



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *CEP*

SUBJECT: Landscaping Requirements – Business Friendly Recommendations

DATE: October 7, 2014

At the Board of Supervisors meeting on September 24, 2014, staff presented the DRRC's and Planning Commission's recommendations on the landscaping ordinance per the recommendations provided by the Business Friendly Committee. At that meeting, the Board requested that staff package the history of the landscaping changes and provide the information to the Board and then schedule a work session to discuss the changes further.

Ordinance History

The DRRC discussed the landscaping ordinance at their September 2013, January 2014 and February 2014 meetings. The Planning Commission discussed the landscaping requirements at their meeting on April 2, 2014. The DRRC again considered the landscaping ordinance at their April 24, 2014 meeting and a representative from the Business Friendly Committee spoke. The DRRC again discussed the revised landscaping ordinance at their June 26, 2014 meeting. The DRRC was satisfied with the changes and sent the amendment forward to the Planning Commission for discussion. The Planning Commission again discussed the landscaping ordinance changes at their August 20, 2014 meeting and it was sent forward to the Board of Supervisors.

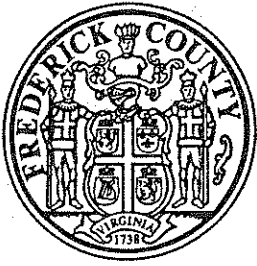
There are a number of documents attached to this memo. **Please contact staff should you have any questions, comments or additional changes. A work session that includes this topic will be scheduled at a later date.**

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- Attachments:**
1. Business Friendly Initiatives.
 2. Letter from John Goode
 3. Memo from Scot Marsh (Business Friendly recommendations)
 4. Responses from the DRRC/Staff to the recommendations.
 5. Existing Landscaping Ordinance with the Business Friendly recommendations included in text boxes.
 6. DRRC and Planning Commission recommended changes.
 7. Minutes from the January, February and April DRRC Meetings

CEP/pd

ATTACHMENTS

Item No. 1



COUNTY of FREDERICK

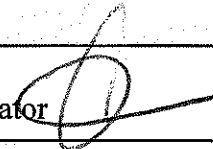
John R. Riley, Jr.
County Administrator

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Fax 540/667-0370

E-mail:
jriley@co.frederick.va.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	John R. Riley, Jr., County Administrator 
SUBJECT:	Business Friendly Committee Report
DATE:	July 26, 2013

At the July 10, 2013 meeting of the Board of Supervisors, the Board voted to accept the report from the Frederick County Business Climate Assessment Citizens' Committee. During the Board's discussions, it was the consensus for the Chairman and County Administrator to meet and review the recommendations presented and determine which committees or boards would evaluate and provide guidance regarding possible implementation. To that end, provided below is a list of the phase I recommendations and the respective committee(s) assignment(s).

Public Information Officer

The dominant theme coming from the various subcommittees was public outreach and promotion of Frederick County. One of the recommendations pertaining to this theme was the need to create a public information officer position.

This recommendation should be forwarded to the Human Resources Committee for further evaluation with a recommendation to be forwarded to the Board at a future meeting.

Signage Along Major Routes Entering Frederick County

One recommendation regarding promoting Frederick County as a business destination was to install signage along Interstate 81 and major routes entering Frederick County (i.e. Routes 7, 11, 50, and 522) stating "Frederick County is Open for Business". The committee felt this initiative

would show Frederick County as a positive business partner and could help provide the county with a marketing advantage.

This recommendation should be forwarded to the Transportation Committee and the Economic Development Commission for review of signage placement and messaging, respectively.

Establishment of an Economic Development Authority

The creation of an economic development authority or EDA was identified as an important catalyst to fostering a more competitive business environment for Frederick County. While the powers and authorities of an industrial development authority, which currently exists in Frederick County, and an economic development authority are the same, the change from an IDA to an EDA would provide the Board of Supervisors with an opportunity to re-establish the economic development vision for the county and would also provide the flexibility to pursue a variety of business attraction and retention options and strategies for implementing a diversified economic development strategy.

This recommendation should first be referred to the Winchester- Frederick County Economic Development Commission. This would give the Commission an opportunity consider the EDA's role in Frederick County's business attraction and retention efforts and its relationship to the current Economic Development Commission.

Review and Evaluation of the Master Development Plan Process

The Land Use and Development Subcommittee recommended the elimination of the Master Development Plan process. They felt this process was already incorporated in other existing ordinances and results in a duplicative process.

A re-evaluation of the current Master Development Plan process would be appropriate. This recommendation should be referred to the Planning Commission for initial evaluation by the Development Review and Regulations Committee and the entire Planning Commission.

Simplification of the Landscape Ordinance

The Land Use and Development Subcommittee recommended a complete review and re-evaluation of the Frederick County Buffers and Landscaping Ordinance to provide a well defined purpose to allow for flexibility in project site landscaping, tree preservation, and effective development buffers

A re-evaluation of the current Buffers and Landscaping Ordinance would be appropriate. This recommendation should be referred to the Planning Commission for initial evaluation by the Development Review and Regulations Committee and the entire Planning Commission.

Reduction in Proffer Requirements

The Land Use and Development Subcommittee recommended a reduction in proffer requirements for future rezoning applications, as well as amendments to existing proffers in order to create viable projects that will deliver needed transportation improvements and other benefits. The economics of the current proffer model or development impact model do not allow for construction. The committee examined the model and determined there were numerous capital items contemplated and incorporated into the model, but those projects were not being built in the current year. It is anticipated none of these government capital projects will be built at any time in the near future, if at all. Further, the Development Impact Model does not fully account for business, personal property tax, or other revenue that is of significant benefit to Frederick County, in addition to property taxes.

A re-evaluation of the Development Impact Model taking into account current economic conditions would be appropriate. This recommendation should be referred to the Development Impact Model Oversight Committee for evaluation and recommendation to the Board.

Staff is seeking the Board action to refer the items listed above to the respective committees for further review and evaluation.

Should you have any questions, please do not hesitate to contact me.

JRR/jet

Item No. 2

FREDERICK COUNTY BUSINESS CLIMATE ASSESSMENT CITIZEN COMMITTEE

LAND USE AND DEVELOPMENT SUBCOMMITTEE

Executive Summary of Recommendations

June 19, 2013

Hon. Richard C. Shickle, Chairman
Frederick County Board of Supervisors

By E-mail

John R. Riley, Jr., County Administrator
Frederick County, Virginia

Gentlemen:

I am proud to call Frederick County my home for most of my 58 years. It is a great place to live and work in no small part due to your leadership. Your initiation of the Business Climate Assessment Committee is more evidence of your effort to provide superior service to all citizens of Frederick County. The Land Use and Development Subcommittee that I have chaired is very appreciative of your solicitation of our thoughts. Most localities would be too timid to entertain a process like this.

Our subcommittee met seven times in full with excellent attendance. Smaller sub-subcommittees met an additional four times. Numerous e-mails, phone calls and research on the part of committee members demonstrated their commitment to taking advantage of the opportunity you have afforded us. Staff support was excellent.

This letter will serve as an Executive Summary of our recommendations. We strongly encourage you to read the supplemental data provided in four attachments (referenced below).

We recommend . . .

- Elimination of the Master Development Plan process as it no longer provides benefits that cannot be achieved in a more cost effective, timely manner another way
- Consideration of reducing proffer requirements in future rezoning applications as well as amendments to existing proffers to create viable projects that will deliver needed transportation improvements and other benefits
- Adding an ordinance to specifically handle proffer amendments in a more surgical, direct way without reopening the entire zoning case

The first three recommendations above are discussed in more detail in Ty Lawson's memo dated April 16, 2013.

- Simplify and trim the landscape ordinance and related sections of the code and allow staff to exempt modest projects from triggering the ordinance provisions. Even the tiniest change to an existing site plan will now trigger the full impact of the landscape ordinance as it is currently written due to a modification made in early 2013.
 - I have never seen anyone experience a medical emergency while viewing a site with no landscaping in 58 years. I have personally experienced and know of many others who have experienced allergies due to plant materials used in landscaping, people falling off of ladders during their attempts to clear organic matter from landscaping out of their gutters, automobiles damaged including a personal car totaled by a falling tree, perilous driveways where poorly located and maintained landscaping blocks the view of oncoming traffic, ruined ceilings where organic matter from landscaping prevented water from promptly leaving a roof surface and it leaked to the inside, etc., etc.
 - Business people in Frederick County have suffered ridiculous delays due to landscape matters getting an unjustified amount of attention. One business could not clear brush near a facility populated 24/7 by hundreds of employees who feared the homeless living in the brushy area for many months. Another business had their move to a new facility delayed for an extended period due to landscaping requirements. The required plantings look out of place for the neighborhood and were a waste of money.
 - Professional people involved in the preparation of site plans have reported the need to just “cram in the required trees” to meet the requirements. Many projects look grossly overdone—there is just so much plant material used. Finally, it has been reported that as the required landscaping matures it must be thinned out because it has been overplanted at the outset. All of this should be no surprise since the ordinance is largely based on recommendations of the American Nursery and Landscape Association, an industry association whose members sell and install plant material. Congratulations to the association for a job well done for its members.
 - Frederick County is still by land area a largely rural county and beautiful. There is no justification for the complexity and excess in the current policy. Most businesses will landscape their properties anyway to make themselves attractive to two very important groups of people—prospective customers and employees. It is insulting to think that the County legislates beauty by dictating these requirements forcing the use of excessive materials. The problem will be magnified and be even more difficult to manage with the onset of the Chesapeake Bay requirements July 1, 2014.

Please see Scot Marsh's memo dated May 2, 2013 for additional information on this recommendation.

- Customer service training for employees meeting the public with a feedback system to allow for continuous improvement
- Staff reviews once per year supported by a citizen committee. Staff may need to be cut.

Please see the Staff Considerations section of the Additional Information.

- Enhance the existing "fast track" process for site plan approval. Goal is to be the talked about place where you can save time/money building your business project.
- Be cautious about government competing with the private sector. Commercial and Industrial rezonings should be much easier to accomplish for all applicants and extraordinary support for specific applicants should be avoided. This is in conflict with certain recommendations of the BDAS committee. We fully support deferral of roll back taxes on industrial land until it is developed to encourage property owners to go ahead and rezone.
- We support the Business Attraction and Retention Subcommittee's recommendation to establish an Economic Development Authority.
- Consider having the Economic Development Authority provide an ombudsman to assist businesses in navigating the various permit and approval channels on a prompt, cost effective basis.

Please see the Land Use Matters section of the Additional Information.

- Encourage the use of more private roads particularly in commercial/industrial projects
- Consider establishing a committee to focus solely on the completion of Route 37 East. The window of opportunity now vs. future inflated right-of-way acquisition and construction costs as well as higher interest rates is compelling. The County has already become more savvy in the use of matching funds, etc. to get things done.

Please see the Roads section of the Additional Information.

- Encourage local authorities including the Winchester Regional Airport, the Frederick County Sanitation Authority and the Frederick Winchester Service Authority to be business friendly as well. Specific issues are discussed in the Additional Information.

Our subcommittee would be willing to meet with you at your convenience to answer any questions you might have about our recommendations. We all have a continuing interest in supporting your efforts to keep Frederick County a business friendly, vibrant place. Feel free to call upon any of us for support as needed.

Thanks again for being bold enough to open the door for our input.

Sincerely,

John P. Good, Jr.
Chairman

Land Use and Development Subcommittee

Item No. 3

MEMORANDUM

TO: Land Use and Development Subcommittee

FROM: Scot W. Marsh

DATE: May 2, 2013

**RE: Recommendations to Board of Supervisors
Buffers and Landscaping**

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The following is a summary of the discussions regarding recommendations for amendments to the Frederick County Zoning Ordinance with regard to the buffers and landscaping requirements. This summary with recommendations is in draft form for review by our committee for the addition to our committee's final recommendations to the Frederick County Board of Supervisors.

