

Attachment A – Proposed Zoning Text Amendment

ARTICLE II. – ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

PART 250. – GENERAL PERFORMANCE STANDARDS

Sec. 32-250.30. – Generally.

Certain uses permitted by this chapter, when abutting each other, are incompatible and create conflict that may be reduced or eliminated by appropriate measures. Buffer areas established between incompatible uses minimizes these conflicts and the adverse impact of such essentially incompatible development. These provisions are intended to provide a mechanism whereby adjoining properties may be shielded from the adverse consequences of such development.

Sec. 32-250.31. – General policy; buffer area required.

1. Buffer areas are required on properties in accordance with the ~~standards, circumstances and widths~~ specified in section 800 of the Design and Construction Standards Manual. ~~The minimum buffer width is generally a uniform dimension across the entire length of the common property line. An existing required buffer area on an abutting property shall not be used to satisfy buffer requirements on a subject property, unless a reciprocal agreement has been recorded in the land records agreeing to providing the buffer or unless modified pursuant to section 32-250.32.~~
2. Notwithstanding the requirements of the Design and Construction Standards Manual, a parcel created and zoned before May 4, 1982, shall be required to provide no more than ten percent of its total area for such buffer, subject to the provision of an absolute minimum buffer of 15 feet on each parcel. The buffer area for lots eligible for the ten percent buffer requirement shall be calculated as follows: Total lot area times ten percent divided by the length of the common property line for which the buffer zone is required.
3. Every use requiring establishment of a buffer area shall note the following restriction regarding the use of such buffer on a plat or other instrument recorded among the land records:

"Land designated as buffer area shall preserve existing vegetation, as appropriate, or shall be landscaped and may only be used for uses or facilities in accordance with the requirements of the Prince William County zoning ordinance and the Design and Construction Standards Manual".
4. Buffer areas shall be established as separate common open space in residential areas when conveyed to a homeowners association or similar entity created to own and maintain common open space within the project. ~~Buffer areas platted within residential lots by deed restriction shall be located such as to provide the minimum yard depth and lot area outside the buffer area required by the zoning ordinance. Said deed restriction shall specify maintenance in accordance with County standards and limitations on the use of the buffer area.~~
5. Buffer areas may be counted as open space and may be used to meet the requirements of sections 32-250.40 et seq.
6. Community facilities, such as community recreational facilities or meeting houses when constructed as freestanding uses internal to a residential development, shall be subject to the buffer area standards specified in ~~treated as non-residential development for buffering~~

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purposes. ~~Except when located internal to a multifamily development, a minimum 15-foot wide landscaped area shall be established and maintained around the perimeter of the community facility and landscaped in accordance with the buffer requirements of the Design and Construction Standards Manual. All parking areas associated with the community facility shall meet the requirements of section 800 of the Design and Construction Standards Manual. When a community facility is located along a property boundary at the edge of the residential development it serves, a buffer shall be provided in accordance with the Design and Construction Standards Manual.~~

7. ~~Golf courses, when located adjacent to a property zoned, used as, or planned for residential or agricultural uses, shall be subject to the buffer area standards specified in A 50-foot wide buffer, in accordance with section 800 of the Design and Construction Standards Manual, shall be required between a golf course and any adjoining property if the property is zoned, used as, or planned for residential or agricultural uses.~~
8. ~~Properties zoned, uses as, or planned for residential or agricultural uses, when located adjacent to a railroad right-of-way, shall be subject to the buffer standards specified in A 100-foot wide buffer, in accordance with section 800 of the Design and Construction Standards Manual, shall be required between railroad right-of-way and adjoining property if the property is zoned, used as or planned for residential or agricultural uses.~~

Sec. 32-250.32. – Buffer area standards.

1. ~~Buffer areas shall preserve existing vegetation, as appropriate, or shall be landscaped in accordance with section 800 of the Design and Construction Standards Manual. All plants and other screening shall be maintained by the owner of the buffer in a state of good repair and shall be replaced or repaired promptly as appropriate.~~
2. ~~Utility and other easements shall not be located within any buffer area except as otherwise expressly permitted in this chapter. Minimal easement crossings, and sidewalks and trails shall be permitted in accordance with Encroachments into a buffer area, including site features which may be permitted within a buffer area, shall be permitted as specified in section 800 of the Design and Construction Standards Manual.~~
3. ~~Concurrent with its approval of a rezoning or special use permit, the Board of County Supervisors may waive or modify buffer area standards in lieu of buffer areas shown on the master zoning plan, general development plan, or Special Use Permit plan associated with the application. The Board of County Supervisors may consider the alternative compliance criteria specified in section 800 of the Design and Construction Standards Manual when considering a request for a waiver or modification of a buffer area. The Board may approve the waiver or modification upon finding that the waiver or modification will not have an adverse impact on the existing or future development of the adjacent property or properties. Except where otherwise permitted in this chapter or the Design and Construction Standards Manual, buildings, structures, retaining walls three feet or greater in height, except where utilized to retain existing vegetative cover), active recreation facilities, parking areas, loading areas, sidewalks, trails, and golf cart paths shall not be located in the buffer areas between dissimilar uses.~~

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ARTICLE IV. – COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS

PART 404. – PLANNED DEVELOPMENT--PBD, PLANNED BUSINESS DISTRICT

Sec. 32-404.04. – Development standards.

