



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT Landscaping & Screening

November 15, 2023

Hearing Dates

Planning Commission: December 6, 2023, at 7:30 p.m.

Board of Supervisors: January 23, 2024, at 4:00 p.m.

Staff Contact

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).



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Background

The proposed amendment was carried over from the 2023 Zoning Ordinance Work Program (ZOWP) and is currently identified on the Fiscal Year 2024/2025 ZOWP (Topic #6) as a First-Tier item. The ZOWP directed staff to work with an interagency work group to research and conduct outreach on a review of the landscaping and screening provisions of the Zoning Ordinance. Staff established an interagency work group in September 2022 to perform a comprehensive review of the existing Zoning Ordinance regulations. The work group is comprised of staff from the Zoning Administration Division, Zoning Evaluation Division, and Urban Centers and Community Revitalization Sections of the Department of Planning and Development; Site Code Research and Development Branch and the Forest Conservation Branch of the Department of Land Development Services (LDS); Urban Forest Management Division and Stormwater Planning Division within the Department of Public Works and Environmental Services; and Office of Environmental and Energy Coordination. The work group discussed how these regulations are administered and implemented, challenges that have been encountered, and possible changes that could be addressed by the amendment. In addition to staff, a consultant team from Clarion Associates and LSG Landscape Architecture has been engaged to provide feedback and guidance on Fairfax County’s current regulations and best practices in the industry; perform jurisdictional research; and serve as a subject matter expert.

Community Outreach

Staff began public outreach on this amendment in October 2022 and has presented this topic at 28 public meetings. Outreach meetings included local land use committees, the zMOD Land Use Attorneys work group, the Parking Reimagined Zoning Ordinance Amendment work group, the Tree Commission, the Environmental Quality Advisory Council, and other groups as well as the Board of Supervisors (Board) Land Use Policy Committee and the Planning Commission’s Land Use Process Review Committee. Staff also hosted community meetings that were recorded and posted on the [Landscaping and Screening website](#). Information on the amendment, including draft text, white papers, and presentation materials were posted to the website throughout the amendment process.

Feedback on the amendment has been generally positive with support for increasing parking lot landscaping, allowing the use of native species and existing landscaping to meet requirements, incentivizing the use of solar collection systems for shading of parking, and encouraging more

connectivity through a reduction of barrier requirements in mixed-use developments. Others expressed a desire for flexibility in the distribution of interior parking lot landscaping and cautioned against unintended consequences with regard to the new utility easement proposal.

Related County Goals/Policies

This Zoning Ordinance Amendment helps promote other county initiatives. This section addresses related efforts and how they are addressed through this amendment.

Strategic Plan: The Fairfax Countywide Strategic Plan was officially adopted by the Board on October 5, 2021. The ten Community Outcome Areas include the “Environment” which aims to promote air, water, and land quality while supporting environmental policy and practices as well as “Housing and Neighborhood Livability” which aims to provide access to amenities that promote healthy neighborhoods. Strategies within these Outcome Areas relate to this Zoning Ordinance amendment including environmental stewardship and biodiversity of landscaping at county facilities; protecting and conserving natural resources that provide ecological and health benefits; and promoting the use of solar through incentives. The proposed purpose statement promotes placemaking, connectivity, walkability along with soil, air, and water quality. Additionally, the provisions lessen the impact of wind, heat, noise, dust, and other debris which advance the implementation of the Strategic Plan.

Resilient Fairfax: The Resilient Fairfax Climate Adaptation and Resilience Plan was officially adopted by the Board in November of 2022. It is a plan and program to help Fairfax County become more resilient to changing conditions and climate change-related hazards such as extreme heat, severe storms, and flooding. This Zoning Ordinance amendment is a building block for multiple Resilient Fairfax strategies, including amendments to the Zoning Ordinance to enhance community resilience; heat-resilient design and development; integrating climate change considerations into Urban Forestry Programs; pursuing green infrastructure projects that provide climate resilience benefits; and support continued urban reforestation. The Implementation Actions in these strategies include improved landscaping and screening requirements, which can help to reduce the Urban Heat Island effect and urban flooding, which are among the top risks identified by the plan. This amendment furthers the efforts made by Resilient Fairfax by giving preference to native species and species identified as environmentally tolerant in the PFM. The trees are better suited to combat the effects of climate change and have greater likelihood for long-term survivability thereby contributing to our community’s resiliency. Additionally, the proposed increase in parking lot landscaping and proposals for transitional screening as well as street frontage landscaping contribute towards urban reforestation.

Community-wide Energy and Climate Action Plan: The Community-wide Energy and Climate Action Plan (CECAP) provided recommendations to reduce greenhouse gas emissions. The CECAP Implementation Plan was presented to the Board on December 13, 2022, and detailed actionable steps that can be taken. Strategies includes updates to the Zoning Ordinance to

support sustainable land use, including tree-related updates; supports the expansion of green spaces and the evaluation of specific policies such as the landscaping and screening requirements in the Zoning Ordinance; and updates to the Zoning Ordinance regarding land use and natural resources to align with CECAP and Resilient Fairfax climate goals. This Zoning Ordinance amendment is directly connected to these strategies and has evaluated the regulations specific to landscaping and screening with the acknowledgement that these recommendations can help reduce the effects of climate change.

One Fairfax: One Fairfax is a framework that will be used to consider equity in decision-making and in the development and delivery of future policies, programs, and services. The Board adopted the policy in November 2017. The One Fairfax policy includes seventeen areas of focus, including the area of focus related to this Zoning Ordinance amendment which focuses on a quality built and natural environment that supports a high quality of life for all people. Throughout this process staff has applied the equity lens to identify areas in which equity could be addressed through the landscaping and screening provisions. These provisions apply countywide, and landscaping helps create a healthy, attractive, and livable community for all areas. Regarding transitional screening and barriers, as part of the outreach on this topic, staff posed the question of whether the landscaping and screening provisions serve to separate incompatible land uses or are they perceived more as creating barriers between communities, particularly between residential uses. However, county specific data does not show instances where our landscaping and screening provisions have contributed to inequities.

Proposed Changes

The proposed text is provided in Attachment 1 and is summarized below. Please note that due to the restructuring of Section 5108, this amendment will be advertised as a repeal and replacement of the landscaping and screening provisions contained in Section 5108.

Restructuring: Section 5108 is proposed to be reorganized to reflect the life cycle of establishing landscaping and screening. The purpose, applicability and administration, and general landscaping provisions are provided first, leading into the specific types of landscaping and screening requirements, followed by process and requirements for waivers and modifications, and concluding with the maintenance subsection. The Tree Conservation Ordinance is a separate chapter in the County Code and the last subsection provides a cross-reference to that chapter. Additionally, a new subsection on street frontage landscaping is being introduced as part of the Section. The proposed structure is as follows.