Buffers and Landscaping Requirements:

It is the recommendation of the Land Use and Development Subcommittee to have the existing Frederick County Buffers and Landscaping Ordinance completely reviewed and re-written to provide, first and foremost, a well defined purpose to allow for flexibility in the project site landscaping, tree preservation, and effective development buffers. This specific ordinance should reflect the community's priorities and should prominently state the benefits that are to be realized with the implementation of these requirements. The ordinance should be written in a manner that can be understood by not only a professional designer, but also a developer or contractor so that he or she will comprehend what must be done to meet the standards. The ordinance should be tailored so that the landscaping features are most suitable for the particular terrain, proposed design features, adjacent lands, drainage and other site-specific elements.

Recommendations for the New Landscape Ordinance:

- There should be no landscaping requirements on single-family residential lots.
- Existing Facility expansion projects the landscaping requirements should be limited.
- Create a Landscape Advisory Committee
- Reduce or scale back the amount of specific landscaping required on a project
- Minimize construction costs that relate to matters of taste
- Reduce government control, regulation, and intervention for small business.
- Provide for flexibility during the design and construction phases by allowing for business owners to manage their properties to meet the needs of the specific facility.

The new landscape ordinance would be created by a that would be made up of approximately ten (10) members. The landscape advisory committee would be diverse and representative of the following suggested disciplines:

From the Private Sector: A certified landscape architect, a civil engineer site planner, a representative of the local builders' association, a landscaping contractor, a local plant nursery grower, and a project developer.

From Local Government: A Planning Department representative and a member of the Planning Commission or Board of Supervisors.

The landscape advisory committee would be authorized to retain the services of a consultant with expertise in landscape and development planning to assist and facilitate the creation of the new landscape ordinance. This same committee would continue service for design and review of landscape plans.

The Land Use and Development Subcommittee has come to this recommendation through extensive discussions regarding our existing ordinance and through inquiry with planners, engineers, landscape contractors, developers, and site contractors that are familiar with the current Frederick County Ordinance. It is through these discussions that we have found that our current ordinance is difficult to understand, restrictive for the implementation of new creative ideas, and lacks flexibility for actual site construction and landscape implementation.

The following are some comments from professionals that have experience with the current Frederick County Landscaping Ordinance.

SUMMARY REVIEW

- A. Clearly distinguish between commercial, industrial and residential landscape requirements.
- B. Clearly identify the submittal, review and appeal process for landscape plans and buffer requirements.
- C. Clearly identify buffer requirements within the context of each zoning district (like setbacks).
- D. Consider buffers as distance between uses to help urban infill.
- E. Look carefully at the landscape requirements with plants and trees at mature levels.
- F. Keep tree save and tree preservation requirements out of the landscape section.
- G. Look carefully at the intent of the landscape requirements to help guide the Zoning Administrator. Critical is the view from the street or road for a commercial, mixed use or industrial use.
- H. Consider the unintended consequences of the landscape, tree save and buffer requirements.
 - Are trees being removed prior to the development process?
 - Are plants and trees being removed after the final CO?
 - Are infill sites being left undeveloped due to buffers?

There are a number of items that jump out after reviewing the Landscape Requirements of the Frederick County Zoning Ordinance.

1. Chapter II – Supplementary Use Regulation: Parking; Buffers; and Regulations for Specific Uses – 203 Buffers and Landscaping – Section 165-203.01 do not contain all of the landscaping requirements.

Additional landscaping requirements are located in the parking requirements.

Suggestion:

Place all landscaping requirements in one section for ease of reference.

2. It is unclear to the reader if the Landscape Regulations pertain to just residential or residential, commercial and industrial uses. The Landscape Regulations and Buffer requirements are a mix of standards for commercial, industrial and residential adding confusion to the provisions as to where the regulations apply. Although for residential these standards impact both commercial and industrial uses and should be clearly referenced.

Suggestion:

Clearly identify the landscape requirements for each major land use category by use (industrial, commercial or residential)

3. The Chapter heading suggests that there are parking regulations included in the Landscaping Regulations.

Suggestion:

Place all parking regulations and parking lot standards for landscaping in one location.

4. The Landscaping Regulations include landscape, buffer requirements and tree saving (tree preservation) standards. There is no provision for appeal or review of a plan by a committee that has expertise in one or another particular field.

Suggestion – Tree Preservation:

Tree saving (preservation) are generally under a tree commission or parks commission in more urban areas. Consider a qualified group or committee to oversee the tree preservation portion of the code.

Consider removal of the tree preservation standards to its own section.

Clearly identify if this section only applies to residential.

It is not clear if this applies to non-residential uses at a first glance.

Does the tree save standard encourage removal of trees prior to the development process to avoid preservation?

The tree preservation section is labeled as landscaping. This is confusing. The standards do not allow for a trained forester to conduct the tree drip line analysis.

Clearly outline the process for review, modification of the standards and appeals.

Suggestion – Buffers and Screens:

Distance buffers and screens were originally designed to be measured between actual uses and not within internal property lines. Waivers could be obtained if adjoining property owners agreed. As Frederick County changes to a more urban nature in-fill becomes more and more important. **Consider modifying this section to allow reconsider distance between uses and waivers by joiners to promote infill.**

Distance buffers have become a form of setbacks impacting the way many properties can be used and developed. **Consider adding a reference to the required buffers that they be placed in the setback standards.**

Distance buffers include landscaping. The landscaping requirements for the number of plants and spacing need to consider the distance between plants when mature. **The current standard appears to crowd plantings – modify the spacing requirements to recognize the mature levels of the required plants and trees.**

Suggestions – Road Efficiency Buffers:

Road efficiency buffers need to be clearly identified if they are intended for commercial, industrial or residential uses.

5. Parking Lot Landscape Requirements:

Landscaping. Parking lots in the RP Residential Performance District, the R4 Residential Planned Community District, the R5 Residential Recreational Community District, the MH1 Mobile Home Community District, the B1 Neighborhood Business District, the B2 Business General District, the B3 Industrial Transition District, the OM Office-Manufacturing Park District, the M1 Light Industrial District, the M2 Industrial General District, the MS Medical Support District, and the HE (Higher Education) District shall be landscaped to reduce the visual impact of glare and headlights on adjoining properties and rights-of-way. Parking lots shall be adequately shaded to reduce reflected heat.

In the RA (Rural Areas) District, parking lot landscaping shall not be required for parking lots with 10 or fewer spaces. Landscaping shall also be provided to reduce the visual expansiveness of parking lots. Landscaping shall be provided in such parking lots as follows:

(a) Perimeter landscaping. The perimeter of all impervious areas shall be landscaped with shade trees and other landscaping. One tree shall be provided for every 2,000 square feet of impervious area for the first 100,000 square feet of the entire site. One tree shall be provided for every 5,000 square feet in excess of the first 100,000 square feet of the entire site. Self-service storage facilities shall provide one tree per 10,000 square feet of impervious area of the entire site, in addition to the trees required in § 165-204.18, Storage facilities, self-service. The perimeter landscaping trees shall be reasonably dispersed throughout the parking lot. A three-foot-high evergreen hedge, fence, berm, or wall shall be provided to prevent headlights from shining on public rights-of-way and adjoining properties. All perimeter landscaping shall comply with the requirements of § 165-203.01B, Plant selection, planting procedure, and maintenance.

(b) Interior landscaping. A minimum of 5% of the interior portions of parking lots shall be landscaped for the purpose of providing shade trees. Such interior landscaping shall be provided on raised islands and in continuous raised strips extending the length of a parking bay. Within the parking lot, raised islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns. No less than one shade tree shall be provided in the interior of the parking lot for each 10 parking spaces. The Zoning Administrator may waive the requirement for interior landscaping for parcels located outside of the Sewer and Water Service Area when curb and gutter is not proposed. The Zoning Administrator may approve alternative locations for interior landscaping for parking lots used for truck parking, as well as other parking lots, when it would improve the overall quality of the landscape plan. All interior landscaping shall comply with the requirements of § 165-203.01B, Plant selection, planting procedure, and maintenance.

Pedestrian access. Sidewalks shall be provided as necessary within parking lots to protect pedestrians and promote the safe and efficient movement of pedestrians and vehicles. In large parking lots, pedestrian walkways and crosswalks shall be provided, marked by durable painted stripes and appropriate signs. The parking lot landscape requirements generally are for commercial and industrial uses but can apply to residential uses.

Suggestion:

Clearly identify the landscape requirements for commercial and industrial uses.

Clearly identify the process and procedure for review and modification of landscape plans. If a plan is modified from the standard due to site conditions, the Zoning Administration has the final approval. If the designer and Zoning Administrator do not agree; what is the procedure for resolution?

Look at the mature stage of plants and trees during the planning phase to eliminate crowding.

Item No. 4

Landscaping Revisions – DRRC Comments

Business Friendly - Overall Suggestions:

- **Place all landscaping requirements in one section for ease of reference.**
 - *The DRRC acknowledged that the landscaping requirements should be contained in one section and suggested the parking lot landscaping be moved to the overall landscaping section.*
- **Clearly identify the landscape requirements for each major land use category by use (industrial, commercial or residential)**
 - *The DRRC stated that the ordinance already clearly differentiates between residential and commercial sites in regards to the landscaping requirements and no changes are necessary.*
- **Place all parking regulations and parking lot standards for landscaping in one location.**
 - *The DRRC acknowledged that the landscaping requirements should be contained in one section and suggested the parking lot landscaping be moved to the overall landscaping section.*
- **Clearly identify the landscape requirements for commercial and industrial uses.**
 - *The DRRC stated that Commercial and industrial uses have the same landscaping requirements.*
- **Clearly identify the submittal, review and appeal process for landscape plans and buffer requirements.**
 - *Landscaping plans are required as part of the site plan process, there is a checklist included within the application package that indicates what is required. There is no appeal process for landscaping.*
- **Clearly identify the process and procedure for review and modification of landscape plans. If a plan is modified from the standard due to site conditions, the Zoning Administration has the final approval. If the designer and Zoning Administrator do not agree; what is the procedure for resolution?**
 - *All site plans are approved with a note stating that all deviations from the approved landscaping plan must have prior approval by the Planning Department and any plant substitutions must be approved in writing. The designer must follow the standards set forth in the ordinance, to date there have been no issues with landscaping approval.*
- **Look carefully at the landscape requirements with plants and trees at mature levels.**
 - *The DRRC questioned this comment. The committee stated that most trees used for landscaping don't grow to their maturity height (removal by owner, topping, dying out). Looking at the mature height reduces the number of trees a site would reduce the landscaping up front, but wouldn't provide adequate buffers for neighbors or parking lot shading.*

Landscaping Revisions – DRRC Comments

- **Look at the mature stage of plants and trees during the planning phase to eliminate crowding.**
 - *Looking at the mature height reduces the number of trees a site would reduce the landscaping up front, but wouldn't provide adequate buffers for neighbors or parking lot shading.*
- **Clearly identify buffer requirements within the context of each zoning district (like setbacks).**
 - *There is a table that clearly identifies setbacks when zoning district buffers are required.*
- **Consider buffers as distance between uses to help urban infill.**
 - *The DRRC discussed the buffers and the comment about infill. The committee was satisfied with the current requirements and stated that infill should be cohesive with adjacent uses or else they need to provide buffers.*
- **Keep tree save and tree preservation requirements out of the landscape section.**
 - *The DRRC discussed tree preservation and stated that it is a landscaping option and therefore belongs in the landscaping section (you can preserve or remove and replant).*
- **Look carefully at the intent of the landscape requirements to help guide the Zoning Administrator. Critical is the view from the street or road for a commercial, mixed use or industrial use.**
 - *DRRC stated that that trees aren't simply provided for aesthetic reasons; they help shade parking which is necessary because of the heat that comes off them and the air pollution that comes from that.*
 - *The placement of trees within parking lot islands and the perimeter of parking lots serve a purpose.*
- **Consider the unintended consequences of the landscape, tree save and buffer requirements.**
 - **Are trees being removed prior to the development process?**
 - *Existing landscaping is typically removed by the property owner prior to development (after a land disturbance permit is obtained).*
 - **Are plants and trees being removed after the final CO?**
 - *Rarely is the landscaping removed after the final CO.*
 - *DRRC stated that there is enough space on sites to accommodate trees and shrubs and regarding damage to plants, that's an issue with poor placement of the plants. Moving shrubs and trees back from the curb is will eliminate plants being damaged because of snow removal equipment. Poor placement seems to be the issue, the cost isn't that much.*
 - **Are infill sites being left undeveloped due to buffers?**
 - *Buffers are required between incompatible uses, if a site cannot develop due to a required buffer it is adjacent to an existing use that would be negatively*

Landscaping Revisions – DRRC Comments

impacted by the elimination of the buffer requirement and the development of the parcel.

