

**MONTGOMERY COUNTY PLANNING COMMISSION**  
**September 8, 2010 @ 7:00 P.M.**  
**Board Room, Government Center**

**AGENDA**

**CALL TO ORDER:**

**DETERMINATION OF A QUORUM:**

**APPROVAL OF AGENDA:**

**APPROVAL OF CONSENT AGENDA:**

**PUBLIC ADDRESS:**

**PUBLIC HEARING:**

- Request by **Macon C. Sammons** to add approximately 20.377 acres to existing Agricultural and Forestal District #6 that currently consists of 1329 acres and 11 property owners. The property is located on Hurst Road (Rt. 782) and is further identified as tax map parcels 097-A-122 and 097-A-121 (Acct No(s). 020096 and 020097) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

**OLD BUSINESS:**

- Landscape ordinance amendments

**NEW BUSINESS:**

**LIAISON REPORTS:**

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – John Tuttle
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- Vacant
- Public Service Authority – Malvin Wells
- Parks & Recreation- Walt Haynes
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy
  - 2010 Commonwealth Land Use and Zoning Conference, Hotel Roanoke, October 10-12, 2010

**MEETING ADJOURNED:**

**UPCOMING MEETINGS:**

- |                    |  |
|--------------------|--|
| September 15, 2010 | Planning Commission Regular Meeting <b>CANCELLED</b>                                     |
| October 13, 2010   | Planning Public Hearing (7:00 pm)  |
| October 20, 2010   | Planning Commission Site Visit (to be determined)<br>Planning Commission Regular Meeting |

**MONTGOMERY COUNTY PLANNING COMMISSION  
CONSENT AGENDA  
September 8, 2010**

**A. APPROVAL OF MINUTES**

- June 9, 2010
- July 14, 2010

**ISSUE/PURPOSE:**

The above listed minutes are before the Planning Commission for approval.

**B. SCHEDULE PUBLIC HEARINGS**

1. Requests by **Bryan & Katie Katz** to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an office for bus operations with an apartment. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion within the Belview Village in the 2025 Comprehensive Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JULY 14, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

Mr. Rice, Chair called the meeting to order.

Present: Bryan Rice, Chair  
William Seitz, Vice Chair  
Joel Donahue, Member  
Malvin Wells, Member  
Frank Lau, Member  
Walt Haynes, Member  
Robert Miller, Member  
John Tuttle, Member  
John Muffo, Board of Supervisors Liaison  
Steve Sandy, Planning Director  
Dari Jenkins, Planning & Zoning Administrator  
Jamie MacLean, Development Planner  
Brea Hopkins, Planning & Zoning Technician

Absent: Ryan Thum, Secretary

**DETERMINATION OF A QUORUM:**

Ms. Hopkins established the presence of a quorum.

**APPROVAL OF AGENDA:**

On a motion by Mr. Haynes, seconded by Mr. Seitz, and unanimously carried the agenda was approved as amended.

**APPROVAL OF CONSENT AGENDA:**

On a motion by Mr. Miller, seconded by Mr. Wells, and unanimously carried the agenda was approved.

**PUBLIC HEARING:**

An Ordinance amending the Fee Schedule for planning and zoning activities by decreasing the application fees to file an appeal of the zoning administrator decision from \$425 to \$250 in order to comply with the recent amendment to Section 15.2-2311 of the Code of Virginia.

Mr. Rice introduced the ordinance amendment.

Mr. Sandy stated the amendment was to change the fee for appealing the zoning administrator's decision. Recently the Virginia State Code was amended to state the cost to appeal a zoning administrator's decision shall be reasonable. The amount was not defined; however, the county attorney recommended the fee be reduced to ensure compliance. The request has been properly advertised.

Mr. Rice asked if the cost of advertising was included in the fee.

Mr. Sandy stated the cost of advertising would be in addition to the \$250 application fee. The advertisement costs approximately \$150.

Ms. Jenkins stated the main complaints from adjoining property owners have been traffic, noise, washing of vehicles, dust, etc.

Mr. Wells asked what the comprehensive plan designation was for this property.

Ms. Jenkins stated the property is included in the Belview Village.

Mr. Wells stated the parking lot has always been gravel and had traffic. A truck terminal does not appear to fit their need so a revision to the ordinance may be necessary. The appearance of the buses is not bad.

Mr. Seitz noted if the lot were asphalt the amount of dust may be reduced and alleviate some of the complaints.

Ms. Jenkins stated it would help; however, it does not make it legal. If it becomes legitimate a dustless surface would be required during the site plan review.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### Review of By-Laws

Mr. Sandy stated the agenda does not match the order of business in article 7 of the by-laws. The main question is whether the agenda should be changed to match the by-laws or should the by-laws be changed to match the agenda. If there are other issues with the by-laws the commission can discuss those as well.

Mr. Miller stated the current order of business on the agenda is appropriate.