5108	Purpose
5108.1	Applicability and Administration
5108.2	General Landscaping Standards
5108.3	Street Frontage Landscaping
5108.4	Parking Lot Landscaping
5108.5	Transitional Screening and Barriers

5108.6	Waivers and Modifications
5108.7	Maintenance
5108.8	Tree Conservation

Purpose: The purpose of the landscaping and screening section is to create an attractive and harmonious community, conserve natural resources, and lessen the impacts of wind, heat, noise, dust, and glare. This statement has been broadened to support placemaking, encourage mixed-use developments, as well as enhance ecological and social or recreational spaces.

General Landscaping Standards: Currently, the Zoning Ordinance allows suitable existing vegetation to be used to meet the landscaping and screening requirements. This provision is carried forward and proposed changes to transitional screening, as discussed below, will encourage the use of existing vegetation and/or native species. Comments received included support for the use of environmentally tolerant landscaping. These are species that would be able to sustain extreme heat, severe storms, flooding, and other environmental impacts of climate change. See [Table 12.14](#) of the Public Facilities Manual (PFM) which identifies environmentally tolerant species. Therefore, text is being added that gives preference to native and environmentally tolerant landscaping during tree and shrub selection. This would apply to all landscaping requirements of this Section, including parking lot landscaping and transitional screening, and be implemented by LDS’s Forest Conservation staff during review of the associated plan. The use of native and environmentally tolerant species provides a greater likelihood for long-term survivability.

Utility Easements: Currently the Zoning Ordinance does not include provisions that address conflicts between landscaping and the location of utilities. These conflicts can result in landscaping being placed outside of the intended location. Other jurisdictions have incorporated provisions that address conflicts between placement of utility easements and landscaping requirements. Arlington County prohibits the placement of utilities in tree pits. Loudoun County allows new utility easements to be located amongst required landscaping if the plantings are compatible with the easement such as the root structure will not interfere with the utility. Meanwhile, Prince William County prohibits utility easements to be located in the required landscaping. Through this amendment, a new requirement is proposed to require new utility easements be located outside of required landscaping, except to cross perpendicularly, to the greatest extent feasible, as determined by the Director of Land Development Services (the Director). These easements can be placed in other locations on the property such as within the parking lot. In an effort to address concerns raised about cost and unintended consequences, some discretion was given to the Director to determine whether it is feasible to satisfy this requirement. If it is determined to not be feasible, the required landscaping must be provided as close to the required location as possible. In the event the required number of trees cannot be accommodated on the remaining available site area, a modification must be approved by the Board or Board of Zoning Appeals (BZA).

Street Frontage Landscaping: A new requirement for street frontage landscaping is proposed. Street frontage landscaping is a ten-foot-wide landscaping strip parallel to all street lines of a

public or private street consisting of one tree per 30 feet of linear frontage, which is consistent with the existing width and the proposed planting requirement for peripheral parking lot landscaping when abutting a right-of-way. Staff has advertised a range for the Board's consideration of eight to ten feet for the landscaping strip width. Except when transitional screening or peripheral parking lot landscaping is required, the Zoning Ordinance does not currently address planting requirements on private property along roadways. This is a common practice amongst our jurisdictional neighbors. For instance, Loudoun County and Prince William County require plantings for certain road classifications. Additionally, Howard County and Prince George's County, Maryland (MD), have different planting requirements depending on the road classification, with trees required to be spaced between 35 to 50 feet apart, depending on the tree size. Additionally, as noted below, transitional screening is no longer proposed to be required for uses located across the street. Requiring street frontage landscaping would enhance the pedestrian experience on sidewalks adjacent to the roadways and improve air quality. These requirements would apply along public and private streets but would not apply to (1) lots developed with a single-family dwelling unless shown on an approved development plan or PRC plan, (2) internal drive aisles within a development, or (3) along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road. Lastly, in instances where both street frontage landscaping and peripheral parking lot landscaping are required, peripheral parking lot landscaping would take precedent, and is required to include shrubs to further reduce vehicle headlight glare. This would be required when a parking lot abuts the street right-of-way.

Parking Lot Landscaping: Parking lot landscaping provides shade to vehicles parked within the parking lot or exposed portion of a parking structure. This shade provides environmental benefits such as carbon sequestration and reducing the impacts of the Urban Heat Island effect. In addition to providing shade, the trees can enhance the development's overall design by enticing people to visit the property which can lead to placemaking.

Currently, the Zoning Ordinance requires interior and peripheral parking lot landscaping for parking lots with 20 or more parking spaces. During staff review of the parking lot landscaping requirements in neighboring jurisdictions, parking lot landscaping was required for parking lots containing as few as six spaces. Staff believes a reduction in the applicability threshold will promote better planting and canopy coverage within parking areas. During the public outreach process there was support for reducing the number of parking spaces within a parking lot that triggers the requirement for parking lot landscaping. The applicability requirement for providing interior and peripheral parking lot landscaping is proposed to be reduced from the current 20 minimum spaces to a minimum of ten spaces. Staff has advertised a range from 0 spaces up to the current minimum requirement of 20 parking spaces for the Board's consideration. This change will increase the number of parking lots subject to the parking lot landscaping requirements and aims to increase the percentage of tree canopies. This is supported by the revised purpose statement, particularly reducing the impacts of the Urban Heat Island effect.

Interior Parking Lot Landscaping: Currently, when parking lot landscaping is required, it must cover a minimum of five percent of the total area of the parking lot, which is implemented in accordance with [§12-0314](#) of the PFM. The five percent is consistent with the percentage of interior parking lot landscaping required in Loudoun County and Prince William County. However, nationally, in comparable communities, the jurisdictional research and best practice analysis conducted by LSG and Clarion Associates, note that in some areas, five percent is required for dense/transit areas, ten percent in other urban areas, and 15 percent in suburban/rural areas. Staff believes an increase in the minimum percentage from five to ten percent will provide meaningful environmental benefits in additional landscaping and tree cover and in reducing heat island impacts. A range of five to 20 percent has been advertised for the Board’s consideration. Additionally, to encourage the use of solar within the county, the amendment allows for shade structures with solar collection systems to be used to meet a portion of the interior parking lot landscaping requirements. However, since authorization of the amendment, staff discovered the proposed text needed to be clarified. The text has since been revised to clarify that up to half of the required interior parking lot landscaping may be satisfied through shade structures with solar collection systems, with the remainder of the requirement satisfied by shade trees. This change is shown in Attachment 1 with strike-through and underline as compared to the text presented at authorization.

