMING MEETINGS

Electronic meeting. Wednesday, December 15, 2021, at 9:00 AM.

MEETING ADJOURNED

Chair Ruedisueli adjourned the December 1, 2021, Zoning Ordinance Committee meeting.

MEETING ATTENDANCE

PLANNING COMMISSIONER PRESENT:

John Merrithew, Sterling District

ZOC MEMBERS PRESENT:

Kevin Ruedisueli, Subject Matter Expert - Architect, **Chair**

Michael Capretti, Citizen-At-Large, **Vice-Chair**

Gem Bingol, Environmental Organization

Rich Brittingham, Dulles Area Association of Realtors

Jeff Browning, Rural Economic Development Council

Charles Houston, Citizen-At-Large
Ben Keethler, Loudoun Coalition of Homeowners and Condominium Associations
Matt Lawrence, Northern Virginia Building Industry Association
Bridge Littleton, Coalition of Loudoun Towns
Joe Paciulli, Economic Development Advisory Commission
Ross Stevens, Commercial Real Estate Development Association
Maura Walsh-Copeland, Preservation/Conservation Organization
Eric Zicht, Citizen-At-Large

ZOC MEMBERS ABSENT:

Jean Ault, Subject Matter Expert – Urban Land Use Planner
Sam Chapman, Citizen-At-Large
Packie Crown, Citizen-At-Large
Colleen Gillis, Loudoun County Chamber of Commerce
Tia Walbridge, Farm Bureau

ACTION REPORT
ZONING ORDINANCE COMMITTEE
December 15, 2021

The content of any statements, updates, or discussions associated with the items and actions noted below can be obtained by listening to the meeting via the following link: https://loudoun.granicus.com/player/clip/6835?view_id=78&redirect=true

CALL TO ORDER/REVIEW AGENDA (ADDITIONS/DELETIONS)

Chair Kevin Ruedisueli moved that the Zoning Ordinance Committee convene the December 15, 2021, meeting as an electronic meeting pursuant to the Virginia Freedom of Information Act in response to the COVID-19 Pandemic. (11 members participating remotely at time of motion.)

PUBLIC INPUT

Written comments regarding the Zoning Ordinance Amendment Cluster Subdivision and Prime Agricultural Soil were provided by:

- Norman Myers of Myers Appraisal Services and
- John Ellis, Chair, Save Rural Loudoun.

Related documents: www.loudoun.gov/zoningordinancecommittee

DISCLOSURES

None.

STATUS UPDATES ON OTHER ZONING ORDINANCE AMENDMENTS (ZOAM)

Deputy Zoning Administrator Ryan Reed provided the following status updates:

- a) ZOAM-2018-0001: Short Term Residential Rentals
Currently under inter-agency review; working on finalizing draft text; anticipate holding outreach sessions with stakeholders and the public in January and February 2022.

Staff contacts: Mark Stultz and Ethan Strickler

- b) ZOAM-2020-0002: Cluster Subdivision Regulations
Revised draft text presented to the Zoning Ordinance Committee on December 1, 2021; currently under inter-agency review; public outreach to occur in early 2022; anticipate coming back before ZOC in February.

Staff contacts: Mark Stultz and Jacob Hambrick

- c) ZOAM-2021-0002: Airport Impact Overlay District
Public outreach information session held on December 13, 2021; staff working on revised draft text; a comprehensive plan amendment and zoning map amendment will be included in the referral, the Zoning Ordinance Committee will be included in that referral; Resolution of Intent to Amend to follow the 45-day referral process at which point the Board may choose to refine their guidance to staff.

Staff contacts: Mark Stultz and Josh Peters

- d) ZOAM-2021-0003: Traffic Study Fees
Resolution of Intent to Amend was presented and adopted by the Board of Supervisors on December 7, 2021; staff will present to the Zoning Ordinance Committee in February.

Staff contacts: Mark Stultz, Judi Birkitt, and Jaspreet Sethi

Regarding ZOAM-2020-0002: Cluster Subdivision Regulations, Committee Member Bridge Littleton asked the status of bringing back to the committee a list of goals the County would like to achieve with this amendment. He also asked how many acres of prime soil land the County sought to preserve with the ordinance. He stressed the importance of knowing these before drafting text.

Chair Ruedisueli explained that revised draft text had not come before the committee on December 1, as planned. Instead, the committee was presented with six questions. He stated he would have liked to have seen these in written format. He added committee members could read the questions in public input.

Deputy Zoning Administrator Reed assured committee members that staff was considering their feedback as they continued working on revising the draft text.

Committee Member Littleton emphasized that he wanted to see the analysis and a clear definition of success when staff provided the revised draft text. He explained this would allow for a qualitative assessment to achieve the goal(s) of the Board Member Initiative.

Deputy Zoning Administrator Reed stated he would ensure staff was prepared when they came forward with the revised draft text.

Regarding the Zoning Ordinance Amendment timeline, Committee Member Gem Bingol asked staff to change fiscal year to calendar year to avoid confusion.

Link to full discussion:

https://loudoun.granicus.com/player/clip/6835?meta_id=203035

ZOAM-2020-0001: Zoning Ordinance Rewrite

Consultant Mark White facilitated discussion on the Signs draft language.

General topics included: historic markers, murals, legal and technical elements, temporary signs for businesses, distance of signs from roadways, flexibility in landscaping, ground signs, being consistent with the terms residential and neighborhood, car and truck advertisements, simplifying the process, allowing the Zoning Administrator to grant a certain level of modifications, regulations for signs interior to site, digital signs, making signs contribute to the character of the area, formatting of section a bit confusing, minimizing the amount of items and comprehensive sign applications, dark sky, safety issues with digital signs (i.e. car accidents), temporary election signs – who is accountable for cleanup, and flag poles.

Link to full discussion:

https://loudoun.granicus.com/player/clip/6835?meta_id=203037

NEW BUSINESS

Committee members asked about subcommittees, moving to one ordinance, and the possibility of extending meetings at least for the Sign section. Chair Ruedisueli stated he would keep that in mind during the Leadership (agenda) meetings.

UPCOMING MEETINGS

Electronic meeting. Wednesday, January 5, 2022, at 9:00 AM.

MEETING ADJOURNED

Chair Ruedisueli adjourned the December 15, 2021, Zoning Ordinance Committee meeting.

MEETING ATTENDANCE

PLANNING COMMISSIONER PRESENT:

John Merrithew, Sterling District

ZOC MEMBERS PRESENT:

Kevin Ruedisueli, Subject Matter Expert - Architect, **Chair**

Michael Capretti, Citizen-At-Large, **Vice-Chair**

Gem Bingol, Environmental Organization
Rich Brittingham, Dulles Area Association of Realtors
Jeff Browning, Rural Economic Development Council
Colleen Gillis, Loudoun County Chamber of Commerce
Charles Houston, Citizen-At-Large
Matt Lawrence, Northern Virginia Building Industry Association
Bridge Littleton, Coalition of Loudoun Towns
Joe Paciulli, Economic Development Advisory Commission
Tia Walbridge, Farm Bureau
Maura Walsh-Copeland, Preservation/Conservation Organization
Eric Zicht, Citizen-At-Large

ZOC MEMBERS ABSENT:

Sam Chapman, Citizen-At-Large
Packie Crown, Citizen-At-Large
Ben Keethler, Loudoun Coalition of Homeowners and Condominium Associations
Ross Stevens, Commercial Real Estate Development Association

VACANT POSITION:

Subject Matter Expert – Urban Land Use Planner (formerly Jean Ault)

MEMORANDUM

To: Zoning Ordinance Committee
From: Chris Blough, Senior Planner
Kate McConnell, Principal Planner
Ryan Reed, Deputy Zoning Administrator
Judi Birkitt, Interim Assistant Director

Date: 12/29/2021

Re: January 5, 2022 ZOC Meeting

Review Chapter 5, Development Standards:

- **Section 5.03 Natural and Environmental Resource Standards**
- **Section 5.06 Tree Planting, Replacement, and Preservation**
- **Section 5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans**

The Zoning Ordinance Committee (ZOC) is reviewing Zoning Ordinance Rewrite (ZO Rewrite) Chapter 5, Development Standards. This is consistent with the ZOC bylaws that state, "at the discretion of the Planning Commission, County staff, or Board of Supervisors (Board), ZOC may be asked to provide input on proposed amendments prior to the initiation of the referral process." The following excerpt from the ZOC bylaws provides guidance on how to review draft Zoning Ordinance (ZO) text.

Recommendations may include, but are not limited to:

- a. Correcting errors and inconsistencies;
- b. Clarifying regulations;
- c. Simplifying the Zoning Ordinance to make it more user friendly;
- d. Keeping the Zoning Ordinance current to reflect changes in the state code, the market, economic, fiscal and land use conditions and the emergence of new uses;
- e. Addressing a specific issue;
- f. Identifying when proposed Zoning Ordinance amendments are inconsistent with the Comprehensive Plan and may require a Comprehensive Plan amendment (Board of Supervisors, October 6, 2020).

Please keep in mind that the ZO Rewrite team is at the beginning stages of socializing draft concepts and text in a public forum, and the ZOC is the first stop of many as we progress towards Board review and adoption hopefully next year. ZOC review of these draft documents will not only provide essential input regarding proposed revisions but will also help to capture unintentional errors and omissions in these draft documents.

Pre-Referral Review of Chapter 5, Development Standards

Draft Zoning Ordinance Chapter 5, Development Standards, consists of 15 sections. ZOC reviewed one of these sections, Parking Standards, on July 7, 2021. Review of the remaining sections is planned for the ZOC's two meetings in January 2022.

The first meeting on January 5, 2021, will cover the following three development standards sections, which were retained and/or revised from the existing *Revised 1993 Zoning Ordinance*:

- Section 5.03 Natural and Environmental Resource Standards
- Section 5.06 Tree Planting, Replacement, and Preservation
- Section 5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans

The remaining draft development standards in Chapter 5 are scheduled for review by the ZOC at the January 19, 2022 meeting. Many of these sections are brief and not anticipated to need a significant amount of review or discussion. These sections are:

- Section 5.01 Application of Site Development Terms
- Section 5.02 Utility Standards
- Section 5.04 Open Space Standards
- Section 5.08 Performance Standards
- Section 5.09 Adaptive Reuse Standards
- Section 5.10 Homeowner's Association Standards
- Section 5.11 Visibility at Intersections
- Section 5.12 Exterior Lighting and Noise Standards
- Section 5.13 Road Access Standards for Specific Uses
- Section 5.14 Neighborhood Transition Standards
- Section 5.15 Rural Hamlet

Summary of Revisions

Below is a summary of revisions for Sections 5.03 Natural and Environmental Resource Standards; 5.06 Tree Planting, Replacement, and Preservation; and 5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans.

A clean version of draft text for these three sections is included in this referral memo as ***Attachment 1***. Due to the extent of the revisions and reorganization, providing a tracked changes version of the draft text is impracticable.

Section 5.03 Natural and Environmental Resources Standards (NERS)

- Added new River and Stream Corridor Resources (RSCR) standards based on the 2019 General Plan (2019 GP), including the RSCR permitted use list and RSCR buffers.

- Formatted NERS permitted uses and activities into a table comparing RSCR and Steep Slopes.
- Formatted NERS standards for development and land disturbance as a table.
- Relocated development standards specific to a given use or activity within NERS into a separate subsection.
- Relocated steep slopes permitted uses and activities and development and land disturbance standards into new NERS tables.
- Defined RSCR and Steep Slopes terms, including terms defined in the 2019 GP.

5.03.01 River and Stream Corridor Resources

- Replaces the Scenic Creek Valley Buffer, Section 5-1000 of the *Revised 1993 Zoning Ordinance*.
- Establishes and defines the following RSCR elements to implement the 2019 GP RSCR policies, including the RSCR 50-foot management buffer, minimum 100-foot stream buffer, and 300-foot buffer for Scenic Rivers, the Potomac River, and the Bull Run:
 - Rivers and streams
 - Floodplain (major and minor)
 - Adjacent Steep Slopes
 - Riparian Protection Buffer
 - Variable Riparian Preservation Buffer

5.03.02 Steep Slope Areas

- Updated minimum size of steep slope area regulations for alignment with revised Zoning Districts in Chapter 2.
- Relocated and reformatted uses and activities, development and land disturbance standards, and development standards specific to a given use or activity to new "NERS Use Table" in subsection 5.03.03 and "Development, Land Disturbance, and Use Specific Standards" subsection 5.03.04.
 - Revised Steep Slope Uses and Activities and standards for alignment with the Soils and Geologic Resources policies of the 2019 GP and as necessary to prevent inconsistencies between Steep Slopes regulations and implementation of the RSCR Adjacent Steep Slopes from the 2019 GP.

5.03.03 NERS Use Table

- Included a RSCR use list implementing the "Permitted Uses in the RSCR" shown in Chapter 3-19 of the 2019 GP.
- Revised the steep slopes use list for alignment with the Soils and Geologic Resources policies of the 2019 GP, and to clearly show equivalent permitted steep slopes uses versus permitted RSCR uses.

5.03.04. NERS Development, Land Disturbance, and Use Specific Standards

- Included new development standards within RSCR.
- Included permeable surfaces requirement within RSCR and very steep slopes to implement the RSCR Groundwater Resources policies in Chapter 3-22 of the 2019 GP.
- Included use of existing vegetation standard that also allows removal of nonnative or invasive vegetation.
- Included Natural Heritage Resources database search requirement.