In addition to general provisions made applicable in Parts 250 and 280 of this chapter, the following standards shall govern development in the PBD:

1. ...
- .
- .
- .
5. A perimeter landscaped buffer area shall be provided in accordance with type C buffer standards of the Design and Construction Standards Manual, unless alternate compliance is otherwise approved in accordance with Section 800 of the Design and Construction Standards Manual. ~~When these buffer areas contain mature trees and other vegetation adequate to screen the development from the street, such vegetation may be used to satisfy the buffer area requirement; however, when the buffer areas are devoid of any significant vegetation, landscaping as set forth in the Design and Construction Standards Manual shall be provided. These buffer areas may be crossed by necessary pedestrian, street and utility connections, and necessary temporary disturbance of these buffer areas along the edges of such connections may be permitted, provided any disturbed areas are thereafter landscaped. Except for such temporary disturbance and the installation of landscaping, these buffer areas shall remain undisturbed. Buffer areas conveyed to a homeowners association or other authorized grantee accepting the buffer area into its approved open space program may be counted as a part of the required open space.~~
6. ...

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ARTICLE VIII. – SITE PLANS

PART 404. – PLANNED DEVELOPMENT--PBD, PLANNED BUSINESS DISTRICT

Sec. 32-800.11. – Site planning criteria for planned development districts.

Preliminary and final subdivision and site plans for a planned development district shall be submitted to the Planning Office and shall substantially conform to the master zoning plan, any proffers associated with the rezoning, any applicable Special Use Permit conditions, the applicable requirements of the Design and Construction Standards Manual, and the following provisions with respect to external and internal site planning:

1. ...
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6. ~~A buffer area shall be established in accordance with section 800 of the Design and Construction Standards Manual between any structure (including parking) or residential lot and the right of way for any street designated by the Comprehensive Plan as a freeway, interstate parkway, arterial or major collector when abutting a planned development district or planned through it. The buffer area shall remain free of structures except for perpendicular utility crossings, signage, or approved landscaping as provided for herein. Buffer areas shall be established as specified in Section 800 of the Design and Construction Standards Manual~~

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SECTION 800

BUFFER AREAS, LANDSCAPING AND TREE COVER REQUIREMENTS

801.03 Applicability:

A. ...

B. ...

C. Requests for alternative compliance to waive or modify a buffer or landscaping standard specified in Section 800 ~~for any application which does not submit and obtain approval of a comprehensive landscaping plan~~ shall be accepted for reviewed when one or more of the following conditions are ~~met~~ present:

1. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from the alternative compliance.
2. Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for in-fill sites, and for improvements and redevelopment in older communities.
3. Change of use on an existing site increases the buffer area required by Section 802.00 of this manual more than it is feasible to provide.
4. Safety conditions make alternative compliance necessary.

D. Requests for alternative compliance shall be submitted to the ~~Office of Planning~~ Department of Development Services as part of the site plan submission requirements and shall be accompanied by sufficient explanation and justification, written and/or graphic, to allow appropriate evaluation and decision. The alternative method of compliance must be comparable to the minimum standards in terms of quality, effectiveness, and durability, and shall be limited to the specific project under review. The ~~Director of Development Services~~ Planning shall evaluate the alternatives and accept them or modify them.

E. ...

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802.00 PLANNING AND DESIGN

802.10 Buffer Areas in General:

A. Certain uses, when abutting each other, are incompatible and create conflict that may be reduced or eliminated by appropriate measures. Buffer areas established between incompatible uses minimizes these conflicts and the adverse impacts of essentially incompatible development. These provisions are intended to provide a mechanism whereby adjoining properties may be shielded from the adverse consequences of such development, where buffers separate and partially obstruct the view of incompatible abutting land uses or properties from one another. Buffers may also be required when properties abut a Highway Corridor Overlay District, with rezonings or special use permits, and, where certain zoning designations require perimeter buffers.

B. The primary means of buffering should be through the preservation of healthy native woodlands. If preserved native woodlands sufficient to meet the intent of the buffer are not provided, then buffering shall be provided through supplemental landscaping.