- *DRRC stated that buffers are necessary to protect adjacent land owners.*

Other Business Friendly Suggestions:

- **There should be no landscaping requirements on single-family residential lots.**
 - *The DRRC was satisfied with the current residential on lot landscaping and acknowledged that the Rural Areas landscaping requirement was removed a number of years ago. Committee members stated that the cost to provide individual landscaping on a residential lot is nominal and goes towards providing uniformity within a planned subdivision.*
 - *DRRC committee members questioned whether or not property owners would plant landscaping if it were not required by ordinance. If the ordinance didn't place any restrictions, you don't know what you will get; you need some type of continuity and aesthetics.*

Business Friendly Suggestion – Tree Preservation:

- **Tree saving (preservation) are generally under a tree commission or parks commission in more urban areas. Consider a qualified group or committee to oversee the tree preservation portion of the code.**
 - *The DRRC stated that a Tree Commission is usually something a larger locality or city would have and that adding one would only create another hurdle for development.*
- **Consider removal of the tree preservation standards to its own section.**
 - *DRRC recommended tree preservation remain in the landscaping section.*
- **Clearly identify if this section only applies to residential.**
 - *Residential and commercial standards are clearly outlined.*
- **It is not clear if this applies to non-residential uses at a first glance.**
 - *Residential and commercial standards are clearly outlined.*
- **Does the tree save standard encourage removal of trees prior to the development process to avoid preservation?**
 - *No, it the prerogative of the property owner and the engineer as to whether the existing trees can be maintained and their property be developed as desired. Previous ordinance required tree preservation for all lots being developed, this was requested to be removed and that removal was approved by the Board of Supervisors.*
- **The tree preservation section is labeled as landscaping. This is confusing. The standards do not allow for a trained forester to conduct the tree drip line analysis.**
 - *Tree preservation is a landscaping option; the property owner can opt to preserve existing landscaping or remove and provide new landscaping.*

Clearly outline the process for review, modification of the standards and appeals.

Landscaping Revisions – DRRC Comments

- *Landscaping plans are required as part of the site plan process, there is a checklist included within the application package that indicates what is required. There is no appeal process for landscaping.*
- *All site plans are approved with a note stating that all deviations from the approved landscaping plan must have prior approval by the Planning Department and any plant substitutions must be approved in writing. The designer must follow the standards set forth in the ordinance, to date there have been no issues with landscaping approval.*

Business Friendly Suggestion – Buffers and Screening:

- **Distance buffers and screens were originally designed to be measured between actual uses and not within internal property lines. Waivers could be obtained if adjoining property owners agreed. As Frederick County changes to a more urban nature in-fill becomes more and more important. Consider modifying this section to allow reconsider distance between uses and waivers by adjoiners to promote infill.**
 - *Buffers have always been measured from property lines. Waivers were only recently added to the ordinance to allow property owners to waive or reduce the distance of a buffer with approval of the impacted neighbor.*
- **Distance buffers have become a form of setbacks impacting the way many properties can be used and developed. Consider adding a reference to the required buffers that they be placed in the setback standards.**
 - *This is a text note that would provide reference to the landscaping section of the ordinance.*
- **Distance buffers include landscaping. The landscaping requirements for the number of plants and spacing need to consider the distance between plants when mature. The current standard appears to crowd plantings – modify the space requirements to recognize the mature levels of the required plants and trees.**
 - *DRRC Comment - Looking at the mature height reduces the number of trees a site would reduce the landscaping up front, but wouldn't provide adequate buffers for neighbors or parking lot shading.*

Business Friendly Suggestions – Road Efficiency Buffers:

- **Road efficiency buffers need to be clearly identified if they are intended for commercial, industrial or residential uses.**
 - *Staff Note: The ordinance clearly specifies that road efficiency buffers only apply to residential developments.*

Item No. 5

Landscaping Revisions – Business Friendly Recommendations

Business Friendly - Overall Suggestions:

- Place all landscaping requirements in one section for ease of reference.
- Clearly identify the landscape requirements for each major land use category by use (industrial, commercial or residential)
- Place all parking regulations and parking lot standards for landscaping in one location.
- Clearly identify the landscape requirements for commercial and industrial uses.
- Clearly identify the submittal, review and appeal process for landscape plans and buffer requirements.
- Clearly identify the process and procedure for review and modification of landscape plans. If a plan is modified from the standard due to site conditions, the Zoning Administration has the final approval. If the designer and Zoning Administrator do not agree; what is the procedure for resolution?
- Look carefully at the landscape requirements with plants and trees at mature levels.
- Look at the mature stage of plants and trees during the planning phase to eliminate crowding.
- Clearly identify buffer requirements within the context of each zoning district (like setbacks).
- Consider buffers as distance between uses to help urban infill.
- Keep tree save and tree preservation requirements out of the landscape section.
- Look carefully at the intent of the landscape requirements to help guide the Zoning Administrator. Critical is the view from the street or road for a commercial, mixed use or industrial use.
- Consider the unintended consequences of the landscape, tree save and buffer requirements.
 - Are trees being removed prior to the development process?
 - Are plants and trees being removed after the final CO?
 - Are infill sites being left undeveloped due to buffers?

Part 202 – Off-Street Parking, Loading and Access

§ 165-202.01 Off-street parking; parking lots.

D. Parking lots. Parking spaces shared by more than one dwelling or use, required for any use in the business or industrial zoning district or required for any institutional, commercial or industrial use in any zoning district shall meet the following requirements:

- (13) Landscaping. Parking lots in the RP Residential Performance District, the R4 Residential Planned Community District, the R5 Residential Recreational Community District, the MH1 Mobile Home Community District, the B1 Neighborhood Business District, the B2 Business General District, the B3 Industrial Transition District, the OM Office-Manufacturing Park District, the M1 Light Industrial District, the M2 Industrial General District, the MS Medical Support District, and the HE (Higher Education) District shall be landscaped to reduce the visual impact of glare and headlights on adjoining properties

Landscaping Revisions – Business Friendly Recommendations

and rights-of-way. Parking lots shall be adequately shaded to reduce reflected heat. In the RA (Rural Areas) District, parking lot landscaping shall not be required for parking lots with 10 or fewer spaces. Landscaping shall also be provided to reduce the visual expansiveness of parking lots. Landscaping shall be provided in such parking lots as follows:

- a) Perimeter landscaping. The perimeter of all impervious areas shall be landscaped with shade trees and other landscaping. One tree shall be provided for every 2,000 square feet of impervious area for the first 100,000 square feet of the entire site. One tree shall be provided for every 5,000 square feet in excess of the first 100,000 square feet of the entire site. Self-service storage facilities shall provide one tree per 10,000 square feet of impervious area of the entire site, in addition to the trees required in § 165-204.18, Storage facilities. The perimeter landscaping trees shall be reasonably dispersed throughout the parking lot. A three-foot-high evergreen hedge, fence, berm or wall shall be provided to prevent headlights from shining on public rights-of-ways and adjoining properties. All perimeter landscaping shall comply with the requirements of §165-203.01B, Plant selection, planting procedure and maintenance.
- b) Interior landscaping. A minimum of 5% of the interior portions of parking lots shall be landscaped for the purpose of providing shade trees. Such interior landscaping shall be provided on raised islands and in continuous raised strips extending the length of a parking bay. Within the parking lot, raised islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns. No less than one shade tree shall be provided in the interior of the parking lot for each 10 parking spaces. The Zoning Administrator may waive the requirement for interior landscaping for parcels located outside of the Sewer and Water Service Area when curb and gutter is not proposed. The Zoning Administrator may approve alternative locations for interior landscaping for parking lots used for truck parking, as well as other parking lots, when it would improve the overall quality of the landscape plan. All interior landscaping shall comply with the requirements of § 165-203.01B, Plant selection, planting procedure and maintenance.

Part 203 – Buffers and Landscaping

§ 165-203.01 Landscaping requirements.

The requirements of this section are intended to enhance the appearance, environment, and general welfare of Frederick County by providing minimum landscaping standards and encouraging tree preservation for developments. The provisions of this section shall apply to all site plan and subdivision design plan applications, including the revision or expansion of any site or development.

- A. Residential developments. Residential developments which require a master development plan, subdivision design plan or site plan shall provide at least one of the three types of landscaping identified below.

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Business Friendly Suggestion:

There should be no landscaping requirements on single-family residential lots.

- (1) Street tree landscaping. Street tree landscaping shall require one street tree for every 40 feet of street frontage in a residential development, with the exception of frontage on roads which require a road efficiency buffer. Street trees shall be planted no more than 20 feet from rights-of-way. Planting street trees on the property lines of building lots should be avoided. Two or more street trees shall be planted on each building lot. The Zoning Administrator may allow fewer than two street trees for an individual building lot if topographical features, utilities, easements, or the width of the lot makes it impractical to do so. All street trees shall comply with the requirements of § 165-203.01B, with the exception that street trees must be at least two-and-one-half-inch caliper at the time of planting.
- (2) Ornamental landscaping.
 - (a) Ornamental landscaping shall be provided for residential developments based on the following index and matrix:

Index of Lot Types		
Lot Type	Description	
A	Single-Family Detached Rural Traditional	
B	Single-Family Detached Traditional	
C	Single-Family Detached Urban	
D	Single-Family Detached Cluster	
E	Single-Family Detached Zero Lot Line	
F	Single-Family Small Lot	
G	Multiplex	
H	Townhouse, Back-to-Back Townhouse	
I	Garden Apartment, Multifamily Residential Buildings Age Restricted Multifamily Housing	
Required Landscaping Per Dwelling Unit		
Lot Type	Ornamental Shrubs	Ornamental Trees
A	None	10 per 1 unit

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B	10 per 1 unit	5 per 1 unit
C	10 per 1 unit	5 per 1 unit
D	10 per 1 unit	5 per 1 unit
E	10 per 1 unit	5 per 1 unit
F	15 per 1 unit	5 per 1 unit
G	3 per 3 units*	1 per 3 units*
H	6 per 5 units*	2 per 5 units*
I	3 per 2 units*	1 per 2 units*
Note: *Required ornamental trees and shrubs are in addition to all trees and shrubs elsewhere required in the Zoning Ordinance.		

- (b) Ornamental trees and shrubs shall comply with the requirements of § 165-203.01B. The Zoning Administrator may allow some of the required ornamental trees and ornamental shrubs to be planted in areas of common open space so long as the intent of this section is met.
- (3) Tree preservation landscaping. An area with a tree canopy coverage, of at least 25% of the entire site area, shall be preserved within dedicated open space. In no case shall individual building lots be located within the open space. Canopy coverage shall be calculated from the cumulative total of existing tree canopies. Preserved trees shall be clustered together to maintain a contiguous canopy; and shall be protected from construction activity. These areas of open space may be counted towards the total required open space, as specified in § 165-402.07. Residential developments which are not required to have open space by § 165-402.07 are not exempt from creating open space for the required canopy coverage. The calculation of tree canopy shall be based on either the individual tree standards of the "Manual of Woody Landscape Plants," written by Michael A. Dirr, or through a comprehensive analysis of existing tree drip lines, conducted by a Virginia certified engineer, land surveyor, or landscape architect.