Work To Be Addressed:

1. Develop RSCR and Steep Slopes graphics to improve ease of use.
2. Finalize RSCR interactive mapping application.

Section 5.06. Tree Planting, Replacement, and Preservation

- In general, revisions are limited because the regulations must conform to §15.2-961 of the Code of Virginia.
- Updated regulations to be in conformance with recent revisions to the state code, which primarily included changing some regulatory references and adding a canopy requirement for new cemeteries.
- Received and incorporated early input from the County Urban Forester on additional insertions of regulations based on state code.
- Included policy statement consistent with 2019 GP Policy, Chapter 3: Forest, Trees and Vegetation, Text, page 3-7 and FTV Action 4.1.B.
- Updated zoning district references.

Work To Be Addressed:

- Follow 2022 Legislative Session to determine if tree preservation amendments being studied during 2021 are adopted. Amend as needed to align with state code.

Section 5.07. Landscaping, Buffer Yards, Screening, and Landscape Plans

- Reorganized some text so that related sections are grouped and identified, including creating an "Exceptions" heading, for clarity and order.
- Identified locations for additional figures.
- Moved Pollinator Habitat requirement to the General Landscape Provisions so that it applies to all new landscaping rather than only the Route 7 Corridor Gateway Buffer. The provision of native plants/pollinator habitat is supported by 2019 GP Policy 6.2.D. "Encourage the preservation and plantings of native vegetation to protect pollinators, migrant birds, and other wildlife."
- Included an exemption of Roadway Corridor Setbacks for roads in the UPA (except arterial roads).
- Reduced certain Road Corridor Setbacks for zoning districts with a more compact development pattern, primarily in the Suburban Policy Area.

- Aligned various street tree requirements included throughout the ordinance and included 1 requirement in the Road Corridor Setbacks and Buffers section.
- Added criteria for legislative modification requests to reduce Roadway Corridor Setbacks.
- Referenced administrative buffer modification and waiver criteria for legislative buffer modification requests.

Work To Be Addressed:

Determine if Roadway Corridor Setback modification should be permitted as a standalone modification or only as part of PD District proposal. Move criteria to PD District regulations if the latter.

- Ensure district references are updated upon finalization of Legacy districts.
- Update section references when those sections are complete.
- Evaluate and update uses in Use Buffer Yard Matrix once uses are finalized.

Next Steps after the January 5th ZOC Meeting

An abbreviated version of the remaining ZOC Work Plan is shown below. January 5, 2022 is the first ZOC review of the Development Standards. A second Development Standards meeting to review the remaining proposed development standards is scheduled for January 19th. Please be advised that the work plan schedule is tentative and subject to change.

Tentative Zoning Ordinance Committee Pre-Referral Work Plan

Topic	Meeting Date	Packet Distribution
Development Standards (5.03, 5.06, 5.07)	1/5/2022	12/29/2021
Subcommittees Assignments and Schedules	1/5/2022	12/29/2021
Development Standards (remaining sections)	1/19/2022	1/12/2022
Attainable Housing	2/2/2022	1/26/2022
Standalone ZOAM: Traffic Data Collection Fees	2/16/2022	2/9/2022
Historic District Overlay	2/16/2022	2/9/2022
Nonconformities	2/16/2022	2/9/2022
Subcommittee Expectations and Outcomes	3/2/2022	2/23/2022
NOTES: 1. EnCode changes to be released to the public beginning in April 2022. 2. Draft chapters to be reviewed as part of April 2022 referral package: Ch. 1 Introduction, Ch. 10 Officials, Boards and Commissions, Ch. 11 Rules of Interpretation, Ch. 7 Procedures. 3. ZOC Work Plan is subject to change.		

Attachment

1. Draft Development Standards Sections 5.03 Natural and Environmental Resource Standards; 5.06 Tree Planting, Replacement, and Preservation; and Section 5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans

5.03 Natural and Environmental Resources Protection Standards

5-1000, 5-1508

5.03.01 River and Stream Corridor Resources

Purpose. The purpose of the River and Stream Corridor Resources (RSCR) is to identify, establish, and regulate these resources to:

- Protect natural ecosystems, restore water quality, serve Loudoun's population, and support the built environment through healthy surface and groundwater resources.
- Maintain a healthy river and stream corridor ecosystem that promotes desired water quality standards, prevents soil erosion and flooding, and supports biological diversity.
- Promote river and stream health through streambank/streambed stability, temperature moderation, nutrient removal, sediment removal, flood control, and sustained aquatic habitat and food resources.
- Protect and improve stream quality and watershed health by decreasing the amount of stormwater runoff and pollutants from reaching local waters.
- Protect and enhance impaired streams and their tributaries to improve water quality and provide ecological benefits while also providing opportunities for passive recreation.
- Protect rivers and public drinking water reservoirs to ensure a clean, safe, and adequate supply of drinking water.
- Conserve and protect wildlife habitats, wildlife travel corridors, and access to streams and water sources through the preservation of natural resources, such as native vegetation, forest cover, woodlands, floodplains, streams and stream corridors, wetlands, and undeveloped steep slopes and defined associated areas.

A. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.01.

B. **Applicability and Exemptions.**

1. **Areas of Applicability.** Section 5.03.01 applies to the following areas:

- a. Rivers and Streams
- b. Floodplain (including Major Floodplain and Minor Floodplain)
- c. Adjacent Steep Slopes
- d. Other Protected Resources
- e. Riparian Protection Buffer
- f. Variable Riparian Preservation Buffer

2. **Exemptions.**

- a. **Existing Lots of Record.** On any existing lot of record as of as of the adoption date of this Ordinance, up to 1 single-family residence and its attendant unpaved or permeable surface driveway, unpaved or permeable surface parking area and/or detached garage, and incidental structures cited in Section 4.02 is permitted within the RSCR Management Area established pursuant to Section 5.03.01.E. below.
- b. **Existing Buildings and Structures.** Existing buildings and structures within the RSCR are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint, subject to other county, state, and federal agency standards and approval.

- C. **Uses and Activities.** Except for any exemptions under Section 5.03.01.B.2, refer to table 5.03.03 for uses and activities allowed within RSCR.
- D. **RSCR Management Area.** The RSCR Management Area must be provided in accordance with Table 5.03.01-1 and as follows:
1. On each side of the river or stream corridor on a property;
 2. As a minimum 300 foot wide buffer along Scenic Rivers, the Potomac River, and Bull Run;
 3. As a minimum 100 foot wide buffer along all other streams; and
 4. As the sum of the following parts provided to achieve the applicable minimum 300-foot or 100-foot buffer width:
 - a. The Resource Area Width.
 - b. The required 50-foot Riparian Protection Buffer; and
 - c. The Variable Riparian Preservation Buffer.

Table 5.03.01-1. DETERMINING THE RSCR MANAGEMENT AREA			
Minimum Buffer Width	Resource Area Width ²	Riparian Protection Buffer ¹	Variable Riparian Preservation Buffer
For Scenic Rivers, the Potomac River, and Bull Run			
300 ft.	If the Resource Area Width is <u>250 feet or more</u>	Additional 50 Foot Area	No Variable Riparian Preservation Buffer required
300 ft.	If the Resource Area Width is <u>less than 250 feet</u>	50 Foot Area	Variable Riparian Preservation Buffer as needed to achieve the 300 ft. Minimum Buffer Width
For all Other Streams			
100 ft.	If the Resource Area Width is <u>50 feet or more</u>	Additional 50 Foot Area	No Variable Riparian Preservation Buffer required
100 ft.	If the Resource Area Width is <u>less than 50 feet</u>	50 Foot Area	Variable Riparian Preservation Buffer as needed to achieve the 100 ft. Minimum Buffer Width
1. The addition of the required 50-foot Riparian Protection Buffer to the Resource Area Width may result in a greater width than the Minimum Buffer Width. 2. For determining the Resource Area Width, the Floodplain must be measured from the bankfull bench. The Resource Area Width must be continuously measured along the length of the Floodplain plus any Adjacent Steep Slopes for a certain side of the river or stream.			

- E. **Modification of the Outermost Required Buffer.** The outermost required buffer (the portion of any buffer farthest from the Resource Area Width) may be modified as follows:
2. The Resource Area Width of the RSCR Management Area is not permitted to be modified.
 3. A modification that results in less than the applicable 100-foot Minimum Stream Buffer or 300-foot Minimum Stream Buffer is not permitted.
 4. Where the Riparian Protection Buffer is provided in excess of the applicable 100-foot Minimum or 300-foot Minimum Stream Buffer, up to the first 25 feet of buffer area of required Riparian Protection Buffer or Variable Riparian Preservation Buffer, whichever is outermost from the river or stream, may be administratively modified to permit the following pursuant to the applicable Development and Land Disturbance standards and applicable Additional use specific standards in adjacent steep slopes in Section 5.03.04:

- a. Parking for public paths and trails or public passive recreational uses that are connected by trails, paths, or other multi-use connection to a public passive recreation trail, path, or blueway.
 - b. A structure associated with a principal permitted use within RSCR identified in Section 5.03.01.C.1
 - c. Publicly accessible open space or civic space.
- F. **Development and Land Disturbance Standards.** Covered Activities permitted in the RSCR must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.
- G. **Additional Use Specific Standards in Adjacent Steep Slopes.** Additional standards required for specific uses and activities within RSCR adjacent steep slopes are provided in Section 5.03.04.B
- H. **Additional Scenic River Protection.** The permanent or temporary diversion of any Scenic River is prohibited.

5.03.02 Steep Slope Areas

Purpose. *Improper uses and disturbances in naturally occurring steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5.03.02, including a general prohibition of land disturbing activities on naturally occurring very steep slope areas greater than 25% and performance standards for development on steep slope areas of 15% or greater, are intended to specifically promote the following:*

- Undertake development in a manner that will protect life and property from hazards due to slope, unstable and erodible soils, earth movement, and other geologic and hydrologic hazards;
- Reduce potential for increased erosion, sedimentation, and surface runoff, and the resulting adverse impacts on water quality;
- Promote a safe means of ingress and egress for vehicular and pedestrian traffic in sloped areas;
- Preserve the visual quality of steep slope areas, which are a valuable natural and economic resource; and
- Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain.

A. **Definitions.** Key words, terms, and phrases defined in Section 5.03.05 apply when used in Section 5.03.

B. **Applicability and Exemptions.**

1. **Applicability.** Section 5.03.02 applies to Covered Activities within Steep Slope Areas except as exempted under Section 5.03.02.B.2.
2. **Exemptions.**
 - a. **Single Family Dwelling on Existing Legal Lot.** Construction of a single residential use on a legal lot existing as of **June 16, 1993**, is exempt from the requirements of Section 5.03.02.D. Such exemption does not apply to nonresidential uses. Development on such lot is subject to all applicable standards provided in Section 5.03.04.
 - b. **Agricultural Operations.** Agricultural operations that meet the following standards are exempt from the Steep Slope Standards; the agricultural operation must be:
 1. Considered a lawful agricultural operation under Section 5.01;
 2. Conducted in accordance with the Facilities Standards Manual (FSM); and
 3. Conducted in accordance with a Conservation Farm Management Plan that includes best management practices and is approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service. Agricultural operations not conducted in accordance with an approved Conservation Farm Management Plan shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.

- i. **Timber Harvesting.** For timber harvesting or other silvicultural activities to be considered a lawful agricultural operation under Section 5.01, to which Steep Slope Standards shall not apply, such timber harvesting and other silvicultural activities shall be conducted only in conformance with a Forest Management Plan that meets the requirements of the FSM, includes best management practices, and is approved by the County. All timber harvesting shall also meet the notification requirements of § 10.1-1181.2.H of the Code of Virginia. Within very steep or moderately steep slope areas, only those roads shown on the approved Forest Management Plan shall be constructed or used for timber harvesting and other silvicultural activities. Timber harvesting or other silvicultural activities not conducted in accordance with such approved Forest Management Plan, to include the construction or use of roads not shown on the approved Forest Management Plan, or timber harvesting that has not met the notification requirements of § 10.1-1181.2.H of the Code of Virginia, shall not be considered a lawful agricultural operation and shall not be exempt from Steep Slope Standards.

3. **Structures Associated With Agricultural Operations Not Exempt.** Structures associated with agricultural operations are not exempt from the Steep Slope Standards under Section 5.03.02.B.2.b.

C. Establishment of Steep Slope Areas.

1. **Identification of Steep Slope Areas.** Naturally occurring steep slope areas are classified into one of the following two categories:

- a. Very Steep Slope Areas.
- b. Moderately Steep Slope Areas.

2. **Minimum Size of Steep Slope Area.**

- a. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Ordinance, steep slope standards do not apply to contiguous steep slope areas that are less than 5,000 square feet in land area or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 5,000 square feet in land area, but the total very steep slope area is less than 5,000 square feet in land area, the entire contiguous steep slope area is subject to the development standards for moderately steep slope areas provided in Section 5.03.04.
 - i. Transition Policy Area Zoning Districts in Section 2.03
 - ii. Rural Policy Area Zoning Districts in Section 2.04
 - iii. Joint Land Management Area Zoning Districts in Section 2.05
 - iv. The following Legacy Zoning Districts: TR-2 (Section 2.07.05), JLMA-20 (Section 2.07.06), A-3 (Section 2.07.07), A-10 (Section 2.07.08), and PD-RV (Section 2.07.09).
- b. For the following Zoning Districts and Legacy Zoning Districts under Chapter 2 of this Ordinance, steep slope standards do not apply to contiguous steep slope areas that are less than 10,000 square feet in land area, or less than 15 feet in width. Where the entire contiguous steep slope area is equal to or greater than 10,000 square feet in land area, but the total very steep slope area is less than 10,000 square feet in land area, the entire contiguous steep slope area is subject to the development and land disturbance standards for moderately steep slope areas provided in Section 5.03.04.
 - i. Urban Policy Area Zoning Districts in Section 2.01
 - ii. Suburban Policy Area Zoning Districts in Section 2.02,
 - iii. The following Legacy Zoning Districts: PD-H (Section 2.07.01), PD-AAAR (Section 2.07.02), R-1, R-2, R-3 (Section 2.07.03), and PD-CC (Section 2.07.04).