Staff has been mindful of how the new, generally lower parking rates adopted with the Parking Reimagined Zoning Ordinance Amendment (Parking Reimagined) will relate to the interior parking lot landscaping requirements. For comparison purposes, LSG Landscape Architecture calculated the interior parking lot landscaping for the current parking rates based on five percent interior parking lot landscaping and calculated the interior parking lot landscaping at ten percent for the recently approved minimum requirements (base rate) adopted with Parking Reimagined. Even with the reduction allowed by Parking Reimagined, the proposed increase in interior parking lot landscaping will result in more trees than currently being provided.

The current Zoning Ordinance requires interior parking lot landscaping to be dispersed throughout the parking lot to maximize the shade provided to the parked vehicles. While this language allows for flexibility in design, other jurisdictions require specific locations where trees should be planted. For instance, Loudoun and Arlington Counties require landscaping to be provided at the end of every row of parking spaces. Meanwhile, Montgomery County, MD, limits the maximum number of parking spaces between planting areas to 20 parking spaces. Howard County, MD, reframes this requirement to be one planting area per every 20 parking spaces. Similarly, Prince George’s County, MD, requires an average of one planting area per every ten contiguous parking spaces. A spatial requirement of an average of one planting area for every ten contiguous

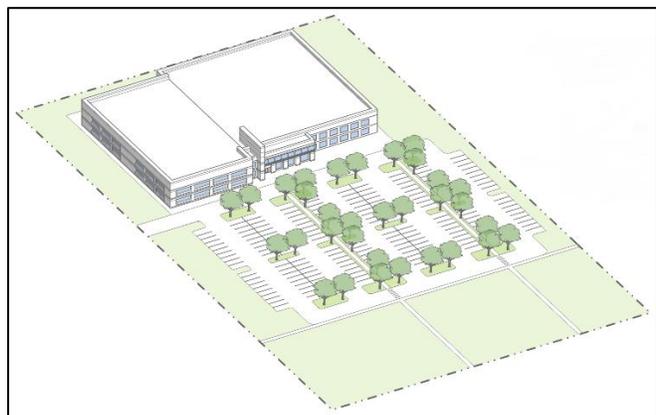


Figure 1. Example Planting Area Distribution

parking spaces has been proposed. Figure 1 shows an example of this proposed requirement. However, a range of one planting area for every eight up to 20 parking spaces will be advertised for the Board's consideration. This proposed change will create a more uniform distribution of shade within the parking lot which will assist in minimizing the Urban Heat Island effect.

Currently, the parking lot landscaping requirements apply to both surface parking lots as well as parking structures. However, the exposed portion of a parking structure is typically not a suitable environment for trees, and they tend to not grow enough to provide the intended shade. Though some developments have provided interior parking lot landscaping on parking structures, others have provided the required amount of landscaping at ground level around the base of the parking structure which is a permitted modification of the requirements. Providing shade on the top level of a parking structure is important and provides environmental benefits such as improving air quality. Therefore, it is recommended that shade structures that provide shade to ten percent of the total surface area of the parking structure exposed – open to the sky – be required for parking structures that have an exposed surface containing ten or more parking spaces. However, an option to consider applying this provision to parking structures with a minimum of ten up to 20 parking spaces will be advertised for the Board's consideration. Shade structures could include canopies, canopies with vegetative roofs, or a solar collection system. The shade structure would need to be permanent and not made of temporary material such as fabric. Additionally, the shade structure may exceed the applicable maximum height requirement by up to 16 feet. Alternatively, the required shade structure could be provided by shade trees, but they would need to be located on the exposed part of the parking structure, not at ground level. A combination of shade structures and trees would also be suitable. Staff discovered after authorization that a clarification was also needed for the text regarding solar collection systems as shade structures on exposed parking structures. The text has been revised to clarify that a minimum of five percent of the total area of the exposed portion of the parking structure must be covered, if the shade structures are solar collection systems. A range of up to half of the requirement in subsection 5108.4.B(1) has been advertised for the Board's consideration. This change is shown in Attachment 1 through the strike-through and underlined format.

The location of parking lot lighting often hinders the placement of interior parking lot landscaping. When the placement of light poles takes precedence over the placement of landscaping, an uneven distribution of landscaping can occur. The separation of light poles and trees can be beneficial. For instance, locating light poles away from trees ensures that the parking lot lighting is not obstructed, which contributes to the safety and security of the parking lot after dark. Additionally, the separation can contribute to the health of the tree. Therefore, the proposed amendment requires a minimum distance of 15 feet between a light pole and a required tree. An option for the minimum distance to range from 15 up to 20 feet has been advertised for the Board's consideration.

Peripheral Parking Lot Landscaping: As noted above, peripheral parking lot landscaping is currently required for parking lots with 20 or more parking spaces. When the property abuts street right-of-way, a ten-foot-wide landscaping strip is required between the parking lot and

the property line. Within this landscaping strip, one tree is required for every 40 linear feet. Staff recommends increasing this ratio to one tree for every 30 linear feet to be aligned with the proposal for street frontage landscaping and the urban design guidelines. This will increase the number of trees lining roadways, create a more uniform street frontage, and improve the pedestrian realm with increased shade and landscaping. When the parking lot does not abut the street right-of-way, the Zoning Ordinance requires a landscaping strip in accordance with the PFM. This reference to the PFM was added as part of the Zoning Ordinance Modernization (zMOD) project and replaced the specific planting requirements in the previous Ordinance. However, for ease of reference and since the PFM is only a guide, these standards are proposed to be restored to the Zoning Ordinance. The proposed standard would require the minimum width of any planting area to be at least four feet between the center of a tree and a restrictive barrier, such as a curb or pavement, therefore yielding an eight-foot-wide landscaping strip. This would increase the requirement from a four-foot-wide strip in the previous Zoning Ordinance. This change is to account for tree growth and is currently required as part of the site plan review by LDS's Forest Conservation staff. Additionally, trees would be required to be planted every 50 linear feet.

To improve visual separation and the screening of vehicle headlight glare, a requirement for shrub plantings to be part of the peripheral parking lot landscaping is proposed. This new provision includes a planting requirement of eight shrubs for each 30 linear feet of the landscaping strip, with the shrubs being 30 inches in height at the time of planting for a height of four feet at maturity when the property is abutting the street right-of-way. However, when property does not abut the street right-of-way, the requirement would be at least 13 shrubs, planted at a height of 30 inches, for each 50 linear feet of the landscaping strip, for a height of four feet at maturity.