Mr. Rice stated the approval of the agenda should be toward the beginning of the order of business instead of near the end as suggested in the by-laws.

Mr. Donahue stated the proposed changes should be submitted in writing prior to acting upon the changes.

Mr. Haynes stated there was no reason to change the current way business is conducted, so the by-laws should be revised.

Mr. Lau stated the one thing that is unusual is that the public address should allow citizens to speak on any topic; however, not be held at the beginning of the meeting.

The commission members discussed the advantages and disadvantages of the public address being held at the beginning of the meeting.

Mr. Rice noted he would like to get clarification on quorum requirements from the county attorney.

Mr. Sandy stated staff will bring back a proposed amendment to the by-laws for the next meeting.

#### David Moore Resolution of Appreciation

Mr. Sandy stated Mr. Moore had served on the commission since 2004. A resolution of appreciation has been prepared for the planning commission's approval.

Mr. Donahue requested to be added to the resolution.

Mr. Haynes stated the meeting was held at the frog pond. Discussion included the tournament for little league at Shelor Park and the approval of funding for bridge repair.

Radford Planning Commission- Bob Miller

No report.

School Board- Bill Seitz

Mr. Seitz stated the Blacksburg High School will not be open. The School Board requested \$2.5 million from excess funds to finance transferring the high school.

Mr. Haynes noted the engineers report was back and the main cause was snow.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated the committee met and discussed a variety of issues such as; a complaint regarding bicyclists not giving the right of way to vehicular traffic on Mt. Tabor; and erosion along county roads. There was brief discussion regarding ICA no longer being contractor for VDOT and the possible effects. The Dark Run Road and 460 intersection is a safety hazard and with the relocation of the school there was concern that the increase in speed would be a factor. The Shawsville Elementary School will be used for other school activities due to the relocation of schools; therefore, the speed limit will not be increased at this time.

Planning Director's Report- Steven Sandy

Staff is working on landscaping and sign ordinance amendments. There will be no meeting on July 21<sup>st</sup>. He reminded commission members of the Plan Virginia conference being held on July 23<sup>rd</sup> in Charlottesville.

Mr. Rice welcomed Joel Donahue to the commission.

There being no further business, the meeting was adjourned at 7:45 pm.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JUNE 9, 2010 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**CALL TO ORDER:**

Mr. Rice, Chair called the meeting to order and

Present: Bryan Rice, Chair  
Ryan Thum, Secretary  
Robert Miller, Member  
John Tuttle, Member  
John Muffo, Board of Supervisors Liaison  
Steve Sandy, Planning Director  
Dari Jenkins, Planning & Zoning Administrator  
Jamie MacLean, Development Planner

Absent: William Seitz, Vice Chair  
Malvin Wells, Member  
Frank Lau, Member  
Walt Haynes, Member

**DETERMINATION OF A QUORUM:**

Mr. Thum established the presence of a quorum.

**APPROVAL OF AGENDA:**

On a motion by Mr. Miller, seconded by Mr. Tuttle, and unanimously carried the agenda was approved.

**APPROVAL OF CONSENT AGENDA:**

On a motion by Mr. Miller, seconded by Mr. Tuttle, and unanimously carried the agenda was approved.

**PUBLIC ADDRESS:**

Mr. Rice opened the public address session. There being no speakers the public address session was closed.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

Walnut Creek Phase 4B Major Subdivision, Preliminary & Final Approval

Mr. Sandy reviewed the location of the property. The request is for approval of the preliminary and final plat for the fourth (4<sup>th</sup>) phase of the Walnut Creek Subdivision. This phase will consist of fourteen (14) lots. The PSA, the County Engineer, and the Town of Christiansburg have reviewed the proposed subdivision plat. VDOT has signed the plat indicating their approval. The letter of credit has been received and the County Attorney has reviewed the proposed subdivision covenants.

On a motion by Mr. Thum, seconded by Mr. Miller and carried by a 4-0 vote the planning commission approved the Walnut Creek Phase 4-B subdivision plat.

Planning Director's Report- Steven Sandy

On July 23, 2010 CPEAV is holding a zoning seminar in Charlottesville. If interested in attending, please contact Brea Hopkins.

The Oak Forest Mobile Home Park request will be discussed at the upcoming Board of Supervisors meeting. The Board had concerns regarding the addressing of the park and general maintenance/upkeep. The streets have been renamed, new addresses assigned, and posted. All units needing repair were identified and repaired.

The Board will be referring an addition to an AFD district to the AFD committee and planning commission.

Mr. Sandy noted that the planning commission meeting on the 16<sup>th</sup> will be cancelled.

There being no further business, the meeting was adjourned at 7:45 pm.



MONTGOMERY COUNTY DEPARTMENT OF  
PLANNING & GIS SERVICES

PLANNING  
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

**MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Planning Staff *SAS/JRM*  
**DATE:** September 1, 2010  
**RE:** **Sammons Addition to Agricultural & Forestal District 6 (Shawsville)**

**General Purpose** – Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish development rights in return for increased protection and possible real estate tax benefits. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas on the County.