- c. For purposes of calculating the total land area of contiguous steep slopes in subsections (a) and (b) above, the entire contiguous steep slope area must be included, regardless of the number of individual lots or different land ownerships involved.

D. Uses and Activities.

1. **Very Steep Slope Areas.** This Section 5.03.02.D.1 applies to lands within very steep slope areas, as defined in Section 5.03.02.C.1.a above.

- a. **General Prohibition on Land Disturbance.** Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except as allowed under Table 5.03.03

2. **Permitted Uses and Activities.** Except for any exemptions under Section 5.03.02.B.2, refer to table 5.03.03 for uses and activities allowed within Steep Slope Areas.

- E. **Development and Land Disturbance Standards.** Covered Activities permitted in steep slope areas must be in accordance with the Development and Land Disturbance Standards in Section 5.03.04.A.

- F. **Additional Use Specific Standards** Additional standards required for specific uses and activities within very steep slope areas are provided in Section 5.03.04.B

- G. **Standards for a Special Exception.** In considering applications for a Special Exception, in addition to the issues for consideration under Section 7.09, the Board of Supervisors must make findings that all of the following required standards have been met:

1. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted unless the use, exclusive of any structure, is dependent on such very steep slope area (the use uniquely requires a site within an area of very steep slopes greater than 50% and is not compatible with a site that lacks very steep slope or moderately steep slope areas).
2. Land disturbance within very steep slope areas with slopes greater than 50% is not permitted for any structure.
3. Clearing of vegetation within very steep slope areas is limited to the minimum necessary to locate the proposed use.
4. Land disturbance within very steep slope areas is limited to the minimum necessary to locate the proposed use, and any disturbed areas that are not covered by paving, stone, or other solid materials must be revegetated.
5. The proposed use and/or structure must be located and designed to limit its susceptibility to slippage or slope failure, and there are no alternative locations where the proposed use and/or structure may be located that would not be subject to slippage or slope failure.
6. The proposed use must not increase the danger to life and property due to increased destabilization of steep slope areas.

5.03.03 NERS Use Table

Use Table for Natural and Environmental Resource Standards 5.03.03				
	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Uses and Activities				
Infrastructure			P ¹ /S ¹	
Public crossings for paths and trails, roads, rail, bridges, and driveways	P			

Use Table for Natural and Environmental Resource Standards 5.03.03

	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Paths and trails, including footpaths, biking or hiking paths, and horse trails	P			Paths and trails for motorized use are not permitted
Raised public boardwalks	P			
Public water supply reservoirs, including reclaimed quarries	P	P		
Public water	P	P		5.03.04.B.2.
Public sewer	P	P		5.03.04.B.2.
Local and regional stormwater management facilities within the minor floodplain RSCR only	P			
Lakes and ponds	P			
Roads, driveways	P	P		5.03.04.B.1.
Minor utilities	P	P		5.03.04.B.1.
Water lines serving an individual water supply system, Septic lines serving an individual sewage disposal system		P		5.03.04.B.1.
Community, neighborhood, or regional park, provided the use is dependent on RSCR or very steep slope areas		S		This use must uniquely require a site located within a very steep slope area and is not compatible with a site that lacks RSCR or very steep slope areas.
Recreation				
Passive recreation, outdoor limited to hiking, biking, horseback riding, picnicking, camping, climbing, hunting, fishing, and wildlife viewing	P	P		Motorized recreation is not permitted.
Active recreation, outdoor within RSCR minor floodplain or RSCR buffers only	P			Within the RSCR, permitted within RSCR minor floodplain or buffers only

Use Table for Natural and Environmental Resource Standards 5.03.03

	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
Active recreation, outdoor uniquely dependent on RSCR adjacent steep slopes or very steep slope areas	S	S		This use must uniquely require a site located within a RSCR adjacent steep slopes or very steep slope area, and the applicant must demonstrate that the proposed use is not compatible with a site that lacks RSCR or very steep slope areas.
Conservation and Preservation				
Planting Native Vegetation	P			
Historic and archaeological sites	P			
Conservation, including stream restoration projects, wetland mitigation banks, facilities and activities; Adopt-A-Stream programs; scientific, nature, and archaeological studies; and educational programs	P			
Open space, and other conservation uses		P		
Agriculture				
Silviculture as required to care for forests and not commercial forestry, limited to forest preservation and tree planting, limited tree clearing and clearing of invasive species, tree trimming and pruning, and removal of individual trees	P	Agricultural Activities in accordance with Section 5.03.02.B.2 are exempt from Steep Slope Standards		
Agricultural activities (but not structures) including crop planting, crop harvesting, and grazing	P			
Agricultural structures when no other alternatives are feasible or available	S	S		
Other/Miscellaneous				
Limited land-disturbing activity for the sole purpose of surveying and land investigation		P		5.03.04.B.3
Expansion of Commercial Uses and Structures existing as of June 16, 1993, when no other alternatives are feasible or available		S		

Use Table for Natural and Environmental Resource Standards 5.03.03

	RSCR	Very Steep Slope Areas	Moderately Steep Slope Areas	Additional Specific Standards
In any Suburban Policy Area Zoning District in Section 2.02 or Single-Family Residential Legacy Zoning District in Section 2.07.03, land disturbance less than 5,000 square feet within adjacent steep slopes or very steep slope areas when associated with a Permitted, or an approved Minor Special Exception or Special Exception, use in the underlying zoning district, and overlay zoning district if applicable		S		
<p>1.All Permitted uses listed in the underlying zoning district, and overlay district if applicable, subject to the review procedures and standards in this Ordinance.</p> <p>2.All Minor Special Exception and Special Exception uses listed in the underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by separate Special Exception approval of this Section 5.03.xx., and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.09.</p>				

5.03.04 Natural And Environmental Resource Development, Land Disturbance, and Additional Use Specific Standards

- A. **Development and Land Disturbance Standards.** Covered Activities permitted within River and Stream Corridor Resources (RSCR) or Steep Slopes areas must be planned to minimize disturbance to soil geology, hydrology, and environmental features. At a minimum, except for the development of roads shown on the Countywide Transportation Plan, paths and trails shown on the Countywide Linear Parks and Trails Plan, and public water utility drinking water supply reservoirs, including reclaimed quarries, all Covered Activities on any parcel of land that includes RSCRs or Steep Slopes within its boundaries must comply with the standards in Table 5.03.04-1:

Table 5.03.04-1 Natural and Environmental Resource Standards (NERS) Development and Land Disturbance Standards

Standard	RSCR	Very Steep Slopes	Moderately Steep Slopes
1. Locational Clearance.	The applicant must obtain a locational clearance from the Department of Building and Development. RSCR, very steep slope areas, and moderately steep slope areas within the proposed area to be disturbed, as well as the location and extent of land disturbing activities and mitigation measures including the proposed building sites, paved areas, drainfields, well locations, and other uses.		
2. Stormwater Best Management Practices.	The applicant must incorporate stormwater management best management practices and erosion and sediment control practices in accordance with Chapter 1096 of the Codified Ordinances, Chapter 1220 of the Codified Ordinances, and the Facilities Standards Manual (FSM), and such practices must be approved by the Department of Building and Development prior to approval of a zoning permit.		
3. Grading Permit.	If RSCR or very steep or moderately slope areas are proposed to be disturbed, a grading permit is required for all land disturbing activity in accordance with Chapter 1220 of the Codified Ordinances, notwithstanding the exceptions listed in the definition of "land disturbing activity" in Chapter 1220 of the Codified Ordinances.		
4. Geotechnical Study.	All grading and land disturbing activities on RSCR or very steep slope areas must be addressed in a geotechnical study prepared in accordance with the FSM.		
5. Grading for Accessory Building Pads Prohibited.	Separate building pads for accessory buildings and structures other than public facilities or private garages, are prohibited in RSCR or very steep slope areas. Examples include but are not limited to tennis courts, swimming pools, outbuildings, and similar facilities.		

Table 5.03.04-1 Natural and Environmental Resource Standards (NERS) Development and Land Disturbance Standards

Standard	RSCR	Very Steep Slopes	Moderately Steep Slopes
6. Revegetation.	Any RSCR or very steep slope areas that are disturbed in excess of the limits of disturbance approved for a permitted use must be revegetated with native vegetation.		
7. Preservation of Existing Vegetation.	Existing vegetation must be preserved to the maximum extent possible consistent with the Covered Activity permitted, except that invasive or nonnative vegetation may be removed and revegetated with native vegetation.		
8. Siting and Disturbance.	Land disturbance or land disturbing activity is limited to the area necessary to provide the Covered Activity, and must be designed and configured to minimize disturbance to RSCR or very steep slope areas with minimal adverse effects on water quality and erosion.		
9. Permeable Surfaces.	Portions of roads, paths, trails, driveways, and parking areas located within RSCR and very steep slope areas must use fully permeable surfaces or paving materials.		
10. Natural Heritage Resources.	The applicant must identify, and then demonstrate that the proposed Covered Activities will not disturb or impact any Natural Heritage Resources within any proposed site located within RSCR or very steep slope areas, including any plants, animals, natural communities, and other features that are exemplary, rare, or endangered on a global or statewide basis.		

B. Additional Use Specific Standards in RSCR adjacent steep slopes and Very Steep Slopes. In addition to the NERS Development Standards provided in Table 5.03-1, the following standards apply when these specific uses and activities are permitted within RSCR or Very Steep Slopes:

1. Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System, or Septic Lines Serving an Individual Sewage Disposal System.

- All roads and driveways must follow natural contour lines to the maximum extent feasible.
- No roads, driveways, minor utilities, water lines serving an individual water supply system, or septic lines serving an individual sewage disposal system are permitted to disturb very steep slope areas with slopes greater than 50%.
- Roads are not permitted to disturb adjacent steep slopes very steep slope areas with slopes greater than 25% to 50%, unless no other alternative exists to access a legal lot of record approved prior to June 16, 1993.
- Where directional drilling can be utilized to install minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system across adjacent steep slopes or very steep slope areas and the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is not permitted and the development standards of Section 5-1508(F) do not apply.
- Driveways, minor utilities, water lines serving an individual water supply system or septic lines serving an individual sewage disposal system are not permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%. However, a short run of no more than 200 feet or 10% of the entire length of the driveway, minor utility, water line and/or septic line, whichever is greater, is permitted to disturb adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50%, based on a geotechnical study or findings from a geotechnical professional that:
 - Such driveway, minor utility, water lines and/or septic lines will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and

2. No alternative location for such access, minor utility, water line and/or septic line is feasible or available.
 - f. Shared driveways are required to the maximum extent feasible where their use will minimize or eliminate land disturbance. Shared driveways require a common access easement.
 - g. The grade of private roads and driveways must comply with the FSM.
 - h. Storm drainage and culvert design must comply with the FSM.
- 2. Public Sanitary Sewer and Water Line Standards.**
- a. No public sanitary sewer and/or water lines are permitted disturb adjacent steep slopes or very steep slope areas with slopes greater than 50%.
 - b. Public water lines must be located within or directly adjacent to the right-of-way of existing or approved roads. The development standards of this Section do not apply to such water lines.
 - c. Where directional drilling can be utilized to install public sanitary sewer and/or water lines across adjacent steep slopes or very steep slope areas and the drilling start and end locations do not result in disturbance to adjacent steep slopes or very steep slope areas, the crossing of adjacent steep slopes or very steep slope areas by means of directional drilling is permitted and the development standards in this section do not apply.
 - d. Land disturbing activities in adjacent steep slopes or very steep slope areas with slopes greater than 25% to 50% must be avoided to the maximum extent feasible when determining the alignment of gravity sanitary sewer and/or water lines.
 - e. For the purpose of these development standards, the adjacent steep slopes or very steep slope areas designated on the County base planimetric and topographic maps may be used.
 - f. Public sanitary sewer and/or water lines are not permitted cross more than 200 feet of any 1 contiguous adjacent steep slopes or very steep slope area.
 1. This maximum distance may be increased by the Zoning Administrator, up to an additional 300 feet, provided that the longer crossing distance is found to reduce or have minimal impacts to other environmentally sensitive areas (streams, wetlands, riparian buffers, etc.), as demonstrated by applicable information and/or reports/studies requested by the Zoning Administrator, including, but not limited to:
 - a. Geotechnical study,
 - b. Geophysical study,
 - c. Preliminary soils review,
 - d. U.S. Army Corps of Engineers approved wetland delineation,
 - e. Tree cover inventory, 6) Phase 1 archeological study, and
 - f. Rare, threatened, and endangered species survey.
 2. If the proposed crossing exceeds 200 feet and the Zoning Administrator finds that the crossing does not minimize impacts to other environmentally sensitive areas or the proposed crossing exceeds a total of 500 feet, the approval of a Minor Special Exception application is required in accordance with Section 7.09 of this Ordinance.
 - g. If blasting is required for any portion of the public sanitary sewer and/or water line installation, a blasting plan that describes measures that will be utilized to minimize impacts on environmentally sensitive areas must be provided as part of the grading plan.
 - h. Public sanitary sewer and/or water lines must be aligned in a manner that minimizes disturbance to adjacent steep slopes or very steep slope areas with existing tree cover.