Transitional Screening and Barriers: Transitional screening and barriers are provided between dissimilar uses to reduce the impact of the more intensive use. Currently, transitional screening and barriers are not only required for uses contiguous to the subject property but for uses located across the street. This is one of the more common waiver or modification requests during the entitlement process as well as site plan review for by-right projects. Given the physical separation provided by a street, staff recommends removing the requirement to provide transitional screening and barriers for uses located across a street. However, peripheral parking lot landscaping and street frontage landscaping would apply along this right-of-way.

Transitional Screening and Barrier Table Structure: Currently, Table 5108.2 organizes the required transitional screening and barrier types by use. Individual land uses are organized into 18 different groups that require screening and/or barriers from one another. This approach is not in line with modern screening practices and the table itself is difficult to navigate. Rather than retain the existing groupings that were carried over from the previous Zoning Ordinance, the table structure has been simplified. The proposed table is based on four Use Classifications, with individual uses listed separately that could have a greater or lesser impact than other uses within their classification. These uses include single-family dwelling, attached and detached; solar power facility; utility facility, heavy; vehicle repair and maintenance, heavy; and craft

beverage production establishment. With the redesign of the table, staff tried to carry forward existing requirements and minimize the number of changes proposed; however, there are instances where the conversion resulted in an increase or decrease in the amount of required transitional screening. In addition to being a more relevant and best practice approach to requiring transitional screening and barriers, the simplification of the table will be more user friendly. The proposed table can be viewed in the proposed Table 5108.2 within Attachment 1.

Planting Requirements: Transitional screening is required to be comprised of a mixture of 70 percent evergreen trees, and no more than 35 percent of any single species of evergreen or deciduous tree. Much of the existing vegetation within the county is deciduous trees and there are only six native evergreen tree species listed in the PFM. Therefore, these specific planting requirements for transitional screening cannot typically be met through use of existing vegetation. During public outreach, there was strong support for retaining existing vegetation as well as the use of native trees. Mature trees, especially native species, provide greater ecosystem, wildlife, and climate benefits than newly planted vegetation. Furthermore, the conservation of existing vegetation has many environmental benefits such as carbon sequestration and management of vital atmospheric, water, soil, and ecological resources. The ability to use existing vegetation to meet landscaping and screening requirements can be an incentive for developers by minimizing the cost of purchasing new landscaping materials to meet the requirements. To further facilitate and encourage the use of existing vegetation and native trees, the proposed amendment allows a variation in the required mix of evergreen and deciduous trees required within transitional screening areas. An alternative mixture of evergreen and deciduous trees would be permitted if the mixture results in no less than 50 percent evergreen trees, and at least 25 percent of the transitional screening area contains existing vegetation and/or new native trees. Native species are described by the PFM as those known to occur naturally (i.e., not assisted by human movement) in Fairfax County as indicated in the [Digital Atlas of Virginia Flora](#). An option to allow from 30 up to 70 percent evergreen trees and a retention percentage of 15 up to 35 percent will be advertised for the Board's consideration. This alternative mixture will address the use of existing trees and native species while providing the necessary screening between uses.

Screening Requirements: There are three types of transitional screening (Types 1, 2, and 3) which require a strip of open space with a specific width (25, 35, or 50 feet) and planting requirements. Transitional screening must be provided on the lot of a more intensive use when located contiguous to another less intensive use. Currently, a single-family attached dwelling development is required to provide a 25-foot-wide transitional screening strip and a 42 to 48-inch-tall solid wood or otherwise architecturally solid fence when abutting a single-family detached dwelling development. There are many single-family developments within the county that have been purposefully designed with a mix of single-family detached and attached units. In staff's opinion, single-family attached and detached dwellings are not incompatible uses, and this requirement is proposed to be removed. A 25-foot-wide transitional screening requirement is still proposed between single family and multifamily developments.

To encourage pedestrian connections, when a connection cannot be designed parallel to the transitional screening, a sidewalk, trail, or shared use path may be allowed within the transitional screening area if the connection runs perpendicular through the transitional screening area and the width of the connection is not more than ten feet.

Barriers: Currently, the Zoning Ordinance details eight barrier requirements varying from walls, hedges, and fences. One of these barrier requirements is an evergreen hedge (Barrier Type C) which is required to be 42 to 48 inches in height with a minimum planting size of 36 inches and planted 36 inches on center. Staff recommends removing the spacing requirement and instead incorporate language that requires the creation of a uniform hedge at maturity. Planting location and density can be determined by County Urban Foresters with LDS's Forest Conservation Branch during review of the Landscape Plan. Additionally, current Barrier Types D and G allow a chain link fence to be used as a barrier. A chain link fence does not provide a similar opacity or a visual screening as the other barrier requirements of a brick or architectural block wall; solid wood or otherwise architecturally solid fence; or evergreen hedge. Therefore, the chain link fence is not achieving the intent of barrier requirements to visually screen incompatible land uses and is proposed to be removed from the barrier types. Similarly, Barrier H (one row of 6-foot trees, planted 50 feet on center) does not provide a similar opacity as the other barrier types and was not carried forward. Lastly, in unusual circumstances related to topography, or to alleviate specific problems with nuisance issues such as glare or noise, the Director may allow the use of an earth berm or more specialized barrier materials. The proposed barrier requirements can be viewed in Table 5108.1 within Attachment 1.

Waivers and Modifications: The Zoning Ordinance currently allows for waivers and modifications to be pursued for both parking lot landscaping, and transitional screening and barriers. At present, opportunities for waivers and modifications can be found in subsections 5108.5 and 5108.7. To reduce confusion and for ease of reference, the waiver and modification provisions have been consolidated into the same subsection. Lastly, the proposed changes differentiate between what waivers or modifications can be approved by the Board, BZA, and the Director. If a waiver or modification is requested through the site plan process that is outside of the Director's authority, the request could be sent to the Board as a general waiver, which is similar to the process for parking reductions.

Maintenance: During the review and outreach of this amendment, a reoccurring issue regarding maintenance of the trees required to be planted was identified. Comments were made that often times landscaping located within a parking lot or along a street frontage is not being kept in healthy growing condition due to improper pruning, lack of proper soil depth, and/or impingement on root growth. An example of improper pruning of interior parking lot landscaping is provided in Figure 2. It is believed that improper pruning often occurs to increase the visibility of the businesses located on the property, but in doing so the health of the trees is impacted and their ability to effectively provide shade or screening is reduced. Therefore, the

proposed amendment includes clarifying language that addresses these maintenance issues such as proper pruning, proper soil depth, and preventing impingement on root growth. Aside from this change, the current maintenance requirements are proposed to be brought forward.