Business Friendly Suggestion – Tree Preservation:

- Tree saving (preservation) are generally under a tree commission or parks commission in more urban areas. Consider a qualified group or committee to oversee the tree preservation portion of the code.
- Consider removal of the tree preservation standards to its own section.
- Clearly identify if this section only applies to residential.
- It is not clear if this applies to non-residential uses at a first glance.
- Does the tree save standard encourage removal of trees prior to the development process to avoid preservation?
- The tree preservation section is labeled as landscaping. This is confusing. The standards do not allow for a trained forester to conduct the tree drip line analysis.

Clearly outline the process for review, modification of the standards and appeals.

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B. Plant selection, planting procedure, and maintenance.

- (1) Plant selection. Based on the type of landscaping, required trees and shrubs shall be selected from the table of acceptable trees and shrubs shown below.

Types of Landscaping		
Street tree landscaping (street) Ornamental landscaping (ornamental) Tree preservation landscaping (canopy) Interior and perimeter landscaping (shade), Buffer screening and parking lot screening (screen), Deciduous buffer element (street, canopy, shade), buffer shrub element (shrub or screen)		
Acceptable Trees and Shrubs		
Common Name	Scientific Name	Types of Landscaping Permitted
Amur Maple	<i>Acer ginnala</i>	Street, shade, canopy, ornamental
European Hornbeam	<i>Carpinus betulus</i>	Street, shade, canopy, ornamental
Hop Hornbeam	<i>Ostrya virginiana</i>	Street, shade, canopy, ornamental
Katsura Tree	<i>Cercidiphyllum japonicum</i>	Street, shade, canopy, ornamental
Ginkgo (male)	<i>Ginkgo biloba</i>	Street, shade, canopy, ornamental
Thornless Honey Locust	<i>Gleditsia triacanthos inermis</i>	Street, shade, canopy, ornamental
Golden-Rain Tree	<i>Koelreuteria paniculata</i>	Street, shade, canopy, ornamental
Flowering Crabapple	<i>Malus</i> (disease resistant varieties)	Street, shade, canopy, ornamental
Chinese Pistache	<i>Pistacia chinensis</i>	Street, shade, canopy, ornamental
Linden	<i>Tilia</i> (all varieties)	Street, shade, canopy, ornamental
Lacebark Elm	<i>Ulmus parvifolia</i>	Street, shade, canopy, ornamental

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Japanese Zelkova	Zelkova serrata	Street, shade, canopy, ornamental
Red Oak	Quercus rubra	Street, shade, canopy, ornamental
White Oak	Quercus alba	Street, shade, canopy, ornamental
Scarlet Oak	Quercus coccinea	Street, shade, canopy, ornamental
Sawtooth Oak	Quercus acutissima	Street, shade, canopy, ornamental
Kentucky Coffeetree	Gymnocladus dioica	Street, shade, canopy, ornamental
Dawn Redwood	Metasequoia glyptostroboides	Street, shade, canopy
Swamp Chestnut Oak	Quercus michauxii	Street, shade, canopy
Willow Oak	Quercus phellos	Shade, canopy, ornamental
Bald Cypress	Taxodium distichum	Street, shade, canopy
Red Maple	Acer rubrum	Shade, canopy, ornamental
Freeman Maple	Acer freemanii	Shade, canopy, ornamental
Sugar Maple	Acer saccharum	Shade, canopy, ornamental
Paperbark Maple	Acer griseum	Shade, canopy, ornamental
American Sycamore	Platanus occidentalis	Shade, canopy, ornamental
London Plane Tree	Platanus acerifolia	Shade, canopy, ornamental
Sweetgum	Liquidambar styraciflua	Shade, canopy, ornamental
Copper Beech	Fagus sylvatica 'Riversii'	Shade, canopy, ornamental
Weeping Beech	Fagus pendula	Shade, canopy, ornamental
European Beech	Fagus sylvatica	Shade, canopy, ornamental
River Birch	Betula nigra	Shade, canopy, ornamental
Star Magnolia	Magnolia stellata	Shade, canopy, ornamental

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Saucer Magnolia	Magnolia x soulangiana	Shade, canopy, ornamental
Black Gum	Nyssa sylvatica	Shade, canopy, ornamental
Yellowwood	Cladrastis kentukea	Shade, canopy, ornamental
Downy Serviceberry	Amelanchier arborea	Shade, canopy, ornamental
Hawthorn	Crataegus plaenopyrum, Crataegus viridis	Shade, canopy, ornamental
Sourwood	Oxydendrum arboreum	Shade, canopy, ornamental
Tuliptree	Liriodendron tulipifera	Shade, canopy, ornamental
Paw Paw	Asimina triloba	Shade, canopy, ornamental
Dogwood	Cornus florida, Cornus kousa, Cornus hybrid	Shade, ornamental
Flowering Cherry	Prunus (all varieties of Flowering Cherry)	Shade, ornamental
Cornelian Cherry	Cornus mas	Shade, ornamental
Eastern Redbud	Cercis canadensis	Shade, ornamental
American Plum	Prunus americana	Shade, ornamental
Japanese Maple	Acer palmatum	Shade, ornamental
Douglas Fir	Pseudotsuga menziesii	Screen, ornamental
White Fir	Abies concolor	Screen, ornamental
Spruce	Picea (all varieties)	Screen, ornamental
Japanese Umbrella Pine	Sciadopitys verticillata	Screen, ornamental
Hinoki False Cypress	Chamaecyparis obtusa	Screen, ornamental
White Pine	Pinus strobus	Screen, canopy
Western Arborvitae	Thuja plicata	Screen, ornamental
Eastern Arborvitae	Thuja occidentalis (all varieties)	Screen, ornamental
Leyland Cypress	Cupressocyparis x leylandi	Screen, ornamental

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Japanese Cedar	<i>Cryptomeria japonica</i>	Screen, ornamental
Viburnum (Evergreen)	(all evergreen/semi-evergreen varieties)	Screen, ornamental, shrub
Yew	<i>Taxus</i> (all varieties)	Screen, ornamental, shrub
Holly	<i>Ilex</i> (all varieties)	Screen, ornamental, shrub
Common Boxwood	<i>Buxus sempervirens</i>	Screen, ornamental, shrub
Juniper	<i>Juniperus</i> (all varieties)	Screen, ornamental, shrub
Abelia	(All varieties)	Screen, ornamental, shrub
Witchhazel	<i>Hamamelis vernalis</i>	Ornamental, shrub
White Fringetree	<i>Chionanthus virginicus</i>	Ornamental, shrub
Slender Deutzia	<i>Deutzia gracilis</i>	Ornamental, shrub
Althea	<i>Hibiscus syriacus</i>	Ornamental, shrub
Vicary privet	<i>Ligustrum x vicaryi</i>	Ornamental, shrub
Sweet Mockorange	<i>Philadelphus coronarius</i>	Ornamental, shrub
Japanese pieris	<i>Pieris japonica</i>	Ornamental, shrub
Cotoneaster	(All varieties)	Ornamental, shrub
Spirea	(All varieties)	Ornamental, shrub
Weigela	(All varieties)	Ornamental, shrub
Forsythia	(All varieties)	Ornamental, shrub
Dwarf Fothergilla	<i>Fothergilla gardenii</i>	Ornamental, shrub
Buttonbush	<i>Cephalanthus occidentalis</i>	Ornamental, shrub
Japanese pagodatree	<i>Sophora japonica</i>	Ornamental, shrub
Chastetree	<i>Vitex agnus-castus</i>	Ornamental, shrub
Standard Nandina	<i>Nandina domestica</i>	Ornamental, shrub
Purple Plum	<i>Prunus cerasifera</i>	Ornamental

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Crape Myrtle	Lagerstroemia indica	Ornamental
Persian parrotia	Parrotia persica	ornamental
Hydrangea	(all varieties)	Ornamental
Mugo pine	Pinus mugo	Ornamental
Itea	(All varieties)	Ornamental
Aronia	(All varieties)	Ornamental
Clethra	(All varieties)	Ornamental
Azalea	Rhododendron (All varieties)	Ornamental
Rhododendron	(All varieties)	Ornamental
Northern Bayberry	Myrica pensylvanica	Ornamental
Meyer Lilac	Syringa meyeri 'Palibin'	Ornamental

- (2) Planting procedure. All required trees and shrubs shall meet the specifications and procedures established by the American Nursery and Landscape Association.
- All trees shall be planted no closer than three feet to the edge of sidewalks, curb or other pavement.
 - Deciduous trees shall be a minimum of two-inch caliper at the time of planting.
 - Only single stem trees shall be planted as street trees.
 - Evergreen trees shall be a minimum of four feet in height at the time of planting. Shrubs shall be a minimum three-gallon container at the time of planting. In addition to the three-gallon container requirement, parking lot screening shrubs shall be a minimum of 36" in height at time of planting and buffer shrubs shall be a minimum of 18" in height at time of planting. Spacing of parking lot screening shrubs shall be no greater than four (4) feet on center.
 - Only trees having a mature height of less than 20 feet shall be located under overhead utility lines.
 - Measurement of Size. Caliper is measured six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes. Diameter at breast height (dbh) will be measured at the height of 54 inches from the base of the trunk or as otherwise allowed in the Guide for Plant Appraisal.
- (3) Maintenance. The owner, developer, and/or builder who is responsible for planting required landscaping shall be responsible for maintaining it in a state of good health for one year after planting. After one year, from the date occupancy is approved, the individual property owner and/or homeowner's association shall become responsible for maintenance. As long as the intent of this section is met, the Zoning Administrator may waive the requirement for landscaping on individual building lots when a hazard or nuisance exists.

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- C. Existing tree credits. If the intent of § 165-203.01 is satisfied, including species type and location, existing trees that are preserved may be counted towards the total number of required trees for residential developments. Commercial and industrial developments may utilize existing tree credits when calculating the required number of parking lot trees, as required in § 165-202.01D(13), if the preserved trees are shown on an approved site plan and serve the intent of interior and perimeter landscaping. The following table shows the credit given for each preserved tree, based on the tree's caliper:

Caliper (inches)	Tree Credit
4 to 6	1
7 to 12	2
13 to 18	3
19 to 29	4
Greater than 30	5

- D. Enforcement procedures. The Zoning Administrator may require a bond with surety or other acceptable guaranties to insure the completion of required improvements. Such guaranties shall be in the estimated amount of the required improvements. Such guaranties shall be for a period of completion set by the Zoning Administrator with consultation with the applicant. Such guaranties shall be released when the required improvements have been completed.

§ 165-203.02 Buffer and screening requirements.

It is the intent of the regulations of this section to encourage proper design of a site in order to protect adjacent existing uses and to protect proposed uses within the site. Certain types of uses must be buffered from other types in order to ensure a desirable living environment. Additionally, appropriate distances must be maintained between commercial, industrial and residential uses and roads.

- A. Distance buffers. Distance buffers are based on the nature of an activity and its proximity to an activity of a different nature. They are linear distances measured from property lines inward. Part of the buffer must be inactive and part may be active. The inactive portion begins at the adjoining property line, as shown in the example diagrams.
- (1) Inactive distance buffer. This portion of a buffer area permits no activity except the necessary utility functions provided by transmission lines, underground conduits, etc.
 - (2) Active distance buffer. This portion of a buffer area may not be encroached by a building or other principal structure or activity. However, accessory activities, such as parking, are permitted in this area. Active buffers shall not contain road rights-of-way.

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- (3) Wherever proposed developments are adjacent to or within 1,000 feet of the boundaries of existing uses, the Board of Supervisors may require increased or additional distance buffers to separate different uses to achieve the intentions of this section.

Business Friendly Suggestion – Buffers and Screening:

Distance buffers and screens were originally designed to be measured between actual uses and not within internal property lines. Waivers could be obtained if adjoining property owners agreed. As Frederick County changes to a more urban nature in-fill becomes more and more important.

Consider modifying this section to allow reconsider distance between uses and waivers by adjoiners to promote infill.