1. In situations where sanitary sewer lines result in the clearing of vegetative cover other than open grassland/pastureland, stabilization plans for temporary construction easements must include reforestation and tree protection in accordance with the FSM.
 2. Such reforestation and tree protection must be reviewed and approved by the County Urban Forester.
 - i. Where adjacent steep slopes or very steep slope areas cannot be avoided, construction methods that minimize easement widths and limits of disturbance must be employed to the maximum extent feasible.
 - j. Prior to approval of grading plans, the public entity responsible for the maintenance and operation of the proposed sanitary sewer and/or water line must certify that the grading plan minimizes impacts to adjacent steep slopes or very steep slope areas and shows practical limits of construction.
 - k. To minimize erosion and sediment control failure associated with sliding debris and the operation of machinery within a confined area, 2 rows of super silt fence must be installed as follows:
 1. As a perimeter control on the downslope side of the disturbed area.
 2. The inside row may be installed without filter fabric.
 3. The minimum spacing between the rows must be 3 feet to allow for maintenance.
 - l. At a minimum, stabilization of disturbed areas must consist of Treatment 1 as described in Standard and Specification 3.36 (Soil Stabilization Blankets & Matting) in the Virginia Erosion and Sediment Control Handbook.
 1. In problem areas, as determined by the County, Treatment 2 can be required.
3. **Standards for Limited Land-Disturbing Activity for the Sole Purpose of Surveying and Land Investigation.**
- a. Heavy equipment may be used only when no other less-invasive method is feasible to conduct or undertake such limited land-disturbing activity.
 - b. Land disturbing activity for this use may not exceed 5,000 square feet in the aggregate on any property, including the minimum land disturbance necessary for those studies required by the FSM.

5.03.05 NERS Definitions

Adjacent Steep Slopes: Surface formations with a vertical incline greater than 25% located within the first 50 feet from the edge of a stream or floodplain, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. Also referred to as Very Steep Slopes when located outside of River and Stream Corridor Resources.

Bankfull: The water level, or stage, at which a stream or river is at the top of its banks and any further rise would result in water moving into the floodplain. It may be identified by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Bankfull Bench: A flat or shallowly sloped area above bankfull that slows high velocity flows of water during flows above bankfull.

Covered Activities. Covered activities include all of the following:

A. Land Development Applications:

1. Legislative: All Zoning Amendments, Special Exceptions, Minor Special Exceptions, Commission Permits, Certificates of Appropriateness, and modifications reviewed for approval by the Planning Commission, Board of Supervisors, Board of Zoning Appeals, or Historic District Review Committee.

2. Administrative: All Subdivisions (including preliminary subdivision plats), Site Plans, grading permits, construction plans and profiles, and zoning permits and building permits that involve land disturbing activities, modifications reviewed for approval by the Zoning Administrator.
 3. Adjudicative: All Variances.
- B. **Land Disturbances or Land-Disturbing Activity:** Land Disturbances or Land-Disturbing Activities include, but are not limited to: clearing; excavation; grading; construction; reconstruction; investigations (such as test wells); and the location, sourcing, and construction of water supply systems under Chapter 1040 of the Loudoun County Codified Ordinances.
- C. Uses in [Chapter 3](#).

Floodplain: A low, usually flat terrain on either side of a river or stream that is normally dry but submerged at times of high water, and where accumulations of silt and sand are deposited away from the main channel. See also, Major Floodplain and Minor Floodplain.

Major Floodplain: The floodplain created by flooding from a stream that drains greater than 640 acres.

Minor Floodplain: The floodplain created by flooding from a stream that drains less than 640 acres but greater than 100 acres.

Moderately Steep Slopes. Surface formation with a vertical incline from 15 to 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.

Natural Heritage Resources: Natural Heritage Resources include: rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; which are searchable using the database provided by the Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage Resources.

Permeable: Describes materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

Resource Area Width. The total width of any Floodplain, Major or Minor, and any Adjacent Steep Slopes;

Riparian: An area of land contiguous to a stream, river, lake, or wetland that contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent areas.

Riparian Forest: A strip of land along a river or stream where forest and vegetation help to protect water quality, filter pollutants, regulate water temperature, enhance aquatic and wildlife habitats, and provide aesthetic value to the river or stream. Also called a riparian forest buffer when part of a larger stream buffer.

Riparian Protection Buffer. River and Stream Corridor Resource (RSCR) buffer area that is a minimum 50 feet in width and is measured beginning from and extending landward from the RSCR Floodplain, Adjacent Steep Slopes, and Other Protected Resources as indicated in Table 5.03.01-1.

River and Stream Corridor Resources (RSCR). Certain water resources and associated land areas, specifically any of the following:

- Rivers and Streams draining 100 acres or more
- Floodplain (including Major Floodplain and Minor Floodplain)
- Adjacent Steep Slopes
- Other Protected Resources
- Riparian Protection Buffer
- Variable Riparian Preservation Buffer

Rivers and Streams. A natural, flowing course of water draining 100 acres or more.

Steep Slopes. Surface formation with a vertical incline greater than 15%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also, Moderately Steep Slopes and Very Steep Slopes.

River and Stream Corridor Resources Management Area. The cumulative regulated RSCR area comprising the cumulative total of the following components:

- Resource Area Width,
- Riparian Protection Buffer; and
- Variable Riparian Preservation Buffer.

Other Protected Resources. Wetlands, forests, historic and cultural resources, and archaeological sites that are located partially within or within River and Stream Corridor Resources.

Variable Riparian Preservation Buffer. RSCR buffer area that varies in width as needed to achieve a required minimum buffer area, beginning from and extending landward from the Riparian Protection Buffer provided in accordance with Table 5.03.01-1.

Very Steep Slopes. Surface formation with a vertical incline greater than 25%, which is sufficient steepness to cause problems such as erosion or increased flooding when land is disturbed. See also Steep Slopes.

Scenic River. A river or section or portion of a river designated by an act of the Virginia General Assembly pursuant to § 10.1-400 of the Code of Virginia and that possesses superior natural and scenic beauty, fish and wildlife, and historic, recreational, geologic, cultural, and other assets.

5.06 Tree Planting, Replacement, and Preservation

Purpose. *The purpose of the Tree Planting, Replacement, and Preservation section is to:*

- *Promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to § 15.2-961 of the Code of Virginia, and*
- *Encourage the preservation of existing trees to meet canopy requirements.*

A. **General Standards.** The following general standards apply to the Tree Planting, Replacement, and Preservation requirement:

1. All trees to be planted must meet the specifications of the AmericanHort.
2. The planting of trees must be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County must maintain current copies of these specifications available to the public.
3. Minimum plant sizes must be provided in accordance with Section 5.07.08.D.
4. All existing and new vegetative material required to meet the tree canopy requirements must meet the criteria of the Facilities Standards Manual (FSM).

B. **Canopy Requirements.** Tree canopy requirements apply as follows:

1. A Site Plan, or Construction Plans and Profiles for single-family attached units in those districts where applicable, required under Section 7.03, must include the planting and replacement of trees on site to the extent that, at maturity of 20 years, minimum tree canopy must be provided as follows:
 - a. 10% tree canopy for sites zoned business, commercial, or industrial in the UT/UM, UE, SE, SM, SC, SI, SME, TCC, TI, TLI, JLMA-LE, JLMA-LME, RC, VC, PD-TC, PD-MUB, PD-CC(SC), and PD-CC(RC) districts; and business or commercial sites in the SN and SCN districts.
 - b. 10% tree canopy for residential sites zoned SCN with densities of 20 or more units per acre.
 - c. 15% tree canopy for residential sites zoned SCN for multifamily and single-family attached units with densities of 11 to 19 units per acre.
 - d. 20% tree canopy for residential sites zoned SCN, SN, and R-3 for multifamily and single-family attached units with densities of 3 to 10 units per acre.
 - e. 10% tree canopy is required for a cemetery as defined in Virginia Code § 54.1-2310, regardless of the zoning district in which it is located.
2. When a plan of subdivision is required under the Land Subdivision and Development Ordinance and the property is not zoned ARN, ARS, A-3, and A-10, i.e., a plan of subdivision for single-family and/or duplex dwelling units, a landscape plan must be included at Record Plat or construction drawings, whichever occurs first, that provides for the planting or replacement of trees on the site to the extent that, at maturity of 20 years, minimum tree canopies will be provided as follows:
 - a. If the site has a tree canopy coverage of 20% or more, the plan must provide for the preservation, or planting and replacement of trees on site resulting in a tree canopy of at least 20%, calculated at 20 years maturity.
 - b. If the site has a tree canopy coverage of less than 20% prior to recordation of the subdivision, the plan must provide for the preservation or planting and replacement of an equivalent percentage of tree canopy coverage as existed prior to development, calculated at 20 years maturity.

- c. Every platted lot must have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 20 years maturity, exempting lots for which no permits for new structures will be sought and the designated parent tract.
 - 1. Such trees are counted toward the minimum tree canopy requirements in (a) and (b) above.
- d. Street trees must be provided in accordance with Section 5.07.02.E.
 - 1. Street trees are counted toward the minimum tree canopy requirements in (a), (b) and (c) above.
- 3. To determine tree canopy coverage requirements, the following areas are excluded from calculating the area of a site:
 - a. Properties reserved or dedicated for future street construction or other public improvements;
 - b. Ponds and unwooded wetlands;
 - c. Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature; and
 - d. Portions of a site which contain existing structures that are not the subject of a pending application.
- 4. Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan or record plat, or construction plans and profiles, identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.
- 5. Tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics will be permitted in conformance with FSM process for determining existing cover or trees for preservation and tree cover credit.
- C. **Variations.** Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, will be considered by the Zoning Administrator upon application by the owner.
- D. **Enforcement.** Penalties for violations of the requirements of this Section are the same as those applicable to violations of other provisions of this Ordinance.

5.07 Landscaping, Buffer Yards, Screening, and Landscape Plans

5.07.01 Purpose, Applicability, and Exceptions

Purpose. *The purpose of the Landscaping, Buffer Yards, Screening, and Landscape Plans section is to:*

- *Foster attractive and harmonious development through the use of landscaping;*
 - *Minimize the harmful impacts of noise, dust, and other debris;*
 - *Minimize motor vehicle headlight glare and other artificial light intrusion;*
 - *Protect property values by reducing visual impacts and land use conflicts;*
 - *Provide shade;*
 - *Enhance natural drainage systems;*
 - *Contribute to ecosystem benefits;*
 - *Preserve and promote the health, safety, and general welfare of the public; and*
 - *Establish a minimum setback for certain roads within Loudoun County due to their function, location, and capacity.*
- A. **Applicability.** The provisions of this Section apply to all land development requiring a site plan, construction plans and profiles, subdivision, and/or a zoning permit application.
- B. **Exceptions.** Notwithstanding Section 5.07.01.A., certain exceptions apply as follows:
1. Road Corridor Buffers required by Section 5.07.02 and Buffer Yards required by Section 5.07.04 are not required as follows:
 - a. For zoning permit applications for single family detached dwellings and residential accessory uses and structures;
 - b. At the time of subdivision application in the ARN, ARS, A-3, A-10, JLMA-3, TLN-10, and TLN-3 Zoning Districts;
 - c. At the time of boundary line adjustment, family subdivision, single lot subdivision waiver, low density development waiver, or dedication plat application; and
 - d. To any use subject to Section 5.07.04.A.6.
 2. Road Corridor Buffers required by Section 5.07.02 will:
 - a. Apply along roads adjacent to the boundary of the UT/UM, UE, SM, SC, TCC, PD-MUB, PD-TC, and PD-RV Zoning Districts. All other roads within these Zoning Districts are subject to the street tree requirement in Section 5.07.02.E.
 - b. Not apply to roads that abut Agriculture, Horticulture, or Animal Husbandry uses, or to Category B and Category C roadways as provided by the Facilities Standards Manual.
 3. Buffer Yards required by Section 5.07.04 do not apply within the UT/UM, UE, SM, SC, TCC, PD-CC, PD-MUB, and PD-TC Zoning Districts. Buffer Yards within these Zoning Districts must be provided in accordance with the regulations for such Zoning Districts.
 4. The exceptions in Sections 5.07.01.B.1 through 5.07.01.B.3 do not apply to the building and parking setbacks of Section 5.07.02 and the Cemetery, Burial Ground, and Grave Buffer of Section 5.07.05.
- C. The provisions of this Section are intended to complement the regulations of Section 5.06 of this Ordinance. Trees planted to fulfill the canopy requirements of Section 5.06 also may fulfill the requirements of this Section.
- D. Existing vegetation which is suitable for use in compliance with the requirements of this Section, may be used as required planting when supplemented by new vegetation, if needed, so as to provide buffering and screening in

accordance with the purpose and intent of this Section. Such existing vegetation must be shown on a Tree Conservation Plan prepared in accordance with the Facilities Standards Manual.

- E. Where any provision of this Section imposes restrictions or standards different from those of Section 5.06 or any other County ordinance or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards will control, unless the intent is clearly otherwise.