Other proposed changes: As a result of the changes being proposed to Section 5108, changes are also being proposed to the additional standards related to landscaping and screening



Figure 2. Example of Improper Pruning

for the Commercial Revitalization Districts (subsection 3102.3.E). These changes include updating references; reducing the minimum number of parking spaces within a parking lot that is required to provide parking lot landscaping from 20 parking spaces to ten; clarifying and updating the caliper requirements for deciduous trees; and removing a decorative tubular steel or aluminum fence as a barrier requirement due to the lack of opacity provided.

Appendix 1 – Provisions Related to Previous Approvals: While not part of the Zoning Ordinance, staff recommends language be added to Appendix 1 – Provisions Relating to Previous Approvals to address applications submitted and accepted for review before the effective date of this amendment. The proposed language would allow the applications to be reviewed under the provisions of the Zoning Ordinance in effect prior to the adoption of this amendment. Additionally, for applications approved before the effective date of this amendment, the applicant or owner may continue under their previous approval or elect to utilize the requirement approved under this amendment.

Summary

Overall, the proposed amendment reorganizes the landscaping and screening Section of the Zoning Ordinance; increases the percentage of interior parking lot landscaping; establishes shade structure requirements for parking structures; revises the transitional screening and barrier requirements; establishes requirements for street frontage landscaping; and modifies a variety of other landscaping and screening regulations. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Attachment 1: Proposed Text

#1 INSTRUCTION: Repeal and Replace Section 5108 with the following text. Advertised options are included (*in parentheses, italics, and bold*). When an option is presented as a range, the Board may approve any number within the advertised range.

Article 5 – Development Standards

5108. Landscaping and Screening

The purpose of this section is to provide for effective and functional landscaping and screening to create an attractive and harmonious community by minimizing the impact of dissimilar, adjoining uses. Placemaking opportunities are enhanced by encouraging connected, walkable, and open communities through enhanced shade and pathways for pedestrian use. Natural resource conservation is promoted, including soil, air, and water quality while enhancing ecological and social or recreational spaces. Provisions in this section lessen the impact of wind, heat, noise, dust, and other debris, and motor vehicle headlight glare or other artificial light intrusion.

Appropriate landscaping provides shade, which can reduce health-related impacts from extreme heat, and contributes toward compliance with the Federal Clean Air Act by reducing levels of carbon dioxide and helping to alleviate atmospheric heat island production and other negative effects on the air quality and ozone levels produced by accelerated fuel evaporation from vehicles parked on non-shaded pavement. Provisions also promote adequate planting areas for healthy development of trees.

1. Applicability and Administration

- A. The Director is responsible for the administration of this section.
- B. The provisions of this section apply to all development subject to the provisions of subsection 8100.7.

2. General Landscaping Standards

A. Conformance with Public Facilities Manual

The planting, including the height and caliper requirements, and maintenance of all trees and shrubs must be in accordance with the Public Facilities Manual.

B. Vegetation

- (1) Suitable existing vegetation, as determined by the Director, will be used to meet the requirements of this Section and the Public Facilities Manual.
- (2) Preference should be given to native species and environmentally tolerant species identified in the Public Facilities Manual.

C. Commercial Revitalization Districts and PTC District

In a Commercial Revitalization District and in the PTC District, parking lot landscaping and transitional screening and barriers must be provided in accordance with the provisions of subsection 3102 and 2105.6 respectively.

D. Utility Easements

New utility easements must be located outside of landscaping areas required under this Section, except to cross perpendicularly, to the greatest extent feasible, as determined by the Director. If satisfying this requirement is determined by the Director to not be feasible, the required landscaping must be provided as close to the required location as possible. If the required number of trees per subsection 5108.3, subsection 5108.4, and subsection 5108.5 cannot be accommodated on the remaining available site area, a modification must be approved by the Board or BZA in accordance with subsection 5108.6.A(4).

E. Landscaping Plan and Planting Requirements

- (1) A landscaping plan must be submitted as required by proffered or development conditions, an approved development plan, and subsection 8100.7. A landscaping plan may also be required for a minor site plan, as determined by the Director.
- (2) Landscaping plans must be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials in accordance with the Public Facilities Manual and the requirements of this Section.
- (3) Landscaping required by this Section must be shown on the landscape plan and must be completed according to specifications before approval of any Residential or Nonresidential Use Permit in accordance with subsection 8100.9.B.

3. Street Frontage Landscaping

A. Street Frontage Landscaping Requirements

- (1) Street frontage landscaping must be provided parallel to all street lines of a public or private street.
- (2) Street frontage landscaping must consist of a ten-foot-wide landscaping strip (*eight to ten feet*), exclusive of a sidewalk or trail, containing at least one tree per 30 linear feet of frontage, but trees are not required to be planted on 30-foot centers.
- (3) Where street frontage landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.

B. Exceptions

- (1) Street frontage landscaping is not required for lots developed with a single-family dwelling unless shown on an approved development plan or PRC Plan.
- (2) Street frontage landscaping is not required parallel to internal drive aisles within a development, or along a railroad, interstate highway, the Dulles International Airport Access Highway, or the combined Dulles International Airport Access Highway and Dulles Toll Road.
- (3) Where peripheral parking lot landscaping is required by this Section, street frontage landscaping is not required.

4. Parking Lot Landscaping

A. Interior Parking Lot Landscaping

- (1) Amount Required

- (a) Any lot or parcel containing ten or more surface parking spaces (**up to 20 parking spaces**), including surface parking lots expanded to provide ten or more spaces, (**up to 20 parking spaces**) must include interior landscaping covering a minimum of ten percent (**five to 20 percent**) of the total area of the surface parking lot. Interior parking lot landscaping must be calculated in accordance with the Public Facilities Manual.
 - (b) ~~Up to five percent (**up to 10 percent**) of the required interior parking lot landscaping may be satisfied through the use of a solar collection system.~~ Up to half of the required interior parking lot landscaping in subsection 5108.4.A(1)(a) may be satisfied through shade structures with solar collection systems, with the remainder satisfied by shade trees.¹
 - (c) For calculation purposes, interior parking lot landscaping does not include any planting or landscaping within six feet of a building, any planting or landscaping required as peripheral parking lot landscaping, and any transitional screening required by subsection 5108.5.B.
- (2) Planting Requirements**
- (a) The primary landscaping materials used in parking lots must be trees that provide shade at maturity. Shrubs and other planting material may be used to complement the tree landscaping but may not be the sole contribution to the landscaping.
 - (b) An average of one planting area, as defined in the Public Facilities Manual, is required for every ten contiguous parking spaces (**eight to 20 parking spaces**).
 - (c) The location of landscaping materials used in parking lots must not impede the accessibility of ADA compliant parking spaces.
- (3) There must be a minimum distance of 15 feet (**15 to 20 feet**) between a light pole and a tree required by this Section unless modified by the Director in accordance with subsection 5108.6.B(5).
 - (4) The interior dimensions of any planting area must be large enough to protect all landscaping materials in conformance with the Public Facilities Manual.
 - (5) Interior parking lot landscaping is not required for storage yards.