C. Except where otherwise permitted in the Zoning Ordinance or by proffers, buildings, structures, retaining walls three (3) feet or greater in height (except where utilized to retain existing vegetative cover), active recreation facilities, parking areas, loading areas, and golf cart paths shall not be located in the buffer areas between dissimilar uses. Sidewalk, trail, and golf cart path crossings may be allowed within a buffer upon approval of a request for alternative compliance by the ~~Director of~~ Development Services ~~Public Works~~, as long as comparable performance standards are maintained.

D. The minimum buffer area width is generally a uniform width across the entire length of the common property line between properties on which uses are located that require a buffer area.

E. Buffer areas shall be established as separate common open space in residential areas when conveyed to a homeowners' association or similar entity created to own and maintain the common open space within the project. Buffer areas established in this manner may be counted as a part of the open space required by the Zoning Ordinance. Buffer areas platted within residential lots by deed restriction shall be located such as to provide the minimum yard depth and minimum lot size required by the Zoning Ordinance outside of the buffer area. If a homeowners' association is formed, it is required that buffers are established as separate common open space.

F. Minimal utility crossings may be included within a buffer area upon approval of the ~~Director of~~ Development Services ~~Public Works~~, as long as comparable performance standards are maintained. Landscaping with shrubs, ornamental grasses and perennials may be permitted in utility easements. However, planting of trees in utility easements is not allowed, unless specifically approved by the agency controlling the easement.

G. Any expansion of a nonconforming use shall not be permitted within buffer areas, except as specifically allowed by the Zoning Ordinance.

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H. Buffer areas can be penetrated by joint entrances connecting abutting land uses, providing the disturbed area is kept to a minimum.

802.11 Buffer Width Requirement:

A. The buffer area requirements are based on the compatibility between the proposed use and that of the adjoining property. Table 8-1 identifies the minimum buffer area required to be provided by a developing property, based on the compatibility of the proposed use with the existing use of the adjoining property. Requests for modifications or waivers of buffer widths are subject to the review and approval of the ~~Director of Development Services~~ ~~Planning~~. ~~Paragraph ‘C’ of this section is not subject to modification.~~

B. The following buffers required by the Zoning Ordinance shall be planted as defined in this section. Plant units are as defined in Table 8-3.

1. Railroad Right-of-Way. As specified in §32-250.31 (8), ~~the~~ 100-foot wide buffer for residential uses that abut a railroad right-of-way shall be planted with 600 plant units per each 100 linear feet and in accordance with the provisions of this section.
2. Existing cemeteries within a developing property shall have a 25-foot wide perimeter buffer that shall be planted with Eighty (80) plant units per 100 linear feet. Where a cemetery abuts a property line the greater of either the buffer required in Table 8-1 or a 25-foot wide buffer shall be provided. The provisions of DCSM 802.12A.1-A.5, C and D shall not apply to cemetery buffers.
3. Rural Cluster. Where the one hundred (100) foot wide buffer contains existing healthy trees, shrubs or other vegetation adequate to provide the equivalent of a one hundred (100) foot wide rural buffer, the existing vegetation shall be retained. Where such vegetation is not existing, native landscaping in accordance with Tables I-2 shall be provided adequate to screen the development from the external street. Landscaping shall be appropriate to a rural location and may include vegetation types such as old field successional trees and shrubs, flowering meadows and meadow grasses. The provisions of DCSM 802.12C and D shall not apply to rural cluster buffers.
4. The 50’ wide buffer between a golf course and any adjoining property zoned, used as, or planned for residential or agricultural uses shall be planted as a Type C buffer in accordance with Table 8-2. However, plant units may be reduced by up to 50% if approved by the ~~Director of Development Services~~ ~~Public Works~~ and providing that tree species compose the entire remaining plant unit requirement.
5. Planned Development Districts. As specified in §32-800.11, buffer areas shall be established on properties zoned PMR, PMD, and PBD in accordance with the following standards:
 - a. Buffer areas shall be required when the property meets any of the following criteria:
 - i. The property has a permanent structure.

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ii. The property has an off-street parking area.

iii. The property is within a land bay approved for residential uses.

b. The buffer areas shall be established adjacent to the property lines abutting the right-of-way for any existing or proposed street listed in the Comprehensive Plan with the following designations:

i. Interstate.

ii. Freeway.

iii. Parkway.

iv. Arterial.

v. Major Collector.

C. The buffer width may vary by up to twenty percent (20%) from the minimum width required at any point along a property line, as long as the buffer area provided remains equal to the minimum buffer area required along the same property line. The reduction in width shall be allowed only if the adjoining property has provided the full width of the buffer area applicable to it.