Distance buffers have become a form of setbacks impacting the way many properties can be used and developed. **Consider adding a reference to the required buffers that they be placed in the setback standards.**

Distance buffers include landscaping. The landscaping requirements for the number of plants and spacing need to consider the distance between plants when mature. **The current standard appears to crowd plantings – modify the space requirements to recognize the mature levels of the required plants and trees.**

- B. Screening. Screening is designed to work with distance buffers to lessen the impact of noise or visual interaction between adjacent activities. There are two levels of screening: landscape screening and full screening. The higher the level of screening provided, the lower the level of distance buffer required. The example diagrams show how this works.
 - (1) Landscape screening. A landscape screen consists of a totally landscaped easement at least 10 feet in depth; it is encouraged that the plantings to be spaced appropriately within the inactive buffer. Within the easement, there shall be a minimum landscaping density of three plants per 10 linear feet. The buffer shall consist of a combination of 1/3 deciduous trees, 1/3 evergreen trees and 1/3 shrubs. Deciduous trees shall be planted at a minimum of 2" caliper, evergreen trees shall be a minimum of 4' in height and shrubs shall be 18" in height at time of planting.
 - (2) Full screen. A full screen provides all the elements of a landscape screen and also includes a six-foot-high, opaque hedge, fence, wall, mound or berm. A 50 foot strip of mature woodlands may be allowed as a full screen.
 - (3) Wherever proposed developments are adjacent to existing uses, the Board of Supervisors may require additional landscaping or landscaped easements to separate different uses and to achieve the intentions of this section.
- C. Residential separation buffers. Residential separation buffers shall be established to adequately buffer different housing types from dissimilar housing types within adjacent separate developments. The requirements for residential separation buffers are as follows:

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- (1) When placed adjacent to one another, developments with different housing types shall provide the following residential separation buffers:

MINIMUM RESIDENTIAL SEPARATION BUFFER AREA REQUIRED					
Proposed Use/Development	Adjoining Existing Use/Development				
	1	2	3	4	5
1. Single-family detached	-	-	A	B	B
2. Single-family zero lot line or small lot	-	-	A	B	B
3. Multiplex or townhouse	B	B	-	B	B
4. Garden Apartment or Multifamily buildings	C	C	B	-	A
5. Age-restricted multifamily	C	C	C	-	-

BUFFER AREA WIDTH AND PLANT REQUIREMENTS				
Type	Inactive (Minimum) (feet)	Active (Maximum) (feet)	Total (feet)	Screen Type
A	15	10	25	Full Screen
A	30	20	50	Landscape Screen
A	75	25	100	No Screen
B	30	20	50	Full Screen
B	45	30	75	Landscape Screen
B	75	25	100	No Screen
C	75	25	100	Full Screen
C	100	50	150	Landscape Screen
C	150	50	200	No Screen

- (2) Buffers shall be placed between the lot line of the proposed housing type and the lot line of the existing adjoining use or development. When placed on individual lots, the buffer shall be located within a permanent landscape easement and shall be maintained by the homeowners association.
- (3) When age-restricted multifamily housing adjoins other housing types, the evergreen element of the residential separation buffer shall be planted at a height of six feet.
- (4) When existing mature woodlands are located within the entire buffer area (total distance if active and inactive buffer), preservation of that woodland will be allowed to substitute for the required plant material.
- (5) Housing types contained within a mixed use development as outlined in the Comprehensive Plan or developments that contain a mixture of housing types but approved with the same Master Development Plan shall not require residential separation buffers between housing types contained within the same development. The Zoning Administrator may require residential separation buffers when a Master Development Plan is revised and the housing types are modified after construction has already commenced within the development. Residential separation buffers shall be required when different housing types are placed adjacent to a mixed use or Master Planned development or if the development abuts different housing types within a separate development.

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(6) The Board of Supervisors may waive, reduce and/or modify the residential separation buffer requirements (distance or landscaping) if the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.

(7) The Board of Supervisors may waive, reduce and/or modify the residential separation buffer requirements (distance or landscaping) when utility conflicts preclude the installation of the buffer and would result in unnecessary or otherwise unreasonable hardship to the developer.

D. Zoning district buffers. Buffers shall be placed on land to be developed when it adjoins land in certain different zoning districts.

(1) Buffers shall be provided on the land to be developed according to the categories in the following tables:

(a) Buffer categories:

Distance Buffer Required				
Category	Screening Provided	Inactive (Minimum) (feet)	Active (Maximum) (feet)	Total (feet)
A	No screen	25	25	50
B	Full screen	25	25	50
B	Landscape screen	75	25	100
B	No screen	150	50	200
C	Full screen	75	25	100
C	Landscape screen	150	50	200
C	No screen	350	50	400

(b) Buffer categories to be provided on land to be developed according to the zoning of the adjoining land:

Zoning of Adjoining Land												
Zoning of Land to be Developed	RP	R4	R5	MH1	B1	B2	B3	OM	M1	M2	EM	MS

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RP	-	-	-	-	A	A	A	A	A	A	A	A
R4	-	-	-	-	A	A	A	A	A	A	A	A
R5	-	-	-	-	A	A	A	A	A	A	A	A
MH1	C	C	C	-	B	B	B	B	B	A	A	C
B1	B	B	B	B	-	-	A	A	A	A	A	B
B2	B	B	B	B	-	-	-	A	A	A	A	B
B3	C	C	C	C	B	-	-	-	-	-	-	C
OM	C	C	C	C	B	B	-	-	-	-	-	C
M1	C	C	C	C	B	B	-	-	-	-	-	C
M2	C	C	C	C	B	B	B	B	B	-	-	C
EM	C	C	C	C	B	B	B	B	B	-	-	C
MS	C	C	C	C	B	B	B	B	B	B	C	-

- (2) If a lot being developed is adjacent to developed land which would normally be required to be provided with a buffer but which does not contain the buffer, the required buffer shall be provided on the lot being developed. The buffer to be provided shall be of the larger category required on either the lot being developed or the adjacent land. Such buffer shall be in place of the buffer normally required on the lot being developed. The buffer may include required setbacks or buffers provided on the adjacent land.
- (3) Whenever land is to be developed in the B-1 (Neighborhood, Business) or B-2 (Business, General) Zoning District that is adjacent to land primarily used for residential use in the RA (Rural Areas) Zoning District, a B Category buffer shall be provided on the land to be developed. The Board of Supervisors may grant a waiver to reduce the required buffer distance requirements with the consent of the adjacent (affected) property owners. Should a waiver be granted by the Board of Supervisors, the distance requirements of § 165-203.02D(1)(a) may be reduced, provided the full screening requirements of this section are met.
- (4) Whenever land is to be developed in the B3, OM, M1 or M2 Zoning District that is adjacent to land primarily used for residential purposes in the RA Rural Areas Zoning District, a C Category buffer shall be provided on the land to be developed.
- (5) Whenever land is to be developed in the MS Zoning District that is adjacent to land primarily used for residential purposes in the RA (Rural Areas) Zoning District, a C Category buffer shall be provided on the land to be developed. Whenever land is to be developed in the MS Zoning District that is adjacent to all other land zoned RA (Rural Areas) Zoning District, the requirements for buffer and screening shall be provided in accordance with §165-402.07 of this chapter.

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- (6) The Zoning Administrator may waive any or all of the requirements for the zoning district buffers on a particular site plan when all uses shown on the site plan are allowed in the zoning district in which the development is occurring and in the adjoining zoning districts.
- (7) The Zoning Administrator may waive, reduce and/or modify buffer yard requirements (distance and landscaping) if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required yard would not be effective. The buffer may also be modified to maintain highway sight distances.
- (8) Land proposed to be developed in the OM (Office-Manufacturing Park), the M1 Light Industrial District and the M2 Industrial General District may be permitted to have a reduced buffer distance that is consistent with the required side or rear building setback line, provided that the following requirements are met:
 - (a) The property to be developed with a reduced buffer distance is part of an approved master planned industrial park.
 - (b) There are no primary or accessory uses within the reduced buffer distance area, including driveways, access drives, outdoor storage areas, parking areas, staging areas, loading areas and outdoor dumpster areas. All-weather surface fire lanes necessary to meet the requirements of Chapter 90, Fire Prevention, of the Code of Frederick County, Virginia, shall be exempt from this performance standard.
 - (c) A full screen is required to be created within the reduced buffer distance area which shall be comprised of a continuous earth berm that is six feet higher in elevation than the highest elevation within the reduced buffer distance area and a double row of evergreen trees that are a minimum of six feet in height and planted a maximum of eight feet from center to center.
- (9) Proposed developments required to provide buffers and screening as determined by § 165-203.02D(1)(b) of this chapter may be permitted to establish a common shared buffer and screening easement with the adjoining property. The common shared buffer and screening easement shall include all components of a full screen which shall be clearly indicated on a site design plan. A legal agreement signed by all appropriate property owners shall be provided to the Department of Planning and Development and shall be maintained with the approved site design plan. This agreement shall describe the location of the required buffer within each property, the number and type of the plantings to be provided and a statement regarding the maintenance responsibility for this easement. The required buffer distance may be reduced by 50% for a common shared buffer easement if existing vegetation achieves the functions of a full screen.
- (10) When a flex-tech development is split by a zoning district line, the Zoning Administrator may allow for a reduction of the distance buffer and the relocation of the screening requirements. Such modifications shall be allowed at the Zoning Administrators discretion, provided that all of the following conditions are met:
 - (a) The zoning district boundary line for which the modification is requested is internal to the land contained within the master development plan.

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- (b) The required landscape screen is relocated to the perimeter of the flex-tech development. This relocated landscape screen shall contain the same plantings that would have been required had the screen been placed along the zoning district boundary line.

- (11) Whenever land is to be developed in the B1, B2, B3, OM, M1 or M2 Zoning District that is adjacent to a railroad right-of-way that has property zoned B1, B2, B3, OM, M1 or M2 on the opposite side, zoning district buffers shall not be required. In the event that residential uses are located on the opposite side of the railroad right-of-way, a zoning district buffer as required by § 165-203.02D shall be provided. In the event that a zoning district buffer is required, the width of the railroad right-of-way may be counted towards the required zoning district buffer distance.

E. Road efficiency buffers.

- (1) Road efficiency buffers. The purpose of these requirements are to provide protection for **residential structures** from any street classified as a collector road or higher while still providing an attractive view of the residential neighborhoods from major roadways. It is not the intent of these regulations to provide uniform linear strips of completely opaque screening but to provide an attractive view of residential neighborhoods from major streets and ensure adequate buffering for the residential neighborhood from the street.

Distance Buffer Required					
Road Classification		Inactive (minimum) (feet)	Active (maximum) (feet)	Total (feet)	Screen Type
Interstate/ arterial/ limited access					
	Full-distance buffer	50	50	100	Landscape Screen
	Reduced-distance buffer	40	40	80	Full Screen
Major collector					
	Full-distance buffer	40	40	80	Landscape Screen
	Reduced-distance buffer	40	10	50	Full Screen

- (2) All road efficiency buffers shall begin at the edge of the road right-of-way, with the inactive portion abutting the road right-of-way. All required elements of the full-distance buffer or the reduced-distance buffer shall be located within the inactive portion of the road efficiency buffer. Maintenance of the road efficiency buffer shall be in accordance with § 165-203.01B(3). The inactive portion of the road efficiency buffer is permitted to count towards

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the required percentage of common open space; however, no portion of a residential lot shall be located within the inactive portion of the road efficiency buffer. The active portion of the road efficiency buffer may be permitted to be located within a residential lot, provided that the primary structure is not located within the buffer area. Accessory structures may be located within the active portion of the road efficiency buffer, provided that the structures meet all applicable setback requirements. Access roads serving as the primary means of vehicular travel to residential subdivisions are permitted to traverse road efficiency buffers.

- (3) All road efficiency buffers shall contain landscaping evergreen trees intended to reach a minimum height of 20 feet at maturity.
- (4) The Zoning Administrator may allow alternative landscaping near entrance drives to ensure safe sight distances.
- (5) The Zoning Administrator may waive, reduce and/or modify the road efficiency buffer yard requirements if in his opinion the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective.
- (6) When existing mature woodland, when supplemented by new vegetation if needed, is located within the entire buffer area and meets the intent of this section, preservation of that woodland will be allowed to substitute for the required plant material and the opaque screening.