B. Shade Structures

- (1) Any parking structure with an exposed surface containing ten or more parking spaces (**up to 20 parking spaces**) must include shade structures covering a minimum of ten percent (**five to 20 percent**) of the total area of the exposed portion of the parking structure. Alternatively, the required percentage of shade may be provided through shade trees or a combination of trees and shade structures, located on the exposed portion of the parking structure, as required for interior parking lot landscaping in subsection 5108.4.A.
- (2) Shade structures include canopies, solar collection system, or similar structures. Structures must be permanent and not made of temporary materials such as fabric. ~~If a solar collection system is used to meet the shade structure requirement, the solar collection system can satisfy five percent of the percentage required in subsection 5108.4.B(1).~~

¹ The proposed language has been updated since the Board's authorization of this amendment to clarify the intent of the proposed provision. The changes are shown in strikethrough and underlined format as compared to the text at authorization.

- (3) If the shade structures are solar collection systems, a minimum of five percent (*up to half of the requirement in subsection 5108.4.B(1)*) of the total area of the exposed portion of the parking structure must be covered.²
- ~~(3)~~ (4) The shade structures required by this Section may exceed the maximum height requirement by up to 16 feet.

C. Peripheral Parking Lot Landscaping

Any lot containing ten or more surface parking spaces (*up to 20 parking spaces*), including parking lots expanded to provide ten or more spaces (*up to 20 parking spaces*), where transitional screening is not required by subsection 5108.5.B must provide peripheral parking lot landscaping as follows.

(1) Property Does Not Abut Street Right-of-Way

- (a) A continuous landscaping strip must be provided between the parking lot and the abutting property lines, except where driveways, pedestrian access, or other openings may necessitate other treatment.
- (b) At least 13 shrubs, planted at a height of 30 inches, for each 50 linear feet must be planted in the landscaping strip to grow to a height of at least four feet at maturity. The selection and placement of the shrubs must be designed to create adequate screening of vehicle headlights at maturity.
- (c) The minimum width of any planting area must provide at least four feet between the center of a tree and a restrictive barrier, such as a curb or pavement, unless modified in accordance with subsection 5108.6.A.
- (d) At least one tree for each 50 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on 50-foot centers.

(2) Property Abuts Street Right-of-Way

- (a) A continuous landscaping strip ten feet in width must be located between the parking lot and the property line, except where driveways, pedestrian access, or other openings may necessitate other treatment, and may not include a sidewalk, or trail.
- (b) At least one tree for each 30 linear feet must be planted in the landscaping strip; however, trees are not required to be planted on 30-foot centers.
- (c) At least eight shrubs, planted at a height of 30 inches, for each 30 linear feet must be planted in the landscaping strip to grow to a height of at least four feet at maturity. The selection and placement of the shrubs should be designed to create adequate screening of vehicle headlights at maturity.
- (d) Where peripheral landscaping required by this subsection conflicts with street planting regulations of the Virginia Department of Transportation, the regulations of the latter govern.

5. Transitional Screening and Barriers

A. Applicability

- (1) Transitional screening and barriers must be provided on the lot of the use indicated in the left column of Table 5108.2 where it is adjacent to land used or zoned for uses indicated across the top of Table 5108.2. The uses are grouped by use classification, consistent with Article 4.

² The proposed language has been updated since the Board's authorization of this amendment to clarify the intent of the proposed provision. This language has been added and the language in subparagraph 2 is being struck.

- (2) The more stringent requirements of the Table 5108.2 apply if the lot will contain more than one use or classification of uses in Table 5108.2; however, the lesser requirement will apply on a side where only the use with the lesser requirement is located.
- (3) In a P district, screening and barrier requirements apply to the boundaries of the development and do not apply to individual lots or uses interior to the development, unless shown on the approved PRC plan or development plan.
- (4) In addition to the standards established in Article 4 for a particular use, all uses allowed by special exception or special permit are required to provide transitional screening and barriers as determined by the Board or BZA, in accordance with Table 5108.2.
- (5) Transitional screening and barriers are not required between different dwelling unit types within an affordable dwelling unit development.
- (6) The following uses are not included in Table 5108.2 and are subject to the standards below:
 - (a) Agricultural operation does not require transitional screening or barriers.
 - (b) Wireless facility is subject to the requirements of subsection 4102.4.Y.
 - (c) The following uses may be required to provide transitional screening and barriers as determined by the Board or BZA: agritourism, campground; cemetery; farm winery, limited brewery, or limited distillery; group household; marina (commercial or private noncommercial); office in a residential district; and riding or boarding stable.
 - (d) A public use is subject to the requirements of the most similar use as determined by the Director in consultation with the Zoning Administrator. For a public use, the transitional screening and barrier which is to be provided in conjunction with the use, may be of such dimensions and location as approved by the Board.

B. Transitional Screening Requirements

(1) Types of Transitional Screening

There are three different transitional screening requirements as identified in Table 5108.2 that must be provided in accordance with Chapter 12 of the Public Facilities Manual and as follows:

(a) Transitional Screening 1

Transitional Screening 1 consists of a strip of open space a minimum of 25 feet wide and planted with all of the following:

1. A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten-year tree canopy of 75 percent or greater;
2. A mixture of trees consisting of at least 70 percent evergreen trees, and consisting of no more than 35 percent of any single species of evergreen or deciduous tree; and
3. A mixture of predominately medium evergreen shrubs at a rate of three shrubs for every ten linear feet for the length of the transition yard area. The shrubs must generally be located away from the barrier and staggered along the outer boundary of the transition yard.

(b) Transitional Screening 2

Transitional Screening 2 consists of a strip of open space a minimum of 35 feet wide and planted as required in subsections 5108.5.B(1)(a)1, 2, and 3 above.

(c) Transitional Screening 3

Transitional Screening 3 consists of a strip of open space a minimum of 50 feet wide planted as required in subsections 5108.5(B)(1)(a)1, 2, and 3 above.

- (2) An alternative mixture of evergreen and deciduous trees, as required by subsection 5108.5(B)(1)(a)2, is permitted if it results in no less than 50 percent **(30 to 70 percent)** evergreen trees, and at least 25 percent **(15 to 35 percent)** of the transitional screening area contains existing vegetation and/or new native trees.
- (3) A perpendicular sidewalk, trail, or shared use path up to ten feet in width may be allowed within transitional screening.
- (4) The transitional screening yard width and planting requirements may be reduced as much as two-thirds where a six-foot brick or architectural block wall is provided instead of the barrier required.