D. The required buffer area for a developing property may be provided on the abutting property, if agreed to by the respective owners and the ~~d~~Director of Development Services~~Planning~~. An agreement among the respective owners and the ~~d~~Director of Development Services~~Planning~~, allocating the present and future buffer areas between the new properties shall be executed and recorded among the land records.

E. The buffer width required in accordance with Table 8-1 may be reduced for one or more land bays of a planned mixed use development if the following conditions are met:

1. The land bays were part of one single preliminary plan and the final plans are diligently pursued for the individual projects;
2. The reduction will occur on only one side of the common property line; and
3. The maximum reduction allowable is from one buffer category to the next lower one (e.g., from type C to type B or from type B to type A).

802.12 Buffer Planting Requirements: Where native woodland conservation is not provided to achieve the intent of a required buffer, landscaping shall be provided. The buffer area planting requirements are determined from Table 8-2.

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A. To achieve the intent of buffers, the following apply (Note: buffers adjacent to roadways do not need to meet requirement (4), below):

1. A combination of large trees, medium, small and/or compact trees, and shrubs shall be used to achieve the desired buffering effect. The categories of large/medium/small/compact trees are defined in Table I-2-T of the Plant Selection Guide.
2. A maximum of thirty percent (30%) of the plant units may be large deciduous trees. A maximum of thirty percent (30%) of the plant units may be large evergreen trees. If large deciduous and large evergreen trees are used in combination, then a maximum of 40 plant units per 100 linear feet of large deciduous and large evergreen trees combined may be used.
3. The use of ornamental grasses, perennials and mulched beds is encouraged. See Table 8-3 for plant unit credits. However, when used, ornamental grasses and perennials (combined) shall not compose more than 25% of the total plant units required.
4. The limits on plant percentages of plant types listed in paragraphs 2 and 3, above, shall be applied along each property line where the buffer is required.
5. All species used shall be indigenous to Virginia, unless otherwise approved by the ~~Director~~ Director of Development Services ~~Public Works~~ (see Tables I-2 in the Plant Selection Guide).
6. Requirements for the spacing of the various categories of trees are given in Table I-4.

B. The proposed combination of plants must yield a total number of plant units equal to or greater than the requirement for the buffer area type. Plant unit equivalencies are in accordance with Table 8-3.

C. Where the buffer width will allow, a berm may be substituted for thirty percent (30%) of the plant unit requirement. The berm should be graded to appear smooth, rounded and naturalistic. The berm shall be a minimum of four (4) feet higher than the elevation of the adjacent ground. Its slope shall not exceed three-to-one (3:1), except in unusual situations where a two-to-one (2:1) slope would be allowed with special ground cover. In such instance where the reduction in plant units applies, at least fifty percent (50%) of the plant unit requirement shall be evergreen trees and shrubs.

D. A six (6) foot tall opaque fence (board-on-board) or wall may be substituted for thirty percent (30%) of the plant unit requirement.

E. When existing woodland is located within the entire minimum buffer area, preservation of the woodland shall be allowed to substitute for the required plant material, provided that:

1. The woodland meets the minimum size requirement of Table 8-5, and
2. The visual screen provided by the woodland meets the intent of this code.

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802.47 Residential Landscaping:

A. Residential Landscaping: The purpose of landscaping residential lots is to provide a minimum amount of tree canopy cover which will yield a permanent environmental and aesthetic benefit to the development. Residential landscaping in accordance with Table 8-6 is required, in addition to the other requirements for storm water management facilities landscaping and street planting. They all may be used to meet the tree canopy cover requirement. Residential landscaping shall comply with the standards in Table 8-6.

B. Community Facilities. As specified in §32-250.31 (6) of the Zoning Ordinance, Ccommunity facilities, such as community recreational facilities (i.e., tennis court, swimming pools, club houses) or meeting houses, when constructed as freestanding uses internal to a residential development, shall be treated as non-residential development for landscaping purposes and conform with the applicable standards specified in 802.41 through 802.46. The following landscaping is requiredCommunity facilities shall have buffer areas with a minimum width of fifteen (15) feet, planted in accordance with the Type A buffer standards specified in Table 8-2, and established in the following locations:

1. ~~A minimum fifteen (15) foot wide landscaped area shall be established and maintained around~~ Surrounding the perimeter of the community facility ~~and landscaped in accordance with a Type A buffer.~~
2. Surrounding Pparking areas associated with the community facility~~shall meet the requirements of this section.~~
3. When a community facility is located along the property boundary at the edge of the residential development it serves, ~~a buffer shall be provided in accordance with the buffering requirements of this section.~~