Business Friendly Suggestions – Road Efficiency Buffers:

Road efficiency buffers need to be clearly identified if they are intended for commercial, industrial or residential uses.

Staff Note: The ordinance clearly specifies that road efficiency buffers only apply to residential developments.

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Part 202 – Off-Street Parking, Loading and Access

§ 165-202.01 Off-street parking; parking lots.

~~D. Parking lots. Parking spaces shared by more than one dwelling or use, required for any use in the business or industrial zoning district or required for any institutional, commercial or industrial use in any zoning district shall meet the following requirements:~~

~~(13) Landscaping. Parking lots in the RP Residential Performance District, the R4 Residential Planned Community District, the R5 Residential Recreational Community District, the MH1 Mobile Home Community District, the B1 Neighborhood Business District, the B2 Business General District, the B3 Industrial Transition District, the OM Office-Manufacturing Park District, the M1 Light Industrial District, the M2 Industrial General District, the MS Medical Support District, and the HE (Higher Education) District shall be landscaped to reduce the visual impact of glare and headlights on adjoining properties and rights of way. Parking lots shall be adequately shaded to reduce reflected heat. In the RA (Rural Areas) District, parking lot landscaping shall not be required for parking lots with 10 or fewer spaces. Landscaping shall also be provided to reduce the visual expansiveness of parking lots. Landscaping shall be provided in such parking lots as follows:~~

~~a) Perimeter landscaping. The perimeter of all impervious areas shall be landscaped with shade trees and other landscaping. One tree shall be provided for every 2,000 square feet of impervious area for the first 100,000 square feet of the entire site. One tree shall be provided for every 5,000 square feet in excess of the first 100,000 square feet of the entire site. Self-service storage facilities shall provide one tree per 10,000 square feet of impervious area of the entire site, in addition to the trees required in § 165-204.18, Storage facilities. The perimeter landscaping trees shall be reasonably dispersed throughout the parking lot. A three-foot-high evergreen hedge, fence, berm or wall shall be provided to prevent headlights from shining on public rights of ways and adjoining properties. All perimeter landscaping shall comply with the requirements of §165-203.01B, Plant selection, planting procedure and maintenance.~~

~~b) Interior landscaping. A minimum of 5% of the interior portions of parking lots shall be landscaped for the purpose of providing shade trees. Such interior landscaping shall be provided on raised islands and in continuous raised strips extending the length of a parking bay. Within the parking lot, raised islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns. No less than one shade tree shall be provided in the interior of the parking lot for each 10 parking spaces. The Zoning Administrator may waive the requirement for interior landscaping for parcels located outside of the Sewer and Water Service Area when curb and gutter is not proposed. The Zoning Administrator may approve alternative locations for interior landscaping for parking lots used for truck parking, as well as other parking lots, when it would improve the overall quality of the landscape plan.~~

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~~All interior landscaping shall comply with the requirements of § 165-203.01B, Plant selection, planting procedure and maintenance.~~

Part 203 – Buffers and Landscaping

§ 165-203.01 Landscaping requirements.

The requirements of this section are intended to enhance the appearance, environment, and general welfare of Frederick County by providing minimum landscaping standards and encouraging tree preservation for developments. The provisions of this section shall apply to all site plan and subdivision design plan applications, including the revision or expansion of any site or development.

A. Residential Developments and Parking Lots in all Zoning Districts.

(1) Residential developments. Residential developments which require a master development plan, subdivision design plan or site plan shall provide at least one of the three types of landscaping identified below.

(a) Street tree landscaping. Street tree landscaping shall require one street tree for every 40 feet of street frontage in a residential development, with the exception of frontage on roads which require a road efficiency buffer. Street trees shall be planted no more than 20 feet from rights-of-way. Planting street trees on the property lines of building lots should be avoided. Two or more street trees shall be planted on each building lot. The Zoning Administrator may allow fewer than two street trees for an individual building lot if topographical features, utilities, easements, or the width of the lot makes it impractical to do so. All street trees shall comply with the requirements of § 165-203.01B **C**, with the exception that street trees must be at least two-and-one-half-inch caliper at the time of planting.

(b) Ornamental landscaping.

(i) Ornamental landscaping shall be provided for residential developments based on the following index and matrix:

Index of Lot Types	
Lot Type	Description
A	Single-Family Detached Rural Traditional
B	Single-Family Detached Traditional
C	Single-Family Detached Urban
D	Single-Family Detached Cluster
E	Single-Family Detached Zero Lot Line

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F	Single-Family Small Lot	
G	Multiplex	
H	Townhouse, Back-to-Back Townhouse	
I	Garden Apartment, Multifamily Residential Buildings Age Restricted Multifamily Housing	
Required Landscaping Per Dwelling Unit		
Lot Type	Ornamental Shrubs	Ornamental Trees
A	None	10 per 1 unit
B	10 per 1 unit	5 per 1 unit
C	10 per 1 unit	5 per 1 unit
D	10 per 1 unit	5 per 1 unit
E	10 per 1 unit	5 per 1 unit
F	15 per 1 unit	5 per 1 unit
G	3 per 3 units*	1 per 3 units*
H	6 per 5 units*	2 per 5 units*
I	3 per 2 units*	1 per 2 units*
Note: *Required ornamental trees and shrubs are in addition to all trees and shrubs elsewhere required in the Zoning Ordinance.		

(ii) Ornamental trees and shrubs shall comply with the requirements of § 165-203.01B. The Zoning Administrator may allow some of the required ornamental trees and ornamental shrubs to be planted in areas of common open space so long as the intent of this section is met.

(c) Tree preservation landscaping. An area with a tree canopy coverage, of at least 25% of the entire site area, shall be preserved within dedicated open space. In no case shall individual building lots be located within the open space. Canopy coverage shall be calculated from the cumulative total of existing tree canopies. Preserved trees shall be clustered together to maintain a contiguous canopy; and shall be protected from construction activity. These areas of open space may be counted towards the total required open space, as specified in § 165-402.07. Residential developments which are not required to have open space by § 165-402.07 are not exempt from creating open space for the required canopy coverage. The calculation of tree canopy shall be based on either the individual tree standards of the "Manual of Woody Landscape Plants,"

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written by Michael A. Dirr, or through a comprehensive analysis of existing tree drip lines, conducted by a Virginia certified engineer, land surveyor, or landscape architect.

(2) *Parking lots. Parking spaces shared by more than one dwelling or use, required for any use in the business or industrial zoning district or required for any institutional, commercial or industrial use in any zoning district shall meet the following requirements:*

(a) *Landscaping. Parking lots in the RP Residential Performance District, the R4 Residential Planned Community District, the R5 Residential Recreational Community District, the MH1 Mobile Home Community District, the B1 Neighborhood Business District, the B2 Business General District, the B3 Industrial Transition District, the OM Office-Manufacturing Park District, the M1 Light Industrial District, the M2 Industrial General District, the MS Medical Support District, and the HE (Higher Education) District shall be landscaped to reduce the visual impact of glare and headlights on adjoining properties and rights-of-way. Parking lots shall be adequately shaded to reduce reflected heat. In the RA (Rural Areas) District, parking lot landscaping shall not be required for parking lots with 10 or fewer spaces. Landscaping shall also be provided to reduce the visual expansiveness of parking lots. Landscaping shall be provided in such parking lots as follows:*

(i) *Perimeter landscaping. The perimeter of all impervious areas shall be landscaped with shade trees and other landscaping. One tree shall be provided for every 2,000 square feet of impervious area for the first 100,000 square feet of the entire site. One tree shall be provided for every 5,000 square feet in excess of the first 100,000 square feet of the entire site. Self-service storage facilities shall provide one tree per 10,000 square feet of impervious area of the entire site, in addition to the trees required in § 165-204.18, Storage facilities. The perimeter landscaping trees shall be reasonably dispersed throughout the parking lot. A three-foot-high evergreen hedge, fence, berm or wall shall be provided to prevent headlights from shining on public rights-of-ways and adjoining properties. All perimeter landscaping shall comply with the requirements of §165-203.01B, Plant selection, planting procedure and maintenance.*

(ii) *Interior landscaping. A minimum of 5% of the interior portions of parking lots shall be landscaped for the purpose of providing shade trees. Such interior landscaping shall be provided on raised islands and in continuous raised strips extending the length of a parking bay. Within the parking lot, raised islands and landscaped areas should be used to delineate traffic and pedestrian circulation patterns. No less than one shade tree shall be provided in the interior of the parking lot for each 10 parking spaces. The Zoning Administrator may waive the requirement for interior landscaping for parcels located outside of the Sewer and Water Service Area when curb and gutter is not proposed. The Zoning Administrator may approve alternative locations for interior landscaping for*

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parking lots used for truck parking, as well as other parking lots, when it would improve the overall quality of the landscape plan. All interior landscaping shall comply with the requirements of § 165-203.01B, Plant selection, planting procedure and maintenance.

B. Plant selection, planting procedure, and maintenance.

- (1) Plant selection. Based on the type of landscaping, required trees and shrubs shall be selected from the table of acceptable trees and shrubs shown below.

Types of Landscaping		
Street tree landscaping (street) Ornamental landscaping (ornamental) Tree preservation landscaping (canopy) Interior and perimeter landscaping (shade), Buffer screening and parking lot screening (screen), Deciduous buffer element (street, canopy, shade), buffer shrub element (shrub or screen)		
Acceptable Trees and Shrubs		
Common Name	Scientific Name	Types of Landscaping Permitted
Amur Maple	Acer ginnala	Street, shade, canopy, ornamental
European Hornbeam	Carpinus betulus	Street, shade, canopy, ornamental
Hop Hornbeam	Ostrya virginiana	Street, shade, canopy, ornamental
Katsura Tree	Cercidiphyllum japonicum	Street, shade, canopy, ornamental
Ginkgo (male)	Ginkgo biloba	Street, shade, canopy, ornamental
Thornless Honey Locust	Gleditsia triacanthos inermis	Street, shade, canopy, ornamental
Golden-Rain Tree	Koelreuteria paniculata	Street, shade, canopy, ornamental
Flowering Crabapple	Malus (disease resistant varieties)	Street, shade, canopy, ornamental
Chinese Pistache	Pistacia chinensis	Street, shade, canopy, ornamental

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Linden	Tilia (all varieties)	Street, shade, canopy, ornamental
Lacebark Elm	Ulmus parvifolia	Street, shade, canopy, ornamental
Japanese Zelkova	Zelkova serrata	Street, shade, canopy, ornamental
Red Oak	Quercus rubra	Street, shade, canopy, ornamental
White Oak	Quercus alba	Street, shade, canopy, ornamental
Scarlet Oak	Quercus coccinea	Street, shade, canopy, ornamental
Sawtooth Oak	Quercus acutissima	Street, shade, canopy, ornamental
Kentucky Coffeetree	Gymnocladus dioica	Street, shade, canopy, ornamental
Dawn Redwood	Metasequoia glyptostroboides	Street, shade, canopy
Swamp Chestnut Oak	Quercus michauxii	Street, shade, canopy
Willow Oak	Quercus phellos	Shade, canopy, ornamental
Bald Cypress	Taxodium distichum	Street, shade, canopy
Red Maple	Acer rubrum	Shade, canopy, ornamental
Freeman Maple	Acer freemanii	Shade, canopy, ornamental
Sugar Maple	Acer saccharum	Shade, canopy, ornamental
Paperbark Maple	Acer griseum	Shade, canopy, ornamental
American Sycamore	Platanus occidentalis	Shade, canopy, ornamental
London Plane Tree	Platanus acerifolia	Shade, canopy, ornamental
Sweetgum	Liquidambar styraciflua	Shade, canopy, ornamental
Copper Beech	Fagus sylvatica 'Riversii'	Shade, canopy, ornamental
Weeping Beech	Fagus pendula	Shade, canopy, ornamental