C. Barrier Requirements

(1) Barrier Location

- (a) Barriers may be located at the property boundary or between the transitional screening and use requiring the screening.
- (b) The faced or finished side of the barrier must be facing the adjacent use with any bracing, supports, or posts located on the side of the barrier facing the use requiring the barrier.

(2) Types of Barriers

- (a) Table 5108.1 identifies different barrier requirements, which must be provided in accordance with Table 5108.2. The applicant may choose the type of barrier if more than one type is allowed under Table 5108.2.
- (b) In unusual circumstances related to topography, or to alleviate specific problems with nuisance issues such as glare and noise, the Director may allow the use of an earth berm or more specialized barrier material in lieu of, or in combination with, any of the barrier types set forth below.

TABLE 5108.1: Barrier Requirements by Type			
Barrier Type	Height	Materials	Other Standards
A	42-48 inches	Wall of brick or architectural block	N/A
B	42-48 inches	Solid wood or otherwise architecturally solid fence	N/A
C	42-48 inches	Evergreen hedge	Planting size minimum 36 inches and planted to create a uniform hedge at maturity.
D	6 feet	Wall of brick or architectural block	N/A
E	6 feet	Solid wood or otherwise architecturally solid fence	N/A

TABLE 5108.2: Transitional Screening and Barrier Type Requirements
 Numbers in individual cells represent transitional screening type required (1, 2, or 3)
 Letters in individual cells represent barrier type required (A through E)

Adjacent Use									
Use Classification	Single-Family Dwelling, Attached and Detached	All Other Residential Uses	Solar Power Facility	Utility Facility, Heavy	All Other Public, Institutional, and Community Uses	Vehicle Repair and Maintenance, Heavy	All Other Commercial Uses	Craft Beverage Production Establishment	All Other Industrial Uses
Residential Uses									
Single-Family Dwelling, Attached and Detached	None	None	None	None	None	None	None	None	None
All Other Residential Uses	Type 1 Barrier D or E	None	None	None	None	None	None	None	None
Public, Institutional, and Community Uses									
Solar Power Facility	Type 3 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	Barrier D or E	Barrier D or E	None
Utility Facility, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	Barrier D or E	Barrier D or E	None
All Other Public, Institutional, and Community Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	None	None	None	None	None
Commercial Uses									
Vehicle Repair and Maintenance, Heavy	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	None	Type 1 Barrier D or E	Barrier D or E	Barrier A, B or C
All Other Commercial Uses	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Barrier D or E	None	None	None	None
Industrial Uses									
Craft Beverage Production Establishment	Type 2 Barrier D or E	Type 2 Barrier D or E	None	None	Type 1 Barrier A, B or C	None	None	None	None
All Other Industrial Uses	Type 3 Barrier D or E	Type 3 Barrier D or E	Barrier D or E	Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier D or E	Type 1 Barrier A, B or C	Type 1 Barrier D or E	None

6. Waivers and Modifications

- A.** The Board, in conjunction with the approval of proffered conditions, a PRC plan, a special exception; or through a General Waiver associated with a site plan, or the BZA in conjunction with the approval of a special permit, may modify or waive the requirements of this Section as follows:
- (1)** The transitional screening and barrier requirements may be waived or modified if the topography of the lot providing the transitional screening and the adjacent lot being protected is such that transitional screening or a barrier would not be effective.
 - (2)** Parking lot landscaping planting requirements for interim uses of a specified duration, or where deemed appropriate, may be modified when the modification or waiver does not create a harmful effect on the existing and planned development of adjacent properties.
 - (3)** Parking lot landscaping may be modified to allow the planting of less than one planting area for every ten contiguous parking spaces when the resulting configuration results in the appropriate amount of shade for vehicles parked in the parking lot.
 - (4)** When there is a conflict between the required landscaping of subsection 5108.3, subsection 5108.4, and subsection 5108.5 and the location of a new utility easement, the required landscaping may be modified if the required landscaping cannot be accommodated on the remaining available site area as a result of the building placement and lot configuration.
- B.** The Board in conjunction with the approval of proffered conditions, PRC plan, special exception, the BZA in conjunction with the approval of a special permit, or the Director in conjunction with a site plan, may waive or modify the requirements of this Section as follows:
- (1)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed to minimize adverse impacts such as noise, glare, vehicular traffic, unsightly views, and incompatible land uses through a combination of architectural and landscaping techniques such a building placement, lot configuration, and additional landscaping provided beyond the landscaping required by this subsection.
 - (2)** The transitional screening, barriers, and street frontage landscaping may be modified if they are specifically designed in accordance with the approved urban design guidelines.
 - (3)** The street frontage landscaping, transitional screening, or barrier requirements may be waived or modified if:
 - (a)** The topography of the lot providing the trees and the adjacent lot is such that the required trees would not provide screening; or
 - (b)** The topography or other conditions of the lot, where the trees would be located, would cause the trees to not be viable.
 - (4)** A reduction in the percent of interior parking lot landscaping required in accordance with subsection 5108.4.A(1) is not permitted. However, the interior parking lot landscaping requirement in subsection 5108.4.A(2)(b) may be modified if the shape or size of the lot or parcel would preclude the arrangement of planting areas for every ten contiguous spaces.
 - (5)** A reduction in the distance required between light poles and a required tree may be waived or modified if the topography or other conditions of the lot would not cause a reduction in lighting of the parking lot or impact the growth of the tree.

7. Maintenance

- A.** The owner or their agent is responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by this Section.
- B.** All plant material must be tended and maintained in a healthy growing condition including proper pruning, proper soil depth, and preventing impingement on root growth, replaced when necessary due to poor health or unsafe conditions, and kept free of refuse and debris.
- C.** Fences and walls must be maintained in good repair. Openings within the barriers may be required by the Director for accessibility to an area for necessary maintenance.
- D.** When tree conservation is required on individual lots in residential districts, the homeowner, subsequent to Residential Use Permit issuance, is not precluded from adding, removing, or relocating such landscaping.
- E.** All landscaping must be installed and maintained in substantial conformance with any proffered conditions or with any approved development plan, PRC plan, special exception, special permit, or variance as determined by the Zoning Administrator. Any removal or replacement of required landscaping requires approval by the Director after coordination with the Zoning Administrator.
- F.** The removal or replacement of any landscaping depicted on an approved site plan that is not subject to any of the approvals listed in subsection 5108.7.E above requires Director approval.
- G.** Any landscaping required by subsections 5108.7.E and 5108.7.F above that is removed or replaced without the written permission of the Director must be replaced at the owner's expense with new landscaping of the appropriate species and equal to or as large in total canopy area at the time of planting as the required landscaping that was removed as determined by the Director.