**Background** – AFD-6 was originally established in 1981 and was last renewed by ordinance adoption in 2009. This district will be reviewed again in 2017. There are presently 11 landowners and 1339+ acres in AFD-6. Additional landowners may request to be added to an existing AFD on a yearly basis. In accordance with section 15.2-4310 of the Code of VA and section 2-148 of the Montgomery County Code, applications for additions to existing districts are accepted each year between April 1 and May 15. Planning staff received and processed the request from Mr. Macon C. Sammons in accordance with Section 15.2-4307 through 4309.

Mr. Sammons currently has approximately 483 acres which are currently within the district; he is proposing the addition of two parcels totaling approximately 20 acres. The subject property is located on Hurst Road (Rt. 782) and is further identified as tax map parcels 097-A-122 and 097-A-121 (Acct No(s). 020096 and 020097) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

The subject request was reviewed by the AFD Advisory Committee on August 24, 2010 (minutes attached). The consensus of the advisory committee members present was that the proposed addition was appropriate for the existing district. On a motion by Mr. McElfresh, seconded by Mr. Loflin (Obiso and Politis absent), the committee voted to recommend approval of the Macon addition to the Planning Commission and the Board of Supervisors. Public hearings must be held on the request by the Planning Commission and the Board of Supervisors.

**Landowners** – Macon C. Sammons

**AFD Advisory Committee Site Visit & Meeting:** August 24, 2010 (Minutes attached)  
**Planning Commission Public Hearing:** September 8, 2010  
**Board of Supervisors Public Hearing:** September 27, 2010  
**Board of Supervisors Proposed Action:** October 12, 2010

Enclosure(s): AFD Advisory Committee minutes of August 24, 2010

AT A MEETING OF THE ADVISORY COMMITTEE ON AGRICULTURAL AND FORESTAL DISTRICTS (AFD's) BEGINNING AT THE GOVERNMENT CENTER IN CHRISTIANSBURG, VIRGINIA ON AUGUST 24, 2010 AT 4:00 P.M.

Present: Bob Styne, Vice-Chairman  
Will McElfresh, Member  
John Garrett, Member  
Tom Loflin, Member  
William Pack, Member  
Britt Boucher, Chairman  
Bob Miller, Planning Commission Liaison  
Steve Sandy, Planning Director  
Jamie MacLean, Planning Staff

Absent: Richard Obiso, Member  
Jim Politis, Member

The members assembled at the Government Center parking lot at 4:00 p.m. and left for a field trip to review the Macon C. Sammons property on Hurst Road (Route 782). Mr. Sammons has requested to add his 20.377 acre property to the existing Shawsville Agricultural and Forestal District (AFD-6).

Following dinner, the members returned to the Government Center and began their business meeting at 6:00 p.m. in the Planning Department Conference Room. The advisory committee discussed the request by Mr. Sammons to add approximately 20 acres to Shawsville Agricultural and Forestal District AFD-6. The consensus of the members present was that the proposed addition was appropriate for the existing district. On a motion by Mr. McElfresh, seconded by Mr. Loflin (Obiso and Politis absent), the committee voted to recommend approval of the Macon addition to the Planning Commission and the Board of Supervisors.

In further discussion, Mr. Sandy discussed a recent Board of Zoning Appeals case involving the use of multiple tractor trailers as storage buildings on an agriculturally zoned property adjacent to a subdivision. The issues revolved around the number of structures, location, and use of the structures. Residents in the adjacent subdivision had voiced complaints about the storage units. It was the consensus of the advisory committee members that the Planning Staff should consider the needs and rights of the farmer when reviewing any potential amendments to the zoning ordinance.

There being no further business, the meeting was adjourned at 6:45 p.m.

# Additional Proposed Acreage to AFD 6



### Legend

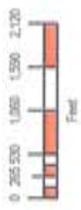
- Corporate Boundary
- Rural Communities
- State Roads
- Interstate
- Planned Highway
- Private
- Eburg Roads
- Railroads
- VTMontgomery Executive Airport
- Major Rivers/Streams
- Streams/Creeks
- East Tenn Gas Line
- Tax Parcels
- Hospitals

Montgomery County, Virginia  
DISCLAIMER

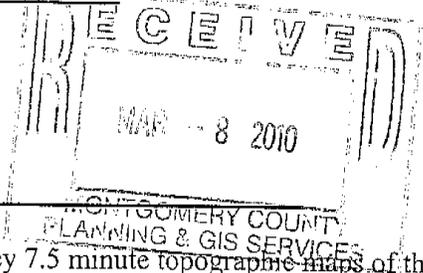
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**MONTGOMERY COUNTY, VIRGINIA  
APPLICATION FOR THE CREATION OF  
AN AGRICULTURAL AND FORESTAL DISTRICT**



**SECTION A: TO BE COMPLETED BY APPLICANT**

General location of the Proposed District in Montgomery County:

Tax Map# 097 Parcel ID # A121 and A122

Each copy of this form shall be accompanied by United States Geological Survey 7.5 minute topographic maps of the area that clearly show the boundaries of the proposed district and boundaries of properties within the proposed district owned by each applicant. A general county highway map showing the general location of the proposed district shall also accompany each copy of this form.