5.07.02 Road Corridor Buffers and Setbacks

A. General Provisions. The following general provisions apply to the Road Corridor Buffers and Setbacks:

1. Road Corridor Buffers and Setbacks must be provided in accordance with:
 - a. Table 5.07.02-1, Road Corridor Buffer and Setbacks Matrix;
 - b. The road classifications determined by the Countywide Transportation Plan;
 - c. Section 5.01, and extend across the length of the proposed development site; and
 - d. Section 5.06.B.2. for local roads in a development requiring a subdivision application but not a site plan application.
 1. The Road Corridor Buffer and Setbacks of Table 5.07.02-1 applies to arterial and collector roads or ramps at grade separated interchanges traveling through or forming the edge of the developments requiring a subdivision application but not a site plan application.
2. The required width of the Road Corridor Buffer may vary by up to 50% from the minimum width required at any point along the required length, provided:
 - a. The width is not reduced to less than 10 feet; and
 - b. The total area for the length of Road Corridor Buffer with varied width is not reduced below the minimum area that would have been required.
3. When determining the length of the Road Corridor Buffer, vehicle entrances may be excluded from length of right-of-way or easement frontage. The buffer length is measured from where the buffer yard intersects the entrance travelway.
4. Road Corridor Buffers may be set back from the right-of-way line where easements, covenants, or natural features would prevent the required Road Corridor Buffer from abutting the public street or private road, in which case the required Road Corridor Buffer must be provided in addition to such easements, covenants, or natural features.
5. For subdivisions that require open space, Road Corridor Buffers are not permitted to be located on individual residential lots of 20,000 square feet or less.
6. When a Road Corridor Buffer is located on an individual residential lot the Road Corridor Buffer must be located within an easement dedicated to the County of Loudoun.
7. The Road Corridor Setback applies to certain roads within Loudoun County because of their function, location and capacity, which require that uses be set back a certain minimum distance from them.
 - a. *Exemptions.* All other provisions of this Ordinance notwithstanding, the following are exempt from the Road Corridor Setbacks in Table 5.07.02-1 or the setback provided in an approved corridor study whichever setback is greater:
 1. Agricultural structures, buildings, and structures along all roads, except arterial roads, located within the Village Conservation Overlay District (Section 4.06) and the Joint Land Management Area Districts (Section 2.05),
 2. All structures, buildings, and parking along all roads, except arterial roads, in the the Urban Districts (Section 2.01 and 2.02); and

3. Residences, accessory structures, and accessory uses built before June 16, 1993, pursuant to Section 9.01.
8. For lots as they existed on June 16, 1993, the building setback from a road in Table 5.07.02-1 may be reduced on shallow lots to allow a building area of up to 85 feet in depth, measured forward from any required rear Buffer Yard, yard, or setback, whichever is more restrictive. In addition,
 - a. In no case will the modified building setback from the road be less than the yard or setback required by the underlying zoning district,
 - b. Parking setbacks must be coterminous with building setbacks, and
 - c. No lot may be altered or reconfigured to increase the degree of its shallowness.

[FIGURE depicting how a shallow lot setback reduction would apply]

Table 5.07.02.-1. Road Corridor Buffer and Setbacks Matrix^a

Route Number or Road Type	Structure/Building Setback	Parking Setback	Buffer Type
Arterial Roads			
Route 7: Fairfax County line west to Broad Run	50 ft.	50 ft.	3
Route 7: Broad Run west to east corporate limit of Leesburg	200 ft.	125 ft.	Gateway
Route 7: Bypass from the west corporate limit of Leesburg west to Clarke County line	200 ft.	100 ft.	3
Route 267	150 ft.	100 ft.	3
Route 50: Fairfax County line east to Northstar Boulevard	100 ft. ²	100 ft. ²	Gateway
Route 50: Northstar Boulevard west to Fauquier County line	100 ft. for all districts, except TCC TCC: 50 ft.	75 ft. for all districts, except TCC TCC: 50 ft.	3
Route 15	100 ft.	75 ft.	3
Route 28	100 ft.	75 ft.	3
Route 9	100 ft.	75 ft.	3
Route 606	100 ft.	75 ft.	3
Other Arterial Roads	100 ft. for all districts, except SM, SCN, SC SM, SCN, SC, SE: 50 ft.	75 ft. for all districts, except SM, SCN, SC, SE SM, SCN, SC, SE: 50 ft.	3
Collector Roads			
Route 287	100 ft.	75 ft.	3
Other Major Collector Roads	75 ft., except SM, SCN, SC, SE SM, SCN, SC, SE: 35 ft.	35 ft.	2
Minor Collector Roads	See applicable district regulations	See applicable district regulations	2
Other			
All other roads in Nonresidential Districts	See applicable district regulations	25 ft. ³	1
All other roads in A-3, A-10, ARN, ARS, VAR, Transition, JLMA, PD-AAAR, and R (including PD-H administered as R) Districts	See applicable district regulations	See applicable district regulations	1
Ramps at grade separated interchanges associated with the roads listed above	75 ft.	35 ft.	3
W&OD Trail	25 ft.	See applicable district regulations	2

Table 5.07.02.-1. Road Corridor Buffer and Setbacks Matrix¹

Route Number or Road Type	Structure/Building Setback	Parking Setback	Buffer Type
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¹ Unless exempt pursuant to Section 5.07.02.A.7.a.

² May be reduced in accordance with Section 5.07.02.D.4.C.

³ Unless otherwise specified in applicable district regulations.

B. Road Corridor Buffer Types. The intent of the Road Corridor Buffer Types referenced in Table 5.07.02.B are described below. All vegetative material within these Buffer Yard Types must meet the specifications included in the Facilities Standards Manual (FSM).

1. Road Corridor Buffer Type 1. This buffer is intended to function as an intermittent visual obstruction.
2. Road Corridor Buffer Type 2. This buffer is intended to function as a semi-opaque screen.
3. Road Corridor Buffer Type 3. This buffer is intended to provide a strong impression of total separation between the road and the parcel.
4. Gateway Corridor Buffer. This buffer is intended to provide a boulevard environment creating a sense of enclosure and transition to mark County gateways.

C. Road Corridor Buffer Width and Plant Requirements. Road Corridor Buffer widths and plant units must be provided in accordance with Table 5.07.02-2.

Table 5.07.02-2. Road Corridor Buffer Width and Plant Requirements

Road Corridor Buffer Type	Width (feet)	Number of Plant Units ¹ Per 100 feet of Right-of-Way or Easement
1	10	20
2	15	60
3	20	95
Gateway	100	*

¹ See Table 5.07.07-1 for Plant Unit equivalents.

*The Gateway Corridor Buffer is subject to the requirements specified in Section 5.07.02.E.

D. Specific Requirements for Gateway Corridor Buffer. The Gateway Corridor Buffer must be provided in accordance with Table 5.07.02-3 and as follows:

Table 5.07.02-3. Gateway Corridor Buffer Plant Requirements

Plant Material	Minimum Size(at time of planting)	Number of Plants per 100 feet of R/W or Easement Line
Large Deciduous Trees	2-inch caliper	4
Small Deciduous Trees	2-inch caliper	2
Evergreen Trees	8-foot height	2
Shrubs	24-inch height	50

1. To support a pollinator habitat, plant material within the required Gateway Corridor Buffer Yard must be provided in accordance with Section 5.07.07.B.8.
2. The Route 50 Gateway Corridor Buffer must provide the following Design Elements:
 - a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:
 1. The plants must be located within the first 50 feet of the required 100 foot Buffer Yard immediately adjacent to the right-of-way of Route 50.

2. Each 100 foot segment of frontage must contain the plants required per 100 linear feet.
3. The plants must be located in front of the linear element required in Section 5.07.02.D.1.b.
4. The plants and the linear element must be configured to align with the plants and the linear element on adjacent parcels, where feasible, to create a uniformly landscaped frontage along the right-of-way.
- b. Linear Element: A linear element must be provided within the Gateway Corridor Buffer for at least 40% of a parcel's frontage adjacent to Route 50 and shall consist of a stone-faced feature. The linear element may also include a fence and/or hedgerow.
 1. The stone-faced feature (i.e. wall, pillar, sign, and the like) must be:
 - a. Faced with materials having characteristics similar to native stone.
 - b. A minimum of 3 feet in height notwithstanding the Section 5.01 height limitation for fences in front yards, and
 - c. Have a minimum length equal to 10% of a parcel's frontage if combined with a fence or hedgerow.
 2. If a fence is provided, it must be:
 - a. A maximum height of 4.5 feet notwithstanding the height limitation of Section 5.01 for fences in front yards, as measured from the ground to its highest point, to include posts or other supporting structures.
 - b. Constructed of wood or a wood-like polymer in a rail, paddock, or horizontal board design, and
 - c. Have a minimum opacity of 50%.
 3. If a hedgerow is provided, it must consist of a minimum of 10 shrubs planted in a continuous row that must:
 - a. Be planted at 36 inches on center.
 - b. Have a minimum height of 24 inches, and
 - c. Not count towards fulfilling the required plants in Table 5.07.02-3.
 4. The linear element is not required to be a continuous element. However, if any portions of the linear elements overlap, then for the length of the overlapping elements only one element can be counted towards satisfying the required length.
 5. Areas of existing vegetation used to meet the Gateway Corridor Buffer plant requirements are excluded for the purposes of calculating the frontage length for determining the required minimum length of the linear element.
 6. The linear element does not have to be located parallel to the road.
 7. The linear element can be used towards fulfilling the Peripheral Parking Lot Landscaping requirements in Section 5.07.06.B.
3. The Route 7 Gateway Corridor Buffer must provide the following Design Elements:
 - a. Plant Location: The plants required in Table 5.07.02-3 must be installed on the parcel as follows:
 1. The plants may be located within the full 100-foot width of the required Buffer Yard immediately adjacent to the right of way of Route 7.
 2. The total plants required for each 100-foot segment of frontage must contain the plants required per 100 linear feet, except that plants may be relocated within the Buffer Yard where existing environmental constraints or public utility easements prevent planting within a particular segment.

4. Use of Gateway Corridor Buffer: In addition to the uses specified in Section 5.07.07, the following uses are permitted in the Gateway Corridor Buffer:
 - a. Storm water management and BMP facilities. Such facilities may not be located within the first 50 feet adjacent to the right-of-way, unless the facility is designed as a water feature in accordance with Section 5.07.02.D.4.b. below.
 - b. A water feature, defined as a permanent aqueous element to include a fountain, stream, waterfall, and/or cascade; a wet pond that includes a fountain, waterfall, and/or cascade; or a bioretention facility and/or wetland. In the case where a water feature is incorporated in the design of the Gateway Corridor Buffer and located within the first 50 feet immediately adjacent to the right-of-way, the following variations are permitted:
 1. The number of shrubs required by Section 5.07.02-3 may be reduced by 50% for the total amount of linear feet of frontage that is occupied by the water feature; and
 2. Notwithstanding Section 5.07.02.D.4.a. and 5.07.02.D.4.a., regarding required plant locations, for the frontage occupied by the water feature, the required large deciduous trees are to be located between the right-of-way and the water feature and the required small deciduous trees, evergreen trees, and shrubs may be located around and behind the water feature.
 - c. *Reduction*: The required width of the Gateway Corridor Buffer may be reduced to 50 feet subject to the Modification and Waiver provisions of Section 5.07.08.
 - d. Other Landscaping and Screening: Where the Ordinance requires the screening of parking, service and loading areas, and utility equipment from roads, such screening as may be necessary must be in addition to the Gateway Corridor Buffer plantings and must be provided within the Gateway Corridor Buffer, but outside of the first 50 feet of the required 100-foot-wide Buffer Yard as measured from the right-of-way.
- E. **Specific Requirements for Street Trees.** When street trees are required, they must be provided as follows:
 1. Planted at a rate of 20 plant units per 100 feet along both sides of all areas dedicated for use for vehicular access.
 - a. *Exception.* Street trees are not required in alleys or private streets functioning as an alley and commercial loading areas.
 2. Street trees must be regularly spaced.
 3. All vegetative material must meet the specifications included in the FSM.

5.07.03 Buffer Yards

- A. **General Provisions.** Buffer Yards must be provided in accordance with the following general provisions:
 1. Side and Rear Buffer Yards must be provided on the developing parcel in accordance with Table 5.07.03-1, the Use Buffer Yard Matrix, and in accordance with the provisions of Section 5.07.
 2. Side and Rear Buffer Yard Types must be determined based on the proposed use group of the developing parcel and the existing use group of the adjacent parcel, in accordance with Table 5.07.03.
 3. In those instances where a proposed use and/or an existing use on a parcel is not identifiable under the use groups in Table 5.07.03-1, the Zoning Administrator, using Table 5.07.03-1 as a guide, will determine the appropriate Buffer Yard Type for the developing parcel.
 4. Where a structure is proposed to contain more than one use group under Table 5.07.03-1 the more stringent requirements of Table 5.07.03-1 will apply.
 5. Where a developing parcel and/or an adjacent parcel or parcels contain multiple use groups, the Buffer Yard Type required by Table 5.07.03-1 may vary on the developing parcel to correspond to the location of each use group on the adjacent parcel.