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European Beech	Fagus sylvatica	Shade, canopy, ornamental
River Birch	Betula nigra	Shade, canopy, ornamental
Star Magnolia	Magnolia stellata	Shade, canopy, ornamental
Saucer Magnolia	Magnolia x soulangiana	Shade, canopy, ornamental
Black Gum	Nyssa sylvatica	Shade, canopy, ornamental
Yellowwood	Cladrastis kentukea	Shade, canopy, ornamental
Downy Serviceberry	Amelanchier arborea	Shade, canopy, ornamental
Hawthorn	Crataegus plaenopyrum, Crataegus viridis	Shade, canopy, ornamental
Sourwood	Oxydendrum arboreum	Shade, canopy, ornamental
Tuliptree	Liriodendron tulipifera	Shade, canopy, ornamental
Paw Paw	Asimina triloba	Shade, canopy, ornamental
Dogwood	Cornus florida, Cornus kousa, Cornus hybrid	Shade, ornamental
Flowering Cherry	Prunus (all varieties of Flowering Cherry)	Shade, ornamental
Cornelian Cherry	Cornus mas	Shade, ornamental
Eastern Redbud	Cercis canadensis	Shade, ornamental
American Plum	Prunus americana	Shade, ornamental
Japanese Maple	Acer palmatum	Shade, ornamental
Douglas Fir	Pseudotsuga menziesii	Screen, ornamental
White Fir	Abies concolor	Screen, ornamental
Spruce	Picea (all varieties)	Screen, ornamental
Japanese Umbrella Pine	Sciadopitys verticillata	Screen, ornamental
Hinoki False Cypress	Chamaecyparis obtusa	Screen, ornamental
White Pine	Pinus strobus	Screen, canopy

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Western Arborvitae	<i>Thuja plicata</i>	Screen, ornamental
Eastern Arborvitae	<i>Thuja occidentalis</i> (all varieties)	Screen, ornamental
Leyland Cypress	<i>Cupressocyparis x leylandi</i>	Screen, ornamental
Japanese Cedar	<i>Cryptomeria japonica</i>	Screen, ornamental
Viburnum (Evergreen)	(all evergreen/semi-evergreen varieties)	Screen, ornamental, shrub
Yew	<i>Taxus</i> (all varieties)	Screen, ornamental, shrub
Holly	<i>Ilex</i> (all varieties)	Screen, ornamental, shrub
Common Boxwood	<i>Buxus sempervirens</i>	Screen, ornamental, shrub
Juniper	<i>Juniperus</i> (all varieties)	Screen, ornamental, shrub
Abelia	(All varieties)	Screen, ornamental, shrub
Witchhazel	<i>Hamamelis vernalis</i>	Ornamental, shrub
White Fringetree	<i>Chionanthus virginicus</i>	Ornamental, shrub
Slender Deutzia	<i>Deutzia gracilis</i>	Ornamental, shrub
Althea	<i>Hibiscus syriacus</i>	Ornamental, shrub
Vicary privet	<i>Ligustrum x vicaryi</i>	Ornamental, shrub
Sweet Mockorange	<i>Philadelphus coronarius</i>	Ornamental, shrub
Japanese pieris	<i>Pieris japonica</i>	Ornamental, shrub
Cotoneaster	(All varieties)	Ornamental, shrub
Spirea	(All varieties)	Ornamental, shrub
Weigela	(All varieties)	Ornamental, shrub
Forsythia	(All varieties)	Ornamental, shrub
Dwarf Fothergilla	<i>Fothergilla gardenii</i>	Ornamental, shrub
Buttonbush	<i>Cephalanthus occidentalis</i>	Ornamental, shrub
Japanese pagodatree	<i>Sophora japonica</i>	Ornamental, shrub

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Chastetree	Vitex agnus-castus	Ornamental, shrub
Standard Nandina	Nandina domestica	Ornamental, shrub
Purple Plum	Prunus cerasifera	Ornamental
Crape Myrtle	Lagerstroemia indica	Ornamental
Persian parrotia	Parrotia persica	ornamental
Hydrangea	(all varieties)	Ornamental
Mugo pine	Pinus mugo	Ornamental
Itea	(All varieties)	Ornamental
Aronia	(All varieties)	Ornamental
Clethra	(All varieties)	Ornamental
Azalea	Rhododendron (All varieties)	Ornamental
Rhododendron	(All varieties)	Ornamental
Northern Bayberry	Myrica pensylvanica	Ornamental
Meyer Lilac	Syringa meyeri 'Palibin'	Ornamental

- (2) Planting procedure. All required trees and shrubs shall meet the specifications and procedures established by the American Nursery and Landscape Association.
- a) All trees shall be planted no closer than three feet to the edge of sidewalks, curb or other pavement.
 - b) Deciduous trees shall be a minimum of two-inch caliper at the time of planting.
 - c) Only single stem trees shall be planted as street trees.
 - d) Evergreen trees shall be a minimum of four feet in height at the time of planting. Shrubs shall be a minimum three-gallon container at the time of planting. In addition to the three-gallon container requirement, parking lot screening shrubs shall be a minimum of 36" in height at time of planting and buffer shrubs shall be a minimum of 18" in height at time of planting. Spacing of parking lot screening shrubs shall be no greater than four (4) feet on center.
 - e) Only trees having a mature height of less than 20 feet shall be located under overhead utility lines.
 - f) Measurement of Size. Caliper is measured six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes. Diameter at breast height (dbh) will be measured at the height of 54 inches from the base of the trunk or as otherwise allowed in the Guide for Plant Appraisal.

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- (3) Maintenance. The owner, developer, and/or builder who is responsible for planting required landscaping shall be responsible for maintaining it in a state of good health for one year after planting. After one year, from the date occupancy is approved, the individual property owner and/or homeowner's association shall become responsible for maintenance. As long as the intent of this section is met, the Zoning Administrator may waive the requirement for landscaping on individual building lots when a hazard or nuisance exists.
- C. Existing tree credits. If the intent of § 165-203.01 is satisfied, including species type and location, existing trees that are preserved may be counted towards the total number of required trees for residential developments. Commercial and industrial developments may utilize existing tree credits when calculating the required number of parking lot trees, as required in ~~§ 165-202.01D(13)~~ **165-203.01(A)**, if the preserved trees are shown on an approved site plan and serve the intent of interior and perimeter landscaping. The following table shows the credit given for each preserved tree, based on the tree's caliper:

Caliper (inches)	Tree Credit
4 to 6	1
7 to 12	2
13 to 18	3
19 to 29	4
Greater than 30	5

- D. Enforcement procedures. The Zoning Administrator may require a bond with surety or other acceptable guaranties to insure the completion of required improvements. Such guaranties shall be in the estimated amount of the required improvements. Such guaranties shall be for a period of completion set by the Zoning Administrator with consultation with the applicant. Such guaranties shall be released when the required improvements have been completed.

ARTICLE I GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

§ 165-101.02 Definitions & word usage.

SITE PLAN - A specific and detailed plan of development **which contains detailed engineering drawings of the proposed uses and improvements required in the development of a given parcel or use.** ~~of development meeting the requirements of this chapter.~~ **In all Articles of this Chapter, where the term 'site plan' is used, it shall also include the term 'minor site plan'.**

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ARTICLE VIII DEVELOPMENT PLANS AND APPROVALS

§ 165-802.03 Site plan contents.

The site plan shall be clearly legible and shall be drawn at a scale acceptable to the Zoning Administrator. The site plan shall include three general sections, the project information section, the calculations section, and the site plan and details section. The information required for each section is listed below:

A. Project information section.

- (1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.
- (2) The name, address, and phone number of the landowner, developer, and designer.
- (3) The Frederick County Property Identification Number (PIN) of all lots included on the site plan.
- (4) The number and type of dwelling units included on the site plan for residential uses.
- (5) The total land area and total developed land area of all lots included on the site plan.
- (6) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.
- (7) A reference to any other site plan or master development plan approved by the County for the site.
- (8) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.
- (9) A table of contents including all pages of the site plan.
- (10) A list of all proposed utility providers, with their address, name and phone number.
- (11) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.
- (12) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a conditional use permit.
- (13) A description of setbacks or conditions placed on the site as a result of an approved variance.
- (14) The name of the Magisterial District within which property is located.

B. Calculations section.

- (1) Calculations showing the floor area ratio (FAR) of the site, including the maximum allowed FAR, total ground floor area, total floor area, and total lot area.
- (2) Calculations showing the total number of required and proposed parking spaces, including the total number of existing and proposed spaces.
- (3) Calculations showing the total number of required handicap spaces, including the total number of existing and proposed spaces.
- (4) Calculations showing the total number of required loading spaces, including the total number of existing and proposed spaces.
- (5) Calculations showing the total number of required perimeter and interior trees required, including the number of provided trees.
- (6) Calculations showing the percentage of the property that will be landscaped and the percentage of woodlands disturbed.

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C. Site plan and details section.

- (1) The location of all adjoining lots with the owner's name, specific use, zoning, and zoning boundaries shown.
- (2) The location of all existing or planned rights-of-way and easements that adjoin the property, with street names, widths, and speed limits shown.
- (3) All nearby entrances that are within 200 feet of any existing or proposed entrances to the site.
- (4) All existing and proposed driveways, parking and loading spaces, parking lots and a description of surfacing material and construction details to be used. The size and angle of parking spaces, aisles, maneuvering areas, and loading spaces shall be shown.
- (5) A North arrow.
- (6) A graphic scale and statement of scale.
- (7) A legend describing all symbols and other features that need description.
- (8) A boundary survey of the entire parcel and all lots included with distances described at least to the nearest hundredth of a foot.
- (9) The present zoning of all portions of the site, with the location of zoning boundaries.
- (10) The location of all existing and proposed structures, with the height, specific use, ground floor area, and total floor area labeled.
- (11) The location of all existing and proposed outdoor uses, with the height, specific use, and land area labeled.
- (12) Existing topographic contour lines at intervals acceptable to the Zoning Administrator. Proposed finished grades shall be shown by contour.
- (13) The location of the front, side, and rear yard setback lines required by the applicable zoning district.
- (14) The location and boundaries of existing environmental features, including streams, floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes, and woodlands.
- (15) The location of outdoor trash receptacles.
- (16) The location of all outdoor lighting fixtures.
- (17) The location, dimensions, and height of all signs.
- (18) The location of required buffers, landscaping buffers, and landscaped screens, including examples, typical cross sections or diagrams of screening to be used. The location and dimensions of required fencing, berms, and similar features shall be specified.
- (19) The location of recreational areas and common open space.
- (20) The location of all proposed landscaping with a legend; the caliper, scientific name, and common name of all deciduous trees; the height at planting, scientific name, and common name of all evergreen trees and shrubs.
- (21) The height at planting, caliper, scientific name, and common name shall be provided for all proposed trees. The height at planting, scientific name and common name shall be provided for all shrubs.
- (22) The location of sidewalks and walkways.
- (23) The location and width of proposed easements and dedications.
- (24) A stormwater management plan describing the location of all stormwater management facilities with design calculations and details.
- (25) A soil erosion and sedimentation plan describing methods to be used.
- (26) The location and size of sewer and water mains and laterals serving the site.
- (27) Facilities necessary to meet the requirements of the Fire Code.
- (28) A signed seal of the certified Virginia land surveyor, architect, or engineer who prepared the plan.

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- (29) A space labeled "Approved by the Frederick County Zoning Administrator" for the signature of the Zoning Administrator, approval date, and a statement that reads "site plan valid for five years from approval date."

