

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 21<sup>st</sup> day of May, 2019:

<u>MEMBERS:</u>	<u>VOTE:</u>
Gary F. Snellings, Chairman	Yes
L. Mark Dudenhefer, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	No
Thomas C. Coen	Yes
Wendy E. Maurer	Absent
Cindy C. Shelton	Yes

On motion of Mr. Coen, seconded by Ms. Shelton, which carried by a vote of 5 to 1, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 22-153, "LOTS FOR REQUIRED BUFFERS;" SEC. 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-54, "PLANNED DEVELOPMENT-1 DISTRICT (PD-1) REGULATIONS;" SEC. 28-55, "PLANNED DEVELOPMENT-2 DISTRICT (PD-2) REGULATIONS;" SEC. 28-66, "P-TND, PLANNED TRADITIONAL NEIGHBORHOOD DEVELOPMENT;" SEC. 28-67, "FALMOUTH REDEVELOPMENT AREA OVERLAY (FR);" SEC. 28-82, "REQUIRED BUFFERS;" SEC. 28-83, "BUFFERS FOR HISTORIC PROPERTIES AND DISTRICTS;" SEC. 28-86, "LANDSCAPING STANDARDS;" SEC. 28-88, "SCREENING STANDARDS FOR APPURTENANCES;" AND BY REFERENCE, THE DESIGN AND CONSTRUCTION STANDARDS FOR LANDSCAPING, SCREENING, AND BUFFERING (DCSL) MANUAL

WHEREAS, the Process Review Subcommittee (PRC) of the Board worked with staff and community stakeholders to evaluate the effectiveness of the County's Development review processes; and

WHEREAS, the PRC recommended amendments be prepared to the standards for landscaping, screening, and buffering; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of May, 2019, that Stafford County Code Sec. 22-153, "Lots for Required Buffers"; Sec. 28-25, "Definitions of Specific Terms"; Sec. 28-54, "Planned Development-1 District (PD-1) Regulations"; Sec. 28-55, "Planned Development-2 District (PD-2) Regulations"; Sec. 28-66, P-TND, Planned Traditional Neighborhood Development"; Sec. 28-67, Falmouth Redevelopment Area Overlay (FR)"; Sec. 28-82, "Required Buffers"; Sec. 28-83, "Buffers or Historic Properties and Districts"; Sec. 28-86, "Landscaping Standards"; Sec. 28-88, "Screening Standards for Appurtenances" and by reference, the Design and Construction Standards for Landscaping, Screening, and Buffering (DCSL) Manual, be and they hereby are amended and reordained as follows, effective for applications submitted on or after June 1, 2019, with all other portions remaining unchanged:

**Sec. 22-153. - Lots for required buffers.**

- (a) All required, transitional or street buffers in accordance with section 100 of the DCSL located in residential subdivisions shall be located on parcels conveyed to and maintained by a homeowner's association, (HOA) with the exclusion of the A-1, Agricultural and A-2, Rural residential zoning districts. Required open space lands for cluster subdivisions are exempt from this requirement.
- (b) Open space parcels for the required buffers shall be exempt from the provisions of section 22-144 of this chapter and Table 3.1 of the zoning ordinance. If the open space parcel does not have frontage on a public street, then some form of access shall be provided, even by an easement that is to and shall be under the control of the HOA. Required open space lands for cluster subdivisions are exempt from this regulation.

**Sec. 28-25. - Definitions of specific terms.**

*Buffer yard.* A yard improved with landscaping and screening materials required between different intensities or between adjoining land uses for the purpose of decreasing the potential impact of different uses. The buffer yard is intended to recreate or preserve native woodlands. The buffer yard shall remain free of buildings, impervious surfaces or parking areas. The minimum buffer width shall generally be a uniform width across the entire length of the common property line between lots on which uses are located that require a buffer yard.

*Caliper.* The diameter measurement of the trunk of nursery stock trees to be purchased for installation, measured at six (6) inches above the root collar. If the

caliper measurement is greater than 4 inches at 6 inches above the root collar, the caliper measurement is measured at 12 inches above the root collar. When measuring any tree, other than nursery stock, the tree is measured using the diameter at breast height (DBH) method (See DBH definition).

*Diameter at breast height (DBH).* The measured diameter of a tree measured outside the bark at a point four and one-half (4.5) feet (average breast height) above ground, level, measured from the uphill side of the side of the tree. This measurement is used for sizing existing trees.