- a. When the adjacent parcel is used for a wayside stand or temporary use, the adjacent parcel will be considered vacant when determining the Buffer Yard Type.
6. Specific Uses in Section 3.06 that reference this section for Landscaping, Buffering, and Screening requirements must provide the following between the Specific Use and any existing adjacent parcel 4 acres or less in size or any existing adjacent parcel that contains a dwelling unit within 300 feet of the parcel containing the Specific Use:
 - a. A minimum 50-foot setback measured from the property line;
 - b. A Road Corridor Buffer Type 2 for front yards;
 - c. A 6-foot high fence, wall, or berm providing a minimum opacity of 95%, or equivalent natural topography, and/or a Buffer Yard Type B for side and rear yards.
 1. The required fence, wall, or berm for side or rear yards may be configured to surround the Specific Use.
 2. The Buffer Yard Type B for side or rear yards may be configured to surround the Specific Use provided the intent of the Buffer Yard Type B is met as described in Section 5.07.03.B.
7. Existing vegetation, and trees may be used to meet the requirements of this section in accordance with Section 5.07.01.D.
8. When a required Buffer Yard is a different width than a required yard, setback, or building restriction line, both the required Buffer Yard width and the required yard, setback, or building restriction line width must be accommodated.
9. All vegetative material within the Buffer Yard Types A, B, and C must meet the specifications of the Facilities Standards Manual.

Table 5.07.03-1. Use Buffer Yard Matrix¹

Proposed Use	Use Group	Adjacent Use												
		Single Family Detached	Single Family Attached	Multi-family	Group Living	Agriculture/Horticulture/Animal Husbandry and Passive Uses	Community and Active Recreation Uses ²	Institutional/Civic	Office and Conference/Training Centers	Commercial/Retail	Flex-Industrial Uses and Utilities	Heavy Industrial and Aviation	Vacant Land in a Residential District or Land Bay Approved for Residential Use	Vacant Land in all Other Districts or Land Bays
Single- Family Detached	1	N/A	A	A	A	A	A	A	A	A	B	B	N/A	A
Single- Family Attached	2	B	N/A	A	A	B	A	A	A	A	B	B	A	A
Multifamily	3	B	A	N/A	A	B	A	A	A	A	B	B	B	A
Group Living	4	B	A	A	N/A	B	A	A	A	A	B	B	B	A
Agriculture/Horticulture/Animal Husbandry and Passive Uses	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Community and Active Recreation Uses ²	6	B	A	A	A	N/A	N/A	A	A	A	B	B	B	A
Institutional/Civic	7	B	B	B	A	N/A	B	N/A	A	A	B	B	B	A
Office and Conference/Training Centers	8	B	B	B	B	N/A	B	B	N/A	A	A	B	B	A
Commercial/Retail	9	B	B	B	B	N/A	B	A	A	N/A	A	B	B	A
Light Industrial and Flex-Industrial Uses and Utilities	10	C	C	C	C	N/A	C	C	B	B	N/A	B	C	C
Heavy Industrial and Aviation	11	C	C	C	C	N/A	C	C	C	C	C	N/A	C	C

Table 5.07.03-1. Use Buffer Yard Matrix¹

Proposed Use	Use Group	Adjacent Use												
		Single Family Detached	Single Family Attached	Multi-family	Group Living	Agriculture/Horticulture/Animal Husbandry and Passive Uses	Community and Active Recreation Uses ²	Institutional/Civic	Office and Conference/Training Centers	Commercial/Retail	Flex-Industrial Uses and Utilities	Heavy Industrial and Aviation	Vacant Land in a Residential District or Land Bay Approved for Residential Use	Vacant Land in all Other Districts or Land Bays
Proposed Use	Use Group	1	2	3	4	5	6	7	8	9	10	11	12	13
Vacant Land ³ in a Residential District or Land Bay Approved for Residential Use	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Vacant Land ³ in all Other Districts or Land Bays	13	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹Buffer yards A, B, and C are described in greater detail in Section 5.07.03.B.

²Buffer yards are not be required between playgrounds or passive uses when located internal to a residential neighborhood.

³Includes land designated as Open Space, but no use is specified.

B. Buffer Yard Types. The intent of Buffer Yard Types A, B, and C listed in Table 5.07.03-2 are as follows:

1. Buffer Yard Type A: Aesthetic. This Buffer Yard Type is intended to function as an intermittent visual obstruction, and create the impression of spatial separation without eliminating visual contact between uses.
2. Buffer Yard Type B: Semi-opaque. This Buffer Yard Type is intended to function as a semi-opaque screen between uses.
3. Buffer Yard Type C: Opaque. This Buffer Yard Type is intended to provide the greatest degree of screening feasible and minimize visual contact between uses, creating a strong impression of total separation.

C. Buffer Yard Widths and Plant Requirements. Buffer Yard Types A, B, and C must be provided in accordance with Table 5.07.03-2.

Table 5.07.03-2. Buffer Yard Width and Plant Requirements

Buffer Yard Type	Width (feet)	Number of Plant Units ¹ per 100 Linear feet of Required Buffer Yard
A	10	30
B	20	80
C	25	120*

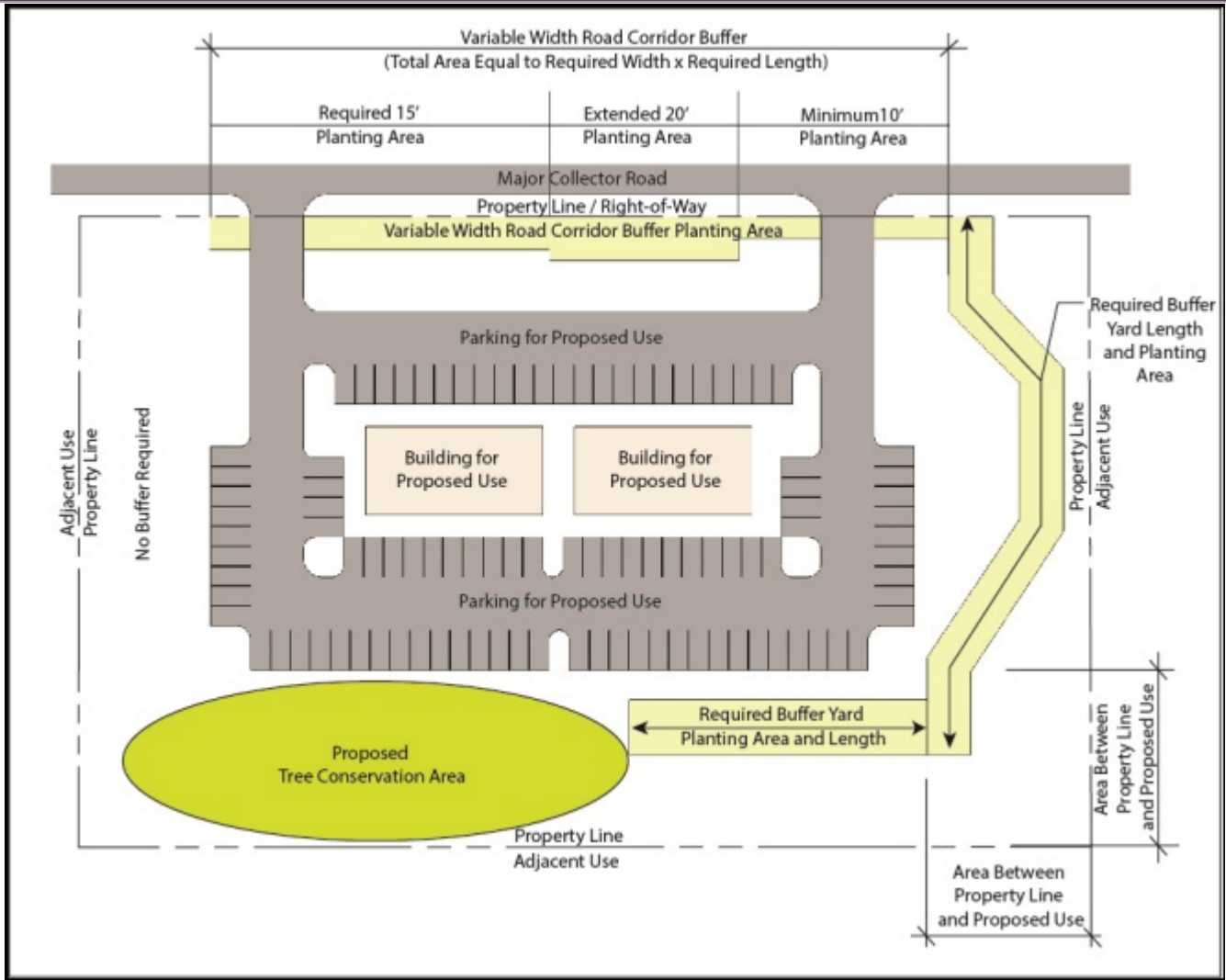
¹See Table 5.07.06-1. for Plant Unit equivalents.

*A 6-foot high fence, wall, and/or berm, providing a minimum opacity of 95% is required to run the length of the required Buffer Yard between the proposed use and the required plant units. Required plant units may be planted on a berm.

D. Buffer Yard Location. The following provisions apply to the location of buffer yards:

1. Required buffer yards must be provided between the lot line and the proposed use, and may be configured to surround the proposed use provided the intent of the required Buffer Yard Type is met as described in Section 5.07.03.B.
2. The location of required buffer yards may vary between the lot line and the proposed use provided the required plant units are planted within the required width throughout the full length of the buffer yard.

Buffer Yard Location Example

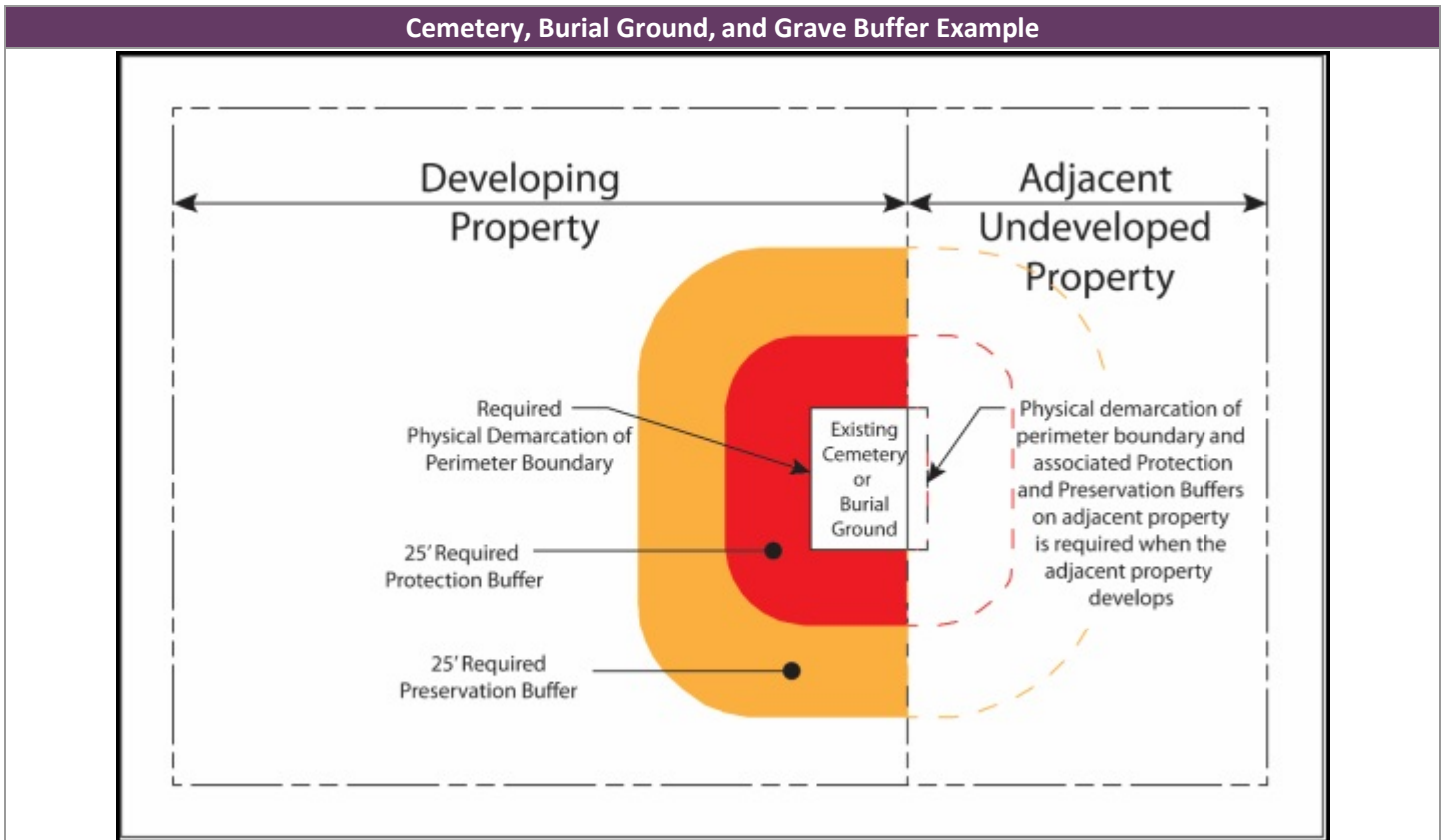


5.07.04 Cemetery, Burial Ground, and Grave Buffer

- A. **General Provisions.** The following general provisions apply to all cemeteries, burial grounds, and graves:
1. A Cemetery, Burial Ground, or Grave Buffer must be provided for all existing cemeteries, burial grounds, and graves except for the following:
 - a. A cemetery, or an existing cemetery's expansion, legally established after January 7, 2003.
 - b. A cemetery, burial ground, or grave for animal remains.
 - c. A cemetery, burial ground, or grave accessory to a religious assembly use.
 - d. A cemetery, burial ground, or grave from which all human remains have been removed in accordance with the Code of Virginia.
 2. The Cemetery, Burial Ground, and Grave Buffer comprises 3 components: a perimeter boundary, a protection buffer, and a preservation buffer.
- B. **Perimeter Boundary.** The following requirements apply to the perimeter boundary of each cemetery, burial ground, or grave:

1. The delineated perimeter boundary must be physically demarcated with a fence between a minimum of 3 feet and a maximum of 4 feet in height, or other perimeter demarcation as approved by the Zoning Administrator.
 2. No land disturbing activity is permitted within the delineated perimeter boundary of the cemetery, burial ground, or grave except for the following:
 - a. Construction of the perimeter demarcation.
 - b. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.
 - c. Land disturbing activity associated with the excavation and filling of grave shafts for new burials.
 - d. Removal and reinternment of burials in accordance with the Code of Virginia.
- C. **Protection Buffer.** To protect the physical integrity of existing burials and to preserve the natural and cultural features associated with the cultural landscape, the following requirements apply to the protection buffer of each cemetery, burial ground, or grave:
1. For a cemetery, burial ground, or grave on the developing property, a 25-foot protection buffer must be established outside of and abutting the delineated perimeter boundary.
 2. For developing property adjoining an off-site cemetery, burial ground, or grave, the protection buffer must be provided in accordance with Section 5.07.04.E.
 3. No land disturbing activity is permitted within the protection buffer except for the following:
 - a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.
 - b. Construction associated with pedestrian access.
 - c. Clearing of invasive vegetation on the surface, excluding any species that were planted in association with burials.
 4. The protection buffer may be modified only by Minor Special Exception in accordance with the provisions of Section 7.09.
- D. **Preservation Buffer.** To create separation from adjacent land uses to preserve the historic context of the existing cemetery, burial ground, or grave, the following requirements apply to the preservation buffer of each cemetery, burial ground, or grave:
1. For a cemetery, burial ground, or grave on the developing property, a 25-foot preservation buffer must be established outside of and abutting the protection buffer required under Section 5.07.04.C.
 2. For developing property adjoining an off-site cemetery, burial ground, or grave, the preservation buffer must be provided in accordance with Section 5.07.04.E.
 3. Historic context includes physical characteristics such as, without limitation, vegetation, topography, water courses, monuments, enclosures, and other cultural features associated with the cemetery, burial ground, or grave.
 4. No land disturbing activity is permitted within the preservation buffer except for the following:
 - a. Land disturbing activity associated with construction of the perimeter demarcation required by Section 5.07.04.B.
 - b. Construction associated with pedestrian access.
 - c. Clearing of invasive vegetation on the surface.
 - d. The Zoning Administrator may approve a waiver or modification of the preservation buffer in accordance with the requirements of Section 5.07.08.

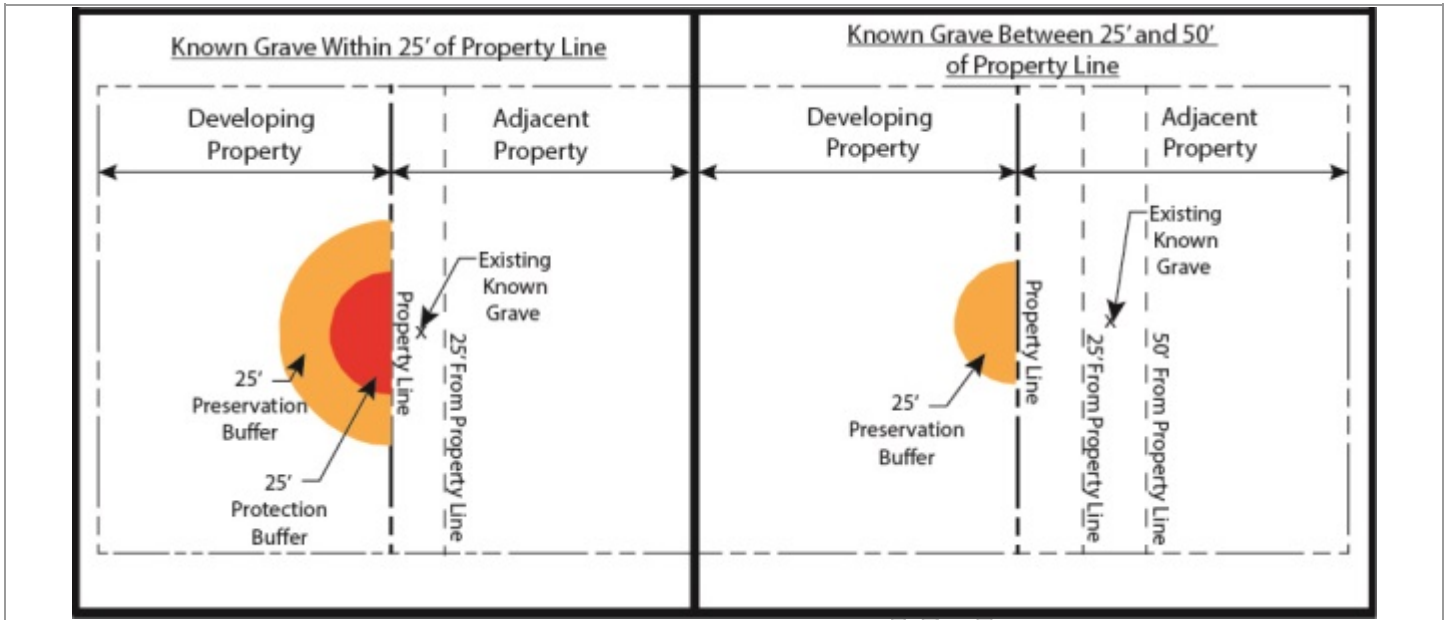
A. A



- E. **Off-site Cemetery, Burial Ground, or Grave Buffer.** When a developing parcel is located adjacent to a parcel containing an existing cemetery, burial ground, or grave for which the perimeter boundary has not been delineated, the location of the protection buffer and preservation buffer must be determined as follows:
1. If a known grave on the adjacent parcel is located less than 50 feet but no closer than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Preservation Buffer measured from the parcel line that is equal in length to the extent of any known graves.
 2. If a known grave on the adjacent parcel is located less than 25 feet from the parcel line, and no evidence of a grave is found on the developing parcel, then the developing parcel must provide a Protection Buffer measured from the parcel line that is equal in length to the extent of any known graves, and a Preservation Buffer.
 3. If the closest known grave on the adjacent parcel is located 50 feet or greater from the parcel line, and no evidence of a grave is found on the developing parcel, then no Cemetery, Burial Ground, or Grave Buffer is required on the developing parcel.

Off-site Cemetery, Burial Ground, and Grave Buffer Example

Single Grave Scenarios



5.07.05 Screening of Certain On-site Functions

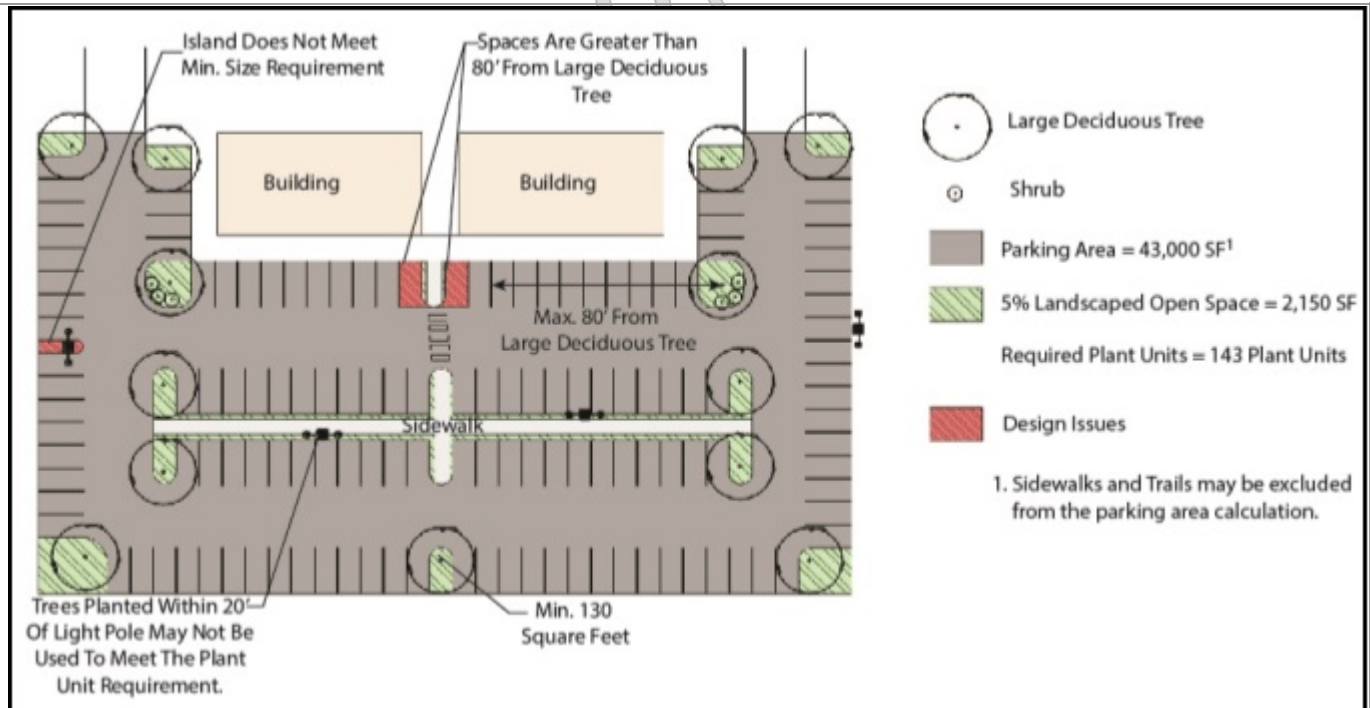
- A. On-site functions, to include loading areas, dumpsters and areas for collection of refuse, outdoor storage areas, maintenance areas, ground- or building- mounted mechanical equipment, and utility equipment, must be screened from view from all public streets and adjoining parcels using at least one of the following screening options:
1. An opaque fence or wall that is a minimum of 6 feet in height, the height of the fence or wall is not permitted to be lower than the function/items being screened. An aesthetically compatible gate must be provided, if applicable.
 2. A berm that is a minimum of 3 feet in height with evergreen plantings that are a minimum of 6 feet in height at time of planting.
 3. For mechanical and similar equipment, any architectural element compatible with the building that screens the view of the equipment.
 - a. All building-mounted mechanical equipment must incorporate this Option 3 into the required screening.
 - b. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet must be equal to the top of the highest mechanical unit but must not exceed the maximum height allowed in the district by more than 3 feet.

5.07.06 Parking Area Landscaping and Screening Requirements

- A. **Interior Parking Area Landscaping:** Any property, use, or parking area that contains 20 or more parking spaces, except areas used for accessory storage of vehicles, must include interior parking area landscaping provided as landscaped open space, as follows:
1. At least 5% of the gross area of the parking area must be landscaped open space.
 - a. The gross area of the parking area must:
 1. Include all parking spaces, vehicular travelways, and designated crosswalks within the parking area.
 2. Not include pedestrian facilities other than designated crosswalks within the parking area.
 - b. Landscaped open space must be:

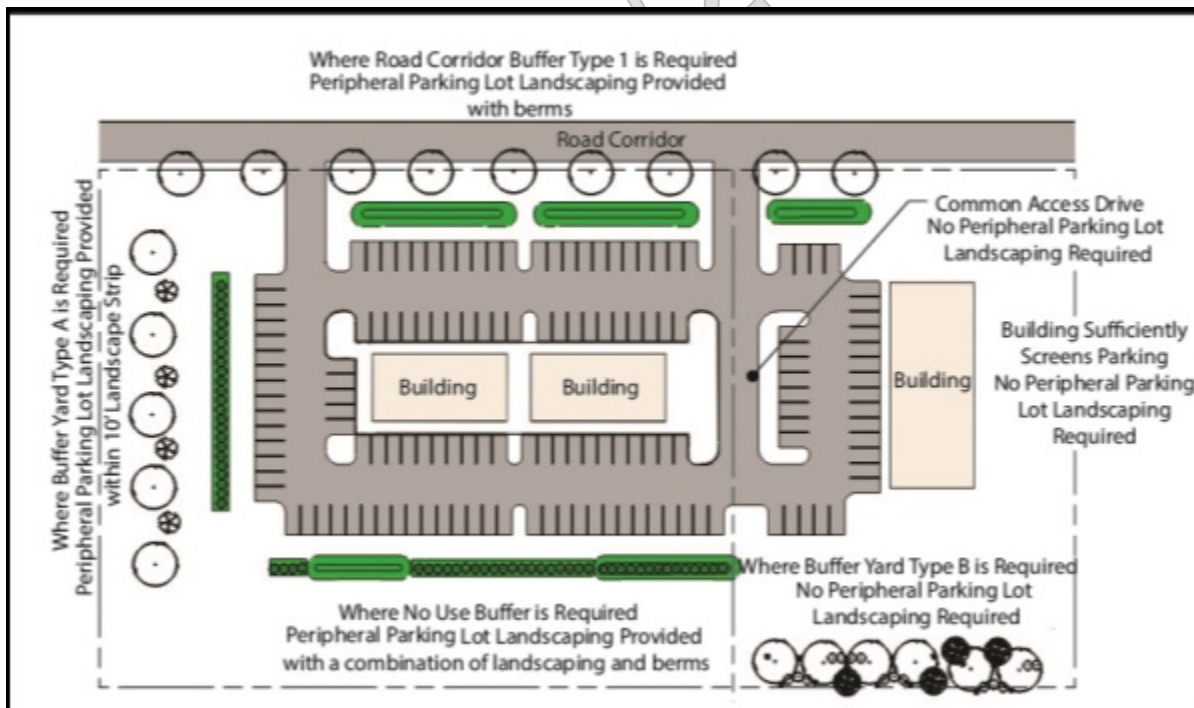
1. No less than 130 square feet in size for any individual area,
2. At each end of every row of parking spaces, and equal in length to the adjoining parking space,
 - a. Where fewer than 8 parking spaces are proposed in a single row, landscaped open space is required at only one end of the row;
3. Planted with a minimum of 10 plant units per 150 square feet; and
4. Designed in such a way that no parking space is more than 80 feet from a large deciduous tree.
- c. A minimum of 75% of the total plant units required for landscaped open space must consist of large deciduous trees.
 1. Perennials are allowed only where taller vegetation would conflict with County and VDOT sight distance standards.
2. Evergreen trees are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.
3. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within an approved bio-retention structure.
4. Light poles may be placed within landscape islands.
 - a. Large or small deciduous trees planted within 20 feet of a light pole are not permitted to be used to meet the minimum interior parking area landscaping plant unit requirement.