Summary of Acreages:

Existing	1330.213 A
Proposed	20.377
<b>T</b>	<b>1350.59 A</b>

Estimated total acreage in the proposed district: \_\_\_\_\_

Acreage owned by persons proposing the district: 503.377 A

Land uses by acreage: woodlands, timber production

Landowners Proposing the District (or addition to existing district):

Address	Total Acreage Owned	Land Book
Name Signature (Current Legal Residence)	In the District or-Addition	Reference No.
<u>MACON C. SAMMONS, JR</u>	<u>presently 483 A</u>	
<u>156 FOXCROFT DR</u>	<u>proposed 20.377A*</u>	
<u>MT. AIRY, NC 27030</u>	<u>Total 503.377A</u>	

Date land was first put in agricultural or forestall's production. (If not known to applicant, earliest known date.): 1918 (date farm purchased by my grand father)

**SECTION B: TO BE COMPLETED BY MONTGOMERY COUNTY**

Date submitted to local governing body: \_\_\_\_\_  
 Date referred to the local planning commission: \_\_\_\_\_  
 Date referred to the advisory committee: \_\_\_\_\_  
 Date of action by the local governing body: \_\_\_\_\_  
 Approved \_\_\_ Modified \_\_\_ Rejected \_\_\_

Conditions: \_\_\_\_\_

(ONE COPY OF THE APPLICATION WITH MAPS SHALL BE SUBMITTED TO THE COMMISSIONER OF THE STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES BY THE BOARD OF SUPERVISORS ALONG WITH THE FINAL, APPROVED PLAN.)

From owner's farm in Mountain Valley, Northside, VA

Sec. 10-43. Landscaping and buffering.

(1) *Purpose.* This section is intended to facilitate the protection of the public health and welfare and the creation of a convenient, attractive and harmonious community by providing for the:

• **Preservation, planting and replacement of trees during the development process as set forth in Code of Virginia, § 15.2-961 and to aid in stabilizing and protecting essential and valuable ecological functions such as air purification, oxygen regeneration, ground water recharge, stormwater runoff abatement, wildlife habitat protection and the abatement of noise, heat and glare.**

• **Establishment and maintenance of buffers between adjacent uses of differing intensities or densities in order to shield or protect lower intensity uses from the potential impacts of higher intensity uses, including but not limited to the harmful effects of noise, dust, glare from headlights and other artificial light sources, visual character, heat and runoff from paved surfaces, and the like; and**

(2) *Applicability and general standards.*

(a) The landscaping standards contained herein shall apply to all development for which site plans or subdivision plans are required to be submitted for review and approval in accordance with section 10-53(3) of this chapter.

1. A landscaping plan shall be submitted as a part of each subdivision and site plan application in accord with the submission requirements specified in section 10-53(3) of this chapter.

2. All trees to be planted shall meet the specifications of the American Association of Nurserymen. The planting of trees shall be done in accord with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects.

3. Landscaped areas contained within ~~required~~ bufferyards may be used in meeting the landscaping requirements of this section.

4. To limit the spread of disease and insects, no more than fifty (50) percent of newly planted trees shall be of one genus type; and not more than twenty-five (25) percent of the required newly planted trees may be of the same species.

5. At the time of planting, all canopy trees shall have a minimum caliper of ~~one (1)~~ **two (2.0) inches**, and all understory and evergreen trees shall have a minimum height of six (6) feet. Evergreen shrubs shall have a minimum height of thirty (30) inches, and all deciduous shrubs shall have a height of eighteen (18) inches.

6. Suitable existing vegetation may be used to meet the requirements of this section.

7. In addition to the requirements established by this section, the county may require more stringent requirements as may be appropriate in conjunction with special use permit, variance or conditional zoning processes.

(b) Landscape waivers and modifications. Landscape requirements may be waived or modified by the zoning administrator, at his/her sole discretion, under the following circumstances. In any such case the zoning administrator may attach conditions to any waiver or modification in order to assure that the results will be in accord with the purpose and intent of this section and other relevant sections of this chapter.

1. Where the strict provisions of this section would reduce the usable area of a lot so as to preclude a reasonable use of the lot.

2. Where the topography of lot providing the landscaping and/or the lot being protected is such that the required landscaping would not be effective.

3. For public uses when such uses have been specifically designed to mitigate any adverse impact on adjacent properties.

4. Where the lot providing the landscaping is adjacent to a lake, wetland or other natural area which is to remain undeveloped and which is at least three hundred (300) feet in depth along the lot line.