*Net linear feet.* The amount of linear footage along a street or property line that requires a planting area, not including any area used for vehicular access or LID, or any area being saved under the requirements of Section 140, Credits, of the DCSL. It may include sidewalks and utility easements that cross perpendicular through the planting area.

*Ornamental Grass.* – An annual or perennial grass plant valued for its texture and color in the landscape, typically grown for its showy foliage and visual contrast.

*Planting area.* Area of the property designated to provide the required planting of this Ordinance and the DCSL. It shall not include sidewalks and utility easements parallel to the street or property line adjacent to the planting area.

*Plant Unit (p.u.).* A specific value assigned to each type of tree or shrub to determine the required amount of buffering or landscaping to be provided or credited within a designated area.

*Privacy/Opaque Fence.* A fence at least six (6) feet in height which does not allow the passage of radiant energy or light for all portions of the fence. Maintenance of the fence shall be in compliance with Section 28-89 of the Zoning Ordinance. Cloth, plastic or other fence covers attached to or inserted within a chain link fence shall not be permitted.

*Shrub.* A type of woody plant with relatively low height, consisting of several stems rather than a main trunk. A plant that, at the time of planting, is at least three (3) feet tall as measured from the highest root, and is one of the species listed in section 100 of the DCSL for shrubs.

*Shrub, Large.* A woody plant with relatively low height, consisting of several stems rather than a main trunk, which at maturity grows to greater than or equal to three (3) feet in height.

*Shrub, Small.* A woody plant with relatively low height, consisting of several stems rather than a main trunk, which at maturity grows less than three (3) feet in height or can survive pruning to three (3) feet or less.

Tree. A woody, tall growing perennial plant generally consisting of one main stem or trunk, but including multiple-stemmed plants, which characteristically develops many branches, generally at greater height above the ground than shrubs.

*Tree bed or planting bed.* A planting area that encompasses the use of low-growing shrubs or groundcover, as depicted in graphic 6.1, Buffer (L-1) Option B and graphic 6.1 Buffer (J).

*Tree, canopy.* A type of tree that, under normal growth conditions, will compose the top layer or canopy of vegetation and generally reach a mature height at or above forty (40) feet. A tree that, at the time of planting, is at least twelve (12) feet tall above the highest root, has a minimum caliper of three (3) inches' diameter at breast height (DBH), and is one of the species listed in section 100 of the DCSL for canopy trees.

Tree, Deciduous. Trees that lose their leaves each fall, go dormant for the winter, and leaf out again in spring.

Tree, Evergreen. A type of tree that produces vegetation year-round and can assist with more efficient screening techniques.

Tree, Large. A tree that, under normal growth conditions, reaches a mature height at or above forty (40) feet. A tree that, at the time of planting, is at least twelve (12) feet tall above the highest root and has a minimum caliper of three (3) inches diameter at breast height (DBH).

*Tree, understory, or small.* A type of tree that, under normal growth conditions, will grow to maturity beneath canopy large trees and generally reach a mature height between ten (10) and forty (40) feet. A tree that, at the time of planting, is at least five (5) feet tall above the highest root, and is one of the species listed in section 100 of the DCSL for understory trees.

Xeriscape. A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques, such as the use of drought-tolerant plants, mulch, and efficient irrigation.

#### **Sec. 28-54. - Planned Development-1 District (PD-1) regulations.**

(c) *Townhouse/multifamily residences.*

(3) Parking areas serving townhouses and multifamily uses shall provide landscaping, per section 100 of the DCSL.

(e) *Commercial uses.*

(3) Off-street parking areas for commercial uses within the PD-1 district shall provide landscaping per section 100 of the DCSL.

(f) *Open space requirements.* Development within the PD-1 district shall comply with all the buffering, landscaping and screening requirements of section 100 of the DCSL.

**Sec. 28-55. - Planned Development-2 District (PD-2) regulations.**

(h) *Open space requirements.* Development within the PD-2 shall comply with all the buffering, landscaping and screening requirements per section 100 of the DCSL, except for section 110.3, Transitional buffers. The following open space requirements shall be met:

(1) A type C transitional buffer, per section 100 of the DCSL shall be established along all perimeter property lines of the development, except where the perimeter property line of the PD-2 district abuts a public street, and as provided below.

(2) A type C transitional buffer, per section 100 of the DCSL shall be established along perimeter lines of the development that adjoins land designated as agriculture or rural residential in the land use plan.

(3) A type A transitional buffer, per section 100 of the DCSL shall be established along perimeter property lines of the development that adjoins lands zoned as PD-1 or PD-2.