Interior Parking Area Landscaping Example



- B. Peripheral Parking Area Landscaping:** Except where a parking area adjoins a Buffer Yard Type B or C, a Road Corridor Buffer Type 2 or 3, or a Gateway Corridor Buffer, any property, use, or parking area that contains 20 or more parking spaces must include peripheral parking area landscaping as follows:
1. Parking areas and parking area travelways that are not screened by buildings or other structures must be screened with either berms or landscaping, or a combination of both.
 2. Such berms and/or landscaping must:
 - a. Have a minimum height of 30 inches.
 - b. Be located between the parking area and the lot line or right-of-way.
 1. Where the boundary between abutting lots is located within a parking area travelway, no screening is required.
 - c. Where a berm is proposed, the grade is not permitted to be steeper than 2:1.
 - d. Where landscaping is proposed, it must consist of:
 1. A minimum of 50 plant units per 100 linear feet within a continuous 10-foot-wide landscape strip.
 2. A minimum of 75% of the total plant units required must be evergreen shrubs.
 3. Trees or shrubs are not permitted to be planted closer than 3 feet to any curb or paved area unless planted within an approved bio-retention structure.

Peripheral Parking Area Landscaping Example



5.07.07 General Landscape Provisions

- A. Landscape Plan.** A landscape plan in accordance with the Facilities Standards Manual must be submitted as part of every site plan required by Section 7.03, and construction plans and profiles if applicable.

1. All landscaping and screening required by this Section must be depicted on such landscape plan, which must be designed by a licensed landscape architect or other licensed or certified professional in accordance with the Facilities Standards Manual.
 2. All landscaping and screening depicted on such landscape plan must be installed or bonded in accordance with current County requirements prior to issuance of any Certificate of Occupancy.
- B. Plant Unit Requirements.** The following requirements apply to the plant types used to meet the Plant Unit requirements for each Buffer Yard or Road Corridor Buffer:
1. The number of Plant Units that a plant type is considered to be equivalent to is determined in accordance with Table 5.07.07-1, Plant Unit Equivalents.

Table 5.07.07-1. Plant Unit Equivalents	
Plant Type	Plant Units per 1 Plant Type
Large Deciduous Tree	10
Evergreen Tree	6
Small Deciduous Tree	5
Shrub	2
Ornamental Grass	1
Perennial	0.25

- B. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement, and do not preclude the installation of additional plant material from that plant type, if desired.**
2. A maximum of 50% of the required plant units may be large deciduous trees.
 - a. Exception. The Road Corridor Buffer Type 1 may be planted with 100% large deciduous trees.
 3. A maximum of 50% of the required plant units may be evergreen trees.
 - a. A minimum of 10% of the required plant units for a Type C Buffer must be evergreen trees.
 4. A maximum of 60% of the required plant units may be small deciduous trees.
 5. A maximum of 30% of the required plant units may be shrubs.
 - a. When shrubs are used, a minimum of 30% must be evergreen.
 6. The use of ornamental grasses and/or perennials is encouraged and may constitute a maximum of 25% of the required plant units.
 7. To support a pollinator habitat, plant units must be provided as follows:
 - a. A minimum of 50% must consist of native species as specified in the Facilities Standards Manual.
 - b. A minimum of 75% of the small deciduous trees and shrubs provided must produce conspicuous flowers at some point during their growing season.
 8. Walls, fences, and/or berms are not counted toward required plant units.
- C. Use of Buffers.** The following uses are permitted in Buffer Yards and Road Corridor Buffers:
1. Passive recreation and pedestrian, bicycle, or equestrian trails provided that Plant Unit requirements are met.
 2. Utility easements provided that Plant Unit requirements are met with plant types that are compatible with the utility easement.
 3. Driveway entrances and entrances connecting adjacent parking lots or developments traversing the buffer generally perpendicular to the direction the length of the Buffer Yard or Road Corridor Buffer is measured.
 4. Signs, pursuant to Chapter 6.

5. Storm water management features such as bioretention areas and rain gardens provided that Plant Unit requirements are met.
- D. **Landscape Installation.** The installation of all required plant material must be in accordance with the Facilities Standards Manual.
 1. At the time of planting, all trees and shrubs must meet the requirements of the American National Standards Institute, American Standard for Nursery Stock, ANSI Z60.1-2014.
 2. The minimum sizes required for each plant type are as follows:
 - a. All deciduous trees must have a minimum caliper of 1 inch.
 - b. Evergreen trees must be a minimum of 6 feet in height.
 - c. Shrubs must have a minimum height of 18 inches.
 - d. No minimum height is required for ornamental grasses or perennials.
 3. Ornamental grasses and perennials must be located within a defined planting bed.
- E. **Maintenance.** The owner, or his agent, is responsible for the maintenance, repair and replacement of all plant material required by this Section.
 1. All plant material must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris.
 2. Fences and walls must be maintained in good repair.
 3. Openings within fences and walls may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

5.07.08 Waivers and Modifications

- A. **Zoning Administrator Buffer Yard Waivers and Modifications.** Unless otherwise specified, the Zoning Administrator may approve waivers or modifications to the buffer yard requirements of this section as part of the site plan, subdivision, and/or zoning permit process upon finding that site conditions make a specific requirement either impracticable or ineffective relative to accomplishing the impact mitigation and site design objectives of this Section.
 1. **Justification.** Site conditions that may justify a buffer yard waiver or modification include, but are not limited to, the following:
 - a. Topography, soil, vegetation, or other existing environmental features are such that full compliance is impossible or impracticable.
 - b. Improved environmental quality would result from implementation of modified requirements.
 - c. Space limitations, unusually shaped lots, and/or existing utility easements.
 - d. Change of use on a developed site increases the required Buffer Yard to more than what is feasible to provide.
 - e. Safety or security conditions make modified requirements necessary.
 - f. A modified buffer would be consistent with the applicable Place Type of the General Plan based on the surrounding property's existing development pattern and design characteristics.
 - g. The site is developing consistent with the applicable nonresidential Place Type of the General Plan and the adjoining vacant lot or land bay is designated as the same Place Type or, in the Suburban Mixed Use Place Type, the same zoning district.
 2. **Conditions.** The Zoning Administrator may impose conditions upon any buffer yard waiver or modification to ensure the purpose and intent of this Section continue to be met.
 3. **Application.** Each request for a buffer yard waiver or modification must include the following components:

- a. **Written Narrative.** The written narrative must include:
 1. A justification for the request based on Section 5.07.08.A.1.
 2. A statement of requirement of this Section subject to the modification or waiver request and how the Section is proposed to be modified,
 3. A description of the site conditions that necessitate the modification and waiver request, and
 4. An explanation of how the approval of the waiver or modification will provide equal or enhanced mitigation of impacts between uses and/or site design than what otherwise would have been required by this Section.
 5. For a Cemetery, Burial Ground, and Grave Treatment Plan, the written narrative must also:
 - a. Describe how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
 - b. Address how the historic context of the cemetery, burial ground, or grave will be preserved through the proposed alternative mitigation techniques.
- b. **Design Exhibit.** The design exhibit must clearly depict and tabulate the quantity, type, location, and size of all proposed plant units and any other proposed design elements.
 1. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.
 2. For the reduction of a Gateway Corridor Buffer width is requested pursuant to Section 5.07.02.D.4., the design elements specified by Section 5.07.02.D.1. or Section 5.07.02.D.2., as applicable, also must be depicted.
 3. When a waiver or modification is requested to modify the cemetery, burial ground, and grave preservation buffer required by Section 5.07.04.D.4., a Cemetery, Burial Ground, and Grave Treatment Plan is also required in accordance with the Facilities Standards Manual. The Cemetery, Burial Ground, and Grave Treatment Plan must:
 - a. Depict how the modified buffer will achieve the purpose and intent of the required preservation buffer, and
 - b. Depict how the historic context of the cemetery, burial ground, or grave is being preserved through alternative mitigation techniques.

B. Legislative Modifications

1. **Buffer Yards.** The Board of Supervisors or the Board of Zoning Appeals may modify the buffer yard requirements of this Section as part of an approval action of a special exception, variance, or as part of proffered conditions. Such request to modify buffer yard requirements must address Section 5.07.08.A.1 and 5.07.08.A.3 in the application. In such event, the requirements of such approval will govern.
2. **Road Corridor Setback Modifications.** The Board of Supervisors may modify the Road Corridor Parking and/or Building Setbacks of Table 5.07.02.B as follows:
 - a. The Road Corridor Parking and/or Building Setbacks may be modified by Minor Special Exception approval in accordance with Section 7.09 upon a finding that such modification is necessary to maintain consistency with the streetscape established by existing development on adjacent properties within 100 feet of and on the same side of the road as the property subject to the request.
 1. The application must include the materials demonstrating:
 - a. The location of buildings used to justify the proposed setback will maintain consistency with the streetscape established by existing development.
 - b. The proposed Road Corridor Parking and/or Building Setback.

- b. If the modification request does not meet the criteria of Section 5.07.08.B.2.a and the Applicant is not proposing a Planned Development District pursuant to Section 2.06, then the Road Corridor Parking and/or Building Setbacks may be modified subject to the following provisions:
1. **Criteria.** Any request must demonstrate conformance with the following criteria:
 - a. Setbacks along arterial roadways are not permitted to be reduced;
 - b. The setback reduction allows the site to achieve an innovative design that is in conformance with the General Plan;
 - c. The setback reduction is not to achieve the maximum density on the site;
 - d. The entire road section at full build out as specified in the Countywide Transportation Plan can be accommodated;
 - e. All pedestrian facilities provided in conformance with the Countywide Transportation Plan and in accordance with VDOT standards without necessitating waivers for reductions can be accommodated;
 - f. The width and plantings of the required Road Corridor Buffer can be accommodated;
 - g. The reduced setback is not less than the yard or setback required by the underlying zoning district;
 - h. Noise attenuation for noise sensitive uses is adequately addressed;
 - i. Buildings to be provided in reduced structure setbacks have a pedestrian oriented design and must achieve the following standards:
 - A. First floor window/glass and entry requirements in building elevations along roadways or sidewalks;
 - B. Quality and variety of building materials; and
 - C. Four-sided architecture that incorporates articulated building facades.
 - j. Parking is not permitted between the building and roadway; and
 - k. The modification achieves conformance with the General Plan.
 2. **Conditions.** The Zoning Administrator may impose conditions upon any road corridor setback modification to ensure the purpose and intent of this Section continue to be met.
 3. **Written Narrative.** The written narrative must include:
 - a. A justification for the request based on the criteria in Section 5.07.08.B.2.b.1;
 - b. A statement of requirement of this Section subject to the modification request and how the Section is proposed to be modified; and
 - c. An explanation of how the approval of the modification will provide equal or enhanced mitigation of impacts and/or site design than what otherwise would have been required by the road corridor setback.
 4. **Design Exhibit.** The design exhibit must be binding and include the following information related to the reduction of the required setback:
 - a. Depiction of the design of the project using the reduced setback showing the reduced building and/or parking setback, the arrangement of buildings, parking, buffers, road section at full build out, trails, and any other features, elements, structures, etc. related to the design of the site;
 - A. Additional site elevations, plan views, perspectives, and/or pictures may be required by the Zoning Administrator.
 - b. A statement of the setback reduction in tabular, list, and/or sentence form.

Draft Subcommittee Assignments

Uses

1. John Merrithew
2. Maura Walsh-Copeland
3. Kevin Ruedisueli
4. Charlie Houston
5. Colleen Gillis

Assigned staff: Mark Holland

Zoning Districts

1. Matt Lawrence
2. Tia Walbridge
3. Bridge Littleton
4. Joe Paciulli
5. Eric Zicht

Assigned staff: Kate McConnell

Development Standards

1. Joe Paciulli
2. Rich Brittingham
3. Gem Bingol
4. Ross Stevens
5. Ben Keethler

Assigned staff: Steve Goodrich

Attainable Housing

1. Michael Capretti
2. Packie Crown
3. Colleen Gillis
4. Jeff Browning
5. Kevin Ruedisueli

Assigned staff: Rebecca King