5. Where similar uses within the same zoning district abut and are otherwise designed so as to mitigate any adverse impacts on existing or permitted uses on such abutting lots.

(5) (3) *Tree canopy requirements.*

(a) For projects for which a site plan is required in accord with section 10-53(3) a final site plan shall include a plan for the planting and/or replacement of trees on the site such that at maturity of ~~ten~~ twenty (10) (20) years, the minimum tree canopy shall be provided as follows: (A guide to recommended tree species with canopy sizes is at the end of this section.)

1. Ten (10) percent tree canopy for sites zoned ~~for, or to be used for commercial or industrial uses~~ GB, CB, M-1, M-L, PUD-COM, PIN, PMR, PUD-RES

2. Fifteen (15) percent tree canopy for sites zoned ~~for, or to be used for residential uses.~~ R-M1 (excluding townhouses)

~~(b)~~ 3. For residential projects in all districts other than A-1, C-1 and R-R, for which a plan of subdivision is required, but not a site plan, in accord with section 10-53(5), a landscape plan shall be included with the record plat that provides for the planting and/or replacement of trees on the site such that at maturity of ~~ten~~ twenty (10) (20) years, the minimum tree canopy shall be twenty (20) percent. ~~provided as follows:~~

1. ~~If the site has a tree canopy coverage of twenty (20) percent or more prior to submission of the rezoning application or subdivision plan, the landscape plan shall provide for the preservation or planting and replacement of trees on the site so as to result in a tree canopy of at least twenty (20) percent at ten (10) years maturity.~~

2. ~~If the site has a tree canopy coverage of less than twenty (20) percent prior to submission of the rezoning application or subdivision plan,~~

~~the landscape plan shall provide for the preservation or planting and replacement of trees on the site so as to result in a tree canopy coverage as existed prior to development, at ten (10) years maturity.~~

(c) For the purpose of calculating the area of the site for determining tree canopy coverage, ponds, wetlands and property reserved or dedicated for public improvements shall be excluded.

(d) Reasonable modifications of the requirements of this section for circumstances in which strict application of these requirements would result in undue or unreasonable hardship to the owner, shall be considered by the board of zoning appeals upon application by the owner.

~~(e) When possible, buffers shall be provided between differing land uses as part of the tree canopy requirement. These buffers shall follow the guidelines as stated in subsection (4) hereinbelow.~~

~~(4) Buffer guidelines.~~

~~(b) (a) When the zoning administrator acknowledges that space and terrain allows, A a bufferyard shall be provided between all uses or districts of differing intensities, as and shall adhere as closely as practicable to the following:~~

~~1. Bufferyards shall meet the minimum standards as shown in the bufferyard matrix in subsection (3) hereinbelow.~~

~~2. Bufferyards may be counted as open space and may be used to meet the requirements for landscaping contained in this chapter, but shall not be used for such things as, but not limited to, buildings, structures, retaining walls of greater than three (3) feet in height, active recreation facilities or parking areas. Allowable encroachments into buffer areas shall be the same as those for encroachment into yards.~~

~~3. In addition to the requirements established by this section, the county may require more stringent requirements as may be appropriate in conjunction with special use permit, variance or conditional zoning processes.~~

~~(3) Bufferyard requirements~~

~~(a)(b) When practicable, as determined by the zoning administrator, Bufferyards and screening shall be provided within the zoning district in accord with the matrix shown in the following bufferyard matrix chart hereinbelow .~~

~~Using the matrix:~~ To determine which type of bufferyard is required for a specific proposed land use:

**• Refer to the list of land use groups in subsection (c), below, and find the land use group that contains the proposed land use, and the land use group that contains the existing land use that abuts the site of the proposed land use.**

**• Refer to the bufferyard matrix hereinbelow and locate the land use group in the left column titled "Proposed Land Use Group" that contains the proposed land use.**

**• Refer to the bufferyard matrix hereinbelow and locate the land use group in the top row titled "Abutting Land Use Group" that contains the abutting land use.**

• Look for the cell in the matrix that is directly to the right of the "Proposed Land Use Group" and directly below the "Abutting Land Use Group." This cell contains the number of the buffer type that is required for the boundary between these two uses. Definitions of these buffer types are specified in subsection ~~(d)~~ (e). ~~(b)~~ (c) Where the structure or lot contains more than one (1) use or category of uses as shown in the matrix, the more stringent requirements of the matrix shall apply, provided that the zoning administrator may waive or modify the requirements in accord with subsection ~~(4)~~ (5), hereinbelow. If a proposed use will abut an improved property with a more intensive use that existed prior to adoption of this chapter, the proposed use shall provide the bufferyard type as required by the matrix.

The land depth requirements of the buffer matrix and subsection ~~(e)~~ (d), hereinbelow, may be included within setback and other yard requirements specified in this chapter for each district.