8. Tree Conservation

Tree conservation requirements are set forth in Chapter 122 of the County Code and the Public Facilities Manual.

The following proposed changes are a result of the repeal and replacement of Section 5108 Landscaping and Screening. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of October 24, 2023. Additions are shown as underlined while deletions are shown as ~~strikethrough~~.

INSTRUCTION #2: Update references in subsection 3102.3(E); reduce the number of parking spaces required to trigger parking lot landscaping from 20 parking spaces to ten; clarify and update the caliper requirements for deciduous trees; and remove a type of fencing as a barrier requirement.

Article 3 - Overlay and Commercial Revitalization Districts

3102. Commercial Revitalization Districts

3. Standards Applicable to All Commercial Revitalization Districts

E. Additional Standards

(4) Landscaping and Screening

The landscaping and screening requirements of Section 5108 apply, except as set forth below. When the following provisions require a determination of feasibility of meeting the requirements on a lot, the Director may make the determination through the approval of a site plan, or the Board may make the determination by special exception in accordance with subsection 8100.3.

(a) The interior parking lot landscaping requirements of subsection 5108.5~~4~~.A apply as follows:

1. When a proposed expansion or enlargement of an existing development results in a parking lot containing ~~20~~ ten or more parking spaces, the interior parking lot landscaping requirements apply to the parking lot unless waived or modified in accordance with subsection 5108.6 ~~the Director determines that it is not feasible to meet the requirement or that compliance with the requirement will adversely impact the required off-street parking.~~
2. The interior parking lot landscaping requirements apply for redevelopments and new developments.

(b) The peripheral parking lot landscaping requirements of subsection 5108.5~~.B~~4.C apply as follows:

1. The peripheral parking lot landscaping requirements of subsection 5108.5~~.B(1)~~4.C(1) concerning when a property line abuts land that is not the right-of-way of a street do not apply to expansions or enlargements of existing developments.
2. The requirements of subsection 5108.5~~.B(1)~~4.C(1) apply to redevelopments or new developments. However, where there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than those required by subsection 5108.5~~.B~~4.C, then the standards in the ~~Comprehensive Plan~~ Urban Design Guidelines apply.

3. The peripheral parking lot landscaping requirements of subsection 5108.5-B(2)4.C(2) concerning when the property line abuts the right-of-way of a street do not apply for expansions or enlargements of existing developments, redevelopments, and new developments. However, the following are required:
 - a. A ten-foot-wide landscaping strip, which may not include any sidewalk, trail, or parallel utility easement, must be located on the lot where it abuts a street right-of-way line.
 - b. If there are no existing or proposed overhead utility lines, there must be at least one large deciduous tree planted in the landscaping strip for each 30 feet of length, but the trees are not required to be installed at a spacing of one tree every 30 feet on center. If there are overhead utility lines, at least one small to medium deciduous tree must be planted in the landscaping strip for every 25 feet of length, but the trees are not required to be installed at a spacing of one tree every 25 feet on center. Trees planted in a landscaping strip beneath overhead utility lines must be of a shape and character to avoid interfering with the utility lines.
 - c. All deciduous trees must be ~~two and one-half to~~ at least three inches in caliper, or in accordance with the Urban Design Guidelines, at the time of planting.
 - d. If there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width or different plant materials than set forth above, then the provisions of the Urban Design Guidelines Comprehensive Plan apply.
 - e. The above requirements may be modified or waived for expansions or enlargements of existing developments when it is determined that it is not feasible to meet these requirements on the lot.
- (c) The transitional screening and barrier requirements of subsection 5108.65.B apply as follows:
 1. For new development and redevelopment, or for expansions or enlargements of existing developments, the transitional screening and barrier requirements apply. If there are landscaping or design provisions in the Urban Design Guidelines Comprehensive Plan that recommend a planting strip or other streetscape treatment with a different width, a different number of plantings, or different plant materials than required by subsection 5108.65, then the provisions of the Urban Design Guidelines Comprehensive Plan apply.
 2. When the peripheral planting requirements of subsection (b)3 above, are required and provided in accordance with that subsection, they are deemed to meet the transitional screening requirement for that portion of the lot.
 3. In addition to the above and to the provisions of subsection 5108.65.C, transitional screening may be modified or waived when a barrier is provided. The barrier must consist of a decorative brick or block wall, ~~a decorative tubular steel or aluminum fence,~~ or an alternative treatment that is compatible with treatments prevalent in the district or provisions of the Urban Design Guidelines Comprehensive Plan. Any alternative treatments must be approved by the Director.
 4. For all of the above, the requirements may be modified or waived by the Board by special exception in accordance with subsection 8100.3.

As a result of Section 5108 being repealed and replaced a new paragraph will be added to Appendix 1, subsection 2.B to address previous approvals and applications in process. New language is provided in the underline format.

APPENDIX 1 – PROVISIONS RELATING TO PREVIOUS APPROVALS

Below are the general provisions for this Ordinance, followed by the provisions for specific Zoning Ordinance amendments relating to applicability and previous approvals. They are not part of the adopted Zoning Ordinance, but are provided here as a convenience. Additional information for any amendment may be obtained by contacting the Zoning Administration Division, Department of Planning and Development.

2. Specific Provisions Regarding Previous Approvals

B. Amendments Adopted After May 10, 2023

(3) Repeal and Replacement of Subsection 5108 Landscaping and Screening (ZO 112.2-2023-x)

(a) For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, parking reductions, parking tabulations, redesignation plans and building permits, submitted and accepted for review before [effective date of the amendment], the applicant/owner are entitled to review under the provisions of the Zoning Ordinance as amended through (date prior to adoption of ZO 112.2-2023-x), if:

1. Approval is granted within twelve months of [effective date of the amendment], or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval;
2. The approval remains valid; and
3. The uses, features, and structures are constructed in accordance with approved plans and permits.

Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with ZO 112.2-2023-x. Applicant/owner may elect to have the above applications reviewed in their entirety with the provisions of ZO 112.2-2023-x.

(b) For all applications for rezonings and related development plans, special exceptions, special permits, variances, PRC plans, subdivision plats, site plans, and building permits approved before [effective date of the amendment], the applicant/owner may continue under their previous approval or elect to utilize the requirements of ZO 112.2-2023-x, subject to the development being in substantial conformance with an approved special permit plat, special exception plat, or development plan, unless the site is subject to proffers or conditions requiring specific parking lot landscaping, transitional screening, or barriers.