**Sec. 28-66. - P-TND, Planned-Traditional Neighborhood Development.**

(c) *Landscape, buffering and screening.* The P-TND shall be exempt from sections 28-82 and 28-86. A P-TND development shall only be subject to the transitional buffer requirements along the perimeter of the P-TND, if applicable, per section 110.3, Transitional buffers, of the DCSL.

**Sec. 28-67. - Falmouth Redevelopment Area Overlay (FR).**

(d) *Development standards.* All uses shall be subject to the use limitations and development standards as set forth in the underlying zoning district(s) and shall also be subject to the following FR limitations:

(9) A landscaping and planting plan shall be submitted in conjunction with site plan submittal.

e. New development that requires submittal of a site plan pursuant to article XIV of this chapter shall be exempt from the provisions of section 110.2, Street buffering along arterial and major collector streets, and section 110.3, Transitional Buffers of the Design and Construction Standards, Landscaping, Buffering, and pursuant to section 130 of the DCSL shall be reviewed for compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan, as amended. The architectural review board shall review and approve all screening for compliance with the above-referenced standards and for compatibility with nearby architectural styles of buildings in the district.

**Sec. 28-82. - Required buffers.**

*General.* Except within the boundaries of a public airport, no structure or land which abuts a boundary between two (2) land uses, fronts on a major thoroughfare or which is subject to special buffer requirements as specified in section 100 of the DCSL, shall hereafter be developed, used or occupied unless a buffer yard is provided in accordance with section 100 of the DCSL. All buffers shall meet the requirements illustrated in section 100 of the DCSL. Required open space land for cluster subdivisions shall not be used to satisfy any buffer requirements and landscaping buffer areas shall not be included as part of the required open space.

**Sec. 28-83. - Buffers for historic properties and districts.**

In order to protect historic resources, specific buffer yards are required around historic properties and historic resource overlay districts designated in the Stafford County Cultural Resource Inventory, archaeological sites and historic buildings located within HI districts, in addition to any other buffer requirements, as indicated in section 100 of the DCSL. All development adjoining a designated historic district may require a transitional buffer in accordance with section 100 of the DCSL. Because a historic site consists of associated landscape features and the relationships between landscape features, in addition to historic buildings and structures, buffer yards should include elements that retain or enhance the historic integrity of a site or building and should comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for the Treatment of Cultural Landscapes.

**Sec. 28-86. - Landscaping standards.**

- (a) *Parking lot, interior.* All off-street Any surface parking areas lots containing twenty-four (24) spaces or more spaces shall be landscaped and shall provide planting areas within the boundaries of the parking lot in accordance with the standards set out and illustrated in section 100 of the DCSL. Interior parking lot landscaping shall be provided in accordance with section 100 of the DCSL. Parking garages and any development within the boundaries of a public airport shall not be subject to the interior parking lot landscaping

requirements. The requirements are for each twenty-four (24) spaces and shall conform to the "limits area of the interior parking lot planting area" diagram provided in section 100 of the DCSL.

- (b) *Parking lot, perimeter.* All off-street Any surface parking areas lots containing twenty-four (24) spaces or more spaces and buildings used for parking garages shall provide perimeter parking lot landscaping in accordance with section 100 of the DCSL. This shall not apply to any development within the boundaries of a public airport.
- (c) *Parking lot, vehicle access drive* Any surface parking areas lots containing twenty-four (24) spaces or more spaces and buildings used for parking garages shall provide a vehicle access drive landscaping in accordance with section 100 of the DCSL. This shall not apply to any development within the boundaries of a public airport.
- (d) *Street trees.* All development that fronts on a public street shall provide a landscape strip planting area in accordance with section 100 of the DCSL for the purpose of providing street trees unless a buffer yard is required along the same street frontage. This shall not apply to any development within the boundaries of a public airport.
- (e) *Landscaping installation and maintenance criteria.* All installation and maintenance of landscaping shall be in compliance with section 100 of the DCSL.
- (f) *Landscaping standard plant sizes and uses.* All required landscaping materials shall be of the type and minimum sizes set forth in section 100 of the DCSL.
- (g) *Credits.* Credits toward required buffers and parking lot landscaping may be granted by the agent as set forth in section 100 of the DCSL.

**Sec. 28-88. - Screening standards for appurtenances.**

The following uses shall be screened from all public streets and adjacent property, unless the adjacent property contains the same use, by means established in section 100 of the DCSL.

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Thomas C. Foley  
County Administrator

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