~~(e)~~ (d) Following are the land uses within each land use group shown in the bufferyard matrix guideline in subsection ~~(a)~~, hereinabove hereinbelow. Every land use shall belong to one of the following groups. For any use not listed in a land use group, the zoning administrator shall determine the land use group to which it belongs, using the list as a guide.

Land Use Groups

TABLE INSET:

Group 1 Low Density Residential	Group 2 Medium Density Residential	Group 3 High Density Residential
Agriculture Agriculture, small scale Natural area Game preserve Golf course Dwelling, single-family detached Home occupation, business Bed and breakfast homestay Cemetery Group home Church	Dwelling, single-family attached (Townhouse) Dwelling, two-family (Duplex)	Dwelling, multifamily (Apt.) Dormitory Playground, unlighted Park, unlighted Nursing home Congregate care facility Manufactured home park

Manufactured home, Classes A and B		
Group 4 Light Commercial	Group 5 Heavy Commercial	Group 6 Light Industrial
Bed and breakfast inn Roadside stand Fire, police, rescue stations School Library Offices Retail establishment Day care facility Recycling collection point Civic club Country club Country inn Garden center Private club Medical care facility Equipment sales and service	Restaurant Hotel/motel Service station Custom meat cutting General store Funeral home Convenience store Hospital and associated professional offices Homeless shelter Crematorium Radio station Shopping center Animal hospital, vet practice Golf driving range Playground, lighted Park, lighted Park and ride lot	Agriculture, intensive Automotive sales/repair Kennel Sawmill Assembly of electrical appliances Flex-industrial Laboratories Laundry, dry-cleaning plant Mini-warehouse Wholesale business, storage warehouses Recreation, commercial Recycling facility Printing establishment Lumber yard Livestock feed lot
Group 7 Heavy Industrial	Group 8 Collector Roads	Group 9 Arterial Roads
Airports Utility plants Grain mill, feed mill Disposal facility, landfill Truck terminal Public utility plants, substations Shooting range Outdoor storage Manufacturing Landfill Junk yard	<u>Major and minor collectors- roads</u>	<u>Major and minor arterials roads</u>

## Bufferyard Matrix (Buffer Types Required)

TABLE INSET:

Proposed Land Use Group	Abutting Land Use Group								
	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Group 8	Group 9
Group 1 Low Density Residential	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Group 2 Medium Density Residential	2	1	2	2	3	4	4	2	3
Group 3 High Density Residential	3	2	1	2	3	3	4	2	3
Group 4 Light Commercial	3	2	2	1	2	2	4	2	3
Group 5 Heavy Commercial	3	3	3	2	1	2	4	2	3
Group 6 Light Industrial	4	4	3	2	2	1	3	3	4
Group 7 Heavy Industrial	4	4	4	4	4	3	1	4	4
Group 8 Collector Road	2	2	2	2	2	3	4	n/a	n/a

Group 9 Arterial Road	3	3	3	3	3	4	4	n/a	n/a
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(d) (e) Definitions of ~~required~~ buffer types for buffer **matrix guidelines**.

TABLE INSET:

Bufferyard Type	Minimum Bufferyard Width	<del>Required</del> Plant Units per 100 Lineal Feet Along Property Boundary
Type 1		
Front	10 feet	2 Canopy Trees
		0 Understory Trees
		0 Shrubs
		0 Evergreen Trees
Side	10 feet	0 Canopy Trees
		4 Understory Trees
		0 Shrubs
		0 Evergreen Trees
Rear	15 feet	0 Canopy Trees
		6 Understory Trees
		0 Shrubs
		0 Evergreen Trees
Type 2		
Front	15 feet	2 Canopy Trees
		3 Understory Trees
		5 Shrubs
		0 Evergreen Trees
Side	15 feet	2 Canopy Trees
		3 Understory Trees
		10 Shrubs

		0 Evergreen Trees
Rear	20 feet	2 Canopy Trees
		4 Understory Trees
		10 Shrubs
		0 Evergreen Trees
Type 3		
Front	15 feet	3 Canopy Trees
		3 Understory Trees
		10 Shrubs
		0 Evergreen Trees
Side	15 feet	2 Canopy Trees
		5 Understory Trees
		10 Shrubs
		0 Evergreen Trees
Rear*	25 feet	3 Canopy Trees
		5 Understory Trees
		20 Shrubs
		0 Evergreen Trees
Type 4		
Front	20 feet	3 Canopy Trees
		4 Understory Trees
		10 Shrubs
		0 Evergreen Trees
Side	20 feet	2 Canopy Trees
		3 Understory Trees
		25 Shrubs
		4 Evergreen Trees
Rear*	25 feet	2 Canopy Trees

		7 Understory Trees
		25 Shrubs
		8 Evergreen Trees

\*For Type 3 and 4 rear yard buffers, a structural screen is required along a rear yard that borders an existing or planned use of lower intensity, equivalent to a six-foot high stockade fence, providing a minimum opacity of ninety (90) percent, or a six-foot high masonry wall (poured concrete, concrete block, brick, etc.). Structural screens may provide for pedestrian or bicycle access points so long as the purpose of the screen is not compromised.