D. Minor Site Plans. A minor site plan may be submitted in lieu of a full site plan for additions to existing sites. A minor site plan shall constitute a revision that increases an existing structure area by 20% or less and does not exceed 5,000 square feet of disturbed area. Minor site plans, at a minimum shall include the following information:

- (1) A title that includes the name of the proposed or existing business and a subtitle which describes the proposed development.**
- (2) The name, address, and phone number of the landowner, developer, and designer.**
- (3) The Frederick County Property Identification Number (PIN) of all lots included on the site plan.**
- (4) The total land area and total developed land area of all lots included on the site plan.**
- (5) A detailed description of the proposed use or uses of the development, as well as a description of the existing use or uses.**
- (6) A reference to any other site plan or master development plan approved by the County for the site.**
- (7) The date the site plan was prepared and a list of all revisions made, including the date and a description of why the site plan was revised.**
- (8) A table of contents including all pages of the site plan.**
- (9) An inset map showing the location of the site, along with the location of streets, roads and land uses within 500 feet of the property.**
- (10) A statement listing all requirements and conditions placed on the land included in the site plan resulting from approval of conditional zoning or a conditional use permit.**
- (11) A description of setbacks or conditions placed on the site as a result of an approved variance.**
- (12) The name of the Magisterial District within which property is located.**
- (13) Calculations showing the total number of required and proposed parking and loading spaces, including the total number of existing and proposed spaces.**
- (14) Calculations showing the total number of required perimeter and interior trees required, including the number of provided trees. The Zoning Administrator shall determine the number of landscaping plants required, proportional to the additions shown on the minor site plan.**
- (15) A signed seal of the certified Virginia land surveyor, architect, or engineer who prepared the plan.**
- (16) Any other information determined by the Zoning Administrator necessary for the review of the minor site plan.**
- (17) The Zoning Administrator may eliminate any of the above requirements on a minor site plan, if it is determined not to be warranted.**

- Ⓓ. **E.** Other information or statements may be required on the site plan by the Zoning Administrator to ensure that all requirements of the Frederick County Code are met.
- Ⓔ. **F.** All site plans shall conform with master development plans that have been approved for the land in question.
- Ⓕ. **G.** When required, deed restrictions, deeds of dedication, agreements, contracts, guaranties or other materials shall be submitted with the site plan.

Draft Landscaping Revisions – DRRC Recommendations

§ 165-802.04 Required improvements.

- A. All improvements and construction on the site shall conform with the approved site plan and the requirements of the Frederick County Code.
- B. The Zoning Administrator may require a bond with surety or other acceptable guaranties to insure the completion of required improvements. Such guaranties shall be in the estimated amount of the required improvements. Such guaranties shall be for a period of completion set by the Zoning Administrator with consultation with the applicant. Such guaranties shall be released when the required improvements have been completed.

Item No. 7

DRRC Meeting – 01/23/2014

Members present: Greg Unger, Jay Banks, Kevin Kenney, Larry Ambrogi, Tim Stowe, Dwight Shenk, June Wilmot

Absent: Whit Wagner, Gary Oates, Eric Lowman, Roger Thomas

Staff: Candice Perkins

Item 1: Election of Chairman and Vice Chairman. Greg Unger was reelected chairman and Kevin Kenney was reelected vice chairman.

Item 2: Landscaping Requirements. Continued discussion on potential revisions to the landscaping requirements contained in the Zoning Ordinance pursuant to the Business Friendly Committee recommendations.

Staff stated that the text from the suggested change memo was inserted into the current landscaping requirements so that each suggestion could be seen in context with the current ordinance. The DRRC acknowledged that the landscaping requirements were recently discussed by the DRRC and a number of changes were made and that those changes were adopted by the Board in January of 2013.

- The DRRC acknowledged that the landscaping requirements should be contained in one section and suggested the parking lot landscaping be moved to the overall landscaping section. Staff stated that they would make this change and bring it back to the committee at their next meeting.
- The suggestion that tree maturity be acknowledged was questioned. The committee stated that most trees used for landscaping don't grow to their maturity height (removal by owner, topping, dying out). Looking at the mature height reduces the number of trees a site would reduce the landscaping up front, but wouldn't provide adequate buffers for neighbors or parking lot shading.
- The DRRC stated that the ordinance already clearly differentiates between residential and commercial sites in regards to the landscaping requirements and no changes are necessary.
- The DRRC was satisfied with the current on lot landscaping and acknowledged that the Rural Areas landscaping requirement was removed a number of years ago.
- The DRRC stated that a Tree Commission is usually something a larger locality or city would have and that adding one would only create another hurdle for development.
- The DRRC discussed tree preservation and stated that it is a landscaping option (you can preserve or remove and replant).
- The DRRC discussed the buffers and the comment about infill. The committee was satisfied with the current requirements and stated that infill should be cohesive with adjacent uses or else they need to provide buffers.

Item 3: Master Development Plans. Continued discussion on potential revisions to the Master Development Plan requirements contained in the Zoning Ordinance pursuant to the Business Friendly Committee recommendations.

Staff stated that at the DRRC's October meeting the committee wanted to see an additional waiver added to the MDP requirements that allowed an applicant to process a detailed site plan in lieu of a MDP. Staff stated that text stating "A MDP may also be waived if the applicant chooses to process a site plan in lieu of a MDP. The site plan must contain all information generally required on a MDP and a site plan. Once the site plan is in an administratively approvable form the plan will be presented to the Planning Commission and the Board of Supervisors per § 165-801.06." was added to all zoning districts. The DRRC was satisfied with the changes and sent the revision forward for discussion by the Planning Commission.

Item 4: Height Exemptions. Discussion on potential revisions to the allowances for exemptions to the structure height maximums currently contained in the Zoning Ordinance.

Staff stated that in September of 2013 the DRRC discussed EM and M1/M2 Height increases and forwarded recommendations to the Board of Supervisors. Ultimately the Board approved height waivers in those districts, but directed the DRRC to review the existing height exceptions for possible eliminations. The Board of Supervisors felt that some of the existing exceptions should be removed and the items be brought forward as waivers.

Committee members asked if there were corresponding definitions for the items specified in the height exemptions. Staff stated that some were defined and others were not. The committee expressed confusion over certain exemptions and wanted staff to provide definitions for all items and bring the text back to the DRRC at a later meeting.

Item 5: Floodplain Overlay District. Discussion on revisions to Part 702 of the Frederick County Zoning Ordinance, Floodplain Districts.

Staff stated that this change to the floodplain overlay districts was in response to the Virginia Department of Conservation and Recreation changing their model floodplain ordinance. Those changes resulted in necessary revisions to the County's ordinance to meet the minimum regulatory standards required in a fully compliant floodplain ordinance. The DRRC acknowledged the changes and understood that this was a necessary change to be compliant. The committee had no changes and sent the amendments forward for discussion by the Planning Commission.

Other: The commission requested to look at outdoor storage requirements in industrial parks on their work program.

DRRC Meeting – 02/27/2014

Members present: Greg Unger, Kevin Kenney, Larry Ambrogi, Tim Stowe, Dwight Shenk, Whit Wagner, Gary Oates, Eric Lowman

Absent: June Wilmot, Jay Banks, Roger Thomas

Staff: Candice Perkins

Item 1: Landscaping Requirements. Continued discussion on potential revisions to the landscaping requirements contained in the Zoning Ordinance pursuant to the Business Friendly Committee recommendations.

Staff stated that the DRRC discussed the landscaping ordinance at the October 2013 and January 2014 ordinance. At the January meeting the DRRC recommended that the parking lot landscaping section be relocated to the primary landscaping section. The DRRC was satisfied with the presented ordinance amendment and sent it forward for discussion by the Planning Commission.

Item 2: Height Exemptions. Continued discussion on potential revisions to the allowances for exemptions to the structure height maximums currently contained in the Zoning Ordinance.

Staff stated that at the DRRC's January meeting, potential revisions to the current height exceptions were discussed. Ultimately the DRRC had concerns with many of the exemptions and requested additional information. Staff stated that definitions for each item in the height exemption list have been provided.

- The committee wanted different sections for agricultural barns and silos and industrial silos
- The committee wanted to see retaining walls possibly added as an exemption
- The committee was concerned about height exemptions being allowed within the Airport Support Area.
- The committee wanted to see parapet walls higher if they are needed to provide screening for mechanical equipment.

**MEETING MINUTES
OF THE
DEVELOPMENT REVIEW AND REGULATIONS COMMITTEE (DRRC)**

Held in the First Floor Conference Room of the Frederick County Administration Building, 107 N. Kent Street, Winchester, Virginia, on April 24, 2014.

DRRC MEMBERS PRESENT: Greg Unger, Whitt Wagner, Tim Stowe, Kevin Kenney, Jay Banks, June Wilmot, Gary Oats, Larry Ambrogi, Eric Lowman, Dwight Schenk

DRRC MEMBERS ABSENT: Roger Thomas

STAFF PRESENT: Candice Perkins

OTHERS PRESENT: John Goode, Bruce Carpenter, Ty Lawson

CALL TO ORDER

The Development Review and Regulations Committee (DRRC) meeting was called to order at 7:00 p.m.

Item 1: Landscaping Requirements. Continued discussion on potential revisions to the landscaping requirements contained in the Zoning Ordinance pursuant to the Business Friendly Committee recommendations.

Staff provided an overview and turned the meeting over to John Goode who was a member of the Business Friendly Committee (land use). Mr. Goode stated that landscaping is cosmetic and that it's hard to put the requirement into an ordinance. Homeowners aren't subjected to this requirement, only business owners. He further stated that he has never seen public support for landscaping. The ordinance isn't flexible enough, if you have a small site change you may have to upgrade an entire site. The requirements only benefit landscapers, not property owners. Property owners have to cram in trees to get a specific required number and the ordinance assumes that business owners will not make their site look good. Mr. Goode stated that business owners should be able to choose their own landscaping; should be a private issue and covered under the covenants or left up to the owner. Need to stop debating over beauty and eliminate the entire ordinance. Ty Lawson stated that the Business Friendly Committee stated that the entire landscaping ordinance should be rescinded. Owners should be able to do whatever they want. At the end of the day the committee stated that the ordinance went too far. Bruce Carpenter - by putting requirements in by number instead of quality you don't wind up with a good project. When doing an expansion the upgrades should be proportional to the expansion.

DRRC committee members stated that the County can't legislate the individual values of business owners, and that the ordinance can only provide a minimum. Mr. Wagner stated that new security requirements for industrial properties can sometimes be counterproductive to the landscaping ordinance and that snow removal can be an issue. On the other hand the County is getting new stormwater regulations that are going to require more pervious area. The new stormwater regulations are going to require more plants and infiltration. The committee stated that they understood where the business friendly group is coming from, but the DRRC has a challenge.

DRRC committee members questioned whether or not property owners would plant landscaping if it were not required by ordinance. If the ordinance didn't place any restrictions, you don't know what you will get; you need some type of continuity and aesthetics. Also, buffers are necessary to protect adjacent land owners. It was also stated that Frederick County's ordinance is much easier to understand and requires far fewer plantings than other localities. Mr. Oates stated that he had not encountered a site where the plants didn't fit. Mr. Banks further stated that there is enough space on sites to accommodate trees and shrubs and regarding damage to plants, that's an issue with poor placement of the plants. Moving shrubs and trees back from the curb will eliminate plants being damaged because of snow removal equipment. Poor placement seems to be the issue, the cost isn't that much.

Landscaping is pennies compared to the total site work and the DRRC questioned why the Business Friendly Committee didn't look at pavement and curb and other site work that constitute the majority of the site cost. The DRRC requested staff to look at a proportional upgrade waiver; sites that are increasing 10-20 percent may request a waiver of the landscaping requirements. It was further stated that trees aren't simply provided for aesthetic reasons; they help shade parking which is necessary because of the heat that comes off them and the air pollution that comes from that.

The DRRC questioned whether the Business Friendly Committee was primarily concerned about residential or commercial/industrial. Mr. Lawson replied that they also wanted to eliminate all residential landscaping requirements. He further stated that it isn't about trying to save money; it's about trying to deliver a quality product. Mr. Lawson stated that home builders are already going above the ordinance and therefore minimums are unnecessary. DRRC members stated that residential builders will cut costs where they can and providing flexibility can be a slippery slope and that the ordinance needs to have minimum standards.

DRRC members acknowledged that the landscaping costs for commercial and residential are different. Commercial landscaping is much more expensive because of the amount of damage that can occur; however, business budget for repair and replacement of the landscaping.

The DRRC requested time to think about the existing ordinance and would meet further discuss the ordinance at the next meeting. The DRRC stated that while changes may be appropriate, minimums are necessary. The DRRC will further discuss waiver options at the next meeting.

Next meeting of the DRRC is May 22, 2014

The meeting adjourned at 8:30 p.m.