(e) (f) *Plant types.* The following standards apply to the requirements of subsection (3) hereinabove.

1. *A canopy tree* is a deciduous tree, usually single-trunked, with a definitely formed crown of foliage, which attains a mature height of at least thirty (30) feet.
2. *An understory tree* is a deciduous or evergreen tree which attains a mature height of no greater than thirty (30) feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees.
3. *An evergreen tree* is a nondeciduous tree used for the purposes of screening, weather barrier, or accent planting.
4. *A shrub* is a multitrunked woody plant that usually attains a mature height of no greater than ten (10) feet.

~~(4) *Bufferyard waivers and modifications.* Bufferyard requirements may be waived or modified by the zoning administrator, at his/her sole discretion, under the following circumstances. In any such case the zoning administrator may attach conditions to any waiver or modification in order to assure that the results will be in accord with the purpose and intent of this section and other relevant sections of this chapter.~~

- ~~(a) Where the strict provisions of this section would reduce the usable area of a lot so as to preclude a reasonable use of the lot.~~
- ~~(b) Where the topography of lot providing the bufferyard and/or the lot being protected is such that the required bufferyard would not be effective.~~
- ~~(c) For public uses when such uses have been specifically designed to mitigate any adverse impact on adjacent properties.~~
- ~~(d) Where the lot providing the bufferyard is adjacent to a lake, wetland or other natural area which is to remain undeveloped and which is at least three hundred (300) feet in depth along the lot line.~~
- ~~(e) Where similar uses within the same zoning district abut and are otherwise designed so as to mitigate any adverse impacts on existing or permitted uses on such abutting lots.~~

(6 5) *Maintenance.*

- (a) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering required by the provisions of this section.

(b) All plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

(c) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the zoning administrator for accessibility to an area for necessary maintenance or access.

(7 ~~b~~) *Bonding requirements.* In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the county, conditioned upon satisfactory installation of the landscaping design defined in the landscape plan.

(8 ~~1~~) *Appeals.* Any person aggrieved by a decision of the zoning administrator may appeal such decision in accord with the provisions of section 10-55(2).

(9 ~~8~~) *Parking lot landscaping and screening requirements.*

(a) [*Complying.*] Landscaping of parking areas shall comply with subsection (2) hereinabove.

(b) [*Existing vegetation.*] Existing vegetation which is suitable for meeting the requirements of this section in part or in full, should be used wherever possible.

(c) Interior parking lot landscaping. Any parking area of more than twenty (20) spaces serving a nonresidential use or any use in the RM-1 district, shall be provided with the following landscaping:

1. ~~The perimeter of~~ Within the parking area or areas there shall be provided with a minimum of one (1) canopy tree per ten (10) spaces. ~~Such trees shall be dispersed along the perimeter.~~

2. The dimensions and design of planting areas shall be sufficient to protect all landscaping materials planted therein.

3. For the area within the boundaries of the parking lot, excluding peripheral screening and setback area, the following shall be required within landscaped islands: Five (5) percent of this parking area shall be planted with a combination of trees, shrubs and vegetative ground cover; ~~or, for every four (4) parking spaces there shall be provided one (1) canopy tree with ten (10) square feet of suitable permeable ground cover, including such covers as pebbles or gravel; or, some equivalent combination of the above two (2) alternatives.~~ The area of the parking lot is the square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces.

4. Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with subsection (9)(d) below.

(d) Peripheral parking lot landscaping. Any parking area of more than ten (10) spaces serving a nonresidential use or any use in the RM-1 district, shall be provided with the following landscaping:

1. A landscaped area of at least eight (8) feet in width shall be provided along all edges of the property except for any paved entrances. Such areas shall be planted with a combination of trees, shrubs and vegetative ground cover. ~~be provided with adequate vegetative ground cover and a~~

minimum average of one (1) canopy tree per thirty (30) lineal feet or one (1) understory tree per twenty (20) lineal feet

2. Along edges that abut residential districts or uses, parking areas and travel lanes shall be screened with masonry walls, solid fencing, berms, dense evergreen shrubs, or a combination thereof, to a minimum height of three (3) feet. The slope of berms shall not exceed 2:1.

3. All service areas and utility equipment shall be screened from view of adjacent properties through the use of evergreen plant materials, screen walls, fences, berms or buildings. Such screening shall be designed so as not to hinder the maintenance of such equipment.

4. Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accord with this subsection (d)1. through 3.

(e) *Landscape plan.* A landscape plan clearly showing the proposed landscaping shall be submitted for review and approval by the zoning administrator, unless waived per section 10-43(2)(b). Such plan shall have appended to it a statement of intent by the owner or developer to maintain all vegetation as shown on the landscape plan in a viable condition.

(f) *Shopping centers.* In shopping centers of over one hundred thousand (100,000) square feet of gross leasable area, perimeter islands shall be required at the end of each of traffic on service lanes.

(Ord. No. 1999-12, §§ 4-300--4-309, 12-13-99)

#### Recommended Tree Species Chart:

Species Name	Canopy at 20 years (sq.ft.)	Suitability
<i>Acer rubrum "October Glory",</i> October Glory Red Maple	314	P,L
<i>Acer palmatum,</i> Japanese Maple	177	L
<i>Acer rubrum columnare,</i> Columnare Red Maple	314	P,L
<i>Acer saccharum,</i> Sugar Maple*	314	L
<i>Acer pseudoplatanus,</i> Sycamore Maple*	314	P
<i>Acer platanoides,</i> Norway Maple	314	P
<i>Acer saccharum columnare,</i> Columnare Sugar Maple*	314	L
<i>Amelanchier arborea,</i> Serviceberry*	201	L
<i>Betula nigra,</i> River Birch*	254	L
<i>Carpinus caroliniana,</i> American Hornbeam*	177	L

<i>Celtis occidentalis</i> , Common Hackberry*	380	P,L
<i>Cercis Canadensis</i> , Eastern Redbud*	201	L
<i>Chionanthus virbinicus</i> , White Fringe Tree*	113	L
<i>Cornus kousa</i> , Korean Dogwood	177	L
<i>Cornus florida rubra</i> , Flowering Dogwood, Pink*	177	L
<i>Cornus florida</i> , Flowering Dogwood, White*	177	L
<i>Cornus mas</i> , Cherry Bark Dogwood	113	L,S
<i>Cotinus coggygia</i> , Smoke Tree	177	L
<i>Crataegus phaenopydrum</i> , Washington Hawthorn*	113	L,S
<i>Fagus grandifolia</i> , American Beech*	177	L
<i>Fagus sylvatica cuprea</i> , Copper Beech	177	P
<i>Fraxinus americana</i> , White Ash*	254	P,L
<i>Fraxinus lanceolata</i> (Marshall's Seedless), Green Ash Marshall's Seedless*	177	P,L
<i>Fraxinus lanceolata</i> , Green Ash*	177	P
<i>Ginko biloba</i> , Ginko (Male Variety)	133	L
<i>Gleditcia tricanthos inermis</i> , Sharemaster Thornless Honey Locust	314	P,L
<i>Ilex opaca</i> , American Holly*	38	L
<i>Juniperus virginiana</i> , Eastern Red Cedar*	38	S
<i>Koelreuteria paniculata</i> , Golden Rain Tree	177	L
<i>Liriodendron tupillifera</i> , Tulip Poplar*	254	P,L
<i>Malus floribunda</i> , Japanese Flowering Crab	177	L
<i>Metaequola glyptostrobolies</i> , Dawn Redwood	177	L
<i>Nyssa sylvatica</i> , Sour Gum*	177	L
<i>Ostrya virginiana</i> , American Hophornbeam*	254	L
<i>Oxydendrum arboreau</i> , Sourwood*	113	L
<i>Picea abies</i> , Norway Spruce	177	S
<i>Picea glavca</i> ,	113	P

White Spruce		
<i>Pinus strobus</i> ,	177	S
White Pine*		
<i>Platanus occidentalis</i> ,	491	L
American Sycamore*		
<i>Platanus acerfolia</i> ,	380	P,L
London Plane Tree		
<i>Prunus serrulata kawanzan</i> ,	177	L
Kwansan Cherry		
<i>Prunus serotina</i> ,	133	L
Black Cherry		
<i>Quercus palustris</i> ,	254	L
Pin Oak		
<i>Quercus phellos</i> ,	177	P,L
Willow Oak*		
<i>Quercus alba</i> ,	254	L
White Oak*		
<i>Quercus rubra</i> ,	254	P,L
Northern Red Oak		
<i>Quercus accutissim</i> ,	177	L
Saw Tooth Oak		
<i>Quercus robur fastigiata</i> ,	79	P,L
Pyramidal English Oak		
<i>Quercus macrocarpa</i> ,	177	P,L
Bur Oak		
<i>Quercus montana</i> ,	177	L
Chesnut Oak*		
<i>Quercus coccinea</i> ,	254	L
Scarlet Oak*		
<i>Tilia americana</i> ,	314	P,L
American Linden*		
<i>Tilia cordata</i> ,	177	P,L
Little Leaf Linden		
<i>Tilia cordata greenspire</i> ,	177	P,L
Greenspire Linden		
<i>Tsuga canadensis</i> ,	177	S
Canada Hemlock*		
<i>X Cupress ocypari leylandii</i> ,	113	S
Leyland Cypress		
<i>Zelkov serrata</i> ,	177	L
Japanese Zelkova		
<i>Zelkov serrata village green</i> ,	177	L
Village Green Zelkova		

P = Parking Lot and Street Trees

L = General Landscape Trees

S = Screening Trees

\* = Use of native species is encouraged